Agenda

Oxford City Council

Court House

TUESDAY, MAY 6, 2008

EXECUTIVE SESSION

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

<u>ADJOURN TO EXECUTIVE SESSION</u>

<u>RETURN FROM EXECUTIVE SESSION</u>

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items <u>not</u> 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 <u>five</u> minutes or less.

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE

2. <u>Approval of Agenda.</u>

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 - 'NALC Food Drive Day'

      lettercarrierfooddrive

   B. Proclamation - 'Parents Who Host, Lose The Most'

      ParentsWhoHost

   C. Proclamation - 'EMS Week'

      emsweek

   D. Presentation - Spring Clean Oxford - Bobbe Burke

   E. Presentation - Richard Daniels - McCullough-Hyde Memorial Hospital

   F. Appointments to Boards and Commissions

   G. 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 15, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

      4/15/08 Work Session Minutes

   B. Minutes of the April 15, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

      4.15Minutes

   C. Report regarding the April 2, 2008 Historical and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

      HAPC4.2

   D. Report regarding the April 8, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

PC4.8

E. Report regarding the April 16, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

BZA4.16

F. Report regarding the April 17, 2008 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director) Council Agenda May 6, 2008 Page 3

RecBd4.17Report

G. Report regarding the April 23, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

EnvCommRpt

H. A Resolution repealing Resolution No. 4323 approving the creation of a new fund for the 2008 operating budget to provide for affordable housing and adopting a revised Resolution approving the creation of a new fund for the 2008 operating budget to provide for affordable housing. (Heidi Hill, Acting Finance Director)

StaffReportHousingFund

ResolutionHousingFund

I. A Resolution authorizing the City Manager to enter into an agreement with A&A Safety, Inc. for the purchase of a Wachs ERV-750 Valve Maintenance Trailer and all specified equipment at a cost not to exceed $41,900.00. (Mike Dreisbach, Service Director)

A&ASafetyPurchase

5. Resolutions.

A. A Resolution authorizing the City Manager to enter into an Annexation Agreement with Bill D. Colwell for 40.113 acres of land on Kehr Road in the township of Oxford, Ohio to be annexed to the City of Oxford Corporation Limit, subject to the conditions stipulated in the Annexation Agreement. (Jung-Han Chen, Community Development Director)

AnnexAgreementAll

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. First Reading.

1. An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In The R2MS (Single and Two-Family Mile Square Residential) District Located at 320 E.

Vine Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

CondUse320EVine

B. Second Reading.

1. An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2008. (Heidi Hill, Acting Finance Director)

SupBudStaffReport

SupBudResolution

2. An Ordinance Repealing Ordinance No. 2502 And Changing The Student/Community Relations Committee To The Student/Community Relations Commission. (Jung-Han Chen, Community Development Director)

SCRCOrdinance

SCRCAttachments

3. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 3.26 Acres Of Land Located On The Northeast Corner Of U.S. 27 S. And Southpointe Parkway Oxford, Ohio And Rezoning The Property From R-3 (Multi-Family Residential) To GB (General Business) District. (Jung-Han Chen, Community Development Director) (Tabled)

SouthpointAll

ExhibitD

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the 'Announcements' 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 7 Historical and Architectural Preservation Commission 7:30 p.m.

THUR - May 8 Police Advisory Board 7:00 p.m. Senior Citizens Center

TUES - May 13 Planning Commission Meeting 7:30 p.m.

THUR - May 15 Recreation Board Meeting 4:00 p.m.

FRI - May 16 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Community Room

MON - May 19 Housing Advisory Board 7:00 p.m. Municipal Building 2nd Floor Conference Room

TUES - May 20 City Council Work Session 6:00 p.m.

TUES - May 20 City Council Meeting 7:30 p.m.

WED - May 21 Board of Zoning Appeals Meeting 7:30 p.m.

MON - May 26 Holiday - City Offices Closed

TUES - May 27 Comprehensive Plan Steering Committee Joint Meeting 6:00 p.m.

WED - May 28 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room

WED - May 28 Civil Service Commission Meeting 7:30 p.m.

THUR - May 29 Planning Commission Work Session 6:00 p.m.

TUES - Jun 3 City Council Work Session 6:00 p.m.

TUES - Jun 3 City Council Meeting 7:30 p.m.

8. Adjourn

the National Association of Letter Carriers have designated the day of May 10, 2008 as the sixteenth annual “Stamp Out Hunger Food Drive” day; and

WHEREAS, the NALC Food Drive collected a record of 70.7 million pounds of food nationally and a record breaking 70,372 pounds of food in Butler County in 2007; and

WHEREAS, thousands of hungry and homeless people will have access to this needed and nourishing food through Butler County food pantries, soup kitchens and homeless shelters; and

WHEREAS, the United Way, AFL-CIO, Shared Harvest Foodbank and countless community volunteers will lend assistance to this charitable endeavor; and

WHEREAS, the United States Postal Service encourages and supports this drive.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, to assist in public awareness of this nationwide endeavor to care for our own, do hereby proclaim Saturday, May 10, 2008 as:

“THE NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY”

FURTHER, on behalf of all Municipal Officials and Administration, do request all citizens of our community to support the efforts of this national annual drive, to meet the need of our hungry and homeless neighbors locally.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 2nd day of May, 2008.

PRUDENCE Z. DANA, MAYOR

adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems; and

WHEREAS, alcohol use by young people is dangerous, not only because of the risk associated with acute impairment, but also because of the threat to their long-term development and well-being; and

WHEREAS, it is illegal to give or allow your teen's friends to drink alcohol in your home, even with their parents' permission; and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a $1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

WHEREAS, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities; and

WHEREAS, Drug-Free Action Alliance, through the 'Parents Who Host, Lose The Most: Don't be a party to teenage drinking' campaign provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

WHEREAS, The City of Oxford encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police; and

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of May 12, 2008:

"PARENTS WHO HOST, LOSE THE MOST: DON'T BE A PARTY TO TEENAGE DRINKING WEEK"

in the City of Oxford.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 2nd day of May, 2008.

PRUDENCE Z. DANA, MAYOR

emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of May 18th, 2008 as:

“EMERGENCY MEDICAL SERVICES WEEK”

With the theme, Extraordinary People, Extraordinary Service and I encourage the community to observe this week with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 2nd day of May, 2008.

PRUDENCE Z. DANA, MAYOR

A work session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, April 15, 2008 at 6:00 P.M. Those Council members present were, Ken Bogard, Alysia Fischer, Kate Currie and Richard Keebler. Greig Rutherford arrived at 6:14 p.m.

Staff members present: Doug Elliott, City Manager; Jung-Han Chen, Community Development Director; Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present were members of the Historic and Architectural Preservation Commission, Prue Dana, Susan Kay, Laura Henderson, Kim Peterka, Howell Lloyd, and Mike Smith.

APPROVAL OF AGENDA

Mr. Bogard moved approval of the Agenda. Ms. Currie seconded. The motion carried 5-0-0.

The purpose of the Work Session was for the Historic and Architectural Preservation Commission to present their proposed brochure and Historic Marker Program to Council for review.

Council discussed the proposed Historic Preservation brochure with members of the Historic and Architectural Preservation Commission and offered several suggestions.

Council discussed the Historic Marker Program with members of the Historic and Architectural Preservation Commission and offered several suggestions. Council requested the Commission to refine the program and bring it back to them at a later date for final review.

ADJOURNMENT Mr. Keebler moved to adjourn at 7:01 p.m. Ms. Currie seconded. The motion carried 6-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, April 15, 2008 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Richard Keebler, Alysia Fischer, and Greig Rutherford. Doug Ross arrived at 9:21 p.m.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Jung-Han Chen, Community Development Director; Ms. Heidi Hill, Acting Finance Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

**ADJOURN TO
EXECUTIVE SESSION**

Ms. Currie moved to adjourn to Executive Session at 7:05 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointment of public officials and (3) Pending litigation. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard, Mr. Rutherford, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

**RETURN FROM
EXECUTIVE SESSION**

Mr. Rutherford moved to return from Executive Session at 7:28 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Rutherford, Mr. Keebler, Ms. Currie, Mr. Bogard, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIENCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to approve the agenda. Mr. Rutherford seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION
'EARTH DAY'

Mayor Dana read the Proclamation and advised she would present the certificate on Saturday at the Earth Day festivities.

PROCLAMATION
'ARBOR DAY'

Mayor Dana read the Proclamation and noted it had been prepared by the Environmental Commission.

PROCLAMATION
'NATIONAL VOLUNTEER WEEK'

Mayor Dana read the Proclamation and advised the certificate would be presented by Mr. Rutherford during a luncheon at the Senior Center.

PROCLAMATION
'KIWANIS PANCAKE DAY'

Mayor Dana read the Proclamation and presented it to Mr. Bowers.

Mr. Charles Bowers, noted the Kiwanis Club had been able to support between 30 and 35 community organizations throughout its 51-year history in Oxford. Mr. Bowers stated the Kiwanis Club viewed this as a celebration of community and invited everyone to attend the Pancake Day event.

PUBLIC COMMENTS

Ms. Connie Elliott, 5201 College Corner Pike, stated she had received her first out-of-state application for her the Smokey and Tornado project from Indiana.

Mayor Dana congratulated Ms. Elliott.

Mr. Marvin Hurston, 170 Prevalent Drive, requested the City if at all possible to publish the rules and regulations regarding waste left behind by dogs being walked by their owners. Mr. Hurston outlined some of the problems stemming from irresponsible pet owners not cleaning up after their animals. Mr. Hurston suggested an article in the Oxford Press regarding the ordinances surrounding the issue.

Mr. J.C. Schroder, Executive Director, Oxford International Film Festival, noted the event took place April 10th through 13th. Mr. Schroder stated he would provide a more detailed report within the next few weeks. Mr. Schroder thanked the City and Council for their support for the festival. Mr. Schroder apologized for not sending personal invitations to each Council member. Mr. Schroder recognized several event supporters including the Oxford Visitors and Convention Bureau and the Chamber of Commerce. Mr. Schroder noted over 1500 people attended the film festival, including over 200 filmmakers. Mr. Schroder outlined several highlights stemming from the festival, including various advertising. Mr. Schroder thanked the many volunteers who participated.

Mayor Dana noted she saw a film on Sunday and thanked Mr. Schroder.

Ms. Fischer congratulated those who participated in the festival on their success and thanked them.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to an article in the Miami Student quoting Mr. Schroder that ticket sales increased by about 250 from the 350 tickets sold in 2007. Ms. Zien asked for clarification.

Mr. Schroder stated it was indeed a misprint. Mr. Schroder noted last year's attendance was approximately 1200 with this year's attendance 1500.

Ms. Zien complimented the City on the plantings and bulbs around the courthouse. Ms. Zien noted concern regarding a building on the rear portion of the lot located at 115 West High which was in very poor condition. Ms. Zien stated the building was beyond repair and an eyesore. Ms. Zien felt the building should be demolished and removed for safety reasons. Ms. Zien referred to the building located at 117 West High and noted its condition. Ms. Zien addressed the parking situation at 115 West High and requested the reason for replacing the curb cut that was originally put in for a gas station. Ms. Zien stated she walked Walnut Street last Saturday morning, taking photographs and addressed the issue of weekend garbage. Ms. Zien suggested enforcement of fines for garbage violations. Ms. Zien offered a photo of the antique shop east of the courthouse and noted during business hours, there were usually items displayed front in the walkway area. Ms. Zien asked if this practice was allowed. Ms. Zien noted monthly meetings conducted in many precincts by the Chicago police department, and provided a format to the City Manager and Council. Ms. Zien requested follow up be provided to her inquiries regarding 115 and 117 West High Street, chronic off-campus property trash, and the display of merchandise at the antique shop at 114 West High.

Mr. Alan Kyger, 6164 Contreras Road, noted his presence as Chamber representative. Mr. Kyger thanked Chief Schwein for organizing a meeting with the Cincinnati Police Department regarding the Wine Festival. Mr. Kyger stated the meeting was very productive and worthwhile. Mr. Kyger noted the Wine Festival steering committee met yesterday. Mr. Kyger outlined the several committees. Mr. Kyger stated there were 17 artisans that would be spread throughout Uptown, inside businesses.

Mr. Kyger noted there were nine vineyards signed up, with the goal being ten. Mr. Kyger stated the Uptown Revitalization Committee had been meeting weekly.

Ms. Jen House, 209 Homestead, noted recently the off-campus senators distributed information regarding the outdoor furniture ordinance as well as trash and noise ordinances. Ms. House noted Get Together Week at Miami. Ms. House addressed the issue of dog waste and suggested students would be informed of the need to clean up after their pets. Ms. House noted this would be her last meeting and read a prepared statement. Ms. House introduced her replacement, Mr. Thad Boggs, a political science major from Washington Courthouse, Ohio.

Mr. Thad Boggs, thanked Ms. House for her tireless efforts in the past. Mr. Boggs addressed the fourth degree misdemeanor status of an outdoor furniture violation. Mr. Boggs noted in the past three weeks, six students had been cited for this violation. Mr. Boggs outlined his desire to increase students' sense of responsibility to the community starting with incoming freshman. Mr. Boggs stated he looked forward to working with Council in the coming year.

Mayor Dana thanked Ms. House for her time and participation.

Mr. Bogard noted his appreciation for Ms. House and her enthusiasm. Mr. Bogard wished Ms. House good luck in her future endeavors.

Mr. Rutherford stated how much he had enjoyed working with Ms. House. Mr. Rutherford noted he viewed Ms. House as an ambassador for the City. Mr. Rutherford thanked Ms. House for her service and stated he looked forward to reading about her in the future.

Ms. Fischer noted she had worked with Ms. House for two years. Ms. Fischer noted her appreciation for the way Ms. House handled her position.

Ms. Currie stated she had enjoyed Ms. House's enthusiasm and hoped Mr. Boggs would continue to be a ray of sunshine.

Mayor Dana invited a round of applause for Ms. House and thanked her.

CONSENT AGENDA

Mr. Bogard requested removal of item E. Resolution.

MINUTES

Minutes of the April 1, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the April 1, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council and Janice Grill)

REPORTS

Report regarding the March 26, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the April 3, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

<u>Ms. Fischer moved to approve the consent agenda. Ms. Currie seconded. The motion passed 6-0-0.</u>

RESOLUTIONS

RESOLUTION
FINANCE DIRECTOR

A Resolution by the Oxford City Council appointing __________, as Finance Director for the City of Oxford, and approving an employment agreement with __________, as Finance Director. (Prue Dana, Mayor)

<u>Mr. Bogard moved to substitute the Resolution. Ms. Fischer seconded. The motion passed 6-0-0.</u>

A Resolution No. 4344 by the Oxford City Council appointing Joseph G. Newlin, as Finance Director for the City of Oxford, and approving an employment agreement with Joseph G. Newlin, as Finance Director. (Prue Dana, Mayor)

<u>Mr. Rutherford moved to adopt Resolution No. 4344. Mr. Bogard seconded. The Resolution was adopted by the following roll call:</u>

AYE: Ms. Dana, Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford (6)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION
CONTRACT WITH
PFM ASSET MANAGEMENT

A Resolution No. 4345 authorizing the City Manager and Acting Finance Director to contract with PFM Asset Management LLC Investment Management Services for the management of the City's investable funds. (Heidi Hill, Acting Finance Director)

Ms. Hill stated the City received proposals from six candidates in response to its RFQ concerning management of assets. Ms. Hill stated the Investment Committee met and reviewed all six proposals and selected three candidates to conduct presentations. Ms. Hill noted upon final review, the Investment Committee suggested a continued working relationship with PFM Asset Management. Ms. Hill stated signing a new three-year contract would allow the new Finance Director time to acclimate himself before having to move forward on this issue.

Mr. Rutherford clarified the length of time of the contract.

Ms. Fischer thanked Ms. Hill for her hard work.

Ms. Fischer moved to adopt Resolution 4345. Ms. Currie seconded. The Resolution was adopted with the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

RESOLUTION
NEW SUBCOMMITTEE

A Resolution No. 4346 amending Resolution No. 4215 by creating the Public Transportation Feasibility Subcommittee. (Doug Elliott, City Manager)

Mayor Dana explained this was a resolution that came back from the previous meeting where it was suggested that a feasibility subcommittee be folded into the ordinance for the parking and transportation advisory board.

Mr. Bogard clarified the purpose of the public transportation feasibility committee as outlined in the resolution shall be to assess the need for public transportation to serve the residents of the City of Oxford and present findings to the City Council and the parking advisory board.

Mr. Rutherford concurred with Mr. Bogard and referred to section four. Mr. Rutherford addressed the difference between a feasibility study verses a needs assessment. Mr. Rutherford suggested the removal of the word public from the title.

Mr. Keebler noted he did not feel a change in the wording would affect the committee's objectives, but would not oppose the change.

Ms. Currie stated she felt it was important to add needs assessment.

Ms. Fischer reiterated her desire that the committee study what was already in place as well as budgetary concerns and make recommendations based upon those. Ms. Fischer noted the importance of considering the population base whose needs were to be met.

Mr. Rutherford moved to amend the title to read a resolution amending Resolution No. 4215 by creating the Transportation Needs Assessment and Feasibility Subcommitee. Mr. Rutherford further moved to amend Section 3, noting it should read, "Council hereby establishes the Transportation Needs Assessment and Feasibility Subcommittee to assess the need for publicly available transportation within the City of Oxford." Mr. Rutherford further moved to amend Section 4, noting it should read, "The purpose of the Transportation Needs Assessment and Feasibility Committee shall be to assess the need for publicly available transportation to serve the residents of the City of Oxford and to present findings to the City Council and the Parking Advisory Board." Ms. Fischer seconded. The motion passed 6-0-0.

