



Agenda

Oxford City Council

Court House

TUESDAY, MAY 15, 2012

EXECUTIVE SESSION

None.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - 'EMS Week'



Proclamation

B. Public Comments.

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

4. Consent Agenda.

A. Minutes of the May 1, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the May 2, 2012 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

5. Resolutions.

1. A Resolution authorizing the City Manager to amend an agreement with Heritage Land Services, Inc. (formerly known as M*E Companies) for U.S. 27 South right-of-way acquisition services at a cost of \$249,915.00 plus a contingency amount of ten percent (10%) of the contract price, or \$24,992.00, for a total cost not to exceed \$274,907.00. (Mike Dreisbach, Service Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading

1. An Ordinance Amending Ordinance No. 3159. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2012. (Joe Newlin, Finance Director)



Staff Report/Ordinance

B. Second Reading

1. An Ordinance Approving A Conditional Use Permit To Allow A Fraternity House In The Single & Two-Family Mile Square Residential (R2MS) District At 301 E. Sycamore Street, Oxford, Ohio With One Condition. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

- B. Future Meetings.

WED - May 16 Board of Zoning Appeals Meeting 7:30 p.m. Cancelled

THUR - May 17 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

MON - May 21 Housing Advisory Commission Meeting 7:00 p.m. Cancelled

THUR - May 24 Civil Service Commission Meeting 7:00 p.m. (rescheduled from 5/23)

FRI - May 25 Community Improvement Corporation Meeting 12:00 p.m. LCNB

MON - May 28 Holiday - City Offices Closed

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

WED - Jun 6 Historic and Architectural Preservation Commission Meeting 6:00 P.M.

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

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

THUR - Jun 14 City Council Retreat 4:00 p.m. Hueston Woods Lodge & Conference Center

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

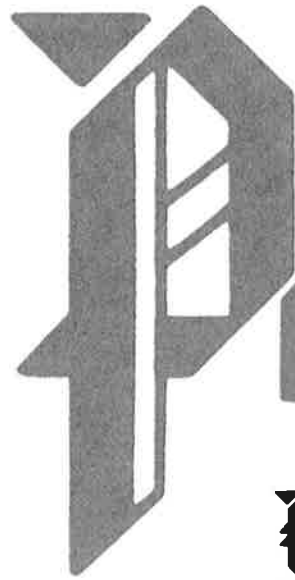
TUES - Jun 19 City Council Meeting 7:30 p.m.

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

FRI - Jun 22 Community Improvement Corporation Meeting 12:00 p.m. LCNB

WED - Jun 27 Civil Service Commission Meeting 7:00 p.m.

8. Adjourn.



Office of the Mayor

Proclamation

Whereas: 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.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim May 20-26, 2012 as:

"EMERGENCY MEDICAL SERVICES WEEK"

with the theme, EMS: More Than A Job. A Calling, 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 15th day of May, 2012.



RICHARD A. KEEBLER, MAYOR

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 1, 2012

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

April 19, 2012
Date Prepared:

Agenda Title: PC-03-2012 CONDITIONAL USE - 301 E. Sycamore Street , to establish a fraternity house in an R2MS (Single- and Two-Family Residential Mile Square) District, James Clawson, Applicant; Scott Webb, Agent
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Recommendation: Approval with Condition
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Discussion:

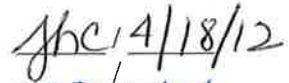
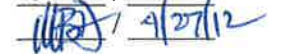
The Planning Commission held a Public Hearing for this Conditional Use Application to establish a fraternity house in an R2MS District. It is a two-structure, three-story-in-height building with a common lobby connector. Until 1995, it was a fraternity house. The buildings are currently being used as a 12-unit dwelling complex.

The Applicant indicated that there would be no improvements or renovations proposed at this time other than a change in designation of use. The new fraternity chapter plans, if approved, to occupy six of the twelve units (front tower) for the 2012/2013 school term and take over the rest of the complex starting in the fall of 2013.

Discussion took place regarding fire suppression, common room needs, trash issues, and the timeframe of the fraternity to occupy the structures. The Planning Commission members reviewed the Decision Standards and voted 7-0-0 to recommend APPROVAL to City Council with the condition that the trash dumpster is enclosed.

Approved By:

Department Head: City Attorney:  City Manager:
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 4/18/12  4/27/12
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ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FRATERNITY HOUSE IN THE SINGLE & TWO-FAMILY MILE SQUARE RESIDENTIAL (R2MS) DISTRICT AT 301 E. SYCAMORE STREET, OXFORD, OHIO WITH ONE CONDITION.

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 10, 2012 for the purpose of considering the request of Scott Webb, Agent, for a conditional use permit to allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with one condition.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with the following condition:

- a. The refuse container shall be enclosed.

SECTION 3: Council hereby accepts the recommendation 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 allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with the one condition.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	May 1, 2012
<u>Case Number</u>	PC-03-2012
<u>Applicant Information</u>	CKC Rentals LLC/James Clawson Scott Webb, Agent
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To Establish a Fraternity House in an R2MS (Single and Two-Family Residential) District
<u>Public Hearing Information</u>	On April 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on March 9, 2012. Courtesy notices were mailed to adjacent property owners on March 6, 2012.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Conditional Use Permit with one condition.
<u>Commission Findings and Conclusions</u>	At the April 10, 2012 Planning Commission meeting, the Commission, after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use with one condition, that the trash dumpster is enclosed.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated March 30, 2012 2. Letter to Applicant from City Staff Dated February 15, 2012 3. Current Floor Plans of Property 4. Interoffice Review Transmittal Sheets 5. Property Notifications Map 6. Citizen Review and Comment Form 7. Letter of Agency 8. Conditional Use Permit Application Dated April 10, 2012 9. Site Plan

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-03-2012

Date – April 10, 2012

APPLICATION

Applicant:	CKC Rentals LLC/James Clawson
Location:	301 E. Sycamore Street
Owner:	CKC Rentals
Agent:	Scott Webb
Action Request:	Conditional Use Permit Application- To establish a fraternity house in a R2MS (Single and Two-Family Residential) District
Current Use:	Multi-unit apartments
Surrounding Existing Land Uses:	Residential and fraternity houses

DESCRIPTION

The application is to request a Conditional Use Permit to establish a fraternity house in a R2MS District. It is a two-structure, three-story-in-height building with a common lobby connector. Until 1995, it was a fraternity house. The buildings are currently being used as a 12-unit dwelling complex.

The Applicant indicated that there will be no improvements or renovations being proposed other than a change in designation of the use at this time. The new fraternity chapter plans, if approved, to occupy six of the twelve units (front tower) for the 12/13 term and take over the rest of the complex starting in the fall of 2013.

The current occupancy is limited to 48 occupants, based on 4 occupants for each unit. Each unit is equipped with its own kitchen facility. The Applicant also indicated that the site can accommodate 19 parking spaces; 20 spaces are required.

SURROUNDING NEIGHBORHOOD

The property is surrounded by single-family residential units to the south, north and west. Another fraternity is located to the east.

SITE HISTORY

1986-Casae # 06-1986 Replat/Lot Consolidation- Kappa Alpha Housing Corporation

COMPREHENSIVE PLAN

There are no specific strategies or objectives; attributes of the Comprehensive Plan that are directly related to fraternity houses that are directly achieved. The Comprehensive Plan does locate this property in the Neighborhood Enhancement Program with the development intent to stabilize and enhance existing neighborhoods within the Mile Square; this should include the maintenance and improvements to public and private property that reflects the traditional neighborhood characteristics and commercial features that exist in the area. Housing diversity and improving the housing conditions in the Mile Square were

strategies much discussed in the Plan. While the Plan focuses more on trying to attract year-round residents, there was much concern raised over property maintenance issues with properties that are rented to students.

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)I.: 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, and building height appear to be satisfied with the exception of potentially the total lot coverage. Since no changes are proposed for the site and/or buildings, the existing sidewalks, driveway, patio areas and original structure may remain as they are.

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

(19) Fraternity and Sorority Houses

A. Potential Concerns

- (1) Aesthetic Concerns:
 - a. Historical characteristics of existing structures
 - b. Residential scale and character
 - c. Yards and landscaping
 - d. Walls and fences
- (2) Activities Areas:
 - a. Porches and patios
 - b. Locations of recreational areas and courts
 - c. Locations of accessory structures
- (3) Vehicle Management:
 - a. Site access
 - b. Required parking
 - c. Emergency access
 - d. Deliveries
 - e. Occasional and excess parking management
- (4) Adequate Public Utilities:
 - a. Water
 - b. Sewer
 - c. Storm water management
 - d. Other services
- (5) Nuisance:
 - a. Waste/trash management
 - b. Noise and off-site impact
 - c. Lighting and off-site impact

B. Requirements:

- (1) New Structures: Building shall be of a size and scale that approximates neighboring structures.
- (2) Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.

- (3) Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
- (4) Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
- (5) Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
- (6) Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

STAFF FINDINGS: As indicated previously, nothing is proposed to change on the site; hence, many concerns and regulations are not applicable.

§ 1159.07 (10) FRATERNITY/SORORITY HOUSE - A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like approved by Miami University for communal off-campus living on that site. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons.(Ord. 3168 Passed 01-17-12)

STAFF FINDINGS: The current configuration of this complex is that each unit has its own kitchen facility and no other common rooms are provided.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

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

Police:	Returned without comment.
Fire:	Returned with comment: Is there Fire Suppression and a Fire Alarm System in this building? Cooking in each unit is also a concern.
Engineering:	Returned with comments attached.
Econ. Dev.	Returned without comment.

DECISION CRITERIA

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

ANALYSIS

The site is at the southeast corner of East Sycamore and University Avenue and is zoned R2MS where a fraternity house is considered a Conditional Use. There are several fraternity houses already established on E. Sycamore Street. As stated by the Applicant in his narrative, the site used to be a fraternity until 1995. It would seem that a proposed fraternity house would be suitable due to its location to other fraternity chapters as well as the proximity to the campus.

