

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: May 21, 2019

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

April 30, 2019

Date Prepared

Agenda Title: **Review of Speed Limits under Local Control – Fairfield Road at the Oxford Community Park**

Recommendation: **Approve**

Discussion: With the anticipated opening of the City's new Aquatic Center at the Oxford Community Park, City Staff has been evaluating current speed limits on Fairfield Rd. in the vicinity of the Oxford Community Park / Knolls of Oxford entrances (specifically between the Miami University Airport Maintenance Building and Hidden Creek Dr.) The current eastbound speed limit in this area is 55 MPH and has been established by the Butler County Engineer's Office and the Ohio Dept. of Transportation. Prior efforts to have this speed limit reduced, given the proximity to a retirement community and intensively used public park, have not been successful.

Miami University has filed a petition with Butler County Commissioners to annex five parcels of land (part of the Miami University Airport) into the City of Oxford. Once this process is complete, the City will have local control of the roadway to establish speed limits for this section of Fairfield Road.

Ohio Revised Code 4511.21 (B) (2) sets a speed limit of 25 MPH in all portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, limits authorized by a local authority, and alleys. Based on several factors including average recorded speed, roadway characteristics (including curb cuts and planned marked crosswalks), and engineering judgement, the City Engineer is recommending a reduction in the speed limit through this corridor to 35 MPH. Police Chief Jones supports a speed limit of 35 MPH in this area as well. A map indicating the proposed speed zone is attached to this report as Exhibit "A".

In addition to speed limit changes, Staff will be installing a high visibility crosswalk linking the Knolls of Oxford to the City's sidewalk system in the Community Park. Piano key crosswalk markings, high visibility signage, and rectangular rapid flash beacons will be installed to increase safety for those crossing Fairfield Road. Handicap ramps are currently being installed at this location as well.

It is Staff's recommendation that the City Council authorize a speed limit of 35 MPH on Fairfield Rd. beginning at Hidden Creek Drive and ending at the City's new corporate limit (pending) approximately 4,440 feet to the west at the Miami University Airport maintenance building.

Approved By:

Department Head:

Initial MBD Date 5/8/19

City Manager:

DRE \ 5-17-19

RESOLUTION NO.

A RESOLUTION OF COUNCIL SUPPORTING THE REDUCTION OF THE SPEED LIMIT ON FAIRFIELD ROAD BETWEEN HIDDEN CREEK DRIVE AND THE CITY'S PROPOSED NEW CORPORATE LIMIT TO THIRTY-FIVE (35) MILES PER HOUR (MPH).

WHEREAS, with the anticipated opening of the City's new Aquatic Center at the Oxford Community Park, City staff has evaluated current speed limits on Fairfield Road in the vicinity of the Oxford Community Park and the Knolls of Oxford entrances (specifically between the Miami University Airport Maintenance Building and Hidden Creek Drive), and

WHEREAS, the current eastbound speed limit in this area is fifty-five (55) miles per hour (MPH) and has been established by the Butler County Engineer's Office and the Ohio Department of Transportation; and

WHEREAS, prior efforts to have this speed limit reduced, given the proximity to a retirement community and an intensively used public park, have not been successful; and

WHEREAS, Miami University has filed a petition with the Butler County Commissioner's Office to annex five parcels of land, once this process is complete, the City will have local control of the roadway to establish speed limits for this section of Fairfield Road; and

WHEREAS, based on several factors including average recorded speed, roadway characteristics and engineering judgement, the City Engineer, the Service Director and the City Manager recommend a reduction of the speed limit on Fairfield Road between Hidden Creek Drive and the City's proposed new corporate limit to thirty-five (35) miles per hour (MPH). A map indicating the proposed speed zone is attached hereto as Exhibit "A".

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council hereby accepts the recommendation of the City Engineer, the Service Director and the City Manager and hereby authorizes the City Manager and the Service Director to take all actions necessary to implement the new speed limit of thirty-five (35) miles per hour (MPH) on Fairfield Road between Hidden Creek Drive and the City's proposed new corporate limit.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

Exhibit "A"



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: May 21, 2019

Service Department
Originating Department

Account Code #: N/A

David Treleven
Prepared By

Budgeted Amount: N/A

May 2, 2019
Date Prepared

Agenda Title: Environmental Commission Meeting of May 1, 2019

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, May 1, 2019 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Ms. Madeline Maurer; City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Ms. Carla Blackmar; Mr. Vince Hand, Mr. Jon Ralinovsky, and Mr. Andor Kiss. A quorum was present. Also in attendance was Mr. Tim Hogenbach.

The minutes from the April 3, 2019 Environmental Commission meeting was unanimously approved as presented.

The final presentation of the Miami University (MU) Institute for the Environment and Sustainability (IES) team of graduate student's Professional Service Project (PSP) occurred earlier in the day. In attendance at the presentation were Mr. Gwyn, Vice-Mayor, Mr. Steve Dana; City Councilor, David Prytherch, and Ms. Prue Dana, along with City staff, and IES faculty and students. The PSP was initially intended to inventory the greenhouse gas (GHG) emissions associated with the Oxford municipal operations to quantify Oxford's carbon footprint, with the Environmental Commission as the client. In the course of the PSP (entitled: "Understanding a Local Government Operations GHG Inventory"), the data collection and processing was found to be more complicated, tedious, and time consuming than initially anticipated. The goal of the PSP had been adjusted to continue the accumulation of GHG-related data, and provide an outline to the use of ClearPath Pro, which is a Global Protocol for Community-Scale Emissions compliant GHG inventory software tool. Access to ClearPro is through the Local Governments for Sustainability (ICLEI), and is included with Oxford's 2019 membership in the ICLEI. One of the features of ClearPath allows for the adjustment of various aspects of an existing GHG inventory to indicate effects of operational changes on future GHG emissions. Another feature allows prediction of future GHG emissions if no changes are made to current operations. This PSP will present a final report outlining its experiences, experiences of other communities that they have spoken with regarding their use of ClearPath, evaluating continued use of the ClearPath software as a GHG inventory tool, and presenting recommendations for the City of Oxford regarding GHG inventories. Recommendations will include conducting regular, periodic GHG inventories for both the municipal operations (approximately every 2 years) and community-wide GHG inventories (approximately every 3 years). With these frequently re-occurring GHG inventories, the PSP team will make suggestions regarding what information Oxford should start to regularly track, accumulate, and/or document to ease future data collection efforts. The GHG inventory for Oxford's municipal operations will continue as a
(continued)

Approved By:

Department Head:
City Manager:

Initial Date
MB 5/8/19
DRE 5/17/19

practicum conducted by one of the current PSP team members over the upcoming summer and fall academic semester. It is anticipated that another PSP student team will undertake continuing the use of ClearPath during the 2019-2020 academic year, with its focus on the use of ClearPath's predictive modules, to assist in determining how Oxford might experience the largest drop in future GHG emissions by easily undertaken changes in its operations.

Ms. Raghu informed the Commission that City Council had established a Climate Action Task Force, composed of citizens and City staff. The Climate Action Task Force recently had its first meeting and is working to establish intended goals. Ms. Blackmar updated Commissioners on two pending site developments for businesses that the Planning Commission approved.

Mr. Gwyn informed Commissioners that Community Development Director, Mr. Sam Perry, and he, have had conversations regarding the draft Tree Protection and Preservation Ordinance. Mr. Perry agreed that some type of replacement guideline was needed, rather than only his initial suggestions (at the April 3rd Commission meeting) of only requiring a tree survey and incorporating tree protection guidelines into standard drawings. Mr. Wright had previously provided summaries of these conversations to the Commissioners that included suggested solutions from both Mr. Perry and him. Commissioners had extended discussions regarding potential revisions to the draft Tree Protection and Preservation Ordinance. Ultimately, it was concluded that Mr. Gwyn would prepare a new draft of the ordinance, with the various revisions that the Commissioners had agreed upon. These include the protected tree sized increased to 10-inch DBH for all trees, and reference to evergreen and ornamental trees removed; exemptions from being considered protected trees for the dead, diseased, dangerous, and/or unsafe trees; tree surveys based upon aerial images would be for owner-occupant lands; and the surveyor needs only to provide credentials for Planning Commission and/or Development Department's approval/acceptance (previous draft specified that licensed surveyor, arborist, engineer, etc. were to prepare the survey). The replacement ratio for tree calipers was left at 50% (which was also the value Mr. Perry used in his suggested revisions). Commissioners are to review and comment upon the new draft during May, with the goal of having an accepted revision to be voted on during the June 5, 2019 Commission meeting. Once the Environmental Commissioners have concluded with their comments on the revised draft ordinance, Mr. Gwyn is to provide a copy of the new draft ordinance to Mr. Perry for his comment. The Environmental Commission's review process might have to start anew, depending on Mr. Perry's comments to the revised draft ordinance.

Mr. Kiss informed the Commission that the Ohio Environmental Protection Agency would be making a decision by this fall on their approach for providing funding for public electrical vehicle chargers (as part of the Volkswagen diesel emission settlement). The choice is apparently between making the funds available at either an individual municipality level or regional level. Also, there has been no development or progress on Tesla's installation of electrical vehicle chargers on MU's campus.

Staff updated the Commission regarding the food scraps pilot drop-off program. Presently, only four buckets of the 100 Oxford had available to the public were still available. Of the four Saturday drop-off events, each has seen a steady increase in the volume of food scraps received relative to the previous event. GoZERO Services is providing weekly collection information. In their three collections of the accumulated food scraps, a total of 907 pounds has been recovered.

Staff informed the Commission that the Memorial Tree Plaque Program's annual recognition ceremony would occur on Thursday, May 2nd at noon at the Oxford Community Park (OCP). The annual ceremonial Arbor Day tree planting ceremony is scheduled for Friday, May 3rd at the OCP. Both events are open to the public.

Mr. Hand informed the Commission that he was term-limited following the May 1st meeting, and would be leaving the Environmental Commission. The Commissioners expressed their appreciation of Mr. Hand's eight-years of service on the Environmental Commission.

Commissioners concluded discussions at 9:10 p.m. The next Environmental Commission meeting is tentatively scheduled for 7:00 pm on Wednesday, June 5, 2019, in the Municipal Building's First Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: May 21, 2019

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: May 13, 2019

Agenda Title: Oxford Recreation Board Meeting, 5/7/2019

Recommendation: Approve

Attendance: Present: Ken Bogard, Edna Southard, Wes Cole, Kevin Ackley, Craig Bennett
Liaisons: Casey Wooddell, City Staff

Discussion:

Oxford Recreation Board (ORB) members met Tuesday, May 7 at 11:30am at the Oxford Municipal Building.

PARKS AND RECREATION: Mr. Wooddell provided the Recreation Board members with updates about the Epic Cup Soccer Tournament, which took place May 4-5 and May 11-12 at Oxford Community Park, Leonard Howell Park and Cook Field at Miami. These two weekends, with hotels, restaurants and shopping, are expected to have as much as a \$3 million economic impact for the City of Oxford. Over 280 total teams visit Oxford during this time.

Mr. Wooddell provided updates about the progress of the Aquatic Center construction. It was stated that it's possible at this point the Aquatic Center does not open on May 25 as originally intended. Weather has caused significant delays, particularly in concrete and earth work. More information will be known after a progress meeting on May 14, 2019. Festivities for Opening Day were also discussed. Mr. Wooddell noted if Opening Day does get pushed back, so will the activities planned for such.

The Recreation Board discussed the fundraising campaign, including which items have been donated and which items could still be purchased or added to the facility.

Other topics discussed included the demolition of the old pool facility and the potential expansion ideas for the TRI Community Center facility. The TRI Board of Directors is exploring ideas for additional interior multi-purpose athletic space. This is a long-term project.

TALAWANDA UPDATES: Mr. Cole provided updates about Talawanda Athletics, including coaching changes and summer sports camps. He also provided information about spring sports teams and conference championships.

MIAMI UPDATES: Mr. Ackley provided updates about Miami University, including the new hockey coach and women's basketball coach positions. He also provided information about summer hockey and skating camps and a partnership with OPRD for a summer skate-in movie. Mr. Ackley also mentioned the 2019-2020 academic year for Miami University has a record number of first year students coming in.

Next meeting: To Be Determined

Meeting adjourned 12:25pm

Approved By:

Initial Date

Department Head: CDW \ 5/13/2019

City Manager:

DRE \ 5/17/19

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: May 21, 2019

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 15, 2019

Date Prepared

Agenda Title:	Authorization to Dispose of Surplus Property
---------------	--

Recommendation:	Approve
-----------------	---------

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police obtained a salvage title to a 2014 Kawasaki motorcycle (VIN #JKAEX8B15EDA05987). The Police Chief requests that City Council approve the sale of the motorcycle through internet electronic auction to the highest bidder and that the proceeds from such sale be placed in the General Fund. It is believed the motorcycle will sell at a higher rate on GovDeals than to a salvage dealer.
--

Approved By:	Department Head:	Initial	Date
	City Attorney:		
	City Manager:	<i>DRE</i>	<i>5-17-19</i>

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE POLICE DIVISION'S POSSESSION AS SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY INTERNET AUCTION.

WHEREAS, the City Manager and the Police Chief recommend certain property in the Police Division's possession be sold to the highest bidder by internet auction.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The 2014 Kawasaki motorcycle (VIN #JKAEX8B15EDA05987) is hereby declared surplus for City purposes and not needed for any municipal purpose, and the same may be sold by internet auction.

SECTION 2: Council hereby authorizes the sale of said motorcycle to the highest bidder by internet auction with the proceeds thereof deposited into the General Fund.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

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

Police

Originating Department

Council Meeting Of: May 21, 2019

John A. Jones

Account Code No. #:

Prepared By

Budgeted Amount:

May 6, 2019

Date Prepared

Agenda Title: Resolution authorizing the Division of Police to apply for the Ohio Department of Public Safety OVI grant and be designated as the lead/administering agency for Butler County's participation in the Ohio Department of Public Safety OVI program.

Recommendation: Approve

Discussion: The Division of Police is the lead agency for a grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2020. In order to continue this program, Oxford must apply for a grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2020.

The administration of the grant involves both police and finance personnel. Oxford would serve as the lead agency for FY2020. There are 13 agencies within Butler County that participate in the grant program, and funding for FY2020 is anticipated to be around \$225,000. This amount would be awarded to Oxford for distribution to participating agencies according to the terms of memorandums of understanding executed by officials of those 13 agencies. Funding through the program is essentially completed on a reimbursement basis. Participating agencies pay their officers and then submit reimbursement from Oxford. Reimbursements are done on a monthly basis.

Approved By:

Department Head:

City Manager:

Initial Date

 \
DRE \ *5/17/19*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A \$225,000.00 GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY, TO ENGAGE IN AND COORDINATE AS LEAD AGENCY FOR THE COUNTYWIDE OVI TASKFORCE.

WHEREAS, the City Manager and the Police Chief recommend Council authorize the City Manager to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as Lead Agency for the countywide OVI Taskforce.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council having determined that it would be beneficial to the City of Oxford to serve as Lead Agency of the OVI Taskforce by providing funding for multiple sobriety checkpoints at various locations in Butler County; hereby accepts the recommendation of the City Manager and the Police Chief to enter into a grant agreement.

SECTION 2: The City Manager is hereby authorized to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as Lead Agency for the County-wide OVI Taskforce.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire

Originating Department

Council Meeting Of: May 21, 2019

John Detherage

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 9, 2019

Date Prepared

Agenda Title: A Resolution authorizing the on-line auction sale of vehicles and miscellaneous equipment that is surplus to the Fire Department

Recommendation: Adopt the Resolution.

Discussion: This resolution is for disposal of the following items that are surplus to the operation of the fire department. The auction will be conducted on GovDeals.com. Items to be auctioned off include:

2003 Ford ambulance (1FDXE45F13HB37289)

(1) Lot of miscellaneous obsolete pagers and radio equipment

(1) Lot of computer mounting brackets

(1) Metal cabinet

(1) Light bar and miscellaneous warning equipment

Approved By:

Department Head:

Initial Date

City Manager:

_____\

DI36 5/17/19

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE FIRE DEPARTMENT'S POSSESSION AS SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY INTERNET AUCTION.

WHEREAS, the City Manager and the Fire Chief recommend certain property in the Fire Department's possession be sold to the highest bidder by internet auction.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The items set forth in Exhibit 'A' attached hereto and incorporated herein, are hereby declared surplus for City purposes and not needed for any municipal purpose, and the same may be sold by internet auction.

SECTION 2: Council hereby authorizes such sale of said items to the highest bidder by internet auction with the proceeds thereof deposited into the Fire/EMS Fund.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

2003 Ford ambulance (1FDXE45F13HB37289)

- (1) Lot of miscellaneous obsolete pagers and radio equipment
- (1) Lot of computer mounting brackets
- (1) Metal cabinet
- (1) Light bar and miscellaneous warning equipment

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of : 5/21/2019

Account Code No. : see below

Budgeted Amount : _____

Finance

Originating Department

Joe Newlin

Prepared By

5/8/2019

Date Prepared

Agenda Title: 2019 Supplemental Budget #5

Recommendation: Approve

Issue 1

To make adjustment to budget for roadway improvements from unencumbered balance, prior supplemental increased transfer from Southpoint TIF Debt Service increase in bond revenues from April issuance

Action Needed:

Revenue Side

N/A

Expense Side

Southpointe TIF Capital Improvement Fund (146) 400,000.00 Increase for roadway improvements

Net Effect on Fund Balance/(s)
Increase/(Decrease) (400,000.00)

Total Net Effect on Fund Balance/(s)
Increase/(Decrease) (400,000.00)

Breakdown by Fund

Southpointe TIF Capital Improvement Fund (146) (400,000.00)

Net Effect on Fund Balance/(s)
Increase/(Decrease) (400,000.00)

Approved By:

Department Head:

City Manager:

Initials

Date

 JN 5/15/19
DRE 5/17/19

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3493. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS 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 appropriations from unencumbered balances be made:

Southpoint TIF Capital Improvement Fund 146 400,000.00

SECTION 3: In all other respects, Ordinance No. 3493 shall remain in full force and effect.

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

A Work Session of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, May 7, 2019 at 6:30 p.m. Council members present were Steve Dana, Glenn Ellerbe, David Prytherch, Mike Smith and Edna Southard. Chantel Raghu arrived at 6:34 p.m.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Sam Perry, Community Development Director; Alan Kyger, Economic Development Director; John Jones, Police Chief; Geoff Robinson, Police Lieutenant; Joe Newlin, Finance Director; Amy Blankenship, Assistant Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Dana moved to approve the agenda. Mr. Smith seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council and staff to discuss the progress regarding goals they established for 2019 during their annual Retreat on Friday, February 1, 2019.

DISCUSSION

Mayor Rousmaniere advised Council established a set of goals for 2019 at their retreat in February and decided they would meet with staff in the spring to follow up on the progress being made towards each of the goals. Mr. Prytherch noted Council was working with staff and working independently on the goals.