Mr. Bogard moved to adopt moved to adopt Resolution 4346 as amended. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana, Mr. Bogard (6)

NAY: None (0)

ABS: None (0)

RESOLUTION
FIREFIGHTER GRANT

A Resolution No. 4347 authorizing the City Manager to apply for the 2008 Assistance to Firefighter Grant Program with a 10% match. (Len Endress, Fire Chief)

Chief Endress noted this program had been in effect for several years. Chief Endress outlined the possible items to be purchased with grant money. Chief Endress stated people from the fire service and EMS would review all applications before recommendations were made. Chief Endress offered to address any questions or comments.

Mayor Dana asked what budget the ten percent match would come out of and Chief Endress advised the Capital or General Fund under Fire.

Mr. Keebler moved to adopt Resolution 4347. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Fischer, Mr. Keebler, Ms. Currie, Mr. Rutherford, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
SUPPLEMENTAL
BUDGET

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 1 To Make Supplemental Appropriations For Fiscal Year 2008. (Heidi Hill, Acting Finance Director)

Ms. Hill stated several needs were discovered for additional funding within the 2008 budget. Ms. Hill outlined various requests for supplemental funds. Ms. Hill addressed the modifications to the 2008 budget, which required Council approval, but did not include additional funding.

Chief Endress addressed the instruction portion, which involved EMS training.

Ms. Hill referred to the housing trust fund, and requested those funds be transferred at this time.

ORDINANCE
SCRC

An Ordinance Repealing Ordinance No. 2502 And Changing The Student/Community Relations Committee To The Student/Community Relations Commission. (Jung-Han Chen, Community Development Director)

Mr. Chen noted this issue was brought forth at the previous Council meeting by changing the Student Community Relations Committee to commission status. Mr. Chen stated the legislation outlined the composition of the membership and reflected comments made by Council members from the last meeting. Mr. Chen offered to address any questions or comments.

Ms. Jen House, 209 Homestead, noted her appreciation with the expediency of the legislation.

Mr. Keebler expressed concern with placing such a rigid meeting schedule in the ordinance.

Mr. Keebler moved to amend Ordinance 2502 to read, "the Commission shall meet not less than once monthly during the academic year." Ms. Fischer seconded. The motion passed 6-0-0.

Ms. Fischer referred to the current comprehensive plan, which referred to maintaining strong student/community relations.

ORDINANCE
SECOND READING

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 3.26 Acres Of Land Located On The Northeast Corner Of U.S. 27 S. And Southpointe Parkway Oxford, Ohio And Rezoning The Property From R-3 (Multi-Family Residential) To GB (General Business) District. (Jung-Han Chen, Community Development Director)

Mr. Chen explained when the City initiated the original zoning change on this entire tract of land, this parcel was classified as R3 due to an oversight. Mr. Chen referred to the development agreement and suggested the oversight needed to be corrected to reflect that the zoning of the City needed to be consistent with the zoning designation in the development agreement. Mr. Chen highlighted the concerns regarding design voiced by the Planning Commission. Mr. Chen noted the site was commercial in the past and offered to address any questions or concerns.

Dr. Orie Loucks, 6195 Fairfield Road, requested Council deny or at the very least table the request for rezoning. Dr. Loucks noted the desire not to have a commercial area on Highway 27 at the entrance to the City. Dr. Loucks provided background regarding the Southpointe development. Dr. Loucks referred to the contentious nature of the past meetings concerning the property. Dr. Loucks suggested this was not just an inadvertent oversight as alleged.

Dr. Dave Gorchov, 101 Peabody Drive, concurred with all of Dr. Loucks' remarks. Dr. Gorchov noted he felt it disingenuous to refer to this as an oversight. Dr. Gorchov voiced his concern with the development of a gas station at the site. Dr. Gorchov referred to page 58 of the agenda, and questioned several items regarding the application. Dr. Gorchov asked why the City was making application.

Ms. Betty Rogers, 106 Peabody Drive, concurred with the previous speakers. Ms. Rogers asked if the documents were available to the public for review.

Mr. Calvin Conrad, 5226 Westgate Drive, voiced concern with the change in zoning. Mr. Conrad noted he obtained a July 17, 2007 staff summary report, which suggests staff was recommending three separate zoning designations for the site: the already existing multi-family portion, R3; Office and Light Industry; and R1A, single family residential with a PUD overlay. Mr. Conrad noted there was no reference to commercial. Mr. Conrad stated the development agreement was attached. Mr. Conrad highlighted several sections of the development agreement.

Mr. Conrad referred to the vicinity map and the overall development plan, which referred to existing apartment development, future condominium development and proposed Technology Park. Mr. Conrad noted within the proposed technology park, there was a structure done in three small boxes with parking around it on a location approximately 500 feet from Route 27. Mr. Conrad addressed the appearance of entrances into the City. Mr. Conrad encouraged Council to deny the request for a zoning change.

Mr. Scott Webb, Architect, stated this portion had always been a commercial site and noted the hotel that was previously located on the site. Mr. Webb stated when his client purchased the additional 175 acres; they purchased this parcel as well. Mr. Webb stated several public hearings were held in the county, all of which approved this development. Mr. Webb stated the property was commercial throughout the process. Mr. Webb noted 60 acres of the property was designated specifically for a tech park. Mr. Webb stated Council passed legislation recently in favor of a tech park, with Miami University asking for proposals for up to 50,000 square feet of tech park buildings.

Mr. Webb addressed the traffic concerns at the site. Mr. Webb stated a traffic study had been performed and submitted to the City. Mr. Webb suggested if all development took place, perhaps ODOT would allow a traffic light, but it was up to ODOT and not the City.

Mr. Webb briefly outlined the history of the annexation of the property into the City, noting the oversight was the small GB parcel, which was never put on the map as it came into the City. Mr. Webb suggested this was not a change nor a surprise, but an administrative clerical error and encouraged Council to clear it up as the Planning Commission had.

Mr. Bill Houk, 6 Bull Run Drive, noted he did not believe this was an oversight. Mr. Houk stated he felt if the hotel had been left where it was, the PUD would not have been approved. Mr. Houk stated the removal of the hotel and the addition of the berm improved the entrance. Mr. Houk noted changing the zoning designation would be a terrible idea for Oxford. Mr. Houk encouraged Council not to change the zoning.

Mr. Dave Judy, Miami Western Drive, stated the first notification he received concerning the annexation of this property was from the county. Mr. Judy noted he received no notification regarding the proposed zoning change. Mr. Judy noted he did not feel commercial development south of town was good for the City, and further noted traffic concerns. Mr. Judy questioned the timing of the realization of the oversight. Mr. Judy urged Council to decline the proposal.

Mr. Jay Elliott, 5127 Bonham Road, noted his agreement in opposition to the zoning change. Mr. Elliott reminded Council of the need to serve the community first as opposed to the individual. Mr. Elliott stated as one of three architects in town, he always had two clients that he worked for, one who signed the check as well as the general public and both clients must be served.

Ms. Kathleen Zien, 6060 Joseph Drive, noted this was not just an amendment to correct an error. Ms. Zien stated according to her notes, on April 18, 2006, Resolution 4170 authorized the City Manager to enter into a development agreement with 4-Leaf. Ms. Zien stated there were no exhibits or drawings provided. Ms. Zien noted Ms. Howington had informed Council the drawings were too large to reproduce and too late coming in. Ms. Zien suggested Council voted without critical items for review. Ms. Zien referred to the April 18, 2006 minutes, which stated, "Ms. Fischer was uncomfortable supporting an agreement not approved under City rules and may not be in the City's best interests. By approving the development agreement, the City was handing things to the developer and making it very easy for them to get out of certain parts of the agreement. She did not see conclusive evidence this was in the best interest of the City and in the best interest of taxpayers." Ms. Zien quoted from the most recent Planning Commission meeting, "Ms. Dale noted Southpointe Development was approved through the County's Planning Commission, subsequently annexed into the City and finalized last year. This 3.26 acre corner out lot was inadvertently overlooked in the process. Mr. Keebler noted this was previously reviewed in Planning and merely an oversight." Ms. Zien stated simply because something was there previously as a hotel, but since has been bermed up surrounding residential does not mean it was grandfathered as commercial. Ms. Zien noted the services the City would now cover for the annexed property, including police, fire and EMT. Ms. Zien stated if the property was primarily student occupied, there was no income tax generated to pay for those services. Ms. Zien noted she had previously requested statistics regarding occupancy. Ms. Zien referred to last week's Planning Commission agenda page 69, which read, a decision was made by the owner/developer that internal roads within the development would now be private rather than public dedicated streets. Ms. Zien further quoted agenda minutes. Ms. Zien referred to a recent comp plan meeting where discussions were held regarding commercial development on South 27.

Mayor Dana reminded Ms. Zien of time constraints.

Ms. Zien referred to the support materials from the police chief included in the Planning Commission agenda last week. Ms. Zien referred to the lack of comments made by Chief Schwein regarding the proposed drive-through bank at 10 North Locust.

Mayor Dana reminded Ms. Zien the subject discussion regarded 27 southbound.

Ms. Zien noted while Chief Schwein did not address the 10 North Locust property, he addressed the subject issue with comments. Ms. Zien referenced several gas stations and convenience store proposals which had failed. Ms. Zien addressed Stewart Square.

Mayor Dana asked Ms. Zien to conclude her remarks.

Ms. Zien stated collective remarks could not be disregarded. Ms. Zien referred to page 24 of the agenda where Mr. Rutherford felt the development agreement was in place and should be honored. Ms. Zien noted the way the agreement was put in place should cause concern.

Mr. Scott Webb, Architect, noted if there was an agreement or a promise made by a developer that was not kept, the City would seek enforcement.

Ms. Fischer addressed the process. Ms. Fischer noted two years ago in a resolution, Council was provided the development agreement without Exhibits A through H even though the City had received them. Ms. Fischer noted on page one, the agreement states "to develop a planned commercial, business and single and multi-family residential project." Ms. Fischer stated Council was bound to the exhibits even though they didn't have them. Ms. Fischer referred to page 43 of the draft community choices results for the comprehensive plan where the question states, do you support the concept of a mixed use node on US 27 as shown on the map. Ms. Fischer stated technically Council could deny the zoning, but there would be repercussions.

Mr. Keebler noted his agreement that US 27 not become a commercial strip. Mr. Keebler stated he intended to vote in favor of the rezoning. Mr. Keebler noted this parcel had been zoned commercial since he was a child. Mr. Keebler addressed the screening and lack of accessibility to US 27. Mr. Keebler reminded everyone the issue before Council did not involve a gas station.

Ms. Currie concurred with Mr. Keebler that the agreement was legally binding. Ms. Currie noted she did not feel this particular parcel would denote the beginning of a slippery slope leading to the creation of a corridor. Ms. Currie acknowledged the deep community concern.

Mr. Bill Houk, requested a point of order and asked for clarification of the agreement being discussed.

Mr. McHugh stated the agreement Council was referring to was the development agreement.

Ms. Fischer noted it was the development agreement passed by resolution on April 18, 2006.

Mr. Houk asked if the agreement addressed a commercial zoning.

Mr. McHugh referenced the first recital, which discusses commercial.

Mr. Houk asked if the signed development agreement constitutes a legal document.

Mr. McHugh noted there was a development agreement approved by Council with an authorized signature. Mr. McHugh outlined several pertinent provisions.

Ms. Fischer referred to page 7(h) of the agreement, referring to the sidewalk that was supposed to be completed on or before July 1st of 2007 by the City. Ms. Fischer noted the City had not completed the sidewalk.

Mr. Elliott stated he had evaluated the sidewalk issue and suggested approaching the developer to amend the agreement. Mr. Elliott explained the possibility of installing a temporary sidewalk.

Mr. Rutherford noted there was some information he still needed in order to make a decision regarding the GB zoning. Mr. Rutherford suggested he would like to review the original exhibits before making a decision. Mr. Rutherford referred to the last comprehensive plan meeting where discussion took place regarding whether or not that particular parcel should be zoned commercial.

Mr. Ross stated if Council voted no, this issue could be brought back. Mr. Ross noted the developer had worked well with the City in the past. Mr. Ross suggested innovative design could take place.

Mr. Bogard noted his agreement with separating the site development from the ordinance presently before Council. Mr. Bogard stated this had previously gone through the County Zoning, County Planning and County Commissioners. Mr. Bogard noted there was a mistake and it needed to be corrected. Mr. Bogard noted he planned to vote in favor of the ordinance.

Mayor Dana stated she agreed with a lot of the stated comments. Mayor Dana explained the concept of a mixed-use node on US 27. Mayor Dana noted her desire to separate the zone change with site development.

Ms. Kathleen Zien, asked if the document referenced by Mr. McHugh is the same document provided to Mr. Conrad.

Mayor Dana stated it was the same document.

Ms. Currie referred to Mr. Rutherford's inability to move forward without further information. Ms. Currie noted her desire not to compound previous mistakes by moving forward without proper documentation.

Mr. Chen referred to the County Commissioners Resolution Number is 04-123188 when the Commissioners approved the preliminary PUD, referencing a commercial area along 27. Mr. Chen noted it also stated there would be no access from 27 South. Mr. Chen displayed a map showing the 3.26 acres as commercial.

Ms. Fischer stated the public did not have these documents before the second reading.

Mr. Webb noted all these documents are publicly filed.

Mr. Rutherford asked if the map presented is the Exhibit D referenced in the agreement.

Mr. Chen stated he thought it was Exhibit D.

Ms. Fischer asked if the map would then be entered as Exhibit D into the minutes of the meeting.

Mr. Rutherford made several points regarding the map and asked for a high degree of certainty that the map does represent Exhibit D. Mr. Rutherford agreed with Ms. Currie tabling would be appropriate.

Mayor Dana noted she would like to avoid tabling the matter.

Mr. Elliott advised the matter could be tabled until Council was provided all essential documentation.

Mr. Keebler moved to table the ordinance pending receipt of Exhibit D for Council evaluation followed by a vote of Council without further public debate. Ms. Currie seconded.

Ms. Fischer asked if barring public debate was part of the motion.

Mr. Keebler clarified it's for Council to conclude the decision started.

Ms. Currie removed her second to the previous motion.

Mr. Keebler noted there had been extended public comment on this matter.

Mr. Bogard seconded Mr. Keebler's motion. The motion failed by the following roll call:

AYE: Mr. Keebler, Mr. Bogard (2)

NAY: Ms. Currie, Ms. Dana, Ms. Fischer, Mr. Rutherford, Mr. Ross (5)

ABS: None (0)

Mr. Ross noted his distress with not allowing the public to speak following the introduction of new documentation.

Mr. Rutherford moved to table the second reading of the ordinance until the next City Council meeting at which time Exhibit D shall be provided to City Council for their review and shall be made available to the public within the context of the agenda. Ms. Currie seconded. The motion passed with the following roll call:

AYE: Ms. Currie, Mr. Rutherford, Mr. Ross, Mr. Keebler, Mr. Bogard, Ms. Dana (5)

NAY: Ms. Fischer (1)

ABS: None (0)

Ms. Fischer noted she would like to see all the exhibits.

Mayor Dana suggested each Council member might want to perform research as well.

ANNOUNCMENTS

Mr. Elliott noted preliminary engineering was complete regarding the project on US 27 and environmental reviews have begun.

Mr. Elliott congratulated Council on their appointment of Mr. Newlin as Finance Director. Mr. Elliott noted 40 applications were received and four individuals were selected to undergo the interview process. Mr. Elliott noted Mr. Newlin comes from the City of Avon Lake where he had been the Finance Director since 2001. Mr. Elliott stated Mr. Newlin has a BA degree from Miami University as well as a BA from the University of Akron.

Mr. Elliott congratulated Ms. Hill for the excellent job she had done in her interim position.

Mr. Elliott stated the City received 51 applications for the position of Economic Development Director, which was appointed by the City Manager. Mr. Elliott advised he narrowed the field down to five candidates who were interviewed by a panel. Mr. Elliott announced he selected Alan Kyger to be the City's next Economic Development Director. Mr. Elliott outlined Mr. Kyger's many community activities and leadership qualities.

Mr. Elliott noted he attended some of the shorts at the film festival and congratulated those involved.

Mr. Ross noted he was looking forward to seeing what comes along in economic development as it is one of Mr. Elliott's strong points. Mr. Ross invited any members of Council who might be interested in drafting a resolution regarding the But-Oxford connector.

Mr. Rutherford congratulated Mr. Kyger. Mr. Rutherford thanked all those who came to speak to Council and encouraged them to continue to voice their concerns.

Mr. Bogard congratulated Mr. Kyger. Mr. Bogard expressed concern with the growing deer population. Mr. Bogard encouraged the community to be cautious when driving.

Ms. Fischer encouraged a better process for bringing forth annexation agreements in the future. Ms. Fischer voiced concern over the perceived lack of public confidence. Ms. Fischer stated government was slow. Ms. Fischer voiced concern with the second sentence regarding the meeting procedure located in the agenda.

Mr. Keebler congratulated Mr. Kyger. Mr. Keebler reiterated Mr. Kyger's comments concerning the Uptown Revitalization Committee and the productive meetings that were taking place.

Ms. Currie congratulated Mr. Kyger.