There are no improvements being contemplated at this point of time that would cause any adverse impact to the government services or require any additional municipal service delivery. The building and site would seem to be able to accommodate a number of students based on the occupancy load.

There are some concerns that need to be addressed and clarified related to the proposed use and the sequence of occupying a portion of the complex. The Applicant indicates that the front tower (six of the twelve units) would be occupied, if approved by the fraternity, for school year 2012-13. The remaining

complex would be occupied by the Chapter in the fall of 2013. The issue of principal use in residential lot needs to be clarified, whether this is considered fraternity house or a multi-family unit.

The second issue is what constitutes communal off-campus living. It is commonly acknowledged that a fraternity house would have a common kitchen and some common meeting room. The current structure does not have either.

Aside from the issues above, the location would seem to be suitable for a fraternity since it is near the campus and is next to an existing fraternity. The existing site would also seem to be able to accommodate the proposed use.

RECOMMENDATION

SUBMITTED

BY: Jung Han Chen
Jung-Han Chen,
Community Development Director

DATE: March 30, 2012

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.

February 15, 2012

Mr. Jim Clawson, President
CKC Inc.
125 W. spring Street
Oxford, OH 45056

RE: 301 E. Sycamore Street

Jim,

Please be advised that the above mentioned property is currently zoned R2MS (Single and Two-Family Mile Square Residential). A fraternity house is a conditional use in this district, which requires an approved Conditional Use Permit from City Council, after a recommendation from the Planning Commission. The deadline for submitting a conditional use application to the Planning Commission is February 24, 2012 for its regular meeting on April 11, 2012.

Chapter 1147 of the Oxford Zoning Code specifically outlines the process and submittal requirements for a proposed conditional use application. Specific concerns and requirements regarding a fraternity house are stipulated under Section 1147.03(19). A copy of this specific section is attached for your information as well.

Please let me know if you have any questions regarding this matter.

Sincerely,

Jung-Han Chen
Community Development Director

Chapter 1147 Conditional Uses
Section 1147.03(19)

(19) Fraternity and Sorority Houses.

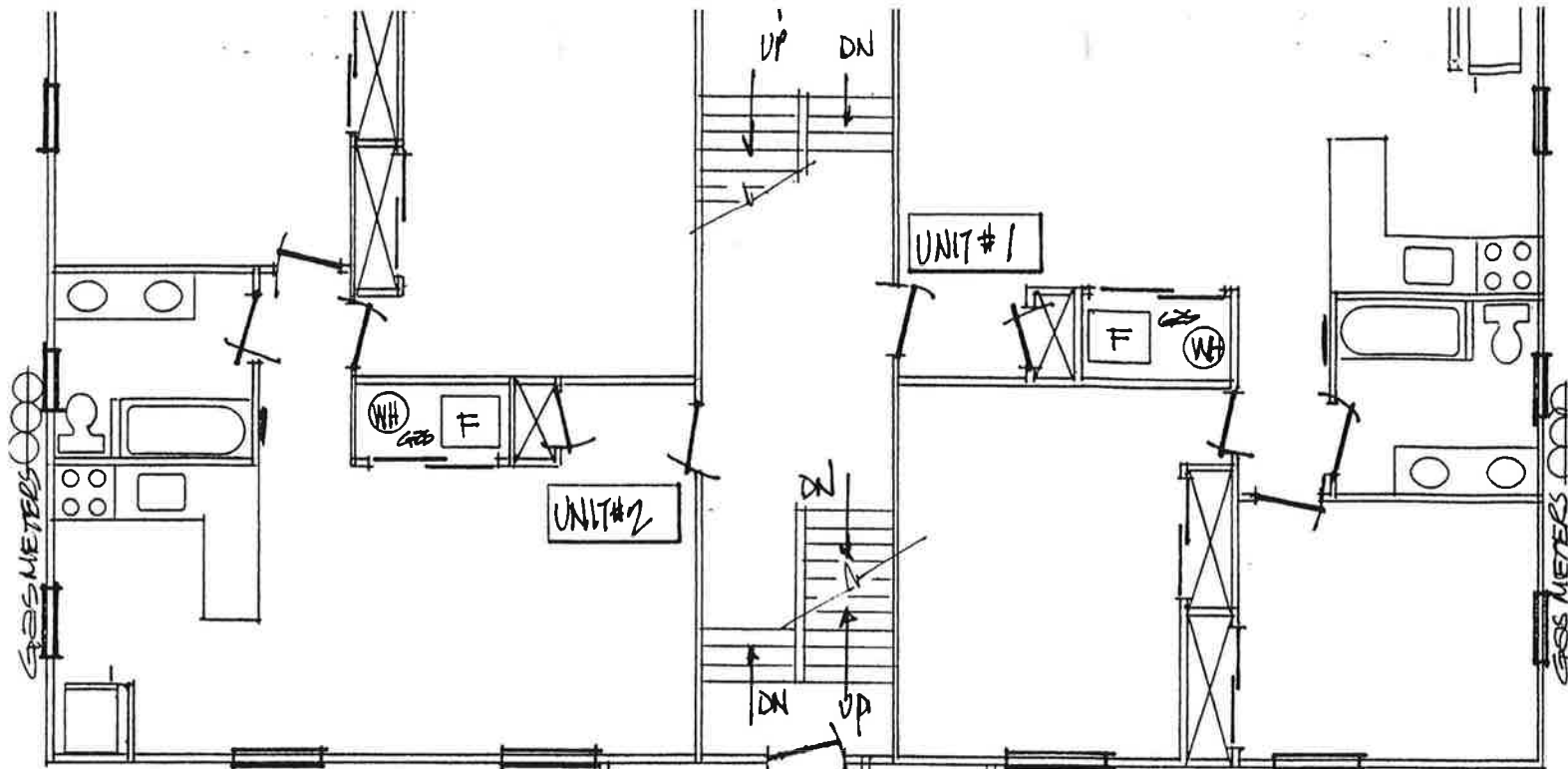
A. Potential Concerns.

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2. Activities Areas:
 - a. Porches and patios.
 - b. Locations of recreational areas and courts.
 - c. Locations of accessory structures.
3. Vehicle Management:
 - a. Site access .
 - b. Required parking.
 - c. Emergency access.
 - d. Deliveries.
 - e. Occasional and excess parking management.
4. Adequate Public Utilities:
 - a. Water.
 - b. Sewer.
 - c. Storm water management.
 - d. Other services.
5. Nuisance:
 - a. Waste/trash management.
 - b. Noise and off-site impact.
 - c. Lighting and off-site impact.

B. Requirements:

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3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
5. Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
6. Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and

shall be properly designed, screened and maintained.



