



Agenda

Oxford City Council

Court House

TUESDAY, MAY 4, 2010

EXECUTIVE SESSION

7:00 P.M.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; Greig Rutherford

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 - 'National Historic Preservation Month'



Proclamation

B. Proclamation - 'Peace Officers Memorial Day'



Proclamation

C. Annual Report - McCullough-Hyde Memorial Hospital - Bryan Hehemann

D. Presentation - Butler County Board of Developmental Disabilities - Holly Boyd

E. 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 20, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the April 13, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

C. Report regarding the April 21, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

D. A Resolution declaring certain surplus City property no longer needed for municipal purposes and authorizing its advertisement and sale to the highest bidder at public auction. (Steve Schwein, Police Chief)



Staff Report/Resolution

E. A Resolution authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (Steve Schwein, Police Chief)



Staff Report/Resolution

- F. A Resolution authorizing the Oxford Division of Police to retain for use by the municipality certain unclaimed property in its possession. (Steve Schwein, Police Chief)



Staff Report/Resolution

- G. A Resolution authorizing the City Manager to enter into a contract with Miami Valley International Trucks, Inc. for the purchase of a 2011 International 7400 two wheel drive truck and specified options at discounted state contract pricing at a cost not to exceed \$92,936.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

5. Resolutions

- A. A Resolution declaring that it is necessary to improve those portions of certain properties on multiple streets in the City of Oxford, Ohio by re-paving, re-curb-ing, and repairing the curbs, gutters and sidewalks. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

- A. Motion To Reconsider

1. An Ordinance Accepting The Recommendation Of The Planning Commission To Deny The Zoning Map Amendment Application To Rezone Property Located At 5990 Contreras Road From R1B (Single-Family Medium Density Residential) District To RO (Office Residential) District. (Jung- Han Chen, Community Development Director)



Staff Report/Ordinance/Documentation



Documentation

- B. First Reading

1. An Ordinance Granting A Zoning Map Amendment For Property Located At 5990 Contreras Road, Oxford Lot 1119 (H4100-016-000-047) Rezoning The Property From R1B (Single-Family Medium Density Residential) District To RO (Office Residential) District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Approving The Extension Of The Conditional Use Permit For A Miami University Community Federal Credit Union Branch Facility With A Drive-Through At 5120 College Corner Pike, Approved By Ordinance No. 2932 On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Approving The Preliminary And Final Plan For A Major Change To An Approved Planned Development With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

4. An Ordinance Adopting A Revised And Amended Water And Sanitary Sewer Improvements Specification Manual. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

5. An Ordinance Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2010. (Joe Newlin, Finance Director)



Staff Report/Ordinance

6. An Ordinance amending Ordinance No. 3090. Change In Established Fee Ordinance Number 1 To Make Changes In Established Fees For Fiscal Year 2010. (Joe Newlin, Finance Director)



Staff Report/Ordinance

C. Second Reading.

7. General Discussion, Announcements and 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.

A. Announcements

1. Remarks from City Council and City Staff

B. Future Meetings (Note: Meetings will be held at the Court House unless otherwise indicated.)

WED - May 5 Environmental Commission Meeting 7:00 p.m. Municipal Building

WED - May 5 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

TUES - May 11 Planning Commission Work Session 6:00 p.m.

TUES - May 11 Planning Commission Meeting 7:30 p.m. Cancelled

THUR - May 13 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

MON - May 17 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - May 18 City Council Meeting 7:30 p.m.

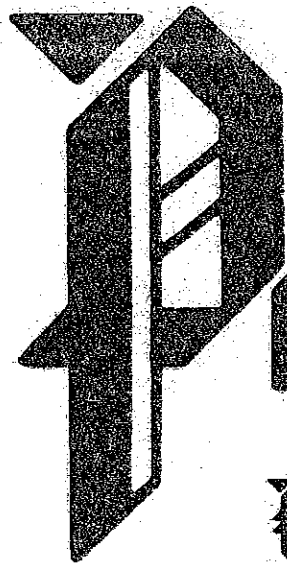
WED - May 19 Board of Zoning Appeals Meeting 7:30 p.m. Cancelled

THUR - May 20 Recreation Board Meeting 12:00 p.m. Senior Citizens Center

FRI - May 21 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED - May 26 Civil Service Commission Meeting 7:30 p.m.

8. Adjourn



Office of the Mayor

Proclamation

Whereas: historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, 'Old is the New Green' is the theme for National Preservation Month 2010, cosponsored by the City of Oxford and the National Trust for Historic Preservation.

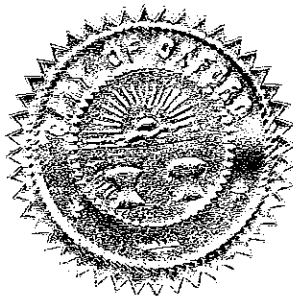
NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2010 as:

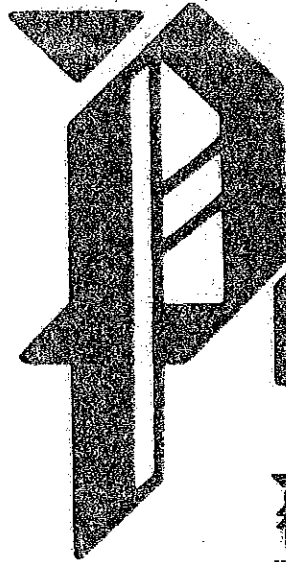
'NATIONAL PRESERVATION MONTH'

and call upon the people of Oxford to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 30th day of April, 2010.

RICHARD KEEBLER, MAYOR





Office of the Mayor

Proclamation

Whereas: the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Oxford Police Department, Miami University Police Department, Oxford Township Police Department, and the Butler County Sheriff's Department play an essential role in safeguarding the rights and freedoms of the citizens of Oxford, Oxford Township, and this region of Butler County; and

WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their law enforcement officers, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, our police departments provide an increasingly vital public service role in an ever-changing world;

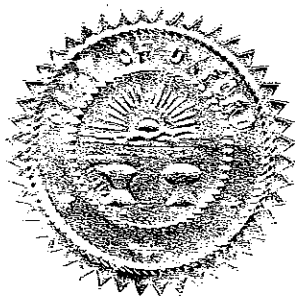
NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, call upon all citizens of the City of Oxford and upon all patriotic, civil, and educational organizations to observe the week of May 9 through May 15, 2010, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of the City of Oxford to observe Saturday, May 15, 2010, as

'PEACE OFFICERS MEMORIAL DAY'

in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 4th day of May, 2010.



RICHARD KEEBLER, MAYOR

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, April 20, 2010 at 7:30 p.m. Those members present were Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan. Ken Bogard was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION **'NATIONAL VOLUNTEER WEEK'**

Mayor Keebler read the Proclamation and advised Ms. Currie would present it on Friday at the Oxford Senior Center's Volunteer Luncheon.

PROCLAMATION **'NALC FOOD DRIVE DAY'**

Mayor Keebler read the Proclamation regarding the National Association of Letter Carriers Food Drive Day.

NOTICE TO **LEGISLATIVE AUTHORITY**

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

Ms. Currie moved to receive the Notice to Legislative Authority without comment. Mr. Rutherford seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Cal Conrad, 5226 Westgate Drive, addressed Council with regard to the relationship between City Council and the Planning Commission. Mr. Conrad advised for many years into the late 1970s or early 1980s the City Charter was presumed to say that for Council to overthrow a decision by the Planning Commission it required a $\frac{3}{4}$ majority or 6 of the 7 Council members to vote for it. Mr. Conrad advised in the late 1970s or early 1980s the City Attorney ruled that it only took a simple majority of Council to overthrow a decision by the Planning Commission. Mr. Conrad expressed concern that Council might overthrow a decision by the Planning Commission this evening. Mr. Conrad noted the Planning Commission members worked very hard to develop a Comprehensive Plan which Council ultimately adopted and they opposed such things as spot zoning. Mr. Conrad advised Council established the Planning Commission and asked them to give careful consideration to a very special subject and they had spoken. Mr. Conrad noted his hope Council would not destroy the relationship between themselves and the Planning Commission. Mr. Conrad encouraged Council to work with the City Attorney to consider the possibility of requiring a $\frac{3}{4}$ majority of Council to overthrow a decision by the Planning Commission as it would give the Planning Commission more strength and it would make them a more powerful body.

Mr. Matt Ciccone, Secretary, Off Campus Affairs, advised the Spring Clean event took place last weekend with 450 students participating in the initiative. Mr. Ciccone noted \$47,000 was raised during the American Cancer Society's Relay for Life event on April 10, 2010. Mr. Ciccone reminded everyone that ShareFest was coming up and members of the Associated Student Government were doing all they could to market the initiative to students living on and off campus.

CONSENT AGENDA

MINUTES

Minutes of the April 6, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 7, 2010 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

RESOLUTION
CONTRACT FOR HEATING
AND AIR CONDITIONING

A Resolution No. 4530 accepting the bid and authorizing the City Manager to enter into a contract with Inloes Heating and Air Conditioning, Inc. for the replacement of heating and air conditioning units at the Oxford Senior Citizens Center at a cost not to exceed \$22,714.00 provided Council adopts Supplemental Budget Number 3. (Gail Brahier, Parks and Recreation Director)

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

RESOLUTION
PORSCHE'S OXFORD
EVENT

A Resolution No. 4530 amending Resolution No. 4520 authorizing the City Manager to permit the Oxford Visitors and Convention Bureau in conjunction with the Oxford Lions Club to hold an event on July 30, 2010 from 6:00 p.m. to 9:00 p.m. in the Oxford Memorial Park. (Doug Elliott, City Manager)

Ms. Diana Durr, Oxford Visitors and Convention Bureau, advised the only revision to the original Resolution was in Section 2 on page 33 of the agenda to allow the sale of wine in addition to beer at the event. Mayor Keebler advised he understood there were to be some exhibits that evening. Ms. Durr noted some vehicles would be on display on East and West Park Place and on Main Street under a separate Right-of-Way Permit. Ms. Durr advised the Resolution was strictly for the event in the Memorial Park. Mayor Keebler noted he felt the addition of vehicles on display that evening was an improvement to the overall event.

Mr. Blackburn moved to adopt Resolution No. 4530. Mr. Harman seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Keebler (5)

NAY: Ms. Currie (1)

ABS: None (0)

ORDINANCES
FIRST READING

None.

ORDINANCES
SECOND READING

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance Accepting The Recommendation Of The Planning Commission To Deny The Zoning Map Amendment Application To Rezone Property Located At 5990 Contreras Road From R1B (Single-Family Medium Density Residential) District To RO (Office Residential) District. (Jung-Han Chen, Community Development Director)

Mayor Keebler advised comments and arguments from the previous Council Meeting and Planning Commission Meeting were part of the record and Council had received a number of emails and reviewed them before tonight's meeting. Mayor Keebler asked that if anyone wished to further address this matter or if anyone had not yet spoken to Council regarding this matter to limit their comments to new information and not re-state what had already been argued. Mayor Keebler advised adoption of the proposed Ordinance was to accept the recommendation of the Planning Commission to deny the rezoning and a majority yes vote would deny the rezoning. Mayor Keebler advised a tie or a majority no vote would not approve the rezoning but would require a first and second reading of a new Ordinance to approve the rezoning.

Mr. Chen advised he had no new information regarding the proposed legislation. Mr. Chen noted Council had received additional letters and emails from concerned citizens regarding the matter. Mr. Chen advised Council received a legal opinion from the Law Director regarding the request for a zoning map amendment.

Mr. McHugh advised he reviewed Council's deliberation and the applicant's testimony and PowerPoint presentation provided on April 6, 2010. Mr. McHugh noted in an effort to be as open and fair procedurally to the applicant he felt it was appropriate to view the documentation and statements of the applicants in a manner most favorable to the applicants. Mr. McHugh advised based on his review of the matter and the evidence presented in the case law, Ohio Supreme Court decisions and Court of Appeals decisions it was his opinion that the rezoning request as proposed amounted to spot zoning as was defined by the Ohio Supreme Court in the Village of Beechwood case and to grant the request was something not provided for by law. Mr. McHugh noted rezoning with conditions or deed restrictions was outside of the purview of Council and the evidence did not support a finding that Decision Standards C or D had been met. Mr. McHugh noted rezoning the property as proposed would in his opinion single out the parcel for special treatment which equated to spot zoning and would be contrary to the law in Ohio.

Ms. Connie McCarthy, 5990 Contreras Road, noted Mr. McHugh had done a great deal of research regarding the rezoning issue. Ms. McCarthy advised Mr. Jay Bennett, Attorney at Law provided them with an opinion regarding the matter which Council had before them. Ms. McCarthy summarized sections of the letter which indicated Mr. Bennett's opinion was that the proposed rezoning of the parcel in question did not exhibit the necessary elements or characteristics to be considered 'spot zoning'.

Mr. Brian McClain, Jacqueline Drive, noted the property in question was directly behind his property. Mr. McClain advised he would not have bought his property if he knew the property in question would become commercial. Mr. McClain encouraged Council to uphold the Planning Commission's recommendation to deny the request.

Mr. Donald Nelson, Joseph Drive, asked Council to voted on the issue as if they owned property immediately across or adjacent to the property in question.

Ms. Marsha Haffey, 5106 Bonham Road, noted there was no way to guarantee how the property in question would be used if it were rezoned. Ms. Haffey noted this would be a precedent setting decision and inquired how Council could say no to another resident with a similar request. Ms. Haffey encouraged Council to uphold the Planning Commission's recommendation to deny the request.

Mr. Bob Benson, 6090 Contreras Road, noted he appreciated Mr. McHugh's comments. Mr. Benson noted the Oxford Zoning Code and Comprehensive Plan were law and anytime someone asked for a variance to that law the operating issue was if Council was giving privilege to one property owner over all others in that district. Mr. Benson encouraged Council to uphold the law.

Ms. Vanessa Cummings, 125 Marti Court, advised she would not like Council to support the rezoning request. Ms. Cummings noted for her the property was the entrance to the neighborhood that surrounded it. Ms. Cummings advised she concurred with comments made by others regarding spot zoning and other issues. Ms. Cummings noted when the entrance to a neighborhood was changed the neighborhood changed. Ms. Cummings noted the residents lived in the neighborhood because they liked it as it was and did not want to have it changed into something different.

Ms. Rosalyn Benson, 6090 Contreras Road, noted at the last Council meeting several citizens focused on preserving the house and advised she felt it was very important to note that the zoning change proposed had nothing to do with preserving the house. Ms. Benson noted a Councilor was quoted as saying 'I see no compelling reason not to rezone the property' and noted she felt this was backwards as there needed to be a compelling reason to rezone. Ms. Benson requested that Council not rezone the property.

Ms. Kathy Ellison, 37 Meadow Circle, thanked Council for their deliberation of the rezoning request two weeks ago and noted Council raised a lot of interesting questions which she conveyed to Stuart Meck. Ms. Ellison advised Mr. Meck responded to Council in an attempt to answer those questions. Ms. Ellison noted after she read Mr. Meck's response she felt the implications of what might happen would have a far more profound effect on the neighborhood than has been suggested by the applicant's notion of converting the property to a low focused professional office. Ms. Ellison advised she had lived in her house for 20 years and noted her hope she could spend her retirement years there in the nice neighborhood that it was.

Mr. Stan Toops, Joseph Drive, advised he and his wife were former business owners and noted his feeling the proposed rezoning would not help the business climate in Oxford as there would be despair in areas not at all integrated in commercial zoning. Mr. Toops encouraged Council to support the Planning Commission's recommendation and to keep in mind the parking and traffic issues associated with new zoning of a commercial nature in this area. Mr. Toops noted it would be very problematic considering the school bus stop and children getting on and off buses at various times during the day. Mr. Toops advised as a resident of the neighborhood he would like to see the neighborhood maintained as a residential neighborhood.

Ms. Kathleen Zien, 6060 Joseph Drive, advised it appeared that Mr. Harman must recuse from the proposed rezoning request as a licensed local realtor. Ms. Zien noted Mayor Keebler and Mr. Harman as Council representatives on the Planning Commission could explain why the property did not meet the decision standards and why it should not be rezoned. Ms. Zien noted her feeling if Mr. Harman had not misunderstood what substantial change in area conditions meant it would have been a unanimous denial at Planning. Ms. Zien noted if Council revoked the recommendation of the Planning Commission it would undermine the work of the Planning Commission and City staff. Ms. Zien advised the substantial change in area conditions standard was written and intended to mean the change must be physical and there had been no physical changes to area conditions. Ms. Zien noted her feeling the only reason the current owners were requesting the rezone was for the inflated sale price which came with office verses residential zoning. Ms. Zien noted there was no assurance that doctors or lawyers would occupy the property and Council should make their decision with funeral homes, tattoo parlors and day care centers in mind because those uses would be allowed. Ms. Zien advised a rezone at this location would grant an incredible and irrevocable change impacting multiple residential neighborhoods while owners had no obligation to produce the promised results.

Mr. Blackburn discussed various ideas he had thought about with regard to the property such as utilizing a historic easement or asking the Planning Commission to create a zoning district that helped preserve old houses.

Mr. McKeehan advised he was disappointed at the last meeting due to the personal attacks many residents made against the applicants noting he did not feel that was necessary or relevant to the issue. Mr. McKeehan noted he felt a doctor's office might be a very good use for the home but whether or not Council could do it was another question.

Mr. Rutherford inquired if there was a difference between a zoning classification and a zoning designation and Mr. McHugh advised it depended on what the applicant was asking for. Mr. McHugh noted ultimately the applicant in this case was asking for RO zoning which was a change from residential zoning. Mr. Rutherford advised Mr. McHugh stated in his opinion to Council that spot zoning had been deemed prohibited by the Ohio Supreme Court and inquired if Mr. McHugh was saying the Ohio Supreme Court had legislated that spot zoning was prohibited. Mr. McHugh advised spot zoning as the Ohio Supreme Court had defined it was not within the purview of a municipal jurisdiction to grant because it bestowed certain rights or took away certain rights from a property owner.

Mr. Rutherford noted his feeling the zoning code failed Council and advised if Council wanted RO to be contiguous to another RO district the zoning code should say that and if Council wanted RO to be in a certain geographical area of the City the zoning code should say that and it did not. Mr. Rutherford advised there was not a scrap of land available in the RO district and he believed Decision Standard D. was met.

Ms. Currie advised she did not see a need for additional RO zoning and noted there was a lot of office space in other places that could be utilized. Ms. Currie advised she was not a planner or a lawyer and that was why Council appointed a Planning Commission and a Law Director. Ms. Currie noted she could follow the rules set before her and listen to the people Council had hired or appointed to advise them. Ms. Currie noted that advice was so clear in this matter since the Planning Commission strongly recommended that Council deny the request as did the Law Director. Ms. Currie noted Council should make decisions based on rules in the code and advice received from their advisors.

Mr. Harman noted for the record that he had never shown the property in question and would not allow himself to be involved in the sale of the property. Mr. Harman encouraged Council to review the video of the Planning Commission meeting of March 9, 2010 and noted only 25% of the information was provided to the Planning Commission regarding the rezoning request and the majority of the information was provided to Council on April 6, 2010. Mr. Harman noted the Planning Commission could only vote based on the information provided to them. Mr. Harman referred to decision standard B. and noted the Comprehensive Plan was the policy instrument for zoning and economic development and it supported office space expansion, mixed development and redevelopment. Mr. Harman referred to decision standard C. and noted there had been significant zoning changes within a stone's throw of the property in question since 2000. Mr. Harman referred to decision standard D. and noted there was no office space greater than 2500 square feet available in any historical building and there was no land available in the RO District to be built upon and this information was not provided to the Planning Commission. Mr. Harman advised he felt the request met three of the four decision standards.

Mayor Keebler advised he respectfully disagreed with Mr. Harman. Mayor Keebler noted he felt the proposed rezoning met none of the codified decision standards that would permit the rezoning. Mayor Keebler advised the proposed rezoning was not supported by the Comprehensive Plan because it did not propose or support simply rezoning properties of this size. Mayor Keebler noted the proposed rezoning did not in any way assure that the historical home would be preserved nor was there currently any mechanism in the Zoning Code to assure it. Mayor Keebler advised given that the proposed rezoning did not assure the preservation of the home and Council could not make that part of the rezoning and given no one had established a real need for additional office space in the community he did not see how Council could substantiate that anyone benefited except the applicants. Mayor Keebler noted if more RO was necessary the City needed to be looked at as a whole to see where it made sense to expand the zones. Mayor Keebler advised the Law Director had provided his opinion that rezoning the property would constitute spot zoning and would not be sustainable in court which was not a battle the City needed to get into. Mayor Keebler advised he could not support the rezoning request and encouraged his fellow Councilors to do the same.

Ms. Currie moved to adopt the Ordinance. Mr. McKeehan seconded. The motion was a tie vote by the following roll call:

AYE: Mr. McKeehan, Ms. Currie, Mr. Keebler (3)

NAY: Mr. Rutherford, Mr. Blackburn, Mr. Harman (3)

ABS: None (0)

Mayor Keebler advised the Law Director to prepare legislation for the next meeting to rezone the property.

ORDINANCE
NEW SECTION 1143.10

An Ordinance No. 3109 Repealing Zoning Code Section 1143.10 Of The Codified Ordinances Of The City Of Oxford, Ohio, Entitled Uptown District, And Adopting New Section 1143.10, Entitled Uptown District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised at the last meeting Council asked staff to meet with Mr. Rutherford to discuss potential language to address difficulties with this section of the Zoning Code. Mr. Chen noted at that time staff offered a remedy which was to strike 1143.10(b). Mr. Chen noted staff had concerns with some of Mr. Rutherford's proposed amendments.

Mr. Rutherford advised he crafted new language to address many issues in the Uptown District and hoped to send it to the Planning Commission for consideration.

Mayor Keebler advised he would like Council to adopt the proposed Ordinance this evening and provide Mr. Rutherford's amendments to the Planning Commission for further review.

Ms. Currie moved to strike section 1143.10 (b) as presented on page 128 of the agenda and renumber accordingly. Mr. Rutherford seconded. The motion passed 6-0-0.

Ms. Currie moved to adopt Ordinance No. 3109 as amended. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Rutherford, Mr. Blackburn, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3110 Amending Ordinance No. 3089. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2010.

Mr. Newlin advised he made adjustments to the staff report for clarification purposes per Council's request. Mr. Newlin summarized the staff report as presented on pages 139-146 of the agenda.

Mayor Keebler noted concern with the decrease in appropriations for the urban paving project which Mr. Dreisbach addressed.

Mr. McKeehan moved to adopt Ordinance No. 3110. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott updated Council with regard to a meeting he and Mr. Dreisbach had with local attorneys to discuss an erosion issue with a property owner on Melissa Drive. Mr. Elliott noted he and Mr. Dreisbach would meet with members of the Oxford Cemetery Association to discuss some of their concerns and then report back to Council. Mr. Elliott encouraged everyone to participate in the 2010 Census.

Chief Schwein advised litter had been cleaned up along Brookville Road and Contreras Road from the railroad tracks to Joseph Drive by community service workers. Chief Schwein noted the passing of Oxford's Police Dog Simon who had been with the Police Department for 8 years.

Mr. Kyger updated Council with regard to two Requests for Proposals noting meetings with the CIC and members of the community would take place the week of May 10, 2010 for the RFP regarding the Demographic/Marketing Study.

Ms. Currie requested clarification regarding the notion that it took a $\frac{3}{4}$ majority of Council to overturn a Planning Commission recommendation which Mr. McHugh addressed. Ms. Currie reminded everyone that the Bicentennial Kinetic Sculpture Race would take place this Saturday at 11:00 and encouraged people to come Uptown and cheer on the participants.

Mr. Harman commented on the many events that took place in Oxford over the weekend and thanked staff for their assistance with the events. Mr. Harman reminded everyone that Saturdays in May from 1:00 to 2:00 p.m. guided walking tours would be provided covering a different area of the Uptown Oxford Historic District each week. Mr. Harman noted the walks started at the Oxford Visitors and Convention Bureau. Mr. Harman advised the Historic Awards Ceremony would take place on May 13, 2010 from 5-7 p.m. at the Oxford Community Arts Center.

Mr. Blackburn welcomed Mr. Elliott back after his recent surgery. Mr. Blackburn advised Ms. Susan Kay, Chair of the Planning Commission was in attendance this evening. Mr. Blackburn noted his feeling the Planning Commission did a good job and Council appreciated their efforts. Mr. Blackburn reminded everyone the Kiwanis Pancake Day would take place Saturday at the Talawanda High School and noted Mr. McKeehan would be accepting donations for the Summer Harvest effort during the event.

Mr. McKeehan advised the Summer Harvest sponsored by the Masons, Lions, Kiwanis and Rotary clubs were collecting food and monetary donations to benefit the Oxford Community Choice Pantry. Mr. McKeehan noted donations to the food pantry dropped significantly when the school year ended.

Mr. Rutherford noted Mayor Keebler attended the Earth Day event in the Uptown Park over the weekend. Mayor Keebler advised he was asked to speak about the sustainability efforts of the City and Mr. Dreisbach and the Environmental crew provided him with a great deal of information to share with the public in terms of conservation and energy management. Mayor Keebler noted Earth Day was a nice event with a lot of people in attendance. Mr. Rutherford advised the public was very appreciative that the Mayor was there making a strong statement with regard to conservation.

Mr. Rutherford encouraged Council and members of the public to attend the Institute of Environmental Sciences conservation presentations on April 22, 2010 at 8:00 p.m. at Boyd Hall.

ADJOURNMENT

Mr. Blackburn moved to adjourn at 9:22 p.m. Mr. Harman 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: May 4, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

April 20, 2010
Date Prepared

Agenda Title:	Planning Commission Meeting Report – April 13, 2010
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Recommendation: N/A

A work session was held prior to the meeting with the Environmental Commission regarding Open Space and Cluster regulations in the Subdivision Ordinance.

Reports from Commissions, Boards, Committees & Staff:

Mr. Prytherch shared that the CIC was working on a TIF program with the Economic Development Director and that their main priority right now was working on the Ohio Job Ready Sites Program and the Day Lily Farm on SR 73 as a Tech Park. The CIC, in conjunction with the Economic Development Director, is recruiting a market analyst company for a study to attract national retailers to Oxford.

Communications:

Ms. Kay submitted two emails received by citizens, the CIC minutes the Planning Commission were copied on and emails from Ms. Kathleen Zien.

Mr. Chen shared that City Council held the First Reading on the GB(R) language and remanded it back to the Planning Commission due to the Oxford Chamber's concerns, primarily regarding parking. Mr. Chen explained that at the next work session staff would share all of the concerns presented by City Council to the Planning Commission.

DISCUSSION:

Public Hearing:

PC-05-2010 ZONING MAP AMENDMENT, to create a new GB(R) General Business Redevelopment Design Overlay District, **City of Oxford, Applicant (Tabled 3/9/2010)**

Staff requested that the item be withdrawn due to the remanding of the language that goes with this Map Amendment. The Planning Commission voted 6-0-0 in favor of accepting the withdrawal of the application.

PC-08-2010 COMBINED PRELIMINARY/FINAL PLAN, for a major change to an Approved Planned Development, replacing an approved mixed use building with a single use building, **Stewart Square, Scott Webb, Applicant, Agent**

The Applicant is requesting approval of a combined preliminary/final plan to an approved PUD to replace an approved mixed-use building with a single use, 74-room hotel.

This lot was split off from the remaining development project in 2008. This site does not have direct access to the public right-of-way, and will have to go through adjoining parcels to the right-of-way. The access easement issue from the proposed project to the public right-of-way needs to be worked out and recorded. There are 74 parking spaces total; 21 underground parking and 53 surface parking spaces. No parking is delineated for employees. The required perimeter setback for any commercial PUD is 25 feet; there is only 10' provided on the southern property line under this proposal. Additionally, there needs to be loading spaces shown on the plan. The Applicant indicated during the Hearing that the

one-way drive on the south side of the property would be used for loading purposes. A trash collection facility is also required to be provided on the site. None is shown for this site and the Applicant indicated that they would be sharing trash facilities with the First Financial Bank. Furthermore, the water easement issue, as pointed out by the City Engineer in his letter dated March 18, 2010, also needs to be worked out between the City Engineer and the owner and could be troublesome during construction.

There was one public comment in support of the development. The Planning Commission's deliberation discussed pedestrian safety through the site, ADA accessibility through the site, providing sufficient parking, large group/bus parking, and enhancing the College Avenue façade treatment to make it more welcoming.

The Planning Commission voted 5-1-0 to recommend **APPROVAL** to City Council with the following conditions:

- 1.) That, attention to pedestrian ways on site from and between each phase is reviewed to ensure adequate connectivity and accessibility.
- 2.) That, the east sidewalk is installed and in accordance with all previous approvals.
- 3.) That, landscaping along College Avenue (western) facade is increased and all other landscaping is installed as presented.
- 4.) That, any landscaping previously approved for the entire PUD that was not installed, be installed in accordance with all previous approvals.
- 5.) That, there is different pavement delineation at the drop-off area/ main entrance of the proposed hotel.

Other Business:

Ms. Kay inquired if more identifiable crosswalks could be added across Locust Street near McDonald's and the Candlewood Apartments.

Mr. Wong asked if the timer for the new Kroger traffic light could be reviewed and possibly adjusted as it seemed to last a little long.

Ms Kay expressed her opinions on the remand of the GB(R) regulations and the process that took place prior to forwarding the Planning Commission recommendation to City Council.

The next regular meeting is scheduled for May 11, 2010. No cases are scheduled and a work session will begin at 6:00p.m. to discuss the remand from City Council regarding the GB(R) regulations and to continue discussion on the proposed subdivision regulations.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Jhc / 4/20/10

DRE / 4/30/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 4, 2010

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

April 22, 2010

Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – April 21, 2010
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Recommendation:	N/A
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DISCUSSION:

Public Hearing:

BZA-04-2010 933 Silvoor Lane, Section 1143.01(c)(2)C variance for a deck in the side yard setback, Jason Reynolds, Owner/Applicant

The Appellant proposed construction of roughly a 24' x 30' deck addition onto an existing deck. Including the tie-in into the existing deck, the proposed deck addition will comprise of 777.6 sq.ft. The closest corner of the existing deck is approximately 8' from the side property line. The proposed deck addition will be approximately 5.7 feet from the property line. The total square footage of decking that would be located in the required 10' side yard setback is 98 sq.ft (roughly 6% of total deck area).

Much of the staff report and testimony provided by the appellant and the neighboring property owner, was in regards to when the property was split in 2002 and discrepancies in the surveys, legal descriptions and perceptions of where the property lines were located. There was also testimony regarding previous side yard setback variances granted at the time the property was split, which reduced the required 10' side yard for the area currently under consideration to 5.7 feet.

The BZA deliberated and made the following Findings of Fact regarding the variance request to allow the deck to project into the side yard setback:

1. The subject property can continue to yield a reasonable return without the variance, as the underlying zoning permits single-family residential uses and the property can be used as such without the variance.
2. The variance is not substantial, considering that less than 10% of the total deck square footage would encroach into the side yard setback. Based on the previous variance granted for side yard setback encroachment on this side of the property, the requested variance is minimal.
3. The request would not affect the essential character or substantially alter the neighborhood, as the area is predominately wooded and buffered from neighboring properties. It is merely an extension of an existing deck. Although the Board heard testimony from the neighboring property owner as to unspecified concerns about the future development of her own property, these concerns were speculative and the neighbor expressly declined to object to the variance.
4. No reports were received from the various City Departments indicating any detrimental effect on the delivery of governmental services, and no such effect is anticipated.
5. The property owner was aware of the zoning restrictions for side yard setbacks, and made efforts to comply with the Zoning Code. The non-compliance was based on the property owner's mistaken, but reasonable, belief as to the exact location of his property line. The error was not detected until a formal survey was conducted at the property owner's request.
6. The property owner could obviate the issue by removing support posts and concrete footings already installed and reducing the deck layout to conform to the setback requirement. While feasible, the Board finds that the minimal nature of the variance outweighs the extraordinary effort and expense required to do so.
7. The spirit and intent of the Zoning Code would still be observed, and substantial justice would be done, by granting the variance.

Other relevant factors considered included previous side yards setbacks granted prior to the establishment of the lot on which the subject property is located; the unique configuration of the lot and its relation to neighboring parcels; the rugged topography of the property; and the appellant's testimony regarding his belief of where the property lines were located was a reasonable explanation.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variance requested, and voted 4-0-0 to **APPROVE** the application as presented.

New Business:

None.

Other Business:

Staff shared that the Wal-Mart tree removal was reviewed and it was determined that the interior landscaping requirements were satisfied and in compliance with the code even with the removal of some trees in the landscape islands.

Mr. Hollenbaugh shared some sign violations he observed.

The next regular meeting was scheduled for May 19, 2010; however there are no applications to be heard.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 4/22/10

JHE 4/30/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: May 4, 2010

Steve Schwein

Account Code No. #:

Prepared By

Budgeted Amount:

April 22, 2010

Date Prepared

Agenda Title: Authorization to Auction Unclaimed, Excess, or Obsolete Equipment

Recommendation: Approval

Discussion: Staff is requesting City Council's authorization to conduct an auction on Saturday, June 12, 2010. As required by law, the appropriate legal advertising with the required 30-day notice was published in the *Oxford Press* and the *Hamilton Journal-News* on April 30, 2010. Attached to this report is a listing of items recommended for auction. Staff has tentatively retained the services of Doug Ross to facilitate the auction at a commission of 4.5% of gross sales plus advertisement costs.

It is Staff's recommendation that Council authorize an auction sale to dispose of unclaimed, excess, or obsolete equipment on Saturday, June 12, 2010. Said auction would be held on the grounds of the Municipal Garage on Collins Run Road beginning at 9:00 a.m.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 4/23/10

DR 4/30/10

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION.

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

SECTION 1: Pursuant to Ohio Revised Code Section 4513.62 and Oxford City Code Section 127.11, the items set forth in Exhibit 'A' attached hereto and incorporated herein, are hereby declared surplus for City purposes and no longer needed for municipal purposes, and that said property is hereby declared to be surplus.

SECTION 2: Council hereby authorizes the sale of said items at public auction to the highest bidder with proceeds thereof deposited in the General Fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Memo

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: City Auction
Date: April 22, 2010

The following items are in the possession the Oxford Police Department. Most have been turned in as "found property" and have not been claimed by anyone. In some cases the items are no longer wanted by the owner or no response made by the last known owner. The vehicles are City of Oxford fleet vehicles or have been signed over to the City with a title. I recommend that the property items be sold at the upcoming public auction.

CITY OF OXFORD, BUTLER COUNTY, OHIO

IN THE MATTER OF THE : No _____
APPLICATION OF THE :
CITY OF OXFORD : APPLICATION FOR AND JUDGMENT
POLICE DEPARTMENT : ENTRY AUTHORIZING THE DISPOSITION
: OF UNCLAIMED OR FORFEITED PROPERTY

Now comes the State of Ohio, City of Oxford, by and through Area I Butler County Court Prosecutor, and moves that the following property be disposed of in accordance with the Ohio Revised Code Section 2981.12.

SEE ATTACHED SHEETS FOR PROPERTY...

Said property is now in the custody of the Oxford Police Department, Oxford, Ohio, and remains unclaimed or it is unlawful for persons to acquire or possess said property.

04-15-10
Date

Ron Brooks
Ron Brooks
Property Officer, Oxford Police Department

04-15-10
Date

Mike O'Leary
Mike O'Leary
Property Technician, Oxford Police Department

Motion to forfeit to the Oxford Police Department and sold at public auction is requested.

Respectfully submitted,

4/15/10
Date

Prosecuting Attorney
Prosecuting Attorney, Area I Butler County Court

ORDER

For good cause shown, it is hereby adjudged and ordered that the above listed property be disposed of as listed above.

4/15/10
Date

Robert H. Lyons
Robert H. Lyons
Judge, Area I Butler County, Ohio

IN AREA I BUTLER COUNTY COURT

ITEMS FOR CITY AUCTION

Prop. #	Description	In.Dt
10816-001	J Crew purse	090807
10816-002	J Crew purse	090807
10816-003	Victoria Secret purse	090807
10816-004	J Crew purse	090807
10816-005	Victoria Secret purse	090807
10816-007	Bath & Body Works purse	090807
10816-008	Victoria Secret purse	090807
10816-009	NY & Co purse	090807
10816-011	Coach purse	090807
10816-012	Charter Club purse	090807
10816-016	Colin Stuart shoes	090807
10816-017	Colin Stuart shoes	090807
10816-018	Sony digital camera	090807
10816-019	HP PhotoSmart camera	090807
10816-021	Polaroid digital camera	090807
10816-022	Majorica pearl necklace	090807
10816-024	(2) silver necklaces	090807
12310-001	ex-large American flag	091009
12466	(2) adjustable wrenches	101808
12610-001	Xyron printer	111208
12680	charm	120108
12791	Case hunting knife	122208
12791-007	Winchester knife & gun holster	122208
13261	plaid shirt and jeans	041709
13261-001	t-shirt and two long sleeve shirt	041709
13261-002	jacket	041709
13261-003	pants and towel	041709
13261-004	seven DVD movies	041709
13261-005	computer mouse & 4 DVD movies	041709
13261-006	one DVD movie	041709
13262	Dirt Devil vacuum cleaner	041709
13262-006	Eastpack backpack	041709
13262-007	duffel bag w/ misc items	041709
13422-001	Buck knife w/ sheath	051709
13456	silver exercise ball	060209
13459	27" Sharp television	060409
13487-001	folding knife & multi-tool	061309
13634	football equipment	081409
13637	B&D drill	081809

13815	spare tire, tire wrench, tire cover, amplifier and 2 subwoofers	092509
13854-008	wood bar stool	101009
13919	80 lb bag of Solar Salt	102909
13928	stuffed padded bra	103109
14011	black clutch purse	112009
14016	coach wristlet	112009
14086-005	sheath and 2 knives	120509
14086-008	S&W pocket knife	120509
14086-013	baby clothes, Sony PSP media devices, Apple Ipod & playing cards	120509
14112	soccer equipment	121409
14160	black wool jacket	011610
14214	Eddie Bauer jacket	013010

EXERCISE EQUIPMENT:

Nautilus Multi-Triceps Machine, serial # W800A891621016
 Nautilus Bench Press Machine, serial # W800A891621013
 Nautilus Nitro V-Chest Machine, serial # W800A891621008
 Dumb Bell Bar Rack

VEHICLE PARTS:

12 Goodyear P225/70R15 tires:
 (2) without rims (brand new)
 (10) with rims
 (4) brand new
 (4) used
 (2) used studded snow tires
 (8) 15 inch tire rims and (2) 14 inch tire rims
 Misc car parts and Ford hubcaps

ADDITIONAL MISCELLANEOUS ITEMS

BICYCLES

Prop. #	Description	In.Dt
13823	blue Magna Mtn Tamer, 18-speed	10-02-09
13851	green Schwinn Frontier, 21-speed	09-16-09
13852	black Trek 7.3, 21-speed	10-08-09
14087	gray KHS Urban, 21-speed	12-08-09
14269	red/silver Mongoose MGX, 21-speed	02-12-10

MOTOR VEHICLES FOR AUCTION

1. 1996 Kawasaki KZ1 motorcycle Original Title
Vin # JKAKZCP25TB514596
2. 2000 Saturn SL1 Original Title
Vin # 1G8ZH5288YZ236123
3. 1995 Pontiac GFS Original Title
Vin # 1G2WJ12X8SF247374
4. Fabrique flatbed trailer
Vin # 50414YMUL08177V13
Weight slip of 260 lbs / single axle

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: May 4, 2010

Steve Schwein

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 22, 2010

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the Resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approve the sale of salvage/junk/abandoned motor vehicles described in the attached memorandum to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 4/22/10

DAE 4/30/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

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

SECTION 1: The Chief of Police recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.60 (A)(1) or Section 4513.61 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed in Attachment "A" attached hereto and incorporated herein by reference.