Mayor Dana noted she viewed the Planning Commission meeting utilizing the Granicus system.

Mayor Dana thanked Council and HAPC for the earlier work session.

Mayor Dana noted Oxford was ahead in the recycling contest.

Mayor Dana noted a tree planting at the TRI Community Center.

Mayor Dana noted the Farmer's Market Saturday, 9:30 to 11:30.

Mayor Dana noted a report scheduled for the May 20th Work Session by the 2010 campaign committee.

Mayor Dana congratulated Mr. Kyger.

ADJOURN

Mr. Fischer moved to adjourn at 10:39 p.m. Mr. Rutherford seconded. The motion passed 7-0-0.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 15, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

April 11, 2008
Date Prepared

Agenda Title: **HAPC Meeting Report – April 2, 2008**

DISCUSSION:
Request for Review:
There were no cases for review at the April 2, 2008 HAPC meeting.

Announcements:
Mr. Mike Smith, Chair, introduced Mr. Doug Elliott to the Commission members.

New Business:
Ms. Bobbe Burke, Coordinator of Off-Campus Affairs attended the meeting to share with the Commission about the possibility of getting students to buy-in to appreciating living in historic structures and indicated she spoke with different students about this issue. Many students indicated they were not aware of the history of their house and would respect and promote the awareness of the history of their house. The Commission felt this idea would work hand-in-hand with the Historic brochure.

Ms. Burke also indicated that the Greek Society was planning its 175-year celebration. The Greek Society is looking at putting together an open house to highlight fraternity buildings. It was noted, this might be another opportunity to promote historic significance of this organization to the community to link the students with the community.

Ms. Henderson reported on the Historic Marker award recognition program. Discussion took place on what type of marker would be suitable and appropriate. The Commission suggested it might be beneficial to list the example and type of material, along with the source of material available, so it will be consistent throughout the Mile Square where markers are displayed. The Commission agreed the marker would show the significance of the structure, i.e., whether it is the date of the house built, the person associated with the house, etc., and that the marker should be simple and elegant, yet prominent. It was also recommended showing some examples of such markers to City Council during the joint work session. A note of caution came from the Commission that the purpose of the historic marker should not discourage modernization of older houses; as it is important to preserve historic structures and also important to allow structures to be able to update.

It was suggested putting together a checklist on the application to provide an explanation as to why the structure is eligible for an award. Application costs were discussed as to whether the applicant or the City should pay. Overall, the Commission felt the applicant would be the one to pay for the application; however, the Commission want to discuss more on this in the future after meeting with City Council.

Old Business:
Historic District Brochure
Ms. Henderson reviewed the brochure with the Commission. The Commission felt that the brochure looked very good and were anxious to share with City Council.

Administrative Findings/Approvals:
Chairman Smith shared with the Commission that he had reviewed the rear elevation of the First Financial Bank and had approved based on the Commission's criteria.

Other Business:
The Commission will discuss at the next HAPC meeting sign issues in the historic district.

The next regular HAPC meeting is scheduled for May 7, 2008.

Approve By:		**Initial**	**Date**
	Department Head:	\	
	City Attorney:	\	
	City Manager:	\	

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development **Originating Department**
Council Meeting Of: May 6, 2008	
Account Code No. #:	Jung-Han Chen **Prepared By**
Budgeted Amount:	April 14, 2008 **Date Prepared**

Agenda Title:	**Planning Commission Meeting Report – April 8, 2008**
Recommendation:	**N/A**

DISCUSSION

Reports from Commissions, Boards, Committees and Staff
Mr. Brady reported the Uptown Revitalization Committee has met regularly and have made good progress. It is anticipated the Committee will be concluding their meetings and updating the Planning Commission by May. The next meeting is scheduled for April 14, 2008 at 5:00 pm in the Municipal Building, 2nd floor conference room.

Communications
Mr. Brewer referred to several public emails he had received and stated he would be turning these, as well as future public correspondence, over to staff for record keeping purposes.

Items Related to Platting
Mr. Brewer reported to the Planning Commission that he administratively approved a lot consolidation request at 320 E. Vine, and that he would continue providing updates to the Planning Commission on any future administrative approvals.

Public Hearing
PC-07-2008 CONDITIONAL USE PERMIT at 320 E Vine Street to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, ***Bob Dearth, Chi Psi Fraternity, Application, Agent.***
Staff presented this conditional use request to establish a fraternity house in a R2MS district. The Applicant wishes to build a three-story addition to the rear of an existing residential structure to house approximately 24 students. The application also shows the existing building being incorporated as part of the fraternity structure.

The Planning Commission discussed in great length various issues, namely where is an appropriate location for a fraternity house; how to address the additional parking demands; and the creation/avoidance of clustered fraternity houses among isolated single residential structures. The Planning Commission reviewed extensively the Decision Standards for a Conditional Use and deliberated this case on its merits in a comprehensive manner. Additional comments received dealt with the dumpster and the existing unimproved alley issue to accommodate trash pick-up as well as ingress/egress issues.

After discussion, the Planning Commission voted 4-2-0 to recommend approval of this Conditional Use to City Council.

PC 04-2008 CONDITIONAL USE PERMIT, **Southpointe,** to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District, ***Scott Webb, Architect, Applicant***
Mr. Brewer asked the Planning Commission to table this case due to the zoning of this property not being approved by City Council.

The Planning Commission voted 6-0-0 to table this case until the underlying zoning is in place.

PC 09-2008 FINAL PLANNED DEVELOPMENT, US 27, SOUTH, condominium development, **Scott Webb, Applicant, Agent**
Staff presented this case as a Final Planned Development. The preliminary was approved by City Council in November, 2007. This is the first phase, which is to develop 39 acres of R-3 residential land. The maximum density is limited to 12 units per acre. The total units in this phase is planned for 46 single-family condominium units on the southern portion of the property along with the clubhouse and pool area.

Many items that were identified during the Preliminary Phase were still not included in this submittal. In addition, there were several items identified at this meeting:

One of the conditions, before City Council will approve, is to provide a second ingress/egress to U.S. 27 in addition to the existing Southpointe Boulevard. The Applicant indicated that due to the continued planning efforts for the 27 and 73 Connector, it seemed logical to utilize an existing paved driveway as a temporary second ingress/egress until the final alignment is determined by ODOT.

Also, the issue of the structural strength of an existing bridge to support fire fighting apparatus was critical for Planning Commission in deliberating this request. The Fire Chief had not received supporting documents to make any determination. The Fire Chief had provided the Applicant all technical information needed.

The issue of private versus public road was also an issue the Planning Commission discussed in detail. The Planning Commission indicated they had been informed during the Preliminary hearing that the internal roadway would be public roadway and the design would meet City standards. The issue of who maintained a private road and whether the Oxford Police Department had any jurisdiction were some of the issues the Planning Commission deliberated at length during this meeting. The Law Director also would like to know the legal instrument to set up the maintenance issue to insure the City would be held harmless long-term.

Based on these issues, the Planning Commission voted 6-0-0 to table this case until the following conditions were met:
1. that, the Fire Chief receives the information from the Applicant indicating that the bridge will support fire apparatus as a temporary egress/ingress.
2. All the required information outlined in the staff report is provided and the revised submittal reflects the requirements are met.
Overall, the Planning Commission did not have any objection to the use of the existing driveway as a temporary second egress; the issue of a private road will require additional discussion before the Planning Commission.

OTHER BUSINESS
Mr. Brewer provided an update to the Planning Commission concerning the well-attended Comprehensive Plan Community Choices workshop on March 10, 2008. The Comprehensive Plan Steering Committee have developed goals and objectives and is waiting for the Consultant to incorporate citizen comments into the draft document for review. There will be a joint work session between City Council and the Planning Commission in June to hear updates from the Consultant.

Mr. Brewer referred to the Rules of Procedures document in the Planning Commission packet, and asked the Commission members to review and to contact him if felt that certain items needed rework.

The next regular meeting is scheduled for May 13, 2008.

Approved By:		**Initial**	**Date**
	Department Head:	\	
	City Attorney:	\	
	City Manager:	\	

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development **Originating Department**
Council Meeting Of: May 6, 2008	
Account Code No. #:	Kathryn A. Dale **Prepared By**
Budgeted Amount:	April 18, 2008 **Date Prepared**

Agenda Title: **Board of Zoning Appeals - April 16, 2008 Meeting Report**

Recommendation: **N/A**

Discussion:

PUBLIC HEARING

BZA-02-2008 5154 College Corner Pike*, Everything's a Party, requesting a variance to Chapter 1151 Signs, Sections 1151.03(d)(4) and 1151.07(ff)(gg) for an illuminated roof mounted sign,* ***Patrick Reist, Agent Applicant***

Staff reported the store is located at the southern end of the Westgate Shopping Center. The owners of the property removed an existing roof sign between December 2007 and early 2008 when they made improvements to the building, which included re-roofing. Had the sign not been removed, the Applicant could have requested a face or panel change to the sign and no variances would have been necessary. However, since the sign was removed, any new signage needs to satisfy the current sign regulations.

The Applicant requested the installation of a 3' x 9' sign on the canopy/awning roof that overhangs the entrance of the retail space. The proposed sign would be identical to the Domino's sign which neighbors this retail space. The Domino's sign was issued in 1997, however did not go through BZA.

The Board voted 4-0-0 to approve the request on the basis that all the Decision Standards were satisfied.

OTHER BUSINESS
The Board reviewed the BZA Rules and Procedures. A clean version will be sent to Board members for a final review. Once, approved, they will be submitted to City Council for approval.

The next regular meeting is scheduled for May 21, 2008. There are three applications scheduled for review.

Approved By:		**Initial**	**Date**
	Department Head:	\	
	City Attorney:	\	
	City Manager:	\	

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

__Parks and Recreation__
Original Department

Council Meeting Of: __5/6/08________

__Gail Brahier____
Prepared By

Account Code No. #: ___N/A_________

Budgeted Amount: ___N/A_________

__4/28/08____
Date Prepared

Agenda Title: Recreation Board Meeting – 4/17/08

Recommendation: N/A

Discussion: Members present were Brandy Darby - Chair, Holli Morrish, Kevin Marks, Jon Ralinovsky, Shaunna Tafelski, and Ken Bogard, City Council Representative. Staff members present were Gail Brahier and Deanna Barbour.

Ms. Brahier updated the Board on the work session with City Council regarding the pool, noting that Holli Morrish had represented the Recreation Board and Mike Rudolph was present as an active community member, business person, and citizen who utilized the City recreation facilities.
Ms. Brahier said Council was aware of the need for a pool, but did not feel the City could afford to proceed with two large projects, therefore the Court/Police building will be completed first. She added City Council felt it was too early to decide on a pool location, and instructed her to research other partnerships/funding options to develop the pool facility. Ms. Brahier noted she has contacted the representative of the local YMCA and had scheduled a meeting for April 9 with the City Manager, but the YMCA representative had postponed the meeting until May.

Mr. Bogard noted the City Council will hold a work session on May 6 regarding a proposed site for the Court/Police building, adding he did not feel this facility needed to be in the uptown area.

Mr. Bogard advised the Board that Alan Kyger has accepted the position of Economic Development Director for the City and that Mr. Kyger will be looking out for the best interests of the Community. He also advised the Board that Joseph Newlin, from Avon Lake, Ohio, has accepted the position of Finance Director, noting he was very qualified and has served as Finance Director for Avon Lake since 2001.

~ *continue* ~

Approved By: **Initial \ Date**

Department Head: _*gb* \ 4/29/08_
City Attorney: _____________
City Manager: ___________

Ms. Brahier reviewed current projects with the Board; specifically opening day for the Community Park concessions, SAY Soccer, MTOP Soccer, Adult Softball, Miami Little League spring play, and building renovations at the Senior Center and TRI building. In addition, the Department is interviewing for full time and part time staff. She advised the Board that the May – September Program Brochure was available and is posted on the City's web site.

Ms. Brahier provided a brief synopsis of the Rails to Trials 2010 Campaign, noting she has met with the Oxford committee twice and is in the process of developing a draft case statement for review. Ms. Morrish and Mr. Marks stated their organizations have Wellness Programs, and Ms. Brahier noted she has been in contact with both. Mr. Bogard suggested involving local service clubs as well. Ms. Brahier advised when the draft case statement is complete, the City Manager and City Council must approve it before distribution. Once approved, letters of support can be sought from local administrative and political entities.

Ms. Brahier asked the Board to note:

May 16 is Rails to Trails 2010 Campaign Walk/Bike to Work Day

May 17 is Healthy Ohioans 1 Mile Fitness Walk

She added the Parks and Recreation Department is trying to document participation of these two events and the contact number is listed on the fliers.

Next Meeting Date: May 15, 4 pm - Oxford Community Park Concession

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 6, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

April 24, 2008
Date Prepared

Agenda Title:	Environmental Commission Meeting of April 23, 2008

Recommendation:	For Review and Consideration

Discussion:

Environmental Commission members present at the April 23, 2008 meeting were: Vice-Chair, Ms. Gisela Bahr; Planning Commission Representative, Mr. Marvin Hurston; and Mr. John Obrycki.

As a quorum (five voting members) was not present for this Commission meeting, the 2008 officer elections were not held.

Staff informed the Commissioners of the Arbor Day celebration for this year. An "October Glory" Red Maple tree, donated by the Potter family, shall be planted at the TRI Community Center, 6025 Fairfield Road, at 11:00 a.m. on Friday, April 25, 2008 (Arbor Day). The annual Arbor Day celebration is coordinated by the Service Department.

Staff briefed the Commission of the recycling and solid waste volumes for the first quarter of 2008. Solid waste tonnages provided by Rumpke for Oxford indicated 257.43 tons of recyclable materials and approximately 1,615 tons of land filled wastes were collected during the January though March, 2008 time period. Oxford's recycling rate was calculated at 15.16% by the Butler County Department of Environmental Services (BCDES), which is coordinating the "Recycle to Win" county-wide competition. This is the highest recycling percentage in the County, and should be eligible for a recycling incentive reimbursement from the BCDES at a $22/ton rate.

The Commission adjourned at 7:40 p.m. The next Commission meeting is tentatively scheduled for Wednesday, May 28, 2008 at 7:00 p.m. The location of the meeting will be determined and forwarded to the Commission members and posted on the City web site.

Approved By:		Initial \ Date
	Department Head:	\
	City Attorney:	\
	City Manager:	\

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Finance Department
Originating Department

Council Meeting Of: May 6, 2008

Heidi Hill
Prepared By

Account Code No. #:________________

Budgeted Amount:__________________

May 1, 2008
Date Prepared

Agenda Title: Resolution to amend Resolution #4323

Recommendation: Approve.

Discussion:

On February 5, 2008 Council approved a resolution to create a new Housing Trust Fund. When that resolution was passed, there was an error in the reference to the Ohio Revised Code. The reference was 5709.09 which refers to the tax exempt status of nature reserves. The reference should have been 5705.09 which refers to establishment of funds. Staff is recommending that City Council amends this resolution to reflect the correct Ohio Revised Code reference.

Approved By:

	Initial Date
Department Head:	HH \ 4/21/08
City Manager:	DE \ 4/21/08

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 4323 APPROVING THE CREATION OF A NEW FUND FOR THE 2008 OPERATING BUDGET TO PROVIDE FOR AFFORDABLE HOUSING AND ADOPTING A REVISED RESOLUTION APPROVING THE CREATION OF A NEW FUND FOR THE 2008 OPERATING BUDGET TO PROVIDE FOR AFFORDABLE HOUSING.

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

SECTION 1: The City Council hereby approves and authorizes the Finance Director to create a Special Revenue Fund #212 Housing Trust Fund for the purpose of collecting donations toward the education and promotion of the awareness of affordable housing in accordance with guidelines set by Ohio Revised Code section **~~5709.09~~ 5705.09**.

SECTION 2: The City Manager and Finance Director hereby recommend that the Housing Advisory Commission have oversight over the activities within the Housing Trust Fund and it be used to provide financial assistance to provide affordable housing units and to maintain affordability within the proposed developments in the City of Oxford. The Housing Advisory Commission is also charged with the development of revenue generation activities to fund this endeavor.

SECTION 3: Resolution No. 4323 adopted February 5, 2008 is hereby repealed in its entirety.

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

____
MAYOR

ADOPTED: ________________________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUDENCE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 15, 2008

Account Code #: 320.811.50802

Budgeted Amount: $42,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 28, 2008
Date Prepared

Agenda Title: Purchase of Water Utility Valve Maintenance Trailer and Equipment

Recommendation: Approval

Discussion:

The 2008 Operating Budget includes $42,000 for the procurement of a water valve exerciser, trailer, and associated equipment. This machine is necessary to comply with new requirements from the Ohio Environmental Protection Agency and will increase the reliability and performance of water valves located throughout the Utility's system.

It is important to turn (exercise) valves in the system periodically to keep them from seizing and to ensure proper operation during emergencies. The use of this machine will increase productivity tremendously, while lessening the chance of breaking valve stems or other moving parts of the valves.

A request for bids was published in the Oxford Press and Hamilton Journal on March 14 and 21, 2008. Sealed bid(s) were opened on March 28, 2008. Only one firms submitted a bid with the following result:

A&A Safety, Inc.	(local representative for the E.H. Wachs Company)	**$41,900.00**

While only one bid was received, staff anticipated this would be the case as this equipment is proprietary in nature. Staff developed equipment specifications as broadly as possible to encourage competition in the bid, but still, only one bid was submitted. The bid received by A&A Safety, Inc. was below the project estimate and budget line item of $42,000.