Council and staff discussed the 2018 Accomplishments and the 2019 Strategies and tasks related to each of the following:

- Goal One: Sustainability
- Goal Two: Housing Diversity and Affordability
- Goal Three: Strategic Town Gown Planning
- Goal Four: Diverse Transportation Options and Accessibility
- Goal Five: Economic Development and Diversity
- Goal Six: Expand Historic Preservation in the Mile Square Plus
- Goal Seven: Improve Public Communication and Engagement
- Goal Eight: Improve Health, Safety, and Wellness

ADJOURN

Mr. Dana moved to adjourn at 7:24 p.m. Ms. Southard seconded. The motion carried 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire

Originating Department

Council Meeting Of: May 21, 2019

John Detherage

Account Code No. #:

Prepared By

Budgeted Amount:

May 9, 2019

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into a contract with Brindlee Mountain Fire Equipment to broker the sale of the 1995 Ferrara Fire Engine.

Recommendation: Adopt the Resolution.

Discussion:

With the purchase of the 2018 tanker/pumper we no longer have a need for the 1995 Ferrara engine. To facilitate the sale of the engine, we are asking that the City Manager be approved to enter into a contract with Brindlee Mountain Fire Apparatus, LLC to market the engine for the fee of 10% of the sale price per the attached agreement. Should Brindlee Mountain not refer the purchaser of the truck they will not receive the commission.

This is the first time we have proposed using a broker to dispose of surplus apparatus and hope that we will see a higher selling price with the added exposure.

Approved By:

Department Head:

Initial Date

City Manager:

 \
DRE \ *5/17/19*

RESOLUTION NO.

A RESOLUTION DECLARING THE CITY'S 1995 FERRARA FIRE ENGINE SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING BRINDLEE MOUNTAIN FIRE APPARATUS, LLC TO BROKER THE SALE OF SAID FIRE ENGINE AT A COST OF 10% OF THE SALE PRICE.

WHEREAS, the City Manager and the Fire Chief recommend the City's 1995 Ferrara Fire Engine be declared surplus; and

WHEREAS, the City Manager and the Fire Chief further recommend that Council authorize the sale of said fire engine through brokering with Brindlee Mountain Fire Apparatus, LLC at a cost of 10% of the sale price.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: The City's 1995 Ferrara Fire Engine is hereby declared surplus for City purposes and not needed for any municipal purpose.

SECTION 2: Council further authorizes the sale of said fire engine through brokering with Brindlee Mountain Fire Apparatus, LLC at a cost of 10% of the sale price with the proceeds thereof deposited into the Fire/EMS Fund.

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

VICE MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: STEVE DANA

PREPARED BY: LAW (STAFF)

BRINDLEE MOUNTAIN

FIRE APPARATUS, LLC

15410 US
Highway 231
Union Grove,
AL 35175

Phone: (256) 498-1395
Fax: (256) 498-0924
www.FireTruckMail.com

Brokerage Offer

This is an agreement between the seller and Brindlee Mountain Fire Apparatus. If Brindlee Mountain is unable to refer a buyer to the seller for the apparatus, no payment will be owed to Brindlee Mountain. We are only paid if we refer a buyer for your apparatus. Brindlee will refer to Agent/Owner all qualified inquiries we receive regarding the specified apparatus. If Agent/Owner sells the marketed apparatus or any other apparatus or equipment to the customer referred by Brindlee, or anyone acting on behalf of the referred customer, the Agent/Owner will pay the agreed commission to Brindlee within 10 days of the sale. Interest in the amount of 1.5% will be charged on any outstanding invoice that is not paid within 30 days of the invoice date. Any additional costs incurred as part of collection efforts will also be the responsibility of the seller.

Agent/Owner agrees to notify Brindlee, at the time of sale, as to the sale price and the name and address of the buyer regardless of whether or not Brindlee referred the buyer. Agent/Owner acknowledges failure to provide this information will result in fees payable to Brindlee as if the lead was referred by Brindlee and sold at the listed price. Either party may terminate this offer at any time by notifying the other party in writing. If any sale takes place subsequent to termination, to a party previously referred by Brindlee, the same commission will be paid as if the agreement were still in effect.

Customer Information:

Fire Department/Owner: _____ Name of Contact: _____
Phone Number: _____ Fax: _____ Email: _____
Where the truck currently located (Address): _____

Apparatus:

Year: _____ VIN: _____ Shop Order #/ Build #: _____

Chassis: Manufacturer: _____ Model: _____ 4x4(y/n): _____

Fire Body: Manufacturer: _____ Model: _____

Aerial: Manufacturer: _____ Model: _____ Length: _____

Aerial Hours: _____ Date of Last Aerial Certification: _____

Mileage: _____ Engine Hours: _____ # Cab Seating _____ # SCBA Seats: _____

Dimensions: Length: _____ Height: _____ GVWR: _____ Wheelbase: _____

Engine: Make: _____ Model: _____ HP: _____ Diesel or Gas: _____

Transmission: Make: _____ Model: _____ Automatic or Manual: _____

Pump: Make: _____ Model: _____ GPM: _____ Pump and Roll (y/n): _____ Date
of Last Pump Certification: _____ Foam System (make and model): _____

Water Tank: Gallons: _____ Material: _____ Foam Tank(s): _____

Discharges (number and size):

Driver Side: _____ Officer's Side: _____
Front: _____ Rear: _____

Suctions (number and size):

Driver's Side: _____ Officer's Side: _____

Front: _____ Rear: _____

Crosslays (# and size): _____ Piped for Deck Gun (y/n): _____

Deck Gun Included (y/n): _____ Booster Reels: _____

Generator: Brand: _____ Wattage: _____ Fuel Type: _____ Hours: _____

Check All that Apply:

- | | | |
|--|--|---|
| ☐ Electric Reels: _____ | ☐ Hydraulic Reels: _____ | |
| ☐ Telescoping Lights: _____ | ☐ LED Lighting: _____ | |
| ☐ Light Tower: _____ | ☐ Cascade System: _____ | |
| ☐ Ground Ladders: _____ | ☐ Breathing Air (aerials only): _____ | |
| ☐ Air Conditioning | ☐ Automatic Tire Chains | ☐ Interior EMS Cabinet |
| ☐ Aluminum Hose Bed Cover | ☐ Federal Q Siren | ☐ Jake Brake |
| ☐ Arrowstick | ☐ Hydraulic Ladder Rack | ☐ Pump Heat Pan |

Tires: Manufacture Year: _____ *Condition: _____

*Please annotate any tires that have cuts in the sidewall that penetrate the cord, OR tires that have a tread depth of less than 4/32 inch on any steer axle or 2/32 inch on any non-steering axle.

Additional Features or Loose Equipment:

Please give a brief history of this truck – Tell us why this would be a great truck for a department to purchase!

Maintenance/Repairs Needed:

Brindlee Mountain Picture Guide: <https://www.firetruckmall.com/phologuide>

Overall Condition of Vehicle: _____ **Date this truck is available:** _____

Asking Price: \$ _____ **Reason for Selling:** _____

Brindlee Mountain Fire Apparatus charges 10% (or \$500 minimum) commission upon the sale of any truck sold under \$125,000, 7% commission on the sale of trucks from \$125,000 - under \$200,000, and 5% commission for any truck at or above \$200,000.

Signed _____ **Date** _____

BRINDLEE MOUNTAIN

FIRE APPARATUS, LLC

15410 US Highway 231
Union Grove, AL 35175

Phone: (256) 498-1395
Fax: (256) 498-0924
www.FireTruckMall.com

Taking Pictures of your Apparatus:

Brindlee Mountain Picture Guide: <https://www.firetruckmall.com/photoguide>

The following are types of photos that will be beneficial in advertising your vehicle:

1. Overall shots of your truck from every side. These are best taken outside in an open area to get a full view of each side.
2. Photos of special features on the truck – i.e. the pump panel, opened compartment doors, interior layout, light tower, hydraulic ladder racks, etc.



Thank you for allowing us the opportunity to work with you!

If you have any questions, please call us toll-free at 866-285-9305

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 21, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

May 13, 2019
Date Prepared

Agenda Title: **PC-2019-04, ZONING TEXT AMENDMENT**, to create a New Chapter in the Planning and Zoning Code, Chapter 1152, Historic and Architectural Preservation, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

This code amendment is the second step of a 2015-16 City Council goal to update Inventory, Code and Guidelines for Oxford Historic Districts. The first step was completed in 2017 and 2018. The current code for historic preservation is not in the zoning chapter, but in Buildings as 1331. This change will bring preservation code together with other development regulations. Chapter 1331 will be completely repealed and replaced with new Chapter 1152. The proposed new chapter reflects much of the existing 1331 while also including wording to match the updated 2018 Inventory. The Planning Commission held a hearing on this text amendment in February 2019 and voted to recommend it to City Council 7-0. Following the hearing there were some changes made regarding performance bonding percentages as recommended by the City Attorney. The HAPC has been made aware of the changes. A few highlights of the new chapter are:

- Updated definitions to reflect terminology of 2018 Uptown Historic District Inventory
- Clarified procedures for all applications, districts and designations
- Added language to encourage historic building maintenance
- Added process for inspector to provide assessment of a building requested for demolition

Approved by:

Department Head: **Initial** **Date**

City Manager: DRK / 5-17-19

ORDINANCE NO. 3149

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1331 ENTITLED HISTORIC AND ARCHITECTURAL PRESERVATION, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1152 ENTITLED HISTORIC AND ARCHITECTURAL PRESERVATION.

WHEREAS, Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2019 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1331 entitled Historic and Architectural Preservation, and adopting new Oxford Codified Ordinance Chapter 1152 entitled Historic and Architectural Preservation.

THE COUNCIL OF THE CITY OF OXFORD, OHIO HEREBY ORDAINS THAT:

SECTION 1: Council hereby finds upon review of the proposed new Chapter 1152 entitled Historic and Architectural Preservation that the regulations will clarify the procedures for all Historic and Architectural Preservation applications, districts and designations and that it will be in the best interest of the City of Oxford and of its residents.

SECTION 2: Council hereby repeals Oxford Codified Ordinance Chapter 1331 and adopts new Oxford Codified Ordinance Chapter 1152 as presented on Attachment "A" attached hereto and incorporated herein by reference.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

§ 1152.01 PURPOSE

- (a) In addition to the purpose established for this overall code in Section, it is the purpose of this chapter to promote and protect the health, safety, and general welfare of the public as a matter of public policy through:
- (1) The protection, enhancement and use of structures, sites and areas that are reminders of past eras and events and persons important in local, state, or national history;
 - (2) The development and maintenance of appropriate settings and general environment of the aforementioned structures, sites, and areas.
 - (3) The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of Oxford's history. In addition, this chapter is intended to maintain and enhance the scale and basic character of Oxford's historic structures, sites, and areas through:
 - A. Protecting and preserving the basic characteristics and salient architectural details of structures, insofar as the characteristics and details are compatible with the basic characteristics of Oxford's historic areas;
 - B. Affording the widest possible scope of continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which Oxford's historic areas may continue to exist as living, changing commercial and residential areas, not static museums;
 - C. Encouraging development of vacant and incompatibly developed properties in accordance with character of the area; and
 - D. Encouraging maximum use by and convenience to pedestrians.
 - (4) Fostering civic pride; and
 - (5) The provision of preservation information and advice to property owners and the general public.

§ 1152.02 INTERPRETATION

- (a) The Historic Preservation Administrator is responsible for the interpretation of all procedural provisions in this chapter.

§ 1152.03 DEFINITIONS

For the purpose of this chapter, unless the context clearly states otherwise:

- (a) “Applicant” means any person, persons, association, partnership, or corporation who applies for a Certificate of Appropriateness in order to undertake any modification of property subject to the provisions of this chapter.
- (b) “Certificate of Appropriateness” or “COA” a certificate issued by the Historic and Architectural Preservation Commission indicating that a proposed change, alteration, addition or demolition of a historic building or structure within a historic district is in accordance with the provisions of this chapter and the adopted design guidelines.
- (c) “Council” means the Council of the City of Oxford.

- (d) “Historic and Architectural Preservation Commission” or “HAPC” is the body created and empowered by this chapter to represent the historic preservation interests of Oxford as set forth in this chapter and elsewhere in the Codified Ordinances of Oxford, Ohio.
- (e) “Historic District” means any area recommended by HAPC and designated by the Council which contains two or more Historic Sites, including those properties that the Council determines should fall under the provisions of the Chapter in order to assure that their appearance and development is harmonious with such Historic Sites.
- (f) “Historic” means
 - (1) Historic Site: any place, area, structure, work of art, or object which has special character or special historic or architectural value as part of the development, heritage or cultural characteristics of Oxford, the State of Ohio, or the United States, and which has been designated as such pursuant to the provisions of this chapter;
 - (2) Historic Structure: Any structure that has or once had special character, or special historic or architectural value as part of the development, heritage or cultural characteristics of Oxford, the State of Ohio, or the United States, and which has been designated as such pursuant to the provisions of this chapter.
 - (3) Structures in this category will generally be 50 or more years of age. The historic form and character of the building is visually accessible and if not accessible, it could be restored to its historic form and character.
- (g) “Historic Non-contributing” means structures that will generally be 50 or more years of age. The historic form and character of the building is not visually accessible or has been obliterated by incompatible remodeling, irreversible alteration, decay, or damage.
- (h) “Historic Preservation Administrator” means the person designated by the City Manager to administer the provisions of this Chapter.
- (i) “Modification, Major” means any construction of a new, independent structure; construction or other alteration or addition that changes the square footage of an existing structure; construction or other alteration that changes the architectural style of an existing structure or portion thereof; any removal of important stylistic features such as chimneys, latticework, gables, barge board gingerbread, soffets, shutters, windows, and doors; alteration of exterior surfaces such as wood to vinyl and painting unpainted surfaces.
- (j) “Modification, Minor” means any construction or alteration that does not change the architectural style of an existing structure and is not a major modification; repair or update of any exterior element to comply with current building code, including ADA, shall be considered a minor modification for the purposes of this chapter.
- (k) “Municipal Infrastructure” means publicly owned, maintained, or operated property including utilities, streets, curbs, gutters, sidewalks, utility poles, street lights, traffic control signs, metering devices, and appurtenances thereto. Objects placed upon publicly owned property such as bicycle racks, waste receptacles, tables, benches, recreation equipment, vending machines, and other similar devices can be considered municipal infrastructure. Wholly or partially enclosed structures shall not be considered municipal infrastructure for the purposes of this chapter.
- (l) “Neglect” means a situation in which property owners, or others having legal possession, custody, or control of a property, allow the condition of the property to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure.

- (m) “Non-Contributing” means any structure which has no architectural merit, no historic events or persons connected with it and which would not adversely affect the surrounding architectural or cultural streetscape if it were removed. Generally buildings in this category will be 50 or fewer years of age. The loss of the building would not have a negative impact on the historic character of the district. The loss of the building would improve the consistency and cohesion of the historic district.
- (n) “Non-Historic Contributing” Generally buildings in this category will be 50 or fewer years of age. The façade of the building conforms to the general character of the street wall in height, massing, proportion, fenestration, material, color, and detail. The building is in balance with the historic buildings in the district context and neither overwhelms nor detrimentally alters the historic character of the district. If the building does not conform stylistically to the character of the district, it nevertheless stands in an appropriate dialogue with the context. The building is typologically appropriate to the district.
- (o) “Ordinary Repairs and Maintenance” means replacement of any part of a property where the purpose and effect of such work and replacement is to correct or prevent any deterioration or decay to such property, or any part thereof, and to restore same, as nearly as may be practicable, to its original condition and appearance, including minor repair of exterior surfaces including caulking, repointing, and nonabrasive cleaning.
- (p) “Owner” means the owner of record and the term shall include the plural as well as the singular.
- (q) “Pre-Application Review” means a review of the ideas, principles, and general standards behind a proposed modification; a less detailed examination of a proposed modification than is required for a Certificate of Appropriateness.
- (r) “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.
- (s) “Reconstruction” means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. This definition shall only apply to the use of the term “reconstruction” within this chapter.
- (t) “Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
- (u) “Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**§ 1152.04 HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION
(HAPC)**

- (a) In order to execute the purposes declared in this chapter, there is hereby established the Oxford Historic and Architectural Preservation Commission (HAPC). All members shall have, to the greatest extent practicable, interest and proficiency in historic and architectural preservation and adaptive reuse.
- (b) The HAPC shall consist of seven voting members. Membership shall be composed of:
 - (1) One City of Oxford Council member;
 - (2) One City of Oxford Planning Commission member, who is not also a member of Council;
 - (3) One member shall be an owner of real property or be a proprietor of a business in one of Oxford's Historic Districts; and
 - (4) Four members based on the following guidelines:
 - A. Two members with professional training or employed in professions related to historic preservation, such as architecture, architectural history, history, archaeology, planning, real estate, building construction or law related to any of these.
 - B. Other members who own real property in Oxford and either:
 - 1. Are proprietors of businesses in a historic district or
 - 2. Are residents in the historic districts, or
 - 3. Have demonstrated a special interest in historic preservation and related matters.
- (c) The City Manager, and/or their designee, shall serve as an ex-officio member.
- (d) Members of the HAPC shall be appointed by a majority of Council.
- (e) HAPC members shall serve for a period of four years and without compensation.
- (f) Terms shall be staggered so that one or two members' terms expire each year.
- (g) The members of the HAPC shall select a member of the Commission as a Chairperson (Chair) and a Vice-Chairperson (Vice-Chair).
- (h) Vacancies on the HAPC shall be filled within 60 days, to the maximum extent practicable.
- (i) One who is absent without justifiable excuses for three (3) consecutive regular meetings shall be regarded as vacating their membership and Council will be advised by the Chair to appoint a new member to fill the term.
- (j) The HAPC shall hold such meetings as it may require, and shall designate the time and place thereof. A minimum of four meetings shall be convened per calendar year.
- (k) Four voting members shall constitute a quorum for the transaction of business.

§ 1152.05 AUTHORITY AND DUTIES

- (a) The HAPC shall have the following authority and duties in addition to those otherwise specified.
 - (1) The HAPC shall create its own "Rules of Procedure" which will determine the operations of that body.