SECTION 2: City Council hereby accepts the recommendation of the Chief of Police and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed in Attachment "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Memorandum

To: Chief Stephen Schwein
Fr: Ptl. Ron Brooks, Property Officer
Mike O'Leary, Property Technician
Re: Salvage Vehicles
Dt: April 22, 2010

Sir,

We respectfully request that the Oxford Police Department dispose of the attached list of vehicles in accordance with ORC section 4513.62.

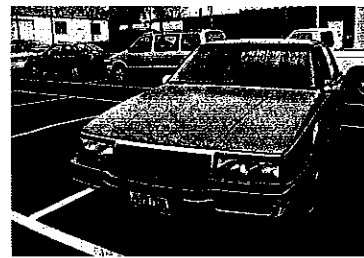
Attachment 'A'

1. 09T2539 Salvage Title



2003 Ford Taurus
Vin # 1FAFP55U63A165456
Reason for tow: (2) DUS
* poor condition
* towed: 01-31-09

2. 09T2681 Salvage Title



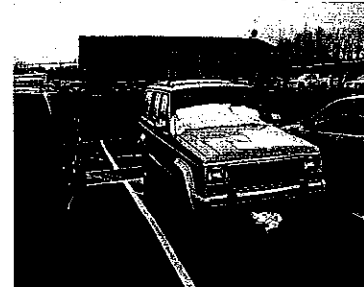
1991 Buick LeSabre
Vin # 1G4HR54CXMH419258
Reason for tow: DUS
* poor condition
* towed: 10-22-09

3. 09T2702 Salvage Title



1997 Chevrolet Geo Metro
Vin # 2C1MR2291V6705268
Reason for tow: Illegal Tags
* poor condition
* towed: 12-05-09

4. 09T2705 Salvage Title



1995 Jeep Cherokee
Vin # 1J4FJ78S3SL600514
Reason for tow: DUS
* poor condition
* towed: 12-12-09

5. 10T2718 Salvage Title



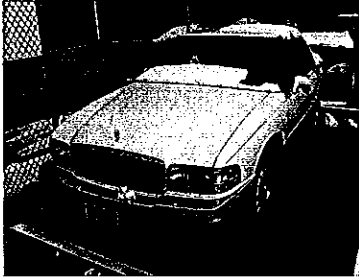
1994 Ford Tempo
Vin # 2FAPP36XXRB102455
Reason for tow: Expired Reg.
* poor condition
* towed: 01-22-10

6. 10T2811 Title



1994 Chevrolet 1500
Vin # 1GCEC14Z9RZ233380
Reason for tow: Parking Fines
* poor condition
* towed: 03-08-10

7. 09T2695 Salvage Title



1994 Buick Park Avenue
Vin # 1G4CU5218RH610176
Reason for tow: DUS
* poor condition
* towed: 11-20-09

8. 09T2700 Salvage Title



1998 Jeep Cherokee
Vin # 1J4FJ68S0WL233992
Reason for tow: OVI
* poor condition
* towed: 11-28-09

9. 10T2716 Salvage Title



1993 Buick LeSabre
Vin # 1G4HP53L8PH457549
Reason for tow: Pkg Tkts
* poor condition
* towed: 01-20-10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: May 4, 2010

Steve Schwein

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 22, 2010

Date Prepared

Agenda Title: Resolution Authorizing Certain Property held by the Oxford Police Department be declared of use by the City of Oxford.

Recommendation: Approve

Discussion: Certain items currently in the possession of the Property Division of the Oxford Police Department are of use to the City of Oxford. These items have been turned in to the Property Officer and no one has claimed ownership. Therefore, it is the request of the Chief of Police that these items be released to the City of Oxford for use in general business. A list of the items being recommended for City use is attached.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SPS | *4/22/10*

DRE | *4/30/10*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE OXFORD DIVISION OF POLICE TO RETAIN FOR USE BY THE MUNICIPALITY CERTAIN UNCLAIMED PROPERTY IN ITS POSSESSION.

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

SECTION 1: Pursuant to Oxford Codified Ordinances Section 127.11, the Division of Police having possession of certain unclaimed property set forth in Exhibit 'A', attached hereto and incorporated herein, requests the retention and use of said items for municipal purposes.

SECTION 2: Council, having reviewed the items listed, finds it to be beneficial to the City to retain this unclaimed property and authorizes the City's retention and use of said items.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD, BUTLER COUNTY, OHIO

IN THE MATTER OF THE : No _____
APPLICATION OF THE :
CITY OF OXFORD : APPLICATION FOR AND JUDGMENT
POLICE DEPARTMENT : ENTRY AUTHORIZING THE DISPOSITION
: OF UNCLAIMED OR FORFEITED PROPERTY

Now comes the State of Ohio, City of Oxford, by and through Area I Butler County Court Prosecutor, and moves that the following property be disposed of in accordance with the Ohio Revised Code Section 2981.12.

SEE ATTACHED SHEETS FOR PROPERTY...

Said property is now in the custody of the Oxford Police Department, Oxford, Ohio, and remains unclaimed or it is unlawful for persons to acquire or possess said property.

07/22/10
Date

Ron Brooks
Ron Brooks
Property Officer, Oxford Police Department

04/22/2010
Date

Mike O'Leary
Mike O'Leary
Property Technician, Oxford Police Department

Motion to forfeit to the Oxford Police Department and may be used by the Oxford Police Department is requested.

Respectfully submitted,

4/22/10
Date

Prosecuting Attorney
Prosecuting Attorney, Area I Butler County Court

ORDER

For good cause shown, it is hereby adjudged and ordered that the above listed property be disposed of as listed above.

4/22/10
Date

Robert H. Lyons
Robert H. Lyons
Judge, Area I Butler County, Ohio

IN AREA I BUTLER COUNTY COURT

Memo

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: Property Use by City of Oxford
Date: April 22, 2010

The following items are in the possession of the Oxford Police Department. There are no known owners and no one has come forward to claim them. These particular items can be used by the City. I would recommend that they be accepted through a Council resolution.

10816	Coach purse *	090807
10816-006	Coach handbag *	090807
10816-010	Coach purse *	090807
10816-013	Coach purse *	090807
10816-014	Kate Spade purse *	090807
10816-015	Coach purse *	090807
12799	Mag-Lite flashlight	122908
13142-003	orange traffic cone	031809
13418	Vera Bradley purse *	051909
13459-001	Playstation 2 w/ controllers *	060509
13494	4 orange traffic cones	061109
13651	spackling & stud finder	082109
13775	multi-colored striped purse *	091409
14011-001	Canon digital camera	112009
14559	Sony digital camera	012010

* To be used by Detective Division

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 4, 2010

Account Code #: 140.122.51001

Budgeted Amount: \$110,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

April 27, 2010

Date Prepared

Agenda Title: Purchase of Replacement Truck for Streets & Maintenance Division

Recommendation: Approve

Discussion:

The 2010 capital equipment budget includes \$110,000 for the purchase of a replacement truck for use by the Streets & Maintenance Division of the Service Department. The current vehicle, #51, is a 1996 model that has met its planned replacement cycle of fifteen years. This vehicle will be used extensively for hauling road construction materials and for snow plowing and de-icing maintenance activities.

The State of Ohio contract for the purchase of trucks and vans (Ohio Dot Contract 023-09) includes a 2011 International 7400 two wheel drive truck and associated equipment. The unit price for this vehicle as equipped to the City's specification and sold through Miami Valley International Trucks is \$92,936.00. The truck specifications and pricing are specifically listed on the attached "Exhibit A", including a state contract discount of \$28,457 over retail pricing.

This Resolution will authorize the City Manager to enter into an agreement with Miami Valley International Trucks, Inc. for the purchase of a 2011 International 7400 truck and specified options at a cost not to exceed \$92,936.00.

Approved By:

Department Head:

Initial
(MB)

Date

4/28/10

City Manager:

DRE

4/30/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIAMI VALLEY INTERNATIONAL TRUCKS, INC. FOR THE PURCHASE OF A 2011 INTERNATIONAL 7400 TWO WHEEL DRIVE TRUCK AND SPECIFIED OPTIONS AT DISCOUNTED STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$92,936.00.

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

SECTION 1: Truck #51 used by the Streets and Maintenance Division of the Service Department, a 1996 model, has met its planned replacement cycle of fifteen years.

SECTION 2: The 2010 capital budget includes \$110,000 for the purchase of a replacement truck.

SECTION 3: Council hereby authorizes the City Manager to purchase from Miami Valley International Trucks, Inc. a 2011 International 7400 two wheel drive truck and specified options at discounted State Contract pricing at a cost not to exceed \$92,936.00.

SECTION 4: Funds have been appropriated in an amount in excess of the purchase price authorized.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

		STATE OF OHIO			
		Director of Transportation			
					Award Date
Invitation	023-09	Single			
Opened	8/26/2008				
Location	All Districts				
Commodity	Single & Tandem Axle Cab and Chassis	On 12/29/09 Contract extended			
Effective Date	9/8/08 through 12/31/09	through 6/30/10			
		Price increases effective 1/1/10			
Vendor Information	Remit to Address	Link to Bid	MBE	EDGE	Credit Card
Miami Vallely International Trucks Inc -		Included on Pricing Tab			
11775 Highway Drive	11775 Highway Drive				
Cincinnati, OH 45241	Cincinnati, OH 45241				
Ron Huckery	Ron Huckery				
513-733-8500	513-733-8500				

<u>Description</u>	(USA DOLLAR)	<u>Price</u>
Factory List Prices:		
Product Items	\$93,242.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$93,242.00
ODOT Gledhill HFF-QCP hitch	\$4,532.00	
ODOT extended engine & vehicle warranty (excl. trans.) to 84 months/150,000 miles	\$3,094.00	
Total Preparation And Delivery:		\$7,626.00
Factory destination charge	\$1,750.00	
Total Freight:		\$1,750.00
Total Factory List Price Including Freight:		\$102,618.00
Less Customer Allowance:		(\$28,457.00)
Total Vehicle Price:		\$74,161.00
Total Body/Allied Equipment:		\$18,775.00
Total Sale Price:		\$92,936.00
Total Per Vehicle Sales Price:		\$92,936.00
Net Sales Price:		\$92,936.00

VIN - BJ336378

Payment for ODOT co-op chassis (\$74,161.00) due upon delivery to body company.

Please give me a call with any questions or comments about this proposal. I look forward to working with you to make sure you get the right truck for the job.

Ron Huckery

Office: (513) 733-8500

Mobile: (513) 543-5701

Approved by Seller:

Accepted by Purchaser:

Official Title and Date_____
Firm or Business Name_____
Authorized Signature_____
Authorized Signature and Date

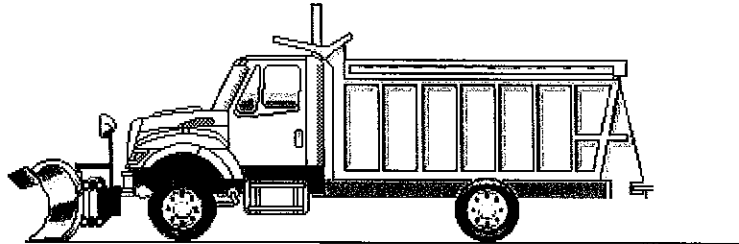
This proposal is not binding upon the seller without
Seller's Authorized Signature

Official Title and Date

Prepared For:
 City of Oxford
 Eric Keebler
 101 E High St.
 Oxford, OH 45056-1991
 (513)523 - 2171
 Reference ID: Stock MF9 w/DL

Presented By:
 Miami Valley Int'l Trucks
 Ron Huckery
 11775 Highway Drive
 Cincinnati OH 45241 -
 (513)733-8500

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your municipal needs.



Model Profile
2011 7400 SFA 4X2 (SA525)

APPLICATION:	Front Plow with spreader
MISSION:	Requested GVWR: 39000. Calc. GVWR: 37000 Calc. Start / Grade Ability: 32.60% / 2.63% @ 55 MPH Calc. Geared Speed: 66.5 MPH 8.13 MPG @ 55 MPH
FUEL ECONOMY:	
DIMENSION:	Wheelbase: 160.00, CA: 85.00, Axle to Frame: 63.00
ENGINE, DIESEL:	{International MaxxForce 9} EPA 07, 300 HP 800 lb-ft Torque @ 1200 RPM, 2200 RPM Governed Speed, # 2 Bell Housing
TRANSMISSION, AUTOMATIC:	{Allison 3000_RDS_P} 4th Generation Controls; Close Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max.
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-14-143A} Wide Track, I-Beam Type, 14,000-lb Capacity
AXLE, REAR, SINGLE:	{Meritor RS-23-161} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential Gear Ratio: 6.14
CAB:	Conventional
TIRE, FRONT:	(2) 12R22.5 G149 RSA/RH (GOODYEAR) 483 rev/mile, load range H, 16 ply
TIRE, REAR:	(4) 11R22.5 G622 RSD (GOODYEAR) 497 rev/mile, load range G, 14 ply
SUSPENSION, RR, SPRING, SINGLE:	Vari-Rate; 31,000-lb Capacity, Includes 4500-lb Capacity Multileaf Auxiliary
PAINT:	Cab schematic 100GM Location 1: 9219, Winter White (Std) Chassis schematic N/A

ENGINE, DIESEL (0012NTC)

ATTACHMENTS: 0004619 (TRAILER CONNECTIONS) 0004091 (BRAKE SYSTEM, AIR)

<u>Parameter</u>	<u>Value</u>	<u>UOM</u>
CUSTOMER PASSWORD	0000	N/A
MAX VEHICLE SPEED	66	MPH
CRUISE CONTROL - MIN VEHICLE SPEED	35	MPH
CRUISE CONTROL - MAX VEHICLE SPEED	66	MPH
VEHICLE RETARDER	OFF	N/A
PTO - MAX ENGINE SPEED	2000	RPM
PTO - PRESET ENGINE SPEED 1	1000	RPM
PTO - PRESET ENGINE SPEED 2	1500	RPM
PTO - RAMP RATE	100	RPM/SEC
PTO - MAX VEHICLE SPEED	10	MPH
REMOTE PEDAL	NO	N/A
REMOTE PEDAL RETURN TO ZERO	RTZ-NOT	N/A
PTO - DISABLE IN CAB INTERFACE	NO	N/A
PTO - DRIVELINE MODE	NEUTRLOP	N/A
IDLE SHUTDOWN MODE	OFF	N/A
IDLE SHUTDOWN TIME	5	MIN
SERVICE INTERVAL INDICATOR ENABLE	OFF	N/A

These Electronic Parameters have not been finalized

<u>Code</u>	<u>Description</u>
SA52500	Base Chassis, Model 7400 SFA 4X2 with 160.00 Wheelbase, 85.00 CA, and 63.00 Axle to Frame.
1570	TOW HOOK, FRONT (2) Inside Rail, Frame Mounted.
1CAG	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.250" x 3.610" x 0.375" (260.4mm x 91.7mm x 9.5mm); 456.0" (11582mm) Maximum OAL
1MBP	BUMPER, FRONT SPECIAL; Steel, Swept Back, 15 Degree ILO 30 Degree for Use with Front Frame Extensions
1WDS	FRAME EXTENSION, FRONT Integral; 20" In Front of Grille
1WEV	WHEELBASE RANGE 146" (370cm) Through and Including 195" (495cm)
2ARV	AXLE, FRONT NON-DRIVING {Meritor MFS-14-143A} Wide Track, I-Beam Type, 14,000-lb Capacity
	<u>Notes</u> : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
3ADD	SUSPENSION, FRONT, SPRING Parabolic, Taper Leaf; 14,000-lb Capacity; With Shock Absorbers
	<u>Includes</u> : SPRING PINS Rubber Bushings, Maintenance-Free
	<u>Notes</u> : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications
	<u>Includes</u> : BRAKE LINES Color and Size Coded Nylon : DRAIN VALVE Twist-Type : DUST SHIELDS, FRONT BRAKE : DUST SHIELDS, REAR BRAKE : GAUGE, AIR PRESSURE (2) Air 1 and Air 2 Gauges; Located in Instrument Cluster : PARKING BRAKE CONTROL Yellow Knob, Located on Instrument Panel : PARKING BRAKE VALVE For Truck : QUICK RELEASE VALVE Bendix On Rear Axle for Spring Brake Release: 1 for 4x2, 2 for 6x4 : SLACK ADJUSTERS, FRONT Automatic : SLACK ADJUSTERS, REAR Automatic : SPRING BRAKE MODULATOR VALVE R-7 for 4x2, SR-7 with relay valve for 6x4
	<u>Notes</u> : Rear Axle is Limited to 23,000-lb GAWR with Code 04091 BRAKE SYSTEM, AIR and Standard Rear Air Cam Brakes Regardless of Axle/Suspension Ordered.
4619	TRAILER CONNECTIONS Four-Wheel, With Hand Control Valve and Tractor Protection Valve, for Straight Truck
4722	DRAIN VALVE, AUTOMATIC {Bendix DV-2} With Heater; for Air Tank
	<u>Includes</u> : DRAIN VALVE Mounted in Wet Tank
4AZJ	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel) With Automatic Traction Control
4EBD	AIR DRYER {Meritor WABCO System Saver 1200} with Heater
4ESX	BRAKE CHAMBERS, FRONT AXLE {Haldex} 20 SqIn
4EVL	BRAKE CHAMBERS, REAR AXLE {Haldex GC3030LHDHO} 30/30 Spring Brake

<u>Code</u>	<u>Description</u>
	<u>Includes</u> : BRAKE CHAMBERS, SPRING (2) Rear Parking; WITH TRUCK BRAKES: All 4x2, 4x4; WITH TRACTOR BRAKES: All 4x2, 4x4; 6x4 & 6x6 with Rear Tandem Axles Less Than 46,000-lb. or GVWR Up To 54,000-lb.
4JCJ	BRAKES, FRONT, AIR CAM S-Cam; 16.5" x 5.0"; Includes 20 Sq. In. Long Stroke Brake Chambers
	<u>Notes</u> : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
4NDB	BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq. In. Long Stroke Brake Chamber and Spring Actuated Parking Brake
	<u>Notes</u> : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.
4SBC	AIR COMPRESSOR {Bendix Tu-Flo 550} 13.2 CFM Capacity
5708	STEERING COLUMN Tilting
5CAL	STEERING WHEEL 2-Spoke, 18" Diam., Black
5PSA	STEERING GEAR {Sheppard M-100} Power
7BDL	EXHAUST SYSTEM Single, Horizontal, Aftertreatment Device Frame Mounted Outside Right Rail Under Cab; Includes Vertical Tail Pipe and Guard
	<u>Includes</u> : EXHAUST HEIGHT 10' Exhaust Height - Based on Empty Chassis with Standard Components (+ or - 1" Height) : MUFFLER/TAIL PIPE GUARD Bright Finish
7WAZ	TAIL PIPE (1) Turnback Type, Non-Bright, for Single Exhaust
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment
	<u>Includes</u> : BATTERY BOX Steel with Fiberglass Cover : DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab : FUSES, ELECTRICAL SAE Blade-Type : HAZARD SWITCH Push On/Push Off, Located on Top of Steering Column Cover : HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever : HEADLIGHTS (2) Sealed Beam Halogen, 5" X 7" Rectangular, with Chrome Plated Bezels : HORN, ELECTRIC Single : JUMP START STUD Located on Positive Terminal of Outermost Battery : PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light : RUNNING LIGHT (2) Daytime, Included With Headlights : STARTER SWITCH Electric, Key Operated : STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector : TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature : TURN SIGNALS, FRONT Includes Reflectors and Auxiliary Side Turn Signals, Solid State Flashers; Flush Mounted : WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever : WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted : WIRING, CHASSIS Color Coded and Continuously Numbered
8518	CIGAR LIGHTER Includes Ash Cup
8540	HORN, ELECTRIC (2)
8718	POWER SOURCE Cigar Type Receptacle without Plug and Cord

<u>Code</u>	<u>Description</u>
8GHB	ALTERNATOR {Leece-Neville BLP2356H} Brushless, 12 Volt 185 Amp. Capacity, Pad Mounted
8HAB	BODY BUILDER WIRING Back of Standard Cab at Left Frame or Under Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/ Backup/Accessory Power/Ground and Sealed Connector for Stop/Turn
8HAH	ELECTRIC TRAILER BRAKE/LIGHTS Accommodation Package to Rear of Frame; for Combined Trailer Stop, Tail, Turn, Marker Light Circuits; Includes Electric Trailer Brake Accommodation Package With Cab Connections for Mounting Customer Installed Electric Brake Unit, Less Trailer Socket
8MEZ	BATTERY SYSTEM {International} Maintenance-Free, (2) 12-Volt 1850CCA Total
8NAA	TAIL LIGHT WIRING MODIFIED Includes: Wiring for Standard Lt & Rt Tail Lights; Separate 8.0' of Extra Cable Wiring for Lt & Rt Body Mounted Tail Lights
8RGA	2-WAY RADIO Wiring Effects; Wiring With 20 Amp Fuse Protection, Includes Ignition Wire With 5 Amp Fuse, Wire Ends Heat Shrink and Routed to Center of Header Console in Cab
8RJV	RADIO {International} AM/FM Stereo With Weatherband, Clock, Auxiliary Input, Includes Multiple Dual Cone Speakers
	<u>Includes</u> : SPEAKERS IN CAB (2) Dual-Cone with Deluxe Interior : SPEAKERS IN CAB (4) Coaxial with Premium Interior
8THJ	AUXILIARY HARNESS 3.0' for Auxiliary Front Head Lights and Turn Signals for Front Plow Applications
8TKK	TRAILER AUXILIARY FEED CIRCUIT for Electric Trailer Brake Accommodation/Air Trailer ABS; With 30 Amp Fuse and Relay, Controlled by Ignition Switch
8WBW	JUMP START STUD Remote Mounted
	<u>Includes</u> : JUMP START STUD Mounted to Battery Box
8WCL	HORN, AIR Black, Single Trumpet, Air Solenoid Operated
8WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time
8WML	HEADLIGHTS Long Life Halogen; for Two Light System
8WPH	CLEARANCE/MARKER LIGHTS (5) {Truck Lite} Amber LED Lights, Flush Mounted on Cab or Sunshade
8WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights
8WRB	HEADLIGHTS ON W/WIPERS Headlights Will Automatically Turn on if Windshield Wipers are turned on
8WTK	STARTING MOTOR {Delco Remy 38MT Type 300} 12 Volt; less Thermal Over-Crank Protection
8WWJ	INDICATOR, LOW COOLANT LEVEL With Audible Alarm
8WXD	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner When Vehicle Park Brake is "NOT" Set, With Ignition "OFF" and any Door Opened
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III With Trip Indicators, Replaces All Fuses Except For 5-Amp Fuses
9HBM	GRILLE Stationary, Chrome
9WBC	FRONT END Tilting, Fiberglass, With Three Piece Construction; for 2007 Emissions
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100
	<u>Includes</u> : PAINT SCHEMATIC ID LETTERS "GM"

<u>Code</u>	<u>Description</u>
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
11001	CLUTCH Omit Item (Clutch & Control)
12851	PTO EFFECTS, ENGINE FRONT Less PTO Unit, Includes Adapter Plate on Engine Front Mounted
12NTC	ENGINE, DIESEL {International MaxxForce 9} EPA 07, 300 HP 800 lb-ft Torque @ 1200 RPM, 2200 RPM Governed Speed, # 2 Bell Housing
	<u>Includes</u>
	: AIR COMPRESSOR AIR SUPPLY LINE Naturally-Aspirated
	: COLD STARTING EQUIPMENT Intake Manifold Electric Grid Heater with Engine ECM Control
	: CRUISE CONTROL Electronic; Controls Integral to Steering Wheel
	: ENGINE OIL DRAIN PLUG Magnetic
	: ENGINE SHUTDOWN Electric, Key Operated
	: FUEL FILTER Included with Fuel/Water Separator
	: FUEL/WATER SEPARATOR Fuel/Water Separator and Fuel Filter in a Single Assembly; With Water-in-Fuel Sensor; Engine Mounted
	: GOVERNOR Electronic
	: OIL FILTER, ENGINE Spin-On Type
	: WET TYPE CYLINDER SLEEVES
12THT	FAN DRIVE {Horton Drivemaster} Direct Drive Type, Two Speed With Residual Torque Device for Disengaged Fan Speed
	<u>Includes</u>
	: FAN Nylon
12UWY	RADIATOR Cross Flow, Series System; 1228 SqIn Aluminum Radiator Core and 1167 SqIn Charge Air Cooler
	<u>Includes</u>
	: ANTI-FREEZE Red Shell Rotella Extended Life Coolant; -40 Degrees F/ -40 Degrees C; for MaxxForce Engines
	: DEAERATION SYSTEM with Surge Tank
	: HOSE CLAMPS, RADIATOR HOSES Gates Shrink Band Type; Thermoplastic Coolant Hose Clamps
	: RADIATOR HOSES Premium, Rubber
12UXV	FEDERAL EMISSIONS for 2004; for International VT365, DT466 and DT570 Engines
12VAG	AIR CLEANER Single Element, with Integral Snow Valve and In-Cab Control
	<u>Includes</u>
	: GAUGE, AIR CLEANER RESTRICTION Air Cleaner Mounted
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12VYW	FEDERAL EMISSIONS 2007 for International MaxxForce 9 & 10 Engines (DT570 & HT570)
12VZA	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; With Ignition Switch Control for MaxxForce post 2007 Emissions Electronic Engines
12WTH	BLOCK HEATER, ENGINE {Phillips} 120 Volt/1250 Watt; With "Y" Cord From Socket in Standard Location, With Provision in Oil Pan For a Dealer Installed Oil Pan Heater, With Extended Life Coated Oil Pan, for I6 Engines
	<u>Includes</u>
	: BLOCK HEATER SOCKET Receptacle Type; Mounted below Drivers Door
12WYS	EXPANDED ENGINE TEMP EFFECTS to Allow Higher Engine Operating Temperature Range; Includes Nylon Surge Tank and 15 psi Pressure Cap
12WZE	EMISSION COMPLIANCE Federal, Does Not Comply With California Clean Air Regulations

<u>Code</u>	<u>Description</u>
13AMB	TRANSMISSION, AUTOMATIC {Allison 3000_RDS_P} 4th Generation Controls; Close Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max. <u>Includes</u> : OIL FILTER, TRANSMISSION Mounted on Transmission : TRANSMISSION OIL PAN Magnet in Oil Pan
13WAW	OIL COOLER, AUTO TRANSMISSION {Modine} Water to Oil, for Allison or CEEMAT Transmission
13WBN	TRANSMISSION SHIFT CONTROL {Allison} T-Bar Type; for Allison 3000 & 4000 Transmission
13WDY	SHIFT CONTROL PARAMETERS WT-Allison S-1 Performance Programming in Primary and Allison S-4 Economy Programming in Secondary
13WUC	ALLISON SPARE INPUT/OUTPUT for Rugged Duty Series (RDS); General Purpose Trucks, Construction
13WYH	TRANSMISSION TCM LOCATION Located Inside Cab
14ARK	AXLE, REAR, SINGLE {Meritor RS-23-161} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential . Gear Ratio: 6.14 <u>Includes</u> : REAR AXLE DRAIN PLUG (1) Magnetic, For Single Rear Axle <u>Notes</u> : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires. : When Specifying Axle Ratio, Check Performance Guidelines and TCAPE for Startability and Performance
14SAL	SUSPENSION, RR, SPRING, SINGLE Vari-Rate; 31,000-lb Capacity, Includes 4500-lb Capacity Multileaf Auxiliary <u>Notes</u> : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.
15924	FUEL TANK STRAPS Bright Finish Stainless Steel
15LKG	FUEL/WATER SEPARATOR With Thermostatic Fuel Temperature Controlled Electric Heater, and Filter Restriction/Change Indicator, Includes Standard Equipment Water-in-Fuel Sensor
15SGG	FUEL TANK Top Draw; D Style, Non Polished Aluminum, 19" Deep, 70 U.S. Gal., 265 L Capacity, With Quick Connect Outlet, Mounted Left Side, Under Cab
16030	CAB Conventional <u>Includes</u> : ARM REST (2) Molded Plastic; One Each Door : CLEARANCE/MARKER LIGHTS (5) Flush Mounted : COAT HOOK, CAB Located on Rear Wall, Centered Above Rear Window : CUP HOLDERS Two Cup Holders, Located in Lower Center of Instrument Panel : DOME LIGHT, CAB Rectangular, Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Console, Center Mounted : GLASS, ALL WINDOWS Tinted : GRAB HANDLE, CAB INTERIOR (1) "A" Pillar Mounted, Passenger Side : GRAB HANDLE, CAB INTERIOR (2) Front of "B" Pillar Mounted, One Each Side : INTERIOR SHEET METAL Upper Door (Above Window Ledge) Painted Exterior Color : STEP (4) Two Steps per Door
16HBA	GAUGE CLUSTER English With English Electronic Speedometer <u>Includes</u>

<u>Code</u>	<u>Description</u>
	: GAUGE CLUSTER (6) Engine Oil Pressure (Electronic), Water Temperature (Electronic), Fuel (Electronic), Tachometer (Electronic), Voltmeter, Washer Fluid Level
	: ODOMETER DISPLAY, Miles, Trip Miles, Engine Hours, Trip Hours, Fault Code Readout
	: WARNING SYSTEM Low Fuel, Low Oil Pressure, High Engine Coolant Temp, and Low Battery Voltage (Visual and Audible)
16HGH	GAUGE, OIL TEMP, ALLISON TRAN
16HHE	GAUGE, AIR CLEANER RESTRICTION {Filter-Minder} With Black Bezel Mounted in Instrument Panel
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster
16JNT	SEAT, DRIVER {National 2000} Air Suspension, High Back With Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, With 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust
	<u>Includes</u>
	: SEAT BELT 3-Point, Lap and Shoulder Belt Type
16PJH	SEAT, PASSENGER {Gra-Mag} Non Suspension, High Back, Fixed Back, Integral Headrest, Vinyl
	<u>Includes</u>
	: SEAT BELT 3-Point, Lap and Shoulder Belt Type
16SDU	MIRRORS (2) {Lang Mekra} Styled; Rectangular, 7.09" x 15.75" & Integral Convex Both Sides, 102" Inside Spacing, Breakaway Type, Heated Heads Thermostatically Controlled, Power Both Sides, Clearance Lights LED, Bright Finish Heads & Brackets
16SEE	GRAB HANDLE Chrome; Towel Bar Type With Anti-Slip Rubber Inserts; for Cab Entry Mounted Left Side Only at "B" Pillar
16WBY	ARM REST, RIGHT, DRIVER SEAT
16WEE	CAB SOUND INSULATION Includes Dash Insulator and Engine Cover Insulator
	<u>Notes</u>
	: Feature included with CAB INTERIOR TRIM, Premium
16WJS	INSTRUMENT PANEL Center Section, Flat Panel
16WJU	WINDOW, POWER (2) And Power Door Locks, Left and Right Doors, Includes Express Down Feature
16WKB	AIR CONDITIONER {International Blend-Air} With Integral Heater & Defroster
	<u>Includes</u>
	: CLAMPS, HEATER HOSE Mubea Constant Tension Clamps
	: FRESH AIR FILTER
	: HEATER HOSES Premium
	: REFRIGERANT Hydrofluorocarbon HFC-134A
16WKY	FRESH AIR FILTER for HVAC
16WLE	STORAGE POCKET, DOOR Molded Plastic, Full Width; Mounted on Passenger Door
16WRX	CAB INTERIOR TRIM Deluxe
	<u>Includes</u>
	: "A" PILLAR COVER Molded Plastic
	: CAB INTERIOR TRIM PANELS Cloth Covered Molded Plastic, Full Height; All Exposed Interior Sheet Metal is Covered Except for the Following: with a Two-Man Passenger Seat or with a Full Bench Seat the Back Panel is Completely Void of Covering
	: CONSOLE, OVERHEAD Molded Plastic; With Dual Storage Pockets with Retainer Nets and CB Radio Pocket
	: DOOR TRIM PANELS Molded Plastic; Driver and Passenger Doors
	: FLOOR COVERING Rubber, Black
	: HEADLINER Soft Padded Cloth
	: INSTRUMENT PANEL TRIM Molded Plastic with Black Center Section

<u>Code</u>	<u>Description</u>
	: STORAGE POCKET, DOOR (1) Molded Plastic, Full-Length; Driver Door : SUN VISOR (2) Padded Vinyl with Driver Side Toll Ticket Strap, Integral to Console
16WSK	CAB REAR SUSPENSION Air Bag Type
16XWJ	WINDSHIELD WIPER BLADES Snow Type
16XXC	COWL TRAY LID
27DMA	WHEELS, FRONT DISC; 22.5" Painted Steel, 2 Hand Hole, 10 Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With Steel Hubs <u>Includes</u> : PAINT IDENTITY, FRONT WHEELS White : WHEEL SEALS, FRONT Oil Lubricated, Includes Wheel Bearings <u>Notes</u> : Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22.5
28DMA	WHEELS, REAR DUAL DISC; 22.5" Painted Steel, 2 Hand Hole, 10-Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With Steel Hubs <u>Includes</u> : PAINT IDENTITY, REAR WHEELS White : WHEEL SEALS, REAR Oil Lubricated, Includes Wheel Bearings <u>Notes</u> : Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22.5
29PAR	PAINT IDENTITY, FRONT WHEELS {Accuride} Disc Front Wheels; With Vendor Applied (PKWHT21) White Powder Coat Paint
29PAS	PAINT IDENTITY, REAR WHEELS {Accuride} Disc Rear Wheels; With Vendor Applied (PKWHT21) White Powder Coat Paint
60AAG	BDY INTG, REMOTE POWER MODULE Mounted Inside Cab behind Driver Seat; Up to 6 Outputs & 6 Inputs, Max. 20 amp. per Channel, Max. 80 amp Total (Includes 1 Switch Pack With Latched Switches)
7372138102	(4) TIRE, REAR 11R22.5 G622 RSD (GOODYEAR) 497 rev/mile, load range G, 14 ply
7382150155	(2) TIRE, FRONT 12R22.5 G149 RSA/RH (GOODYEAR) 483 rev/mile, load range H, 16 ply Cab schematic 100GM Location 1: 9219, Winter White (Std) Chassis schematic N/A
1	Courtesy pass-thru-billing for customer of body package from Kaffenbarger Truck Equipment

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department

Originating Department

City Council Meeting of: May 4, 2010

Michael B. Dreisbach

Account Code #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

April 27, 2010

Date Prepared

Agenda Title: Notice to Property Owners Declaring the Necessity to Improve Property.

Recommendation: Approve

Discussion: As part of the City's capital improvement program and to participate on a project with the Ohio Department of Transportation (ODOT) to improve SR 732 (Main St.), Staff has identified property with defective or sub-standard curb, gutter, and/or sidewalks. Many of these deficiencies were identified as trip hazards and areas that contribute to lowering the expected lifespan of street improvements. As such, Staff mailed certified letters to the property owners of record informing the owners of the deficiencies and the need to have the problems corrected. Staff also informed the owners that if the deficiencies were not corrected, the City would proceed to have the work done and charge the cost against the property. ODOT will not proceed with street improvements until the necessary work is completed.

Exhibit "A", attached to this report, shows a complete listing of the properties involved for this project, their current compliance status, and an estimate of probable cost for the improvements. Of all the notices sent to property owners advising of the deficiencies, approximately 40% (43 parcels) have not made arrangements for the necessary repairs.

Oxford Codified Ordinance 905.08 (b) states: "*All sidewalks, curbs and gutters in the City not conforming to the grade established which are uneven, contain holes or the materials thereof have disintegrated, are hereby declared to be in a bad state of repair. It shall be the duty of the owners or occupants of the property abutting upon such sidewalks, curbing and gutters to cause the same to be repaired within not more than ninety days after receiving notice to repair the same from the Director of Service.*"

By addressing the repairs at this time, the public investment in street and alley rehabilitation may be expected to retain its value for several additional years, eliminate significant hazards to pedestrians and cyclists, and improve the aesthetics of the community. It is Staff's recommendation that the City Council approve this Resolution so that the process to complete necessary repairs and improvements may begin. Should a property owner disagree with the City's order, they may appeal to the Assessment Equalization Board for a hearing on their property and the required improvements. Should Council approve the Board's report and findings, an Ordinance would then be required to proceed with the improvements and any budget transfers and appropriations that may be required to finance the project. When work is completed, an Ordinance will be required levying special assessments to the parcels for the improvements.

Currently, there is approximately \$74,000 in the City's Special Assessment Fund. The Staff estimate to complete this work is approximately \$96,000. Staff anticipates savings in existing CIP project appropriations will be sufficient to make up any shortfall in contracting this work.

Approved By:

Department Head: Initial MB Date 4/30/10

City Manager: [Signature] 4/30/10

RESOLUTION NO. _____

A RESOLUTION DECLARING THAT IT IS NECESSARY TO IMPROVE THOSE PORTIONS OF CERTAIN PROPERTIES ON MULTIPLE STREETS IN THE CITY OF OXFORD, OHIO BY RE-PAVING, RE-CURBING, AND REPAIRING THE CURBS, GUTTERS AND SIDEWALKS.

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

SECTION I: It is necessary to improve certain properties listed on Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, by re-paving, re-curbng and repairing the curbs, gutters and sidewalks.

SECTION II: It is hereby determined and declared that said improvements are conducive to the public health, convenience, safety and welfare of said city and the inhabitant thereof.

SECTION III: Notice of the passage of this resolution of necessity, in accordance with Section 729.03 of the Ohio Revised Code, shall be served by the Clerk of Council upon the owners of the lots or lands abutting upon the sidewalks, curbs, or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods.

SECTION IV: Those sidewalks located on the properties described in Exhibit "A" shall be repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of Council no later than thirty (30) days after receipt of the notice described in Section III.

SECTION V: In the event such owner does not construct or repair such sidewalks, curbs, or gutters in accordance with such specifications and within thirty (30) days after receipt of the notice described in Section III, the City will repair such curbs, gutters and sidewalks, and assess the costs thereof against the owner of the lots or lands abutting thereon.

SECTION VI: The whole costs of said improvement shall be assessed by the foot front of the property bounding and abutting on the improvement, upon the following described lots of land, to-wit: All lots and land bounding and abutting upon the proposed improvement between the termini aforesaid, which said lots and lands are hereby determined to be specifically benefited by said improvement; and the cost of said improvement shall not include the costs of preliminary and other surveys, plans, specifications, profiles and estimates of printing, serving, and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the

special assessments, but the cost of said improvement to be assessed shall include the expenses of legal services including obtaining an approving legal opinion, cost of labor and material and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures relative to expenses of financing, and relative to re-paving, re-curbings, or repairing the curbs, gutters and sidewalks.

SECTION VII: The City Engineer is hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated assessments of the cost of the improvements described in this resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of Council, and shall be prepared pursuant to the provisions of this resolution.