It is staff's recommendation that the City Council authorize the City Manager to enter into an agreement with A&A Safety, Inc. for the purchase of a Wachs ERV-750 valve maintenance trailer and all specified equipment for a price not to exceed $41,900.00.

Approved By:

	Initial	Date
Department Head:	________ \\	________
City Manager:	________ \\	________

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH A&A SAFETY, INC. FOR THE PURCHASE OF A WACHS ERV-750 VALVE MAINTENANCE TRAILER AND ALL SPECIFIED EQUIPMENT AT A COST NOT TO EXCEED $41,900.00.

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

SECTION 1: Council hereby authorizes the City Manager to purchase from A&A Safety, Inc. a valve maintenance trailer and all specified equipment at a cost not to exceed $41,900.00.

SECTION 2: Council hereby further finds that sufficient funds to meet the maximum amount to be expended for the purchase of the Wachs ERV-750 valve maintenance trailer and all specified equipment have been appropriated.

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

____
MAYOR

ADOPTED: ____________________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

ERV-750

SPECIFICATIONS

200 gallon spoils tank with hydraulic slide and dump and hydraulic door latch.

Curbside remote controls.

27 HP Kohler Gas engine with 6 gallon fuel tank.

3" portal shut-off inside of vacuum tank with ball float

30' x 3" light weight suction hose with mounted hose rack.

DOT amber strobe with 2 halogen work lights.

18" x 18" x 36" aluminum locking tool box.

One year full warranty on complete unit.

Capable of reaching Valves from 11' curb and rear of trailer, 9' street side of trailer.

Capable of hydraulically open and close valves up to 750 ft lbs of torque x 30 rpm.

Hydraulically operate fire hydrants.

Microprocessor control system which automatically controls torque and direction. Exercising valves safely. Controller is capable of capturing and sending data in conjunction with Vitals software.

Telescoping Valve key to reach 9' deep valves with 3' extensions available.

Revolution counter with LCD readout through handheld pennant.

Disperses hydrant water into the street to avoid personal and property damage.

15' of 5" fire hose.

Water system/77-405-27, with Kohler 27 HP over-head cam air cooled gas engine.

4000 psi @ 4 gpm high pressure water system.

66 gallon water capacity.

30 foot of high pressure hose rated at minimum 4000 psi.

5 foot roto wand with control handle.

3 foot variable nozzle wand with control handle for clean up.

Hose reel mounted on unit.

Paint

Standard color, white on equipment and black on trailer. (Special paint available with supplied paint code number).

Trailer

Dexter torsion axle rated @ 8,000 lbs, minimum.

2-5/162" Ball hitch or pintle hitch your choice.

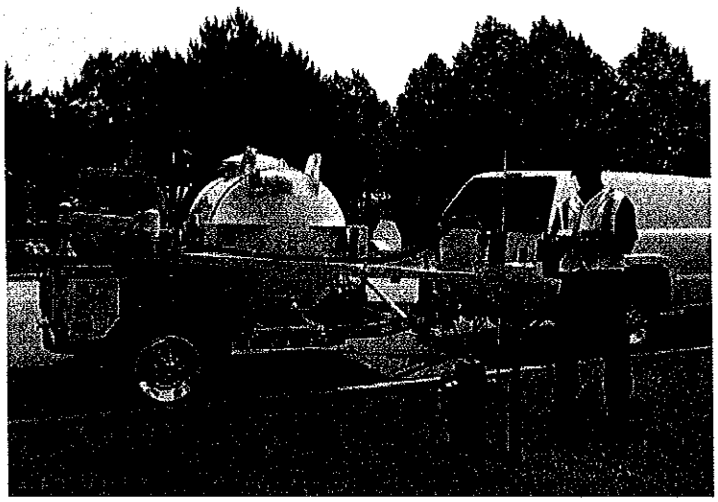
Redneck platform jack stand, extendable by hand crank.

Under coated to prevent corrosion.

Contact your Wachs representative today or call: 1-800-323-818

WARRANTY

E.H. Wachs Hydraulic Tools and their associated parts are warranted against defects in materials and workmanship for a period of twelve months from the date of purchase. E.H. Wachs Company reserves the right to repair or replace only those parts which prove to have been defective at the time of purchase. This warranty becomes void if maximum flow and pressure ratings are exceeded.



E.H. WACHS COMPANY
600 Knightsbridge Pkwy. • Lincolnshire, Illinois 60069 • 800.323.8185 • +1.847.537.8800 worldwide • +1.847.520.1147 fax
www.wachsco.com

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: May 6, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

April 28, 2008
Date Prepared

Agenda Title:	**Resolution Authorizing the City Manager to Enter Into an Annexation Agreement with Bill D. Colwell for 40.113 Acres of Land on Kehr Road in the Township of Oxford, Ohio to Be Annexed to the City of Oxford Corporation Limit, Subject to the Conditions Stipulated in this Agreement.**

Recommendation:	**Approve**

Discussion:

City Council accepted the annexation petition filed by Jill McGrail, Esq., Agent for the petitioner, regarding this property in March 2008. Since then, staff has been working with the representatives of the petitioners to finalize the Annexation Agreement in detailing the responsibilities of each party.

This agreement outlines the future development of the site and the technical issues identified by staff to be addressed as this property is being developed.

Approved By:		**Initial**	**Date**
	Department Head:	JHC	4/28/08
	City Attorney:		
	City Manager:	[illegible]	5/1/08

RESOLUTION NO. ________

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH BILL D. COLWELL FOR 40.113 ACRES OF LAND ON KEHR ROAD IN THE TOWNSHIP OF OXFORD, OHIO TO BE ANNEXED TO THE CITY OF OXFORD CORPORATION LIMIT, SUBJECT TO THE CONDITIONS STIPULATED IN THE ANNEXATION AGREEMENT.

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

SECTION I: Ohio Revised Code § 709.192(A) authorizes cities and townships to enter into annexation agreements to govern the terms and conditions of property annexation.

SECTION II: The City desires to annex the parcel of property consisting of 40.113 acres of land more or less, more particularly identified in Exhibit "A" attached hereto and incorporated herein by reference ("Parcel").

SECTION III: The City desires to annex the Parcel under such terms and conditions as are contained in the Annexation Agreement, attached hereto and incorporated herein as Exhibit "B" ("Annexation Agreement").

SECTION IV: Council finds that the annexation of the Parcel in accordance with the terms of the Annexation Agreement is in the best interests of the City and would promote the health, safety and welfare of the citizens and hereby approves the same.

SECTION V: The City Manager is hereby directed to execute the Annexation Agreement on behalf of the City.

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

____
MAYOR

ADOPTED: ______________________

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

Situate in Lot #2, Section 34, Town 5, Range 1 East, in Oxford Township, Butler County, Ohio and being bounded and described as follows: Beginning at the northwest corner of said Lot #2 and in the center line of Kehr Road; thence North 89° 09' 12" East 1689.46 feet to the northeast corner of said Lot; thence South 03° 08' 35" East along the east lot line 956.30 feet; thence North 89° 30' West 246.00 feet; thence South 03° 08' 35" East 400.00 feet to a point in the center line of Booth Road; thence North 89° 30' West along said center line 1474.50 feet to a point in the center line of Kehr Road; thence North 01° 53' West 1315.00 feet to the point of beginning containing 49.971 acres more or less and being subject to the legal right-of-way of the public highways and also to any easements of record.

The same being subject to the payment of an annual ground rent due and payable to the Treasurer of Miami University, every year.

A survey of this property was made by J. Paul Albert, Ohio Registered Surveyor

#2999. (Not a complete field survey — see plat).

Butler County Engineer's Record of Land Surveys, Volume 9, Page 81.

SAVE AND EXCEPTING THEREFROM the following tracts:

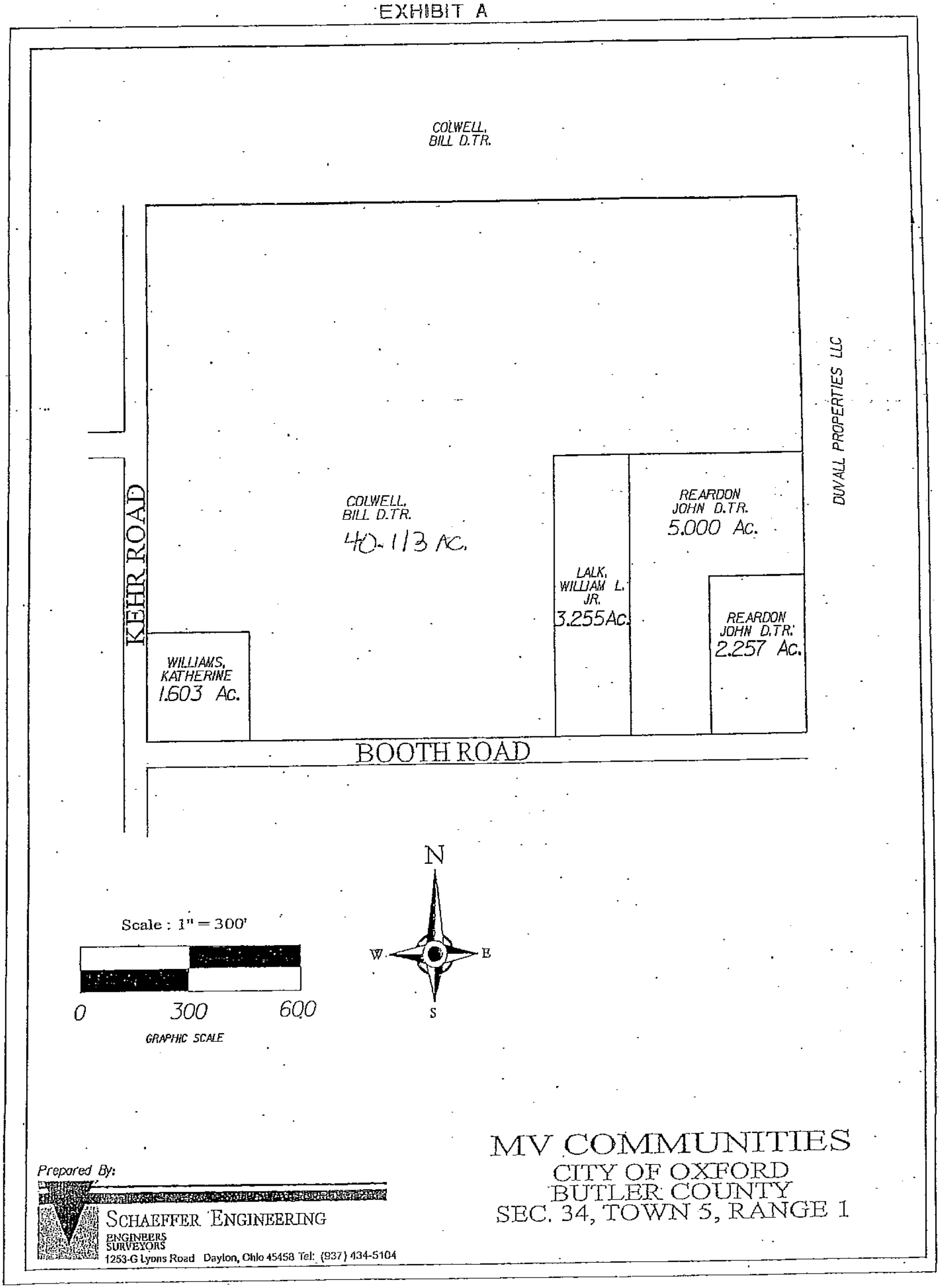
[i.] 5.00 acres conveyed to Mary Marguerite Harris to Georgeana Reardon by deed dated May 12, 1980 and recorded in Volume 1396, Page 308 of the Butler County, Ohio Deed Records.

[ii.] 1.603 acres conveyed by Mary M. Harris to Eugene Young, Trustee by deed dated October 24, 1986 and recorded in Volume 1580, Page 50 of the Butler County, Ohio Deed Record.

[iii.] 3.255 acres conveyed by Samuel William Harris and James J. Harris, co-executors of the Estate of Mary Marguerite Harris to William L. Kalk, Jr. by deed dated September 23, 1988 and recorded in Volume 1646, Page 227 of the Butler County, Ohio Deed Records.

Being the same premises conveyed to Bill D. Colwell, Trustee by six deeds all recorded on June 17, 1991 in Volume 1726 on Pages 631, 635, 639, 643 and 647 of the Butler County, Ohio Deed Records.

EXHIBIT A



COLWELL,
BILL D.TR.
DUVALL PROPERTIES LLC
KEHR ROAD
COLWELL,
BILL D.TR.
40.113 Ac.
LALK,
WILLIAM L.
JR.
3.255Ac.
REARDON
JOHN D.TR.
5.000 Ac.
REARDON
JOHN D.TR.
2.257 Ac.
WILLIAMS,
KATHERINE
1.603 Ac.
BOOTH ROAD
N
W
E
S
Scale : 1" = 300'
0
300
600
GRAPHIC SCALE
MV COMMUNITIES
CITY OF OXFORD
BUTLER COUNTY
SEC. 34, TOWN 5, RANGE 1
Prepared By:
SCHAEFFER ENGINEERING
ENGINEERS
SURVEYORS
1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104

EXHIBIT "B"

ANNEXATION AGREEMENT

This Annexation Agreement is hereby entered into this ____day of _____ 2008, by and between the City of Oxford, Ohio, a municipal corporation, hereinafter referred to as "City", and Bill D. Colwell Trustee hereinafter referred to as "Owner".

WHEREAS, the Owner owns property in Oxford Township (hereinafter referred to as "Property") and has filed the petition to have the Property annexed into the City and to receive municipal services for development purposes, and;

WHEREAS, the City has agreed to make municipal services available to the Property; and,

WHEREAS, the City desires to enter into an annexation agreement to outline the issues and concerns identified by the City to ensure these issues will be addressed appropriately when the Property is developed; and

WHEREAS, the Owner desires to formalize the understanding between parties with respect to the future development of the Property.

NOW, THERFORE, to allow the Property to be annexed into the City and to be able to develop the Property in the future, the City and Owner hereby agree as follows:

1. The Owner has filed an annexation petition requesting that the Property be annexed into the City and the annexation proceeding is pending upon the execution of the Agreement. The petition seeks to annex 40.113 acres known as Lot 2 on Kehr Road, Butler County Ohio (Parcel #3510037000001) and more particularly described on Exhibit A attached hereto. The said petition is attached hereinafter as Exhibit B.

2. The City has conceptually approved the preliminary development plan for the Property as submitted, attached hereto as Exhibit C.

3. A portion of the Property, (i.e 20 acres of land), is designated as an affordable housing project site per an application that was jointly filed by Miller Valentine Apartment III LLC and The Neighborhood Housing Services of Hamilton, Inc. The application seeks multifamily housing funding programs administered by the Ohio Housing Finance Agency to construct approximately 35 housing units available for low and moderate-income families based on the area median income as defined on the U. S. Department of Housing and Urban Development's annual published tables.

4. The City has agreed to take those actions required to annex the Property at the earliest time practical after the execution of the Agreement based on the promises of the Owner to develop affordable housing.

5. The City agrees to accept an application to rezone the Property after the execution of this Agreement and to have the application heard by the Planning Commission at the first available date, even if prior to the completion of the annexation. The application will seek to rezone the property to R1-B. The rezoning request will be heard by City Council. If the annexation has not yet been completed, City Council will review the request to provide an advisory opinion. City Council will consider the rezoning application request officially as soon as practical following annexation of the Property to the City.

6. The City agrees to make municipal water service available to the Property. The cost to connect to the existing nearest municipal water service to the Property will be the Owner's responsibility. The installation of said connection to the municipal water service shall conform to the specifications and standards of the City's ordinance and regulations existing at the time municipal water service is installed on the Property.. The Owner shall also pay for any additional capacity if existing water service capacity will not support the development of the Property, as determined by the Service Director.

7. The City also agrees to make the municipal sanitary sewer service available to the Property. The cost of connecting the Property to the nearest existing municipal sanitary sewer service will be the Owner's responsibility. The installation of such connection to the municipal sanitary sewer service shall conform to the specifications and standards of the City's Ordinances and regulations as applicable. The Owner shall also pay for the upsizing of any existing sanitary lines necessary to support the development of the Property, as determined by the Service Director.

8. The Owner is responsible to conduct a traffic impact study for the development of the Property prior to submitting any subdivision requests to the Oxford Planning Commission for review. The Owner is responsible for the signalization of the entrance/entrances as determined by the Service Director, based on a complete traffic impact study for the development of the Property.

9. The Owner agrees to dedicate sufficient right-of-way to construct an acceleration/deceleration lane at Kehr Road and Booth Road entrances to the Property where the subdivision is proposed. The City Engineer will determine the necessary right-of-way width. All roadway construction in and around the development of the Property shall meet the City of Oxford's specifications and be at the Owners expense.

10. The Owner will provide the City Engineer a detailed plan of how to handle additional storm water generated from the development for review. The City Engineer shall determine whether the proposed plan to handle additional storm water is satisfactorily meeting the standards and specifications of the City's Ordinances and regulations as applicable and advise the Owners of any deficiencies that need to be corrected prior to approving the proposed storm water-handling plan.

11. If the City fails to rezone the Property as requested here or otherwise agreed by the Owner within ninety (90) days after Council approval of the annexation

(including any applicable mandatory waiting periods), the City agrees to cooperate with the Owner and de-annex the Property as soon as possible.