- (2) The HAPC shall be empowered to conduct or coordinate a survey or surveys of all areas, places, structures, works of art, or objects in Oxford which the HAPC has reason to believe are or will be eligible for designation as historic sites or historic districts.
- (3) The HAPC shall keep a register of all historic sites and historic districts designated under this Chapter and those in Oxford designated by the state or federal government.
- (4) The HAPC shall review all proposed National Register nominations for properties within its jurisdiction. When necessary for review of a proposed nomination, the HAPC may seek expert advice before rendering a decision, which expertise may be academic or consulting in nature.
- (5) The HAPC shall establish guidelines for conservation and preservation of historic structures within Oxford's historic districts.
- (6) The HAPC shall work for the continuing education of the citizens of Oxford in regard to the historic and architectural heritage of Oxford and the historic sites or historic districts designated under the provisions of this Chapter.
- (7) The HAPC shall obtain material regarding preservation and restoration and make such materials available to the general public.
- (8) The HAPC will conduct or encourage members to attend educational sessions or to seek in-depth consultation with the Ohio Historic Preservation Office (OHPO) annually. Such training should pertain to the work and functions of the HAPC or to specific historic preservation issues. Barring extenuating circumstances, all HAPC members shall participate in such a session at least once annually.
- (9) The HAPC shall advise Council and its other boards and Commissions on matters related to historic preservation or historic districts and regulations.
- (10) With the consent of Council and the owners of property on which improvement funds would be applied, the HAPC may make application for federal, state, institutional, or private technical or financial assistance.
- (11) The HAPC shall recommend to Council programs designed to encourage historic preservation when such programs would require commitments of the City or expenditure of City funds.
- (12) The HAPC shall seek to establish and maintain a Historic Trust Account to provide funding for programs and improvements that serve the purposes of this Code. Rules and procedures for the administration of any such fund shall be approved by resolution of Council and kept on file with the Administrator.
- (13) The HAPC shall recommend to Planning Commission and Council the designation of historic districts or sites.
- (14) Except for minor alternations, changes, or substitution of like-for-like materials, as allowed, the HAPC shall be responsible for the review and decisions on COAs. The HAPC shall review all plans for the construction, alteration, repair, moving, or demolition of structures, sites, and areas in an historic district. Only the HAPC is empowered to issue a COA, except that the Board of Zoning Appeals (BZA) may issue a COA upon appeal.
- (15) The HAPC shall have the authority to call in experts to aid in its deliberations.

§ 1152.06 DESIGNATION OF HISTORIC SITES AND DISTRICTS

The HAPC has the authority to initiate a process to designate historic sites or districts for preservation under the rules and standards of this chapter. The purpose of this section is to establish the criteria for designation and the procedure for such designations.

(a) Designation Criteria

In considering any area, place, structure, work of art, or object in Oxford as a historic site or a historic district, the latter of which may contain a combination of historic, historic non-contributing, or non-historic contributing sites, structures, buildings, or places worthy of preservation shall find that two of the following criteria are satisfied.

- (1) The character of the site or district has value or significance as part of the history or development of Oxford, the State of Ohio, or the United States;
- (2) It is the location or site of a historic event;
- (3) It is identified with a person or persons who contributed to the history of development of Oxford, the State of Ohio, or the United States;
- (4) It embodies distinguishing characteristics of an architectural style or building type;
- (5) It exemplifies the cultural, economic, social, educational, or political heritage of Oxford;
- (6) Its relationship to other distinctive areas or structures designated for preservation requires designation to protect and preserve the previously designated site; or
- (7) Its unique location or singular physical characteristic represents an established and familiar visual feature of Oxford.

(b) Designation Procedure

(1) Step 1 - Notification

- A. If the HAPC decides to propose designation of any area, place, structure, work of art, or object in Oxford as a historic site or historic district, the HAPC shall instruct the Historic Preservation Administrator to notify property owners in accordance with this section.
- B. The Historic Preservation Administrator shall notify the owner of record of all properties under consideration for designation or any person having a recorded legal interest in such property or properties.
- C. The notification shall include information on the dates, times, and location of the HAPC public meeting.

(2) Step 2 – HAPC Review and Recommendation

- A. The HAPC shall hold a public meeting regarding the proposed designation.
- B. If the HAPC decides that a designation is appropriate, they shall make such a recommendation to the Planning Commission for the initiation of a zoning map amendment to both establish the formal designation and to amend the zoning map to show the designation as an overlay zoning district on the zoning map.

(3) Step 3 – Forwarding to Planning Commission

- A. Once the HAPC recommends the designation of a historic site or district, the Planning Commission shall initiate a zoning map amendment process in order to formally consider the designation.
- B. The Planning Commission and City Council shall hear the proposed amendment and designation in accordance with the procedure set forth in the Zoning Map Amendment Section of this code, including all notification requirements for public hearings.
- C. The Planning Commission and City Council shall consider the designation criteria as part of the recommendation and decision to designate a historic site or historic district, in addition to the general criteria for approving a zoning map amendment.
- D. If the City Council approves the designation and zoning map amendment, the site or district shall be so identified on the Official Zoning Map.

(4) Step 4 – Notification of Designation

Within ten (10) days of the passage of said ordinance, the Historic Preservation Administrator shall send by registered mail a certified copy of the designation ordinance and a notice briefly stating the fact of said designation and identifying where the owner of record can locate the information from this chapter, any applicable design guidelines, and any applicable historic inventories.

(c) Rescinding of Designation

- (1) Notwithstanding any other provisions of this chapter, Council may rescind the designation of any area, place, building or structure as a historic site or historic district by ordinance.
- (2) Passage of such ordinance shall relieve the owner or owners from any duties or penalties connected with this chapter.
- (3) Council shall not pass such an ordinance without first proposing by motion that the designation of an area, place, structure, work of art or object in Oxford be rescinded and removed and notifying the HAPC to that effect.
- (4) Council shall not pass such an ordinance until the procedures required by Subsections above, to make a designation have been applied in the case of removal and rescinding of such a designation.

§ 1152.07 Determining the Significance of a Structure and Related Applicability

- (a) When making decisions or recommendations about changes to structures subject to the COA requirement, the HAPC shall have the authority to make a determination of the historical or architectural significance of the structure based on this section.
- (b) In cases where there is an adopted historic inventory, the HAPC shall utilize the information in the historic inventory to make a determination of the significance (historic, non-historic contributing, historic non-contributing, and non-contributing).
- (c) Where a historic inventory has not been adopted, the HAPC shall determine whether a structure or site is historic, non-historic contributing, historic non-contributing, and non-contributing based on the structure's or site's:
 - (1) Value as a reminder of the cultural, historical, or archaeological heritage of the City, State, or nation;

- (2) Location as a site of a significant local, State, or national event;
 - (3) Identification with a person or persons who significantly contributed to the development of the City, State, or nation;
 - (4) Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;
 - (5) Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
 - (6) Example of an architectural style or period; and/or
 - (7) Character as a contributing element in the applicable historic district.
- (d) For structures that the HAPC finds are historic non-contributing or non-contributing, the HAPC may relax or waive the standards or guidelines that apply to the project.
 - (e) If the HAPC finds that the structure is historic or non-historic contributing, the standards and guidelines of this code may be fully applied at the discretion of the HAPC.

§ 1152.08 CERTIFICATE OF APPROPRIATENESS

(a) Purpose

The purpose of the Certificate of Appropriateness (COA) is to provide a procedure by which to review construction, renovation, reconstruction, expansion, and demolition projects on designated historic structures or within historic districts. In an effort to preserve the character of this area, the City has established reasonable development standards and design guidelines for buildings and structures within the district and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

(b) Applicability

- (1) No person shall carry out any exterior alteration, addition, restoration, reconstruction, demolition, removal of exterior architectural elements, construction that alters the architectural style of existing structures, new construction, or moving of a site, structure, or building that is a designated historic site or that is within a historic district without an approved COA. Furthermore, no changes in appearance of such property or structure including, but not limited to, its light fixtures, signs, awnings, windows, siding, roof, doors, shutters, sidewalks, latticework, decorative trim, fences, walls, retaining walls, steps, soffits, paving, or other exterior elements which affect the appearance and cohesiveness of the historic site or historic district, without first obtaining an approved COA in accordance with this section.
- (2) If the Historic Preservation Administrator and the HAPC Chair determine a proposed municipal infrastructure improvement impacts the historic or architectural environment of a historic district, a COA shall be required.
- (3) Site improvements such as the establishment of a parking lot or structure, landscaping, or other site work shall also be subject to this section unless otherwise waived by the HAPC.
- (4) Projects and activities that are exempt from the design review process are the following:
 - A. Ordinary repair and maintenance of a building or structure which does not change or alter the exterior appearance of the building or structure;
 - B. Changes in occupancy not involving structural or exterior work;

- C. Interior electrical wiring, HVAC or plumbing work on an existing structure;
 - D. Interior building renovations which will not alter and/or affect the exterior elevations and facade of the building or structure or any architectural features that are visible from the outside, unless otherwise prohibited in (Minimum Maintenance Standards).
- (5) There shall be a non-refundable filing fee attached to the application for a COA, payable in advance.

(c) Review Authority

- (1) All applications for a COA shall be subject to review by the HAPC in accordance with Section unless an administrative approval is allowed under the following conditions:
- A. Applications where the applicant proposes replacement of an architectural element or feature with a similar feature where there is no change in color, material, or size; or
 - B. Where the HAPC Chair and Historic Preservation Administrator jointly agree that the proposed modification(s) are minor and comply with all applicable standards and guidelines.
- (2) In cases where an administrative approval of the COA is allowed above, the Historic Preservation Administration shall have the authority to forward an application to the HAPC for review if he or she cannot determine if the proposed work is minor enough to allow administrative review under this chapter.
- (3) All COAs that are approved administratively shall be placed on the next regular HAPC meeting agenda to ensure that the full HAPC and the public are aware of such administrative approvals.

(d) Procedure for Administrative Decision on a COA

(1) Step 1 - Application

- A. The applicant shall submit a formal application for COA review, including any applicable fees.
- B. An application for a COA shall not be considered until it the application is complete. An application shall be considered when all required and pertinent information has been provided and when all required fees have been paid. A complete application shall consist of:
 - i. The completed application form;
 - ii. Applicable non-refundable filing fee, payable in advance;
 - iii. Diagrams, site plans, elevations, illustrations, photo simulations, and written descriptions sufficient to describe and visualize the location and proposed modification of the property and structure; and
 - iv. Written descriptions of the proposed modifications that require a COA.
 - v. The Historic Preservation Administrator may require additional information or materials as necessary.

(2) Step 2 - Historic Preservation Administrator Review and Decision

- A.** Within 30 days after the application is determined to be complete, the Historic Preservation Administrator shall make a decision on the application. In making its decision, the Historic Preservation Administrator may approve or deny the application.
- B.** Prior to making a decision on the application, the Historic Preservation Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance. The application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Historic Preservation Administrator.

(c) Procedure of a HAPC Decision of a COA

(1) Step 1 – Pre-Application Meeting

- A.** A pre-application shall be required for all COA applications that involve a demolition request and all applications that involve new construction of principal buildings.
- B.** A pre-application shall be required for all other applications but for those applications, the meeting may be waived if the Historic Preservation Administrator and HAPC Chair make a preliminary determination that the application appears to be in keeping with the required standards and design guidelines.
- C.** A pre-application shall not be required for an application for a structure or site that is classified as non-contributing in a historic inventory adopted by the City of Oxford.
- D.** The pre-application meeting shall be an opportunity for an applicant and the HAPC to discuss a proposal prior to the applicant expending significant considerable amounts of time and money on design, surveying, and engineering.
- E.** The pre-application may consist of any information the applicant considers useful to the HAPC. The HAPC shall not take any formal action on the application during the pre-application meeting. The applicant shall submit the information to the Historic Preservation Administrator for placement on the agenda for the next regularly scheduled meeting of the HAPC.
- F.** Any discussions held during the pre-application meeting are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(2) Step 2 – Application

- A.** The applicant shall submit a formal application for COA review, including any applicable fees. An application for a COA shall not be considered until it the application is complete..
- B.** After the application is determined to be complete, it shall be placed on the agenda for the next regularly scheduled HAPC meeting (or within 45 days).
- C.** The HAPC shall set forth the time and the place of the public meeting and shall give written notice to the applicant of the time, date and place of said meeting, and the HAPC shall give public notice of the same.

(3) Step 3 – HAPC Review

- A.** The HAPC shall act upon each application within 60 days of its first HAPC meeting unless consideration has been continued beyond such period by official action, in which case the HAPC shall act within a reasonable time and as soon as is practical.
- B.** Following approval, approval with modifications, or denial of a COA, the Historic Preservation Administrator shall inform the applicant of the HAPC decision by first class mail within 10 days.
- C.** A denial of the application may be appealed in accordance with this Chapter..

(f) COA Review Criteria

Decisions on a COA application shall be based on consideration of the following criteria:

- (1)** The proposed development complies with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2)** Properties which contribute to the character of the historic district shall be retained, with their historic architectural features intact and altered as little as possible;
- (3)** Any alteration of an existing property shall be compatible with its historic character, as well as with the surrounding district;
- (4)** New construction shall be compatible with the district in which it is located;
- (5)** The application demonstrates compliance with any historic guidelines or policies adopted by the City of Oxford that are applicable to the subject application; and
- (6)** In determining compatibility, the HAPC shall consider the following:
 - A.** The general design, character, and appropriateness to the property of the proposed alteration or new construction;
 - B.** The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
 - C.** The texture, materials, and color and their relation to similar features of other properties in the neighborhood;
 - D.** The visual compatibility with surrounding properties, including proportion of the properties façade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
 - E.** The importance of historic, architectural, or other features to the significance of the property.
- (7)** In its considerations of whether an application is deserving of an approval, the HAPC may also consider the cost of modifications or other proposals, where costs for a particular action or inaction may be unreasonable given existing conditions of a structure, site, or area.

- (8) The HAPC shall encourage alterations and repairs to historic structures and to structures in historic districts in the spirit of their existing architectural style; however, additions in styles different than the existing structure may be approved if such additions complement the existing architectural style. The HAPC shall be flexible in its judgment of plans for alteration, repair, or demolition of structures, sites, and areas of little historic or cultural value except where such alteration, repair, or demolition would seriously impair the historic value and character of surrounding structures or of the surrounding area. It is not the intent of this Chapter to limit alteration or repair to any one period of architectural style.

(g) Bond Requirement

Before any building permit for any new principal building is issued a performance bond is required with security equivalent to 100% of the approved cost of leveling the site, filling with soil and sodding or seeding the surface. .

(h) Amendment or Modifications after an Approval

Unless otherwise stated in this chapter, any request for an amendment or modification to the approved plans or conditions shall be done in accordance with the procedures and standards established for its original approval.

(i) Validity

- (1) The COA shall be valid for a period of one (1) year from the date of approval by the HAPC at which time a building permit must be obtained
- (2) All work shall be substantially completed within two (2) years from the date a building permit is issued.
- (3) The HAPC may approve an alternative construction schedule for it's COA approval
- (4) Failure to comply with any of the above deadlines shall render the COA void and no alternations or construction may take place until a new COA has been approved in accordance with this section.

(j) COA Decisions Related to Other Permits and Approvals

- (1) No permits for zoning, building, or demolition shall be issued without first obtaining a COA.
- (2) If a COA is approved, permits relative to the proposed modifications may be issued immediately following normal zoning and building department review procedures.
- (3) If a COA is denied, the City shall not issue any permits that would allow modifications for which the COA was denied.

(k) Resubmission of a COA Application

- (1) An application that is denied or approved-with-modifications shall not be resubmitted for one year unless the applicant demonstrates that the new application addresses all of the issues or concerns established in the denial or that the new application is substantively different from the initial application.
- (2) The HAPC Chair and Historic Preservation Administrator shall determine if the changes are substantial enough to warrant a new review.

§ 1152.09 MOVING OF HISTORIC STRUCTURES

- (a)** The HAPC may authorize the moving of a historic structure or structure in a historic district through a COA application.

- (b) The HAPC may approve a COA for the moving of a structure within a historic district if the move will enhance the character of the overall district.
- (c) The HAPC may approve a COA for the moving of a structure to a property outside of the historic district provided that:
 - (1) There is a determination that the structure is identified as historic non-contributing or non-contributing in an adopted historic inventory; or
 - (2) That while the structure is historic or non-historic contributing, as identified in an adopted historic inventory, that the reuse of the property where the structure was located will enhance the character and quality of the historic district as compared to the structure that is proposed to be moved.

§ 1152.10 DEMOLITION REVIEW AND REQUIREMENTS

- (a) An application for the demolition of a building shall require a COA and follow the procedures and requirements of Oxford and Ohio Building Codes.
- (b) Any application for demolition shall include a plan for the reuse of the property that illustrates the mitigation of any adverse effects of the proposed removal upon the property, the streetscape, or the applicable historic district through the following:
 - (1) A plan for the reuse of the property through new construction, exterior rehabilitation, or restoration that is consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines; contributes to the historic character of the district or, in the case of a historic site, reflects the architectural character of the demolished structure; complies with the historic design guidelines; and which contributes to the architectural or historic integrity of the applicable historic district; and
 - (2) A plan for the landscaping of the parcel in accordance with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Commission Design Guidelines, for the benefit of the general area.
- (c) Where an application includes a plan for the reuse of the property through new construction, the application shall include a schedule for construction that will result in the completion of new construction within thirty-six months (36) from the date the COA is issued. Completion dates that extend beyond thirty-six (36) months may be granted at the discretion of the HAPC.
- (d) A demolition permit from the Building or Planning Department shall not be issued unless accompanied by a COA and shall include:

- (1) a performance bond posting with security equivalent to 100% of the approved cost of leveling the site, filling with soil and sodding or seeding the surface.
- (2) payment of a mitigation fee of ten percent (10%) of the approved demolition cost.

(e) Demolition Approval Criteria:

The HAPC may approve a COA for demolition only if one of the following is satisfied:

- (1) The applicant has given clear evidence that the structure has incurred extensive damage to its basic structural elements such as roof, wall, and foundation requiring substantial reconstruction, and the structure presents an immediate danger to the public health, safety, or welfare as declared by the Chief Building Official (condemnation) but that such damage was not done through neglect of the property by the owner or former owners; or
- (2) The demolition is proposed for a structure that is identified as non-contributing or historic non-contributing in an adopted inventory of the applicable zoning district; or
- (3) The applicant demonstrates that the following conditions are met based on the designation of the site or structure in an adopted historic inventory:

A. Historic Structures

- i. The applicant must demonstrate that the costs to rehabilitate or renovate the structure to a purposeful use exceeds 50 percent of the fair market value.
- ii. The City shall reserve the right to have an individual or entity that is not a member of HAPC to assess the financial feasibility of renovating the structure.
- iii. The COA shall not be approved if the cause of such damage was due to neglect by the owner or previous owners.

B. Non-Historic Contributing Structures

- i. The removal will not adversely affect the architectural or historic integrity of the streetscape; or
- ii. The structure is not consistent with other structures in the district in terms of historic character, architectural style, construction material, height, setback or mass.

(f) Demolition by Neglect Prohibited

The HAPC shall not issue a COA for demolition when the HAPC determines:

- (1) That the condition of the structure is attributable to demolition by neglect defined as a situation in which property owners, or others having legal possession, custody, or control of a property, allowed the condition of the property to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure.
- (2) Conditions of neglect include, but are not limited to, the following:
 - A. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 - B. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling.

- C. Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling.
- D. Deterioration or crumbling of exterior plasters or mortars.
- E. Ineffective waterproofing of exterior walls, roofs, and foundations including broken windows or doors.
- F. Defective protection or lack of weather protection for exterior wall and roof covering, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Rotting, holes, and other forms of decay.
- H. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- I. Deterioration that contributes to a hazardous or unsafe condition.

(g) Access to Structure by Chief Building Official

The property owners, or others having legal possession of the property, shall provide the Chief Building Official or other designee of HAPC access to the property in order to assist in the determination of the condition of the structure as part of any application for a COA related to demolition.