301 EAST SUCAMORE
INSPECTED 8.2.96

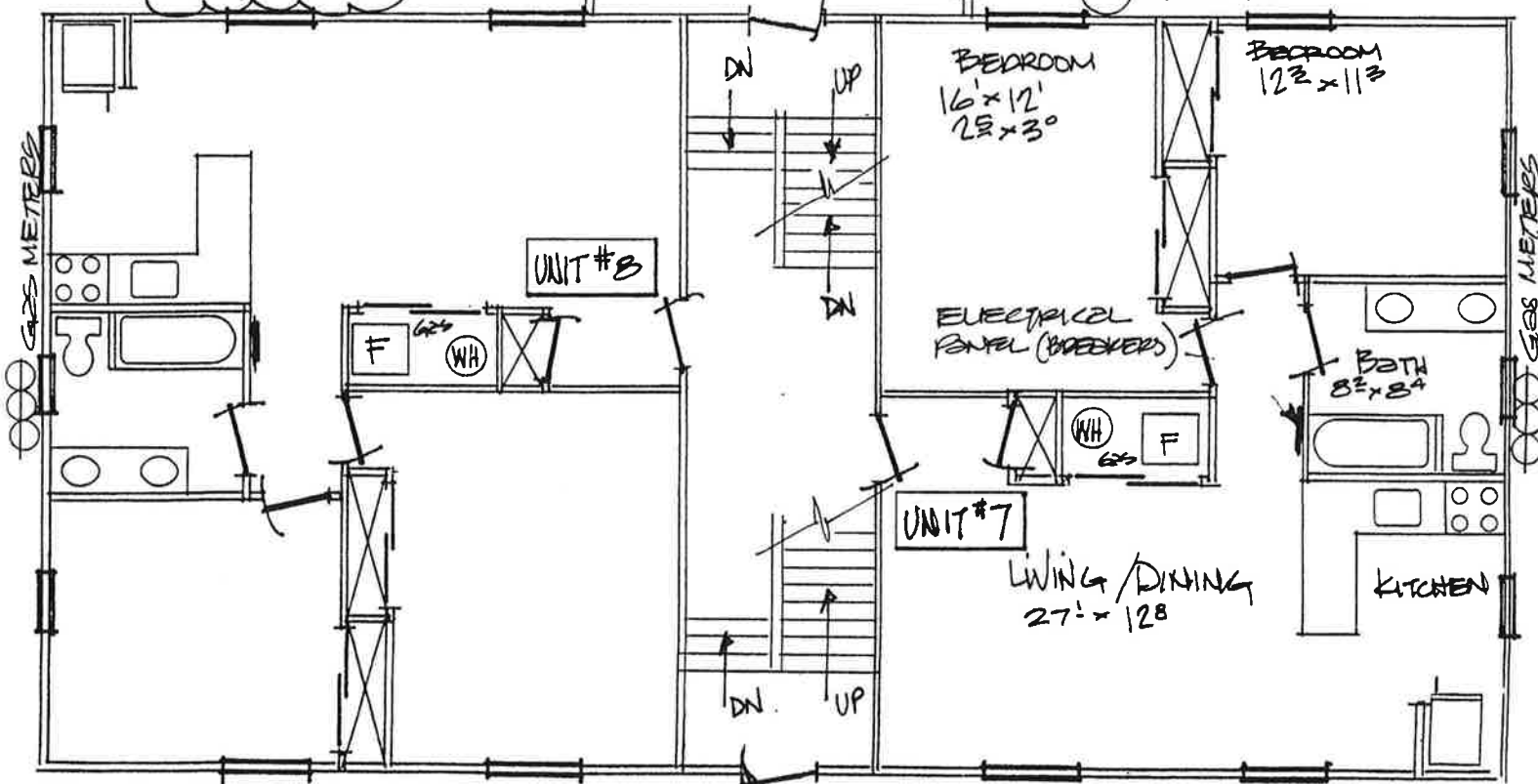
FIRST FLOOR

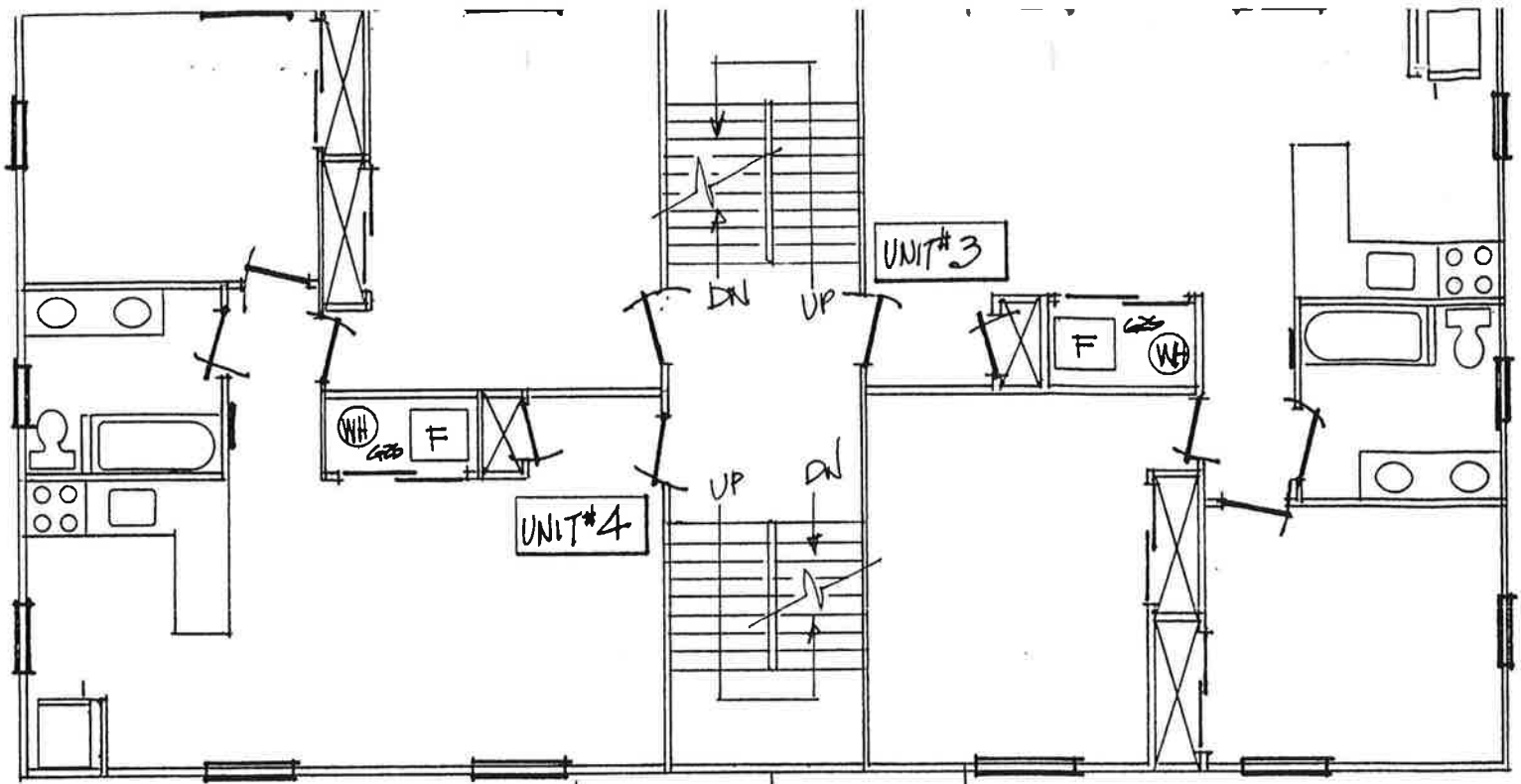
Lobby
20' x 16'