SECTION VIII: The assessments to be levied shall be paid in five (5) annual installments, with interest on deferred payments at rate of five percent (5%); provided, that the owner of any property assessed may, at his or her option, pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

SECTION IX: The entire cost of said improvements, after application of the assessments herein provided for, shall be paid by the City of Oxford from funds available for this purpose in the Capital Improvement Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Curb, Gutter, Sidewalk, and Driveway Apron Assessments 2008 - 2010

Exhibit "A"

Address	Direction	Street Name	Parcel #	Lineal Ft Curb	Square Feet Sidewalk	Square Ft Drive Apron	Estimated Cost
The following are from the 2009/2010 Main St. project. Verify non-confirmed no CGS permit pulled. (1)							
102		Oberlin	H4100103000047	73	50		\$ 2,394.00
1		Wooster	H4100103000048	69	25		\$ 2,107.00
2	W	Spring	H4000003000059	70	335		\$ 4,305.00
3	E	Spring	H4000103000072	20	25		\$ 735.00
3	E	Walnut	H4100003000103	55	150		\$ 2,590.00
9	S	Main	H4100003000096	5			\$ 140.00
3	W	Central	H4100106000056	95			\$ 2,660.00
102	S	Main	H4100003000070	55	75		\$ 2,065.00
112	S	Main	H4000003000068	10	150		\$ 1,330.00
117	S	Main	H4100003000109		50		\$ 350.00
120	S	Main	H4100003000065	100	525	132	\$ 7,531.00
121	S	Main	H4100003000110	77	230		\$ 3,766.00
214	S	Main	H4000003000060		25		\$ 175.00
217	S	Main	H4100003000119	10	200		\$ 1,680.00
315	S	Main	H4000103000068	10	150		\$ 1,330.00
309	S.	Main	H4100103000070	5	175		\$ 1,365.00
305	S	Main	H4100103000071		75		\$ 525.00
02-302 1/2	S	Main	H4000103000007	54	100		\$ 2,212.00
Vacan Lo	S	Main	H4000103000016	70	125		\$ 2,835.00
418	S	Main	H4000103000023	20	50		\$ 910.00
516	S	Main	H4000103000029	46	465		\$ 4,543.00
518	S	Main	H4100103000030	40	180	220	\$ 4,140.00
520	S	Main	H4100103000031	35	265	64	\$ 3,347.00
604	S	Main	H4000106000015	60	50	70	\$ 2,590.00
606	S	Main	H4000106000016	15	25		\$ 595.00
610-612	S	Main	H4000106000022/H4000106000021	245	560		\$ 10,780.00
613	S.	Main	H4000106000057	86	50		\$ 2,758.00
708	S	Main	H4100106000055	25	150	100	\$ 2,550.00
710	S	Main	H4000106000054	58	150	48	\$ 3,058.00
804	S	Main	H4100106000049			50	\$ 400.00
Empty Lo	N.	Main	H4000007000078	15	50	54	\$ 1,202.00
114	N.	Main	H4100007000050		50		\$ 350.00
200	N.	Main	H4100007000056	20	275		\$ 2,485.00
204	N.	Main	H4000007000057		25	40	\$ 495.00
215	N.	Main	H4100007000087		400	221	\$ 4,568.00
304	N.	Main	H4000007000067	15	150	91	\$ 2,198.00
310	N.	Main	H4100007000069	10	50		\$ 630.00
314	N.	Main	H4100007000070	5			\$ 140.00
315	N.	Main	H4000007000077	15	125	42	\$ 1,631.00
318	N.	Main	H4000007000073	15	25	63	\$ 1,099.00
319	N.	Main	H4100007000075		150		\$ 1,050.00
322	N.	Main	H4100007000072		50		\$ 350.00
323	N.	Main	H4100007000074	40	350	78	\$ 4,194.00
							\$ 96,158.00

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: April 6, 2010

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

March 16, 2010
Date Prepared

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

Recommendation: Denial

Discussion:

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

Many citizens came before the Commission to voice their concerns regarding the impact the proposed change may have to the neighborhood.

Based on the staff report and citizen comments, the Planning Commission determined that the request did not satisfy the Decision Standards outlined in Oxford Zoning Code Section 1135.02 (c)(1) and in a vote of 5-1-0 recommended denial of this zoning map amendment to City Council.

Approved By:

Department Head:

City Attorney:

Acting **City Manager:**

Initial Date

JHC 3/16/10

[Signature] 4/1/10

ORDINANCE NO.

ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ZONING MAP AMENDMENT APPLICATION TO REZONE PROPERTY LOCATED AT 5990 CONTRERAS ROAD FROM R1B (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT TO RO (OFFICE RESIDENTIAL) DISTRICT.

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

SECTION I: Council hereby finds in accordance with Section 1135 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on March 9, 2010 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended denial of the Zoning Map Amendment application submitted by Peter and Connie McCarthy, Owners, to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Density Residential) District to RO (Office Residential) District.

SECTION II: During the public hearing held on March 9, 2010 the City of Oxford Planning Commission applied each of the Decision Standards set forth in Section 1135.02(c)(1) of the City of Oxford's Planning and Zoning Code to the Zoning Map Amendment application submitted by Peter and Connie McCarthy. The Planning Commission members determined that the Zoning Map Amendment application did not meet the following Decision Standards set forth in Section 1135.02(c)(1):

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

Map Amendments

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

Based on the fact that the Zoning Map Amendment application did not satisfy one of the Decision Standards as is required by Section 1135.02(c)(1) of the City of Oxford's Planning and Zoning Code, the City of Oxford Planning Commission denied the application submitted by Peter and Connie McCarthy, Owners, for a Zoning Map Amendment to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Density Residential) District to RO (Office Residential) District.

SECTION III: Council hereby accepts the recommendation of the Planning Commission and the reports submitted by the Planning Commission and incorporates the same herein and further denies the application submitted by Peter and Connie McCarthy, Owners, for a Zoning Map Amendment to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Residential) District to RO (Office Residential) District.

SECTION IV: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	March 16, 2010
<u>Case Number</u>	PC-04-2010
<u>Applicant Information</u>	Peter and Connie McCarthy, Applicant/Owner
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	Request for a Zoning Map Amendment from R1B (Single-Family Medium Density Residential) to RO (Office Residential) District
<u>Public Hearing Information</u>	On March 9, 2010, a Public Hearing was held at 118 West High Street. A Hearing Notice was published in the Oxford Press on January 8, 2010 and February 10, 2010. (A Public Hearing was initially scheduled for February 9, 2010; however, due to the weather was rescheduled for February 17, 2010. Unfortunately, the Applicant needed to postpone to the March Planning Commission meeting). Courtesy notices were mailed to adjacent property owners on January 7, 2010 and February 10, 2010.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 denying the Zoning Map Amendment.
<u>Commission Findings and Conclusions</u>	After Public Hearing and discussion, the Planning Commission voted to recommend denial of the proposed map amendment based on the Decision Standards not being satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated January 21, 2010 2. Inter-Office Review Transmittal Sheets dated January 7, 2010 3. Review and Comment Forms from the Public 4. Miscellaneous E-mails 5. Zoning Map 6. Aerial View 7. Property Notification Map 8. Zoning Map Amendment Application dated December 28, 2009 9. Site Map 10. Legal Description 11. Miscellaneous Correspondence from Mr. McCarthy

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-04-2010

Date – March 9, 2010

APPLICATION

Applicant:	Peter and Connie McCarthy
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Zoning Map Amendment from "R1B" to "RO"
Current Use:	Duplex Residence
Current Zoning	"R1B" Single Family Medium Density Residential District
Surrounding Existing Land Uses:	Multi-family and single family

GENERAL DESCRIPTION

The subject property is located on one (1) acre at the northwestern corner of Contreras Road and Jacqueline Drive. The Applicant is requesting a zoning map amendment of this property from R1B (Single Family Medium Density Residential District) to RO (Office-Residential District).

Currently, the building has been used as a two-family dwelling. The Applicant came before the Planning Commission for a concept presentation on December 8, 2009 to solicit feedback from the members.

SURROUNDING NEIGHBORHOOD

North: "R1B" Single Family Medium Density Residential.
South: "R1A" Single Family Low Density Residential.
East: "R1B" Single Family Medium Density Residential
West: "R3" Multi-Family Residential.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Department and Economic Development. The following comments were returned:

Police Department:	Comments returned with no comments on this request.
Engineering:	Comments returned with comments. See attached.
Fire:	Comments returned with no comments on this request.
Econ. Dev. Dept.:	No comments received on this request.

PUBLIC COMMENT FORMS

Two public comments were received to date.

ZONING CODE REGULATIONS

The current zoning would allow a single-family dwelling to be located on this parcel and the current use as a duplex is considered a nonconforming use. Chapter 1137 Nonconformities governs any nonconformity, specifically allowing a nonconforming use to continue.

The proposed RO District does permit a two-family residential use, as well as mixed use of office and one family, provided the office space does not exceed 2,500 sq. ft.

COMPREHENSIVE PLAN

Pg. 2.4: Gross revenue benefits are highest for office uses, at \$2.27 per square foot, versus \$2.08 for retail and \$1.10 for industrial.

The gross benefits for retail and office use are quite high as compared with that of industrial uses. However, the fiscal costs of serving industrial uses are much lower than those for serving retail. As a result, the net fiscal costs are much higher for retail use. Similarly, while the costs of providing municipal services to office space are higher than those for industrial uses, the benefits of office space (property taxes, income taxes, etc) far outweigh those of industrial uses. Thus, the net fiscal benefit of office space is much higher than that for industrial uses.

- Refer to pages 3.6 & 3.7 as well as Appendix A4 of the Comprehensive Plan for more information.

Pg. 3.5 Table & Map 3.2 Developable Land

According to this table and map there is currently one acre zoned "RO" Office Residential available for development. When the map is more closely reviewed, this is not one contiguous acre, but rather made up of three significantly sized parcels. Of those three parcels, there is only one vacant parcel which is the parking facility located between 12 and 32 W. Church Street.

Pg. 3.11 Reuse is defined as the rehabilitation of an existing property to serve a new purpose.

Pg. 3.17 & Map 3.6 Conservation & Development Map 3.18 Map 3.7 Character Area Map

The Conservation and Development map was prepared based on the responses of the Strong Places Weak Places exercise as well as the developed vs. developable map exercise and created focused areas for improvement. The subject property was considered already developed and not considered as a weak place that caused concern for improvement. It is located on the far edge of the identified Redevelopment Area which states encouragement of a mix of small and medium sized commercial uses with a well defined streetscape and public spaces. Residential uses should also be integrated within the area to create a 24 hour district, and to create shopping and dining options within walking distance of surrounding neighborhoods. However, the primary focus of this Redevelopment Area was for the Locust Street Corridor.

The character area map was created based on existing urban form and similar characteristics. The subject property is listed in the Neighborhood General 3 category, which includes a mix of urban form characteristics seen in the Mile Square and the edge subdivisions.

The overall Comprehensive Plan does not specifically address this property directly, yet the Comprehensive Plan was never intended to serve as a parcel specific plan. If the Plan is looked at narrowly, there will be goals and objectives that can be piece-meal together to either support or deny the request at hand. If the Plan is looked at collectively, the Plan would likely support this proposal as long as there are safeguards to protect the overall integrity of the neighborhood and character of the structure.

STAFF ANALYSIS

The Applicant indicated that this 5,400 sq. ft. home, constructed in 1890, was once part of a 13 acre lot. In the early 1970's, 12 acres were sold to developers establishing a majority of multi-family residences, leaving the home to sit on the remaining one acre lot. The Applicant referred to surrounding business development and the property bordering the R3 and GB Districts. Given the site has been the same size since 1970 and remained in the same zoning classification, it seems that the conditions of the neighborhood have not changed significantly in the last 40 years.

The Applicant came before the Planning Commission for a Concept Review in December, 2009. The Commission was not in favor of changing the property into a commercially zoned district, but was open for office-residential zoning; therefore, the Applicant has formally filed an application to initiate a zoning map amendment.

The purpose of establishing a RO District is to encourage a residential environment in established areas with historically significant character, while serving a transition between commercial and residential zoning. Offices and service facilities are permitted to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged.

Since the site is on the far edge of an identified Redevelopment Area that promotes commercial uses, it could be argued that the site might be within the sphere of influence of commercial activities. However, this argument may not hold any weight when considering those parcels adjacent to commercially zone properties, on Vereker Dr. It is important to weigh the implication of changing one parcel from one zoning classification to another classification, which is different than the surrounding properties, as a practice of single parcel zoning that may not be consistent with the intent of uniform zoning.

Even the Office-Residential District is considered Residential District, per section 1133.01. Having a parcel, zoned differently than the surrounding properties, may not be appropriate unless there is compelling evidence to support the request due to the site is significantly different in character than the surrounding land. In order to consider a Map Amendment request, the Planning Commission needs to review the Decision Standards outlined in Section 1135.02 to determine whether the proposed amendment meets at least one of the criteria.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

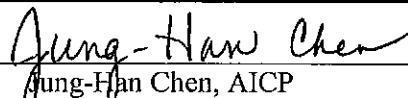
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the Public Hearing. City Council shall base its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

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

Map Amendments

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

SUBMITTED BY: _____


Jung-Han Chen, AICP
Community Development Director

DATE: January 21, 2010

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/7/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2010

Description:

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

 X Review Revisions Other

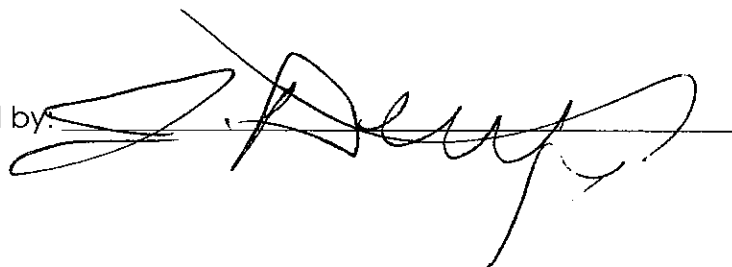
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/22/2010** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/7/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2010

Description:

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

X Review _____ Revisions _____ Other

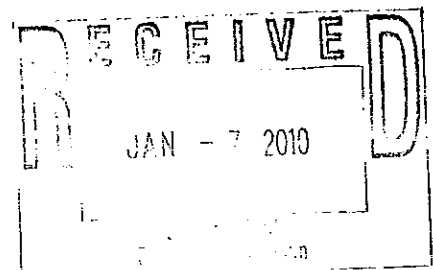
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/22/2010** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 1-7-10

Drawings reviewed by: *A. P. [Signature]* 1-7-10





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-04-2010
Zoning Map Amendment
5990 Contreras Road

DATE: January 7, 2010

The Engineering Division recommends approval of this case based on the following conditions that will have to be met.

- Off street parking, as per City of Oxford's Specifications, must be implemented.
- Any modifications in the utility services must meet the City of Oxford's Specifications.

If there are questions, please contact the Engineering Division.

Drawings reviewed by: _____



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

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

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

(Helene)
Name: Fritz & Bob Logsdon
Address: 6030 Contreras Rd
Oxford OH 45056
Telephone: Home: 523-3673 Work: 529-5631

COMMENTS: I have no problem with this amendment and I live directly next door to the McCarthys!

Fritz Logsdon
Signature

1/11/10
Date

Translation:

I have no problem with this amendment and I live directly next door to the McCarthy's. I fully support this and hope all out neighbors are graciously accepting as well! Thank you!



PUBLIC HEARING

On Tuesday, February 9, 2010 beginning at 7:30 p.m., the Oxford Planning Commission will hold a Public Hearing at the Oxford Courthouse, 118 West High Street, Oxford, Ohio in order to consider the following:

~~PC-03-2010 FINAL SUBDIVISION~~, Phase 2, Reckford Woods, Hester Road, 3.178 acres, Jean Masthay, Tri-State Habitat for Humanity, Applicant

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

Lynn Taylor
Administrative Assistant
Community Development Department
513/524-5204

January 8, 2010 Oxford Press

I fully support this &
hope all our neighbors are
graciously accepting as well!
Thank you!

OXFORD

CITY OF OXFORD PLANNING COMMISSION REVIEW AND COMMENT FORM

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

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

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: BETTY L. BARNHART
Address: 6051 Contreras Rd. Oxford, OH 45056
Home Phone: 523-5927

Dear Planning Commissioners: I am unable to attend your February 9 meeting so I am submitting this form. I thought my comments wouldn't matter, but every one is important.

I have been a very long-term resident at 6051 Contreras since 1951 (58 yrs.) so the possibility of rezoning a corner that I can see from my front window is of great concern to me as it should be to you – *whether you live in the area or pass this corner daily.*

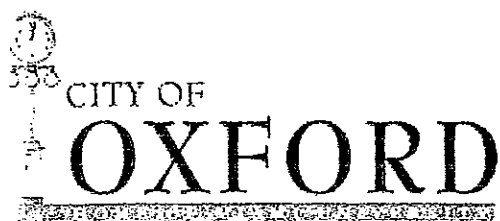
I read the minutes of your December meeting where it said "Mr. McCarthy stated he had spoken to surrounding neighbors regarding the office space idea and they were in agreement with the idea." I am definitely not in agreement with his plan, nor did Mr. McCarthy ever talk to me in person about it. I am not for such rezoning with a change of use from residential. For one, the zoning change would affect our property values, which is most important to the majority of us who are owner-occupied single family homes. Second, who knows what would ultimately be in that building. What is promised is rarely delivered.

We used to be all residential in this area. This is still a neighborhood with the character we would like to maintain. As planners, you should encourage it to remain so without the 'creeping in' of office or business. This would open up the entire town to optional rezoning and would set a precedent. If you selectively choose to spot rezone this property, it will happen in another pocket of town. Even if you review cases one by one, any other applicant has the right to say, "If you did it for McCarthy on Contreras, you should approve ours."

If you have a zoning code and comprehensive plan, why aren't you sticking with it? Those are your directives. Applicants should conform to those guidelines, and you should not approve those who don't. This application should not continue on to a Board of Zoning Appeals for even more allowances. Why have a zoning code if you abuse it, and don't abide by it?

Betty L. Barnhart

2-1-2010



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

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

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Marjorie S. Dickinson

Address: 6061 Contreras Rd., Oxford, Ohio

Phone: 523 - 4392

I have lived at my home since 1965. I want the property at 5990 Contreras to remain residential zoning, in keeping with the neighborhood to the west of this house. This home begins the owner-occupied "neighborhood" of Wespiser Place, Hill and Hollow and all of residential Contreras.

There is much vacant property to be used or repurposed for office use all over town, particularly on South Locust, and long unfilled business and office spaces at Stewart Square. To say office space is needed in a residential neighborhood is really not accurate or quite truthful when current conditions and availability in much of Oxford proves otherwise.

Arby's restaurant was there when the McCarthy's moved in, and does not make that much noise as a business to warrant a reason to sell this beautiful family home for office space.

Please do not rezone 5990 Contreras.

Marjorie S. Dickinson
Signature

Feb 1, 2010
Date

Comment, re-zoning request, 5990 Contreras

Van Dam, Scott R. Mr.

Sent: Monday, February 01, 2010 10:05 AM

To: Brewer, William; johnharman@usa.net; mannwell41@woh.rr.com; Kay, Susan; rkeebler@cityofoxford.org; Prytherch, David Lloyd Dr.; Wong, Teddy W. Jr. Mr.

Cc: kdale@cityofoxford.org

Dear Member of the Planning Commission,

I thank you for your time, reading and considering my comments.

I write regarding a re-zoning request involving the residence at 5990 Contreras Rd. I live at 6005 Joseph Drive, a bit to south and west of house in-question. A neighbor across the street received a comment card regarding the proposal.

In brief, my concerns involves the impact on the neighborhood were the residence to be re-zoned from residential to another code, one not strictly residential.

I've lived on Joseph for around 15 years, and therefore, of course, countless times I have passed this house and lot on the corner. And, many times I've been accompanied by a friend or visitor - when walking or driving past - and, unfailingly this house has caught the eye and interest of those with me. It's distinctive because, not simply because it's impressive, has grandeur - it's home. I believe, to many, many persons who pass it, it makes a statement, creates or establishes a "sense" of pride-of-home, and pride-of-neighborhood.

Of course, were it to be re-zoned, it is not of necessary that it would lose these qualities. However, I think there is that risk. If not someone's home, but rather a perhaps transient place-of-business, it's current strength and contribution - it's statement about quality of home and neighborhood - could be diminished.

I suspect that many who live in the surrounding areas are not wholly conscious of it's impact on quality of mind - or quality of living. Yet, I suspect it's there.

I toured the house a few years ago when it was for-sale. At the time I was encouraging my retired parents to purchase and occupy it. My mother health began deteriorating around this time and my hopes fell through.

It's a great place. A place which owners can and would be proud of, and their pride would radiate to many living nearby and on routes that pass by it. Were it to become a place of business, that strong, positive statement which it currently makes about "neighborhood" and quality of life, may be diminished.

These are perhaps difficult times in regard to finding persons financial capable to owning such a place, but, with patience, I would imagine they shall emerge. I believe the current zoning fosters and preserves "neighborhood."

Thank you,

Scott Van Dam
6005 Joseph Drive
Oxford, Ohio
email: vandamsr@muohio.edu



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

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

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056. / 524-5266

Name: W. ANTHONY (TONY) TERRELL

Address: 4890 DICK ROAD

OXFORD, OHIO 45056

Telephone: Home: 513-839-0108 Work: 513-839-0108

COMMENTS:

Please see attached page (2)

W. Anthony Terrell
Signature

(1)

2-2-2010
Date



CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

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

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by February 2, 2010 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

DONALD & JUDITH NELSON

Address:

6020 JOSEPH DR.

OXFORD

Telephone:

Home: 523-4478

Work:

COMMENTS:

PLEASE RECORD OUR OPPOSITION TO THE PROPOSED CHANGES IN ZONING FROM A HOUSEHOLD THAT IS LESS THAN 100 YARDS DISTANT FROM THE PROPERTY IN QUESTION. ARBY IS ALREADY TOO CLOSE AND FURTHER ENCROACHMENT INTO THE PREDOMINANTLY RESIDENTIAL NEIGHBORHOOD IS UNACCEPTABLE. WE ARE CONCERNED THAT AN RO DESIGNATION MIGHT EASILY ALLOW FOR UNWANTED BUSINESS ACTIVITY THAT WOULD INCREASE TRAFFIC AT A SITE WHICH CURRENTLY ACCOMMODATES TWO SCHOOL BUS STOPS AND WOULD DEFINITELY UNDERMINE THE PURELY RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD WHICH, IN TURN, WOULD HAVE A NEGATIVE IMPACT ON PROPERTY VALUES.

Signature

Donald & Judith Nelson
Judith C. Nelson

Date

FEBRUARY 1, 2010

Translation - next page →

Translation:

Please record our opposition to the proposed change in zoning from a household that is less than 100 yards distance from the property in question. Arby's is already too close and further encroachment into this predominantly residential neighborhood is unacceptable. We are concerned that an RO designation might easily allow for unwanted business activity that would increase traffic at a site which currently accommodates two school bus stops and would definitely undermine the purely residential character of the neighborhood which, in turn, would have a negative impact on property values. Judith Nelson

Donald Nelson



CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to R0 (Office Residential), Peter and Connie McCarthy, Owners, Applicants

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, 45056.

Name:

Edward DeVillez

Address:

5166 Westgate
Oxford OH

Telephone:

Home: 523-2098

Work: 330-0898

COMMENTS:

Why should the city rezone based on the argument that it can't be sold as a residence. The price is inflated and market slow. Welcome to the homeowners of Oxford & the Country. Edward DeVillez 2/10 3:53 PM 2/2/2010

Translation:

Edward DeVillez- Why should the city rezone based on the argument that it can't be sold as a residence. The price is inflated and market slow. Welcome to the homeowners of Oxford and the Country.

Received 3/23/10

Pete McCarthy told me about this — I would just say that the entrance to our neighborhood is already botched beyond description. Cross the tracks going west and one sees a broken down fence, mud, honeysuckle and the backs of low-rent apartments w/ dumpsters. Also, the tree lawn strip of grass between road + sidewalk there is rutted and muddy, becomes weeds later in the season and is never repaired, because there is no way for it to not keep getting rutted — just take the front of my house at 6166 Contreras. No curbs and lousy drainage makes for ruts and mud with no end.

Pete's house is the one bright shining good-looking thing to see in that whole area. If this proposed zoning change keeps it a doctor's office instead of becoming a student slum, then I'm all for it!! Fix up some curbs and drainage on Contreras, or else fix it monthly, since your engineering screwed it up!

John Kogge

Kathy Dale

From: marvin hurston [hurstons@zoomtown.com]
Sent: Monday, January 25, 2010 11:01 AM
To: Kathy Dale
Subject: FW: Oxford: 5990 Contreras, FYI

From: Kathleen Zien [mailto:zienkl@hotmail.com]

Sent: Sunday, January 03, 2010 11:53 PM

To: johnharman@usa.net; bblackburn@cityofoxford.org; rkeebler@cityofoxford.org; greigjr@gmail.com; katecurrie@hotmail.com; kevin@mckeehans.com; retiredbogard@woh.rr.com; kaysa@muohio.edu; wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu

Cc: smithml3@muohio.edu; kkpeterka@hotmail.com; henderlb@muohio.edu; dhaizman@aol.com; lloydhc@muohio.edu

Subject: Oxford: 5990 Contreras, FYI

1

TO: Council, Planning
Cc: HAPC

Sunday, January 03, 2010, LATE PM

To all:

I noted in the Dec. 8, 2009 Planning agenda there was a Concept review requested of that board by Pete and Connie McCarthy under 'New Business' for their property at 5990 Contreras.

Since I was not able to attend that meeting, I don't know what was discussed, nor what the input was from the applicant or the board's suggestion of encouragement or denial may have been. I would hope Planning members discouraged the possibility of the proposal to turn that residence into office space.

The McCarthy's currently live in that grand home @ 5990 Contreras (NW corner of Contreras and Jacqueline)...*at one time, referred to as the Osborne House when Dave and Virginia Osborne purchased it in 1974.*

It's an elegant 'statement' home as anyone who walks or drives by it can see.

It sits on a very generous .9183 acre, corner lot. Auditor records indicate vintage 1900, although it was built in 1896 for the founder of the Farmer's State Bank in Oxford; It was a house for entertaining. The original parcel was 13 acres. It had extensive renovations in 1920, including the wrap around porch. I suspect it was "the" estate home on the west side of town before the twelve acres were sold off to developers for Wespiser Place, up to and including Hill & Hollow at Hilltop and Contreras, as the possible original estate acreage.

In any case, that brings us to its use today. It's a grand residence and should remain such. It is located on a pivotal corner as an Entry Home Property [on a main E/W connector within Oxford], heading into a single family zoning ---

I'm at a disadvantage in commenting or 'reporting' since my copy of the Council agenda was not at the police station for my weekend pickup. *The Councilors had full red packets, so I assume they held agendas that were prepared before the holiday.*

I was hoping, at least, to read this week's Council Consent Agenda for minimal coverage of the Dec. Planning commission. Planning minutes won't be out until next week's Jan. 12 agenda.

It could well be that the Auditor's site is unfortunately outdated, including permit information. The site notes the McCarthy's purchased it in May, 2002. Since then, I know the rear NE corner, closest to Jacqueline (just within the new fenced side) had either an addition, extension or makeover of an enclosed porch, now into an enlarged family room.

The auditor's footprint of the house does NOT match what Mr. McCarthy submitted in his drawings to Planning.

"D" on the footprint of the auditor's sketch has a frame square of 15 x 15' at the North rear of the house, certainly not the 19.5 x 16' family room listed on McCarthy's submission.

That physical changeover of that 'old' square room and increasing the footprint would have mandated a building permit since it was done with the McCarthy occupancy. However, no permits are listed after 1989; that one was for a mere \$100 fee for an addition, certainly not one completed since McCarthy's moved there.

I am including HAPC members in this message. Although the Contreras address is physically outside their Oxford Mile Square purview, I know the proposal would be of interest (and perhaps disappointment) to that board. Both Dan Haizman and Howell Lloyd would pass it daily to their homes, as I do. Kim Peterka is particularly a staunch supporter of buildings not only maintaining their historic and architectural character, but their original use.

I don't think it is the intent, nor the right, of any board or commission to suggest spot (re)zoning at the request of an owner. This is clearly what this Concept Review would suggest the McCarthy's would like to see happen.

That is a keystone corner of a residential neighborhood.

Even when Arby's made their proposal to have a restaurant built for the SW corner of Lynn and Contreras 2+ decades go, it was a tough sell to the neighborhood. This would be equally so.

According to the auditor's site, Mr. McCarthy owns 3 other properties in Oxford (*which I assume by the addresses are student income rentals*: 816 S. Beech, 115 S. Elm and 112 S. College (S of the alley next to the Crisis Center brick home)

IF Mr. McCarthy's wish *were* to come true, assuming an unfortunate spot-zone-change to commercial and became an office complex of rooms, he would probably not be living there.

It would be far better for him to sell that property to someone who would maintain it as a HOME than a decision by a[ny] shortsighted group to change zoning, change building use and alter the character of the neighborhood.

I hope Planning discouraged pursuit of this idea and IF it should come to Council's table, those 7 members do the same.

From: zlenkl@hotmail.com

To: kdale@cityofoxford.org; jhchen@cityofoxford.org

CC: delllott@cityofoxford.org; ltaylor@cityofoxford.org

Subject: Comment Cards for McCarthy-Contreras property

Date: Mon, 11 Jan 2010 14:19:22 -0500

2

Planning Dept. - Ms. Dale, Mr. Chen:

Being part of the immediate neighborhood affected by the possible rezone for 5990 Contreras (Pete & Connie McCarthy), I did learn that ONE neighbor on the east end of Joseph, showed me the Public Comment Form they rec'd on Sat. re: this case.

Despite Planning Dept's 'doing their duty' of sending those out, they are absolutely USELESS to those receiving them 'as is.' You can say you legally did the job and contacted property owners with a sheet of paper that lists the case #, date of hearing and the briefest of description (I use the term loosely). But to what end? those who

receive them have no clue about the application and what it contains or the repercussions.

The city provides no background as to what the real issue(s) are...

Listing it as it appears in the Legal Notices of the press, is of no service to the citizen you want to tap to make educated comment. Why should the adjacent owner have to call the city and track down what this is about, when that could be solved by putting in the staff report (as was available for the Contreras 'concept' night at Planning)....or McCarthy's interior drawing of the office spaces proposed that should accompany Comment Cards for PC-04-2010 *(You well know 99.876% of the gen'l citizenry here does not read agendas.)

You do a disservice when you say, "We've done our part" when you really haven't. You haven't provided necessary information for the adjacent property owners to make any educated opinion to write back!

The mins. of the Dec. concept idea McCarthy presented, p.3 of the Jan. PC agenda:

"McCarthy stated he had spoke[n] to surrounding neighbors regarding the office space idea and they were in agreement with the idea."

And **WHO might that have been?** The rental townhouses to his east? The non-owner occupied, rentals from Arby's to Dick on the S. side of the street?

Did Planners ask WHO he asked?

If it was the those residents in the area with a vested interest in it, probably not.

Toss his idea to transient renters who don't care, won't live here for the long haul, could care less about the neighborhood...sure, they'll agree with him!

That was a lame claim assuring Planning the "neighborhood was in agreement." Not so.

I suggest to the very few you probably sent the Comment Form to...that they be provided germane information from the Dec. PC agenda -- *that's the right thing to do to form an opinion and return comment. That would be all of 3 pages. (p. 11, 12, 16) to be effective.*

More paper? definitely.

When staff reports say, "No Comment Sheets Returned" it's for this reason -- because it's only a half done effort. You hope there aren't comments.

4
From: Benson, Rosalyn Erat Mrs. [mailto:rosalyn.benson@muohio.edu]
Sent: Tuesday, January 12, 2010 4:50 PM
To: Kathleen Zien; Jung-Han Chen; Douglas Elliott; Lynn Taylor; Kathy Dale
Cc: Andrew Wilson; Kim Newton
Subject: Re: Comment Cards for McCarthy-Contreras property

Thank you Kathleen.

We live about 6 houses from 5990 Contreras and we have not received a comment form from the city nor were we ever spoken to by Connie or Pete McCarthy.

And we have spoken to them a few times in the past few months and the first that we knew of this plan was when Kathleen Zien sent something to us.

As of right now, we have so many empty office spaces in town, it seems very strange that we would need more in a residential area. Why would this be even considered? Please could we keep some residential neighborhoods within walking distance of the uptown area?

Rosalyn Benson
6090 Contreras

On 1/12/10 4:50 PM, "Kathleen Zien" <zienkl@hotmail.com> wrote:

1

5
Lynn Taylor

From: Lynn Taylor
Sent: Tuesday, January 12, 2010 6:29 PM
To: 'Benson, Rosalyn Erat Mrs.'; Kathleen Zien; Jung-Han Chen; Douglas Elliott; Kathy Dale
Cc: Andrew Wilson; Kim Newton
Subject: RE: Comment Cards for McCarthy-Contreras property

Mrs. Benson-

Thank you for your input. It is very appreciated. In reviewing the Adjoining Property map that we produce in our office to determine properties located in the 200 foot buffer, your address 6090 Contreras was outside of that buffer. Our buffer to the west of the McCarthy property stopped at the 6050 Contreras address.

If you would like to view the map we produced please feel free to come in to our office.

Thanks again.

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

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

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Thursday, January 28, 2010 11:20 PM
To: Henderson, Laura B.
Subject: to follow up your gallery appetizers....

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It has never been, nor should it ever be, the city's responsibility to guarantee any income or profit for any applicant or proposal.

Thursday, January 28, 2010

Laura: I waited until evening to send so that you wouldn't have one more thing in your work mailbox getting ready for a gallery reception....then you can perhaps think about this over the weekend when you have a clear head and more time.

After our brief Aldi conversation, I wanted to point out that whatever you may say, or have said to K.Dale won't do any good unless it is said to Planners!

Whether you write a message to all of them before Feb. 2 so it can be included in the agenda, or say it at the meeting Feb. 9, 7:30 PM, all input is important. Better that Planners hear from a dozen than operate in a vacuum. When the owner said he talked to the neighborhood (when I know that's a real stretch of reality), yet left that impression w/ the PC (based on the minutes) that "all is well w/ the neighborhood and we're all on board, is just not true.

I hold no hopes that you will attend the meeting. You're 'too busy.' But you can write to Planning Commission so they all get your message.

We're all busy. We do what must be done when it's important.
No one else picks up your ball.

Once your gallery reception is over (which I assume will happen before the weekend w/ your Aldi shopping), won't you have time? Please make time.

The fact that I gave every citizen I thought would have – should have – an interest in this rezoning issue, *including you* – makes it easy for you. I did all the work and research.
I looked up the reasons a rezone is considered.
I provided the 8 Decision Standards that it's judged against.
I gave you the Planners email addresses.

Years ago, you noted my research:

From: Laura Henderson <henderlb@muohio.edu>
To: "Kathleen Zien" <zienkl@hotmail.com>
Subject: Re: Street correction
Date: Thu, 03 Nov 2005 08:47:39 -0500

Kathleen,
I received your phone message and emails. **Thank you for filling in the background--it is very thoroughly researched.** I will certainly take all your observations and information into account when voting on this issue.

My biggest frustration with the HAPC is that it doesn't have any real authority to enforce its decisions and thus is not taken seriously.

Thank you,
Laura Henderson

I'd like to think Planning may be taken more seriously. Certainly their 'approval' or 'denial' recommendation on this rezoning will go to Council.

We're all busy. I'm as busy as you are – maybe more....coupled w/ the fact that my research gave adequate information to the recipients to act. (I wish I could have that kind of homework dropped in my lap by someone else! I know I do more research on city issues than some that sit on boards. That's a fact.)

I spend an inordinate amount of time on things that are important to the 'maintenance' and look of the city at the expense of my personal and professional life. I'm self-employed; I hardly have the time to spare. Unlike

many employees who are given a check no matter what their performance, who may be slackers yet still get paid even if there's not much to show for it... if I don't weave I don't sell.

When you said, "Well, it'll be in BZA's lap....I already talked to K.Dale about it."
Talking to K.Dale does nothing. She can't relay your message. YOU have to do it.

This proposal to rezone shouldn't even get to BZA!
It shouldn't even have left K.Dale's office and into the Dec. Planning meeting as a concept idea!

I don't want yet another realtor or developer do one more 'snow job' before a board!

This applicant and his realtor (who I've seen enough over 24 yrs. of proposals to know how he 'works') just didn't take NO when K.Dale advised that it wasn't really an appropriate request.

The staff report in the Dec. agenda noted: "Staff reviewed concerns of rezoning property to a district it is NOT contiguous with and advised against."

Even staff saw the discrepancy of the request against the neighborhood, implied that in her report, yet the applicant & realtor apparently disregarded the code, comprehensive plan and staff advice and came to Planning anyway.

The requirements for a rezone or map amendment request is clear. I didn't attend the PC Dec. meeting, even having the agenda beforehand because I assumed Planning would take those under equal scrutiny and note the request clearly does not qualify on any of the four specs. They didn't seem to review them:

- There is NO error on the official Zoning Map.
- The McCarthy request will NOT make the map conform more closely w/ the Compre. Plan
- There has NOT been a substantial change in area conditions that necessitate a change AND, clearly,
- There is NOT a legitimate need for this area in a district that does not support it.

There has been no change in area conditions to mandate a change, and certainly there is no need for business or commercial zoning in the keystone corner of a block that begins an established residential neighborhood.

Further, there is no NEED for turning this residence into office space when there are available vacant locations in town that can (*and were designed and marketed to*) accommodate business opportunities --- from vacant storefronts uptown, to the S.Locust corridor and N27 areas, to larger office suites with and without High street visibility. Economic Development Director Kyger could direct any interested parties to numerous, vacant locations in and around Oxford.

So...If you speak as a citizen who I believe shows support & value for residential use of architectural treasures (one of few remaining 100 yr. old homes in Oxford —estate-like in 'presence' — at 5500 sq. ft)., then you'll contact Planners before the Feb. 2 deadline to get your thoughts in writing!

Don't count on BZA to do the right thing, and think anything good will come of this if it goes to them.
Any request for a variance is a request to oppose the zoning code.
Plain and simple. In essence, every variance condones a violation.
Variances numbered very few years ago; some months there were no hearings. Now there can be 5+ appeals a meeting. Too many are issued.

There are some on BZA that don't even remember it's their night for a meeting! Yes, sometimes staff has to call one (or more) of them from the courthouse to get them out of a sleep! They're still at home and it's 7:30 PM!

Your neighbor Bill Houk, is the only bright bulb on BZA.

It doesn't matter that this house and its use won't come before HAPC because it's not in the Mile Square footprint. That's not the point.

The fact that it's come before any board with a request to rezone is the issue.

You can speak up as a citizen (that you serve on HAPC is coincidental but beneficial, and should also carry some weight as a reference point). I believe this home in this neighborhood, should remain residential and maintain its integrity as such. Where it is, what it currently looks like, and maintaining the use as a residence vs. office is important. It's location as a keystone entry into residential should speak to you.

Please contact and copy all, with a copy to Kdale@cityofoxford.org so it gets into the agenda!

Ted Wong	Wongtw@muohio.edu
Bill Brewer	Bbrewer@designedlearning.com
John Harman	Johnharman@usa.net
Marvin Hurston	Mannwell41@woh.rr.com
	hurstons@zoomtown.com
Susan Ann Kay	Kaysa@muohio.edu
Richard Keebler	Rkeebler@cityofoxford.org
David Prytherch	Prythedl@muohio.edu

I would hope that your interest in sitting on HAPC isn't just a resume booster. You can, and should, make a difference – both as an articulate citizen and HAPC member. Thanks.

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

Kathy Dale

From: Henderson, Laura B. [henderlb@muohio.edu]
Sent: Monday, February 01, 2010 5:00 PM
To: Kathy Dale
Subject: FW: Public Comment Form attached
Attachments: Review & Comment Form.pdf

10

Laura B. Henderson
Collections Manager/Registrar
Miami University Art Museum
801 South Patterson Avenue
Oxford, OH 45056
Tel: 513-529-2235
Fax: 513-529-6555

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Monday, February 01, 2010 4:31 PM
Subject: Public Comment Form attached

This is blind copied to a varied, mixed group. You may/may not have rec'd a comment card.

FIRST, I AM FORWARDING the official blank Comment Form for the McCarthy hearing for rezoning 5990 Contreras.

SECOND, I WILL FORWARD 3 pages from the upcoming agenda: The application itself and the 'defense' of the decision standards by the applicant.