§ 1152.11 INSPECTIONS AND COMPLIANCE

- (a) The Chief Building Official shall review construction drawings, final plans, and other similar documents for compliance with an approved COA, any conditions attached thereto, and any approved or required modifications thereof.
- (b) During the course of regular building inspections, the Chief Building Official shall note any deviations from an approved plan, and shall promptly report any such deviations to the Historic Preservation Administrator. If the Administrator determines that a deviation from an approved COA is planned or constructed, a stop work order shall be issued.
- (c) The Historic Preservation Administrator and the HAPC Chair together shall determine the impact of the modification with regard to the intent of an approved COA. Such determination shall be made within seventy-two (72) hours following the issuance of a stop work order, if possible.
 - (1) Any modification may be approved administratively and the order lifted if they determine that it is a minor modification to the approved COA.
 - (2) Any modification that is determined to be a major modification or one that does not satisfy the intent of the approved COA will require a new application for COA. The stop work order shall not be lifted until the new application has been heard by the HAPC or the Historic Preservation Administrator has determined that all further work shall comply with the approved COA.
- (d) The Certificate of Code Compliance shall serve as official recognition that completed construction has satisfied the requirements of an approved COA.

§ 1152.12 SUBSTANDARD CONDITIONS

In order that the purpose of this Chapter may be accomplished and structures and properties preserved against decay and deterioration, the following standards shall be applied by the HAPC and Historic Preservation Administrator in order to determine the existence of substandard

conditions which would be detrimental to the health, safety, and welfare of the public or contrary to the policy and purpose of this chapter, or any other code applicable to building safety and maintenance.

- (a) Structural defects or hazards, including but not limited to, the following:
 - (1) Footings or foundations that are weakened, deteriorated, insecure or inadequate, or of insufficient size to carry imposed loads with safety;
 - (2) Members of walls or other vertical supports that split, lean, list, buckle, or are of insufficient size or strength to carry imposed loads with safety;
 - (3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, buckle, or are of insufficient size or strength to carry imposed loads with safety.
 - (4) Fireplaces or chimneys that list, bulge, settle, or are of insufficient size or strength to carry imposed loads with safety.
- (b) Defective or inadequate weather protection, including, but not limited to, the following:
 - (1) Broken or missing doors and windows
 - (2) Deteriorated, ineffective or lack of waterproofing of foundations or floors;
 - (3) Deteriorated, ineffective or lack of exterior wall covering, including lack of paint or other approved protective covering;
 - (4) Deteriorated, ineffective or lack of roof covering;
 - (5) Broken, split, decayed or buckled exterior wall or roof covering;
 - (6) Gutters and downspouts which have deteriorated or are missing.
- (c) Defects increasing the hazards of fire or accident, including, but not limited to the following:
 - (1) Accumulation of rubbish and debris;
 - (2) Any condition, which may cause a fire or explosion or provide a ready fuel to augment the spread or intensity of fire or explosion arising from any cause.
- (d) Inadequate maintenance of grounds that detract from the visual qualities of the area, site or structure.

§ 1152.13 ADMINISTRATIVE FINDINGS (VIOLATIONS)

- (a) Upon receipt of notification of an alleged violation of this Chapter, the Historic Preservation Administrator and the Building Administrator shall investigate and inspect any such property within thirty (30) days after the initial notification. After such inspection, the Historic Preservation Administrator shall give written notice to the owner of record and any person in actual physical possession thereof stating in what respect the property is in violation of obtaining the appropriate COA or is substandard and setting forth the repairs, alterations or improvements required to correct such substandard conditions or preserve the property and a stated period of time in which the required work shall be done. Such notice shall also inform the owner of record and any person in actual physical possession thereof that said Historic Preservation Administrator's and Building Administrator's findings may be subject to the review and hearing before the HAPC, if such is requested.

- (b) When a hearing has been requested, the HAPC shall set forth the time and the place of the hearing and shall give written notice to the owner of record of the time, date and place of said hearing, and the HAPC shall give public notice of the same. Such hearing shall be held not more than forty-five (45) days after the request for the hearing or may be held within such a time as is mutually agreed upon by the HAPC and the owner of record..
- (c) At the hearing, the HAPC shall review the findings and orders of the Historic Preservation Administrator and Building Administrator and shall determine whether such findings are true and correct within the meaning of this Chapter. If the HAPC concurs with the findings that the affected property is substandard, the HAPC shall further determine whether the Historic Preservation Administrator's orders for corrections are reasonable and necessary to accomplish the purposes of this Chapter.
- (d) The HAPC shall in connection with such hearings receive such evidence as may be presented on behalf of any party of interest, and based upon such evidence, the HAPC shall issue its own order affirming, reversing, or modifying the order of the Historic Preservation Administrator.
- (e) An order of the HAPC shall bear the same authority and consequences as if issued by the administrators. The findings and the orders and the decision of the HAPC shall be transmitted in writing, not later than thirty (30) days following the date of the hearing, to the owner of record..
- (f) Regarding any property that is unoccupied or vacant, the HAPC upon review may, where appropriate and necessary, order the following:
 - (1) That all accumulations of flammable or combustible rubbish or debris be removed from the premises by the owner of record or person in possession of the building.
 - (2) That all windows, doors and other openings in any building on such property be locked, barricaded or otherwise secured by the owner of record of the property. Materials and methods used for securing buildings and affecting the exterior appearance of the building shall require a COA issued by the HAPC.

§ 1152.14 APPEAL

- (a) An applicant may appeal the denial of a COA to the Board of Zoning Appeals (BZA) within 21 days of the date of such denial. The BZA shall consider the appeal at its next regularly scheduled meeting or within 45 days. Consideration of an appeal is not a public hearing and does not require legal notice.
- (b) An official transcript of the meeting or meetings at which the application was considered must be provided to the BZA at the cost of the appellant and the appeal shall be limited to the transcript of the HAPC hearing. No new claims or evidence shall be heard and no additional testimony shall be permitted.
- (c) The BZA shall reverse the decision of the HAPC, in whole or in part, if it finds that the HAPC was unreasonable, arbitrary, or capricious in its application of this Chapter.
- (d) The BZA shall remand the application to the HAPC, in whole or in part, if it finds that the HAPC misinterpreted a provision of the applicable standards when making its decision or that the HAPC committed procedural error which substantively and adversely affected the rights of the applicant.

§ 1152.15 PENALTIES

- (a)** If any modification to a site or structure is made in violation of this ordinance is made or is imminent, the City may institute appropriate proceedings to prevent such unlawful actions.
- (b)** Whoever violates the provisions of this Chapter by failing to perform any act required or performing any act that is prohibited shall be guilty of a minor misdemeanor pursuant to Oxford Code Section 501.99
- (c)** Whoever is guilty of violating any provision of this Chapter a second time shall be guilty of a misdemeanor of the fourth degree pursuant to Oxford Code Section 501.99.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-04

Date – February 12, 2019

APPLICATION

Applicant:	City of Oxford
Action Request:	PC-2019-04, ZONING CODE TEXT AMENDMENT, New Chapter 1152, Historic and Architectural Preservation , City of Oxford, Applicant

DESCRIPTION

This application is the second step of a 2015-16 City Council goal to update Inventory, Code and Guidelines for Oxford Historic Districts. The first step was completed in 2017 and 2018. The current code for historic preservation is not in the zoning chapter, but in buildings as 1331. The proposed new chapter reflects much of the earlier code while also including modernizations following the updated inventory.

2008 COMPREHENSIVE PLAN

A prominent theme within the 2008 Comprehensive Plan is historic preservation. See below excerpt as well as attached 6 pages directly from the Comp Plan.

Objective 4

Preserve and enhance historic resources in the Mile Square including Uptown

Strategies

UD 4.1 Support the work of the Historic and Architectural Preservation Commission to preserve historic buildings and resources.

UD 4.2 Guide new construction and renovation of buildings in the City's Historic Districts by working with and enforcing the HAPC Design Guidelines.

UD 4.3 Enhance public places in the Mile Square and create new public places.

UD 4.4 Work with local and regional financing institutions to provide economic incentives for restoration of historically significant buildings in the Mile Square.

AGENCY REVIEWS

Police:	Received without comment
Engineering:	Received with comment
Econ. Dev.	Received with comment
Fire:	Received without comment

DECISION CRITERIA

A copy of the Text Amendment Decision Criteria is attached.

ANALYSIS

The Comprehensive Plan of 2008 includes an objective of preserving and enhancing historic resources in the Mile Square including Uptown. There are three historic districts: Uptown, University and Western. The attached amendment is a result of a process that originally was put into place in the 1980s when the first preservation movement occurred in Oxford. Then again in 1994 another major step was made with the adoption of a set of guidelines for architectural review. Efforts made in 2007 and 2011 were stalled by the lack of a comprehensive effort which led to the direction in 2015 that is currently underway. Some of the major changes in this new chapter are:

- Updated definitions to reflect terminology of 2018 Uptown Historic District Inventory
- Clarified procedures for all applications, districts and designations
- Added language to encourage historic building maintenance
- Added process for inspector to provide assessment of a building requested for demolition

The city retained the professional services of Wendy Moeller, FAICP, of Compass Point Planning to assist the Historic and Architectural Preservation Commission (HAPC) and Community Development Staff. Ms. Moeller took the existing chapter 1331 as well as the inventory that was previously completed in order to develop what was eventually approved and recommended by the HAPC.

The City sent letters and emails to over 300 property owners as well as held two open houses in order to collect public comments on the proposed code update. To date, there have not been substantial changes requested.

While many new buildings have been built since the original inception of the HAPC, there remain several vacant or underutilized properties, particularly in the Uptown district. The Uptown district receives the most requests for review from the HAPC. These code amendments position the community strategically to guide site development and exterior alterations in a way that is sensitive to the surrounding properties. The code amendment also presents a fair and predictable process that minimizes the perceived mystery of architectural review outcomes while also not removing the case-by-case analysis of an appointed board's expertise. Many HAPC cases do not require a full Commission meeting because of the small scope of change that they have; such as wall signs, paint color and awnings. However, major projects such as demolitions, façade alterations or new principal buildings, do require one or even two Commission meetings for a decision. The attached Code outlines the various processes and framework for this to happen. If this amendment is approved, the next step for the HAPC will be to complete an update of the Historic District Design Guidelines.

RECOMMENDATION

Deliberation of any zoning code change must follow the decision standards as outlined in Chapter 1135. Staff recommends that the Planning Commission review the proposed language, with any suggested revisions and forward to City Council for legislation.

SUBMITTED BY:



Sam Perry, AICP
Community Development Director

DATE: February 7, 2019

ATTACHMENT

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

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

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

Text Amendments

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

4. Urban Design

Chapter Outline:

- A. Overview
- B. Key Findings
- C. Objectives and Strategies

Urban Design Goal:

Honor and preserve the historic character of Oxford while embracing high quality design that complements existing development.

The Mile Square and historic areas of the city provide examples of the historic pattern of development that efficiently utilizes land resources.

A. OVERVIEW

This chapter identifies ways to conserve, protect and enhance the character of the existing built environment in Oxford while directing future development to complement the aesthetic qualities embodied by the historic Mile Square.

While the city is expected to grow in population, the way in which population growth is accommodated will have a profound impact on the City. If growth is maintained in the current low density suburban pattern the community will continue to be transformed. This type of development alters the distinct pattern and character, rich history and gently rolling landscape that makes Oxford unique. Building in a more compact traditional pattern will help maintain community character and help to achieve other goals of the Plan.

This chapter facilitates the blending of other Plan elements. These include decisions on land use, transportation policy, the location of utilities, the siting of housing and all other actions that affect the physical environment. Urban design focuses on creating an aesthetically pleasing environment in a sustainable pattern, while land use focuses on how land is utilized. The recommendations outlined in this chapter aim to preserve the historic character and quality of Oxford and guide new growth that complements the existing development pattern and built environment.

One of the main recommendations of the 1998 Plan was to implement design guidelines and plans to guide development and redevelopment in Oxford. The city has been successful at taking a number of steps toward this goal, such as developing and implementing the 1999 Uptown Parks and Streetscape Master Plan. More work is yet to be done to continue to create guidelines and strengthen existing standards to guide future development. This is particularly relevant to promoting redevelopment in the city. New plans and design guidelines should work to encourage redevelopment and meet the intent of the Conservation and Development Map and Concept Area Matrix.

B. KEY FINDINGS

This section summarizes the key findings from the public input and technical analysis completed as part of the Plan update. The development of the urban design policies outlined in this chapter was informed by what was learned from the public input, and the technical analysis of the existing conditions and trends.

Public Input

The public workshops, telephone survey and stakeholders' interviews generated hundreds of comments, many of which related to urban design. The most predominant themes are outlined below.

Preserve the small town character. (Also noted in the Land Use Chapter)

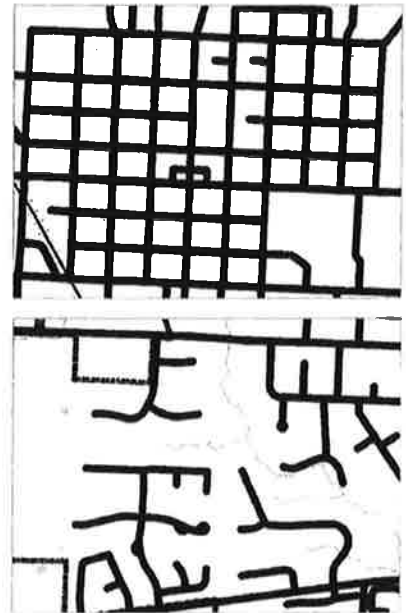
The public has a strong desire to preserve Oxford's small town character. This was mentioned directly and indirectly by making reference to the scale and quality of the physical environment that defines Oxford. Specific elements mentioned by the public include agricultural land, Uptown, neighborhoods and public spaces. The comments related to these elements indicate many residents prefer traditional neighborhoods as opposed to conventional subdivisions.

Increase parking opportunities in Uptown and the Mile Square.

A number of improvements have been made to the parking infrastructure in Uptown since the 1998 Plan. However, many residents still feel there is a parking problem in Uptown and the Mile Square, as was noted in the 1998 Plan. Residents enjoy the pedestrian orientation of these two districts but still desire the comfort of easy access via automobile to residences and businesses.

Encourage the development of green buildings.

Green building and conservation planning was a key theme derived from the public input. The comments made by the public indicate a desire for Oxford to be a leader in environmental planning and building.



The graphics above illustrate a comparison of the roadway network found within the Mile Square and a newer area of conventional suburban development. As shown, the Mile Square is characterized by a grid roadway network which serves a variety of uses, while the newer area of conventional suburban development (bottom) is characterized by a curvilinear roadway network with cul-de-sacs and large segregated single-use areas, which has changed the appearance and fabric of the city.



Above a residential area at the edge of the community showing how the road network and land use pattern have become disjunct as compared to the traditional neighborhood development pattern in the Mile Square shown below.



Preserve Oxford's historic districts and architecture.

The public strongly desires to protect the historic character of the community. This comment was mentioned repeatedly by participants in reference to buildings and districts. Preserving these places and structures is also critical to preserving the small college town character previously mentioned.

Existing Conditions and Trends

It is critical to understand and address the existing conditions in the city in order for Oxford to be a progressive community that capitalizes on the strength of its heritage and the aesthetic integrity of the built environment.

The current pattern of development has compromised the small college town character.

Beyond the Mile Square, the city has developed in a single use pattern. This approach to development over the last 30 years has put the small college town character of the community at risk. Recent development no longer follows the traditional street and block pattern of the original plat. New development has occurred that is built around wide streets, deep setbacks and a curvilinear road network. This changing development pattern has created areas that do not reflect the traditional development pattern found in Uptown and older historic neighborhoods, which shapes the community's identity, and is preferred by the public as noted by participants at the public workshops.

Uptown has experienced revitalization, but continues to lack year-round resident and/or family-oriented activities and establishments.

Uptown has experienced new growth and renewal over the last few years. Uptown continues to serve as the primary social gathering area for Oxford residents with an influx of new bars, restaurants, and coffee shops. Uptown however, as noted in the 1998 Plan, has become a more client specific business district catering mostly to students.

New commercial growth has occurred on the edge of the community along U.S. 27 North.

New commercial growth has occurred at the edges of Oxford over the last few years. This new growth has fundamentally changed the character of the gateway into Oxford along U.S. 27 North, and created new challenges to managing traffic, and maintaining the small town character of the community.

The character of the Mile Square continues to change from a traditional neighborhood with families to a rental district serving Miami University students. Increased population density and lack of a stable resident population is affecting the physical and social character of the Mile Square. Despite some recent reinvestment, the building stock in the Mile Square has continued to decline. As the student population has increased, many non-student residents have moved from the Mile

Square, and what were once owner-occupied housing units are being converted to rental housing.

Opportunities to coordinate with the Township on development standards.

With the recent update of Oxford Township's Plan in 2008, the city and township plans now reflect a more common vision for how to manage land resources at the edge of the city and in outlying rural areas. Both the city and township plans recommend developing conservation standards and preserving the rural character in the region.

C. OBJECTIVES AND STRATEGIES

Outlined below are six objectives and 24 strategies created to guide the quality and character of the urban form in the city. The objectives indicate a specific policy direction, while the strategies are detailed actions necessary to initiate or complete an objective such as a program, policy or a project.

Objective 1

Enhance the beauty and character of Oxford

Strategies

- UD 1.1 Ensure all new development follows the design regulations set forth in the zoning code and other design regulations set forth by the city, especially for the Mile Square.
- UD 1.2 Continue requiring new commercial buildings and sites to be developed with quality native landscaping and pedestrian accommodations.
- UD 1.3 Continue to work with property owners and the general public to enforce the property maintenance code.
- UD 1.4 Modify existing ordinances to support the development of mixed-use developments as shown on the Conservation and Development map and Concept Matrix.
- UD 1.5 Promote Neighborhood General patterns (see Character Area Map – Land Use Chapter) in new development and redevelopment.
- UD 1.6 Promote walkability and connectivity in new development.

Objective 2

Integrate public art into the built environment

Strategies

- UD 2.1 Integrate public art as part of capital improvements (community buildings and facilities).
- UD 2.2 Work with the Oxford Community Arts Center to explore the feasibility of an "artist-in-residency" program.
- UD 2.3 Encourage partnerships with local artists at the Community Arts Center to work on public art projects.
- UD 2.4 Provide incentives for private developments to include public art.



Many traditional homes in the Mile Square as shown on the left have been converted to student rentals like the image on the right. This has changed the character of the Mile Square and created code enforcement issues.



The Children's Experiential Garden is an example of how local groups have created valuable public areas enjoyed by many community members.

Artist-in-residence programs are designed to create opportunities for artists to live and work on art. These programs offer conditions that are conducive to creativity and they provide working facilities, ready to be used by individual artists.

Traffic calming devices are utilized to reduce vehicle speeds, improve safety, and enhance quality of life. Traffic calming devices are engineering measures that compel drivers to slow down. Traffic calming devices include traffic circles, roundabouts, chicanes, speed tables, medians and brick streets among others.



Many historic structures in and around Uptown, the Mile Square and the University create a local identity unique to Oxford.