12. All utility, roadways and traffic signal must be constructed in conformance to the City of Oxford's specifications.

13. Future development of the Property shall meet the minimum requirements as stipulated in the City of Oxford Planning and Zoning Code and other specifications and requirements set forth in the City's Ordinances and regulations, as amended.

14. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the goals of the Owner to develop the Property as requested or to de-annex the Property.

15. Any modifications to this Agreement shall require the approval of both parties and shall be in writing.

16. This Agreement shall be recorded in the Butler County Recorder's Office and the terms, conditions shall be binding upon the parties herein and all successors's and assigns, and these terms and conditions shall run with the land.

The Parties have signed and executed this Agreement on the date first written above.

CITY OF OXFORD	OWNER
BY:____________________	BY: ____________________
Douglas R. Elliott City Manager	Bill D. Colwell, Trustee

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGEMENT

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this ______ day of ___________, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Bill D. Colwell, Trustee, Owner of the land,** and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.

____
Notary Public

STATE OF OHIO)
) SS
County of BUTLER)

BE IT REMEMBERED, that on this ______ day of ___________, 2008, before me, the subscriber, a Notary Public in and for said County and State, personally came **Douglas R. Elliott, City Manager,** and acknowledged the signing of the foregoing instrument, and that the same is his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year above written.

____
Notary Public

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
BUTLER COUNTY, OHIO
PETITION BY OWNER OF REAL ESTATE FOR ANNEXATION
TO
CITY OF OXFORD, OHIO

The undersigned, being all of the owners of a freehold estate in land adjacent to the City of Oxford, Butler County, herein respectfully petition that the real estate hereinafter described be annexed to the City of Oxford, Butler County, Ohio.

Said Petitioners state:

1) The full description of the territory sought to be annexed is:

A 40.113 acre tract being part of Lot 2 on Kehr Road, Butler County Ohio (Section 34, Township 5, Range 1); Part of Parcel #H3510037000001 (as more particularly described on Exhibit A).

2) The number of owners of real estate in the territory sought to be annexed is 1, being Bill D. Colwell, Trustee, et al., the Petitioners.

3) Jill R. McGrail, Esq. and Thomas H. Bergman & Associates, LLC, whose address is 4695 Lake Forest Drive, Suite 200, Cincinnati, Ohio 45242, are hereby appointed and authorized to act as agent for the Petitioners in securing such annexation.

4) WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

OWNER NAME:

By: Bill D. Colwell
Bill D. Colwell, Trustee

Date Signed: 2/19/2008

This instrument prepared by:
Thomas H. Bergman & Associates, LLC
4695 Lake Forest Drive, Suite 200
Cincinnati, Ohio 45242
513-563-0906

RESOLUTION NO. 4336

A RESOLUTION ACCEPTING THE ANNEXATION PETITION FOR 40.113 ACRES OF LAND ON KEHR ROAD OWNED BY BILL D. COLWELL, IN THE TOWNSHIP OF OXFORD, OHIO; CONSENTING TO SAID ANNEXATION; AND ADOPTING A STATEMENT OF THE SERVICES THE CITY OF OXFORD WILL PROVIDE TO THE PROPOSED TERRITORY TO BE ANNEXED TO THE CITY OF OXFORD, PURSUANT TO A PETITION FILED WITH THE BOARD OF COMMISSIONERS OF BUTLER COUNTY, OHIO, BY JILL R. MCGRAIL, ESQ. AGENT FOR PETITIONER, BILL D. COLWELL.

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

SECTION 1: Council, having received the notification of a petition for annexation from Jill R. McGrail, Esq. Agent for petitioner, for 40.113 acres of land on Kehr Road, in the Township of Oxford, Ohio, hereby accepts said petition.

SECTION 2: Council hereby consents to the annexation petition from Jill R. McGrail, Esq. Agent for petitioner, for 40.113 acres of land on Kehr Road, in the Township of Oxford, Ohio.

SECTION 3: The Ohio Revised Code provides that the legislative authority of a municipal corporation shall adopt an ordinance or resolution indicating what services a municipal corporation will provide to the territory to be annexed to the municipal corporation upon receiving notice of the petition for annexation.

SECTION 4: The City of Oxford, will provide the following services to the territory sought to be annexed in the petition filed by Jill R. McGrail, Esq., agent for Petitioner, consisting of 40.113 acres plus or minus as described on Exhibit "A", attached hereto and incorporated herein, conditioned upon the property owners providing to the City of Oxford the means of ingress and egress acceptable to the City, by which the City will have access to the proposed annexed territory. These services are conditioned upon access being provided.

POLICE

Police service will be provided on a twenty-four (24) hour basis. Additional police services/equipment will be provided as required.

FIRE PROTECTION

The Oxford Fire Department will provide fire protection and emergency ambulance service as stated in the Fee Ordinance in the territory to be annexed. Additional fire protection and services/equipment will be provided as required.

WATER AND SEWER

Water and Sewer, as provided by law and by service contract, will be furnished to the annexed territory where available, subject to the City's ability to provide these services, based on the current system and the then current Fee Ordinance. Upgrading the present system will be necessary and will be done at the owner's expense.

PLANNING AND DEVELOPMENT

A professional planning and engineering staff and economic development staff will be available to service the annexed territory.

ZONING REGULATIONS

Current City of Oxford Zoning Regulations will be enforced in the annexed territory.

STREET MAINTENANCE

The Division of Streets will provide a full range of street maintenance activities, upon the owners dedicating streets to the public and deeding the same to the City.

BUILDING AND PLANNING SERVICES

Building inspection and planning services by the City of Oxford's professional staff will be provided to the territory on annexation.

WASTE COLLECTION

Residential waste collection services will be provided immediately upon annexation. Residential waste collection services are provided on a weekly basis and consist of curb-side pick-up. The property owners will be subject to a monthly fee for waste-collection services.

PARKS AND RECREATION

As the territory develops, the need for parks and recreational facilities will be evaluated and appropriate facilities provided upon approval of the Council of the City of Oxford. The City of Oxford currently provides to its citizens play fields, a swimming pool, tennis courts, and ball fields.

MISCELLANEOUS

Any and all other services provided to the citizens of the City of Oxford will be provided to the proposed territory upon annexation.

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

Ken Bogard

VICE MAYOR

ADOPTED: March 4, 2008

ATTEST:

Mary Ann Eaton

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager	Community Development Department **Originating Department**
Council Meeting Of: May 6, 2008	
Account Code No. #:	Jung-Han Chen **Prepared By**
Budgeted Amount:	April 21, 2008 **Date Prepared**

Agenda Title: **PC-07-2008 CONDITIONAL USE, 320 E. Vine Street** to permit a fraternity house in a R2MS (Single- and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

Recommendation: Approval

Discussion:

The Applicant is requesting approval of a Conditional Use Permit to allow for a fraternity in a R2MS District. The application is to build an approximately 2,000 sq. ft. two–story addition to the rear of an existing house. Access to this proposed use will utilize an unimproved alley. Furthermore, the subject property is made up of two lots.

The Planning Commission went through a lengthy discussion on the following issues: suitability of the site for the proposed use; traffic impact of the proposed use to the neighborhood; compatibility with the general intent of the Comp Plan, and the character of the proposed building is harmonious with the character of the general vicinity.

After a public hearing and discussion, the Planning Commission voted 4-2-0 to recommend City Council approve the proposed conditional use to permit a fraternity house at this location.

Approved By:

	Initial	Date
Department Head:	JHC	4/22/08
City Attorney:		
City Manager:		

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO PERMIT A FRATERNITY HOUSE IN THE R2MS (SINGLE AND TWO-FAMILY MILE SQUARE RESIDENTIAL) DISTRICT LOCATED AT 320 EAST VINE STREET, OXFORD, OHIO.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on April 8, 2008, for the purpose of considering the request of Bob Dearth, Applicant, Agent, for a conditional use permit to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio with the following conditions:

a. The lot consolidation be approved and recorded prior to the release of any construction permits.
b. All comments by the City Engineer are addressed regarding the alleyway access, at the owner's expense and the development meets City standards.
c. The dumpster shall be located behind the building, screened and accessible by a waste hauler.
d. The finished building complies substantially with the drawings presented and fits historically with the original building.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to permit a Fraternity House in the R2MS (Single and Two-Family Mile Square Residential) District located at 320 East Vine Street, Oxford, Ohio as proposed by the applicant.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	May 6, 2008
Case Number	PC-07-2008
Applicant Information	Bob Dearth, Applicant, Agent Ned Stephenson, Owner
Requested Action	Conditional Use Permit
Summary of Request	Request approval to allow for a Fraternity House in the R2MS District.
Public Hearing Information	On April 8, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on March 7, 2008.
Commission Action	After public hearing and discussion, the Planning Commission voted 4-2-0 to recommend City Council approval.
Commission Findings and Conclusions	After a lengthy discussion, the Planning Commission voted to recommend approval with the following conditions: that the lot consolidation be approved and recorded prior to the release of any construction permits; that all comments by the City engineer were addressed regarding the alleyway access, at the owner's expense and meeting City standards; that the dumpster shall be located behind the building, screened and accessible by Rumpke; and, that the finished building complies substantially with drawings presented and fits historically with the original building.
Exhibits Submitted to the Commission	1. Community Development Staff Report dated March 15, 2008. 2. Inter-office Review Transmittal Sheets from Fire, Engineering and Police Departments dated March 4, 2008. 3. E-mails received from community members to Planning Commission. 4. Conditional Use Permit Application dated February 22, 2008. 5. Agency letter dated February 22, 2008. 6. Architect Statement Letters dated February 1, 2008 and February 20, 2008. 7. Site Plan. 8. Site Plan Description from Applicant. 9. Building elevations. 10. Map, surrounding fraternity houses.

City of Oxford

Community Development Department

STAFF REPORT

Planning Commission

Case # PC-07-2008 **Date – April 8, 2008**

APPLICATION

Applicant:	Bob Dearth
Location:	320 E. Vine Street (H4100006000180 & H4100006000128)
Owner:	Ned Stephenson
Action Request:	Approval of a Conditional Use for a Fraternity House in the "R2MS" Single & Two-Family Residential District.
Current Use:	Two Family Rental
Current Zoning	"R2MS" Single & Two-Family Residential District.
Surrounding Existing Land Uses:	Mix of single & two-family rentals and fraternity houses.

GENERAL DESCRIPTION

The Applicant requests approval of a Conditional Use Permit to allow a fraternity house at the above location. The Applicant is proposing to eliminate the two-family use, remodel the existing house and construct a two-story, 37'x 56', 2,072 sq.ft. addition on the rear of the existing house. The fraternity house is indicating access for parking off of a paper alley. The current address and neighboring property currently share access through this alley. The Applicant has contacted the Service and Engineering Department to inquire what the requirements would be to upgrade the alley for access. The Applicant wishes to have alley access in order to satisfy lot coverage requirements.

Furthermore, the subject property is made up of two lots. The Applicant has submitted a consolidation plat that can be approved administratively.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is "R2MS" Single & Two-Family Residential District.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

> *"Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."*

§1143.05(b)(2)L.: Conditional Uses in R2MS:

STAFF FINDINGS: Fraternity and Sorority Houses are specifically listed as a Conditional Use in the R2MS District.

§1143.05(c): R2MS Site Development Regulations:
STAFF FINDINGS: All requirements pertaining to lot size, setbacks, lot coverage and building height appear to be satisfied with the exception of the front yard lot coverage. This is a nonconforming situation and no changes are proposed in this area, thus the existing sidewalks and original structure may remain where they are. Should any modification take place in front of the existing house, the Applicant would be required to make the situation less nonconforming and possibly require additional review by the BZA if they did not comply with the regulations.

§1147.03(b)(19) Use Regulations & Potential Concerns:
(19) Fraternity & Sorority Houses

A. Potential Concerns.
1. *Noise*
2. *Location of accessory uses such as ball fields and swimming pools*
3. *Appropriate screening of high activity areas from adjacent properties*

B. Requirements.
1. *A solid fence, wall, or hedge at least 6 feet in height is required along any property line within 75 feet of an activity area including porches and patios*
2. *Adequate waste and recycling facilities*

STAFF FINDINGS: There are no accessory uses proposed at this time. A dumpster shall be located next to or in the proposed parking area. No new patios or porches are being proposed at this time. Existing 4-5 foot chain link fences are along the eastern property line and a 6 foot wood privacy fence is along the northern property line. These existing fence lines are also fairly well vegetated.

The Applicant has indicated in their letters that if this existing screening is deemed insufficient, they are open to providing a solid fence along the property lines to create adequate separation from the adjacent properties.

OTHER FINDINGS: All Mile Square Design Standards will be reviewed more closely during the permit review process.

AGENCY COMMENTS

Requests for review were sent to Engineering, Police and Fire.

Police: "While the general area does accommodate some student housing, I cannot recommend the building of a fraternity house in a single and two-family residential district knowing that there will be a surplus of vehicles per the number of required vehicles."

Engineering and Fire have not returned their review to date.

PUBLIC COMMENT FORMS

No comments have been received to date.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

STAFF ANALYSIS

Staff has provided a map of surrounding fraternities. There are approximately 5 fraternities within a 200 foot radius, and 11 fraternities within a 500 foot radius.

Staff suggests that the Planning Commission consider the following items prior to approving the proposed project.

1. That, the lot consolidation is approved and recorded prior to the release of any construction permits.
2. That, all comments by the City Engineer are addressed regarding the alleyway access.

RECOMMENDATION

Not Applicable

SUBMITTED BY: Kathryn Dale

Kathryn A. Dale, Planner
Community Development Department

DATE: March 15, 2008

ATTACHMENT

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

(1) Burden of proof.

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.

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

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

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

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

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

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

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

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

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

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

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

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: ✓Fire Department   Engineering Division   Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2008

Description:

PC-07-2008 **CONDITIONAL USE 320 E. Vine Street** to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

____X______ Review   __________ Revisions   ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

No Comments

Will address sprinklers when building plans are submitted if use is approved

Drawings reviewed by: [signature] 3/26/08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-08-2008

Description:

PC-07-2008 **CONDITIONAL USE 320 E. Vine Street** to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

____X______ Review __________ Revisions ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** 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 3-17-08

Drawings reviewed by: [signature] 3-17-08

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-~~08~~ 7-2008
320 E. Vine Street

DATE: March 17, 2008

Section 301.03 of the City of Oxford Codified Ordinances defines an "Alley" as a "... street or highway intended to provide access to the rear or side of lots or buildings in urban districts..."

Thus the Engineering Division recommends approval of the subject case with the following conditions.

- The alley shall not be vacated. Thus, the "Site/Zoning Information" calculations shall be revised to exclude the area occupied by the alley.
- The Developer shall be responsible for the required improvements to the alley.
- The improvements to the alley shall include clearing, grading, paving, and the erecting of the necessary signs, as per City of Oxford Standards.
- Parking shall be prohibited within the right-of-way of the alley at all times.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-0~~8~~7-2008

Description:

PC-07-2008 **CONDITIONAL USE 320 E. Vine Street** to permit a fraternity house in a R2MS (Single and Two-Family Mile Square Residential) District, **Bob Dearth, Chi Psi Fraternity, Applicant, Agent**

____X______ Review __________ Revisions ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/28/2007** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

While the general area does accommodate some student housing, I cannot recommend the building of a fraternity house in a single & two family residential district knowing that there will be a surplus of vehicles per the number of required spaces.

Drawings reviewed by: S Schwen

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: Carole Katz [ckatz@one.net]
Sent: Tuesday, April 08, 2008 2:25 PM
To: alysiafischer@hotmail.com; bbrewer@designedlearning.com; prbrady@ix.netcom.com; mannwell41@woh.rr.com; kaysa@muohio.edu; rakfire@earthlink.com; prythedl@muohio.edu
Subject: planning commission agenda tonight

Dear members of the Oxford Planning Commission,

I won't be able to attend tonight's meeting, but but I would like to offer my opinion on two items on the agenda.

New Gas Station at Southpointe on US27 South: I saw this notice in last Friday's Oxford Press, and hope that the Commission will be able to bring this request to a halt right now. My impression, from statements by city officials and residents, and the outcome of recent Comprehensive Plan Update meetings, was that the people of Oxford do not want urban sprawl spreading to the south of the city, as it has to the north. I certainly do not. Besides for the fact that gas stations in general are aesthetically unappealing and an inappropriate gateway business for our community, and that the environmental risks are unjustified when there are many other service stations in the vicinity, I think a service station in this location would actually deter people from coming into town. If you allow this gas station to go forward, you will be doing the other merchants in Oxford a disservice, and only add to the decline of our uptown business district.

320 East Vine Street fraternity house: As a resident of the Mile Square, I'm particularly sensitive to neighborhood issues like noise, litter and parking. I am not in favor of building a new fraternity house anywhere in the Mile Square. I understand that the young men of the fraternity would like a house in which to live, meet and hold parties, but that area is already oversaturated, population-wise.
Adding to the density would only add to the problems of that neighborhood, and, again, go against the wishes of the people of Oxford as I perceive them. I'm also concerned that if this conditional use is approved, other groups or organizations will want similar treatment in other residential neighborhoods, which might be hard to deny based on this precedent.

I hope you will take these points into consideration as you address these items this evening. Thank you.

Carole Katz
214 West Withrow
523-8693

Rec'v 4.8.08 PC. Mtg.