*(I think you can shoot holes through much of it, -- whether written or spoken -- but you must do it!)
No one else will do it for you.*

LAST, I WILL FORWARD THE POSSIBLE USES OF RESIDENTIAL OFFICE ZONING.

Anyone may use the Attached Comment Form or make up your own.

Few of you may have rec'd them since you're not within the "golden" 200 foot distance from the property. Even some who see it from their house didn't get one if they were 205' away!

(All the townhouses to the east of McCarthy property, across from US Bank, are owned by local land-mass-owner Ned Hoelzer. *(Not likely NH will speak against an applicant when he may have other things he needs to bring before a board and needs their support!)*

Those who live in those townhouses won't get comment cards. They don't have owner-occupied investment. They are renters, probably temporary and transient and don't have long term commitment to the neighborhood or community-at-large.

Unless you have ESP and knew what this hearing was about, it is virtually a useless comment form. It *just* serves the legal requirement that neighboring property owners are contacted. There is no support material from

staff, no minutes of the meeting, no application information that accompanies the form to know what it's about or to submit an informed comment!

There is so much upper margin space at top of the form, it leaves all of 2" of space for comment. That hardly does comment justice. *(Maybe they don't want comments?)*

Even if you have just two sentences of concerns, get it in writing, and submit.

If you have ?s about it, put that in the comment form. Those concerns would have to be addressed by Planners. I hope this agenda will bulge with public comment!

You can make up your own form or include in your email:

Case # PC – 04 –2010 Zoning Map Amendment

Feb. 9, 2010 Date of Hearing

Comments:

Your name, address, phone.

If you hand deliver it up to the 2nd flr. of city bldg. Planning Dept. you can sign off on it and date it.

If it's emailed to all Planners and Kathy Dale (Planning Dept.) it's dated, and we hope, will be read.

Cc: Kdale@cityofoxford.org

Planners Name

Email Address

Ted Wong

Wongtw@muohio.edu

Bill Brewer

Bbrewer@designedlearning.com

John Harman

Johnharman@usa.net

Marvin Hurston

hurstons@zoomtown.com

Susan Ann Kay

Kaysa@muohio.edu

Richard Keebler

Rkeebler@cityofoxford.org

David Prytherch

Prythedl@muohio.edu

DEADLINE IS END OF WORK DAY TUESDAY, FEB. 2, ALTHOUGH NOON IS PREFERRED TO BE INCLUDED IN AGENDA. (So they can start copying and collating).

YOU MAY REQUEST A COPY OF THE AGENDA (which will be ready by Friday PM), so you can review over the weekend and not be 'surprised' by anything you read while sitting at the meeting. It may also give you more ammunition when you plan ahead.

YOUR AGENDA WILL BE HELD AT THE POLICE STATION SO YOU CAN PICK IT UP ANY TIME 24/7.

BUZZ THE DISPATCHER, TELL THEM YOU'RE THERE FOR AN AGENDA; THEY'LL BE TO THE LEFT OF THE DOOR W/ YOUR NAME ON IT.

Even if you write ahead w/ comment & concerns, you can also address Planners at the Feb. 9 meeting, 7:30 PM Courthouse.

You may think of things by then that you didn't put in the comment form.

Having Planners hearing and reading it more than once will do good.

JUST DO IT!

I am counting on your to attend Tues.

There is strength in numbers, clear-thinking residents and the power of logic!

Silence means consent....

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

(From Kathy Dale)

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

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

Subject: 5990 Contreras - Oxford Request

||

Stuart,

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

Should you have any questions please do not hesitate.

Professionally,

Kathryn A. Dale, AICP

City of Oxford

City Planner

Community Development Department

101 E. High Street

Oxford, Ohio 45056

p. (513) 524-5204

f. (513) 524-5266

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Ms. Dale:

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

Stuart Meck, FAICP/PP

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

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

11b

Stuart,

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

Kathryn A. Dale, AICP

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

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

11a

Ms. Dale:

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

Thank you.

Stuart Meck

Kathy Dale

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

lle

Ms. Dale:

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

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

Stuart Meck

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

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

lld

Stuart,

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

Respectfully,

Kathryn A. Dale, AICP

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

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

lle

Kathy Dale

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

12

Ms. Dale:

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

Stuart Meck, FAICP/PP

Stuart Meck, FAICP/PP
222 Mercer Street
Trenton, NJ 08611-1726

Telephone (609) 396-2236

Email: meckplan@aol.com

February 8, 2010

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

12a

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

Dear Commission Members:

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

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

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

The Corrosive Impact of Spot Zoning Changes on Mature Neighborhoods

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Map Amendments.

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

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

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

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

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

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

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

HOW TO USE THE LAND USE RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁷ *Ibid.*, p. 3.14.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁹ Letter from Dennis Jena, August 24, 2004.

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

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

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

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

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

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

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

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

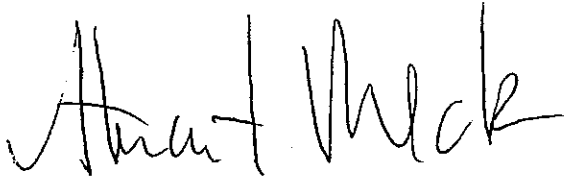
Consequently, I conducted a database search on the National Association of Realtors website and for the well-known Appraisal Journal, going back to 1965. I could not find any reference to this term as applied to residences, except one article on the Realtors website dealing with aging notebook computers.

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

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

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

Cordially,

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

Stuart Meck

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

cc: Oxford City Council

/sm

This email was brought in by Pete McCarthy on Monday, February 8, 2010. This was the FULL response made by Connie McCarthy to Kathleen Zien on January 13, 2010

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

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

Dear Kathleen,

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

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

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

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

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

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

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

Sincerely,
Connie McCarthy, AIA, LEED AP

Jung-Han Chen

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

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

Dear Mr. Brewer,

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

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

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Version: 8.5.435 / Virus Database: 271.1.1/2667 - Release Date: 02/05/10 07:35:00

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Lynn Taylor

From: Kathleen Zien [zienk1@hotmail.com]
Sent: Friday, February 05, 2010 5:14 PM ✓
To: bill houk; John Harman (External); Bob Blackburn; Richard Keebler; Greig Rutherford (External); katecurrie@hotmail.com; kevin@mckeehans.com; retiredbogard@woh.rr.com; bbrewer@designedlearning.com; wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu; kaysa@muohio.edu; smithml3@muohio.edu; kkpeterka@hotmail.com; henderlb@muohio.edu; dhaizman@aol.com; lloydhc@muohio.edu
Cc: Lynn Taylor; Kim Newton; Mary Ann Eaton; steve mchugh; Jung-Han Chen; Kathy Dale
Subject: common sense to promote participation?

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

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

Friday, 2/5/10 late afternoon

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

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

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

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

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

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

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

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

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

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

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

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

The brief descriptive was:

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

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

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

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

There was no staff recommendation that would bias.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Oxford is small enough that every decision affects us all.

Hotmail: Free, trusted and rich email service. [Get it now.](#)

Kathy Dale

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

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

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

thnx.k

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Jung-Han Chen

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

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

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

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

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

just for you....

Sunday, February 07, 2010

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

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

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

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

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

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

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

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

kz

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Lynn Taylor

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

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

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

SUNDAY, 2/7/10

Dear Planners and staff:

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

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

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

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

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

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

Thanks.

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Kathy Dale

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

Here's one more.
Susan

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

Dear City Officials,

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

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

Jung-Han Chen

additional public comment

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

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

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Planning Commission Members,

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

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

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

Janis Dutton

1 Marsala

5106 Bonham Rd

presentation / speech given on
PC-04-2010@ 3/9/10 Nto

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

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

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

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

Thank you.



March 28, 2010

Gini Maddocks
211 S. Elm Street, E
Oxford, Ohio 46066

To Whom It May Concern

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

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

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

Sincerely,

Gini Maddocks

Planning Commission Meeting
March 9, 2010
McCarthy Statement

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

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

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

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

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

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

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

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

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

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

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

We thank you for your consideration of this application.

Lynn Taylor

Comment after 3/9/10

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

mtg
27

For the record.
Susan

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

Susan,

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

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

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

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

Thank you for your service to the community of Oxford.

Edward DeVillez
5166 Westgate Dr.

RECEIVED
APR 05 2010
City of Oxford

March 30, 2010

Dear City Council Members,

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

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

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

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

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

Sincerely,

Cindy Hurley
107 Marti Court
Oxford, OH, 45056

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

----- End of Forwarded Message

Mary Ann Eaton

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

Importance: High

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

Thanks,

Bob and Rosalyn Benson

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

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

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

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

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

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

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

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

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

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

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

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

Robert and Rosalyn Benson
6090 Contreras

Mary Ann Eaton

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

Council Members:

I have been away from Oxford, March 24 - April 13. And on my return, I am shocked to learn that the City Council is considering a rezone of the property at 5990 Contreras Road. I attended the meeting of Planning Commission when they voted to deny recommending that action. The only vote for the proposal was by a Council Member who is a Realtor. I believe that he has conflict of interest in this case & should recuse himself from voting. Conceivably he could sell that property & should not be permitted to rule on its zoning. As I was out of town when Council had the first reading for this ammendment I was unable to see & hear for myself the discussion. I would just like to point out that it is not the duty of City Council to rescue homeowners from their privately assumed burdens. If that were the case, you would have a line from City Hall to College Corner waiting for your largesse. If the RO zoning is needed in Oxford, it should not be dug out of our residential streets. Talk to the landlords who have vacancies in the Mile Square & use their properties. Be creative with some of the vacant areas Uptown.

And why isn't Council taking the advice of the Planning Commission? These talented citizens have given time & energy to their evaluation of this request & you act as if they didn't exist. Again let me point out that it is not your duty to be a Rescue Squad. Citizens are not entitled to have the city make changes like this to dig them out of a financial hole. Nor should Council be spending all this time on a request that shows no merit. It is not leading to an action that would be an asset to our community. Rather it would set a precedent that could lead to pockets of spot zoning like this throughout our residential neighborhoods. I hope that Oxford is more than a town manipulated to the advantage of landlords & realtors. You need to consider the long term effect of the approval of this request. Again I say you are not a Rescue Squad, especially when that rescue imperils other citizens. **DO YOU REALLY WANT TO SAY BY APPROVING THIS THAT YOU WANT SPOT ZONING THROUGHOUT OUR RESIDENTIAL AREAS? I HOPE NOT!** Please look at the big picture here & the future of Oxford's neighborhoods.

Your Concerned Neighbor,
Marsha A Haffey
5106 Bonham Rd.

Mary Ann Eaton

From: Kathy Dale
Sent: Tuesday, April 20, 2010 11:42 AM
To: Mary Ann Eaton
Subject: FW: 5990 Contreras

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

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

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

From: Toops, Stanley W. Dr. [mailto:toopssw@muohio.edu]
Sent: Thursday, April 15, 2010 9:44 PM
To: Kate Currie; John Harman (External); Richard Keebler; Kevin McKeehan; Greig Rutherford
Cc: Kathy Dale; Jung-Han Chen; Lynn Taylor
Subject: 5990 Contreras

April 15, 2010

Dear Oxford City Council Member

I wanted to let you know how disappointed I am to hear that Oxford City Council is proposing to change zoning for the home at 5990 Contreras from residential to business in spite of the Oxford Planning Commissions' recommendation to deny this zoning change.

This remarkable home is surrounded by residential zoning and any change to business would be a spot zoning that would be detrimental to both the homeowners and businesses in Oxford.

For homeowners, such as my husband and myself who live at 6051 Joseph Dr, we most likely will have a precipitous drop in home value beyond the recent devaluation. There is also a safety issue for residents, drivers, and school children with the increase in traffic congestion that will occur at this location so close to the rail crossing.

Now several times a day, traffic is backed up on Contreras over the rail crossing to one side. There are also several school bus stops on either side of the 5999 Contreras home. I really suggest that you personally observe that location before making any decision to change the current zoning. This could be a tragic accident in the making.

Additionally, as a former business owner, I don't see this as favorable to the businesses in Oxford. To have a sprawling business zone actually has a detrimental effect on other businesses. This home that is bounded on all sides by residences would not be a good location for a business. You are also actually taking away value from other business

locations. Consider the many business vacancies in town already - it certainly would not help any of them.

The current majestic home and lot would be scarred by the addition of many parking spots. The neighborhood will be burdened with additional traffic. Local residents will lose value in their homes. And local businesses would not gain either. This proposed change is a lose lose lose situation; the only people who will benefit (the current residents) will leave the community.

Sincerely,
Simone A. Andrus
6051 Joseph Drive
Oxford Ohio 45056

Stanley W. Toops

Mary Ann Eaton

From: Marsha Haffey [momhaffey@yahoo.com]
Sent: Monday, April 26, 2010 10:29 AM
To: retiredbogard@woh.rr.com
Cc: Jack; Alan Kyger; Bob Blackburn; Greig Rutherford; John Harman (External); Kevin McKeehan; Kate Currie; Mary Ann Eaton; retiredbogard@woh.rr.com; Richard Keebler
Subject: Application to rezone property at 5990 Contreras

Dear Mr. Bogard,

Because the other Councilors voted in a tie in your absence from the last City Council meeting, it is my understanding that this procedure now must be restarted at Square One.

I am so discouraged that the Council chose to ignore the advice of both the Planning Commission & the city's Legal Advisor. To reject the legal ramifications stated by Mr. McHugh is fool-hardy. Hasn't the city just paid out money due to previous poor decision making?

Please remember there are many other Contreras neighborhood property owners involved here than the immediate owners of 5990. It is not the duty of City Council to rescue propertyowners at the peril of other property owners.

Remember that this will be a precedent setting decision. If the Coucil approves this ammendment, how can they ever say no to others who come with the same request. The city will be pock-marked with Spot Zoning. This decision would reach far out from the Contreras neighborhood.

Please spend time studying all aspects of this case for it appears your vote is an important one & will be far reaching.

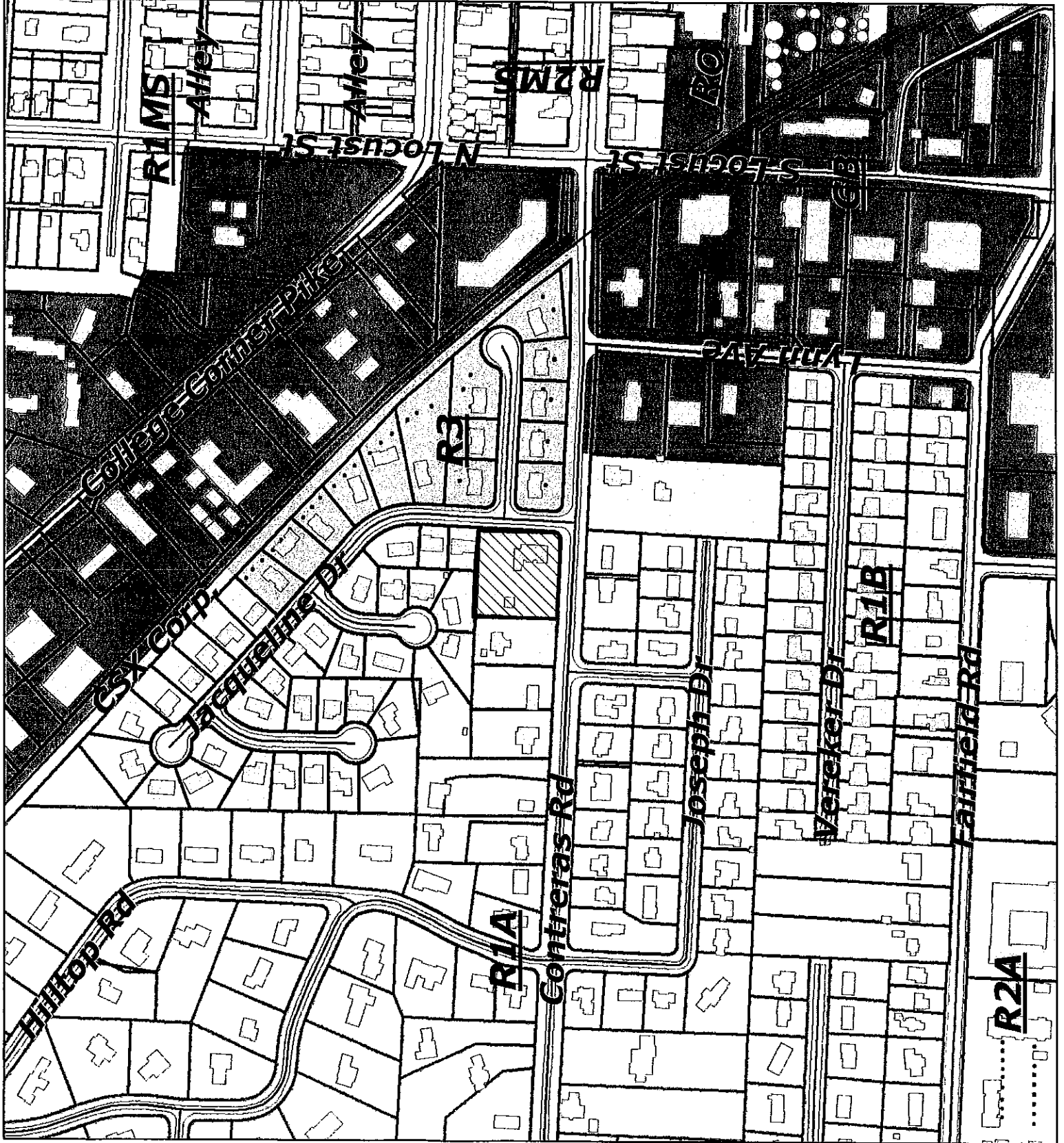
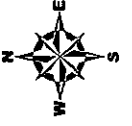
With Deep Concern,

Marsha A. Haffey

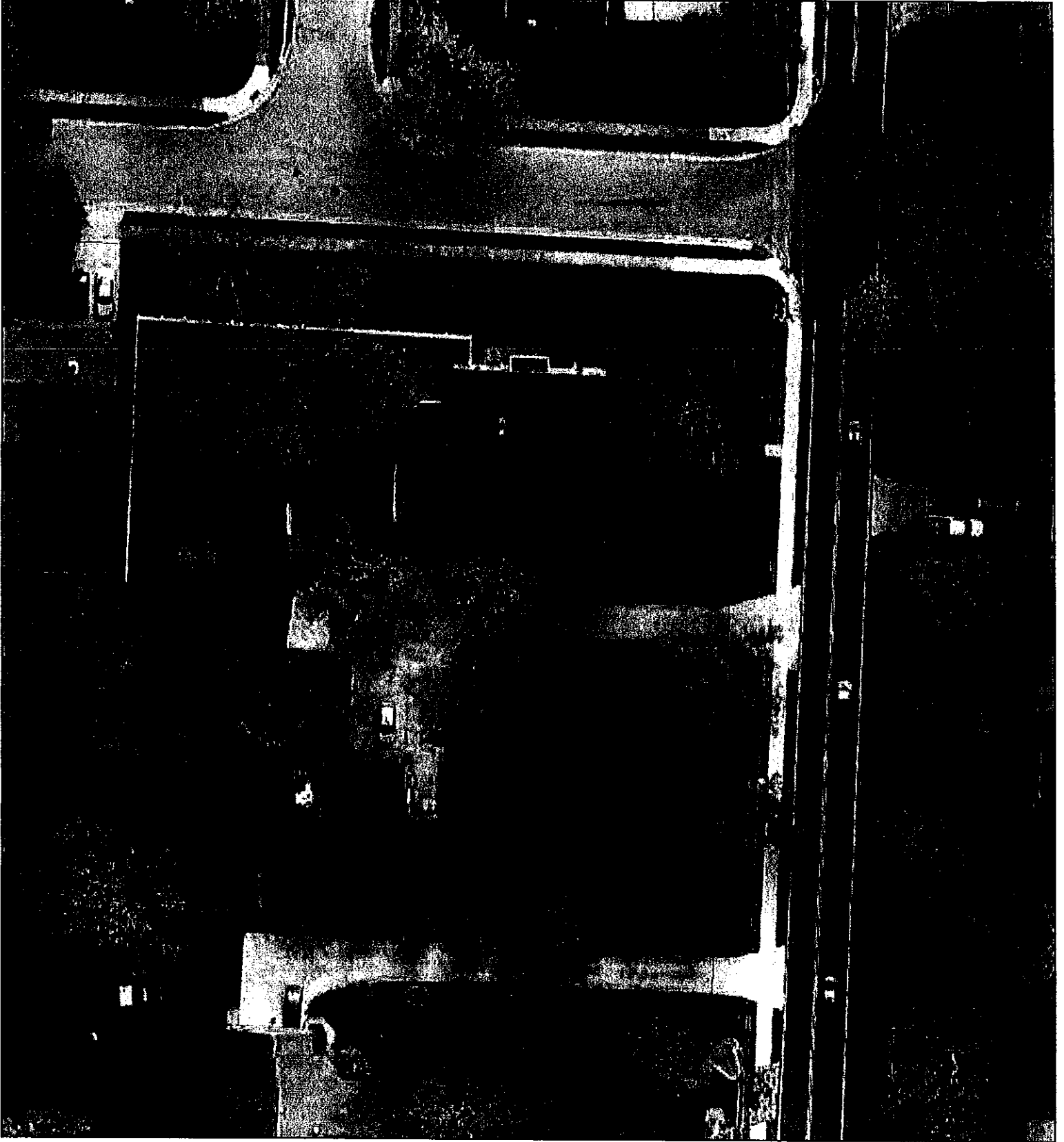
PC-04-2010

5990 Contreras

Rezoning Application
from R1B to GB

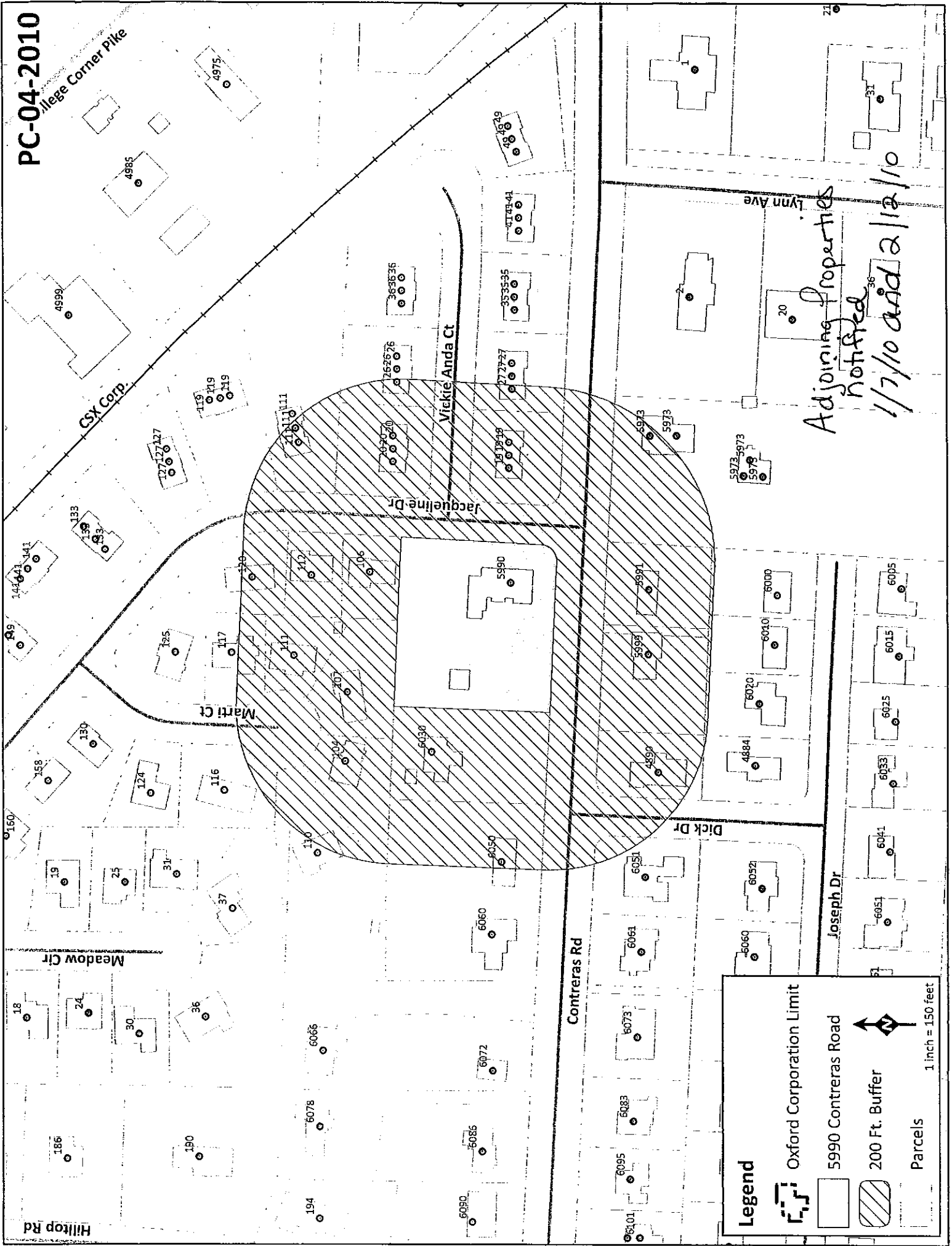


PC-04-2010
5990 Contreras



PC-04-2010

College Corner Pike



Legend

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

1 inch = 150 feet

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

Zoning Map Amendment Application
City of Oxford, Ohio

2/9/10 mtg
3/9/10

REQUIRED INFORMATION

Name of Applicant: Peter & Connie McCarthy
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 5990 Contreras Rd.
Oxford, OH 45056
Telephone Number(s): 513.523.3541 (H) Email Address: pcomccarthy@earthlink.net
513.545.4459 (C)
Location of Property: 5990 Contreras Rd.
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: attached
Total Area: 1 Acres / Square Feet (circle one)
Existing Use of Property: duplex residential
Current Zoning: P1B
Proposed Zone(s): P0
Proposed Use: Professional Office

SUBMISSION REQUIREMENTS

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

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

Attach a statement which responds to the following questions:

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

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

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

SIGNATURE OF APPLICANT: Connie McCarthy Date: 12-28-09
PRINTED NAME: Peter McCarthy Connie McCarthy

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 6389

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

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

December 27, 2009

Members of the Planning Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

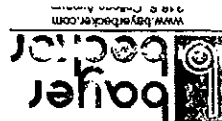
Respectfully,

Peter and Connie McCarthy



[illegible]

Part of Lot #119
 CONTRERAS ROAD ROAD
 CITY OF OXFORD
 WATERWAY, 0.150
 CITY OF OXFORD
 FOR PETER MCCARTHY



Drawing: 09D068-00
 Drawn by: _____
 Checked By: _____

BASIS OF BEARING

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

DEED REFERENCES

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

SURVEYS

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

SYMBOL LEGEND

- Set 5/8" Iron Pin
 ✱ Set Spike
 ✱ Set Concrete Monument
 ✱ Set Mag Nail
 ○ Existing 5/8" or 1/2" Iron Pin
 ◇ Existing Spike
 □ Existing Concrete Monument
 ⊠ Existing Mag Nail
 △ Existing Stone
 ◊ Existing Iron Pipe
 † Existing Axle
 ⊙ Existing Nail

VICKIE ANDA
COURT
(50' R/W)

JACQUELINE DRIVE (50' R/W)

CONTRERES ROAD (60' R/W)

I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE

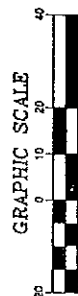


EXHIBIT A - LEGAL DESCRIPTION

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

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

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

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

DATE: August 31, 2004

TO: Peter McCarthy, current property owner
File

FROM: Dan Johnson, Planner & Zoning Administrator

RE: 5990 Contreras Road – garage rental unit

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

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

August 28, 2004

To Whom It May Concern:

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

Sincerely,

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

Dennis Jena
Oxford, Ohio

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 4, 2010

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

April 27, 2010

Date Prepared:

Agenda Title:	Ordinance Granting a Zoning Map Amendment for Property Located at 5990 Contreras Road, Oxford Lot 1119 (H4100-016-000-047) Rezoning the Property from R1B (Single Family Medium Density Residential) District to RO (Office Residential) District.
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Recommendation:	Approval
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Discussion:

During the April 20, 2010 Oxford City Council meeting, City Council was not in favor of accepting the Planning Commission' recommendation to deny the rezoning request for the property at 5990 Contreras Road from R1b (Single Family Medium Density Residential) District to RO (Office Residential) District.

Staff was directed by City Council to prepare alternate language to approve this zoning request.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 4/27/10

DHC 4/30/10

ORDINANCE NO.

ORDINANCE GRANTING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 5990 CONTRERAS ROAD, OXFORD LOT 1119 (H4100-016-000-047) REZONING THE PROPERTY FROM R1B (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT TO RO (OFFICE RESIDENTIAL) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1135 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 9, 2010, on the Applicants, Peter and Connie McCarthy, application, to rezone Applicant's property located at 5990 Contreras Road from R1B (Single-Family Medium Density Residential) District to RO (Office Residential) District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended denial of the Zoning Map Amendment, by a vote of five (5) to one (1), finding the proposed rezoning request was not in keeping with the intended characteristics of the general vicinity of the property and was not the most appropriate use of the property in question.

SECTION 3: The Planning Commission further found the request did not comply with the intent of the Oxford Codified Ordinances and the Oxford Comprehensive Plan and those voting for the recommendation to deny the rezoning found the request did not meet the decision standards in O.C.O Section 1135.02 (c)(1).

SECTION 4: Council is in receipt of the recommendation of the Oxford Planning Commission and has listened to the presentation of the Applicants and concerned citizens, and after due deliberation based on the documentation and testimony presented, finds that the granting of the requested Zoning Map Amendment, rezoning Lot Number 1119 (H4100-016-000-047), Oxford, Ohio to RO (Office Residential) District should be granted.

SECTION 5: Council hereby grants the rezoning request to RO (Office Residential) District for the property as requested by the Applicants 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: BOB BLACKBURN

PREPARED BY: LAW (STAFF)

Peter & Connie McCarthy
5990 Contreras Rd.
Oxford, OH 45056

April 28, 2010

City of Oxford
Office of the City Manager
101 East High Street
Oxford, OH 45056

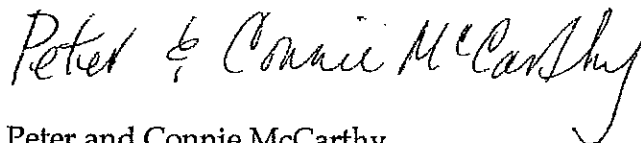
Mr. Doug Elliott and Members of Council:

We respectfully request that the first reading of the Ordinance to Rezone our property at 5990 Contreras Rd. from R1B to RO be tabled and not read at the May 4, 2010 City Council Meeting. This request is made in light of discussions regarding potential changes to the zoning code that may affect this property.

We are most appreciative that the City Manager agreed to meet with us on April 23, 2010. In attendance were Mr. Doug Elliott, Mr. Alan Kyger, Mr. Jung Han Chen and Councilman Greig Rutherford. It is our hope that the future disposition of a property so valued by the Oxford community can come to an agreement beneficial to the city, the homeowners, and the surrounding neighborhood.

As was stated in that meeting, our request has triggered a larger discussion of the future of many unique historic properties in the city. These properties are in jeopardy of becoming rental units, being abandoned, or even torn down due to the economics of maintaining such large and mechanically inefficient structures. While these properties may not qualify to be on the National Register of Historic Places, they have value and lend character to the city. It would be advantageous to have alternatives to the functions currently allowed by our zoning code to help maintain residences such as ours.

Respectfully,

A handwritten signature in cursive script that reads "Peter & Connie McCarthy". The ink is dark and the signature is fluid, with the first names being more prominent than the last name.

Peter and Connie McCarthy

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 4, 2010

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

April 19, 2010
Date Prepared

Agenda Title: PC-17-2006	An Ordinance Approving the Extension of the Conditional Use Permit for a Miami University Community Federal Credit Union Branch Facility with a Drive-Thru at 5120 College Corner Pike, Approved by Ordinance No 2932, on November 21, 2006 for a Period of Six Months.
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Recommendation: Approval

Discussion:

The City Council approved a Conditional Use permit for a branch facility to be located at 5120 College Corner Pike at their November 21, 2006 meeting.

Mr. Rick Parker, President/CEO of the Credit Union has made a formal request in a letter dated April 16, 2010 for a fourth six-month extension. The letter, outlining the reasons for the extension request, is attached for your consideration.

Approved By:	<table><tr><td>Department Head:</td><td>Initial</td><td>Date</td></tr><tr><td>City Attorney:</td><td><i>JHC</i></td><td><i>4/22/10</i></td></tr><tr><td>City Manager:</td><td><i>JHC</i></td><td><i>4/30/10</i></td></tr></table>	Department Head:	Initial	Date	City Attorney:	<i>JHC</i>	<i>4/22/10</i>	City Manager:	<i>JHC</i>	<i>4/30/10</i>
Department Head:	Initial	Date								
City Attorney:	<i>JHC</i>	<i>4/22/10</i>								
City Manager:	<i>JHC</i>	<i>4/30/10</i>								

ORDINANCE NO.

AN ORDINANCE APPROVING THE EXTENSION OF THE CONDITIONAL USE PERMIT FOR A MIAMI UNIVERSITY COMMUNITY FEDERAL CREDIT UNION BRANCH FACILITY WITH A DRIVE-THROUGH AT 5120 COLLEGE CORNER PIKE, APPROVED BY ORDINANCE NO. 2932 ON NOVEMBER 21, 2006, FOR A PERIOD OF SIX MONTHS.

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

SECTION 1: Council having reviewed the request submitted by Miami University Community Federal Credit Union for an additional extension of six months of the deadline for construction of a banking facility with a drive-through at 5120 College Corner Pike, has determined the request to be reasonable.

SECTION 2: Council granted the third extension for a period of six months of the construction deadline on December 1, 2009, by adopting Ordinance No. 3092.

SECTION 3: Council hereby approves the request for an additional extension of the construction deadline and grants an additional six month extension of the Conditional Use Permit for construction of a banking facility with a drive-through at 5120 College Corner Pike. No additional extensions may be granted as set forth in the Zoning Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



changing lives
everyday

04/16/10

City of Oxford
JUNG-HAN CHEN, AICP
Director of Community Development
101 East High St.
Oxford, Ohio 45056

Re: Request for Conditional Use Permit Extension, 5120 College Corner Pike

Dear Mr. CHEN,

The Miami University Community Federal Credit Union is requesting a six month extension to place into service our city council approved, "Conditional Use Permit". The request is predicated on two issues:

- 1) The Economic Recession of the last 28 months has had a negative impact on all financial institutions, including our Credit Union and the local economy. As a result we have not yet reached the financial targets necessary to initiate construction, though we anticipate doing so later in 2010.
- 2) The forthcoming phase three widening of US 27, College Corner Pike and the disruption this may cause to our building process and new banking operations remains a concern.

We will keep you and the City of Oxford well informed as to our anticipated construction start date.

Respectfully Submitted

Rick Parker
President/CEO

RECEIVED

APR 16 2010

CITY OF OXFORD

Miami University Community Federal Credit Union

420 Wells Mill Drive • Oxford, Ohio 45056 • phone 513-529-2739 • fax 513-529-2638 • cumemservice@muccu.org • www.muccu.org

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 4, 2010

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

April 23, 2010

Date Prepared:

Agenda Title: PC-08-2010 Combined Preliminary/Final Plan for a major change to an Approved Planned Development – Replacing an approved mixed-use building with a single use hotel building, Stewart Square, Scott Webb, Applicant, Agent
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Recommendation: Approval
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Discussion:

The Planning Commission held a Public Hearing for a major modification to an approved PUD via a combined preliminary/final process.

The Applicant is seeking a combined preliminary/final plan to an approved PUD to replace an approved mixed-use building with a single use, 74-room hotel.

The Planning Commission discussed in detail the issues that were identified by staff and shared those issues with the Applicant.

Some of the most notable issues were parking, lack of a dumpster, and failure to show loading spaces.

Additionally, the required perimeter setback for any commercial PUD is 25 feet; only 10 feet has been provided on the southern property line under this proposal. The Planning Commission also spent a great deal of time focusing on the pedestrian connection of the overall site and between the structures.

Furthermore, the water easement issue, as pointed out by the City Engineer in his letter dated March 18, 2010, also needed rework between the City Engineer and the owner to alleviate any future issues.

The Planning Commission members reviewed the Decision Standards and voted 5-1-0 to recommend **APPROVAL** to City Council with the following conditions:

1. That, attention to pedestrian ways on site from and between each phase is reviewed to ensure adequate connectivity and accessibility.
2. That, the east sidewalk is installed in accordance with all previous approvals.
3. That, landscaping along College Avenue (western) façade is increased and all other landscaping is installed as presented.
4. That, any landscaping previously approved for the entire PUD that was not installed, be installed in accordance with all previous approvals.
5. That, there is different pavement delineation at the drop-off area/main entrance of the proposed hotel.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 4/23/10

DKE 4/30/12

ORDINANCE NO.

ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLAN FOR A MAJOR CHANGE TO AN APPROVED PLANNED DEVELOPMENT WITH CONDITIONS.

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

SECTION 1: In accordance with Oxford Codified Ordinance Section 1145.10, the Oxford Planning Commission held a public hearing on April 13, 2010 on the application of Scott Webb, Applicant, for approval of a preliminary and final plan for a major change to an approved planned development for Stewart Square located at South College Avenue and Spring Street.

SECTION 2: The Planning Commission, after due deliberation approved a motion recommending the approval of the preliminary and final plan for a major change to an approved planned development for Stewart Square located at South College Avenue and Spring Street replacing an approved mixed-use building with a single-use hotel building with the following conditions:

- a. Attention to pedestrian ways on site from and between each phase is a review requirement to ensure adequate connectivity and accessibility.
- b. The east sidewalk is installed in accordance with all previous approvals.
- c. Landscaping along the western façade of South College Avenue is increased and all other landscaping is installed as presented.
- d. Any landscaping previously approved for the entire PUD that was not installed, be installed in accordance with all previous approvals.
- e. There is different pavement delineation at the drop-off area/main entrance of the proposed hotel.