- UD 2.5 Create spaces at public buildings and sites to showcase the artwork of local artists.

Objective 3

Make Uptown the civic center of the community

Strategies

- UD 3.1 Work with the Oxford Chamber of Commerce, CIC and the Visitors Bureau to continue to create new civic and cultural activities in the Uptown area.
- UD 3.2 Implement the Uptown Parks and Streetscape Master Plan to ensure the streetscape is well designed for all new development and redevelopment Uptown.
- UD 3.3 Continue to create traffic calming devices designed to enhance the pedestrian experience in Uptown.
- UD 3.4 Maintain the civic presence of governmental buildings in the Uptown.

Objective 4

Preserve and enhance historic resources in the Mile Square including Uptown

Strategies

- UD 4.1 Support the work of the Historic and Architectural Preservation Commission to preserve historic buildings and resources.
- UD 4.2 Guide new construction and renovation of buildings in the City's Historic Districts by working with and enforcing the HAPC Design Guidelines.
- UD 4.3 Enhance public places in the Mile Square and create new public places.
- UD 4.4 Work with local and regional financing institutions to provide economic incentives for restoration of historically significant buildings in the Mile Square.

Objective 5

Collaborate with regional jurisdictions on design standards

Strategies

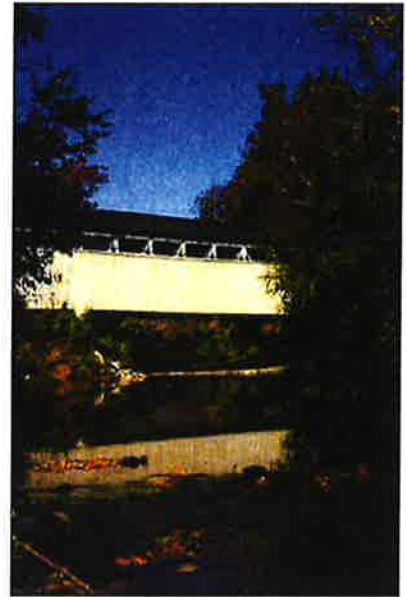
- UD 5.1 Coordinate with Oxford Township and Butler County to develop consistent design guidelines for development in rural areas that may be annexed.
- UD 5.2 Work with individual property owners and developers to join open spaces when cluster developments are designed and built in proximity to each other.

Objective 6

Continue to preserve the local rural heritage

Strategies

- UD 6.1 Preserve the scenic quality of the rural landscape by defining the edge of the community.
- UD 6.2 Preserve and protect rural areas in collaboration with surrounding jurisdictions.
- UD 6.3 Preserve the natural transitions from rural to urban at the gateways to Oxford including along US 27 and State Route 73.

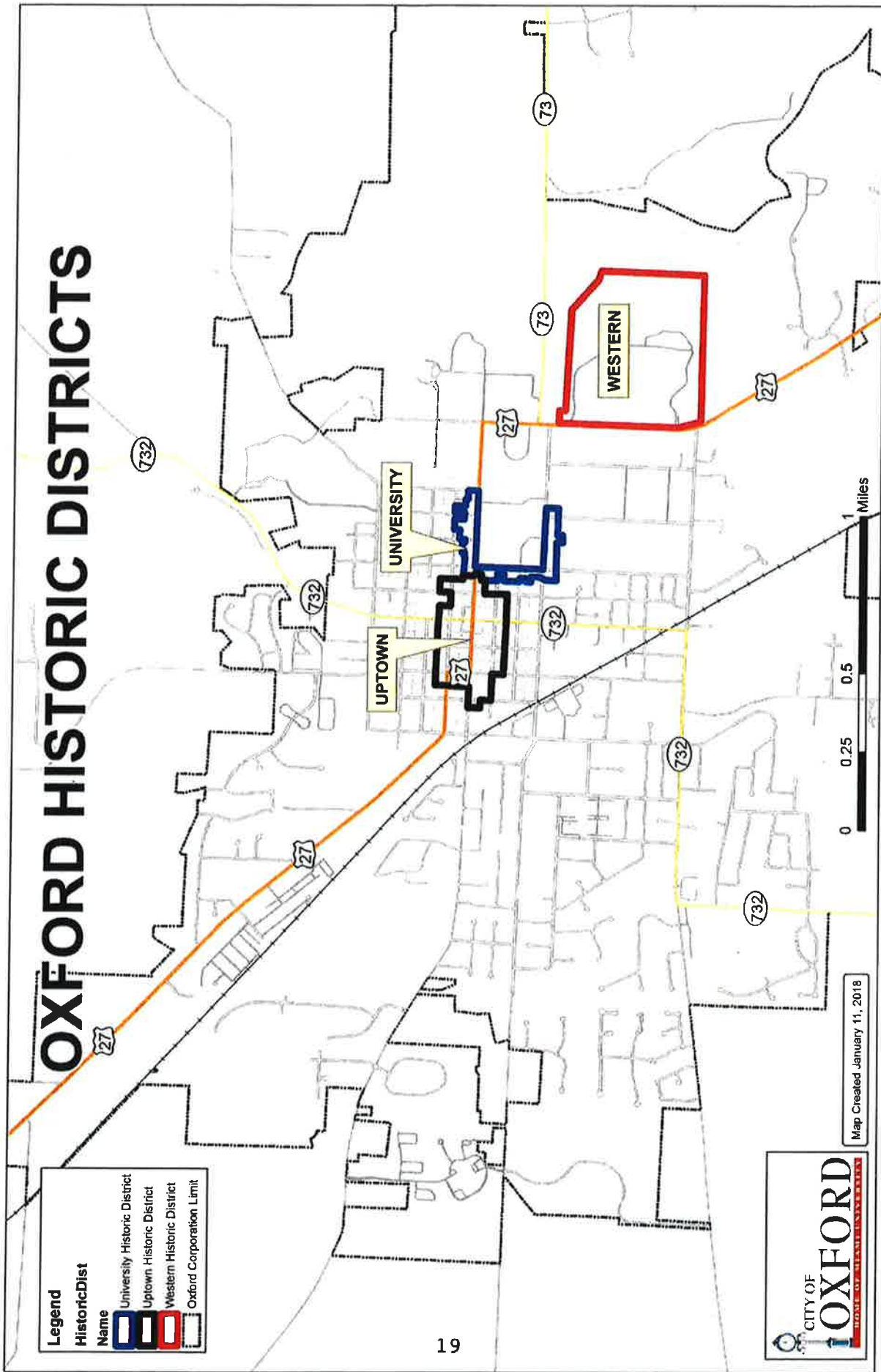


Many rural and natural features surrounding the city create a distinct character for the community. The Black Covered Bridge is an example of a natural and physical element that defines the rural character of the community.

The edge is the generally contiguous land that serves as a threshold separating urbanizing land from undeveloped, open land.

OXFORD HISTORIC DISTRICTS

Legend	HistoricDist
Name	
University Historic District	
Uptown Historic District	
Western Historic District	
Oxford Corporation Limit	



Map Created January 11, 2018



City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 17, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-04, ZONING CODE TEXT AMENDMENT to create a New Chapter in the Planning and Zoning Code, Chapter 1152, Historic and Architectural Preservation Commission, **City of Oxford, Applicant**

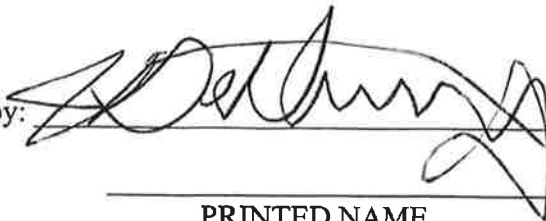
 X Review Revisions Other

Please return no later than: **February 5, 2019** 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: 1-24-19

PRINTED NAME

Inter-Office Review Transmittal Sheet

Date: January 17, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-04, ZONING CODE TEXT AMENDMENT to create a New Chapter in the Planning and Zoning Code, Chapter 1152, Historic and Architectural Preservation Commission, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 5, 2019** 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:

9/15/19

John A Jones

PRINTED NAME

Date:

1/18/19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 17, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-04, ZONING CODE TEXT AMENDMENT to create a New Chapter in the Planning and Zoning Code, Chapter 1152, Historic and Architectural Preservation Commission, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **February 5, 2019** 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: Scott Otto Date: 1/28/19

Scott Otto
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-04
Zoning Code Text Amendment – City of Oxford

DATE: January 28, 2019

The following is our comment:

- The proposed section 1152.08 (b) (2) states “If the Historic Preservation Administrator and the HAPC Chair determine a proposed municipal infrastructure improvement impacts the historic or architectural environment of a historic district, a COA shall be required.” Please consider revisions such as narrowing the definition proposed for “municipal infrastructure” or creating exemptions for certain municipal infrastructure maintenance projects. Otherwise it is understood as written a COA will be required for any type of curb & sidewalk replacement, street resurfacing, water or sewer replacement, or any other infrastructure maintenance project within the historic district.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 7, 2019

Zachary Moore
Prepared By:

Account Code No. #:

Budgeted Amount:

April 23, 2019
Date Prepared:

PC-2019-08, CONDITIONAL USE, Southpointe Parkway and US 27, to allow for the commercial development of property including a gas station, convenience store and additional commercial use building, Scott Webb, Applicant

Recommendation: Approval with conditions

Proposal Summary:

On behalf of 4Leaf Development LLC (Jim Clawson), applicant Scott Webb is requesting a conditional use permit to construct a new automobile service station, inclusive of a convenience store and additional commercial use building, on a vacant 2.391-acre site located at 3600 Southpointe Parkway. The lot is adjacent to the Annex and Level27 student housing complexes to the east and north respectively. The total amount of commercial floor area proposed is 9,000 square feet, along with a gas service canopy with five (5) 2-sided fuel pumps. The applicant proposes 2 full access points – 1 off US 27 and 1 off Southpointe. A similar conditional use application for a service station was approved by Council in 2008, but never executed and thus expired. The purpose of the conditional use process is to address the appropriateness of the proposed land use in the given location, as well as address the mitigation of any potential adverse impacts to the neighborhood resulting from the use.

Discussion and Recommended Conditions:

Much of the Planning Commission's discussion on this case revolved around limiting vehicular access to the site from US 27, pedestrian/bicycle connectivity to surrounding areas, and the effect the operation would have on the adjoining housing complexes, especially in regard to a new drive-thru lane in proximity to Level27. The proposal originally came before the Commission on March 12, where it was tabled pending additional detail and revisions. On April 9, the Commission voted 6-0-0 to recommend approval of the proposed conditional use to Council subject to the following conditions:

1. The applicant shall complete a Traffic Impact Study prior to issuance of a Building/Zoning Permit, and any roadway improvements deemed necessary by the study shall be installed to the satisfaction of the City Engineer.
2. That, the proposed entrance/exit drive on US 27 shall be right-in/right-out only and located as far away from the signalized intersection as possible.
3. That, the installation of a curb ramp and crosswalk for a Southpointe Parkway pedestrian crossing along the north side of the proposed driveway that is aligned with the new sidewalk in front of the proposed commercial space. The curb ramp and crosswalk shall meet City of Oxford standards, and shall provide an uninterrupted connection between both existing sidewalks on either side of Southpointe.
4. That, the two parcels affected by the conditional use (H4100-143-000-003 & H4100-143-000-007) shall be consolidated together as one parcel, prior to approval of a Building/Zoning Permit.
5. That, all merchandise, with the exception of fuel and air, shall be restricted to the inside of a commercial structure.

6. That, the Plans submitted at the time of Building/Zoning Permit application shall:
 - a. Not show pavement setbacks any closer to the right-of-way than as depicted on Sheet C-1 Preliminary Site Plan (dated March 20, 2019).
 - b. Conform to architectural renderings on Sheet A-2 (dated March 20, 2019).

The Planning Commission also approved the following waivers:

1. The required 150-foot maximum front yard setback affecting the principal building façade shall be reduced from 75% to 50%.
2. Two logo wall signs may be located on the proposed gas canopy structure as shown on Sheet A-2 (dated March 20, 2019) in excess of the provision specifying one wall sign per tenant in 1151.05(a)(3)(A)(2)(a); such signs shall comply with all other applicable zoning standards.

Approved By:

Department Head:

City Manager:

DRE / 5-1-19

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE COMMERCIAL DEVELOPMENT OF PROPERTY LOCATED ON SOUTHPOINTE PARKWAY TO INCLUDE A GASOLINE STATION, CONVENIENCE STORE WITH A DRIVE UP WINDOW AND AN ADDITIONAL COMMERCIAL USE BUILDING IN THE GB (GENERAL BUSINESS) DISTRICT WITH CONDITIONS.

WHEREAS: the Planning Commission held a public hearing on April 9, 2019 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a conditional use permit to allow for the commercial development of property located on Southpointe Parkway to include a gasoline station, convenience store with a drive up window and an additional commercial use building in the GB (General Business) District; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow for the commercial development of property located on Southpointe Parkway to include a gasoline station, convenience store with a drive up window and an additional commercial use building in the GB (General Business) District with conditions.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: 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 for the commercial development of property located on Southpointe Parkway to include a gasoline station, convenience store with a drive up window and an additional commercial use building in the GB (General Business) District with the following conditions:

1. The applicant shall have a Traffic Impact Study completed prior to the issuance of a Building/Zoning Permit. Any roadway improvements deemed necessary by the study shall be installed to the satisfaction of the City Engineer.
2. The proposed entrance/exit drive on US 27 shall be right-in/right-out only and located as far from the signalized intersection as possible.
3. A curb ramp and crosswalk shall be installed for a Southpointe Parkway pedestrian crossing along the north side of the proposed driveway that is aligned with the new sidewalk in front of the proposed commercial space. The curb ramp and crosswalk shall meet City standards, and shall provide an uninterrupted connection between both existing sidewalks on either side of Southpointe Parkway.
4. Two parcels affected by the conditional use permit (H4100-143-000-003 and H4100-143-000-007) shall be consolidated as one parcel prior to the approval of a Building/Zoning Permit.
5. All merchandise with the exception of fuel and air shall be restricted to the inside of a commercial structure.

6. The plans submitted with the Building/Zoning Permit application shall:
 - a. Not show pavement setbacks any closer to the right-of-way than as depicted on Sheet C-1 Preliminary Site Plan (dated March 20, 2019).
 - b. Conform to the architectural renderings as depicted on Sheet A-2 Building Design (dated March 20, 2019).
7. The required 150 foot maximum front yard setback affecting the principal building façade shall be reduced from 75% to 50%.
8. Two logo wall signs may be located on the proposed gas canopy structure as depicted on Sheet A-2 Building Design (dated March 20, 2019) in excess of the provision specifying one wall sign per tenant in 1151.05(a)(3)(A)(2)(a); such signs shall comply with all other applicable zoning standards.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Memo



To: Planning Commission

From: Zachary Moore, Planner

Date: 4/9/2019

Re: PC-2019-08 – Revisions to Gas Station Proposal at Southpointe Pkwy & US 27

ADDENDUM

After consulting with the City Engineer, Community Development staff proposes the following revision to Condition #1 as was recommended in the April 1 memo:

1. The applicant shall complete a Traffic Impact Study prior to issuance of a Building/Zoning Permit, and any roadway improvements deemed necessary by the study shall be installed to the satisfaction of the City Engineer.

The purpose of this revision is to clarify the purpose and intent of the TIS, and provide direction on when it must be completed.

Memo



To: Planning Commission

From: Zachary Moore, Planner

Date: 4/5/2019

Re: PC-2019-08 – Revisions to Gas Station Proposal at Southpointe Pkwy & US 27

PRIOR DISCUSSION & MOTION

The Planning Commission reviewed Case No. PC-2019-08 at its meeting on March 12, 2019. Staff had recommended tabling the case due to insufficient information provided at that time. Nonetheless, this meeting offered the applicant an opportunity to present the proposal and gather feedback from the Commission. Comments expressed by Commission members following the staff presentation include the following:

1. Mr. Watt asked a question about the proximity of the gas pumps & canopy to the associated convenience store (retail counter), and whether there were any relevant codes or best practices, specifically with regard to public health & safety. In response, the City's Building Official has provided the following information on applicable provisions from the 2017 Ohio Fire Code:
 - Fuel pumps must be at least 10 feet from all lot lines.
 - Fuel pumps must be at least 10 feet from building/walls generally found to be combustible, per the fire code – a canopy structure meeting relevant building codes is not subject to this.
 - Fuel pumps must be positioned so that all vehicles being fueled can be parked within the confines of the facility premises.
 - Fuel pumps must be at least 20 feet from fixed sources of ignition.
 - Since this is an "exterior" fuel dispensing operation, the emergency disconnect switch must be located outside, within 20-100 feet from fuel pumps. The switch shall be labeled as required per code.
 - There is no code provision addressing the distance of fuel pumps from an associated convenience store or point of sale.
2. Mr. Daniels expressed a concern about a parcel consolidation allowing for the possibility of pavement being situated closer to the right-of-way. Staff informed the Commission there is a 35-foot setback requirement for paved parking areas, though this would enable the pavement to be brought 15 feet closer than the 50-foot buffer parcel currently in place.
3. There was much discussion about traffic circulation and accessibility, especially on how the proposal would accommodate pedestrian and bicycle traffic. There was general consensus that the right-in "enter only" lane should be removed. A chief concern was people using the site as a quicker cut-

through to avoid the signal at 27 & Southpointe – to this point, Mr. Watt suggested re-positioning the curb cut on Southpointe further south and reorienting the canopy. Regarding the main access point on US 27, some members felt a conversion to right-in/right-out was unnecessary (left turns onto/from US 27 not a problem), while others voiced support for full access so long as a bike/ped connection was provided to create a safe cut-through to/from the student housing complexes.

4. Another topic was outside storage of merchandise (oil, antifreeze, mulch, etc.). Staff's response was that this was a zoning enforcement issue, since a regulation prohibiting this is provided in the Zoning Code [1147.0 3(b)(5)(B)(1)].
5. There was discussion about whether the existing berm should be retained, and how the overall gas station use could be designed and "softened" so as to create a pleasing gateway into the City. Mr. Smith commented that a more proper gateway impression could be created by situating the canopy toward the rear of the site and bringing the structures closer to the front.

The Commission voted unanimously to **table** the application, pending additional details and revisions to the site design.

COMMENTARY ON REVISIONS

Staff believes the newly submitted site plan is significantly better than the previous plan, and addresses many of the concerns and code issues posed during the first round of review. Changes to the plan are discussed by topic below:

1. **Drive Through:** The menu board now complies with the 50-foot setback requirement from a residential zoning district (setback increased from 32 feet to 53 feet); this also results in an increased distance from the nearest residential structure from 82 feet to 100 feet. Queuing spaces are also shown to comply with Code requirements (7 required; 10 provided). The plan shows preservation of existing trees, along with an evergreen hedge planted in front to provide extra screening from the Level27 complex to comply with district standards.
2. **Landscaping:** A total of ten (10) trees are required specific to parking regulations pursuant to Section 1149.05(e)(6)(B), and a total of thirty (30) trees are required in the front yard specific to the GB district pursuant to Section 1143.12(d)(2) of which 50% – fifteen (15) trees – must be hardwood type. Trees must be 2-inch caliper and 6 feet tall upon planting, and existing trees can count toward the requirements. The applicant has provided a landscaping plan showing sixty-seven (67) trees, of which twenty-one (21) are evergreens, twelve (12) are hardwoods, and thirty-four (34) are ornamentals. Staff believes the landscaping proposed is sufficient in terms of softening the site and recommends approval of this latest plan as part of the conditional use.
3. **Lighting:** Nine (9) light pole locations are shown on the plan; these will need to comply with the zoning height limit of sixteen (16) feet and provide sufficient security lighting without spillover onto adjoining properties. Gas canopy lighting is to be recessed. There are also three (3) decorative wall lights (on the front

facades) and two (2) shielded wall-pack lights (on the rear and side facades) per structure.