Current
Floor Plans

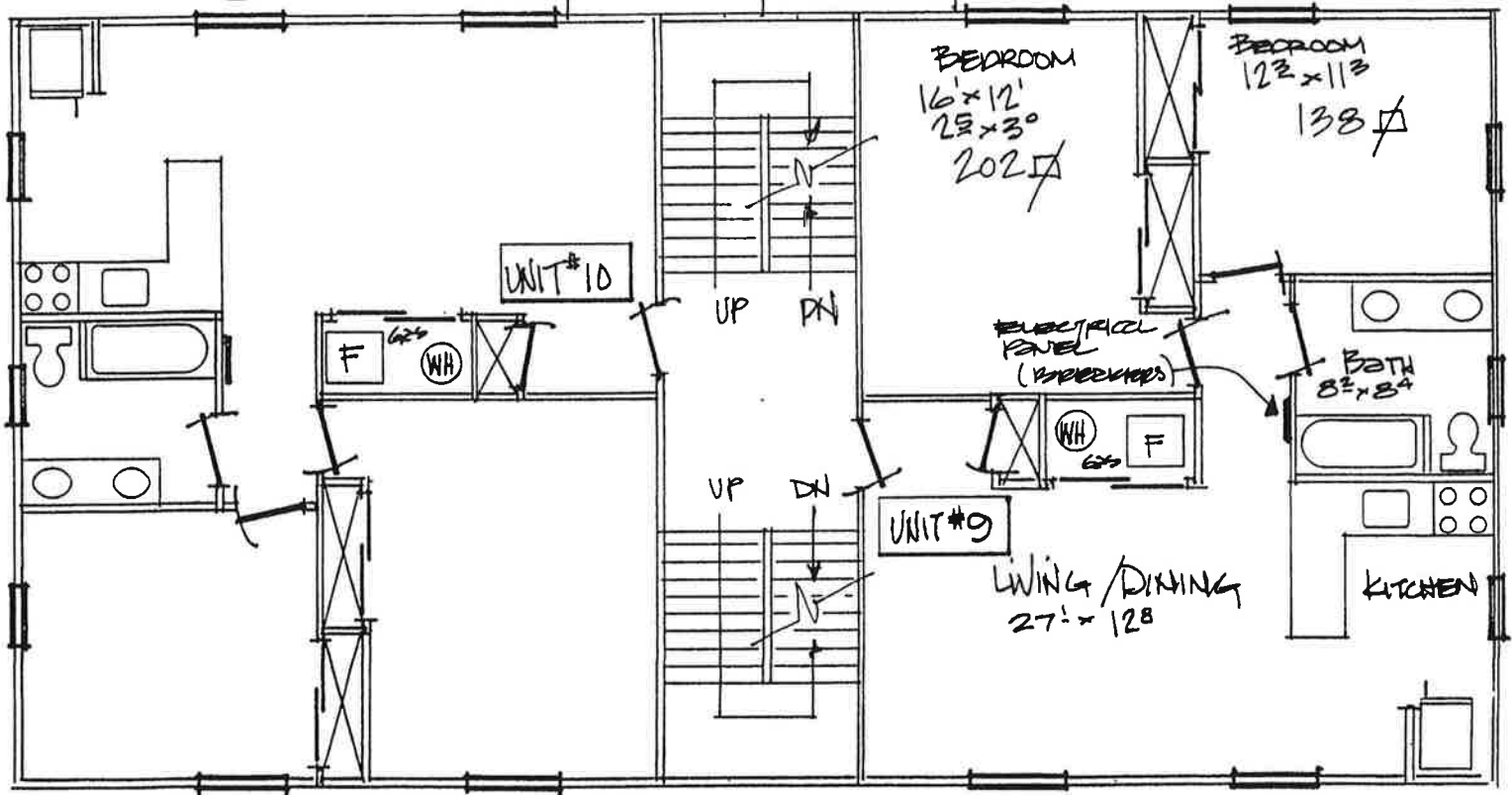
Bldg
GAS METER

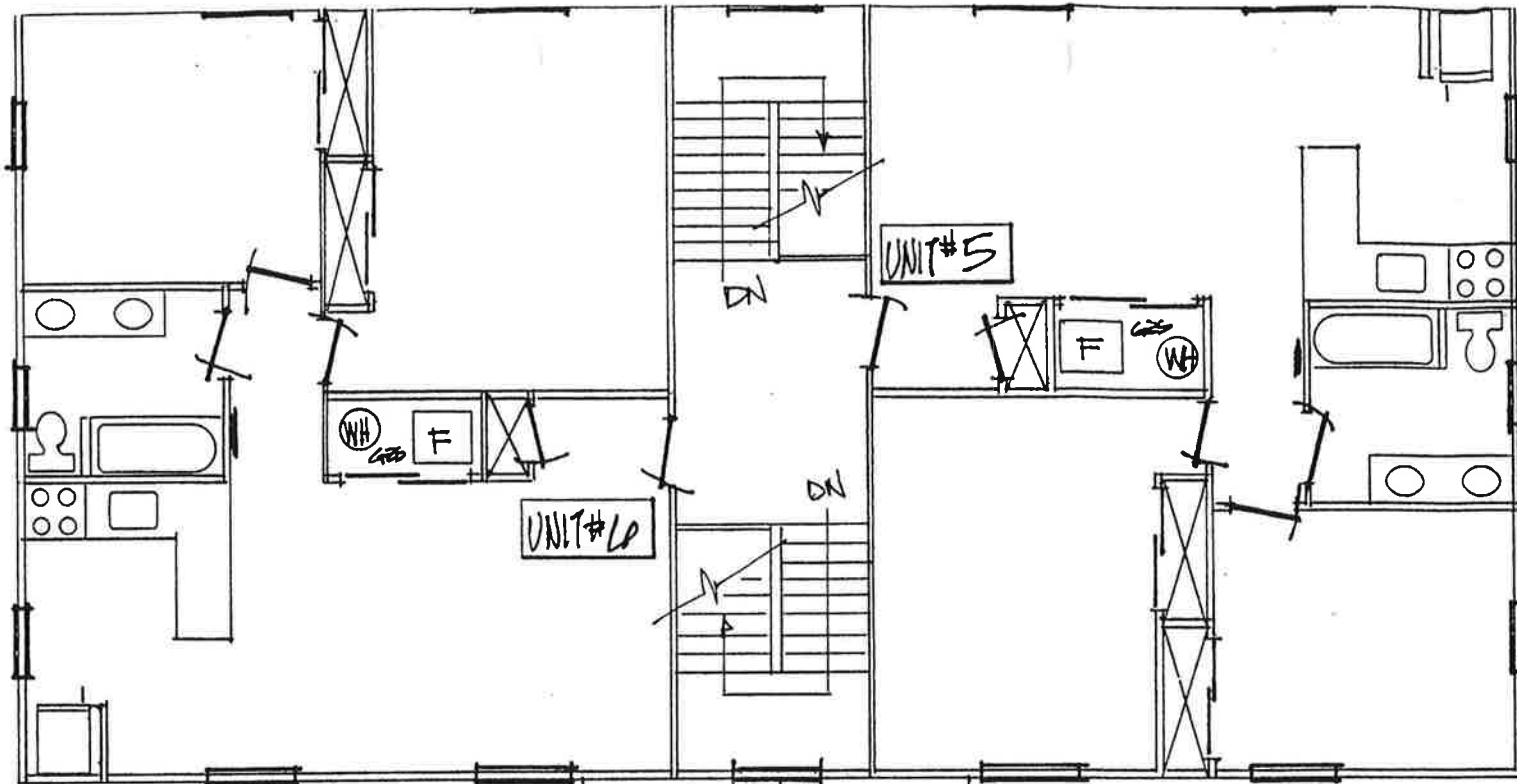




301 EAST SYCAMORE
INSPECTED 8.2.96
JMK

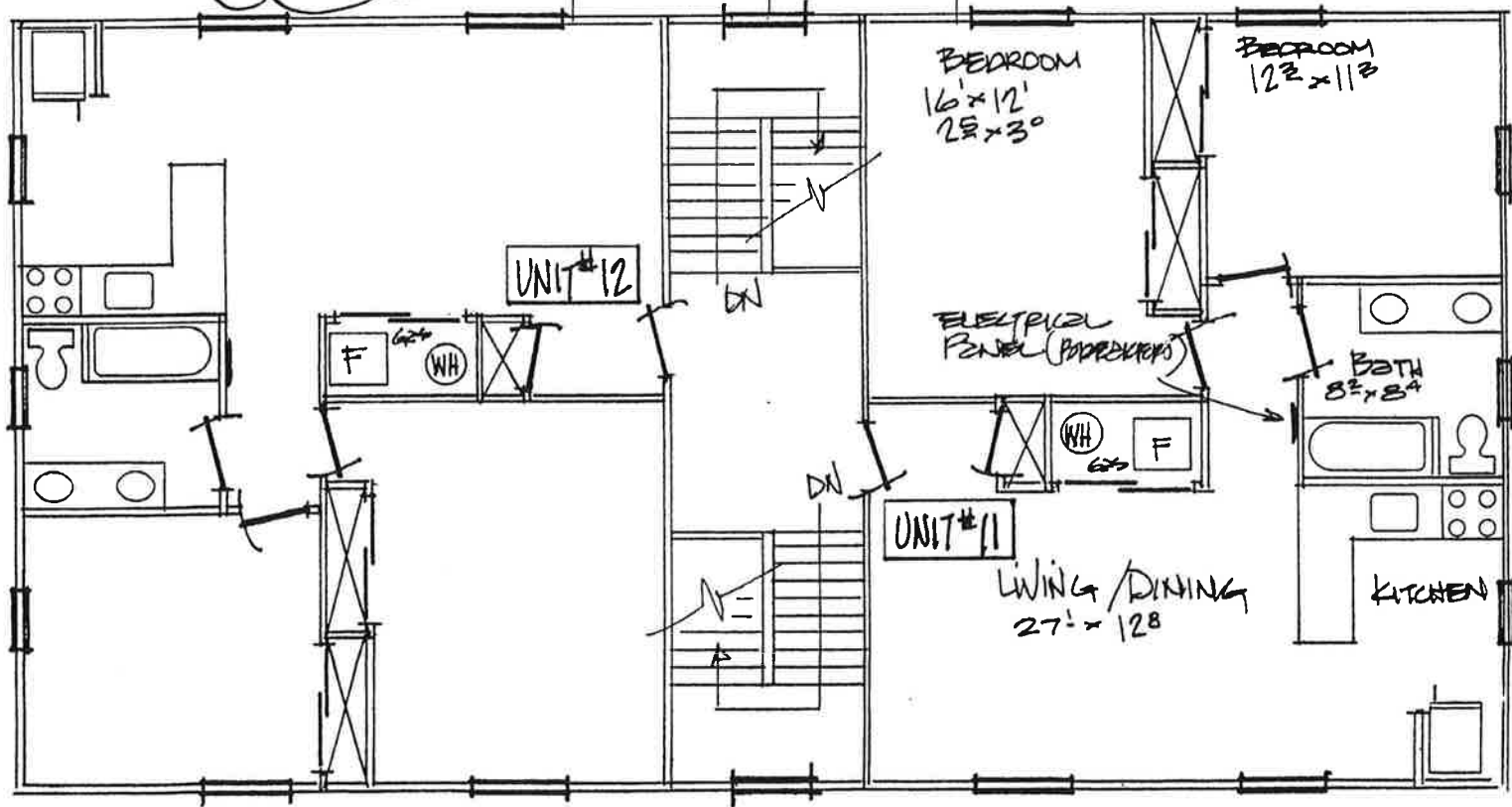
SECOND FLOOR

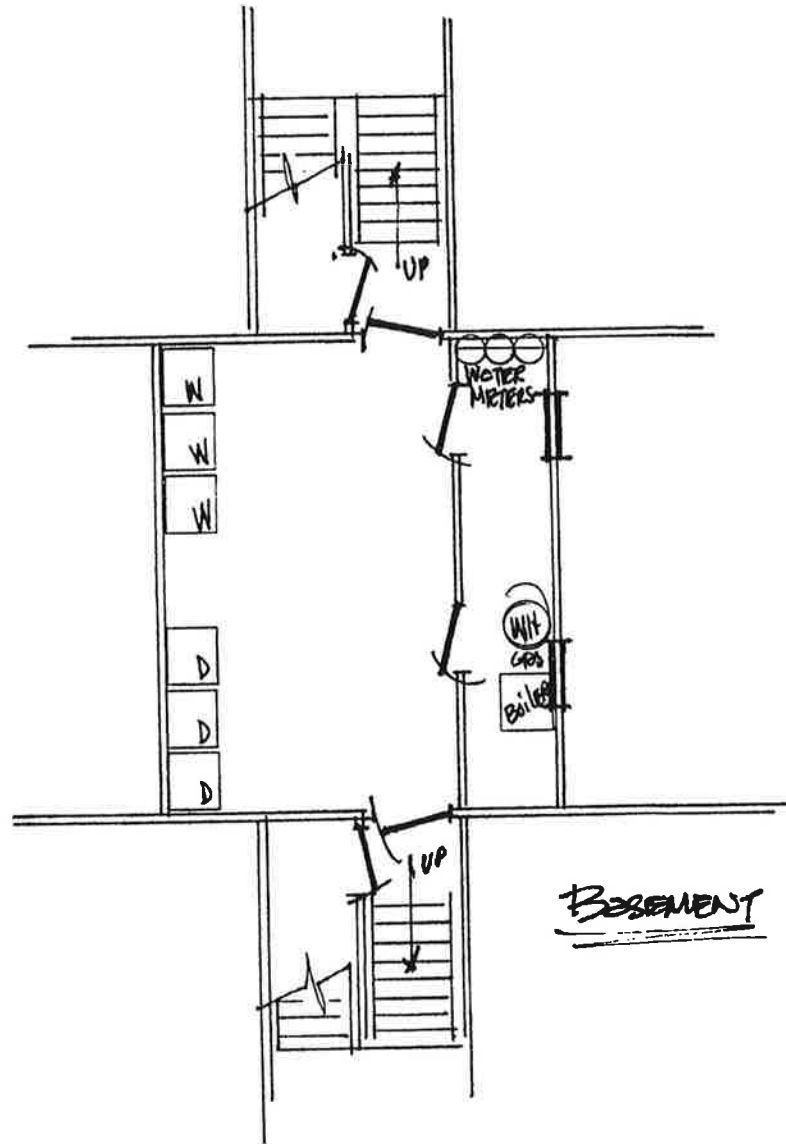




301 EAST SLOANMORE
INSPECTED 8.2.96

THIRD FLOOR





301 EAST SYCAMORE STREET
INSPECTED 8.2.96 JMK

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-03-2012**

Description:

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

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

Is there fire suppression and a fire alarm system in this building? Cooking in each unit is also a concern.

Drawings reviewed by:



Date: 3-13-12

Date: 3-14-12



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-03-2012
301 E. Sycamore Street - Conditional Use

DATE: March 14, 2012

The Engineering Division has reviewed the subject case.

The submitted documentation states that "... the existing building does not have a communal kitchen." However, since it is proposed to use the existing building, in part, as a fraternity, the possibility of a future communal kitchen exists.

Thus, a condition for the approval of this case must be that a "grease trap" be part of the communal kitchen construction.