WS Schedule

From: Levy, Jonathan Dr. [levyj@muohio.edu]
Sent: Tuesday, April 08, 2008 2:43 PM
To: alysiafischer@hotmail.com; Brewer, William; prbrady@ix.netcom.com; mannwell41@woh.rr.com; Kay, Susan; rakfire@earthlink.com; Prytherch, David Lloyd Dr.
Subject: Agenda for 4-8-08

Dear members of the Oxford Planning Commission,

While I will not make it to tonight's meeting, please allow me to comment on 2 agenda items.

Regarding the plans for a new fraternity house on East Vine Street, I believe this is heading us in the wrong direction. The City should be doing all it can to encourage more families and long-term resident in the Mile Square. Adding another fraternity house hinders rather than helps in this effort. Another fraternity house will inevitably add to trash, noise, parking problems and, paradoxically, increased housing prices and rental prices. All these probable outcomes result in families not considering the Mile Square as a viable living option.

Second, I am strongly opposed to the proposed gas station at Southpoint on 27 South. I was one of the Comprehensive Plan Update meetings and it was clear from this gathering that the Oxford residents were strongly against this plan or any large development on 27 south of Oxford. The gas station clearly would be opening up urban sprawl in that direction. We have plenty of gas stations in town. If by some chance you miss getting gas in Oxford, there are nearby stations in whatever direction you travel. A new station is certainly not necessary and is obviously aesthetically unappealing. It will detract from businesses already present. It should not be allowed.

Thank you for consideration of the opinions of Oxford residents like myself.

Best regards,
Jonathan Levy
214 West Withrow
523-8693

Jonathan Levy
Associate Professor of Geology
Miami University
Oxford, OH 45056
513-529-1947 (voice)
513-529-1542 (fax)
levyj@muohio.edu

Rec'v 4.8.08 PC Hq.

To: Planning Commission

From: Emily Murphree, Mile Square Resident

I urge you to deny the request before you to allow 320 E. Vine to be remade into a Chi Psi Fraternity House. This runs counter to the city's long term plan to reduce the density of the Mile Square population. Should you have suspicions about the gap between fraternities' statements of principles of gentlemanly behavior and their actual deeds, you might consult the *Miami Student*. I provide opening paragraphs and dates of several recent articles.

University sanctions Sigma Alpha Mu for alcohol violation

Caitlin Varley

Issue date: 3/28/08 **Section:** Campus
Miami University's chapter of Sigma Alpha Mu has been sanctioned for the second time this school year for serving alcohol to a minor.

At a hearing conducted by the Office of Ethics and Student Conflict Resolution Jan. 23, Sigma Alpha Mu admitted to serving alcohol to a minor at a party at their off-campus house in late October 2007. They were found to be in violation of the Code of Student Conduct, Section 105B.

Theta Chi faces scrutiny in light of Feb. incident

Drew Isler

Issue date: 2/28/06 **Section:** Campus
Miami University's Theta Chi fraternity is undergoing university judicial hearings to determine whether it should be held responsible for the actions of a first-year pledge who was found intoxicated and then hospitalized.

Beta Theta Pi applies restrictions after underage drinking incident

Brianna Mulligan

Issue date: 4/8/08 **Section:** Campus

Miami University's Interfraternity Council (IFC) will soon hear a case dealing with accusations of Beta Theta Pi hazing pledges earlier this semester.

So far, the fraternity's Alpha chapter has not been punished by the IFC judicial system, but has executed its own punishment.

The incident took place when a Beta pledge was caught drinking underage. Miami viewed the underage intoxication of a pledge as a form of hazing, forcing the fraternity to take action to deal with the accusations. After the allegations of hazing were made, Beta's self-governance board initiated a series of policies, including a limit on social privileges and a requirement to attend an alcohol-related class.

****

Those of us who continue to live in the Mile Square would sincerely appreciate your help. There is too much noise, trash, and rowdy behavior in this area already. Shoe-horning in another fraternity house will only worsen the situation. (I would attend tonight's meeting, but I am giving an exam from 6—9 pm.)

Case No.: 4/8/08 PC-7-08
Date Filed: 2/22/08

Conditional Use Permit Application

City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Bob Dearth, Chi Psi Fraternity

(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 118 Hilltop Road Oxford OH 45056

Telephone Number(s): 513 255 0193

Location of Property: 320 E Vine St

Legal Description: see site / zoning map
Zoning District: R2MS
Total Area: 15,629 Acres / Square Feet (circle one)
Existing Use: 2 Family
Proposed Use: Fraternity Lodge

SUBMISSION REQUIREMENTS

The required fee of **$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is to be located:

1. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
2. The use and site will satisfy the general intent of this Zoning Code.
3. The use and site will be compatible with the general intent of the Comprehensive Plan.
4. The size and shape of the site are sufficient for the proposed use.
5. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

6. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
7. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
8. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
9. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
10. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning distribute shall have the appearance of residential buildings permitted in the zoning district.
11. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
12. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
13. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

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.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

[signature] Signature of Applicant

Bob Dearth
Printed Name

Date: 2-22-08

FEE / RECEIPT
$400 Fee Paid / Receipt Number: pd #13601

February 22, 2008

I, Ned Stephenson, owner of 320 E. Vine Street, so hereby allow Bob Dearth and the Chi Psi Fraternity to act as agents for the Conditional Use application dated February 22, 2008.

Sincerely,

Ned Stephenson
320 E. Vine Street
Oxford, OH 45056

jonathan r. schaaf
REGISTERED ARCHITECT
3038 Mirimar Street Kettering, Ohio 45409
Phone/Fax: 937.643.4090 | Cellular: 937.609.5280
Email: jrsdesign@sbcglobal.net

February 1, 2008

RE: 320 E. Vine Street
Fraternity House

The project site at 320 E. Vine Street in the City of Oxford is zoned R2MS (Single Family & Two Family Mile Square Residential). The existing structure is a 2 story duplex residence. The proposed use for this site is a new fraternity house for Chi Psi. Under the R2MS zoning classification, fraternity and sorority houses are indicated as conditional use item "I".

The area of the site is 15,629 SF. The proposed building and parking areas will meet the maximum lot coverage of 40% (6,251 SF) for lots with vehicular access from a side alley, and no access from the public street. A new two story addition is proposed to the rear of the existing two story building. A new parking lot will be constructed to the rear of the lot with access from the alley along the west property line. The parking lot will accommodate the parking requirements of zoning code section 1149 for fraternity houses and will provide for the appropriate screening/buffers.

The proposed building addition will be designed in a complementary style to the architecture of this surrounding neighborhood and in accordance with zoning code requirements for R2MS. The project will include full interior and exterior improvements for the existing building that will mend the new and existing together as one building.

jonathan r. schaaf
REGISTERED ARCHITECT
3038 Mirimar Street Kettering, Ohio 45409
Phone/Fax: 937.643.4090 | Cellular: 937.609.5280
Email: jrsdesign@sbcglobal.net

February 20, 2008

320 E. Vine Street
Fraternity House

Site/Zoning Information

Existing Zoning: R2MS Single Family & Two Family Mile Square Residential

Existing Lot Area:	15,629 SF
Existing Alley Area:	3,044 SF
Total Area with Alley Vacation:	18,673 SF

Scheme 2a: Areas without Alley Vacation: (15,629 SF)

	Allowed	Proposed
Building Coverage: max. 25% =	3,907 SF	1,328 SF Existing 2,072 SF Proposed Addition
Site Coverage: max. 40% =	6,251 SF	6,087 SF
Front Yard Area: min. 5% =	781 SF	2,318 SF
		2,687 SF Parking

Front Yard Setback: 20'
Rear Yard Setback: 35'
Side Yard Setback: 7.5'
Max. Height: 35'

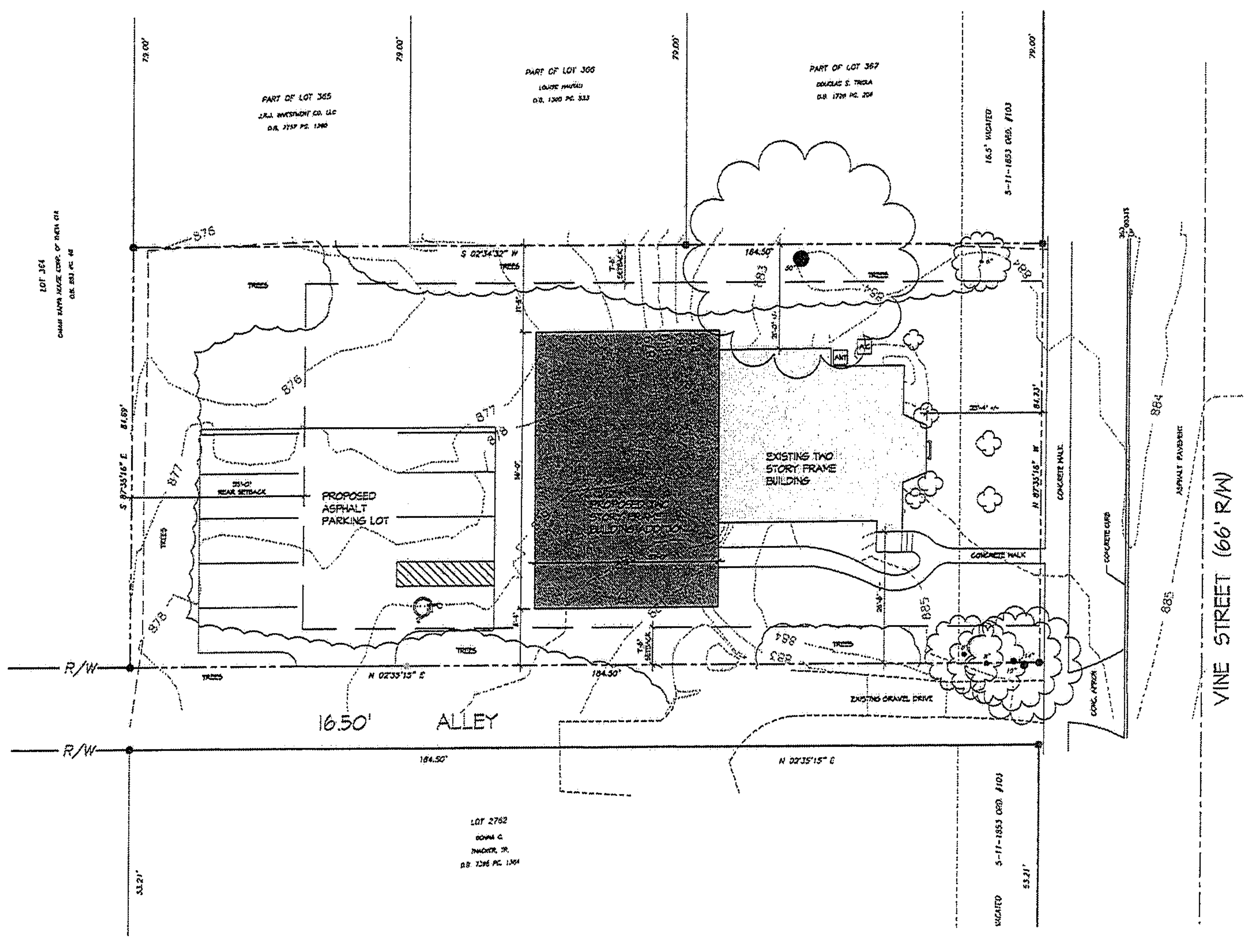
Parking: 2 spaces per 5 permitted beds.
3' from property line, 3' from building

Building Code Information

R-2 Occupancy Classification
VB Construction Type – no ratings required for structural elements
Occupant Load – 1 per 200 gross SF
Egress Width - .2" / occupant stairs / .15" / egress components (with sprinkler system)
1 hour fire rating on stairs

Base Allowable height – 2 stories
Base Allowable area – 7,000 SF / floor

Allowable height w/ sprinkler – 3 stories
Allowable area w/ sprinkler – 21,000 SF / floor



A SITE PLAN - SCHEME 2a

SCALE: 1" = 10'-0"

jonathon r. schaaf
REGISTERED ARCHITECT
Jonathon R. Schaaf
3038 Holmes Street Kettering, Ohio 45409

320 E. VINE STREET

OXFORD, OHIO

Print Record
02/01/08 PRELIM.

Project Number
2008-01

Date
FEB. 1, 2008

Sheet Title
SITE PLAN

Sheet Number
1

Site Plan Descriptions (1-14)

1. See site plan
2. See site plan
3. See site plan
4. See site plan
5. See site plan
6. See elevations and photos
7. See site plan
8. N/A
9. No changes, see photos
10. Approximately 200 feet to R3MS, approximately 200 feet to R1MS and approximately 1000 feet to RO and MU.
11. Adjacent property uses are single and two family residences and a fraternity (behind). Across the right of way are single family residences.
12. See elevations
13. See photos
14. N/A

Statements describing how the proposed Conditional Use meets the following decision standards of the zoning district of R2MS:

1. Per zoning code: 1143.05 (b) (2) I. Fraternity and sorority houses
2. The use and site satisfies the intent of the Zoning Code in that it is a residential facility that will be improved and maintained by a responsible national organization.
3. The use and site are compatible with the general intent of the comprehensive plan in that it provides responsible preservation and improvement of a building with character in a MS residential district.
4. The size and shape of the site are more than sufficient for the proposed use; please refer to architect outline and site plan.
5. The use will not be hazardous or disturbing to existing neighboring uses that are permitted in the zoning district. In fact, a fraternity house is adjacent to the site on the North side.
6.
7. > See attached Addendum #1 (See Attached Addendum #1)
8. The use and site will be adequately served by public services already in tact with exception of the alley. Please refer to letter to city from applicant and all other correspondence and decisions to date.
9. Development of the site and the operation of the use will not require substantial public expenditure for additional infrastructure or services. Applicants will pay for any improvements necessary to existing adjacent alley.

10. The site has been designed to be harmonious in character and appearance with the general, existing and intended character of the vicinity. Please refer to the elevations and photos enclosed of sites in the immediate vicinity of the site.
11. There will be no additional impact on the movement of traffic on adjacent public streets by on-site traffic or traffic accessing the site. The existing alley will continue to be the access to the site.
12. The proposed construction will have little to no impact on the existing site in that there is a consolidation of two lots on the site.
13. All necessary permits and licenses for use as a fraternity are already in place. The fraternity is a Miami University supported organization with a national presence and a local chapter.

***Additional notes:

Conditional Use Concerns and Regulations: Planning and Zoning Code Book: Section 1147.03 (19) Fraternity and sorority houses

A. Potential Concerns

1. Noise: Although there is an obvious increase in occupancy numbers; the proximity to existing multiple family residences and fraternities should minimize the impact to the site's neighbors.
2. Location of accessory uses such as ball fields and swimming pools: The location of the accessory use facilities is well within walking distance from the site and the same distance from existing properties with the same use.
3. Appropriate screening of high activity areas from adjacent properties: There is an existing natural barrier on the east and north boundaries of the property. If these are deemed insufficient, the applicant will provide a solid fence along the property lines to create an adequate separation from these adjacent properties.

B. Requirements

1. See A. (3.)

2. Adequate waste and recycling facilities: The size of the site and accessibility from the alley, will allow for easy access for waste removal and recycling facilities.

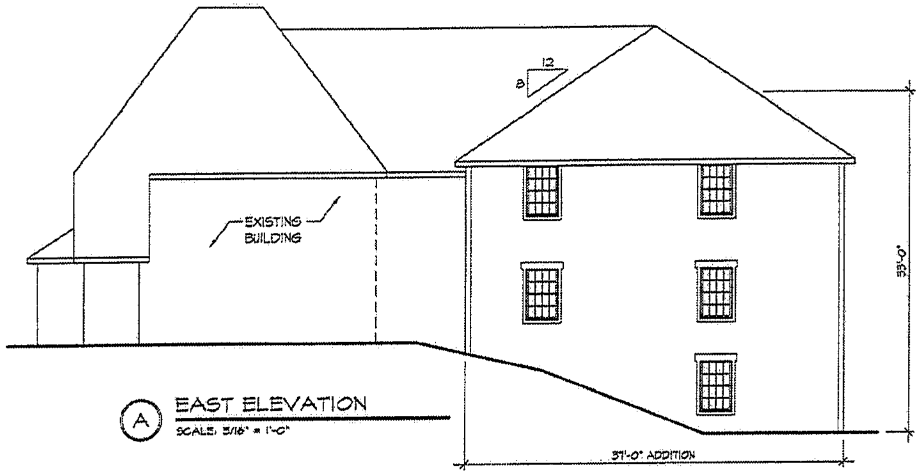
To: missy@remax-alpha.com
From: ohpancake@aol.com
Cc: heidencm@muohio.edu, danmawer@chelseamoore.com
Date: 22 Feb 2008, 12:08:07 PM
Subject: Text for Conditional Use Application

Addendum #1

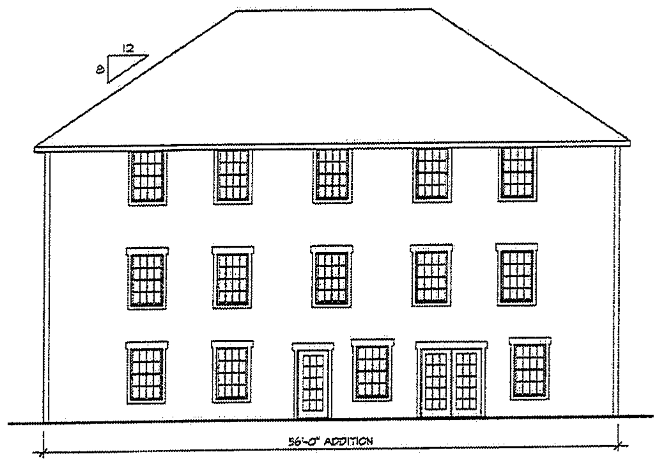
HTML content follows

6. The Alpha Rho Delta Chapter of Chi Psi Fraternity, chartered in 2005, is a group of young men joined by a commitment to scholarship, fellowship and leadership. They are a new chapter of Chi Psi Fraternity which dates to 1841, and is presently made up of thirty chapters (referred to as "Alphas") spread throughout fine Universities and Colleges within the United States. Chi Psi's overriding principals are brotherhood and behavior as gentlemen. The National Fraternity has achieved a number of notable "firsts": The first national fraternity to establish a visitor program representing a traveling leadership consultant for its chapters; The first Educational Trust, established to supplement the host institution's curriculum with supplemental programs teaching leadership skills, programs for setting and achieving personal goals and career guidance programs.
A new "Lodge" at 321 Vine Street will not have any outside ball courts or meeting areas. Membership meetings will be conducted inside will not involve excessive noise, odors, emissions, glare or traffic. There will be no activities that involve processes, materials, equipment, or conditions of operation that would be detrimental to any person, property or general welfare of the immediate area.