SECTION 3: Council having considered the decision standards in Oxford Codified Ordinance Section 1145 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 approval of the preliminary and final plan for a major change to an approved planned development for Stewart Square located at South College Avenue and Spring Street replacing an approved mixed-use building with a single-use hotel building with the following conditions:

- a. Attention to pedestrian ways on site from and between each phase is a review requirement to ensure adequate connectivity and accessibility.
- b. The east sidewalk is installed in accordance with all previous approvals.
- c. Landscaping along the western façade of South College Avenue is increased and all other landscaping is installed as presented.
- d. Any landscaping previously approved for the entire PUD that was not installed, be installed in accordance with all previous approvals.
- e. There is different pavement delineation at the drop-off area/main entrance of the proposed hotel.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	May 4, 2010
<u>Case Number</u>	PC-08-2010
<u>Applicant Information</u>	Scott Webb, Applicant/Agent Stewart Developers, LLC, Owners
<u>Requested Action</u>	Approval of a Combined Preliminary/Final Plan for a Major Change to an Approved Planned Development.
<u>Summary of Request</u>	Replacing an Approved Mixed-Use Building with a Single-Use Building
<u>Public Hearing Information</u>	On April 13, 2010, a Public Hearing was held at 118 West High Street. A Hearing Notice was published in the Oxford Press on February 23, 2010. Courtesy notices were mailed to adjacent property owners on February 26, 2010.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 approving the Major Change to an Approved Planned Development.
<u>Commission Findings and Conclusions</u>	After Public Hearing and discussion, the Planning Commission voted to recommend approval with the following conditions: 1.) That, attention to pedestrian ways on site from and between each phase is reviewed to ensure adequate connectivity and accessibility. 2.) That, the east sidewalk is installed and in accordance with all previous approvals. 3.) That, landscaping along College Avenue (western) facade is increased and all other landscaping is installed as presented. 4.) That, any landscaping previously approved for the entire PUD that was not installed, be installed in accordance with all previous approvals. 5.) That, there is different pavement delineation at the drop-off area/ main entrance of the proposed hotel.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated March 31, 2010 2. Staff Letter Notifying Mr. Webb that the Proposed Change Could Not be Approved as a Minor dated February 17, 2010 3. Proposal from Mr. Webb Requesting Change be Approved as a Minor dated February 4, 2010 4. Inter-Office Review Transmittal Sheets dated February 23, 2010 5. Review and Comment Form from the Public 6. Adjoining Property Owner Notifications 7. Email Regarding CIC Endorsement dated April 9, 2010

8. Ordinance #2857 Regarding PC-16-2005 to Allow for a Mixed-Use Development with Commercial and Residential Uses dated August 16, 2005
9. Letter of Agency Dated February 19, 2010
10. Planned Development Application Dated February 19, 2010
11. Letter of Formal Request Dated February 18, 2010
12. Site Plan Drawings
13. Construction Site Drawings
14. Layout, Utility, Grading & Erosion Control Plan Drawings
15. Elevations
16. Legal Descriptions
17. Miscellaneous Legal Documents

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-08-2010

Date – March 23, 2010

APPLICATION

Applicant: Scott Webb
Location: Stewart Square
Owner: Stewart Developers, LLC

Action Request: Approval of a combined Preliminary/Final plan for a major change to an Approved Planned Development, replacing an approved mixed-use building with a single use building

Current Use:
Current Zoning: PUD-Mixed Use
Surrounding Existing Land Uses: Residential, General Business

GENERAL DESCRIPTION

The Applicant is requesting approval of a combined preliminary/final plan to an approved PUD to replace an approved mixed-use building with a single use building, a hotel. The current PUD was originally approved in 2005.

The number of guestrooms referred to in the proposal seems inconsistent; in some parts the Applicant indicates a 72-room hotel, while elsewhere the project is a 74-room hotel. For consistency purposes, this report reviews the application as a 74-room hotel.

SURROUNDING NEIGHBORHOOD

The site is within the Mile Square area and is set among residential dwellings (to the north and east), vacant commercial sites (to the south), and mixed active commercial uses to the west (ACE Hardware, printing, screening, and surveying companies).

APPROVAL HISTORY

PC 12-2005 Preliminary PUD was approved for the site being a mixed-use, Ordinance 2851
PC 16-2005 Final PUD was approved by Council via Ordinance 2857
PC 16-2-2006 Final PUD amendment to Phase II- approved as a minor change- replacing 9,000 sq. ft 1st floor retail space to 4000 sq. ft. bank/office and 1,800 retail space.
PC-ADM-04-2008 2008 Lot Split to an approved PUD
PC-14-2009 Final Planned Development Amendment to the Central Park features- Approved as a minor amendment

COMPREHENSIVE PLAN

Since the Final Planned Development Plan was approved under the previous Comprehensive Plan, it may be relevant to include the vision from that plan for reference purposes. The Updated Comprehensive Plan is also included for your information.

1998 Comp Plan

A Policy in the Land Use Element of the Comprehensive Plan addresses the Mile Square Sub area:

4. Mile Square Sub Area

B. Strategies

1. Continuing to house a mix of uses.
2. Undertaking a detailed survey to delineate sub areas in the Mile Square based on land use and density.
3. Establishing a policy to discourage future right-of-way vacations.
4. Completing missing road segments, perhaps as property is developed or redeveloped.
5. Supporting the pedestrian orientation of the Mile Square through the maintenance and replacement of sidewalks, alleys and street trees.
6. Arriving at off-street parking solutions and integrating the City's recent Parking Study into the Transportation Element of this Plan to arrive at a final set of agreeable actions.

2008 Comp Plan

Land use Principles:

1. The Community's small college town character will be preserved and enhanced.
2. Uptown and new commercial developments will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.
3. Infill development and redevelopment of underutilized sites is a priority.
4. The development of new residential areas, and redevelopment of existing residential areas, will have strong neighborhood qualities.
5. Green space and public spaces will be incorporated as part of future developments.
6. Future growth at the edge of the City will preserve open space, protect the area's rural character, and be consistent with other principles.
7. New commercial and light industrial development will be developed with pedestrian amenities and green space.
8. Streets will create an attractive public realm.
9. Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.
10. Environmentally sensitive and sustainable practices will be encouraged in future developments.

This area was also identified in the 2008 Comp Plan as a redevelopment area, to have a mix of small and medium sized commercial uses with a well defined streetscape and public space. Residential uses should also be integrated within the area to create a 24-hour district and to create shopping and dining options within walking distance of surrounding neighborhoods.

AGENCY REVIEW/COMMENT FORMS

Police Department: Concerned over the width of the underground handicapped parking spaces, but feels this is a great project.

Engineering Office: See attached comments.

Fire Department: No comments

PUBLIC COMMENT FORMS

One public comment has been received in support of this proposal. See attached.

REVIEW AND ANALYSIS:

Code Compliance review

Section 1143.12 GB General Business District

Section 1143.12(b)(2)A.7. Hotel and motel is considered as conditional use.

Section 11445.10 Changes to a Planned Development: Generally, an Approved Planned Development may be modified in a manner as either a minor change or a major change. The criteria for the change to the approved final plan are listed under Section 1145.10 (a) Minor Changes to an Approved Final Planned Development can be approved by the Chair of Planning Commission, concurrent by the Community Development Director. Any major change will be considered by Planning Commission and for the City Council to take legislative action.

Due to the extent of the modification, it was determined by the Planning Chair and Community Development Director that it must be considered as a major change to an approved PUD.

Since this is a single parcel modification to the approved PUD, this application is considered to be a combined preliminary/final PUD review. This process is permissible under the PUD regulations to allow preliminary/final concurrent for small, single phase development, per Section 1 145.06.

Section 1145.12 Design:

(e)(3)(B) Dimensional regulations: All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than 25 feet for a commercial zoning district. See staff comments on this issue in the Analysis section.

Section 1145.12(f) Open Space: No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setback, and include nothing other than natural area.

The proposed building would be a 3-story building facing the Central Park area, but would be a 4-story building, including an underground parking facility, facing the property to the south. The footprint of the building is approximately 15,000 square feet with the total building space to be around 60,000 square feet. It appears that there would be very minimal change in the open space area, since the new building will only replace those previously approved off-street parking lot for the most part, except the 5 new parking spaces on the southwest corner of the project site

Section 1145.12(h) Landscaping and screening (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

The revised layout shows a 10' wide landscaping area at the south side of the project area. The adjoining property is also zoned business. The landscaping plan shows that there will be an evergreen hedge along the southern property line.

Section 1145.12(i) Access and mobility (3). Adequate pedestrian connectivity shall be provided to and through a planned development.

The revised site plan only shows one sidewalk connection between the proposed building and the rest of the development site. More pedestrian connectivity should be provided.

Section 1149.03 Vehicle Management Regulations- (d) Computing Rules.

Any mixed-use structure or lots must provide parking in an amount equal to the sum of all the individual use combined. The proposed amendment provides 74 spaces for 74-room hotel.

It is important to review the total off-street parking for the entire PUD to ensure that all of the required off-street parking spots have been provided, since some of the previously approved parking spaces would be turned into hotel space. The application only provides the off-street parking for this proposal. The Commission may wish to obtain all of the off-street parking information of this PUD from the Applicant to ensure that the requirement of this section is met.

Section 1149.03 General Regulations-(e) Space requirement- Oxford Zoning Code does not provide any have clear requirement for motel and hotel. The application provides 1 space for each guest room. A total of 74 spaces have been provided for this project.

The proposed ratio for off-street parking is similar to a Bed & Breakfast. It is unclear how many employees would be working at any given time and where the parking arrangement would be for employees. Reviewing other municipal zoning codes, some cities require off-street parking for employees as well.

Section 1149.05 Non-Residential Regulations for loading space-

One loading space shall be required for all non-residential uses and for residential uses with greater than three dwelling units. One additional loading space shall be required for each 20,000 square feet or fraction thereof of floor area over the first 10,000 square feet.

A total of 3 loading space shall be provided; none is shown on the site plan.

Section 1141.04(j) Trash Collection Facility- Adequate waste disposal on-site facilities shall be shown on the plans submitted for a zoning permit, including a change of use permit. A trash collection facility shall include a large container. If a site contains a large exterior trash collection facility such as a dumpster, this area shall be screened so as to not be visible from a public right-of-way....etc.

No trash collection facility is shown on the plan.

ANALYSIS

The use is a Conditional Use in the GB District and the commercial PD allows all the permitted use in the underlying zoning district. Therefore, the substitution of use is not an issue.

As the site history indicates, this lot was split off from the remaining development project in 2008. This site does not have direct access to the public right-of-way, and will have to go through adjoining parcels to the right-of-way. The access easement issue from the proposed project to the public right-of-way needs to be worked out and recorded.

This application indicates there is a total of 74 parking spaces; 21 underground parking with 53 surface parking, for the proposed project. As pointed out earlier in this report, the vehicle management section requires parking in an amount equal to the sum of all the individual uses combined. The Commission may wish to ask the Applicant to demonstrate how all the required parking is met and any arrangements for parking in different lots. Section 1149.03(b) stipulates that all parking shall be located on the same site as the use for which is required or intended. On the site plan, there are 16 parking spaces are labeled for apartment parking, which requires some explanations from the Applicant. Furthermore, since there is a reduction of 34 surface parking, without considering the underground parking, between the approved PUD and the proposed development, it is unclear what kind of impact this would be for other uses this PUD site.

The required perimeter setback for any commercial PUD is 25 feet. There is only 10' provided on the southern property line under this proposal. The underlying business district also requires a 25 foot rear yard setback. Considering the property south of this site is also zoned business, the required setback does not seem to be serving any purposes. Staff does not have any objection of reducing the required setback

from 25' to 10'. However, staff does feel that the parking alignment can be reworked to have the parking spaces face the underground garage, rather than face the adjoining property. With this alignment, staff would recommend the Commission modify the perimeter setback to 10' for Council to consider, subject to relocating the proposed parking spaces facing the proposed building.

Additionally, there needs to be loading spaces shown on the plan that the current site plan does not indicate. A trash collection facility is also required to be provided on the site, none was provided on this site. The provision of these facilities may slightly impact the parking shown on the site plan.

Other minor details such as the location of light poles, the dimension of parking spaces can be worked out during the plan review process.

No information on any signage was presented. Staff would assume that any signage will come forth during the construction phase.

Furthermore, the water easement issue, as pointed out by the City Engineer in his letter dated March 18, 2010 also needs to be worked out between the City Engineer and the owner.

RECOMMENDATION

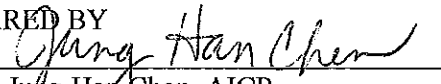
Staff does not have any objection to this proposed amendment as presented, other than the parking arrangement for the entire project site needing to be clarified and all the parking spaces meeting the minimum of sum of all uses.

Staff also feels that the reduction of the perimeter from 25' to 10' would not adversely impact adjoining property, but would recommend that the parking arrangement would be as such all parking spaces should face the garage.

Additionally, there should be loading spaces clearly delineated on the site plan, along with the trash collection facility.

PREPARED BY

BY:


Jung-Han Chen, AICP
Community Development Director

DATE: 3-31-10



February 17, 2010

Mr. Scott Webb, Architect
103 West Walnut Street
Oxford, OH 45056

RE: **Proposed Change to an Approved Planned Development
Stewart Square
South College & Spring Streets**

Dear Scott,

City Staff has met with Ms. Susan Kay, Planning Commission Chair, concerning your request to consider the proposed change to an approved Planned Development.

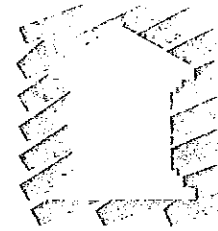
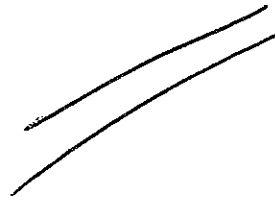
Based on the Decision Standards, as outlined in Section 1145.10 of the Oxford Zoning Code, the Chair has determined that the proposed change could not be approved as a Minor. In fact, Ms. Kay believes that the modification would change the use from the approved PUD. Furthermore, the magnitude would substantially alter the appearance of the development from off of the site. Therefore, the proposed change is considered as a Major modification and will need to follow the process as stipulated in Section 1145.10(b) "Major Changes to an Approved Planned Development – any proposed changes to an approved planned development that do not meet the criteria of a Minor change are considered a Major change. A Major change requires an entirely new preliminary planned development application (including the fee) according to the provisions of this chapter".

Please feel free to contact me at 524-5204 if you require any further information on this matter.

Regards,

Jung-Han Chen
Community Development Director

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: Proposed Change to Planned Development
Stewart Square
South College & Spring Streets

February 4, 2010

Dear Jung Han,

My clients have asked me to present a proposed change to the approved Planned Development at Stewart Square, replacing the approved, final mixed-use building with a single use, 72 room hotel.

As shown on the enclosed drawing, the proposed hotel replaces the final building in the second phase. While larger in footprint, the attached drawing shows a balance of parking without disturbing the central open space of the development. Relief will be required for the 25' perimeter setback to the South, but we feel that since the GB district requires no setback (abutting another GB property) this 25' setback could be reduced to 10' with additional landscaping if required.

The proposed hotel is a 3 story building, but will have more compact stories, resulting in a building of similar height to the existing buildings. As the site falls off to the South, the effect of minor increase in height is further reduced. Existing buildings on the site range from 30-36' high. The proposed building will be between 36-42' in height. As building height is determined by the underlying zoning district, the proposed hotel will be less than the 45' max. height in this district.

Based on the decision standards as addressed below, we feel this could be approved as a Minor Change to an Approved Planned Development.

1145.10 Changes to a Planned Development

The definition of a Minor Change to a Planned Development is clearly outlined in this chapter of the Zoning Code, and as decisions standards, are addressed as follows:

(1) Does not change the Use

As the site was approved for a mix of commercial and residential, the construction of a hotel on the site does not change the use. As this is a Mixed-Use Planned Development in a GB district, the hotel is an allowed use both of the underlying district, and the approved Planned Development.

- (2) *Are of a magnitude that will not substantially alter the appearance of development from off of the site*

While larger, the proposed hotel will replace a building already approved for this location. The new building will be designed to reflect the architecture of the existing buildings.

- (3) *Will not substantially or detrimentally affect the provision of public services to the site or general vicinity*

The proposed minor changes will not change the provision of public services

- (4) *Will not substantially or detrimentally increase potential demand on public or private utilities.*

The proposed minor changes will not change the provision of public utilities.

- (5) *Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties or the neighborhood.*

The proposed hotel would have a positive impact on adjoining properties, increasing business traffic, and keeping guests to Oxford in the Mile Square.

- (6) *Are not contrary to and in no way diminish the intent of the originally approved plan.*

As this building merely changes the mix of commercial & residential as approved, it in no way diminishes the intent of the approved plan. Adding a large vibrant commercial use in the development enhances and livens the mixed-use concept.

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

Respectfully,

Scott Webb, Architect

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/23/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2010

Description:

PC-08-2010 COMBINED PRELIMINARY/FINAL PLAN, for a major change to an Approved Planned Development, replacing the mixed use building with a single use, Stewart Square, Scott Webb, Applicant, Agent

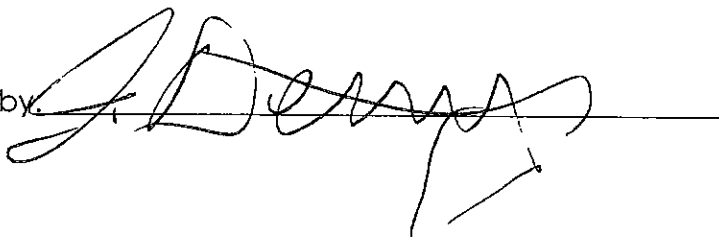
☒ X Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/02/10** 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:



3/7/10

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/23/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2010

Description:

PC-08-2010 COMBINED PRELIMINARY/FINAL PLAN, for a major change to an Approved Planned Development, replacing the mixed use building with a single use, Stewart Square, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/02/10** 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 3-18-10.

Drawings reviewed by: *A. [Signature]* 3-18-10

2/23/10 2:41 pm



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-08-2010
Stewart Hotel

DATE: March 18, 2010

The following are our comments:

- All utility work is to meet the City of Oxford Specifications for Water and Sanitary Sewers.
- Is the water main, to be relocated, a public or private main?
- If the water main is to be a public main, the existing easement must be modified.
- The existing easement, along the south property limits, extends to the property line along College Avenue. Consider extending the water main, within the existing easement, to the property line along College Avenue. That would loop the system for better water supply and pressure.
- Would the final construction plans show an entrance from College Avenue, between the existing bank building and the proposed hotel?
- The pictorials attached to the submittal indicate that east end of the surface parking lot, front of the hotel, is landscaped by use of a terrace effect. How would the vehicles be prevented from going down the terrace steps?

If there are questions, please contact the Engineering Division.

S:\Shared\Stewart Hotel.rtf

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/23/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2010

Description:

PC-08-2010 COMBINED PRELIMINARY/FINAL PLAN, for a major change to an Approved Planned Development, replacing the mixed use building with a single use, Stewart Square, Scott Webb, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/02/10** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

May want to check the width of the below grade handicap parking spots per new code. They seem a bit narrow. Great Project otherwise!!
Drawings reviewed by: S. Scher

2/26/10

Translation:

May want to check the width of the below grade handicap parking spots per new code. They seem a bit narrow. Great project otherwise!!



PUBLIC HEARING

On April 13, 2010 beginning at 7:30 p.m., the Oxford Planning Commission will hold a Public Hearing at the Oxford Courthouse, 118 West High Street, Oxford, Ohio in order to consider the following:

PC-08-2010 COMBINED PRELIMINARY/FINAL PLAN, for a major change to an Approved Planned Development, replacing an approved mixed use building with a single use building, **Stewart Square, Scott Webb, Applicant, Agent**

The City of Oxford Planning Commission will hold a Public Hearing on aforementioned case on the date and time listed above. All documentation pertaining to the application is available for examination during normal business hours (8:00a.m.-5:00p.m.; Monday-Friday) at the Community Development Department, located in the Municipal Building, 101 E. High Street, Oxford, Ohio 45056. After conclusion of this Hearing, action will be determined by the Planning Commission and forwarded on to City Council.

If you cannot attend the Public Hearing on this application being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **April 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: J.C. Rupel
Address: 134 Stone Creek - Home
Owner of 316/318 South College - Lettman Printing & Beyer/Beckers Buildings
Telephone: Home: 523-4524 Work: 523-1111

COMMENTS:

(Please use the back of this sheet for more space)

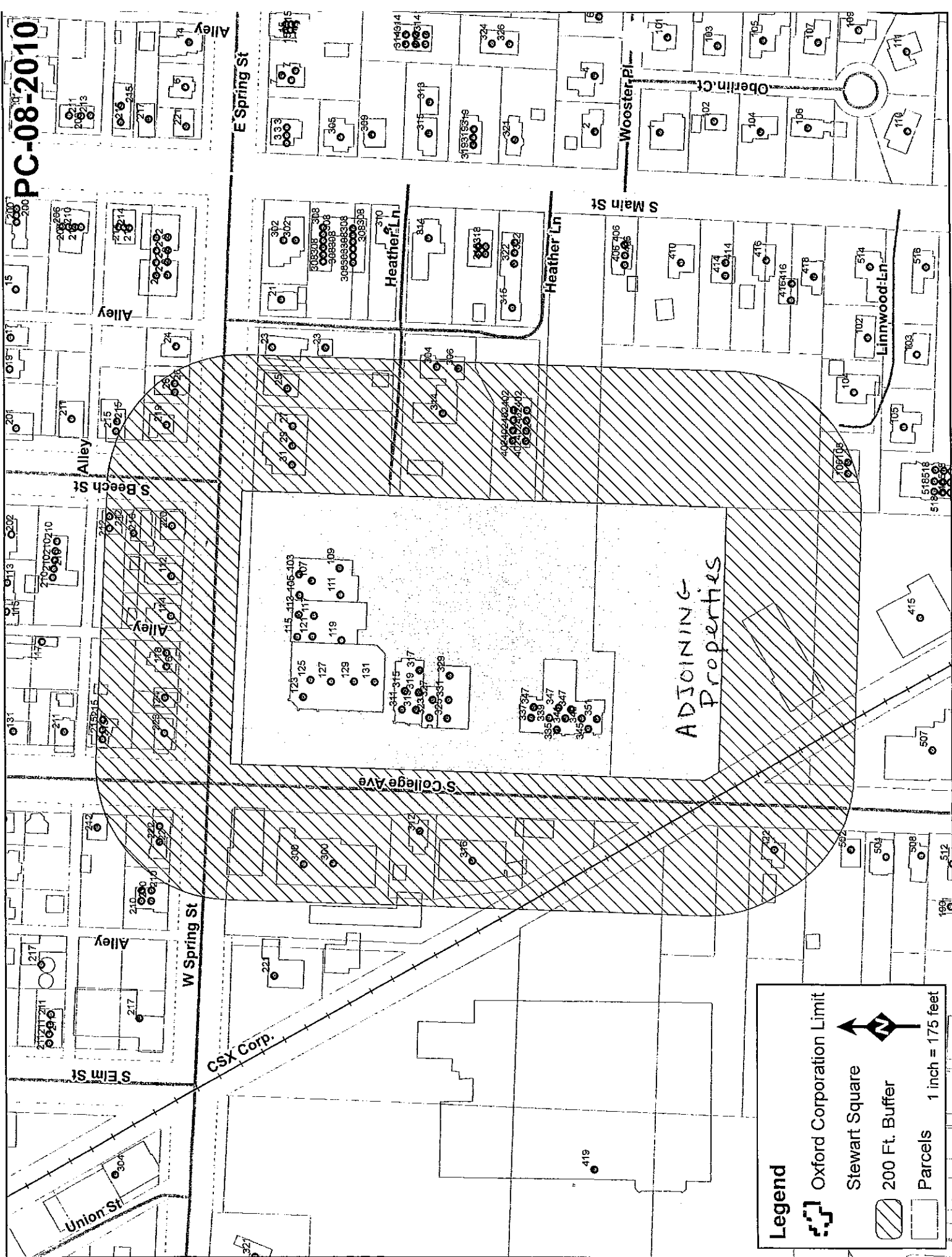
The project has been great for the South College Business District. Very well built and maintained with great businesses. I whole-heartedly support the single use building. Additional residents in this development will help the whole South College business district - not just this development alone.

J.C. Rupel

3/3/10

Translation:

The project has been great for the South College Business District. Very well built and maintained with great businesses. I whole-heartedly support the single use building. Additional residents in this development will help the whole South College Business District not just this development alone.
JC Rupel



Lynn Taylor

From: Jung-Han Chen
Sent: Friday, April 09, 2010 12:16 PM
To: Lynn Taylor
Subject: FW: CIC Stewart Square PUD Change Endorsement

Jung-Han Chen, AICP
Community Development Director
City of Oxford
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

*Distributed @
Planning Commission
meeting 4/13/10*

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

From: Kim Newton
Sent: Friday, April 09, 2010 12:13 PM
To: Jung-Han Chen
Subject: CIC Stewart Square PUD Change Endorsement

Jung-Han,

Please see below part of the discussion from the CIC meeting minutes (draft) of March 26th:

A discussion was held regarding a request to change the Stewart Square PUD to include a new hotel. The new hotel will have 74 rooms and will replace the mixed use building approved on the original plan.

CIC members noted the hotel would create immediate occupancy, generate tax incentives and promote economic development.

Steve Snyder moved and Kate Currie seconded to endorse the change in the PUD to accommodate a new hotel at Stewart Square. The motion passed 7-0-1, with Jim Clawson abstaining.

Kim E. Newton
Assistant to the City Manager
513-524-5201 (work)
513-523-7769 (fax)

ORDINANCE NO. 2857

ORDINANCE APPROVING THE PLANNING COMMISSION RECOMMENDATION FOR APPROVAL OF THE FINAL PLANNED DEVELOPMENT AT THE FORMER STEWART SCHOOL SITE TO ALLOW A MIXED USE DEVELOPMENT WITH COMMERCIAL AND RESIDENTIAL USES.

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 July 12, 2005, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of HDS, LLC/Jim Clawson, applicant, for approval of a Planned Development at the former Stewart School site, corner of College Avenue and Spring Street to allow a mixed use development of commercial and residential uses.

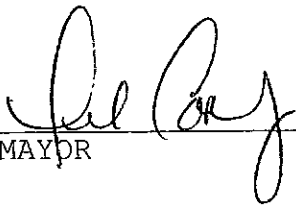
SECTION 2: The Planning Commission, after due deliberation found the application satisfies the requirements of Chapter 1145 of the Oxford Zoning Code and recommended approval of the Planned Development application for the Stewart School site with the following conditions:

- a. There shall be a paved connection between the access drive and 16 ½ ft. Heather Lane (northern section) so that all of Heather Lane, whether on the site or other public or private property, is paved.
- b. The developer shall work with staff to enlarge the corners at College and Spring.
- c. The Commission accepts the findings of the traffic impact study and authorizes staff to determine the best implementation.
- d. Phase 2 shall continue the architectural design and integrity of Phase I and shall be legally recorded with the subdivision in a manner acceptable to staff.
- e. Phase I shall be substantially operational within 2 years and Phase II within 3 years.
- f. The final central park plan is subject to approval by city staff and should attempt to maximize green space.
- g. There shall be a paved connection for a multi-use path between the site and the 9.9 foot Heather Lane (southern section) so that all of 9.9 foot wide Heather Lane, whether on the site or other public or private property, is paved.
- h. All required improvements by condition or as shown on submitted materials by the applicant shall be constructed and executed at the sole expense of the applicant.

- i. All other material uses, phase schedules, designs, etc. shall be adhered to as submitted by the applicant.
- j. The structure shall be designed with fitted suppression doors between the structures to allow for emergency egress but not general use.

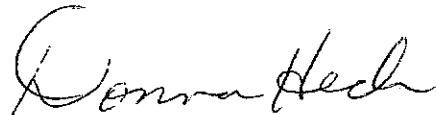
SECTION 3: Council hereby accepts the recommendation of the Planning Commission and incorporates the same herein and further grants the Final Planned Development application for the Stewart School Site, corner of College Avenue and Spring Street to allow a mixed use development with commercial and residential uses as proposed by the applicant.

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


MAYOR

ADOPTED: August 16, 2005

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE FLEE

PREPARED BY: LAW(STAFF)

Stewart Developers, LLC

125 West Spring Street

Oxford, OH 45056

Phone (513) 523-7263

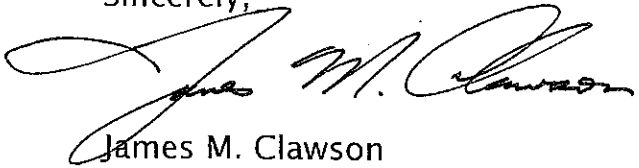
Fax (513) 523-9415

February 19, 2010

To Whom It May Concern:

We give Scott Webb authority to represent Stewart Developers, LLC in all matters related to the application, zoning, permitting and development of a hotel within the Stewart Square PUD.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Clawson". The signature is stylized with a large, sweeping initial "J" and "M".

James M. Clawson

Member of Stewart Developers, LLC

Case No.: PC-08-2010
Date filed: 2/19/10

Planned Development Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Grant Webb, Architect / Stewart Developers LLC
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 1077 W. Walnut St. Oxford OH 45056 125 W. Spring St. Oxford OH 45056
Telephone Number(s): 522-2838 524-9500
Email Address: grant@grantwebbarchitect.com
Name of Subdivision: STEWART SQUARE - PLANNED DEVELOPMENT
Location of Property: SPRING & COLLAGE
Legal Description: _____
Zoning District: Lot B
Number of Lots: 1
Total Acreage: 7 Acres
Surveyor/Engineer: Bryan Bricker, Inc.
Address: 218 E. College, Oxford
Phone Number: 522-4210

DRAWING REQUIREMENTS

Please submit **thirteen** (13) complete sets of all information with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

A. Preliminary Plan

1. Application Fee
2. The name, mailing address, and telephone number of the applicant and all property owners
3. If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter
4. Evidence sufficient to ensure that the applicant has the financial capacity to complete the proposed development
5. Evidence of unified control of all land in the proposed area
6. The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans
7. Description of Use and Site
 - a. A written, detailed description shall include the following information. A separate response is required for each subsection.
 - b. A legal description of the site, including all separate lots
 - c. A description of the existing uses of the site
 - d. The zoning districts in which the site is located
 - e. A description of the proposed PD
 - i. The number of housing units by size and type proposed within each phase
 - ii. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles
 - iii. The hours of operation of any nonresidential use
 - iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned

- f. A narrative statement that evaluates the compatibility of the proposed PD with the general vicinity and adjacent properties
 - i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites
 - ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites
 - iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions
 - iv. How any potential negative effects on adjacent land will be mitigated
 - g. A statement about why the location proposed is appropriate for the PD
 - i. A statement of the necessity or desirability of the proposed PD to the neighborhood or community
 - ii. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services
 - iii. The substance of proposed covenants, easements, and other restrictions on the land and structures
 - iv. For a CPD, an independent market analysis sufficient to ensure that the planned commercial entities have a reasonable chance of success
 - v. A list of the names, mailing addresses and parcel numbers of all property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.
 - vi. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.
8. Site Plan
- A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
- a. North arrow
 - b. Scale
 - c. Vicinity map
 - d. All existing and proposed lot lines within the site
 - e. Dimensions of all lots and of the entire site and any adjacent rights-of-way
 - f. The location of all Primary Conservation areas, and all proposed parks, playgrounds, pedestrian paths and other open space areas
 - g. Location, height, dimensions, and use of all proposed and existing structures
 - h. Location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas
 - i. Approximate location and size of all existing and proposed utilities that will serve the PD
 - j. Location, size, and type of all proposed signs
 - k. Location, height, and type of all proposed screening and landscaping
 - l. Distances to residential zoning districts if within 1,000 feet
 - m. The use of land and location of structures on adjacent property and across adjacent rights-of-way
 - n. The location of any nearby schools and commercial facilities
 - o. Other information as required by the Planning Commission or Council
9. Elevations
- Elevations of proposed structures or typical elevations if structures are not yet designed.
10. Other
- Photographs of any existing uses, vacant land, and the surrounding area

B. Final Plan Additional Submission Requirements

Maps in the form required by the City of Oxford Subdivision Regulations, with such modifications and additions as required concerning such items as building sites when used as a substitute for lots, common open space not dedicated for public use, and other matters as appropriate to planned

developments generally or to the specific planned development. Similar modifications of standards contained in the Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and report if the Planning Commission shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the final plan and reports.

1. Topographic data map drawn to a scale of 100 feet to one inch by a registered surveyor or engineer showing:
 - a. Boundary lines: bearings and distances.
 - b. Easements: location, width, and purpose.
 - c. Wooded areas, streams, lakes, marshes, and any other physical conditions that affect the site.
 - d. Ground elevations on the tract: for land that slopes less than one-half percent, show one-foot contours; for land that slopes more than one-half percent, show two foot.
 - e. If deemed necessary, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock and ground water, and the existing depth of ground water.
2. A general site and land use plan for the planned development as a whole, indicating sub-areas for phased development, if any, and showing location and use of structures and portions of structures in relation to building site lines; floor plans of the buildings involved, indicating horizontal dimensions, uses of space, and floor area; elevations of the buildings involved, indicating height, and if required, in determinations for the particular building or use location and dimensions of all windows and other glassed areas; building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and use for which it is intended, and such other matters as are required to establish a clear pattern of the relationship to exist between structures, uses, circulation and land.
3. Agreements, Contracts, Deed Restrictions, and Sureties:
 - a. Filing a performance and labor and material payment bond in the amount of 110 percent of the estimated construction cost as determined by the City.
 - b. Depositing or placing in escrow or certified check, cash, or other acceptable pledge, in the amount of 110 percent of the construction cost as approved by the City.

NOTE: Incomplete applications CANNOT be processed.

Submit this application, required copies of the preliminary plan containing all required information and the required fee (\$400 plus \$100.00 per acre for preliminary subdivision or planned development), made payable to the City of Oxford, to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to Community Development Department at (513) 524-5204. The plan will be placed on the next possible agenda

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed Planning Commission meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT: _____

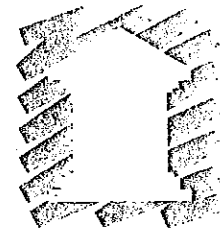
Date: 2/19/2010

PRINTED NAME: SCOTT WEBB

FEE / RECEIPT

\$400 plus \$100.00 per acre - Paid / Receipt Number: 15362.42

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 Change
To an Approved Planned Development
Stewart Square
South College & Spring Streets

February 18, 2010

Jung-Han,

Please accept this letter as a formal request for a Combined Preliminary and Final Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Major Change to an Approved Planned Development at Stewart Square, replacing the approved, final mixed-use building with a single use, 74 Room Hotel in accordance with Section 1145.10(b).

As shown on the enclosed drawings, the proposed hotel replaces the final building in the second phase. While larger in footprint, the attached drawing shows a balance of parking without disturbing the central open space of the development.

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

Property Owners:

Stewart Developers L.L.C.
125 West Spring Street
Oxford, Ohio 45056
(513) 524-9500

Architect:

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

Surveyor/Civil Engineer:

Bayer Becker Inc.
318 South College Avenue
Oxford, Ohio 45056
(513) 523-4270

Description of Use and Site 1145.05 (7)

- a. Written detailed description is provided as follows:
- b. Legal Description of the Property is on file with the City from previous applications.
- c. The site in question is Oxford's first Mixed-Use Planned Development. Begun in 2005, Stewart Square currently contains a variety of retail and business uses, including Patterson's Café, Ball of Oxford, Luna Blu Salon, Cincinnati Tan Company, CVS, The UPS Store, and the First Financial Bank, with (3) commercial spaces currently unoccupied. Also included are 20 Apartments on the second floor of each building.

The original approval for the project included 51,450 square feet of Commercial Space with (27) 4-Bedroom Apartments on the second floor.

In 2006, this was modified with the approval of a Minor Change, allowing First Financial Bank with its associated drive-thru requirements to modify the site plan, reducing the Commercial Space by 3500 square feet, and eliminating (1) 4-Bedroom Apartment.

- d. The underlying zoning district of this remains GB, General Business.
- e. The Proposal described herein modifies the Approved Planned Development for this site as described below:

- i. The Approved Planned Development originally included (15) 4 bedroom apartments in the First Phase and (12) in the Second Phase. The Second Phase was modified in 2006 with the Approved Minor Change, reducing the number of by (1). The total number of units currently approved is (26) 4-Bedroom Apartments.

The residential density for a mixed use development in a GB district would allow (40) residential units @ 5.81 Units per acre. The Approved plan originally allowed 27 total units achieving a density of less than 4 units per acre.

The proposed change described herein eliminates approximately 10,000 square feet of residential space. (6) 4-Bedroom Apartments are eliminated entirely, reducing the total residential units in the development to (20).

- ii. The development currently contains a variety of retail and business uses, including Patterson's Café, Ball of Oxford, Luna Blu Salon, Cincinnati Tan Company, CVS, The UPS Store, and the First Financial Bank, with (3) commercial spaces currently unoccupied.

The proposed change replaces the final 10,000 s.f. of commercial tenant space in a mixed-use building with a 15,000 square foot footprint for a single-use 45,000 square foot 3-story hotel.

- iii. Hours of operation for the hotel would be 24 hours, but includes no restaurant, bar, or other commercial operation.
- iv. This project represents the final building in Phase 2 of the Approved Development. Construction would begin this summer once all necessary approvals are in place.

- f. Compatibility with the General Vicinity and adjacent properties

- i. The property continues to be bordered to the West by commercial development including Ace Hardware, Letterman Printing, Village West Gallery and the office of Bayer Becker Inc. To the South, lies the former Miami Valley Lumber site, now also zoned General Business. The northern portion of Stewart Square has been developed with the mix of uses described above. The location of the

proposed hotel on this site is designed to encourage interaction between adjacent businesses, and attract more visitors into the Mile Square and uptown areas.

- ii. While larger, the proposed hotel will replace a building already approved for this location. The new building has been designed to reflect the architecture of the existing buildings
 - iii. The proposed use does not involve any operations that create potential nuisances.
 - iv. The proposed building does not negatively affect adjacent properties, but will instead encourage their development or help to continue their success.
- g. Stewart Square has become a vibrant shopping area within the Mile Square, housing a number of successful businesses. Adding a hotel to this mix is good for the development and the City Center.
- i. Located within the Mile Square, Stewart Square has become an important link between the *Uptown Subarea* and the *Locust Street Commercial Subarea*. Adding a Hotel to the mix is good for the development and the City. As with the development of the Elms Hotel, another Hotel inside the Mile Square, pulls visitors into the City center and keeps them here, lessening their dependence on cars as they visit our City.

The final building site in Stewart Square has almost no frontage on a City Street, and lacks the visibility of the other commercial spaces in the development. Subsequently, this site is best suited for a "destination business", where customers are directed to its location, rather than counting on passing traffic. Businesses like hotels, keep visitors in the City and draw them to other businesses on the development, the Mile Square, and City as a whole.

The proposed hotel is a 3 story building, but will have more compact stories, resulting in a building of similar height to the existing buildings. As the site falls off to the South, the effect of minor increase in height is further reduced. Existing buildings on the site range from 30-36' high. The proposed building will be between 36-42' in height. As building height is determined by the underlying zoning district, the proposed hotel will be less than the 45' max. height in this district

As this building merely changes the mix of commercial & residential as approved, it in no way diminishes the intent of the approved plan. Adding a large vibrant commercial use in the development enhances and livens the mixed-use concept

- ii. All utilities and infrastructure are in place. Utility impact is actually lessened by the proposed hotel.
- iii. As the project is wholly owned by the developer, covenants, easements, & restrictions in place are not affected by the proposed change.
- iv. As an Approved Mixed-Use Planned Development, the market study is not required for viability. Developers of hotels across the country, HDS has decided to pursue this venture with more than a reasonable expectation of success.
- v. Mailing Addresses of adjacent property owners is included in this submission packet..
- vi. Renderings of the building in place are included in this application, showing its compatibility with the existing buildings in the approved development.

The proposed development plan continues to meet or exceed all requirements for a Mixed-Use Planned Development. section of the City of Oxford Zoning Code with minor exceptions.

Residential Density is Decreased.

The residential density for a mixed use development in a GB district would allow (40) residential units @ 5.81 Units per acre. The Approved plan allowed 27 total units achieving a density of less than 4 units per acre. The elimination of the final (6) units brings the total number of residential units down to 20

Commercial Space is Increased.

There is no limit to the amount of Commercial space in either the approved planned development, nor in the underlying GB district. Exchanging residential space for commercial space is good for the development and for the Mile Square.

Below Grade Parking.

Like the Phase 1 building, the Approved Planned Development showed (12) parking spaces below this building. The building as designed holds an additional (9) spaces below the building for a total of 21 underground parking spaces. In Total, over 80 cars are hidden below grade in this project to maintain the central park area

The 25' perimeter setback along the South has been reduced to 10'.

Planned Developments requires a 25' perimeter setback surrounding the project. The underlying zoning district for this property is GB as is the former Miami Valley site to the South. Elsewhere in the City, GB properties abutting each other require no setbacks whatsoever as the GB district requires no side yard setbacks.

The Interior Road behind the building has been made One-Way.