4. **Parking, Circulation, and Pedestrian Access:** The number of parking spaces has increased from thirty-three (33) to forty (40), which is still under the zoning maximum. The applicant has eliminated the curved right-in “enter only” lane, though the full access point off US 27 has been left in place. City Engineer Scott Otto has provided an updated memo with provisions cited from the ODOT and Butler County Access Management Manuals supporting his original recommendation for downgrading this access point to a right-in/right-out only. With consolidation of the 2 parcels now incorporated as part of the proposal, this has enabled the parking area to be shifted southward thus allowing for an increased setback from Level 27. However, this did result in approximately 1,000 square feet of pavement space stretching past the 35-foot required parking space setback. The parking spaces, as well as the convenience store and gas canopy, are now re-oriented to be parallel with one another and at a slight angle to the rest of the site. Generally speaking, proposed pedestrian circulation remains the same; no separate bikeway is provided as was previously suggested by some Commission members.
5. **Signage:** A location for a freestanding ground sign is shown near the signalized intersection. The applicant’s rendering also shows five (5) wall sign locations: two (2) for the convenience store building, two (2) for the separate commercial building, and one (1) on the gas canopy advertising the Shell brand. A waiver is needed for the canopy sign, since the number of wall signs is determined by the number of tenants and there could very well be 2 tenants in each building.

STAFF RECOMMENDATION

Staff recommends **approval** of the conditional use application subject to the following conditions:

1. A Traffic Impact Study shall be required.
2. Installation of a curb ramp and crosswalk for a Southpointe Parkway pedestrian crossing along the north side of the proposed driveway that is aligned with the new sidewalk in front of the proposed commercial space. The curb ramp and crosswalk shall meet City of Oxford standards, and shall provide an uninterrupted connection between both existing sidewalks on either side of Southpointe.
3. The two parcels affected by the conditional use (H4100-143-000-003 & H4100-143-000-007) shall be consolidated together as one parcel, prior to approval of a Building/Zoning Permit.
4. All merchandise, with the exception of fuel and air, shall be restricted to the inside of a commercial structure.
5. Plans submitted at the time of Building/Zoning Permit application shall:
 - a. Not show pavement setbacks any closer to the right-of-way than as depicted on Sheet C-1 Preliminary Site Plan (dated March 20, 2019).
 - b. Conform to architectural renderings on Sheet A-2 (dated March 20, 2019).

6. The following waivers shall be granted:
- a. The required 150-foot maximum front yard setback affecting the principal building façade shall be reduced from 75% to 50%.
 - b. One (1) wall sign may be located on the proposed gas canopy structure as shown on Sheet A-2 (dated March 20, 2019) in excess of provision specifying one (1) wall sign per tenant in 1151.05(a)(3)(A)(2)(a); such sign shall comply with all other applicable zoning standards.

✓

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 26, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE, Southpointe Parkway and US 27, to allow for the commercial development of property including a gas station and drive up window, Scott Webb, Applicant, Agent, Tabled 3/12/2019

- **The Planning Commission at their March 12, 2019 meeting tabled this case. Mr. Webb has resubmitted drawings reflecting discussion at that meeting. One of the main items changed was the removal of the second curb cut off 27S.**

 X Review Revisions Other

Please return no later than: **April 2, 2019** 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:



PRINTED NAME

Date: 3-28-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 26, 2019

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE, Southpointe Parkway and US 27, to allow for the commercial development of property including a gas station and drive up window, Scott Webb, Applicant, Agent, **Tabled 3/12/2019**

- The Planning Commission at their March 12, 2019 meeting tabled this case. Mr. Webb has resubmitted drawings reflecting discussion at that meeting. One of the main items changed was the removal of the second curb cut off 27S.

 X Review Revisions Other

Please return no later than: **April 2, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

see memos dated 3/26/19 & 3/28/19
-SAO

Drawings reviewed by: Scott Otto Date: 3/28/19

 Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-08
Conditional Use – Commercial Development of Property including a
gas station – Southpointe Parkway and US 27

DATE: March 28, 2019

The Engineering Division offers the following comments:

- A Traffic Impact Study is needed.
- Due to being within the area of the southbound left turn only lane, make the proposed entrance / exit drive on US 27 right in/out only and located as far away from the signalized intersection as possible.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: City of Oxford Planning Commission

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-08
Conditional Use – Commercial Development of Property including a
gas station – Southpointe Parkway and US 27

DATE: March 26, 2019

As a follow-up to my comments provided for the March 12, 2019 Planning Commission, I would like to offer additional information regarding right turn-in/out only driveways. The main reason for my recommendation of a right turn-in/out driveway is safety. Federal Highway Administration (FHWA) research has shown a 50 percent reduction in total accidents at a driveway when left turn maneuvers are eliminated. The site is located at the corner of a signalized intersection, therefore left turns into and out of the site are possible even with the right turn-in / out driveway, they can be done during the protected left turn phases of the traffic signal.

Southbound traffic on Millville Oxford Rd. can access the site by performing a protected left turn onto Southpointe Parkway, and traffic leaving the site can perform a protected left turn from Southpointe Parkway and continue southbound on Millville Oxford Rd. With the site's proximity to Talawanda High School and student housing developments, controlling left turns at the traffic signal would prevent inexperienced drivers from having to use their judgement to make an unprotected left turn in a 45 mph speed limit zone.

The Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office both have access management regulations that were referenced in making my recommendations.

The ODOT State Highway Access Management Manual, section 4.0 addresses access at driveways. Section 4.1 (D) (a) (i) states "No direct private access will normally be permitted if the property has other reasonable access or opportunity to obtain such access from the local street network. If allowed, the access will generally be restricted

to right-in/right-out.” Section 4.1 (D)(a) (iii) states “Left turn movements out of a proposed driveway will not be allowed onto multi-lane roadways where the turning vehicle must cross 3 or more lanes of through traffic (includes positive left turn lanes but not a two-way left turn lane)”. Section 4.4, Driveway Proximity to an Intersection states “In most cases driveways near intersections shouldn’t allow full movements in/out if those movements are required to cross left turn lanes serving the intersection on the adjacent primary street. Driveways should not be permitted within the boundaries of a turn lane, but if there is no other option, consideration should be given to limiting the drive to right-in / right-out or right-in only.”

The Butler County Access Management Regulations (Effective January 1, 2005), section 2.01 states “Driveways or service drives shall be located on the lowest order of public roadway on which the lot has frontage...”. The right turn-in / out driveway was recommended as a middle ground to the Butler County Access Management Regulations, the goals of the developer, and the ODOT State Highway Access Management Manual. The drive island can be constructed with an ADA-compliant pedestrian crossing so that current sidewalk access is maintained.

The information provided above was used in making my recommendation of the right turn-in / out driveway, a recommendation supported by the Community Development Department. I request you, as a Commission, find agreement with this recommendation so we can avoid placing City staff in the difficult position to approve a development with conditions not supported by highway access management standards.

Respectfully,

Scott Otto, PE
City Engineer

Inter-Office Review Transmittal Sheet

Date: March 26, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE, Southpointe Parkway and US 27, to allow for the commercial development of property including a gas station and drive up window, **Scott Webb, Applicant, Agent, Tabled 3/12/2019**

- The Planning Commission at their March 12, 2019 meeting tabled this case. Mr. Webb has resubmitted drawings reflecting discussion at that meeting. One of the main items changed was the removal of the second curb cut off 27S.

X	Review	Revisions	Other
---	--------	-----------	-------

Please return no later than: **April 2, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

would echo the concerns that the Planner and Engineer raise with the curb cut on US 27. ~~See~~

Traffic turning left from 27 would cause backups and block existing turn lane. I believe this should be right in and right out only.

Supportive of the ~~proj~~ project overall as this is needed on south end of City.

Drawings reviewed by:

Date:

John A. Jones, Police Chief

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: March 26, 2019

To: Fire Department Engineering Division Police Department **Econ Dev Department**

From: Community Development Department

PC-2019-08, CONDITIONAL USE, Southpointe Parkway and US 27, to allow for the commercial development of property including a gas station and drive up window, Scott Webb, Applicant, Agent, **Tabled 3/12/2019**

- The Planning Commission at their March 12, 2019 meeting tabled this case. Mr. Webb has resubmitted drawings reflecting discussion at that meeting. One of the main items changed was the removal of the second curb cut off 27S.

☒ Review ☐ Revisions ☐ Other

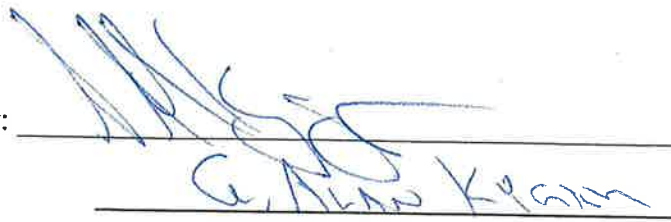
Please return no later than: **April 2, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

This site is zoned GB, General Business. Retail is a Permitted Use and a Fueling Center is a permitted with Conditional Use with approval. Both a Fuel Center and Retail make perfect sense for this location.

As far as curb cuts and traffic patterns, I will allow the City Engineer and traffic specialists handle that section of the proposal.

Drawings reviewed by:


G. Alan Keenan

PRINTED NAME

Date:

3-29-19

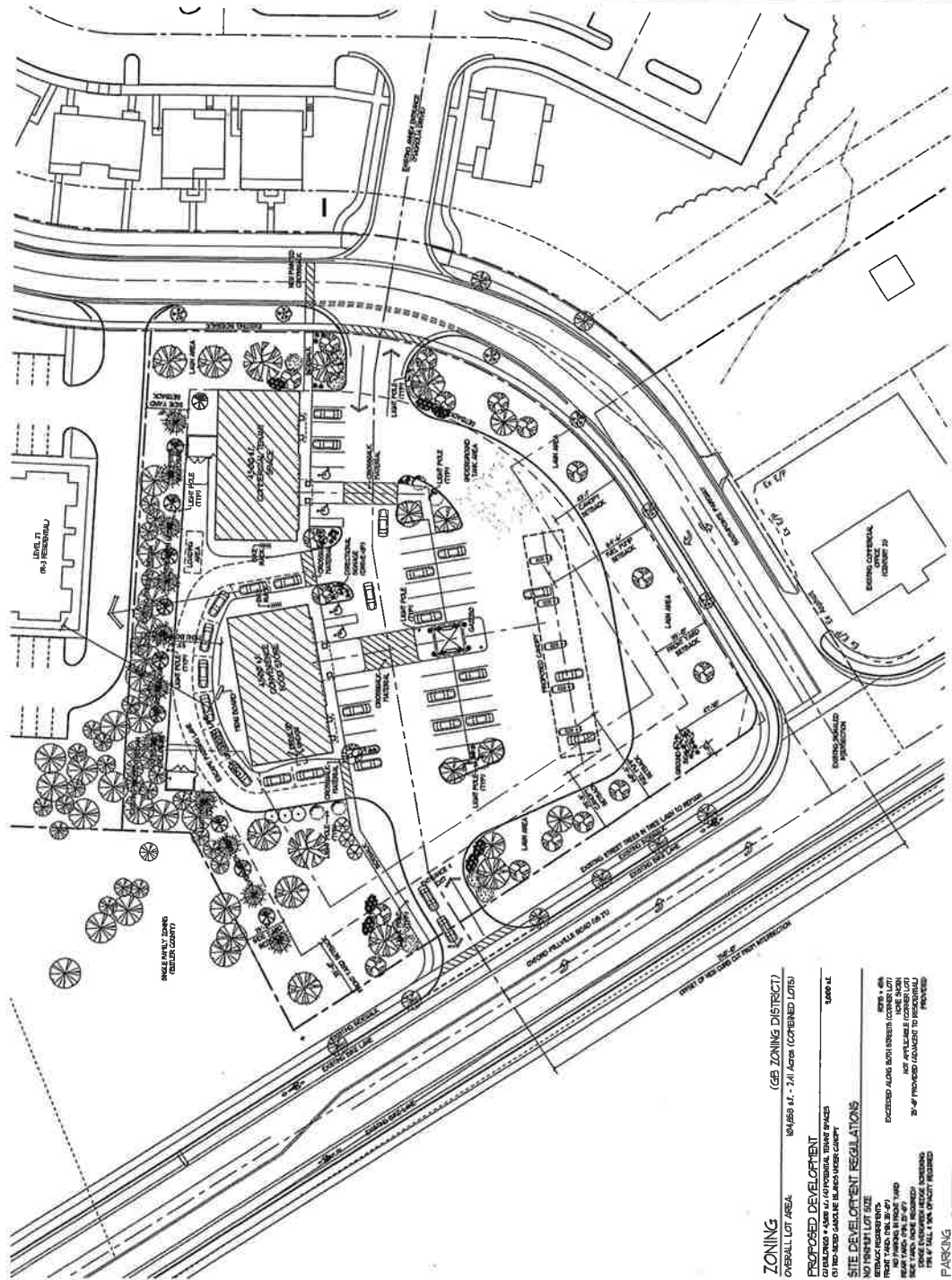


REVISIONS

PROPOSED NEW COMMERCIAL DEVELOPMENT
SOUTHPOINTE PARKWAY
OXFORD, OHIO 43086

March 20, 2009

1-5



PRELIMINARY SITE PLAN

ZONING (CB ZONING DISTRICT)
OVERALL LOT AREA 54,880 s.f. - 2.11 Acres (OPENED LOTS)

PROPOSED DEVELOPMENT
110,000 s.f. COMMERCIAL BUILDING
150 CAR GARAGE (100 CAR GARAGE)

NO IMPROVEMENTS
EXISTING ALONG BOTH SIDES CORNER LOT
FRONT YARD (100' x 20')
SIDE YARD (100' x 20')
REAR YARD (100' x 20')

USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

PARKING
EXISTING ALONG BOTH SIDES CORNER LOT
FRONT YARD (100' x 20')
SIDE YARD (100' x 20')
REAR YARD (100' x 20')

USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

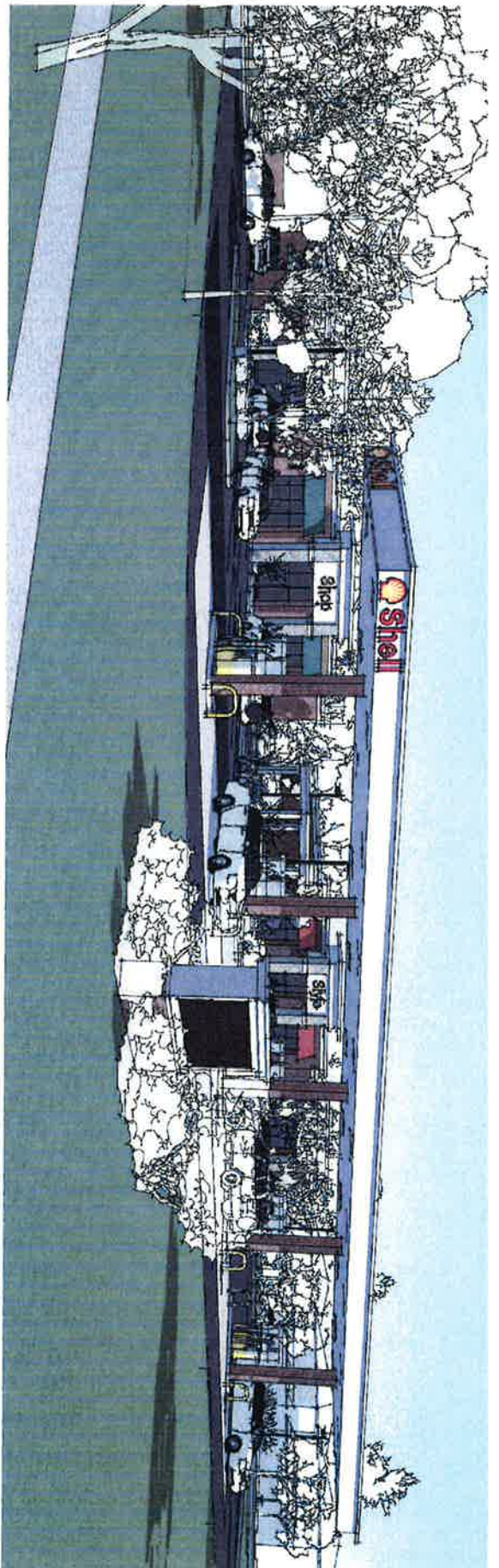
USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

USE SPECIFIC REGULATIONS
GAS STATION WITH CONVENIENCE STORE
NO OUTDOOR SALES OF MERCHANDISE
NO DRIVE-THROUGH RESTAURANT FACILITIES
NO DRIVE-THROUGH RESTAURANT FACILITIES

- [illegible]



BUILDING DESIGN

MIN. 60% GLAZING BETWEEN 25 AND 7 FEET IN HEIGHT ABOVE GRADE ALONG THE ENTIRE FRONT FACADE. BUILDING PROVIDES ARTICULATION IN HEIGHT AND SETBACK. THE PRINCIPAL STRUCTURE IS FINISHED, UTILIZING AT MORE THAN 50% NATURAL MATERIALS INCLUDING BRICK, STONE, MASONRY, & GLASS



PRELIMINARY BUILDING DESIGN



SCOTT
WEBB

ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
614.523.9338
www.scottwebbarchitect.com

PROPOSED NEW COMMERCIAL DEVELOPMENT

Southpointe Crossing

SOUTHPOINTE PARKWAY
OXFORD, OHIO 45056

DATE

March 28, 2013

REVISIONS

A-2

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-08

Date – March 12, 2019

GENERAL INFORMATION

Applicant:	Scott Webb, Architect
Location:	Southpointe Parkway & US 27
Owner:	Jim Clawson, 4-Leaf Development LLC
Action Request:	Conditional Use Permit Application for a new Automobile Service Station with Drive-up Window, plus additional commercial structure
Current Use:	Vacant Land
Lot Size:	1.669 acres
Zoning:	GB (General Business) District
Surrounding Land Uses:	Residential Multi-Family, Commercial, Agricultural/Vacant Land

PROPOSAL SUMMARY

On behalf of 4-Leaf Development LLC, Scott Webb is requesting a conditional use permit to construct a new automobile service station, inclusive of a convenience store and additional commercial use building, on a vacant 1.669-acre site located at 3600 Southpointe Parkway. The lot is adjacent to the Annex and Level 27 student housing complexes to the east and north respectively. The total amount of commercial floor area proposed is 9,000 square feet, along with a gas service canopy with five (5) 2-sided fuel pumps. A similar conditional use application for a service station was approved by City Council in 2008, but never executed and thus expired. A convenience store in this location will provide a service within reasonable walking distance to those residing in the nearby housing complexes, reducing the need to travel elsewhere for goods. The use will also serve visitors/travelers along US 27 who may be heading into or out of town. The conditional use process is intended to address the appropriateness of the proposed use in the given location, as well as address the mitigation of any potential adverse impacts to the neighborhood resulting from the use.