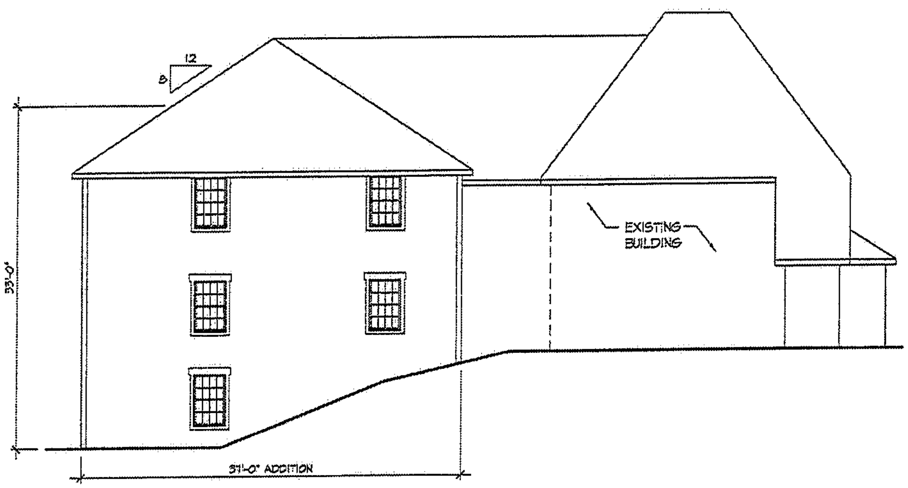
7. The only use of this facility will be for Fraternity housing and general meetings, training and fellowship of the members. There will be no unrelated activities permitted, as regulated by both Miami University, the National Fraternity and the local Alumni Corporation that will participate in the ownership of the property. The National Fraternity maintains a mandatory Property and Liability Insurance program for all of its Alphas and strict underwriting guidelines for participation in these programs are enforced by frequent on-site visits by the National visitors and the local alumni corporation officers.



Ⓐ EAST ELEVATION
SCALE: 3/16" = 1'-0"



Ⓑ NORTH ELEVATION
SCALE: 3/16" = 1'-0"



Ⓒ WEST ELEVATION
SCALE: 3/16" = 1'-0"

PRELIMINARY ONLY

jonathan r. schaaf
REGISTERED ARCHITECT
Jonathan R. Schaaf RA LEED AP
3038 Hiemar Street Kettering, Ohio 45409
Phone/Fax: 937.643.4030 | Cellular: 937.609.5780
Email: jrsdesign@sbcglobal.net

320 E. VINE STREET

OXFORD, OHIO

Print Record
02/01/08 PRELIM.

Project Number
2008-01

Date
FEB. 1, 2008

Sheet Title
EXTERIOR ELEVATIONS

Sheet Number
4

CITY OF OXFORD

HOME OF MIAMI UNIVERSITY

PC 07-2008
320 E. Vine
Surrounding
Fraternity Houses

Legend

OxParcels2007

Building Footprints

Use

- CITY
- COMMERCIAL
- FRATERNITY
- IND
- INSTITUTIONAL
- MF
- MIXED
- MU
- SF

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager **Finance**
Originating Department

Council Meeting Of: 05/06/08

Heidi Hill
Prepared By

Account Code No. #: see below

Budgeted Amount:__________________

04/21/08
Date Prepared

Agenda Title: **2008 SUPPLEMENTAL BUDGET #1**

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

General Fund

Transfer to Capital Improvement
From fund balance **2,000,000.00**
Additional appropriation needed to transfer to Capital Improvement fund to cover the set asides for projects scheduled in the Capital Improvement Plan. Set aside money has been spent from the fund balance in prior years for capital projects.

Fire Department
Contracted Services **4,000.00**
From fund balance
Additional appropriation needed for an emergency repair of the Weather Warning Siren at the mobile home park.

Capital Improvement Fund

US 27 North **571,000.00**
From fund balance
Additional appropriation needed for right of way acquisition for Phase III of project. Federal funding will pay for the project, however, the City must pay for costs upfront, and we will then be reimbursed for our expenditures.

Approved By: **Initial Date**
Department Head: **HH \ 4/21/08**

City Manager: **__DE \ 4/21/08_**

Street Fund

Salaries & Benefits **9,851.00**
From fund balance
Additional appropriation needed to cover cost of promotional advancement.

Overtime **22,000.00**
From fund balance
Additional appropriation needed to replenish overtime line item from snow event #16 (March 7-10 blizzard 12”+ accumulation).

Materials **27,750.00**
From fund balance
Re-stock road salt storage facility under our current contract (600 tons at $46.50/ton). 2008-2009 pricing is expected to be higher.

Water Fund

Salaries & Benefits **10,010.00**
From fund balance
Additional appropriation needed to cover cost of promotion advancement.

Sewer Fund

Salaries & Benefits **7,020.00**
From fund balance
Additional appropriation needed to cover cost of promotion advancement.

Modifications to the 2008 Budget

The following budget modifications are transfers and are a net zero balance. However, the transfers must be approved by Council as required by Ohio Revised Codes Section 5705.38.

Transfer Appropriation From	Transfer Appropriation To	Amount
210.151.52520 Capital Outlay	210.151.52330 Instruction	2,500.00
210.151.52520 Capital Outlay	210.151.52420 Operating Supplies	380.00
110.335.52495 Housing Trust	212.310.52495 Housing Trust	5,000.00

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 1 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds;

SECTION 2: The following additional appropriations are hereby made:

GENERAL FUND From fund balance	2,004,000.00
WATER FUND From fund balance	10,010.00
SEWER FUND From fund balance	7,020.00
CAPITAL IMPROVEMENT FUND From fund balance	571,000.00
STREET FUND From fund balance	59,601.00

SECTION 3: In all other respects, Ordinance No. 2990 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

____
MAYOR

ADOPTED: _______________

ATTEST:

____
CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

ORDINANCE NO.

ORDINANCE REPEALING ORDINANCE NO. 2502 AND CHANGING THE STUDENT/COMMUNITY RELATIONS COMMITTEE TO THE STUDENT/ COMMUNITY RELATIONS COMMISSION.

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

SECTION 1: There is hereby created a Student/Community Relations Commission consisting of nine voting members and six ex-officio members.

SECTION 2: The composition of the Commission and method of appointment thereto shall be as follows: (a) one member of the Oxford City Council; (b) three residents of the City of Oxford, at least one of whom shall reside in the Mile Square, to be appointed by the Oxford City Council to serve a three (3) year term; (c) one Miami University graduate student, appointed by the Miami University Graduate Student Association to serve a one (1) year term; (d) four undergraduate students of Miami University who are members of university-recognized organizations, one of whom shall be the Associated Student Government Secretary for Off-Campus Affairs, to be appointed by the Miami University Coordinator of Off-Campus Affairs for a one (1) year term.

The Commission shall also have six (6) ex-officio members as follows: (a) the City Manager or the City Manager's designee; (b) the Miami University Dean of Students or the Dean's designee; (c) the Miami University Coordinator of Off-Campus Affairs; (d) one representative of the Oxford Chamber of Commerce; (e) one member of the Oxford Police Department; (f) and one representative of the Talawanda School District. Each of the above ex-officio members shall be appointed to serve a one (1) year term.

SECTION 3: The Commission shall elect its own chairperson, secretary, and such other officers as it deems advisable. The Commission shall have full power to organize itself and to determine its own rules, regulations and bylaws. The Commission will meet not less than once per month during the academic year at a regularly scheduled time, date and place.

SECTION 4: The purpose of the Commission shall be to identify and explore any and all matters that the Commission determines are related to student/community relations, and serve in an advisory capacity to the City Council. The Commission shall report and recommend to City Council as the Commission or City Council deems necessary. The Commission is expressly authorized and directed to make such recommendation to Council relative to legislation or policy matters as the Commission determines to be in the interest of student/community relations.

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

____
MAYOR

ADOPTED:

ATTEST:

____
DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 15, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

April 10, 2008
Date Prepared

Agenda Title:	**Ordinance Repealing Ordinance No 2502 and Changing the Student/Community Relations Committee to the Student/Community Relations Commission**

Recommendation: Approval

Discussion:
Per Council's request and based on the discussion and direction from the last council meeting, this legislation is to modify the existing Student Community Relations Committee (SCRC) to a Commission. This legislation also outlines the membership of this recommended Commission, as well as the purposes and functions of the Commission

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:		

City of Oxford Ordinance 2502
Proposed Revised Text: Student-Community Relations Committee
April 1, 2008
Revisions are in bold
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: There is hereby created a Student/Community Relations ~~Committee~~ **Commission** consisting of ~~ten members~~ **nine voting members and six ex-officio members.**

~~SECTION 2: The composition of the Committee and method of appointment thereto shall be as follows: One member chosen by the Oxford City Council; one resident of the City of Oxford appointed by the Mayor; one member of the Mile Square Neighborhood Association appointed by the Mile Square Neighborhood Association; the City Manager or the city Manager's designee; one Miami University administrative person appointed by the President of Miami University; one member appointed by the Oxford Chamber of Commerce, which members heretofore defined shall be appointed to serve a three (3) year term; four (4) students of Miami University who are members of University recognized organizations, to be appointed by the Vice-President for Student Affairs of Miami University for a one (1) year term.~~

SECTION 2: The composition of the Commission and method of appointment thereto shall be as follows: One member of the Oxford City Council; three residents of the City of Oxford, at least one of whom shall reside in the Mile Square, to be appointed by the Oxford City Council to serve a three (3) year term; one Miami University graduate student, appointed by the Miami University Graduate Student Association to serve a one (1) year term; four undergraduate students of Miami University who are members of university-recognized organizations, one of whom shall be the Associated Student Government Secretary for Off-Campus Affairs, to be appointed by the Miami University Coordinator of Off-Campus Affairs for a one (1) year term.

The Commission shall also have six (6) ex-officio members as follows: the City Manager or the City Manager's designee; the Miami University Dean of Students or the Dean's designee; the Miami University Coordinator of Off-Campus Affairs; one representative of the Oxford Chamber of Commerce; one member of the Oxford Police Department; and one representative of the Talawanda School District; each of whom shall be appointed to serve a one (1) year term.

SECTION 3: The **Commission** shall elect its own chairperson, secretary, and such other officers as it deems advisable. The **Commission** shall have full power to organize itself and to determine its own rules, regulations and bylaws. The **Commission** will meet ~~monthly~~ **biweekly during the academic year** at a regularly scheduled time, date and place.

SECTION 4: The purpose of the **Commission** shall be to ~~meet, investigate, explore and discuss~~ **identify and explore** any and all matters that the **Commission** determines are related to student/community relations, **and serve in an advisory capacity to the City Council.** The **Commission** shall report and recommend to City Council as the **Commission or City Council** deems necessary. The **Commission** is expressly authorized and directed to make such recommendation to Council relative to legislation or policy matters as the **Commission** determines to be in the interest of student/community relations.

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: April 1, 2008

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Jung-Han Chen
Prepared By

March 17, 2008
Date Prepared

Agenda Title: PC-05-2008 ZONING MAP AMENDMENT Southpointe Crossings, 3.26 acres located on the northeast corner of US 27 South and Southpointe Parkway, from R3 (Multi-Family Residential) to GB (General Business) District, **City of Oxford, Applicant**

Recommendation: **Approve**

Discussion:
The initial zoning of the entire Southpointe development was approved by the Butler County Planning Commission and then subsequently annexed into the City. Based on the executed Development Agreement, the zoning of these 3.26 acres of land needed changed to the most equivalent City zoning classification through the rezoning process. Unfortunately, Butler County's commercial zoning classification of this corner was inadvertently not carried over to the City of Oxford's classification. This request is to rectify this oversight and honor the Agreement by correctly providing the appropriate zoning.

For the past few decades this corner has been a commercial use, and a commercial establishment for this general vicinity would be an appropriate land use practice. The design features and aesthetic element would be critical in the development of this site due to the location of this corner being the gateway to the City and future Tech Park.

The Planning Commission voted 7-0-0 to recommend approval of this zoning change request.

Approved By:		**Initial**	**Date**
	Department Head:	JHC	3/17/08
	City Attorney:		
	City Manager:	DAE	3/28/08

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 3.26 ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF U.S. 27 S. AND SOUTHPOINTE PARKWAY OXFORD, OHIO AND REZONING THE PROPERTY FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) ZONING 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 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 11, 2008, at 7:30 p.m., on the applicant's, City of Oxford, application for a Zoning Map Amendment for 3.26 acres of land located on the northeast corner of U.S. 27 S. and Southpointe Parkway Oxford, Ohio requesting the rezoning of the property from R-3 (Multi-Family Residential) to GB (General Business) Zoning District.

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

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

SECTION 4: Council hereby accepts the recommendation of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment, rezoning 3.26 acres of land located on the northeast corner of U.S. 27 S. and Southpointe Parkway Oxford, Ohio and rezoning the property from R-3 (Multi-Family Residential) to GB (General Business) Zoning District.

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

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

MAYOR

ADOPTED: ______________________

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Certification of Action
Oxford Planning Commission
Recommendation to City Council

Report Date	March 17, 2008
Case Number	PC-05-2008
Applicant Information	City of Oxford, Applicant
Requested Action	Zoning Map Amendment
Summary of Request	Request for a Zoning Map Amendment from R3 (Multi-Family Residential) to GB (General Business District).
Public Hearing Information	On March 11, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on February 8, 2008. Courtesy notices were mailed to adjacent property owners on February 15, 2008.
Commission Action	The Planning Commission voted 7-0-0 recommending approval of the Zoning Map Amendment.
Commission Findings and Conclusions	After public hearing and discussion, the Planning Commission voted to recommend approval of the Zoning Map Amendment to honor the executed Development Agreement and correct the error in zoning.
Exhibits Submitted to the Commission	1. Community Development Staff Report dated February 27, 2008 2. Inter-Office Review Transmittal Sheets dated February 14, 2008 3. Zoning Map Amendment Application dated January 25, 2008 4. Zoning Map

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-05-2008 **Date – March 11, 2007**

APPLICATION

Applicant:	City of Oxford
Location:	U.S. 27 South (Southpointe Blvd.)
Owner:	4-Leaf Development LLC
Action Request:	Zoning Map Amendment from "R3" to "GB"
Current Use:	Multi-Family Residence and Vacant Land
Current Zoning	"R3" Multi-family Residential **(City of Oxford Zoning)**
Surrounding Existing Land Uses:	Single-Family\Agricultural and Vacant

---

GENERAL DESCRIPTION

The subject property is part of a Development Agreement and annexation acceptance that was recently finalized in August 2007. City Council Ordinance No. 2966 adopted the zoning classifications of the property while Ordinance No. 2965 accepted the annexation of the land into the City of Oxford. A Development Agreement was made with the property owner May 23, 2006.

As a part of the Ordinances, Development Agreement and annexation process, the City agreed to zone the property that was the most equivalent to the preliminary development plan and County zoning classifications for the property.

During these hearings, much of the discussion focused on the southern portion of the property and residential densities. While recently reviewing the zoning map and data collection for the Comprehensive Plan, staff noticed that the 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway was illustrated as "R3" Multi-Family Residential. Upon further review of the file and plans submitted with the annexation, Staff realized that this corner should have been rezoned to "GB" General Business from the beginning, in accordance with the Ordinances and Agreements mentioned above. The accepted Preliminary development plan lists this corner as B-PUD for commercial development.

The City has initiated this map amendment solely to correct an error and honor the Development Agreement.

SURROUNDING NEIGHBORHOOD

The site is 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway. The area directly north of the site is a single-family residential subdivision. The area south of the site is mainly agricultural landscape and zoned "OI". The site is bordered by Four-Mile Creek to the east and U.S. 27 to the west. Directly across U.S.27 is multi-family and vacant land that is inside the City limits.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering and Fire Departments. The following Comments were returned:

Police Department:	No comments on this request.
Engineering:	Support the proposed map amendment.
Fire:	No comments received to date.

PUBLIC COMMENT FORMS

No comments have been received to date.

RECOMMENDATION

Staff recommends Approval of Case # 05-2008, a zone map amendment for 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway, from "R3" Multi-Family Residential to "GB" General Business District.