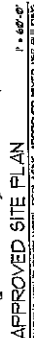
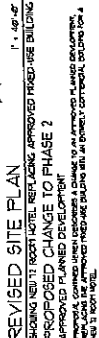
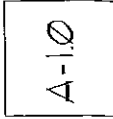
In order to accommodate the additional parking requirement for the Hotel, angled parking spaces have been added along the southern property line. Patrons with garage passes, leaving the check-in area will proceed counter-clockwise around the rear of the building, into the garage. Exiting to the right maintains this traffic pattern.

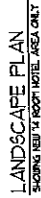
Open Space is Maintained.

The approved 19¼ % required open space is only slightly affected by the proposed change. A small area in the Southwest corner of the property was originally "counted" into the approved 19¼ % open space calculation. This area has been slightly reduced to accommodate (5) relocated parking spaces for the second floor apartment tenants living above the bank. The entire central open area is unaffected.

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

Respectfully,
Scott Webb, Architect

[illegible]



LANDSCAPE KEY			LANDSCAPE NOTES		
SYMBOL	SYMBOL	SYMBOL	SYMBOL	SYMBOL	SYMBOL
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100	101	102
103	104	105	106	107	108
109	110	111	112	113	114
115	116	117	118	119	120
121	122	123	124	125	126
127	128	129	130	131	132
133	134	135	136	137	138
139	140	141	142	143	144
145	146	147	148	149	150
151	152	153	154	155	156
157	158	159	160	161	162
163	164	165	166	167	168
169	170	171	172	173	174
175	176	177	178	179	180
181	182	183	184	185	186
187	188	189	190	191	192
193	194	195	196	197	198
199	200	201	202	203	204
205	206	207	208	209	210
211	212	213	214	215	216
217	218	219	220	221	222
223	224	225	226	227	228
229	230	231	232	233	234
235	236	237	238	239	240
241	242	243	244	245	246
247	248	249	250	251	252
253	254	255	256	257	258
259	260	261	262	263	264
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271	272	273	274	275	276
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283	284	285	286	287	288
289	290	291	292	293	294
295	296	297	298	299	300
301	302	303	304	305	306
307	308	309	310	311	312
313	314	315	316	317	318
319	320	321	322	323	324
325	326	327	328	329	330
331	332	333	334	335	336
337	338	339	340	341	342
343	344	345	346	347	348
349	350	351	352	353	354
355	356	357	358	359	360
361	362	363	364	365	366
367	368	369	370	371	372
373	374	375	376	377	378
379	380	381	382	383	384
385	386	387	388	389	390
391	392	393	394	395	396
397	398	399	400	401	402
403	404	405	406	407	408
409	410	411	412	413	414
415	416	417	418	419	420
421	422	423	424	425	426
427	428	429	430	431	432
433	434	435	436	437	438
439	440	441	442	443	444
445	446	447	448	449	450



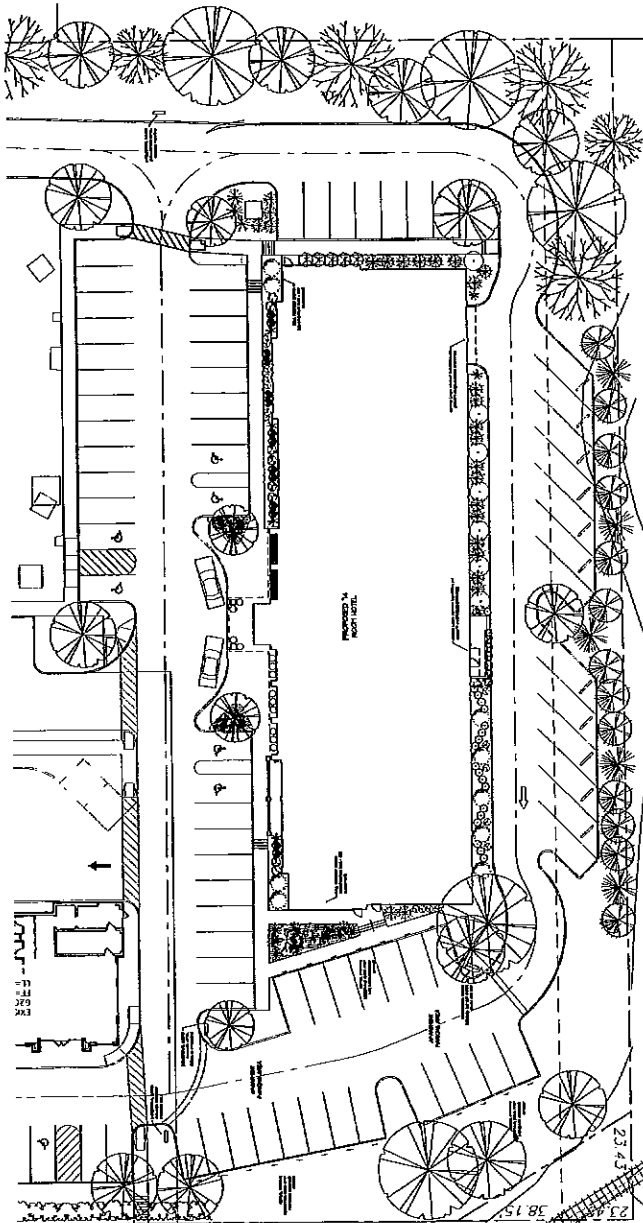
ARCHITECT
SCOTT
WEBB
142 West Main Street
Oxford, Ohio 45050
614.333.2424
scottwebbarchitect.com

REVISIONS

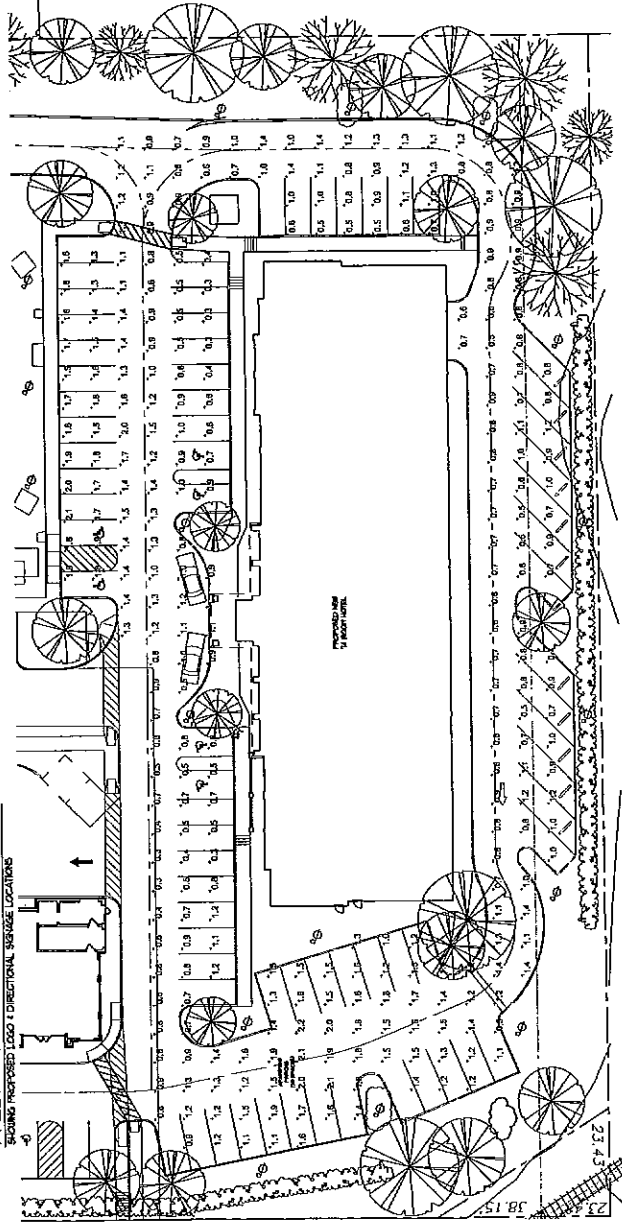
PROPOSED HOTEL (14) ROOMS
SPRINGER STEWART SCHOOL SITE
OXFORD, OHIO 45050
Stewart Square Phase 3

March 12, 2010

A-102



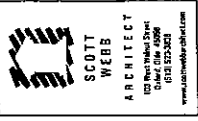
PRELIMINARY SIGNAGE PLAN P. 10-27
SHOWING PROPOSED 1000' DIAGONAL SIGNAGE LOCATIONS



LIGHTING/PHOTOMETRIC PLAN P. 10-28
SHOWING LIGHT POLE LOCATIONS

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Company/Model	Description	Lamp	Pin	Location	LH	Notes
□	1	1	Light Source	Light Source	Light Source	Light Source	Light Source	Light Source	Light Source

STATISTICS				
Category	Symbol	Qty	Pin	Notes
Parking	+	10	20 ft	40 ft



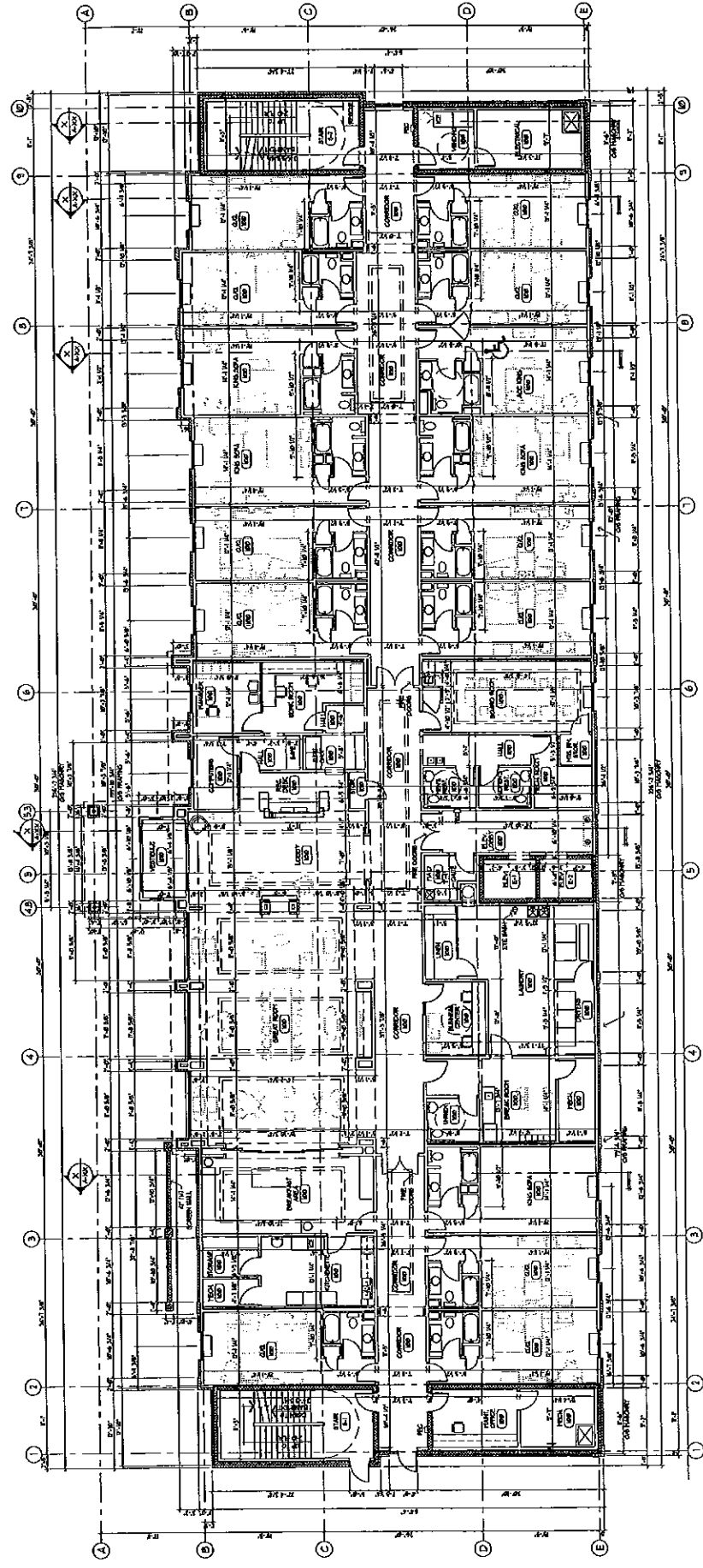
REVISIONS

Stewart Square Phase 3

PROPOSED HOTEL, (74) ROOMS
FORMER STEWART SCHOOL SITE
SPRINGS & COLLEGE STREETS
OXFORD, OHIO 43086

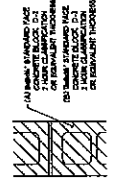
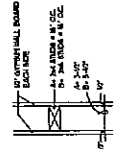
Feb. 10, 2010

A-11



FIRST FLOOR PLAN 1/8" = 1'-0"

1. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR.
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9. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR.
10. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR. ALL ROOMS SHALL BE FINISHED TO THE TOP OF THE FINISH FLOOR.



WALL TYPE 1
WALL TYPE 2

TYPICAL ALLOWABLE SPANS FOR HEADERS SUPPORTING WOOD WALLS			
SIZE OF WOOD HEADER	SPACING OF STUDS	WALL TYPE	ALLOWABLE SPAN OF HEADERS
2" x 4"	16" O.C.	1	4' 0" to 8' 0"
2" x 4"	16" O.C.	2	4' 0" to 8' 0"
2" x 4"	16" O.C.	3	4' 0" to 8' 0"
2" x 4"	16" O.C.	4	4' 0" to 8' 0"
2" x 4"	16" O.C.	5	4' 0" to 8' 0"
2" x 4"	16" O.C.	6	4' 0" to 8' 0"
2" x 4"	16" O.C.	7	4' 0" to 8' 0"
2" x 4"	16" O.C.	8	4' 0" to 8' 0"
2" x 4"	16" O.C.	9	4' 0" to 8' 0"
2" x 4"	16" O.C.	10	4' 0" to 8' 0"

ROOT NAME
SEE ROOT FINISH SCHEDULE SHEET A-11
SEE SHEET A-11
DOOR - SEE SHEET A-11

1. INSURE NOTED DEFICIENCY: ALL INTERIOR WALLS TO BE 5/8" OAK BOARDS @ 8" O.C. WITH 1" OVER LAPING BOARD JOINT. ALL EXTERIOR WALLS TO BE 5/8" OVER LAPING BOARD @ 8" O.C.



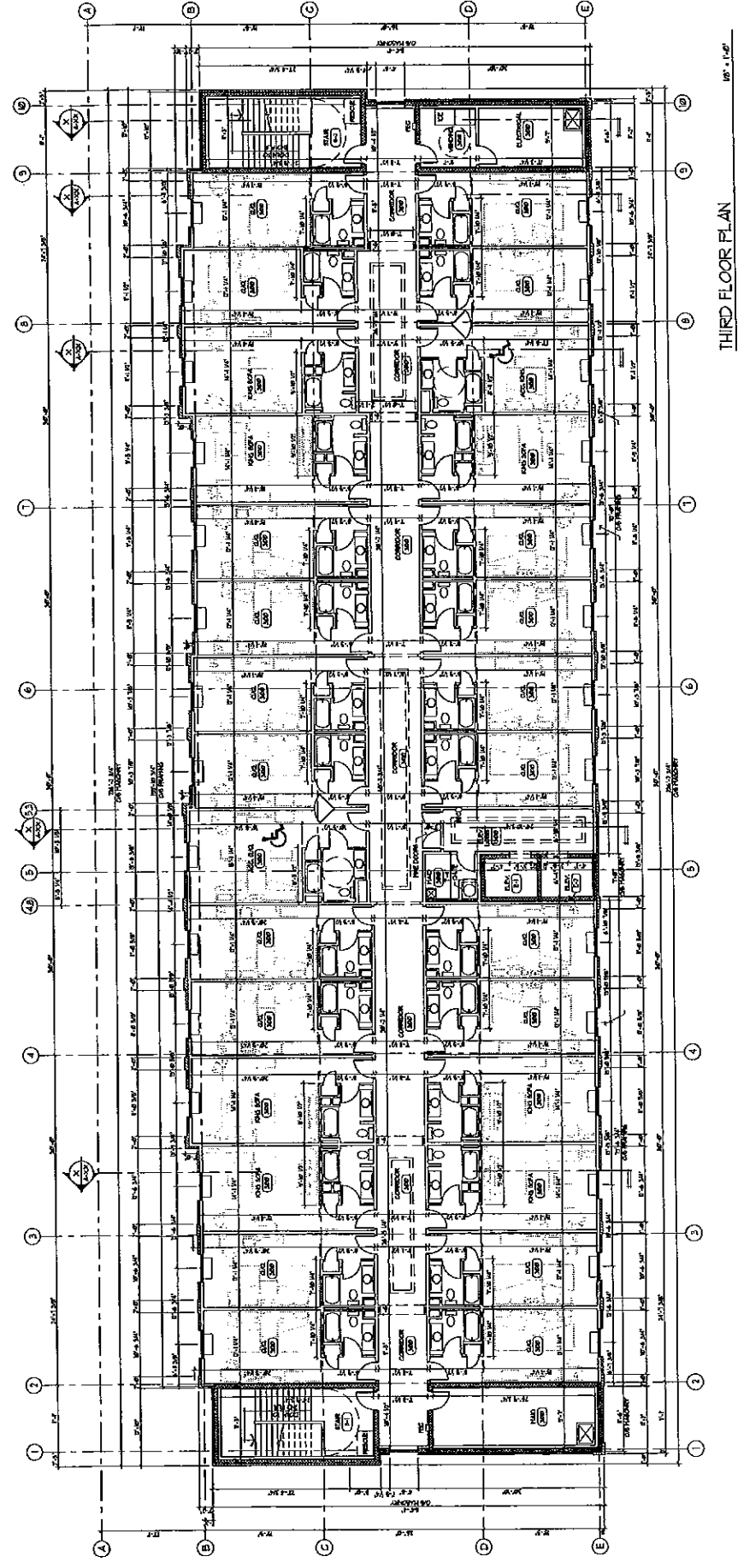
REVISIONS

PROPOSED HOTEL (74) ROOMS
SPRING + COLLEGE STREET
PORTER STEWART SCHOOL SITE
OXFORD, OHIO 45056

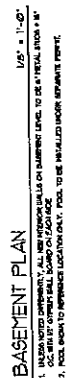
Stewart Square Phase 3

Feb. 18, 2010

A-3.1



THIRD FLOOR PLAN



FLOOR AREAS	
GROUND FLOOR	14,784 SF
FIRST FLOOR	14,302 SF
SECOND FLOOR	14,784 SF
THIRD FLOOR	14,784 SF
TOTAL AREA	58,654 SF

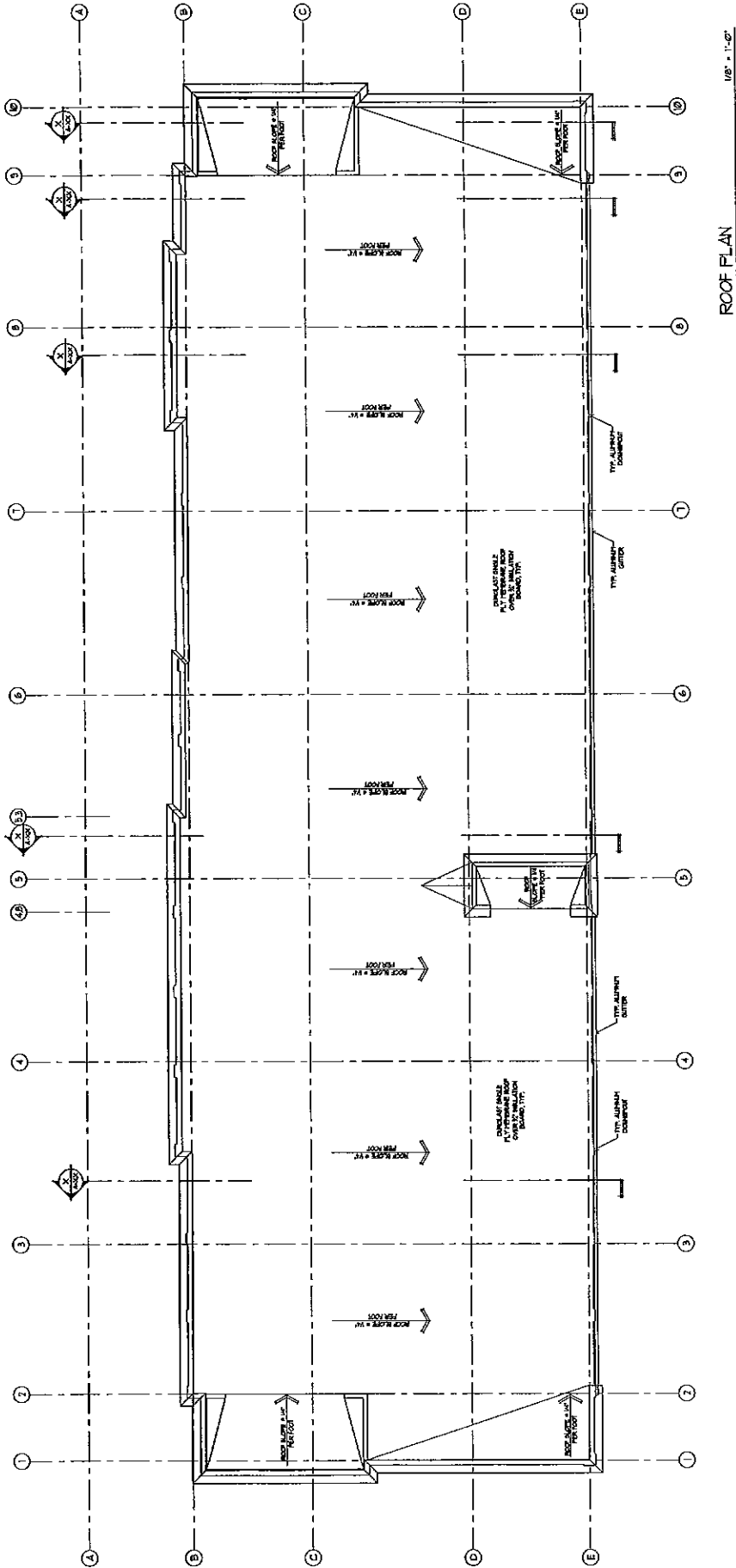
ROOM MIX				
ROOM TYPE	W1	2nd	3rd	TOT
QUEEN/REEN	0	20	20	51
KING SOFA	4	1	7	10
ACC QWO	*	1	1	3
ACC KING	1	1	1	3
TOTAL	16	22	29	74
				1002

PROPOSED HOTEL (74) ROOMS
Stewart Square Phase 3
SPRING & COLLEGE STREET
OXFORD, OHIO 45056

REVISIONS

SCOTT WEBB
ARCHITECT
122 West Weber Street
Oxford, Ohio 45056
614.523.3433
www.scottwebbarchitect.com

SEAL OF THE ARCHITECT
SCOTT L. WEBB
NO. 1193
STATE OF OHIO

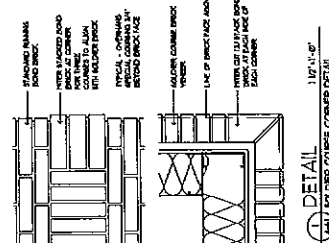
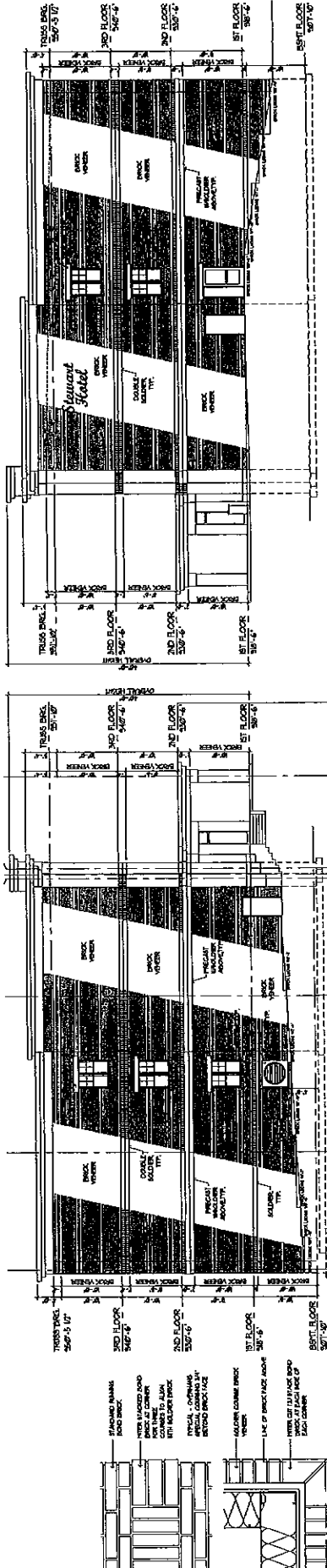
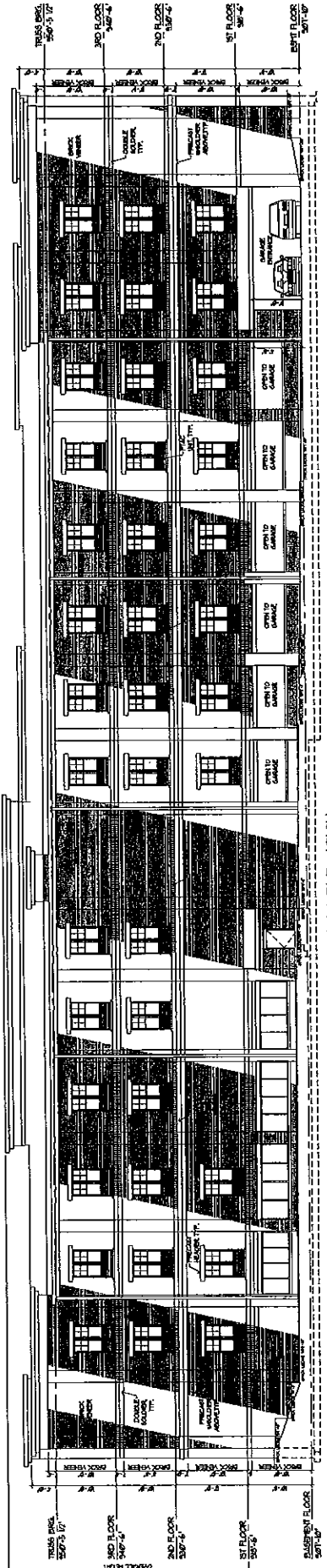
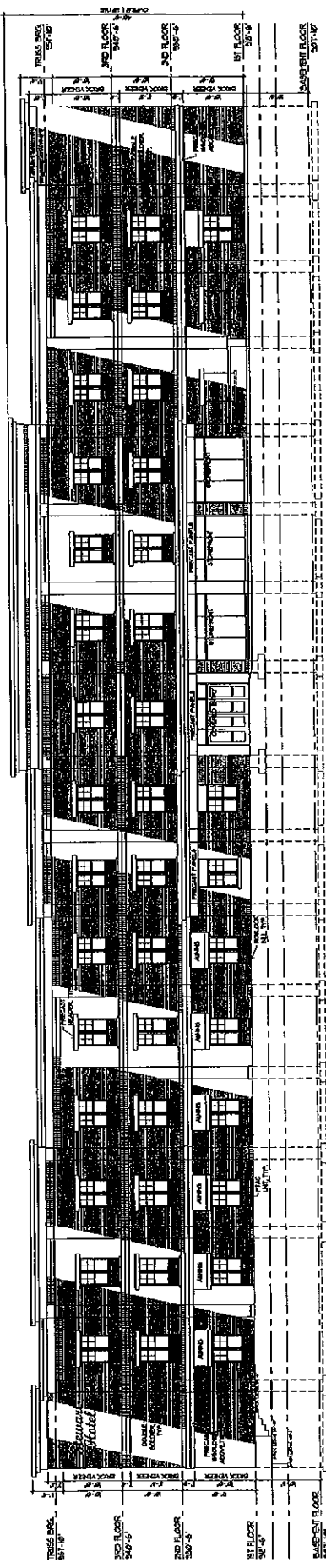


REVISIONS	

PROPOSED HOTEL (14) ROOMS
Stewart Square Phase 3
FORMER STEWART SCHOOL SITE
SPRING & COLLEGE STREETS
OXFORD, OHIO 45056

March 12, 2010

A-6.1



STEWART SQUARE

FINAL DEVELOPMENT PLAN

PHASE 3

INDEX OF SHEETS	SHEET	PERMIT
NUM	SET	
C10	XX-XX-XX	
C20	XX-XX-XX	
C30	XX-XX-XX	
C40	XX-XX-XX	
C50	XX-XX-XX	
C60	XX-XX-XX	
C70	XX-XX-XX	

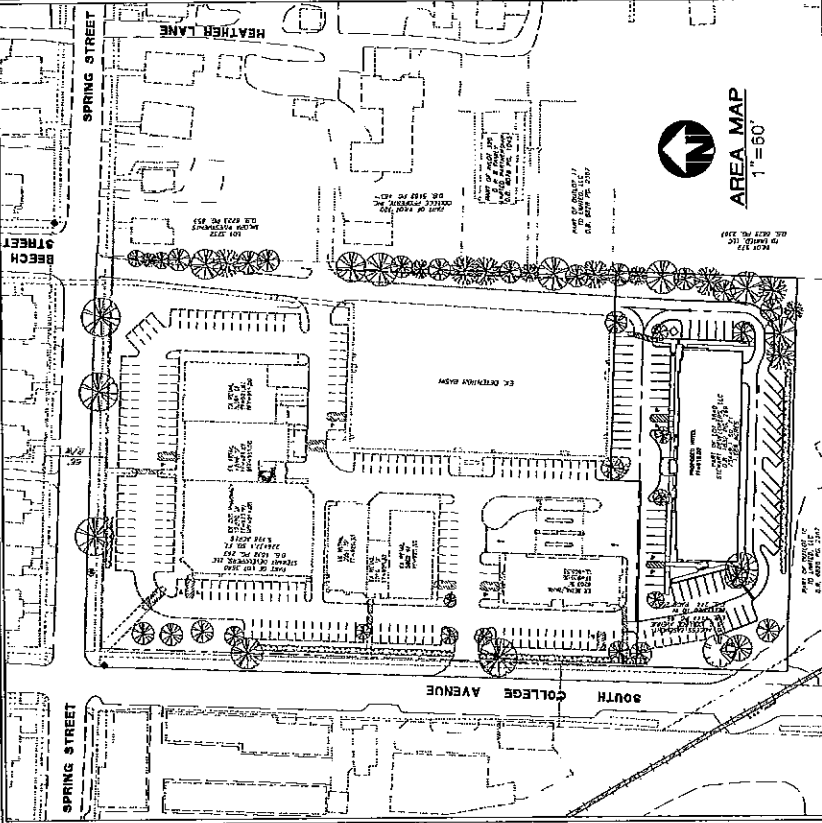
SYMBOL LEGEND

EXISTING	PROPOSED	DESCRIPTION
—	—	BENCHMARK
—	—	PIPE POLE
—	—	HANDICAP SYMBOL
—	—	MAILBOX
—	—	STATION
—	—	SURVEY MONUMENTATION
—	—	TRAFFIC SIGNAL POLE
—	—	VEHICLE LINE
—	—	CABLE BOX
—	—	ANCHOR
—	—	ELECTRICAL BOX
—	—	ELECTRICAL MANHOLE
—	—	ELECTRICAL TRANSFORMER
—	—	LIGHT POLE
—	—	OVERHEAD ELECTRIC
—	—	UNDERGROUND ELECTRIC
—	—	PIPE POLE
—	—	GAS LINE
—	—	GAS METER
—	—	GAS VALVE
—	—	CONTROL/SUMPING MANHOLE
—	—	SANITARY LATERAL
—	—	SANITARY MANHOLE
—	—	SANITARY SEWER
—	—	STORM SEWER
—	—	TELEPHONE BOX
—	—	TELEPHONE MANHOLE
—	—	UNDERGROUND TELEPHONE
—	—	FIRE HYDRANT
—	—	PURITY TEST STATION
—	—	WATER MAN
—	—	WATER MANHOLE
—	—	WATER SERVICE
—	—	WATER VALVE

DATE	STANDARD
CONSTRUCTION	DRAWINGS
01-10-07	01-10-07
02-11-07	02-11-07
03-12-07	03-12-07
04-13-07	04-13-07
05-14-07	05-14-07
06-15-07	06-15-07
07-16-07	07-16-07
08-17-07	08-17-07
09-18-07	09-18-07
10-19-07	10-19-07
11-20-07	11-20-07
12-21-07	12-21-07

BENCHMARK
3" DIA BRASS DISK IN SIDEWALK
NE CORNER OF BEECH AND SPRING
N=556881.7347
E=1335437.8574
ELEV=919.74

GRAPHIC SCALE
1" = 60'



AREA MAP
1" = 60'

SCALE IN FEET
Plan Horizontal
0 20 40 60
SCALE: 1" = 20'
Zoning= GB
Flood Zone= "X"

OWNER/DEVELOPER
STEWART SQUARE LLC
1234567890
CINCINNATI, OH 45202
PHONE (513) 555-1234

ARCHITECT
JAMES H. HARRIS & ASSOCIATES
101 WEST WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-5678

ENGINEERING
NORTH HAVEN
101 E. WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-9000

INSPECTIONS
NORTH HAVEN
101 E. WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-9000

WASTE WATER COLLECTIONS
D&L ENGINEERING
101 E. WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-1234

STREETS & MAINTENANCE
D&L ENGINEERING
101 E. WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-1234

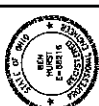
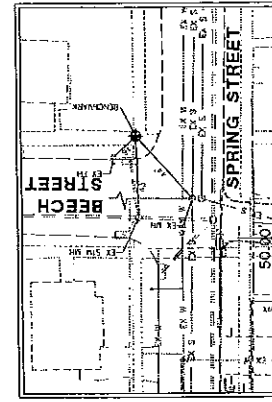
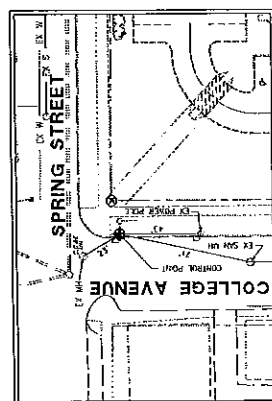
WATER DISTRIBUTION
D&L ENGINEERING
101 E. WALNUT STREET
SUITE 200
CINCINNATI, OH 45202
PHONE (513) 555-1234

ABBREVIATION LEGEND

ABBREVIATION	DESCRIPTION
AC	ACCESS
AD	ADDITIONAL
AE	ADJUSTMENT
AF	ADDITIONAL FLOOR
AG	ADDITIONAL GROUND
AH	ADDITIONAL HATCH
AI	ADDITIONAL INTERIOR
AL	ADDITIONAL LAYOUT
AM	ADDITIONAL MATERIAL
AN	ADDITIONAL NOTE
AO	ADDITIONAL OUTLINE
AP	ADDITIONAL PAVEMENT
AQ	ADDITIONAL QUANTITY
AR	ADDITIONAL REVISION
AS	ADDITIONAL SIGN
AT	ADDITIONAL TYPING
AV	ADDITIONAL VIEW
AW	ADDITIONAL WALL
AX	ADDITIONAL WINDOW
AY	ADDITIONAL YARD
AZ	ADDITIONAL ZONE

CONTROL POINT
CORNER OF COLLEGE AND
SPRING
N=556881.7347
E=1334972.4768

UNDERGROUND UTILITIES
2 WORKING DAYS
BEFORE YOU DIG
Call 1-800-362-2764
PROTECTION SERVICE
WORK MEMBERS
MUST BE CALLED DIRECTLY



NO.	DATE	REVISION
1	12/31/2010	FINAL DEVELOPMENT PLAN
2	12/31/2010	PHASE 3
3	12/31/2010	STEWART SQUARE
4	12/31/2010	FINAL DEVELOPMENT PLAN
5	12/31/2010	PHASE 3
6	12/31/2010	STEWART SQUARE
7	12/31/2010	FINAL DEVELOPMENT PLAN
8	12/31/2010	PHASE 3
9	12/31/2010	STEWART SQUARE
10	12/31/2010	FINAL DEVELOPMENT PLAN

CIVIL TITLE SHEET
CITY OF CINCINNATI, OH 45204
SECTION 27, TOWN 5, RANGE 1
PHASE 3
STEWART SQUARE
FINAL DEVELOPMENT PLAN



C10

GENERAL NOTES

GEN

- [illegible]

WATER MAIN

- ALL WATER MAINS AND WATER MAINS INTERVALS INCLUDING PIPE, FITTINGS, VALVES, HORIZONTAL AND VERTICAL BRANCHES, AND ACCESSORIES SHALL BE INSULATED WITH A MINIMUM OF 1" OF INSULATION AND INSTALLATION SHALL COMPLY WITH THE CITY OF CHICAGO STANDARDS.
- ALL WATER MAINS SHALL BE PROTECTED AGAINST FREEZING IN THE EVENT OF A CONTACT WITH THE PRODUCT SPECIFICATIONS.
- ALL WATER MAINS INTERVALS, VALVES, FITTINGS, AND APPURTENANCES UP TO AND INCLUDING 12" SHALL BE TESTED AT A MINIMUM OF 150 PSI PER 100' LENGTH OF THE WATER MAIN. 250 PSI SHALL BE MAINTAINED FOR A MINIMUM OF 15 MINUTES.
- ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED, COULDSBE TESTED, AND HAVE TWO CONSECUTIVE HYDROSTATIC TESTS.
- UNLESS OTHERWISE DIRECTED BY THE CITY OF CHICAGO OR THE DEPARTMENT, ALL PRIVATE FIRE MAINS SHALL BE MAINTAINED.
- ALL PRIVATE MAINS SHALL BE TESTED PER THE CITY OF CHICAGO STANDARDS.
- ALL PIPE AND SPECIAL FITTINGS SHALL BE INSTALLED PER THICKNESS SCHEDULE 40S PER TYPE C. CORROSION RESISTANT COATING SHALL BE USED MEETING THE REQUIREMENTS OF THE CITY OF CHICAGO.

SEWERS

- MUNICIPALITY OF SEABOARD**
- ALL WORK, MATERIALS, AND TESTING SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF OREGON.
- POOF DRAFTS, FOUNDATION DRAWS, AND ALL OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER SYSTEM ARE PROHIBITED.
- SANITARY CONNECTIONS TO EXISTING MANHOLES (IF APPLICABLE) MUST BE DONE DRILLED AND RUBBER GASKET INSTALLED.
- NO DRAINAGE SHALL BE CONNECTED TO A SEWER LATERAL UNTIL THE BUILDING IS UNDER ROOF.
- ALL SANITARY SEWER LATERALS AND MANHOLES MUST BE 4" OR SMALLER CONFORM WITH CURRENT CITY REQUIREMENTS FOR THE CITY OF OREGON.
- PROPERTY MANHOLES SHALL BE CONSTRUCTED AS AT LEAST TWO FEET ABOVE THE PROPERTY/NEIGHBORHOOD DRAIN TO THE EDGE OF THE EXISTING MANHOLE IS GREATER.
- SANITARY SEWER LATERALS AND INSULATION TO BE AS PER CITY OF OREGON SPECIFICATIONS.

TELEPHONE

- [illegible]

ED FLUOR.