AGENCY REVIEWS

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

Police:	Returned with comments
Fire:	Returned without comments
Engineering:	Returned with comments
Econ. Dev.:	No comments returned

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. No public comments have been received as of this report.

STAFF RECOMMENDATION

As mentioned throughout this report, staff believes the amount of information/detail provided is insufficient, and therefore recommends the project be **tabled** by the Planning Commission. The following are potential conditions of approval to be recommended, once sufficient detail is provided:

- 1) A Traffic Impact Study shall be required.
- 2) The right enter only drive shall be removed due to its close proximity to the signalized intersection.

- 3) The proposed entrance/exit drive on US 27 shall be right-in/right-out only and located as far away from the signalized intersection as possible.
- 4) Installation of a curb ramp and crosswalk for a Southpointe Parkway pedestrian crossing along the north side of the proposed driveway that is aligned with the proposed sidewalk in front of the proposed commercial tenant space. The curb ramp and crosswalk shall meet City of Oxford standards.
- 5) The two parcels affected by the conditional use (H4100-143-000-003 & H4100-143-000-007) shall be consolidated together as one parcel, prior to approval of a Building/Zoning Permit.
- 6) Sufficient screening shall be provided to buffer the drive-through lane from the adjoining residential area to the north. Screening shall consist of either landscaping, or a combination of landscaping and fencing, and provide one hundred (100) percent opacity for a height of at least eight (8) feet from grade.

STAFF ANALYSIS

History

The site has been involved in numerous past applications and approvals by entities including the City of Oxford, as well as Butler County prior to annexation. A summary of the relevant case history is provided below:

- **16 Dec 2004, Preliminary PUD Approval:** Butler County Commissioners approve application from 4-Leaf Development LLC to rezone approximately 174 acres of land from A-1 to B-PUD & R-PUD, by Res. 04-12-3188. A few notable requirements included a boulevard connector road, density cap of 12 du/ac, screening/mounding to block view of the PUD from US 27 and adjoining properties, and a minimum 50-foot wide perimeter buffer. Originally the area was planned as a combination of residential and office “tech park” uses.
- **23 May 2006, Development Agreement:** City of Oxford enters into a Development Agreement with 4-Leaf Development LLC and OXO1 Ltd. The agreement provided that the property would be zoned consistent with the prior-approved PUD.
- **7 Aug 2007, Annexation & Zoning Map Amendment:** City Council accepts annexation petition by Ord. No. 2965 and rezones PUD property to Oxford zoning classifications OI, R3, R1A, and R2A by Ord. No. 2966. These zoning classifications were found to most closely align with the PUD previously approved by the County.
- **6 May 2008, Zoning Map Amendment R3 to GB:** City Council approves rezoning of 3.26-acre site from R3 to GB, by Ord. No. 3001. This approval served to formalize a correction of the previous zoning map amendment to be consistent with the prior approved PUD, which had identified the area as being “Commercial” and part of the B-PUD rather than the R-PUD.
- **5 Aug 2008, Conditional Use for Service Station:** City Council approves Conditional Use Application for Service Station by Ord. No. 3009. The plan included a 9,300 square foot retail building, gas service canopy with 10 pump islands, and two access points from Southpointe Parkway. The existing earth mound along US 27 was to be retained, in order to soften the gateway into the City and deter the appearance of a “roadway oriented” commercial area.
- **20 Oct 2009, Extension of Conditional Use for Service Station:** City Council approves Extension of Conditional Use Approval for Service Station by Ord. No. 3083. Extension was for 6 months and expired on May 20, 2010.

Commentary

Staff comments on site conditions and a number of key development aspects are provided below:

- **Drive Through:** A drive-through is proposed to the rear of the 4,500 square-foot convenience store. Two lanes are shown, with one dedicated to the drive-through line and another serving as a

“bypass” around the area to allow for continuous availability of access to 2 dumpster enclosures serving both commercial buildings.

- The drive-through menu board is located approximately 32 feet from the Level 27 Apartments property line, and 82 feet from the nearest residential structure associated with Level 27. A landscaped strip is also proposed between the driveway and the Level 27 property line. The drive-up window is proposed to be located on the western side of the convenience store. As proposed, the placement of the drive-up menu station does not comply with Section 1147.03(b)(10), which requires a minimum setback of fifty (50) feet from a residential zoning district.
 - A total of seven (7) queuing spaces and one (1) exit space is required for the drive-thru, per Section 1149.05(e)(3). Revisions to the site plan are needed to demonstrate compliance with these “stacking” space requirements.
- **Landscaping:** A total of nine (9) trees are required for the site per Section 1149.05(6)(B). Upon planting, these trees are required to be a minimum of six (6) feet tall with a minimum two (2) inch caliper. A sufficient number of trees appear to be shown to meet this requirement. The majority of landscaping proposed for the site is located along the northern property boundaries, and in the northeast corner. No landscaping is shown between pavement areas and public roadways in the southern portion of the site.
- **Lighting:** No information has been provided on light fixtures or canopy lighting proposed for the development. Lighting fixtures will need to meet the standards of the Oxford Zoning Code.
- **Loading:** Since the total building area is 9,000 square feet, only 1 loading space (measuring 10 ft by 25 ft) is required per Section 1149.05(e)(2). Additional detail is needed to show exactly where this space will be located.
- **Mounding:** Mounding is currently present bordering along the east side of US 27. The mounds are recognized as a remnant of past approval of the site as a Planned Unit Development by Butler County, which had required a 50-foot wide buffer perimeter around the entirety of the 174-acre PUD. The prior 2008 plan had preserved and incorporated the buffer mound into the overall site plan, with trees/landscaping planned on top. The applicant has indicated the current plan is to completely remove the mounding and flatten the area, to enhance the visibility of the site from the highway.
- **Parking and Circulation:** A variety of topics are discussed below:
 - The parking pavement shown does not comply with Section 1149.05(a)(2), which requires a minimum setback of six (6) feet from any lot line. Instead, pavement is shown to be contiguous to the lot line. A condition is recommended requiring consolidation of the lots together to eliminate this issue.
 - The required number of parking spaces is thirty (30), pursuant to Section 1149.03(i) which requires *1 per each 300 square feet of usable floor area for a retail store.* $(9,000 / 300 = 30)$. A total of thirty-three (33) spaces are shown on the plan.
 - The City Engineer has recommended removal of the right-in “enter only” lane from northbound US 27, as well as downgrading the proposed full access point on US 27 to a “right-in/right-out” only. Community Development staff supports this recommendation, as a full access point at its proposed location poses safety concerns with left turns to and from US 27 interfering with the dedicated left turn lane for Southpointe Parkway. Circulation will be better improved by restricting direct access to/from US 27 and allowing

Southpointe, as an existing signalized intersection, to serve as the primary point of access serving the site.

- **Pedestrian Access:** Pedestrian access is proposed to access an existing sidewalk along the north/west side of Southpointe Parkway, connecting to the commercial structures and parking area, and tying-in to another existing sidewalk along US 27. The proposed pedestrian circulation will improve the overall network by providing a cut-through for pedestrians to travel between the US 27 sidewalk and the student housing complexes without having to travel by way of the Southpointe Parkway intersection. To better facilitate connectivity of the site, the City Engineer has requested a new crosswalk connection be installed in the Southpointe right-of-way to connect across to Magnolia Drive (see staff-recommended Condition #4).
- **Signage:** New sign locations are not shown on the site plan, and no sign details are provided. A freestanding sign will likely be necessary to display fuel prices, which can be digital changeable copy per the Zoning Code. Wall signs are also likely for the commercial structures. Any signage to be installed will need to meet the requirements of the Oxford Zoning Code for the General Business (GB) district.
- **Trash Collection:** Enclosed trash collection facilities are proposed on the north side of the property, to the rear of the commercial structures. Such facilities will need to meet the requirements of Section 1141.04(j), to include gated enclosure walls constructed of durable masonry materials compatible with the associated structures. The City's Environmental Specialist has commented that the western dumpster should be front-loading and the eastern dumpster should be rear-loading, based on placement and orientation of the dumpsters in relation to the pavement area. Recycling containers could be placed along the backs (northern wall) of either building.

General Decision Standards

All Conditional Uses shall satisfy the General Decision Standards provided in Section 1147.02(c)(2). The standards found within this section are below with staff analysis provided for each:

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

Both "automobile service stations selling gasoline" and "drive-in and fast-food restaurants" are listed as conditional uses for the General Business (GB) zoning district.

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

The site possesses an optimal shape, size, and location for gas station & convenience store uses, and can adequately accommodate the applicable zoning standards.

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

The Comprehensive Plan recommends enhancing U.S. 27 South as a "welcoming gateway into the community" and to consider the "essential elements of the exemplary areas of Oxford with respect to the form and pattern of development (Uptown and Mile Square)" in developing the corridor. A potential "Mixed Use Center" area is identified just to the south of the site, on the Conservation and Development Map.

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

The property is of sufficient size to support a convenience store & fueling station.

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

The site is effectively "spot-zoned" as a General Business (GB) district. The use is seen as generally compatible with its surrounding context, and with the zoning districts adjacent to it.

- 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.

There is concern for the impacts of the drive-thru lane (located behind the convenience store) creating issues of headlight glare for neighboring residents in Level 27. This can be appropriately mitigated by effectively screening the drive-thru from the residential area through the use of landscaping/fencing along the property boundary.

- 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 are no accessory uses proposed at this time. The principal uses of the site are commercial retail and a fueling station. Aspects of the site development (parking, trash collection, landscaping, etc.) are ancillary to the principal uses.

- 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.**

Opportunity for comment was provided to Fire, Police and Service Departments. There are existing sanitary, stormwater, and water lines within proximity to the site.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

- 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.**

Not enough information is known at this point in time to determine if the proposed structures will be designed in character with the surrounding neighborhood. Elevation drawings and details on construction materials are needed.

- 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 design of the site, as proposed, will inappropriately impact traffic movement on US 27. The recommended conditions of approval, to remove the right-in only lane and converting the full access point to a right-in/right-out, should mitigate the safety concerns.

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

The proposed site development will result in the loss of some vegetation along the northern property boundary due to regrading of the site. The applicant proposes planting new landscaping in its place.

- 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.**

Staff is not aware of any obstacles for the applicant or owner to obtain additional licensing or permits. A building permit will be required before the construction commences.

SUBMITTED BY:

A handwritten signature in black ink that reads "Zachary W. Moore". The signature is written in a cursive style with a large, stylized 'Z' and 'M'.

Zachary Moore, AICP
Planner

DATE: March 1, 2019

APPENDIX

RELEVANT ZONING CODE PROVISIONS

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(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 testimony 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 appropriate for 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.

1147.02(d) Action by Planning Commission

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the

application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

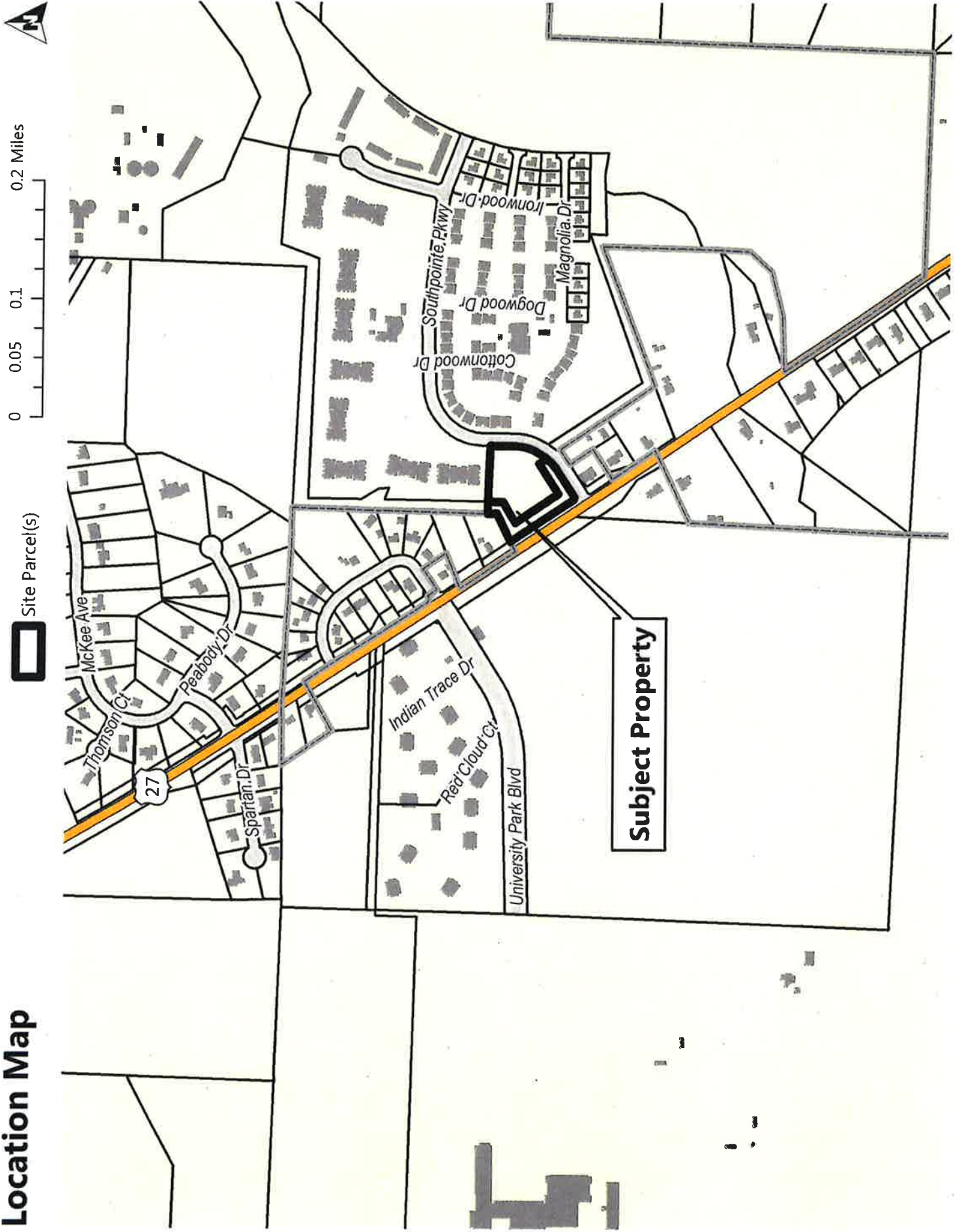
1147.03(b)(5) Gas Station with Convenience Store.

- A. Potential Concerns.
 - 1. Adequate design of vehicle management area.
 - 2. Location of fuel pumps and pump canopy.
 - 3. Outdoor sales and storage.
- B. Regulations.
 - 1. All merchandise shall be located within a completely enclosed structure.
 - 2. Fuel pumps shall be set back a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.
 - 3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district.

1147.03(b)(10) Drive-Through Restaurant Facilities.

- A. Potential Concerns.
 - 1. Design of vehicle management area.
 - 2. Noise from operations (vehicle and loudspeaker).
 - 3. Signs and menu boards.
 - 4. Location and adequacy of dumpsters.
- B. Regulations.
 - 1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
 - 2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
 - 3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

Location Map



Location Map

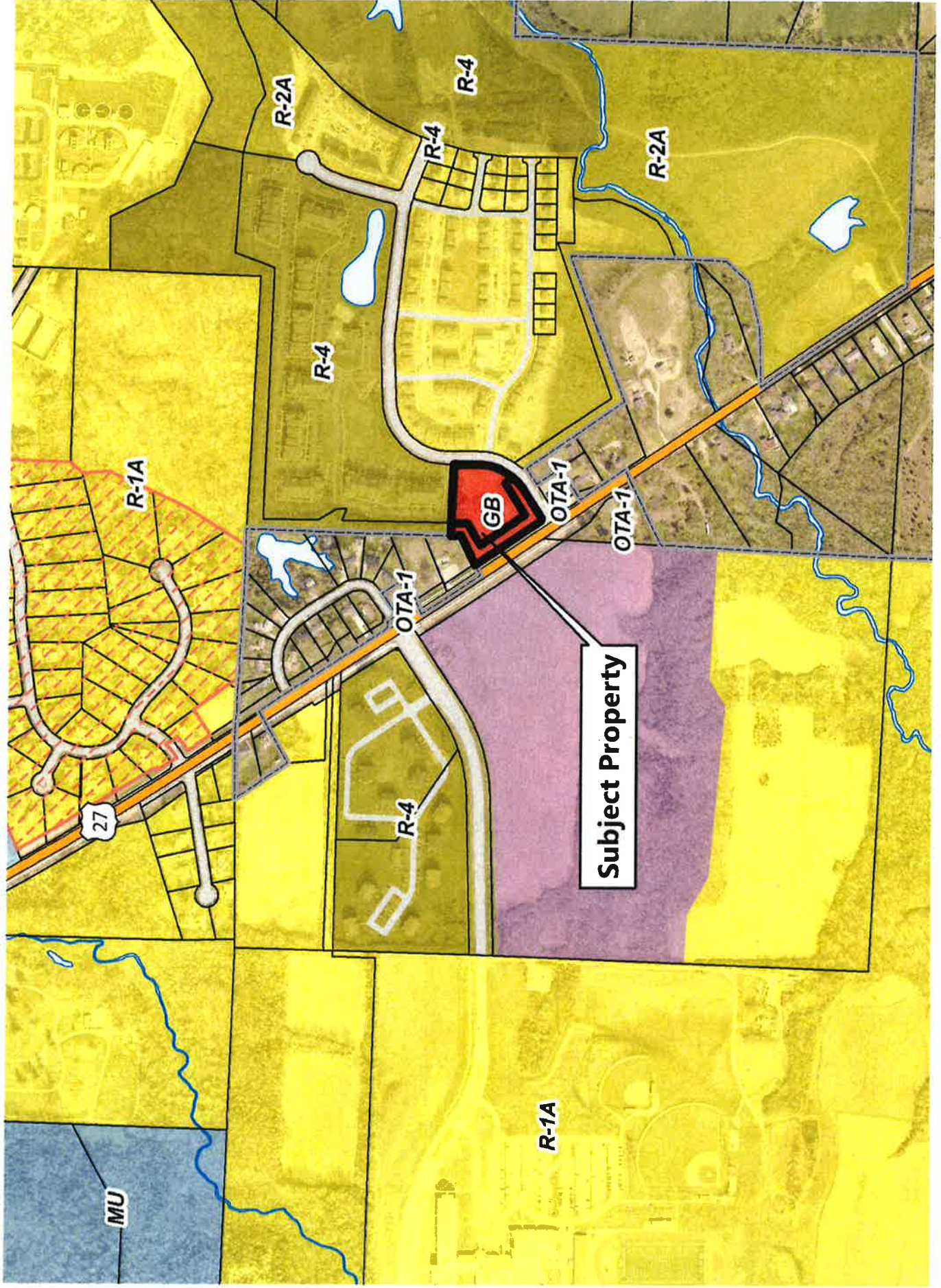


Location Map



0 0.05 0.1 0.2 Miles

Site Parcel(s)



RECEIVED JAN 28 2019



City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE – Commercial Development of Property including a gas station –
Southpointe Parkway & US 27 – Scott Webb, Architect, Applicant

 X Review Revisions Other

Please return no later than: **February 14, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Date:

2-11-19

PRINTED NAME

RECEIVED JAN 28 2019

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE – Commercial Development of Property including a gas station –
Southpointe Parkway & US 27 – Scott Webb, Architect, Applicant

 X Review Revisions Other

Please return no later than: **February 14, 2019** 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 2/11/19.