The Engineering Division recommends that the approval of the subject case include the above stated condition.

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: Fire Department Engineering Division ~~Police Department~~ Economic Development

From: Community Development

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Case #: **PC-03-2012**

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☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

Date: 3/20/2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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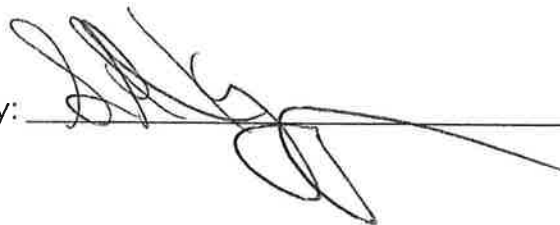
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 3-20-12

PC-03-2012





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

CASE NO.: PC-03-2012

DATE OF HEARING: April 10, 2012

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

If you cannot attend the public hearing on this conditional use being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by April 2, 2012 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: ROBERT WOLFE

Address: 418 BOUDEN LN

OXFORD OHIO 45056

Telephone: Home: 1812 701 0572 Work: —

COMMENTS: I OWN THE PROPERTIES ACROSS SYCAMORE FROM 301. A FRATERNITY WOULD CREATE GREATER CONGESTION A NOISE. AND THAT DESIGNATION WOULD DECREASE THE VALUE OF THE PROPERTY I OWN WHICH I USE AS SINGLE FAMILY RESIDENCES. I LIVE NEARBY ON BOUDEN AND I WOULD PERSONALLY BE AFFECTED

Robert Wolfe
Signature

April 2, 2012
Date

CKC Rentals, LLC
125 West Spring Street --- Oxford, OH 45056
(513) 523-7263 / FAX (513) 523-9415

February 23, 2012

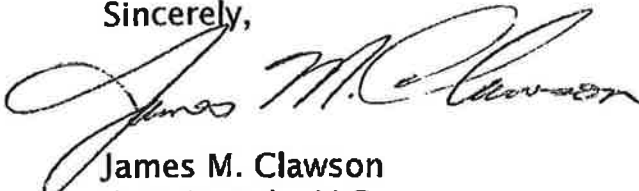
City of Oxford
Planning Commission and City Council
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the Conditional Use Permit Application specific to the allowing Fraternity Housing at 301 East Sycamore Street in Oxford, Ohio. Scott is authorized to speak and act on our behalf before the Planning Commission and City Council.

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

Sincerely,



James M. Clawson
CKC Rentals, LLC

Conditional Use Permit Application
City of Oxford, Ohio

Case No.:
Date Filed:

PC-03-2012
2/24/12
4/10/12 mtg

REQUIRED INFORMATION (print clearly)

Name of Applicant: CKC Rentals, LLC
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 125 West Spring Street
Oxford, Ohio 43056 Email Address: pam@hoteldevelopment.net
Telephone Number(s): 513-523-7263
Name of Property Owner (if other than Applicant): _____
Location of Property: 301 East Sycamore
Legal Description: 2587 ENT
Zoning District: R2MS
Total Area: _____ Acres / Square Feet (circle one)
Existing Use Description: 12 unit Student Rental with rental permit of 4/unit.
Proposed Use Description: Fraternity Housing

SUBMISSION REQUIREMENTS

The required fee of \$400.00 plus actual postage, 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 Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- 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 Uses and its operation have been or can be obtained for the use at the proposed location.

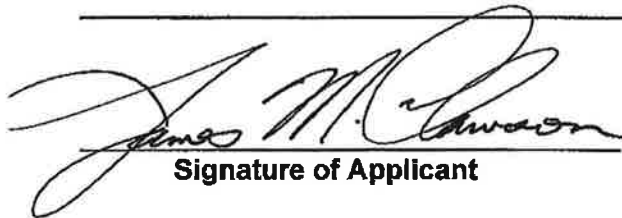
On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

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.

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. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.


Signature of Applicant

James M. Clawson
Printed Name

Date: 2/23/12

FEE / RECEIPT

\$400 Fee plus Postage Paid / Receipt Number:

17363.11

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

Re: Application for Conditional Use
Proposed Fraternity Housing
301 East Sycamore Street

February 24, 2012

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a new Fraternity in the R2MS District on East Sycamore Street.

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

Property Owners:

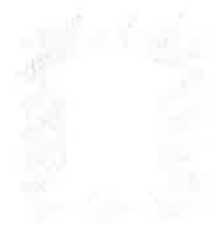
CKC Rentals LLC
125 West Spring Street
Oxford, Ohio 45056

Architect:

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

Surveyor:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

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

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

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

Fraternities are specifically listed as a conditional use in the R2MS district.

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

R2MS and R3MS are the only Zoning Districts in the entire City that allow Fraternity Houses. The existence of Fraternity houses in this area predates our Zoning Code. The Zoning Code was drawn to include these fraternity houses these houses and to establish the limits of where they could go.

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

The Comprehensive Plan encourages the enhancement of the "Town & Gown" relationship. Fraternity association is recognized as an important component of the student experience, and Miami is known as the "Mother of Fraternities", with many National Headquarters located here. The proposed location for this fraternity is adjacent to other fraternities, Millett Hall, the Football Stadium, etc. and is an ideal location for a new fraternity at Miami. Until 1995, this building operated as the fraternity house of the Kappa Alpha fraternity.

No change in occupancy is contemplated in this application. This is an existing multi-family building. The conditional use will not affect the number of occupants, but only permit the designation of a fraternity to allow Miami students the opportunity to live in an approved Fraternity house.

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

No increase in occupancy is contemplated in this application. The size and shape of the property is well suited for the proposed use, providing off street parking, and was in fact, previously used as a fraternity house.

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

The proposed Fraternity house is surrounded by other fraternities and student housing, and will not be hazardous to its neighbors.

- 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.*

The operation of the proposed fraternity will not be detrimental to any person, property or the general welfare.

- 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.*

There is only one proposed use of the property. No incidental uses are proposed or anticipated.

- 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.*

All utilities are available at the proposed location. No special provisions are required.

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

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

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

The existing building is of character that is harmonious to the neighborhood with materials, size and overall scale similar to its neighbors.

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

The site has been operating as multi-family for nearly 30 years. No change is anticipated to traffic in the area.

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

No construction is proposed with this application, simply a change in designation of the use.

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

No construction is currently proposed, so no additional permits are required..

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

Respectfully,

Scott Webb, Architect

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Fraternity Housing
301 East Sycamore Street

February 24, 2012

Dear Mr. Chen,

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

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

6. *A description of the proposed use.*

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

If approved, the fraternity, Zeta Beta Tau, plans to occupy six of the twelve units (front tower) for the 12/13 term and lease 100% of the property for a minimum of five years starting the fall of 2013. CKC Rentals, LLC is working with ZBT for approvals through Miami University to allow the sophomore members to live at 301 East Sycamore through the MU Second Year Exemption Program.

This will be accomplished through a formal lease with CKC Rentals, LLC which manages many well maintained and operated properties in the Mile Square and Stewart Square. CKC Rentals, LLC does not expect the condition of this property to change (ie: cleanliness, landscaping, yard, etc.) with the tenancy of fraternity members

ZBT provided the following information on their members:

- Fraternity GPA was 3.02
- 75% of members in the business program
- The National philanthropy is "Getting on the Ball" benefiting Children's Miracle Network Hospitals. It raises thousands of dollars every year.
- Members of this fraternity include the student body secretary of Academics, President of Miami Students for Israel, and a Presidential scholarship recipient
- Volunteer at Hillel about 3 hours a week

- b. Hours of operation

The existing building will remain residential

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

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

The use is similar to the other approved uses in this zoning district sitting directly adjacent to another fraternity house and surrounded primarily by student rentals..

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

The original building was built in 1966 of similar size and scale to its neighbors, as well as its associated off-street parking.

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

As the building is currently multi-family with an allowable occupancy of 48, no change is anticipated with this conditional use. No additional lighting or site work will be required.

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

The existing building is situated so that the parking, trash, and any outdoor activity will happen adjacent to another fraternity. This parking area is surrounded by mature trees and landscaping which will remain.

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

The property lies in one of only two zoning districts that allow fraternities as a conditional use. Until 1995, the building was the house of the Kappa Alpha Fraternity. In 1995 Kappa Alpha relocated to 314 East Church Street, taking over the house formerly occupied by ATO, when the building was converted to apartments.

The building is of sufficient size, on a lot of sufficient size for its use, and is directly adjacent to another fraternity.

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

Fraternity association is recognized as an important component of the student experience, and Miami is known as the "Mother of Fraternities", with many National Headquarters located here. The City of Oxford recognizes this, and has designated this area of the Mile Square as the place where new Fraternities may locate.

The proposed location for this fraternity is in the correct zoning district, and is adjacent to other fraternities, Millett Hall, the Football Stadium, etc. and is an ideal location for a new fraternity at Miami.

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

From 1147.03 (19) *Fraternity and Sorority Houses*

A. *Potential Concerns:*

1. *Aesthetic Concerns*

a. *Historical Characteristics of existing structures*

The Existing building, built in 1966 is similar in scale and materials to the existing neighborhood.

b. *Residential Scale and Character*

The existing building fits into the neighborhood. No change to the building is proposed with this application.

c. *Yards & Landscaping*

Existing mature yards & landscaping to remain

d. *Walks & Fences*

No change to existing walks or fences are proposed.

2. *Activities Areas*

a. *Porches & Patios*

The Existing building provides a small patio to the East, between the building and the parking lot, facing the adjacent fraternity

b. *Locations of recreation areas and courts*

There are currently no existing recreation areas or courts, and no new areas are part of this application.

c. *Locations of Accessory Structures*

There are no accessory structures on the site.