- [illegible]

GAS AND ELECTRIC SERVICES

- ## **WAS AND ELECTRIC SERVICES**
- DAS AND ELECTRIC SERVICE SHALL MEET THE REQUIREMENTS OF THE UTILITY PROVIDER.
 - DAS SERVICE SHALL BE PROVIDED IN A MANNER THAT MEETING THE REQUIREMENTS OF OUTDOOR WIRELESS USE COMPANY.
 - ELECTRIC CONDUITS SHALL CONSIST OF PVC SCHEDULE 40 NEW RATED CONDUITS MEETING THE REQUIREMENTS OF THE LISTED SERVICE PROVIDER.
 - ELECTRIC MANHOLES IF NECESSARY TO BE DESIGNED BY AND CONSTRUCTED IN ACCORDANCE WITH DUNE ENERGY REQUIREMENTS.
 - DAS AND ELECTRIC CONDUITS SHALL NOT INTERFERE WITH OTHER UTILITIES.

GAS FACILITIES

- FOR THE ENGINEERING, MATHEMATICS AND OFFICIAL CORRESPONDENCE RELATED TO UNITED STATES AIR FORCE ADDRESS TO:
- ATTENTION: MR. JAMES E. HANCOCK
3100 CALLEJO DRIVE COMPANY
DIXON, CALIF. 95626
- EX-100 ON 4/25/68
- THE AIR MAIL MANIPULATOR PROVIDES SIMPLE, THE APPROPRIATE LOCATIONS AND DEPENDS OF THE USER'S POSITIONING OF THE MANIPULATOR. THIS INSTRUMENT IS DESIGNED TO BE USED IN THE FOLLOWING MANNER:
1. THE USER MUST POSITION THE MANIPULATOR SUCH THAT THE CENTER OF THE INSTRUMENT MAY EXISTING DURING OF CENTER TO BE DIFFERENT, HOWEVER THE USER MUST BE AWARE OF THE LOCATION OF THE MANIPULATOR WHEN THE MANIPULATOR IS USED TO POSITION THE MANIPULATOR.
2. ALL DATA SERVICES MUST BE INSTALLED AT A MINIMUM OF 1-1/2" OF COVER SEE NOTE 2 ABOVE.
- FOR APPROVAL, THE PARTY REQUESTING INFORMATION, MAIL (513) 537-2550

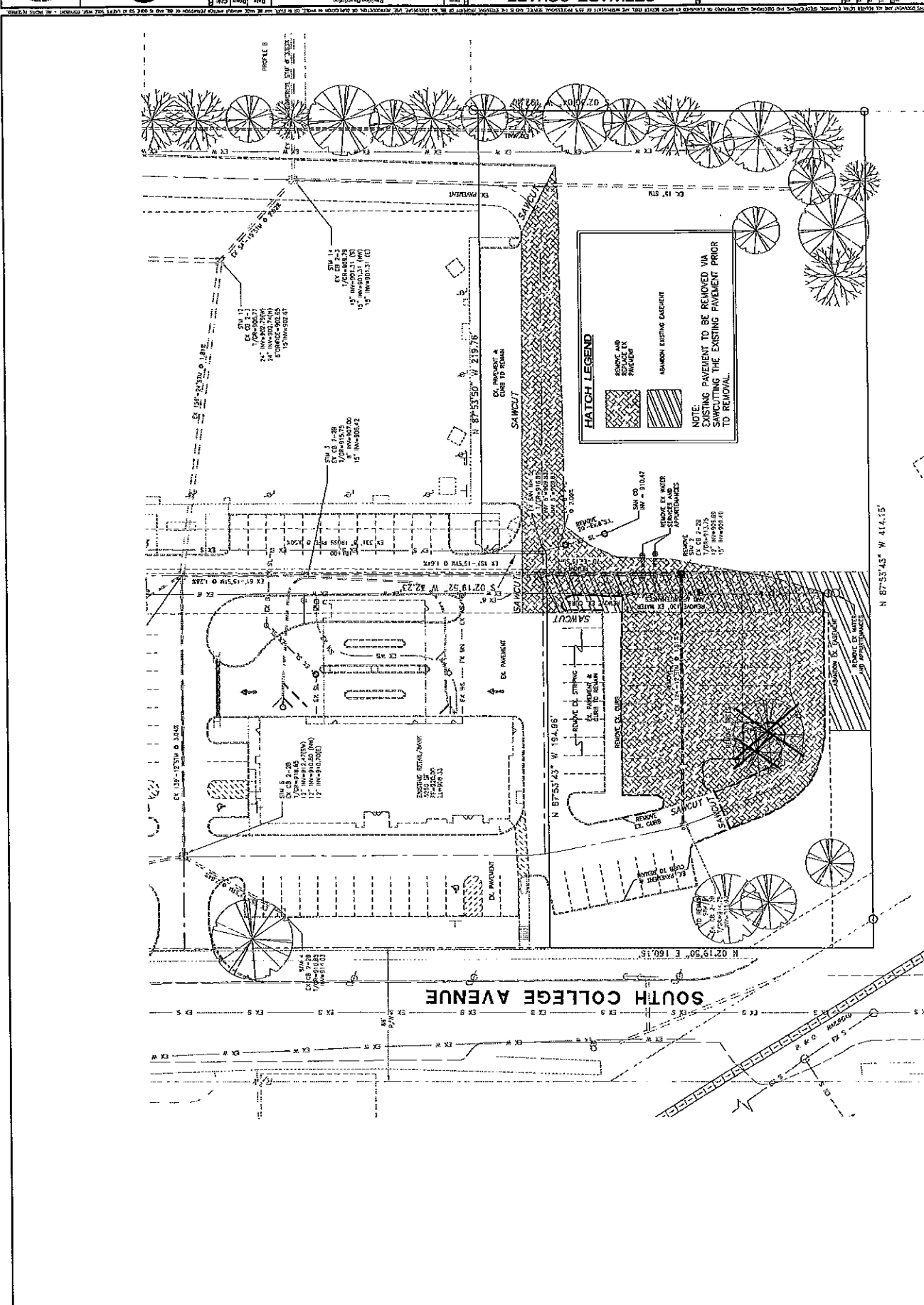
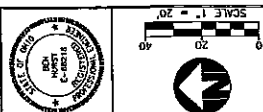
F. GAS FACILITIES ARE TO BE KEPT IN:

- [illegible]

MAINTENANCE OF TRAFFIC

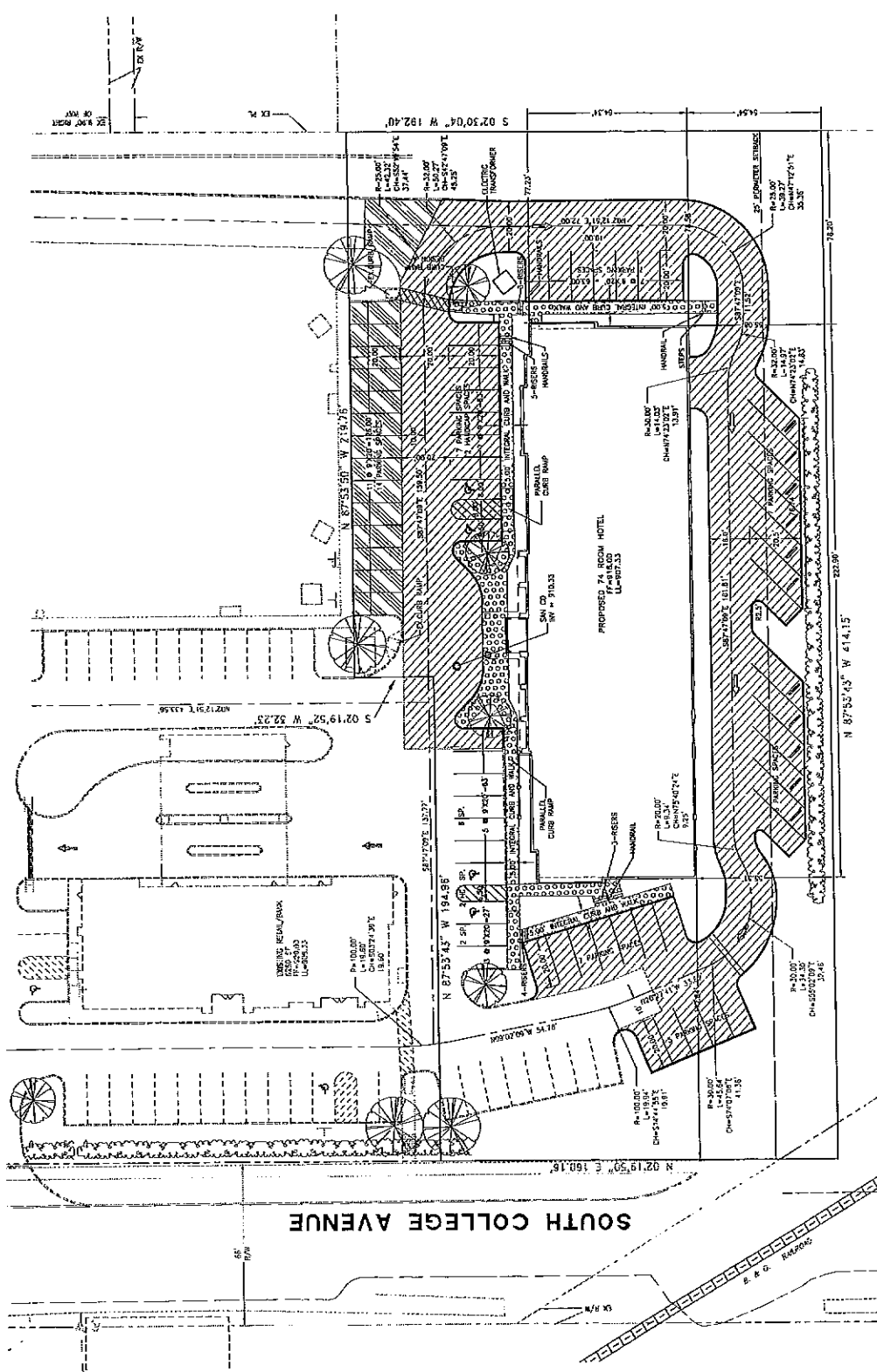
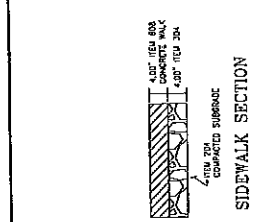
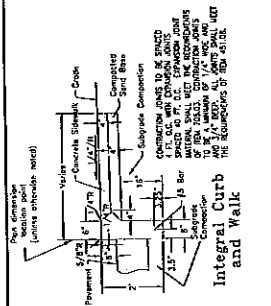
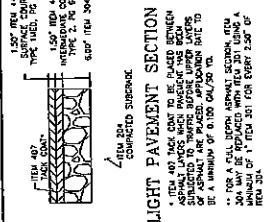
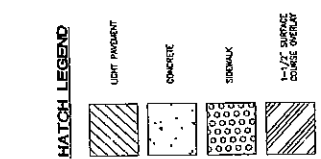
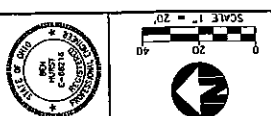
- MAINTENANCE OF TRAFFIC**
- A. ALL WORK AND TRAFFIC CONTROL DEVICES SHALL BE IN ACCORDANCE WITH ITEM 614 AND OTHER APPLICABLE PORTIONS OF THE PLAN SPECIFICATIONS AS WELL AS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF THE STATE OF TEXAS, LATEST EDITION. ALL LANE CLOSURES SHALL BE IN ACCORDANCE WITH STANDARD CONSTRUCTION DRAWINGS UT-67.10 AND UT-67.11. LANE CLOSURES WILL NOT BE PERMITTED BETWEEN THE HOURS OF 7:00AM-5:00PM ON FRIDAY, SEPTEMBER 11, 2009, AND 7:00AM-5:00PM ON FRIDAY, SEPTEMBER 12, 2009.

STEWART SQUARE
FINAL DEVELOPMENT PLAN
PHASE 3
OXFORD, OH 43054
CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 27, TOWN 4, RANGE 1
DEMOLITION PLAN



STEWART SQUARE
FINAL DEVELOPMENT PLAN
PHASE 3
OXFORD OH 43054
CITY OF OXFORD, BUTLER COUNTY, OHIO
SECTION 27, TOWN 5, RANGE 1
LAYOUT PLAN

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
PRELIMINARY																																																																																																			





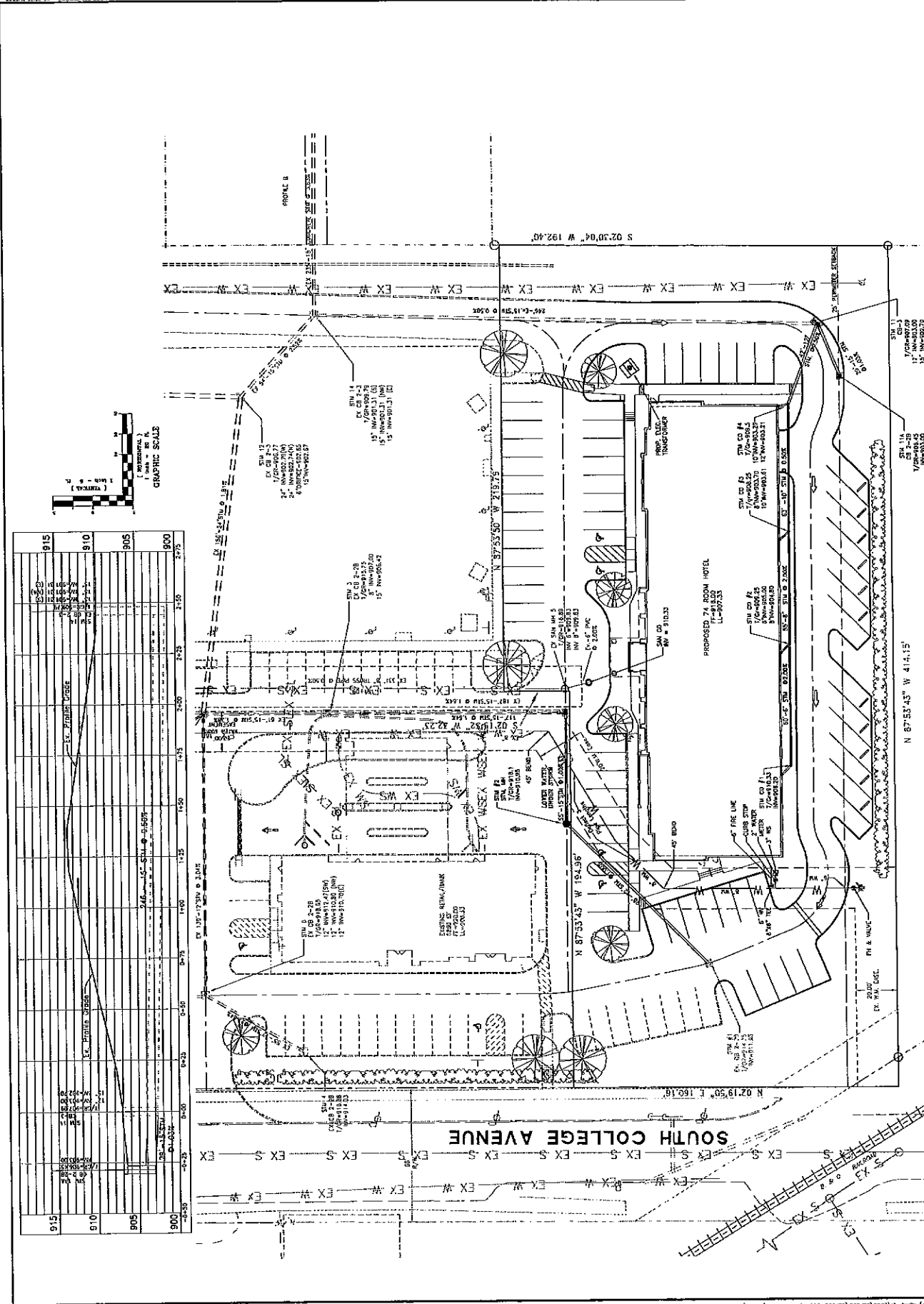
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01/11/2018	PHASE 3	DB	DB
01/11/2018	UTILITY PLAN	DB	DB
01/11/2018	SECTION 27, TOWN & RANGE 1	DB	DB
01/11/2018	CITY OF OXFORD, OH 43024	DB	DB
01/11/2018	STEWART SQUARE	DB	DB

STEWART SQUARE
FINAL DEVELOPMENT PLAN
PHASE 3
CITY OF OXFORD, OH 43024
SECTION 27, TOWN & RANGE 1
UTILITY PLAN

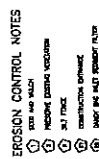


DATE	DESCRIPTION	BY	CHK
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01/11/2018	PHASE 3	DB	DB
01/11/2018	UTILITY PLAN	DB	DB
01/11/2018	SECTION 27, TOWN & RANGE 1	DB	DB
01/11/2018	CITY OF OXFORD, OH 43024	DB	DB
01/11/2018	STEWART SQUARE	DB	DB

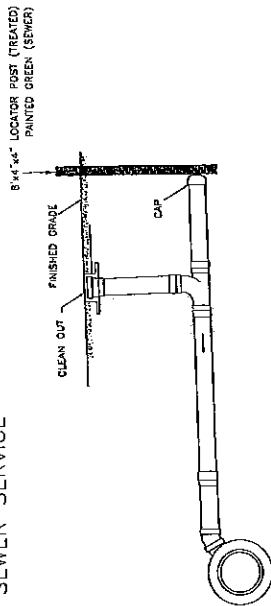
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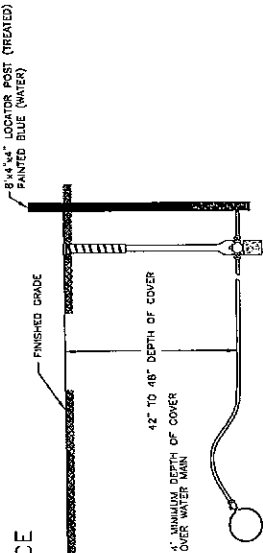
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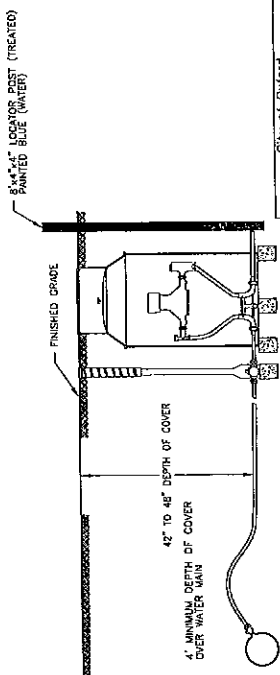
SANITARY SEWER SERVICE



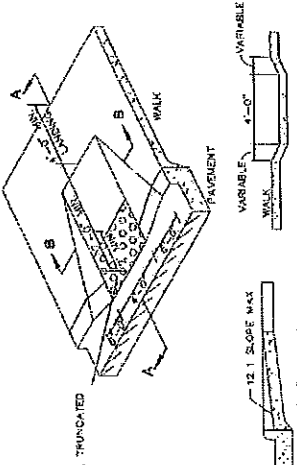
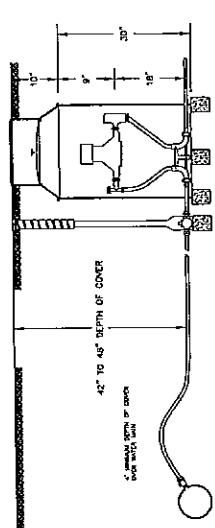
WATER SERVICE



SERVICE LINE
TERMINATION STAKING



CURB RAMP DETAIL
KTS

[illegible]

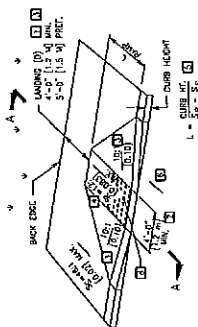
DRAWING NOT TO SCALE

STREET SLOPE	RAMP LENGTH @ 1"/11 (0.003)	
	LOW SBC *	HIGH SBC *
0.01	5'-5"	1/8 m
0.02	4'-10"	1-5 m
0.03	4'-5"	1-3 m
0.04	4'-1"	1-1 m
0.05	3'-5"	1-1 m

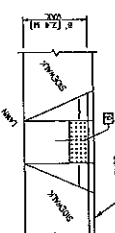
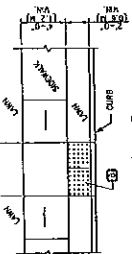
* MEASURED ALONG THE BACK OF A

$$L_{\text{HIGH}} = \frac{\text{CURB MT.}}{0.003 - \text{STREET SLOPE}}$$

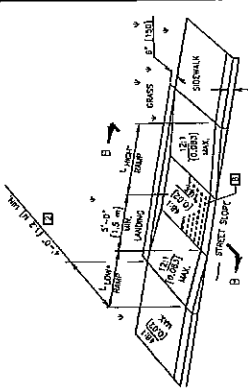
PERPENDICULAR CURB RAMP DETAIL



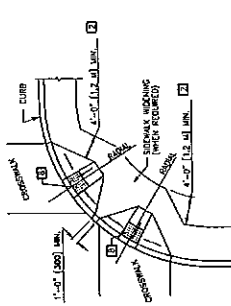
DESIGN E PERPENDICULAR RAMP

DESIGN F
PARALLEL RAMP

PARALLEL CURB RAMP DETAIL
(DOUBLE)



DESIGN A PERPENDICULAR RAMP



LEGEND

- [illegible]

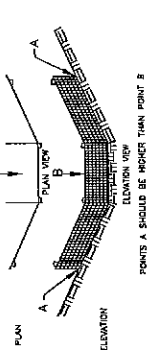
3 PRESERVE EXISTING VEGETATION

- 3 PRESERVE EXISTING VEGETATION**
WHERE POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION.
TO PREVENT ROOT DAMAGE, DO NOT GRAZE, PLACE SOIL PILES, OR PARK VEHICLES NEAR TREES MARKED FOR PRESERVATION.
PLACE OBJECTS SUCH AS SNOW FENCE BARRIERS THREE FEET TO PROTECT THE AREA BELOW THEIR BRANCHES.

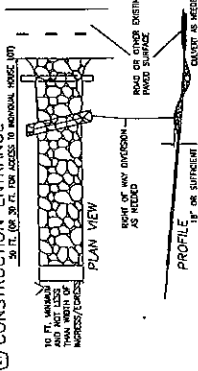
DANDY BAG® INLET SEDIMENT FILTER

- THE WANTED DANCY BANG™ IS DESIGNED FOR USE WITH PLAT GRIDS (INCLUDING BANGS) AND UNMOVABLE GRIDS TO DRIVE SCREWS INTO THE BOTTOM OF THE CHASSIS TO OBTAIN A STABLE, RIGID MOUNT OF THE DANCY BANG™. THE FOLLOWING STEPS WILL GUIDE YOU THROUGH THE INSTALLATION OF THE DANCY BANG™.
- INSTALLATION**
1. SLIDE THE DANCY ON END
 2. PLACE THE DANCY ON END OVER THE GRATE
 3. PULL THE DANCY OVER SO THAT THE OPEN END IS UP
 4. PULL UP THE SLATS
 5. TUCK THE FLAP IN
 6. PRESS THE VERTICAL STRIPS TOGETHER
 7. BE SURE THAT THE END OF THE DANCY IS FLAT AND NOT BENT PROPERLY ON THE DANCY
 8. HOLDING THE HANDLES CAREFULLY PLACE THE DANCY BANG™ INTO THE DANCY BANG FRAME
 9. MAINTAINANCE

PLACEMENT AND CONSTRUCTION OF DITCH CHECK
FILTER FABRIC FENCE



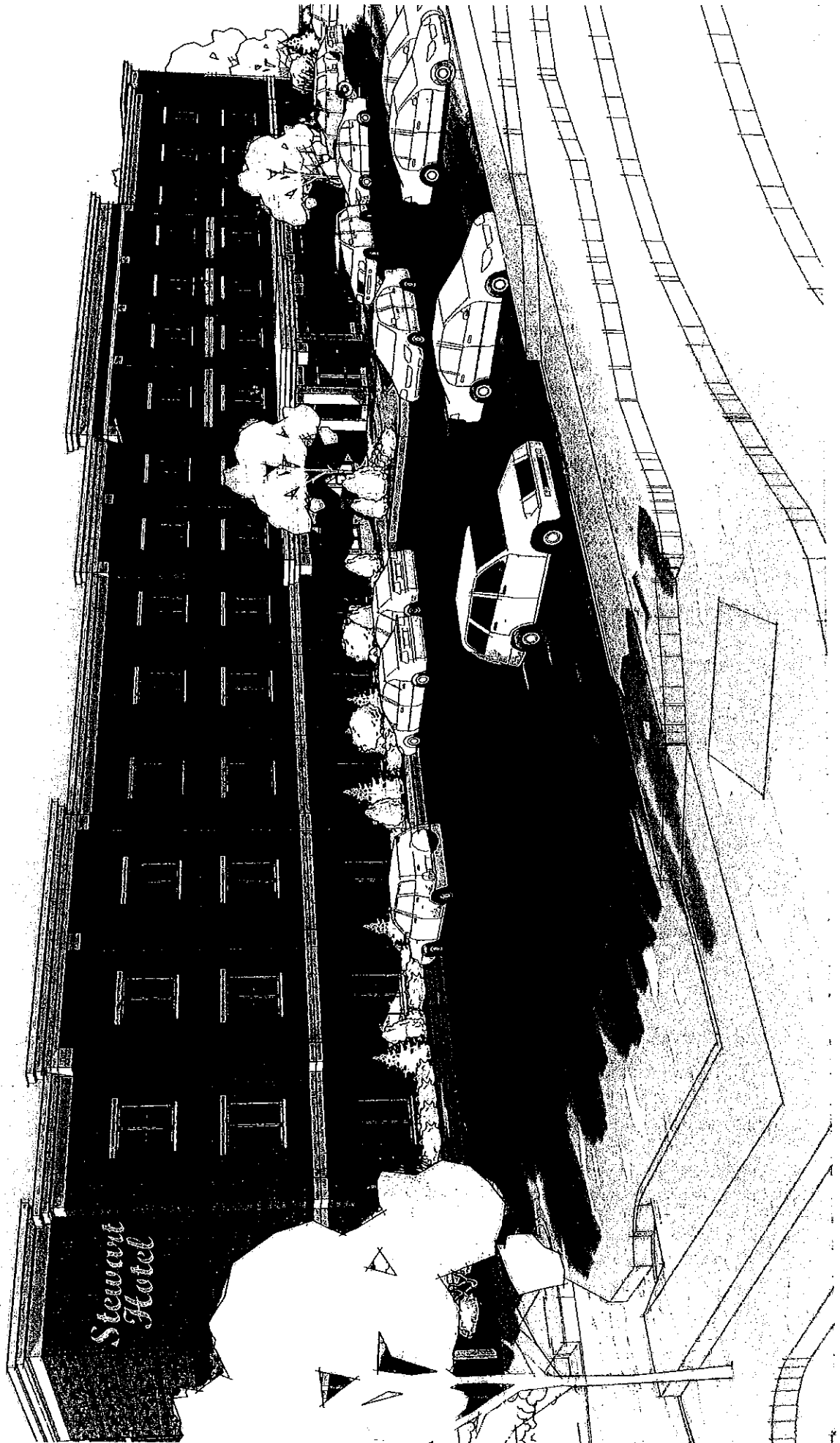
STANDARD SANITARY SEWER

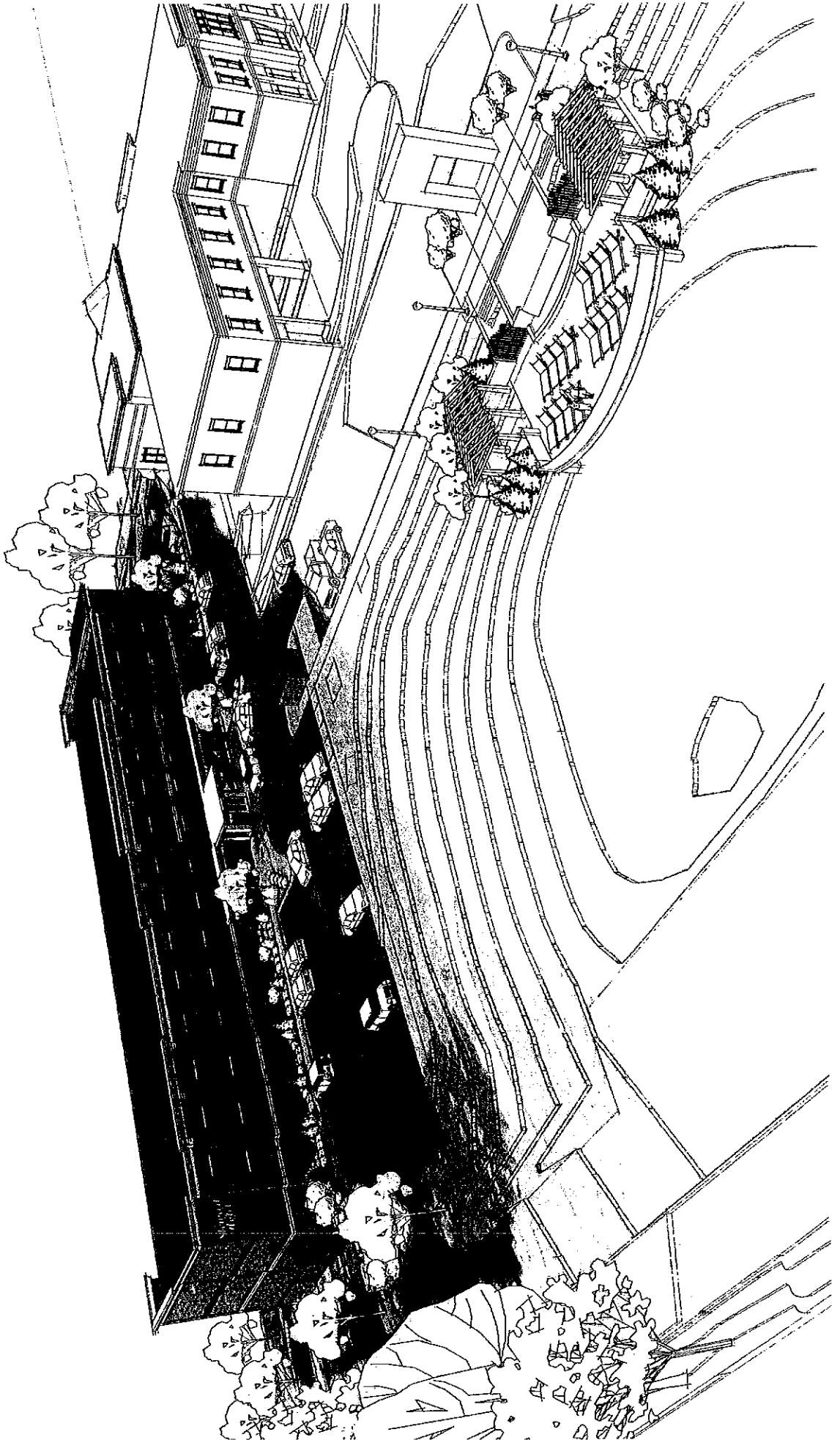


TO MEET RAINFOT

1. STONE SIZE - MAXIMUM TWO-INCH TYPE GRAVEL OR CRUSHED CONCRETE
2. SLOPE - THE CONSTRUCTION DRAINAGE SHALL BE AS LOW AS REQUIRED TO AVOID ANY WATER MARKS BUT NOT LESS THAN 1%.
3. FINISH - THE FINISH SHALL BE A UNIFORM LIGHT GRAY.
4. THICKNESS - THE STONE SHALL BE AT LEAST 1 1/2 IN. THICK.
5. WIDTH - THE DRAINAGE SHALL BE AT LEAST 12 IN. WIDE, BUT NOT LESS THAN THE FULL WIDTH OF THE PAVED SURFACE TO WHICH IT IS TO BE PLACED.
6. BEDDING - A CONCRETE SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING STONE. IT SHALL HAVE A MINIMUM 100 LB. SQA. YD. STRENGTH OF AT LEAST 180 LB.
7. CURBING - A PIPE OR GUTTER SHALL BE CONSTRUCTED UNDER THE DRAINAGE. IT SHALL BE 1/2 IN. DEEPER THAN THE DRAINAGE FROM THE POINTED OUT ON THE PAVED SURFACE.

Boyer-Lieberman







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

September 23, 2008

DESCRIPTION:

Part of Lot 3640
1.686 Acres

LOCATION:

City of Oxford,
Butler County, Ohio

Situated in the City of Oxford, Butler County, Ohio, being part of Lot 3640 of said City of Oxford, and being part of the lands of Stewart Developers, LLC as recorded in deed book 7584 page 1656 of the Butler County recorder's Office and being more particularly described as follows;

Beginning at a 1/2" at the south east corner of said Lot 3640;

Thence with the south line of said Lot 3640 N 87°53'43" W for 414.15 feet to a point, passing a 1/2" rebar at 399.87 feet, said point being on the west line of said Lot 3640 and the east right of way of South College Avenue;

Thence with said the west line of Lot 3640 and the east right of way of South College Avenue N 2°19'50" E for 160.16 feet to a point;

Thence through said Lot 3640 S 87°53'43" E for 194.96 feet to a point;

Thence continuing through said Lot 3640 N 2°19'52" E for 32.23 feet to a point;

Thence continuing through said Lot 3640 S 87°53'50" E for 219.76 feet to a point; said point being on the east line of said Lot 3640;

Thence S 2°30'04" W for 192.40 feet to the point of beginning, containing 1.686 acres of land more or less and being subject to all legal highways, easements, restrictions and agreements of record.

APPROVED BY
The City of Oxford, Ohio
Justin Chen 10/13/08
Date
Justin Chen
Community Development Director
Title



CIVIL & TRANSPORTATION ENGINEERING LANDSCAPE ARCHITECTURE PLANNING SURVEYING

QUIT CLAIM DEED

 COPY

GRANTOR, Stewart Developers, LLC, an Ohio limited liability company of Butler County, Ohio, whose tax mailing address is 125 West Spring Street, Oxford, Ohio, 45056, for valuable consideration paid, grants to GRANTEE, James M. Clawson, Trustee, whose tax mailing address is 125 West Spring Street, Oxford, Ohio 45056, the following Real Property:

See Exhibit "A" attached hereto.

Subject to that certain Access and Maintenance Agreement recorded subsequent hereto at Vol. 8058, Page 1003 of the Official Records of Butler County, Ohio and all easements, covenants and restrictions of record; taxes and assessments not yet due and payable; legal highways and rights of way; rights of tenants in possession; and subject to any state of facts an accurate survey would show.

Prior Deed Reference: Vol. _____, Page _____, of the Official Records of Butler County, Ohio.

Executed this 8th day of Sept, 2008.

STEWART DEVELOPERS, LLC
GRANTOR

By: James M. Clawson

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 8th day of Sept, 2008 by James M. Clawson, the authorized member of Stewart Developers, LLC, an Ohio limited liability company, on behalf of the company.

Catherine L. Evans
Notary Public

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM
A Legal Professional Association
Hamilton, Ohio

9/4/08S:\Corporat\Nickel\deeds\StewartDevelopers to Clawson QC.wpd



CATHERINE L. EVANS
Notary Public, State of Ohio
My Comm. has no expiration date
O.R.C. Section 147.03


Image ID: 000007171105 Type: OFF
Kind: DEED
Recorded: 10/24/2008 at 11:30:15 AM
Fee Amt: \$28.00 Page 1 of 2
Workflow# 0000009754-0001
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2008-00049922
BK **8058** PG **1003**

2
COPY

ACCESS AND MAINTENANCE AGREEMENT

This Access and Maintenance Agreement ("Agreement") is made and entered into this 17th day of October, 2008 by and between Stewart Developers, LLC ("Stewart") and James M. Clawson, Trustee ("Clawson").

WHEREAS, Stewart is the owner of part lot 3640 in the City of Oxford, Butler County, Ohio (the "Stewart Tract"); and

WHEREAS, Clawson is the owner of real estate described in Exhibit "A" attached hereto and incorporated herein (the "Clawson Tract"); and

WHEREAS, the Stewart Tract and the Clawson Tract may be collectively referred to as the "Property"; and

WHEREAS, Stewart agrees to grant Clawson a certain non-exclusive ingress and egress easement over a part of the Stewart Tract on the terms and conditions set forth herein; and

WHEREAS, each of Stewart and Clawson agree to grant to the other a non-exclusive easement for parking purposes over a part of the Stewart Tract and the Clawson Tract, respectively, on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged the undersigned agree as follows, to-wit:

1. Access Easement. Subject to the terms of this Agreement, Stewart hereby grants to Clawson, his heirs, successors and assigns, a permanent non-exclusive easement (the "Access Easement") for vehicular and pedestrian ingress and egress to, from, over and across that part of the Stewart Tract which is shown on the attached Exhibit "B" (the "Access Easement Area"). The Access Easement Area shall be used by Clawson, his employees, agents, tenants, contractors and invitees for purposes of accessing the real estate and related improvements constructed or to be constructed on the Clawson Tract.

2. Parking. Subject to the terms of this Agreement, Stewart hereby grants to Clawson, his heirs, successors and assigns, a permanent non-exclusive easement (the "Stewart Parking Easement") for parking and for vehicular and pedestrian ingress and egress to, from, over and across that part of the Stewart Tract which is shown on the attached Exhibit "B" (the "Stewart Parking Easement Area"). The Stewart Parking Easement Area shall be used by Clawson, his employees, agents, tenants, contractors and invitees for purposes of accessing the real estate and related improvements constructed or to be constructed on the Clawson Tract.

Image ID: 000007171107 Type: OFF
Kind: AGREEMENT
Recorded: 10/24/2008 at 11:30:15 AM
Fee Amt: \$68.00 Page 1 of 7
Workflow# 0000006754-0002
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2008-00048923

BK 8058 pg 1005

TRANSFER NOT NECESSARY
BY ROGER REYNOLDS, CPA
DEPT. AUDITOR, BUTLER CO., OHIO

Subject to the terms of this Agreement, Clawson hereby grants to Stewart, its successors and assigns, a permanent non-exclusive easement (the "Clawson Parking Easement") for parking and vehicular and pedestrian ingress and egress to, from, over and across that part of the Clawson Tract which is shown on the attached Exhibit "B" (the "Clawson Parking Easement Area"). The Clawson Easement Area shall be used by Stewart, its employees, agents, tenants, contractors and invitees for purposes of accessing the real estate and related improvements constructed or to be constructed on the Stewart Tract.

3. Definitions. The Access Easement, the Stewart Parking Easement and the Clawson Parking Easement may be collectively referred to as the "Easements". The Access Easement Area, the Stewart Parking Easement Area and the Clawson Parking Easement Area may be collectively referred to as the "Easement Area".

4. Maintenance. The parties agree to maintain the Easement Area in good condition and repair and to bear the cost of the same in proportion to their respective ownership in the Property.

5. Benefitted Parties. The Easements shall be for the common benefit of, and usable by, the respective employees, agents, tenants, contractors and invitees of Clawson and Stewart and all persons claiming by or through any of them.

6. Run With The Land and Binding Effect. The rights and obligations of Clawson and Stewart set forth in this Agreement shall run with the land and shall be binding upon and inure to the benefit of Clawson and Stewart and their respective heirs, personal representatives, successors and assigns.

7. Damages. The parties hereto agree that if any of the Easement Area is damaged by an act or omission to act of a party hereto, their employees, agents, tenants, contractors or invitees, which damage shall include, without limitation, damages due to construction traffic, the party so causing said damage shall be responsible for said damage and shall promptly repair the same.

8. Amendment; Anti-Merger. This Agreement may be amended or modified only by a written agreement executed and entered into by the fee title owners of both the Stewart Tract and the Clawson Tract at the time of such amendment. The rights and duties of the parties hereunder shall not merge in the event fee title to any part of the Stewart Tract and the Clawson Tract are held by the same entity.

9. Governing Law. The Agreement shall be governed by the laws of the State of Ohio, without application of its choice of law rules.

10. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same agreement.