SUBMITTED
BY: Kathryn A. Dale

Kathryn A. Dale, AICP
City Planner
Community Development Department

DATE: February 27, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-05-2008

Description:

PC-05-2008 **ZONING MAP AMENDMENT Southpointe Crossings,** 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway, from R3 (Multi-Family Residential) to GB (General Business) District **City of Oxford, Applicant**

____X______ Review __________ Revisions ____________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

When developed, will driveway enter and exit on Southpointe, and not US 27

Drawings reviewed by: Len Endress, Fire Chief

RECEIVED
FEB 15 2008
City of Oxford
Engineering Division

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-05-2008

Description:

PC-05-2008 **ZONING MAP AMENDMENT Southpointe Crossings,** 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway, from R3 (Multi-Family Residential) to GB (General Business) District **City of Oxford, Applicant**

____X______ Review __________ Revisions __________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 2-19-2008

Drawings reviewed by: [signature] 2-19-2008

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
Engineering Division
513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case #: PC-05-2008

DATE: February 19, 2008

We agree with the proposed Zoning Map Amendment that corrects a previous omission.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 2/14/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-05-2008

Description:

PC-05-2008 **ZONING MAP AMENDMENT Southpointe Crossings,** 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway, from R3 (Multi-Family Residential) to GB (General Business) District **City of Oxford, Applicant**

___X_____ Review _________ Revisions __________Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/5/08** Note: If <u>no</u> comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: S Selhwa

RECEIVED

APR 16 2008

City of Oxford

April 16, 2008

Letter to the Editor:

Last evening I attended the Oxford City Council meeting to speak against the rezoning of 3.26 acres from residential to commercial so that a large convenience store and gas station may be built. The land is adjacent to route 27 south at the Southpointe apartment complex. Only the representative of the developer spoke in favor of the rezoning. Over the 1 ½ hour hearing a number of persons from all over the community spoke in opposition generally expressing a concern about commercial development on this major entrance to our community.

The development agreement required for annexation was signed by the then Oxford City Manager and two of the owners of the development, was drafted by a very able area attorney, was reviewed by Council and accepted and is dated May 23, 2006. In that agreement there is no reference to the development of this acreage for a commercial store and gas station. The proposal set forth by the agreement that the developer prepared, (not the City) and signed off on, was for two forms of residential development and an office technology park.

Last night it was revealed that there were supporting documents that our Council did not see at the time of the original consideration and that were unavailable to the public for purposes of the public hearing for annexation. It was said best last night by Mr. Jay Elliott when he pointed out to Council that they had responsibility to the developer but they represented all of the citizens of Oxford who deserved precedence over any single person or group.

I would suggest to our Council that since there is obviously a strong sentiment against commercial development out side of the areas already so zoned and in that we are at this time developing a revised comprehensive plan and in view of the fact that matters surrounding this issue are at best murky to which the general public neither had knowledge of nor an opportunity to address that Council immediately place this question before the voters in the form of a binding initiative rather than making an arbitrary decision one way or the other. This would be fair to all of the citizens.

Sincerely Calvin F. Conrad 523 2976

Calvin Conrad

Case No.: PC-5-2008
Date filed: 1/25/08

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)

Mailing Address: 101 East High

Telephone Number(s) (513) 524-5204

Location of Property: 3900 Southpointe Parkway
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)

Legal Description:
Total Area: 3.26 Acres / Square Feet (circle one)
Existing Use of Property:
Current Zoning: R-3

Proposed Zone(s): GB
Proposed Use:

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a 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 every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
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).
5) Why is the current zoning classification of the property no longer appropriate?

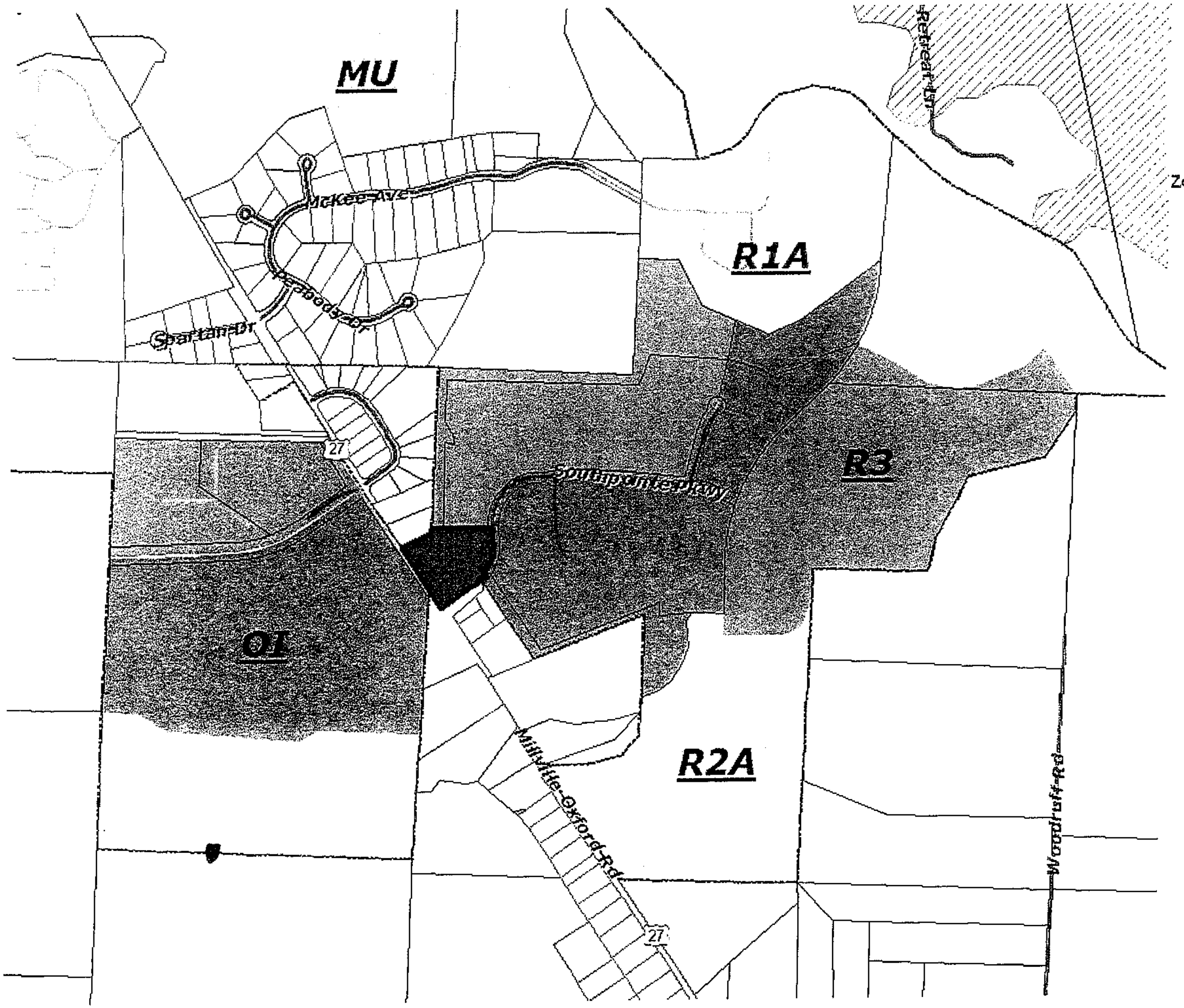
All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: **Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.**

SIGNATURE OF APPLICANT: Jung Han Chen **Date:** 1/25/08

PRINTED NAME: Jung Han Chen

FEE / RECEIPT
$150 Fee Paid / Receipt Number: NA



CITY OF OXFORD

PC 05-2008
Zone Map Amendment
R3 to GB

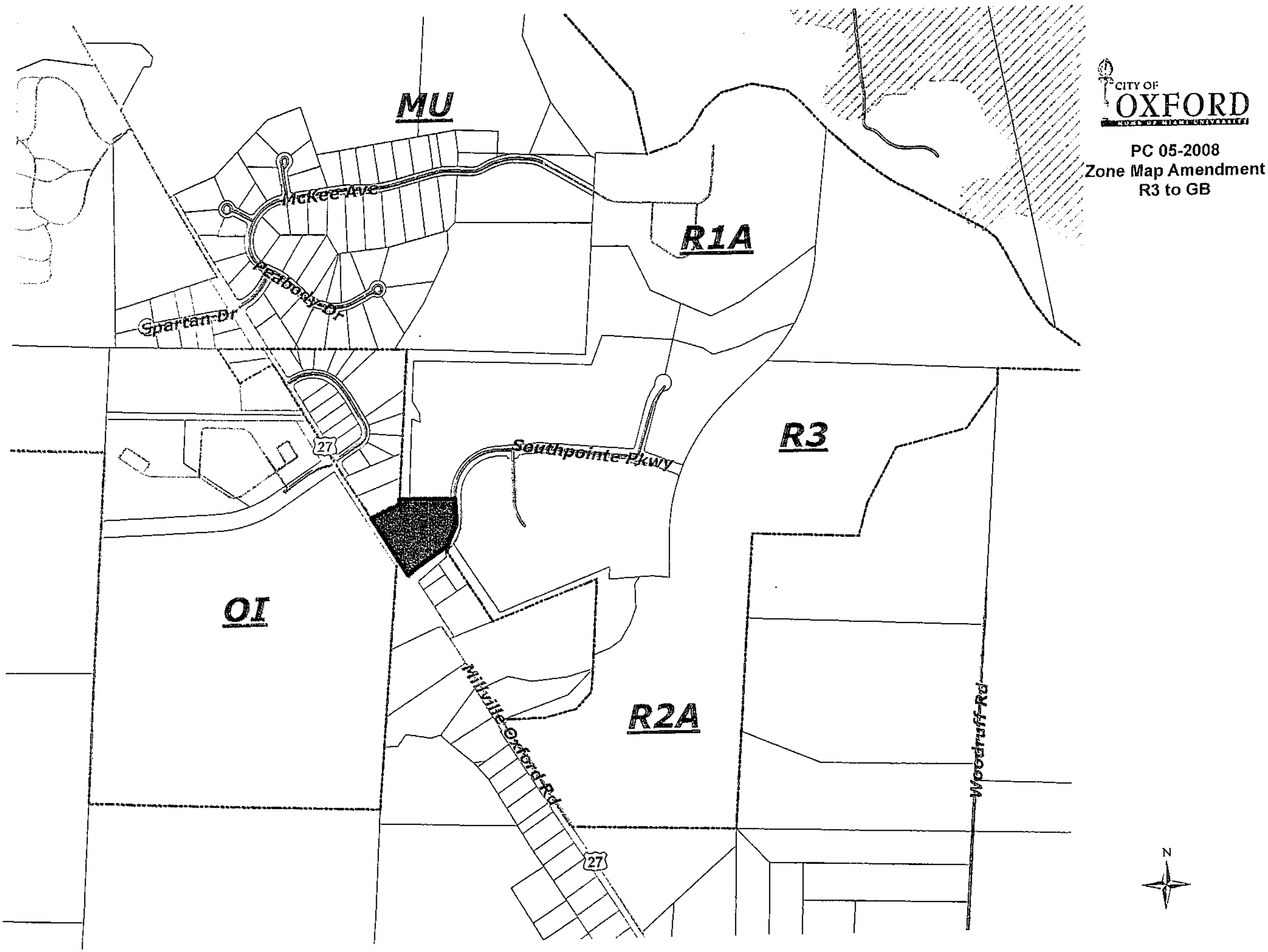

CITY OF
OXFORD
PC 05-2008
Zone Map Amendment
R3 to GB
MU
R1A
R3
R2A
OI
McKee Ave
Peabody Dr
Spartan Dr
Southpointe Pkwy
Millville Oxford Rd
Woodruff Rd
27
27
N

Exhibit - D, Exhibit E, Exhibit F

PRELIMINARY PUD PLAN
4-LEAF DEVELOPMENT, LLC.

SECTIONS 25,35&36, TOWN 5, RANGE 1,
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

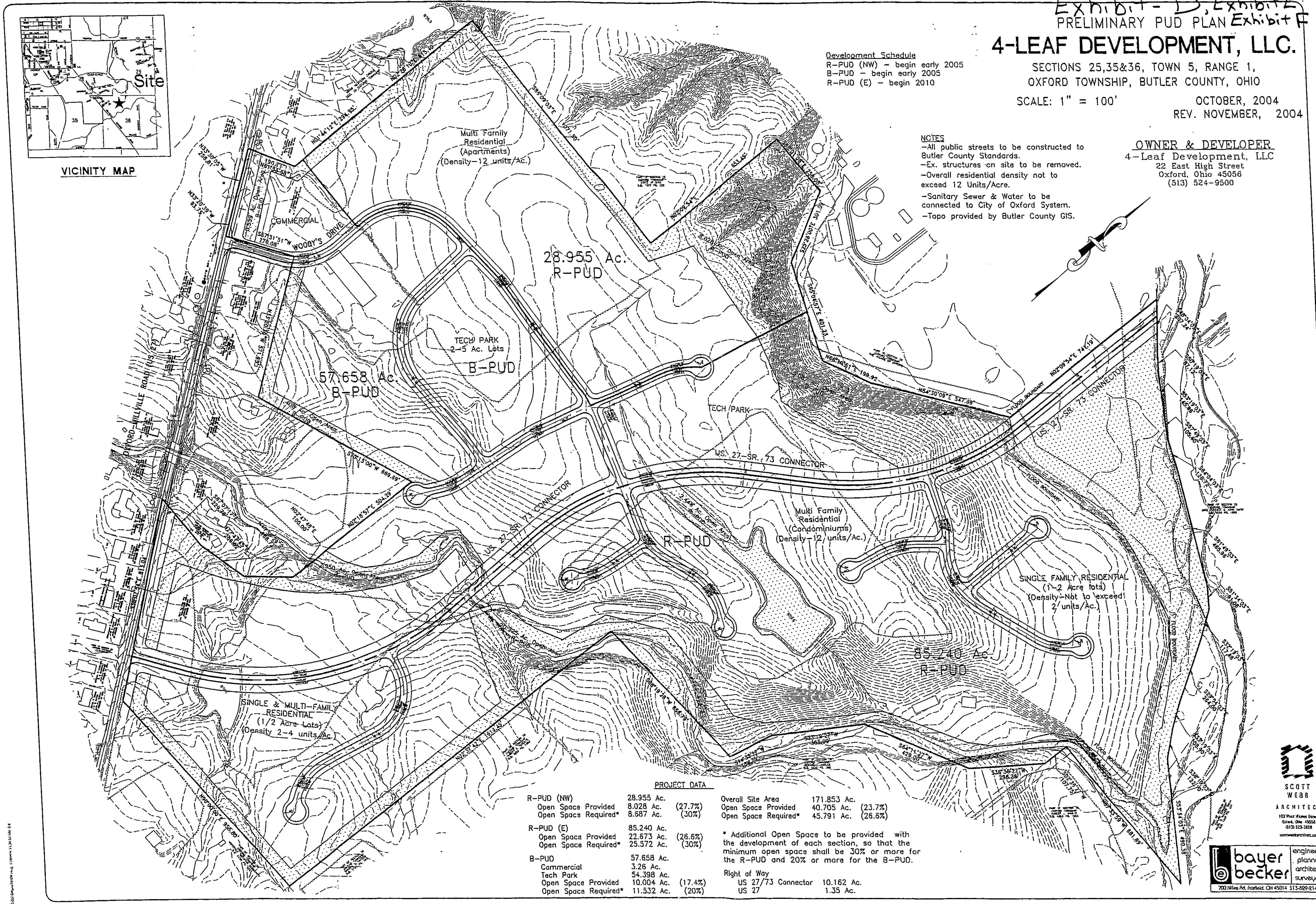
SCALE: 1" = 100'

OCTOBER, 2004
REV. NOVEMBER, 2004

Development Schedule
R-PUD (NW) - begin early 2005
B-PUD - begin early 2005
R-PUD (E) - begin 2010

NOTES
- All public streets to be constructed to Butler County Standards.
- Ex. structures on site to be removed.
- Overall residential density not to exceed 12 Units/Acre.
- Sanitary Sewer & Water to be connected to City of Oxford System.
- Topo provided by Butler County GIS.

OWNER & DEVELOPER
4-Leaf Development, LLC
22 East High Street
Oxford, Ohio 45056
(513) 524-9500



PROJECT DATA

R-PUD (NW)	28.955 Ac.	
Open Space Provided	8.028 Ac.	(27.7%)
Open Space Required*	8.687 Ac.	(30%)
R-PUD (E)	85.240 Ac.	
Open Space Provided	22.673 Ac.	(26.6%)
Open Space Required*	25.572 Ac.	(30%)
B-PUD	57.658 Ac.	
Commercial	3.26 Ac.	
Tech Park	54.398 Ac.	
Open Space Provided	10.004 Ac.	(17.4%)
Open Space Required*	11.532 Ac.	(20%)

Overall Site Area	171.853 Ac.	
Open Space Provided	40.705 Ac.	(23.7%)
Open Space Required*	45.791 Ac.	(26.6%)

* Additional Open Space to be provided with the development of each section, so that the minimum open space shall be 30% or more for the R-PUD and 20% or more for the B-PUD.

Right of Way
US 27/73 Connector 10.162 Ac.
US 27 1.35 Ac.

SCOTT WEBB ARCHITECT

bayer becker engineers planners architects surveyors
700 Nilles Rd. Fairfield, OH 45014 513-829-2149