3. *Vehicle Management*

a. *Site Access*

The existing private parking lot is accessed from East Sycamore Street.

b. *Required Parking*

Per 1149.03 (c), (2) parking spaces are required for each (5) beds permitted by a valid City of Oxford Rental Permit. The building is currently permitted for (48), requiring (19-20) parking spaces. The current parking lot holds (19) cars.

c. *Emergency Access*

Emergency access is available from the front of the building on University Avenue, and rear of the building from its parking lot.

d. *Deliveries*

Since the existing building does not have a communal kitchen, deliveries will be minimal. If required, they will be made from the parking lot entrance

e. *Occasional and excess parking requirement*

The existing building sits on (2) public streets, and is diagonally across from the Millett Hall parking lot.

4. *Adequate Public Facilities*

a. *Water*

The building is currently served by City Water, and will remain so without change.

b. *Sewer*

The building is currently served by City Sewer, and will remain so without change.

c. *Storm Water management*

Storm sewers are provided in the area. No change to paved areas causing a change in storm water management will be necessary by this use.

d. *Other Services*

5. *Nuisance*

a. *Waste/Trash Management*

The Existing building is adequately served by a dumpster. No increase in occupancy, and subsequently, no change in trash is anticipated.

b. *Noise and off-site impact*

The existing building is surrounded by other fraternities and student rentals. The building orientation is such that potential outdoor activity areas are to the east, facing another fraternity

c. *Lighting and off-site impact*

No change in lighting is proposed.

B. *Requirements:*

1. *New Structures: Buildings shall be of a size and scale that approximates neighboring structures*

Not Applicable

2. *Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details. Materials and ornamentation.*

The existing building requires no exterior renovation

3. *Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building*

Not Applicable

4. *Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be adequately screened from adjacent properties.*

The small existing patio area is ideally situated to the rear/East side of the existing building. A rock retaining wall and dense natural landscape buffer exists to the North

5. *Waste Facilities: Trash and recycling containers and material shall be stored in a fully enclosed area, properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.*

The existing dumpster is not currently provided with an enclosure. Such an enclosure will be constructed surrounding the existing dumpster as required.

6. *Parking and Transportation Demand Management: Parking shall meet the requirements of the Zoning Code Chapter 1149 and shall be properly designed, screened, and maintained.*

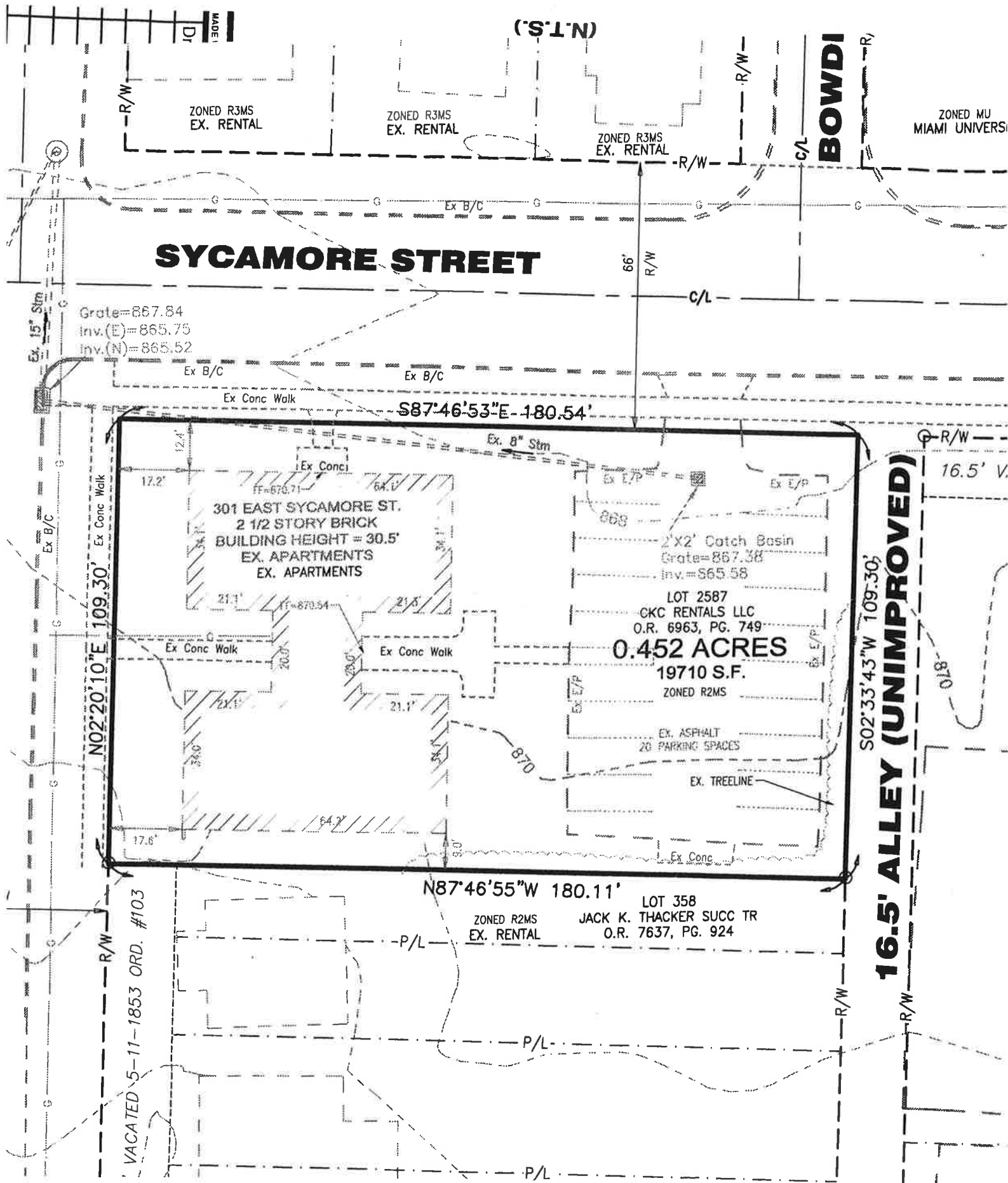
Existing parking on the site is adequate for the Fraternity designation, and is screened by a continuous hedge

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue horizontal line.

Scott Webb, Architect



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance

Originating Department

Council Meeting Of : 5/15/2012

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount : _____

5/10/2012

Date Prepared

Agenda Title: 2012 Supplemental Budget #2

Recommendation: Approve

Issue 1

Received \$275,126.71 in Estate Tax
45% of Knolls of Oxford revenue less associated fees - \$20,481.49

Action Needed:

Revenue Side

General 110	275,126.71	Estate Tax Received
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Expense Side

General 110	20,481.49	Amount owed to Oxford Township per Knolls of Oxford agreement (45%)
-------------	-----------	---

Net Effect on Fund Balance/(s) Increase/(Decrease)	254,645.22
---	------------

Issue 2

Decrease in revenue associated with budgeted OWDA revenue for Wastewater Improvements

Action Needed:

Revenue Side

Sewer Improvement 332	(3,121,500.00)
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Expense Side

NA

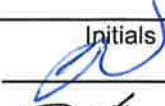
Net Effect on Fund Balance/(s) Increase/(Decrease)	(3,121,500.00)
---	----------------

Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(2,866,854.78)
---	----------------

Breakdown by Fund

General 110	254,645.22
Sewer Improvement 332	(3,121,500.00)

Net Effect on Fund Balance/(s) Increase/(Decrease)	(2,866,854.78)
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Approved By:		Initials	Date
	Department Head:		5/10/12
	City Manager:		5/11/12

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3159. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2012.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

SECTION 2: The following increase/(decrease)in revenues be made:

General Fund 110	275,126.71
Sewer Improvement Fund 332	(3,121,500.00)

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

General Fund 110	20,481.49
------------------	-----------

SECTION 4: In all other respects, Ordinance No. 3159 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 15, 2012

Account Code #: 141.720.51445

Budgeted Amount: \$1,800,000

Service

Originating Department

Michael Dreisbach, Director of Service

Prepared By

May 9, 2012

Date Prepared

Agenda Title: US 27 South Safety Improvement and Widening – Right of Way Acquisition
PID # 81769 ODOT Project # BUT-27-10.92

Recommendation: Amendment of Contract with Heritage Land Services, Inc. to Provide Right-of-Way (ROW) Acquisition Services

Discussion:

The 2012 Operating Budget includes \$1,800,000 for the purpose of right of way acquisition for US 27 South roadway improvements. The improvement begins to the east of Chestnut St. and continues approximately 1.2 miles to just south of Southpointe Crossing at the southern corporation limits of Oxford. The proposed improvements consist of replacing the Collins Run bridge, adding a center turn lane at major intersections, installing storm sewers, curb and gutter, and sidewalks. In order to perform the improvements, public right of way will need to be acquired. At this time, ROW plans indicate 36 properties will be affected by the project. The City has previously entered into an agreement with Heritage Land Services, Inc. (formerly known as M*E Companies) for ROW acquisition services and has been very pleased with their work product. Heritage Land Services, Inc. is pre-qualified by the Ohio Dept. of Transportation (ODOT) and is well qualified to meet the needs of the City in this project.

ODOT initially forecast that ROW plans would be authorized for acquisition in February. Unfortunately, the City has been delayed by ODOT as the ROW plans were not approved until May 9, 2012. Now that ODOT has approved the ROW plans, the City may begin acquiring ROW and will now be eligible for reimbursement of our ROW costs. Had the City proceeded without authorization from ODOT, we would have had to pay all costs with Oxford funds. While the City has appropriated funds for this project, we will be reimbursed by ODOT from Federal earmarked funds specific to this project.

Heritage Land Services, Inc. has provided the City with a proposed cost of \$249,915 for their services in securing ROW for the project. These services include ODOT pre-qualified tasks such as project management & administration, title research for each parcel, property and easement appraisals, property instrument preparation, relocation assistance as necessary, and document closing & recording. The City has evaluated the proposed costs and finds them to be reasonable for the work involved with the project.