11. Matters of Record. The easement rights granted to Clawson herein are subject and subordinate to all covenants, conditions, restrictions and easements of record.

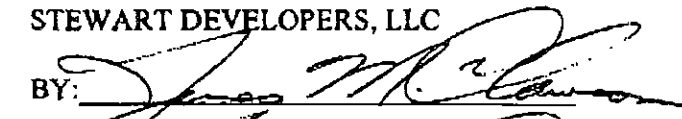
12. Reservation of Rights. The parties hereby reserves to itself, its successors and assigns, the right to use the Easement Area for any purpose which does not unreasonably interfere with the other's use of the Easement Area for the purposes for which the easement rights described herein are being granted.

13. Severability. The invalidity or enforceability of any provision of this Agreement shall not affect or impair the validity or enforceability of any other provision or term hereof.

The parties have executed this Agreement as of the day and year first above written.

STEWART DEVELOPERS, LLC

BY:



James M Clawson, Trustee

APPROVED BY	
City of Oxford, Ohio	
Signature	10/18/08
Jung-Han Chen	
Community Development Director	

STATE OF OHIO, COUNTY OF BUTLER, SS:

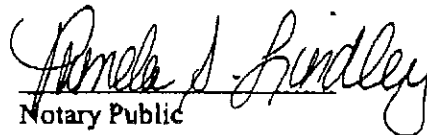
The foregoing instrument was acknowledged before me this 17th day of October,
2008 by James M. Clawson the Member of Stewart Developers,
LLC, an Ohio limited liability company, on behalf of said company.


Notary Public

PAMELA S. LINDLEY
Notary Public, State of Ohio
My Commission Expires 06/27/12

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 17th day of October,
2008 by James M. Clawson, Trustee.


Notary Public

PAMELA S. LINDLEY
Notary Public, State of Ohio
My Commission Expires 06/27/12

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM
A Legal Professional Association
Hamilton, Ohio

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CONSENT AND SUBORDINATION

First Financial Bank, N.A. ("FFB"), a national banking association organized and existing under the laws of the United States of America, for good and valuable consideration, hereby consents to the easements and other rights granted by this Access and Maintenance Agreement ("Easement Agreement"), and hereby agrees that its interests under: (a) the Open-End Mortgage ("Mortgage") from Stewart Developers, LLC dated April 5, 2007 in the original amount of Eleven Million Nine Hundred Fifty Thousand and 00/100 (\$11,950,000.00) Dollars which is recorded in Volume 7876 at Page 2073 of the Official Records of Butler County, Ohio; and (b) the Assignment of Rents and Leases between Stewart Developers, LLC and FFB dated April 5, 2007 which is recorded in Volume 7876 at Page 2080 of the Official Records of Butler County, Ohio shall be subject and subordinate to such easements and other rights granted by the Easement Agreement and those easements and other rights shall remain in effect and undisturbed if FFB were to foreclose on the Mortgage.

Dated: September 3, 2008

FIRST FINANCIAL BANK, N.A.

BY: [Signature]

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 3rd day of Sept., 2008 by Adrian Green the Market President of First Financial Bank, N.A., a national banking association organized and existing under the laws of the United States of America, on behalf of said association.

Rashell L. Haven
Notary Public

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM
A Legal Professional Association
Hamilton, Ohio

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RASHELL L. HAVEN
Notary Public, State of Ohio
My Commission Expires Aug: 20, 2012

3
Image ID: 000007171114 Type: OFF
Kind: DEED
Recorded: 10/24/2008 at 11:30:15 AM
Fee Amt: \$28.00 Page 1 of 2
Workflow# 0000009754-0003
Butler County, Ohio
Dan Crank COUNTY RECORDER
File# 2008-00049924
BK 8058 PG 1012

QUIT CLAIM DEED

GRANTOR, James M. Clawson, Trustee, whose tax mailing address is 125 West Spring Street, Oxford, Ohio, 45056, for valuable consideration paid, grants to GRANTEE, Stewart Developers, LLC, an Ohio limited liability company of Butler County, Ohio, whose tax mailing address is 125 West Spring Street, Oxford, Ohio 45056, the following Real Property:

See Exhibit "A" attached hereto.

Subject to that certain Access and Maintenance Agreement recorded at Vol. 8058 Page 1005 of the Official Records of Butler County, Ohio and all easements, covenants and restrictions of record; taxes and assessments not yet due and payable; legal highways and rights of way; rights of tenants in possession; and subject to any state of facts an accurate survey would show.

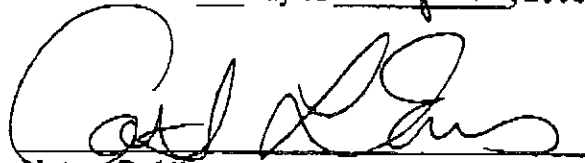
Prior Deed Reference: Vol. _____, Page _____, of the Official Records of Butler County, Ohio.

Executed this 8th day of Sept., 2008.


James M. Clawson, Trustee

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 8th day of Sept., 2008 by James M. Clawson, Trustee.


Notary Public

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM
A Legal Professional Association
Hamilton, Ohio

9/4/08S:\Corporat\Nickel\deeds\Clawson to StewartDevelopers QC.wpd



CATHERINE L. EVANS
Notary Public, State of Ohio
My Comm. has no expiration date
O.R.C. Section 147.03

EXHIBIT "A"



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

September 23, 2008

DESCRIPTION:

Part of Lot 3640
1.686 Acres

LOCATION:

City of Oxford,
Butler County, Ohio

Situated in the City of Oxford, Butler County, Ohio, being part of Lot 3640 of said City of Oxford, and being part of the lands of Stewart Developers, LLC as recorded in deed book 7584 page 1656 of the Butler County recorder's Office and being more particularly described as follows;

Beginning at a 1/2" at the south east corner of said Lot 3640;

Thence with the south line of said Lot 3640 N 87°53'43" W for 414.15 feet to a point, passing a 1/2" rebar at 399.87 feet, said point being on the west line of said Lot 3640 and the east right of way of South College Avenue;

Thence with said the west line of Lot 3640 and the east right of way of South College Avenue N 2°19'50" E for 160.16 feet to a point;

Thence through said Lot 3640 S 87°53'43" E for 194.96 feet to a point;

Thence continuing through said Lot 3640 N 2°19'52" E for 32.23 feet to a point;

Thence continuing through said Lot 3640 S 87°53'50" E for 219.76 feet to a point; said point being on the east line of said Lot 3640;

Thence S 2°30'04" W for 192.40 feet to the point of beginning, containing 1.686 acres of land more or less and being subject to all legal highways, easements, restrictions and agreements of record.

John H. Chen 10/13/08
John H. Chen
Community Development Director

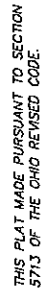


CIVIL & TRANSPORTATION ENGINEERING LANDSCAPE ARCHITECTURE

PLANNING

SURVEYING

PART OF LOT 3640 PART OF OLD PARCEL 79 73,449.1 SQ. FT. OR 1.686 ACRES.



DEED BOOK: _____
PAGE: _____

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

DAVID DOUGLAS SMITH PROFESSIONAL SURVEYOR NO. 7121 DATE

A COPY OF THIS SURVEY CAN BE FOUND IN
VOLUME 52 PAGE 114 OF THE BUTLER COUNTY
ENGINEERS RECORD OF LAND SURVEYS

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft



1 OF 1

bayer
bayer
www.bayerbecker.com
318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

Drawing: 05-100-80050

Drawn by:

Checked By _____

ATB

Issue Date: 02/01/08

Sheet

STEWART SQUARE
PART OF LOT 3640
CITY OF OXFORD
BUTLER COUNTY
OHIO
FOR STEWART DEVELOPERS, LLC
LOT SPLIT

LOT SPLIT

Item	Revision Description	Date	Drawn:	Chk:
	ADD INGRESS/EGRESS EASEMENT	8/8/08	DOS	
	ADD PARKING AREA AGREEMENT	9/13/08	DOS	
	REMOVED EASEMENTS	9/29/08	DOS	

**LARGER PRINTS FOR PC-08-2010 ARE AVAILABLE IN
THE COMMUNITY DEVELOPMENT DEPARTMENT
DURING NORMAL BUSINESS HOURS. SHOULD YOU
HAVE ANY QUESTIONS, PLEASE CONTACT US AT
524-5204.**

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 4 and May 18, 2010

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service

Originating Department

Michael Dreisbach

Prepared By

April 22, 2010

Date Prepared

Agenda Title: Modification of Ordinance No. 2852 Authorizing the *City of Oxford Water and Sanitary Sewer Improvement Specifications Manual*.

Recommendation: Approve

Discussion:

Oxford Codified Ordinance Section 921.03 (Water Utility) and Section 923.04 (Wastewater Utility) authorize the Director of Service to adopt and enforce, subject to the approval of the City Manager, rules and regulations as deemed necessary to execute duties and responsibilities in the operation of the Utilities. The City Council approved **Ordinance No. 2852** on June 7, 2005 ordering all water and sanitary sewer systems in the City of Oxford to be constructed in accordance with the *Water and Sanitary Sewer Improvement Specifications Manual*.

Service Department staff has completed a five year review of the *Water and Sanitary Sewer Improvement Specifications Manual* and have made modifications to clarify various requirements of the manual and also to simplify the language of the manual where possible. Construction drawings have also been modified to clarify notes and comments in the drawings.

The most substantial changes in the *Water and Sanitary Sewer Improvement Specifications Manual* include the following items:

- * **Allowing ductile iron pipe and fittings that were not cast in the USA.**- While imported pipe and fittings may be less expensive in some cases, there have been times when specific parts cast in the USA were not readily available for use.
- * **Requiring construction plans to indicate the 100 year flood plain and all manhole rims to be designed at that elevation plus one foot** – This will lessen the likelihood of stormwater entering a manhole during significant storm events.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial

Date

MDS

4/23/10

DRB

4/22/10

- * **Sewers shall be installed to upstream boundaries of the property being developed** – This will allow the future development of upstream properties. Current specifications already provide for water mains to be extended across the entire property.
- * **Sewers must be designed with enough capacity to serve potential upstream properties** – This will allow for development of upstream properties without the need for duplicating existing sewers.
- * **Other minor modifications were made to reflect current practices and to standardize practices, where possible, with other Butler County standards and specifications.**

Upon Council approval of the revised *City of Oxford Water and Sanitary Sewer Improvement Specifications Manual*, staff will notify existing owners of record of our *Manual* of modifications to the document.

ORDINANCE NO.

AN ORDINANCE ADOPTING A REVISED AND AMENDED WATER AND SANITARY SEWER IMPROVEMENTS SPECIFICATION MANUAL.

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

SECTION 1: The City Manager and Service Director recommend the adoption of the revised portions of the Water and Sanitary System Improvement Specification Manual attached hereto as Attachment 'A' for the purpose of establishing construction standards for the construction of water and sanitary sewer systems in the City of Oxford.

SECTION 2: Council hereby accepts the recommendation of the City Manager and Service Director and hereby adopts the revised and amended Water and Sanitary System Improvements Specification Manual attached hereto as Attachment 'A' and orders all water and sanitary sewer systems to be constructed or improved henceforth under the standards of the Manual.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

3.2 PIPE MATERIAL

Water mains shall be constructed of Class 53 ductile iron unless otherwise approved by the UTILITY in writing.

3.2.1 Ductile Iron Pipe, Fittings, and Joints

Ductile iron pipe shall be designed in accordance with the latest revision of ANSI/AWWA C150/A21.50 for a minimum 150 psi (or project requirements, whichever is greater) rated working pressure plus a 100 psi minimum surge allowance; a 2 to 1 factor of safety on the sum of working pressure plus surge pressure; where a Trench Type shall be in accordance with 3.8.1 and 3.8.2. (DRAWING # 10)

Ductile iron pipe shall be manufactured ~~in the U.S.A.~~ in accordance with the latest revision of ANSI/AWWAC151/A21.51. Each pipe shall be subjected to a hydrostatic pressure test of at least 500 psi at the point of manufacture.

Pipe shall have standard asphaltic coating on the exterior with a cement mortar lining on the interior in accordance with the most current revision of ANSI/AWWA C104/A21.4.

The class or nominal thickness, net weight without lining, and casting period shall be clearly marked on each length of pipe. Additionally, the manufacturer's mark, country where cast, year in which the pipe was produced, and the letters "DI" or "Ductile" shall be cast or stamped on the pipe.

All pipe shall be furnished with push-on type joints, such as "Tyton®" or "Fastite®" unless mechanical joints are required by the UTILITY. Joints shall be in accordance with ANSI/AWWA C111/A21.11, of latest revision, and be furnished complete with all necessary accessories. Field LOK® gaskets or approved equal may be required by the UTILITY where designated.

Fittings shall be ~~manufactured in the U.S.A.~~ and be either ductile iron or gray iron. Ductile iron fittings shall conform to the latest revisions of either ANSI/AWWA C110/A21.10 or ANSI/AWWA C153/A21.53. Gray iron fittings shall be in accordance with ANSI/AWWA C110/A21.10, of latest revision. Fittings shall have a standard asphaltic coating on the exterior and a cement mortar lining on the interior in accordance with ANSI/AWWA C104/A21.4, of the latest revision.

Fittings and accessories shall be furnished with either mechanical or push-on type joints in accordance with ANSI/AWWA C111/A21.11, of latest revision.

All pipe, fittings, and accessories shall be installed and tested in accordance with the latest revision of AWWA Standard C600. Newly installed ductile iron water mains shall be disinfected in accordance with the latest revision of AWWA Standard C651 prior to placing in service. (Chart – page 29, section 3.11 Hydrostatic/Leakage Testing of Main and page 30, section 3.12 Disinfection of water main).

Where ductile iron pipe is to be installed in corrosive soil conditions, the pipe shall be protected by an 8 -mil thick polyethylene encasement meeting the requirements of ANSI A21.5. Such corrosive soils include but are not limited to salt marshes, saturated alkaline soils, cinder fills, areas of decaying vegetation, and waste dumps. This shall be determined by the UTILITY.

Mechanical joints as well as plain and bell ends of fittings shall conform to the dimensions set forth in AWWA C111-90 (ANSI A 21.11). The cleaning and assembly of pipe and fitting joints shall be in accordance with the manufacturer's recommendations.

Care is to be taken when loading and unloading ductile iron pipe and its appurtenances. Improper handling may result in damage. Damaged material will not be accepted by the UTILITY.

4.1 DESIGN REQUIREMENTS

- A. It shall be the OWNER/DEVELOPER'S responsibility to determine the down stream critical section of the existing sanitary sewer system. Should this section not be able to handle the additional flow, it shall be upgraded at the sole expense of the OWNER/DEVELOPER.
- B. When an existing sanitary sewer main needs to be extended to the OWNER/DEVELOPER'S property, the same size line shall be extended by the OWNER/DEVELOPER unless a larger size line is needed.
- C. In cases where the expected flow from a proposed development will require a larger size line than already exists, the OWNER/DEVELOPER shall be responsible, at his sole expense, for upgrading the existing system to an increased size that will handle the additional flow.
- D. In cases where sanitary sewer is not available to a site, it shall be the OWNER/DEVELOPER'S sole responsibility and cost to extend the sanitary sewer to his site.
- E. **Interruption of Service**
The contractor shall provide continuous, uninterrupted service to all users in and upstream of the project area.
- F. **Flow Handling Plan**
Prior to beginning work on any sanitary sewer manhole or main requiring flow modification, the Contractor shall present a plan for handling wastewater flow to the UTILITY for approval. The plan shall describe the methods to be used and shall identify all materials and equipment that will be required for flow handling. The contractor's plan shall also identify a contingency plan and procedures to be implemented in the event of a failure or other emergency. In the event that bypass pumping is necessary, the contractor is required to have personnel on site for the duration of the project to handle emergency conditions. In the event that bypass pumping is necessary, the CONTRACTOR is required to have duplicate pumps sized to handle the flow independently, and personnel onsite for the duration of the project to handle emergency situations that may occur.
- G. **Methods**
At no time shall wastewater flows be allowed on the ground surface, streets, storm sewers, or other places that may constitute a health hazard. Whenever in the opinion of the UTILITY, a health hazard exists as a result of actions or inactions of the Owner/Developer and/or Contractor, the Owner/Developer and/or Contractor shall immediately correct the situation to the satisfaction of the UTILITY. If not corrected in a timely manner, the UTILITY may cause to take actions necessary to remove the health hazard and charge the Owner/Developer and/or Contractor for any and all costs incurred.
- H. **Damages to Property**
Any damages to public or private property due to backups, overflows or surcharging resulting from the work under this section shall be the responsibility of the Owner/Developer and/or Contractor and shall be corrected as soon as practical and at no cost to the UTILITY. If not corrected in a timely manner, the UTILITY will take the necessary action and charge the Owner/Developer and/or Contractor for any and all costs incurred.
- I. **Plans shall indicate the elevation of the one hundred (100) year flood plain. All manholes shall be designed so as the rim elevation is one foot (1') above the one**

hundred (100) year flood plain.

- J. Sewers shall be extended to all upstream boundaries of the property or development being served. This includes installing sewer through non-developed land, open space, green space, etc., when there is developable upstream property, as determined by the Utility.**

Pipe and joint materials shall conform in all respects to the material requirements outlined in this SECTION and to the manufacturer's recommendations.

All pipe, fittings, and joints for sanitary sewer shall be constructed of polyvinyl chloride (PVC) or ductile-iron (DI) pipe unless otherwise approved by the UTILITY. Sanitary sewer mains larger than eighteen inches (18") in diameter require special design considerations and shall be given special design criteria. An OWNER/DEVELOPER anticipating construction of sanitary sewer mains larger than eighteen inches (18") in diameter shall meet with the UTILITY to establish design criteria.

When, in the opinion of the UTILITY, the proposed sanitary sewer pipe material and appurtenances will be incompatible with the wastewater to be transported, the UTILITY reserves the right to specify sanitary sewer pipe material and appurtenances which are compatible with the wastewater. Sanitary sewer lift station design and requirements are referred to in Section 5.0.

4.3.1 Sizing

All public sanitary sewers conveying raw sewage shall be at least eight inches (8") in diameter. New sanitary sewer systems shall be designed on the basis of an average daily per capita flow of sewage of not less than 100 gallons per capita per day (gpcd). This figure is assumed to cover normal infiltration, but an additional allowance should be made when conditions are unfavorable or as directed by the UTILITY.

Sanitary sewers shall be designed on a peak flow basis using a peak factor of four (4) times the total calculated average daily wastewater flow for sanitary sewer mains, and a peak factor of 2.5 for trunk sanitary sewers. The UTILITY shall determine what constitutes a sanitary sewer main versus a sanitary trunk main for purposes of calculating. The peak flow for areas which do not have a 24 hour run-off period shall be calculated as follow:

$$\text{Peak Factor} \times \frac{(\text{Calculated Wastewater Flow} \times 24 \text{ Hrs.})}{\text{Run -Off Period (In Hours)}} = \text{GPD}$$

<u>Entity</u>	<u>Run - Off Period</u>
Municipality	24 Hours
Factories	Length of Shift
Subdivisions (over 250 homes)	24 Hours
Subdivisions (under 250 homes)	16 Hours
Hospitals	12 - 24 Hours
Schools	8 Hours
Restaurants	4 Hours
Mobile Home Parks	12 Hours
Apartments	12 Hours
Motels	4 Hours
Use of other run - off periods must be justified.	

A complete set of computations that indicate expected flow for sizing of sanitary sewers, depth of flow, and velocities at minimum, average, and maximum daily waste flows for the different sizes of sanitary sewers proposed shall be provided to the UTILITY. **Sewers shall be designed with enough capacity to serve the proposed development and all potential flow from upstream properties, as determined by the Utility.**

4.3.2 Depth

In general, sanitary sewers shall be deep enough to prevent freezing and to receive sewage from basements and cellars. In no case shall mains be less than thirty-six inches (36") deep. All homes within a new development shall be serviced by gravity flow to the sanitary sewer main, **unless approved in writing by the Utility.**

4.4 SANITARY SEWER SERVICE LINES (Laterals)

The UTILITY shall approve the location of the sanitary sewer service laterals on the sanitary sewer main. The CONTRACTOR shall install the sanitary sewer service lateral from the sanitary sewer main to a point between the curb and the sidewalk, installing a clean out with a screw out cap and a Ford® metallic lid assembly marked "Sewer" or **Utility approved equal**. (DRAWING # 22) Where a sidewalk is not applicable, the clean out shall be located no less than two feet (2') and no more than four feet (4') from the back side of the curb. When neither situation is applicable the UTILITY will have the final determination for the location of the sanitary sewer cleanout.

~~The location of this cleanout will be the determining point of responsibility for new construction. The area from the cleanout to the sanitary sewer main will be the responsibility of the UTILITY. The area from the upstream side of the cleanout to the point of use is the customer's responsibility.~~

It shall be the responsibility of the property owner to pay the cost of constructing and maintaining the building sanitary sewer from the point where such building sanitary sewer connects with the public sanitary sewer line into the building or premises served.

All sanitary sewer service laterals shall be PVC SDR 35 or SCH 40 only, as specified herein unless otherwise specified by the UTILITY. Trenching, pipe laying, joints and backfilling shall conform to the requirements set out herein. All open ends shall be sealed with standard plugs to the satisfaction of the UTILITY.

All sanitary sewer service laterals must be embedded and compacted in washed round stone (# 57) to twelve inches (12") above the top of the sanitary sewer lateral unless otherwise approved by the UTILITY.

The installation of sanitary sewer laterals shall follow immediately or be concurrent with the construction of the sanitary sewer main.

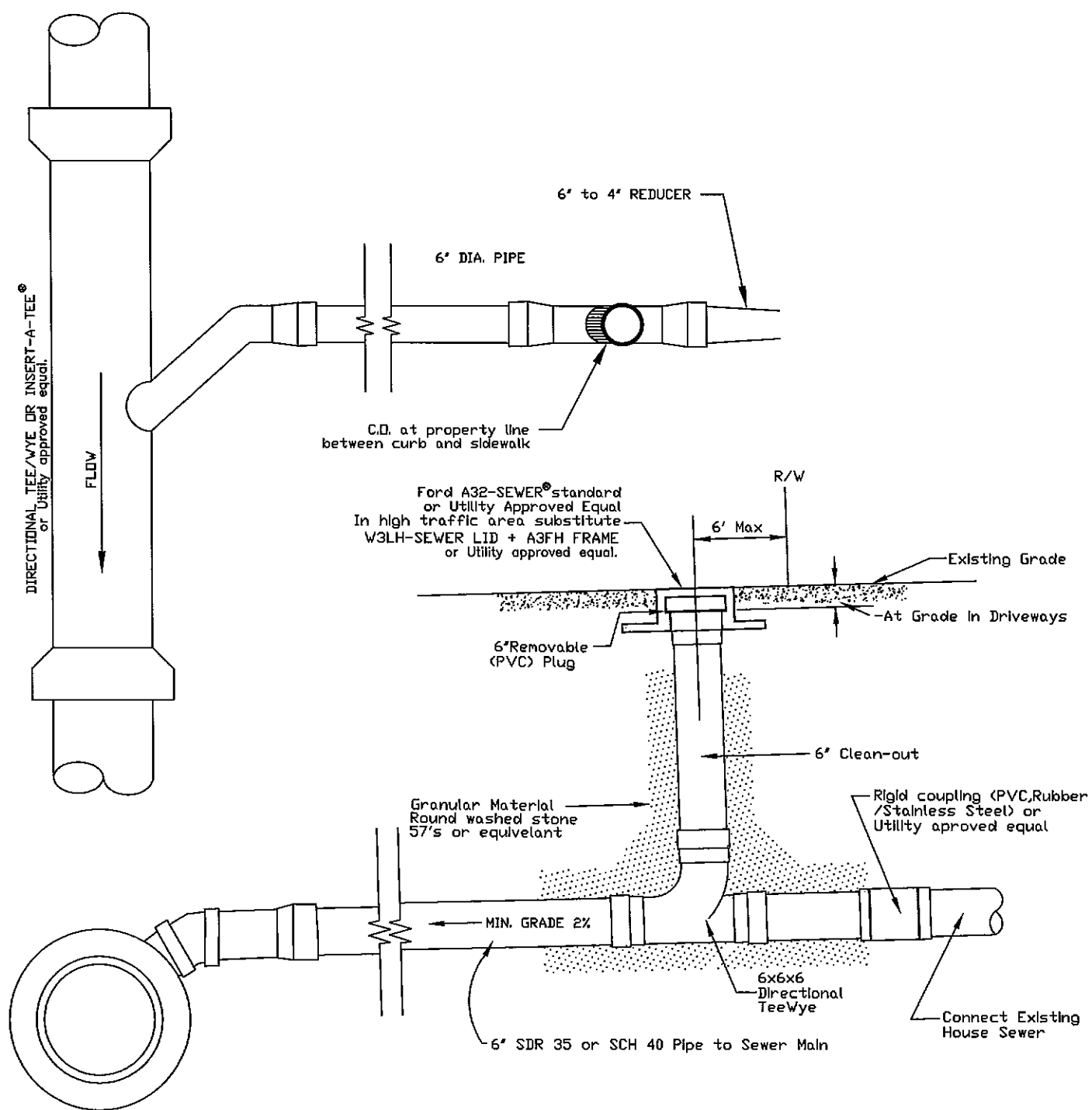
4.4.6 Clean Outs

Clean outs for sanitary sewer laterals shall be built at all horizontal or vertical changes of direction and shall consist of a six-inch (6") directional tee and wye. Along straight segments of pipe outside the right-of-way, cleanouts shall be installed as required by the Ohio Plumbing Code. (DRAWING # 22)

The clean out cap/plug shall have an operating nut. Cleanouts shall be covered by a Ford® Type A32, **or Utility approved equal**, with a single lid cover lettered SEWER with an 11 1/2" locking lid to be flush with final ground level. Installation of cleanouts in traffic areas shall be covered by an "extra heavy cover Ford® Type A32H, **or Utility approved equal**, with a single lid cover lettered SEWER with an 11-1/2" locking lid; flush to the grade of the pavement. (DRAWING # 22)

4.4.8 Reuse of Existing Sanitary Sewer Laterals

Existing sanitary sewer laterals may be used upon request for connection of new buildings only when they are found on examination and test by the Utility to meet requirements of current City Specifications and be in good condition.

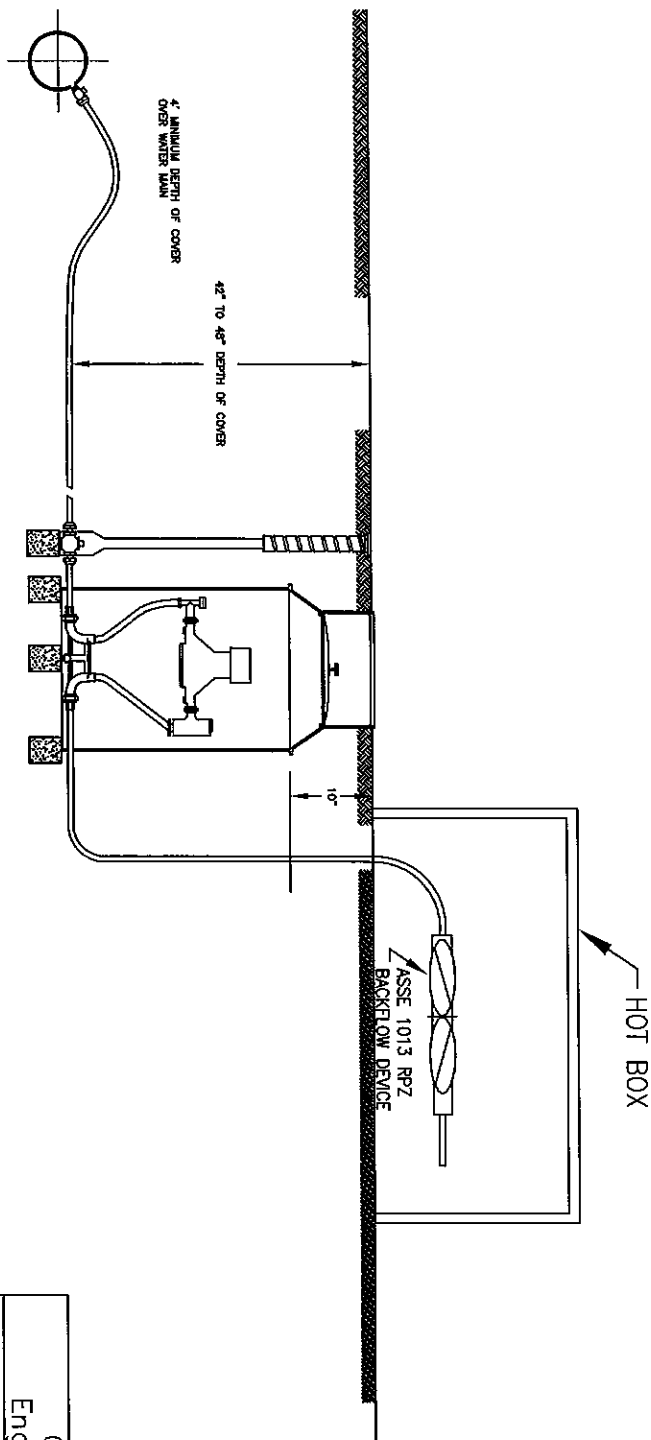


City of Oxford
Engineering Division

STANDARD SANITARY SEWER SERVICE CONNECTION AND CLEANOUT DETAIL

City of Oxford Standard Drawing # 22

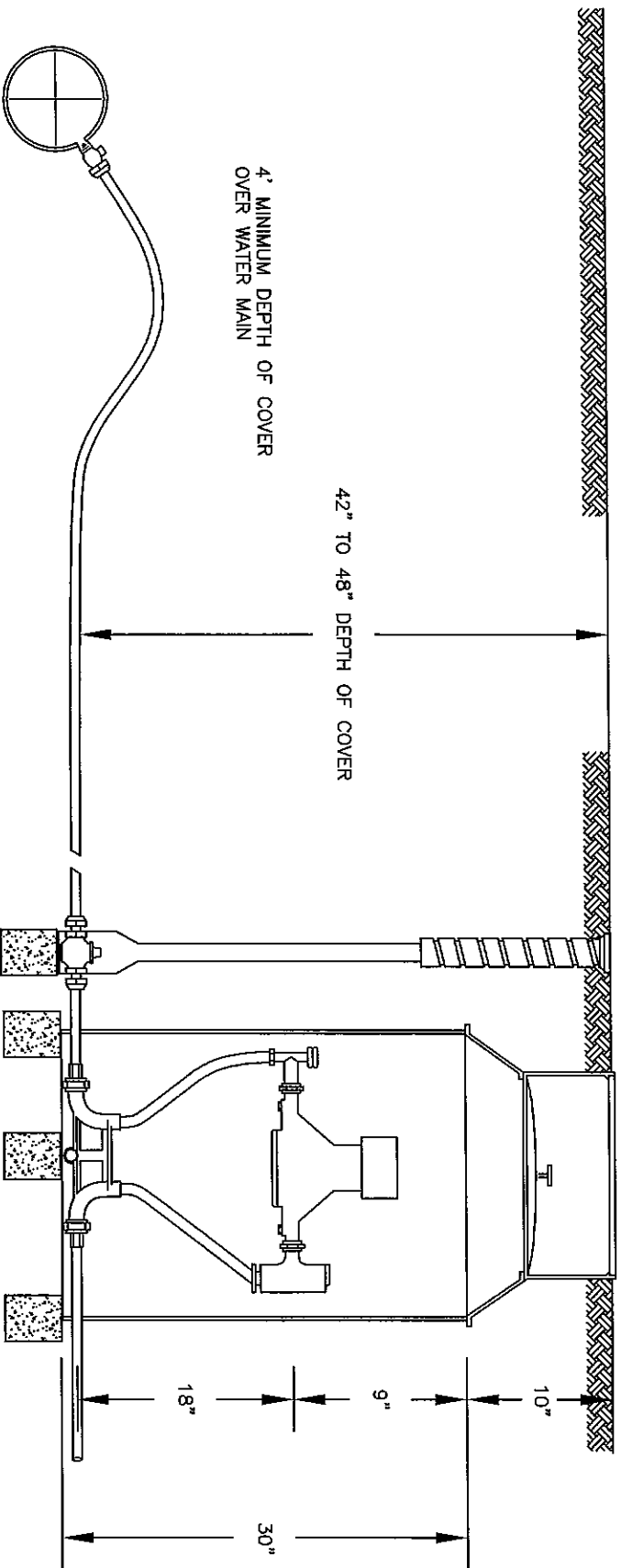
- City of Oxford (Water Meter Pit and Assembly)
1. Water Meter shall be "furnished" and "purchased from" the City of Oxford.
 2. Corporation Stop (Flare F-600-4 Compression F-1000-4) shall be installed at a 22-1/2 degree angle (2:00 and 10:00) 1" standard or utility approved equal.
 3. Service Line shall be K-Copper Tubing only, 1" standard from water main to copper setter.
 4. Curb Stop shall be (Ford® B-44-444 Compression, or Ford® B-22-444 Flare) 1" standard or Utility approved equal.
 5. Curb Box shall be Tyler® 2-piece 6500 or Utility approved equal.
 6. Meter Pit shall be rigid PVC 20" width x 30" depth (Sono-loc®) or Utility approved equal.
 7. Meter Pit Lid shall be Ford W3-T Double Lid Meter Pit Cover w/Aluminum (not plastic)
 8. Frost Lid and single hole for touch pad for 11-1/2" lid size and 20" diameter meter pit or Utility approved equal.
 9. Meter Setting Parts (Copper Setters) shall be Ford VBHC72-18W-44-44 or Utility approved equal.
 10. Backfill material shall be sand, #9's, pea gravel or approved equal by the Utility. With a minimum cover of 12".
 11. HOT BOX shall be locking and vandalism proof, weather tight, and cold protectant to -30 deg. Fahrenheit with an electric heating element or Utility approved equal.
 12. Back flow device to be ASSE 1013 RPZ or utility approved equal.



DRAWING NOT TO SCALE

City of Oxford (Water Meter Pit and Assembly)

1. Water Meter shall be "furnished" and "purchased from" the City of Oxford.
2. Corporation Stop (Flare F-600-4 Compression FB-1000-4) shall be installed at a 22-1/2 degree angle (2:00 and 10:00) 1" standard or utility approved equal.
3. Service Line shall be K-Copper Tubing only. 1" standard from water main to copper setter
4. Curb Stop shall be (Ford®B-44-444 Compression, or Ford®B-22-444 Flare) 1" standard or Utility approved equal.
5. Curb Box shall be Tyler®2-piece or Utility approved equal.
6. Meter Pit shall be rigid PVC 20" width x 30" depth (Sono-lac)® or Utility approved equal.
7. Meter Pit Lid shall be Ford®W3-T Double Lid Meter Pit Cover w/Aluminum (not plastic) frost lid and single hole for touch pad for 11-1/2" lid size and 20" meter pit or Utility approved equal.
8. Meter Setting Parts (Copper Setters) shall be Ford®VBHC72-18W44-44 with incorporated #7 Dual Check Valve, the Brace Pipe Eye on the copper setter is to be utilized for stabilization with the appropriate size (1/2") PVC pipe or Utility approved equal.
9. Backfill material shall be sand, #9's, pea gravel or approved equal by the Utility. With a minimum cover of 12" over the copper service line.



DRAWING NOT TO SCALE

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance

Originating Department

Council Meeting Of : 5/4/2010

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

4/27/2010

Date Prepared

Agenda Title:	2010 Supplemental Budget #4
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Recommendation:	Approve
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Issue 1

Correct ordinance 3101 for split of revenue between CDBG and FEMA Funds was \$101,590 CDBG and \$35,504 FEMA should be \$128,570 CDBG and \$8,524 FEMA no effect on total budget.

Action Needed:

Revenue Side

CDBG 126	26,980.00	Correction figure
FEMA 416	(26,980.00)	Correction figure

Expense Side

- None required

Net Effect on Fund Balance/(s)	-	
Increase/(Decrease)		

Issue 2

Inheritance Tax reimbursement to Oxford Township revenue sharing for Knolls.

Action Needed:

Revenue Side

General 110	25,926.51	Receipt from County
-------------	-----------	---------------------

Expense Side

General 110	578.40	Increase in appropriation to pay Oxford Township
General 110	329.90	Increase in appropriation to pay Auditor/Treasurer Fees
General 110	1,857.74	Increase in appropriation for prior year's reimbursement

Net Effect on Fund Balance/(s)	23,160.47	
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Increase/(Decrease)

Total

Net Effect on Fund Balance/(s) 23,160.47
Increase/(Decrease)

Breakdown by Fund

General 110	23,160.47
CDBG 126	26,980.00
FEMA 416	(26,980.00)

Net Effect on Fund Balance/(s) 23,160.47
Increase/(Decrease)

Approved By:

Department Head:

City Manager:

Initials

Date

 4/27/10
 4/29/10

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3089. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010.

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

SECTION 1: The following increase/(decrease)in appropriations from unencumbered balances be made:

GENERAL FUND 110	25,926.51
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SECTION 2: The following increase/(decrease)in estimated revenues be made:

GENERAL FUND 110	578.40
GENERAL FUND 110	329.90
GENERAL FUND 110	1,857.74
CDBG FUND 126	26,980.00
FEMA FUND 416	(26,980.00)

SECTION 3: In all other respects, Ordinance No. 3089 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 5/04/10

Account Code No. #: NA

Joe Newlin
Prepared By

Budgeted Amount: NA

4/28/10
Date Prepared

Agenda Title: **2010 Change of Fee Ordinance #1**

Recommendation: **Approve**

Discussion:

This memo explains the modifications to the current city code as reflected in the accompanying fee ordinance. Additions, changes, or deletions in the ordinance are shown as follows:

- Additions are in bold
- Deletions are in strikeout type
- Fees not changed are in normal type

Please see attachment A concerning explanation concerning the change in the fee associated with NSF (non-sufficient funds) fees assessed to the party involved.

Approved By:

Department Head:
City Manager:

Initial Date

4/28
4/30/10

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3090. CHANGE IN ESTABLISHED FEE ORDINANCE NUMBER 1 TO MAKE CHANGES IN ESTABLISHED FEES FOR FISCAL YEAR 2010.

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

SECTION 1: The following change in fees shall be made effective April 5, 2010:

NSF check Fee	30.00	5.00
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SECTION 2: In all other respects, Ordinance No. 3090 shall remain in full force and effect.

SECTION 3: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Joe Newlin

Attachment "A"

From: Heidi Hill
Sent: Tuesday, April 27, 2010 2:27 PM
To: Joe Newlin; Joanna Murray; Mary Moore; Danielle Kearns; Rosemary Frazee
Subject: FW: RE:

Please see below.

Heidi Hill
Assistant Finance Director
City of Oxford
101 E High Street
Oxford, OH 45056
(513) 524-5214

CONFIDENTIALITY NOTICE: This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately.

From: McHugh, Stephen (Attorney) [mailto:mchughs@altickcorwin.com]
Sent: Tuesday, April 27, 2010 10:34 AM
To: Heidi Hill
Subject: RE:

Heidi,

By law the fee charged has to reflect the City's actual cost. As the bank's fee has been reduced the amount charged by the City must also be reduced. \$5.00 is the correct amount to charge. Please give me a call if I can assist further. Thanks Steve

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

From: Heidi Hill [mailto:HHill@cityofoxford.org]
Sent: Tuesday, April 27, 2010 10:26 AM
To: McHugh, Stephen (Attorney)
Subject:

Steve,

Since switching banks, our NSF fees are only 5 dollars per returned check. That is the amount we are charged by the bank. Should we continue charging the customers 30.00 per NSF check fee or should this amount reflect more of what the bank is charging us?

Thanks,

4/28/2010