This Resolution will authorize the City Manager to amend our professional services agreement with Heritage Land Services, Inc. to provide the specified services at a cost of \$249,915. Staff is also recommending a 10% contingency for the project of \$24,992 therefore, the contract not to exceed amount is **\$274,907.00**.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>MB</u>	<u>5/10/12</u>
<u>DLK</u>	<u>5/16/12</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH HERITAGE LAND SERVICES, INC. (FORMERLY KNOWN AS M*E COMPANIES) FOR U.S. 27 SOUTH RIGHT-OF-WAY ACQUISITION SERVICES AT A COST OF \$249,915.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE, OR \$24,992.00, FOR A TOTAL COST NOT TO EXCEED \$274,907.00.

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

SECTION 1: The City Manager and Service Director recommend Council authorize the City Manager to amend an agreement with Heritage Land Services, Inc. (formerly known as M*E Companies) for U.S. 27 South right-of-way acquisition services at a cost of \$249,915.00 plus a contingency amount of ten percent (10%) of the contract price, or \$24,992.00, for a total cost not to exceed \$274,907.00.

SECTION 2: Council accepts the recommendation of the City Manager and Service Director and authorizes the City Manager to amend an agreement with Heritage Land Services, Inc. (formerly known as M*E Companies) for U.S. 27 South right-of-way acquisition services at a cost of \$249,915.00 plus a contingency amount of ten percent (10%) of the contract price, or \$24,992.00, for a total cost not to exceed \$274,907.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Cost Estimate Summary

City of Oxford

BUT-27-10.92

Information as of: March 8, 2012

Task	Units	Fee	Task Cost
Project Management & Administration			
Project Management	36	\$ 360	\$ 12,960
Project Status Reports	12	\$ 250	\$ 3,000
Project Certification	1	\$ 910	\$ 910
Project Meetings	12	\$ 750	\$ 9,000
Preparation of Parcel Files	36	\$ 45	\$ 1,620
Title Research			
Mini Titles	2	\$ 250	\$ 500
Full 42 Year Search	34	\$ 405	\$ 13,770
Title Updates	36	\$ 90	\$ 3,240
Appraisal			
Complete Summary Narrative	22	\$ 4,700	\$ 103,400
Summary Narrative - No Improvements	3	\$ 3,000	\$ 9,000
Value Finding	4	\$ 1,200	\$ 4,800
Value Analysis	7	\$ 525	\$ 3,675
Sign Valuations	0	\$ 225	\$ -
Acquisition			
Project Notification Letter	36	\$ 40	\$ 1,440
Instrument Preparation	36	\$ 150	\$ 5,400
Negotiation	36	\$ 1,250	\$ 45,000
Billing	36	\$ 75	\$ 2,700
Relocation Assistance			
Pre-Acquisition Interviews	2	\$ 450	\$ 900
Residential Relocation	2	\$ 6,000	\$ 12,000
Closing & Recording			
RE-57 w/Auditor Approval	34	\$ 40	\$ 1,360
RE-44 & 45	34	\$ 25	\$ 850
Mortgage & Lien Releases	34	\$ 90	\$ 3,060
Closing/Record Instruments*	36	\$ 225	\$ 8,100
Deposit Pro-rated Taxes	34	\$ 55	\$ 1,870
RE-30 & 31	34	\$ 40	\$ 1,360
Total Authorized Services			\$ 249,915
* All associated recording costs charged by the County Recorder would be passed through at actual cost.			

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 15, 2012

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

May 3, 2012
Date Prepared

Agenda Title:	Environmental Commission Meeting of May 2, 2012
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the Wednesday, May 2, 2012 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Ted Wong; Mr. Kevin Armitage, and Mr. Vince Hand. Ms. Kelly Church had previously informed the Commission that she would be unable to attend the May 2nd meeting. A quorum was present. Also in attendance were Ms. Melissa Benoit, Mr. Steve Dana, and Mr. Chad Toussant.

Minutes from the April 4, 2012 Commission meeting was unanimously accepted with corrections.

Mr. Ted Wong apprised Commissioners of the Planning Commission's work session and Tuesday, April 10th meeting. A presentation was made by Ms. Anna Dragovich, a Graduate student with Miami University's Institute for the Environment and Sustainability, on an Oxford transportation investigation. Ms. Dragovich is investigating the "complete streets" concept for Oxford which seeks to safely incorporate multiple forms of transportation (pedestrian sidewalks, bicycle lanes, vehicular traffic, etc.) with an inclusive approach. Suggestions were made to Ms. Dragovich on the study; a final report is anticipated by the fall of 2012.

Mr. Vince Hand summarized the results from the storm water stakeholder interviews performed earlier this year. Twenty-five individuals representing various components of the community had been interviewed to develop an understanding of the public's views and attitudes toward storm water management. Results suggested a wide spread appreciation and concern of storm water issues. In a public education effort, it was suggested that The Oxford Press be approached with a commentary article on storm water. Counselor Rousmaniere and Vice Chair Gwyn volunteered to prepare the article.

The Commission adjourned at 8:30 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, June 6, 2012 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:	Department Head:	Initial	Date
		<u>[Signature]</u>	<u>5/8/12</u>
	City Manager:	<u>[Signature]</u>	<u>5/11/12</u>

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, May 1, 2012 at 7:30 p.m. Those members present were Ken Bogard, Bob Blackburn, John Harman, Kevin McKeehan, Kate Rousmaniere and Steve Snyder.

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

PLEDGE OF ALLEGIANCE

Mayor Keebler requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PRESENTATION

TALAWANDA SCHOOL DISTRICT

Ms. Amy Macechko, 37 Jeffrey Drive, advised she was the Health and Wellness Coordinator for the Talawanda School District and the Project Coordinator for the Coalition for a Healthy Community in the Oxford area. Ms. Macechko thanked Council for the opportunity to present some of the ways the community sectors were joining together through the work of the Coalition for a Healthy Community to engage in multiple strategies to help create a healthy community for everyone to live in. Ms. Macechko noted she addressed Council last fall regarding the 'Plant the Promise' program and advised many Talawanda and Miami students planted over 3,000 red tulip bulbs in the City in honor of 'Red Ribbon Week' to promote the value of living a drug free lifestyle. Ms. Macechko noted this spring the tulips were in full bloom to remind everyone of the promise the community made to support young people and their decisions to make healthy choices. Ms. Macechko thanked all of the individuals who planted the tulip bulbs and those who allowed the students to plant the promise on their property, at their facility or at their business. Ms. Macechko gave special thanks to many landlords who were part of the program for the first time and noted she believed it truly enhanced the program and she looked forward to expanding the program next year with them. Ms. Macechko advised the Talawanda High School Youth Initiative Team was instrumental in the 'Plant the Promise' program and they worked on multiple projects throughout the year to promote the value of living a drug free life. Ms. Macechko noted she invited Elizabeth Ector, Talawanda High School senior member of the Youth Initiative Team and senior co-chair to share information about projects they were engaged in this spring.

Ms. Elizabeth Ector, advised she was a senior at Talawanda High School and co-chair of the Youth Initiative Team. Ms. Ector noted the team promoted healthy lifestyles and alternatives to drug and alcohol use by planning for school events such as sports tournaments, dances and game nights.

Ms. Ector advised the team volunteered in the community and educated their peers about the dangers of drug and alcohol use. Ms. Ector discussed the team's initiatives including the 'Step-Out Campaign' and the prom season initiative where 4th and 5th graders wrote letters to juniors and seniors about staying safe on prom night. Ms. Ector noted the team provided decals to businesses around town and asked the businesses to partner with them for a healthy and safe community. Ms. Ector noted the team hosted a 'Cookies with Cops' event which Chief Holzworth attended and the team apprised him of what they were doing. Ms. Ector advised the team also partnered with 'Parents Who Host Lose the Most' and sent letters to the parents of juniors and seniors who were attending the prom encouraging them not to host parties and to keep the students safe on prom night. Ms. Ector noted the letter also told the parents how much the students appreciated them and respected them and how much they cared about their peers.

Ms. Amy Macechko, noted the Youth Initiative Team was an active force amongst the student body and they were excellent role models for the rest of the students. Ms. Macechko advised the Talawanda School District was once again awarded a mini-grant from the Drug Free Action Alliance to promote the 'Parents Who Host, Lose The Most: Don't be a party to teenage drinking campaign and their message was very simple 'It's unhealthy, unsafe and unacceptable for anyone under the age of 21 to consume alcohol'. Ms. Macechko noted through this program Talawanda was able to collaborate with the Oxford Police Department, the Oxford Township Police Department and the Butler County Sheriff and they would provide additional party patrols on the nights of Prom and graduation. Ms. Macechko advised the local law enforcement agencies were strongly committed to ensure the health and safety of the community and its young people and the Talawanda School District and the Coalition for a Healthy Community were very thankful for that. Ms. Macechko thanked the City for its support on behalf of the Talawanda School District and the Coalition for a Health Community and noted together everyone would continue to make Oxford a healthier community for all.

Mayor Keebler thanked Ms. Macechko and Ms. Ector for their leadership in this area noting it was a very important part of the community. Mayor Keebler advised Council was glad to receive their report this evening.

PROCLAMATION
'PARENTS WHO HOST
LOSE THE MOST'

Mayor Keebler read the Proclamation and presented it to Ms. Amy Macechko and Ms. Elizabeth Ector.

PROCLAMATION
'NATIONAL PRESERVATION MONTH'

Mayor Keebler read the Proclamation and presented it to Mr. Mike Smith, Chair, of Oxford's Historic and Architectural Preservation Commission and Ms. Valerie Elliott of the Smith Library of Regional History.

Mr. Mike Smith, thanked Mayor Keebler and Council for the Proclamation and noted the HAPC appreciated their continued support for historic preservation. Mr. Smith noted he was pleased to announce the commission had received 4 applications so far this year for the Historic Marker program. Mr. Smith advised Ms. Elliott would address the full slate of guided walking tours scheduled for the month of May.

Ms. Valerie Elliott, noted she was pleased to announce that every Saturday in May starting at 10:30 a.m. there would be guided walking tours of various areas of Oxford's historic districts. Ms. Elliott noted this was the 4th year in a row the event had taken place and this year 3 of the 4 tours would focus on the university historic district rather than the uptown historic district as was done in the past. Ms. Elliott advised the tours were sponsored by the HAPC with assistance from the Oxford Visitors and Convention Bureau, the Smith Library of Regional History and the McGuffey Museum. Ms. Elliott noted this year for the first time each of the tours would have an interior opportunity for people to view some of the houses they would be walking past. Ms. Elliott thanked Council for their support and invited them to participate in the tours.

Mayor Keebler thanked Mr. Smith and Ms. Elliott for their reports.

PROCLAMATION **'NALC FOOD DRIVE DAY'**

Mayor Keebler read the Proclamation and presented it to Mr. Steve Dana, Board President, Oxford Community Choice Pantry.

Mr. Steve Dana, acknowledged on behalf of the Oxford Community Choice Pantry the support of the Mayor and all members of Council. Mr. Dana advised the letter carriers food drive was an essential piece of the effort the pantry used every year and they needed it and looked forward to it in order to meet the needs of those in the community who were food insecure.

Mr Dana noted a fundraiser for the food pantry would take place on June 30th in the Oxford Memorial Park. Mr. Dana advised local chefs would prepare box lunches with food from the Farmers Market and sell them at a very reasonable price to create goodwill and help the pantry.

PUBLIC COMMENTS

Mr. Kevin Livingston, Secretary, Off-Campus Affairs, gave special thanks to Council noting they had been a great help to him throughout the year as he served as the Secretary for Off Campus Affairs. Mr. Livingston introduced his predecessor, Ari Frum.

Mr. Ari Frum, thanked Council for allowing him the opportunity to speak this evening. Mr. Frum advised he would be the Associated Student Government Secretary for Off-Campus Affairs for the next school year. Mr. Frum advised Oxford had become his home away from home over the past two years. Mr. Frum noted as a community that offered so much, he felt it was the students' responsibility to ensure that the opportunities remained available. Mr. Frum advised he, along with 24 dedicated off-campus senators were excited for the opportunity and looked forward to working with Council. Mr. Frum encouraged Council members to contact him with any questions or concerns.

CONSENT AGENDA

MINUTES

Minutes of the April 17, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the April 10, 2012 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 18, 2012 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the April 25, 2012 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

Mr. Blackburn moved to approve the consent agenda. Mr. Snyder seconded. The motion passed 7-0-0.

ORDINANCE
FIRST READING

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit To Allow A Fraternity House In The Single & Two-Family Mile Square Residential (R2MS) District At 301 E. Sycamore Street, Oxford, Ohio With One Condition. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the conditional use application was for property located at 301 E. Sycamore Street which was on the southeast corner of Sycamore Street and University Avenue. Mr. Chen noted there were already several fraternity houses along Sycamore Street. Mr. Chen advised the applicant indicated in his written statement that there were no improvements or renovations proposed for the structure at this time. Mr. Chen noted the Planning Commission held a public hearing on April 10, reviewed each decision standard, and unanimously recommended approval of the request.

Mr. Scott Webb, Agent, advised the property at 301 E. Sycamore Street was located in the R2MS District and fraternity houses were only allowed in the R2MS and R3MS Districts at this time. Mr. Webb noted the building was a fraternity house in the 1970's and then it was converted into apartments. Mr. Webb advised now another fraternity was interested in buying the property. Mr. Webb advised sophomores were required to live on campus unless they were members of a fraternity sanctioned by Miami University. Mr. Webb noted before the fraternity had enough members or financing to buy the property they would rent half of the building for the first year and eventually expand into the entire structure.

Mr. Webb advised the notion of what it was like to live in a fraternity house was not what it once was. Mr. Webb noted almost none of the existing fraternity houses had full-time cooks and most students were on a meal plan at the university. Mr. Webb advised the proposed fraternity house had no common areas. Mr. Webb noted he felt this area was where the City intended fraternity houses to be located. Mr. Webb advised the City's Comprehensive Plan did not address fraternity houses directly but did speak to the issue of town/gown relationships and fraternities were important to Miami University. Mr. Webb noted there would be no changes to the permitted occupancy in terms of numbers and the rental permit would remain the same. Mr. Webb advised the number of parking spaces met the zoning code. Mr. Webb advised Zeta Beta Tau provided the following information on their members:

- Fraternity GPA was 3.02
- 75% of members were in the business program
- The National philanthropy was "Getting on the Ball" benefiting Children's Miracle Network Hospitals, raising thousands of dollars every year
- Members of this fraternity include the student body Secretary of Academics, President of Miami Students for Israel, and a Presidential scholarship recipient
- Members volunteer at the Hillel Foundation about 3 hours a week

Mr. Webb noted his hope Council would approve the conditional use permit application at the next meeting.

Ms. Bobbe Burke, Coordinator, Off Campus Affairs, advised in the last several years it had been a challenge for newly formed fraternities to find a place to live together and have a positive experience. Ms. Burke noted this was a good example of a positive possibility for a new fraternity house in the district where other fraternity houses were located. Ms. Burke advised this fraternity was on campus when she was in school at Miami and they were re-colonizing and coming back. Ms. Burke noted this would give the fraternity the opportunity to put their best foot forward as they moved ahead and she hoped the proposed location would work out for them.

Mayor Keebler advised the Planning Commission voted 7-0-0 to recommend approval of the conditional use permit application. Mayor Keebler noted Ms. Burke's comments were similar to the thoughts and discussion at the Planning Commission meeting. Mayor Keebler advised the fact that the building was set-up as apartments was irrelevant due to the changes in fraternity life as Mr. Webb indicated in his comments. Mayor Keebler noted the building was once used as a fraternity house. Mayor Keebler noted the Planning Commission felt all of the decision standards were met.

Mr. Snyder inquired if there were any communal areas in the building when it was a fraternity house. Mr. Webb advised he wasn't familiar with the history of the building and noted the way the interior was divided may have changed over time and none of the interior walls were weight bearing. Mr. Webb advised there may have been communal areas at some point. Mr. Webb noted in the future the fraternity might wish to make changes/additions to the building through the BZA or the Building Department but right now they were looking for the designation that would allow them to be there.

Mayor Keebler noted they could utilize one of the apartments for a common area.

Mr. Blackburn inquired if the basement could be used as a common area. Mr. Webb advised if the fraternity wanted assembly type space in the basement it would be handled through the Building Department to ensure proper exits, etc. were in place.

Mayor Keebler advised the second reading of the proposed Ordinance would take place at the next meeting.

ANNOUNCEMENTS

Mr. Elliott advised two large projects would begin next week with the brick restoration on High Street between Main Street and Poplar Street and a new water line being installed on Patterson Avenue between Chestnut Street and SR 73. Mr. Elliott noted the Patterson Avenue project was in conjunction with Miami University.

Mr. Elliott advised he received a letter from Ms. Erica Andrews-Cox letting him know what wonderful service the EMS department provided when her infant daughter needed assistance. Mr. Elliott noted the community was fortunate to have such well trained, dedicated and caring individuals serving in its Fire and EMS department. Mr. Elliott noted it was nice when people took the time to write such letters.

Mr. Kyger reminded everyone that the Wine Festival would take place on May 19, 2012 in the Uptown parks.

Mr. Kyger advised a new barber shop opened in town and the owner was Mr. Keith Fairfax. Mr. Kyger encouraged people to visit him on College Corner Pike.

Mr. Snyder referred to an incident last week when an armed suspect in the area caused two schools to be locked down. Mr. Snyder inquired if a follow up review of the incident and how it was handled would be undertaken.

Chief Holzworth advised an after action study was done by the Special Response Team internally and the Command Staff would do the same later this week. Chief Holzworth noted a written report could be prepared for Council and the City Manager.

Ms. Rousmaniere inquired if the Police Department had considered reinstating the position of School Resource Officer. Chief Holzworth advised he would like to and it was in their long range staffing plan. Chief Holzworth noted he couldn't consider staffing the position without discussing the matter with the City Manager. Mr. McKeehan noted he thought the position was funded by a federal grant and Chief Holzworth advised many times it was.

Mr. Snyder inquired if part of the review of the incident would include communications/coordination between the school district, the City and Miami University and Chief Holzworth advised yes.

Mr. Harman advised he was notified of the incident by email and people could also be notified by text message through the nixle notification service. Mr. Harman inquired how citizens could sign up for the service. Mayor Keebler advised citizens could log on to www.nixle.com to sign up for the service.

Mr. Harman encouraged everyone to sign up for the notification service. Chief Holzworth advised the Police Department intended to use nixle more moving forward and noted the service was free of charge. Chief Holzworth also encouraged members of the public to sign up for the service.

Mayor Keebler advised the school district had a plan for staff members to deliver students to their homes if they could not be picked up the day of the incident. Mayor Keebler noted it was his understanding that only 5 students couldn't be picked up at the middle school. Mayor Keebler advised it seemed to him that the event went pretty well and he was glad the police department was doing an after event analysis. Mayor Keebler noted he spoke to the Superintendent who felt the event was handled pretty well and she would be glad to listen to any suggestions for improvements during an emergency situation.

Mr. Harman advised Council received the quarterly Economic Impact Report from Ms. Durr of the Visitors and Convention Bureau. Mr. Harman noted the report identified the economic benefit from events that took place in Oxford. Mr. Harman advised a formula was used to estimate what people spent on food, lodging, gas, etc. and he was happy to announce that last quarter it was 2.6 million dollars.

Mr. Blackburn advised ShareFest Oxford was underway and it was an opportunity for students to recycle food, furniture and appliances. Mr. Blackburn advised the donated items would help those less fortunate. Mr. Blackburn noted Rumpke would collect trash daily this week in the mile square.

ADJOURN

Mr. Bogard moved to adjourn at 8:12 p.m. Mr. Harman seconded. The motion passed 7-0-0.