Drawings reviewed by: Scott Otto

Date: 2/11/19

Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-08
Conditional Use – Commercial Development of Property including a
gas station – Southpointe Parkway and US 27

DATE: February 11, 2019

The Engineering Division offers the following comments:

- A Traffic Impact Study is needed.
- Remove the right enter only drive due to its close proximity to the signalized intersection.
- Due to being within the area of the southbound left turn only lane, make the proposed entrance / exit drive on US 27 right in/out only and located as far away from the signalized intersection as possible.
- Include a curb ramp and crosswalk for a Southpointe Parkway pedestrian crossing along the north side of the proposed driveway that is aligned with the proposed sidewalk in front of the proposed commercial tenant space. The proposed curb ramp and crosswalk shall meet City of Oxford standards.

RECEIVED JAN 28 2019

City of Oxford
Inter-Office Review Transmittal Sheet

Date: January 31, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-08, CONDITIONAL USE – Commercial Development of Property including a gas station –
Southpointe Parkway & US 27 – Scott Webb, Architect, Applicant

 X Review Revisions Other

Please return no later than: **February 14, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I would support this conditional use from the standpoint that it will serve a large residential population plus high school traffic and hopefully prevent these people from making trips into Oxford and reduce traffic.

Drawings reviewed by: _____

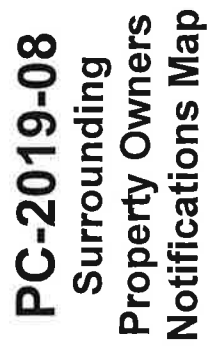
[Signature]

Date: _____

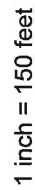
2/4/19

John A. Jones

PRINTED NAME



 Subject
 200 Ft. Buffer
 Oxford Corp. Limit
 Address Point
 Parcel
 16.5' Vacated ROW
 Building Footprint
 Paved Roadway



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

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

LETTER OF AGENCY

January 23, 2019

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission and City Council meetings regarding the commercial lot at Southpointe Crossing.

Thank-you,

Signed: 
James M. Clawson
4-Leaf Development LLC

1/23/19
Date:



Internal Use Only:	
Case No.	PC-2019-08
Date Filed	1/28/19

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * 4-Leaf Development LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 524-9500

Email Address jim@hoteldevelopment.net

Location and Lot Information

Location of Property * Southpointe Parkway & US 27

Legal Description * Surveys on file with City

Zoning District * GB

Total Area * 1.669 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Undeveloped Land

Proposed Use Description * Commercial Development including Gasoline Service 7 Drive-up Window

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.
- Application Fee.
 - Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

 - The name, mailing address, and telephone number of the applicant and the property owner.
 - If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 - A legal description of the site, including all separate lots.

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

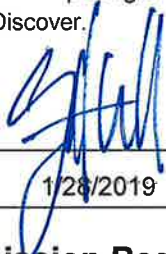
Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *



1/28/2019

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

1/28/19

Receipt Number *

239208

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

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

Sam Perry
Community Development Director
City of Oxford
Municipal Building
15 South College Ave.
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 Commercial Development including a
Service Station and a Drive-Up Window
Southpointe Crossings
Southpointe Parkway & US 27

January 28, 2019

Dear Mr. Perry,

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 Commercial Development that includes an automobile service station selling gasoline in the General Business Zoning District.

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

A. *A description of the proposed use.*

B. *Description of Use and Site*

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. *Description of Use and Site*

The name, mailing address, and telephone number of the applicant and the property owner.

Property Owners:

4 Leaf Development, LLC
125 West Spring Street
Oxford, Ohio 45056

Architect:

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

Civil Engineer:

Bayer Becker
700 Niles Road
Fairfield, Ohio 45014

2. *A statement from the owner that the applicant is entitled to apply on his or her behalf.*

A letter of Agency has been provided from the property owners and end user/purchaser

3. *A legal description of the site, including all separate lots.*

A legal description is on file with the City from the Annexation & Development Agreement

4. *A description of the existing uses of the site.*

The site is currently undeveloped. A similar Conditional Use was approved in 2008 with additional extensions granted. These plans were never executed and have expired resulting in this new application

5. *The zoning district in which the site is located.*

The site has been zoned GB – General Business since its annexation into the City of Oxford.

6. *A description of the proposed use.*

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

The proposal at hand is to construct a Gas Station & Convenience Store with an additional Commercial Building as shown on the attached Site Plan.

The primary Convenience Store provides a variety of prepared food products available for take-out or purchased through a drive-up window.

The proposal includes approximately 9,000 s.f. of commercial space with a gas service canopy over (5) 2-sided fueling stations.

b. *Hours of operation*

The Convenience Store and fueling Stations will be open 24 hours.

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 development of the area over the past few years has resulted in over 1,400 residents in residential properties and the construction of the new High School.

The proposed development is intended to provide goods and services to these neighboring uses as an amenity to the area, reducing the need for these residents and students to travel into the City for convenience items or fuel. This will reduce the necessary car trips significantly in the area.

Additionally, it is the intention of the developers to serve the many travelers and visitors entering and leaving the City to the South, where these services do not currently exist. This will provide an opportunity for the City to capture the revenue from these necessary purchases before they leave the City limits, helping the tax base of the City.

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

The site is designed in harmony with the existing neighborhood as follows:

The access point from Southpointe Parkway is designed to align with the entrance to The Annex.

(2) Access points are provided from US 27: a "Right-In-Only" lane is provided just past the signaled intersection, allowing direct access to the fueling stations from traffic approaching from the southwest, and a 2-Way entrance/Exit to the far north of the property.

This provides a natural circulation path for all motorists moving through the site.

Pedestrian access is provided along the streets as well as an internal path through the site.

The drive-up lane for the Convenience Store separates the buildings and provides all queuing areas behind the building and separate from internal and external traffic.

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

The proposed uses on the site are not expected to provide nuisances as described above. General Site and canopy lighting will be provided in accordance with the Zoning Code Guidelines to prevent light spillage

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

Specific concerns for the individual Conditional Uses are addressed in following sections.

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

The development of the south side of the City has resulted in a significant number of additional residents as well as faculty and students in the new High School. Currently, these residents are forced to drive into the City for fuel and convenience items or making their purchases beyond the City limits.

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

The Planning Commission, City Council, and Staff have all spoken to the need for small pockets of commercial activity near developed areas that are currently underserved. Commercial Nodes near activity or residential centers reduces the reliance on vehicles and reduces traffic into the City. This is evident in the discussions and deliberations around the creation of the new Neighborhood Business Zoning District.

The development of the area over the past few years has resulted in over 1,400 residents in residential properties and the construction of the new High School.

The proposed commercial development is intended to provide a goods and services to these neighboring uses as an amenity to the area, reducing the need for these residents and students to travel into the City for convenience items or fuel. This will reduce the necessary car trips significantly in the area.

Additionally, it is the intention of the developers to serve the many travelers and visitors entering and leaving the City to the South, where these services do not currently exist. This will provide an opportunity for the City to capture the revenue from these necessary purchases before they leave the City limits, helping the tax base of the City.

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

1147.03 (5) Gas Station with Convenience Store

A. Potential Concerns:

1. *Adequate design of vehicle management area*

The site design is based specifically on the vehicle management. The entrance from Southpointe Parkway is set significantly behind the signaled intersection and aligns with the main entrance to the Annex residences. Likewise, the US 27 entrance is set to maximize the distance from the intersection and create a clear discernible vehicular path through the site.

2. *Location of fuel pumps and pump canopy*

The fuel pumps and canopy are located as a separate node in the site, away from the buildings and main vehicular circulation. A majority of gasoline-only customers pay at the pump, and can enter and exit the site safely from either direction away from pedestrians on the site

All storage on site will be within buildings. No outside storage is proposed

B. Regulations:

1. *All merchandise shall be located within a completely enclosed structure*

All merchandise will be located within the building.

2. *Fuel pumps shall be set back a minimum of 30 feet from lot lines or 40 feet from a residential zoning district.*

There is currently a 50' perimeter buffer provided along the perimeter of the development, wrapping around the road frontage on Southpointe Parkway and this internal property line, resulting in effective setbacks of over 80' from the public Right-of-Way.

3. *Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district*

The fuel canopy is located in accordance with the required setbacks, but as described above, this results in a setback of 70' from the public Right-of-Way.

1147.03 (10) Drive Through Restaurant Facilities

A. Potential Concerns:

1. *Design of vehicle management area*

The vehicle management for the drive-up window is separate from the main vehicular and pedestrian circulation paths. Set to the rear corner of the site, it provides queuing spaces behind the proposed building.

2. *Noise from operations (vehicle and loudspeaker).*

The location of the drive-up window is intended to be separate from other activity on the site, with the loudspeaker and vehicles to the rear of the development.

3. *Signs and menu boards*

The location of the drive-up service allows signs and menu boards to be located within the site, separate and distinct from the customer parking and gas island traffic..

4. *Location and adequacy of dumpsters*

The dumpster enclosure is located to allow easy service yet remain shielded from the public Right-of-Way.

B. *Regulations:*

1. *Drive-through stations shall not be located in a yard adjacent to a residential zoning district*

The drive-up lane is located beyond the 25' side yard setback line.

2. *Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.*

Queuing spaces are located beyond the 25' side yard setback line.

3. *Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district*

The drive-up station as shown is located approximately 37' from the Level 27 R-3 residential planned development to the north.

Side Yard setbacks in residential districts throughout the City range from 5-15'. The regulation at hand was created to ensure that drive-up stations are at least 55-65' from a residential structure.

In the case at hand, the nearest building in the adjacent residential planned development is over 37' from the property line. Combined with the 37' setback provided on this property, the resultant setback is nearly 80'.

11. *A list of the names and mailing addresses of all land owners within 200 feet of the site.*

List of adjacent property owners is attached.

12. *Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.*

Development of this 175 acres began with the Butler County Planning Commission, as the site was not in the City limits when first proposed. Zoning was established based on the Butler County standards as a mixed-use planned development, wherein a 50' perimeter buffer was required around the entire 175 acres. The County requires this to be separately identified and recorded as a separate lot. As evident in the Site Plans, this 50' buffer lot continues around this property along US 27 and Southpointe Parkway.

When the Site was annexed into the City of Oxford, the development and annexation agreement facilitated the change from the County Zoning Designation to those in the City of Oxford Zoning Code, creating this new GB property.

GB Zoning in the City of Oxford has its own setback requirements. This original buffer lot effectively adds 50' to the required 35' typically required for GB in the City of Oxford.

Initial discussions with Staff has led to the question of the necessity of this additional buffer lot in this location. If it is to remain, the proposal at hand would require easements

through this buffer lot to accommodate the proposed entrances along US 27. If it were deemed to be unnecessary, additional lot combinations or platting may be required.

C. Site Plan

A Site Plan with the required information is included with this application.

- D. Elevations of proposed structures, 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.*

The buildings have not yet been designed, but will be residential in scale, with pitched shingle roofs, brick & natural materials, as prescribed by the requirements of the GB district, and to compliment the residential scale of the adjacent properties..

- E. Other. Photographs of the existing use and its surroundings*

Photos are included with this application.

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 in a cursive style.

Scott Webb, Architect

Sam Perry
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 Commercial Development including a
Service Station and a Drive-Up Window
Southpointe Crossings
Southpointe Parkway & US 27

January 28, 2019

Dear Mr. Perry,

Please accept the following description of how the proposed Conditional Use meets the decision standards of 1147.2(c) as a supplement to the application requirements of 1147.2(a).

In response to the decision standards outlined in 1147.2(c), we offer the following:

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

1143.12(b)(2)A. Retail Services

1. Automobile Service Stations selling Gasoline

The proposal includes a Convenience Store with gasoline sales, but no Service of automobiles will occur at this location

5. Drive-in Fast Food Restaurants

While not a drive-in Fast Food Restaurant, The proposal includes a Drive-up window for the prepared food available inside the store.

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

The GB General Business is the only Zoning District in which these two uses are allowed and anticipated. The specific concerns for the uses outlined in 1147.03 are satisfied as addressed in the Conditional Use application

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

The "Concept Area Matrix" from the Land Use Chapter calls specifically for a Mixed-Use Center. The Development intent states:

Develop a small-scale commercial mixed-use center intended to serve the daily needs of residents including single family areas found in neighborhoods

and multi-family development, as well as future office, commercial and light industrial development in the surrounding areas.

The property at hand was annexed into the City just before this latest Comprehensive Plan was produced in 2008. At the time, the High School had not yet been developed and the City and local developers were attempting to attract users for a technology park. Though the final development of the area is slightly different than that contemplated when the property was first annexed, the need for this commercial node remains.

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

The proposed development of the site is designed to accommodate the proposed uses and still exceed all regulations, including setbacks, parking, landscaping, and screening for buildings in the GB district.

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

This small commercial development will not be hazardous or disturbing to its current or future neighbors and has been designed for the least possible impact, exceeding setback requirements and screening.

- 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 commercial development and gasoline facility 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.*

The commercial uses proposed are the only intended uses of the property. No additional incidental uses are proposed nor 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.

- 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*

Though Commercial, the proposed building and canopy are designed with residential elements to reflect the materials and construction of the existing area and adjacent residential properties.

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

The site is designed to accommodate the traffic and exceed the requirements of the Vehicle Management Chapters of the Zoning Code. Section 1149.05 (b) Access and Maneuvering requires curb cuts to be a minimum of 70 feet from an arterial road. The proposed plan shows nearly 275 feet from the signaled intersection along US 27. The entrance along Southpointe Parkway is placed to align with the entrance to the Annex housing development.

The proposed Right-In Only lane is located in excess of the 70' requirement as well and allows for traffic to enter the site smoothly past the intersection, taking customers directly to the pump islands without interfering with the main access ways through the site.

The site plan provided with this application requires an access easement across the adjoining buffer parcel in two locations. This easement can be secured and recorded, as the owners of the property in fact own both affected parcels.

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

There are no scenic or natural resources in this area

- 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.*

All permits will be secured for the construction of this building.

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

Respectfully,

Scott Webb, Architect

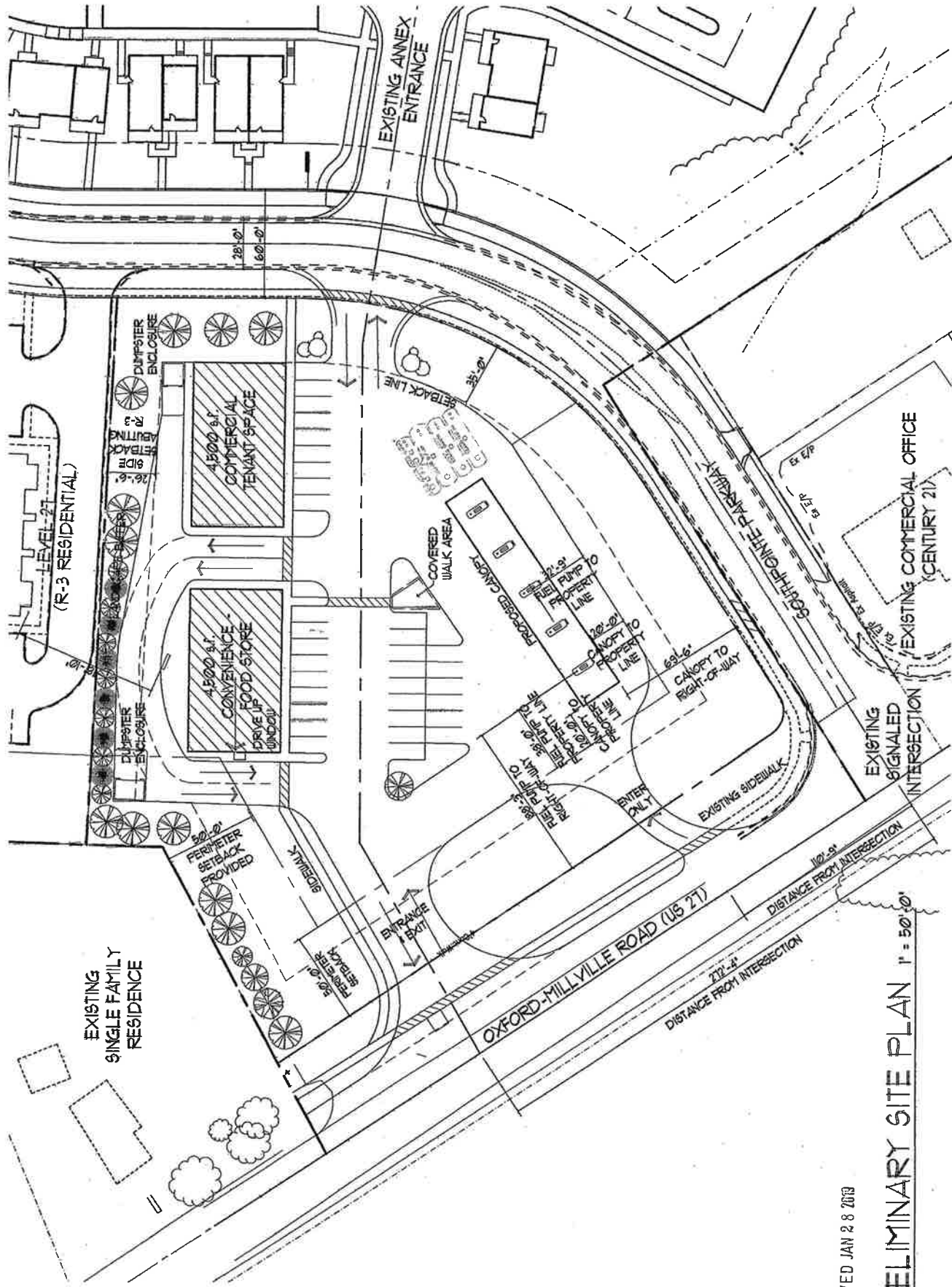


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3828
www.scottwebbarchitect.com

Southpointe Crossings
PROPOSED NEW COMMERCIAL DEVELOPMENT
OXFORD OHIO 45056

DATE	January 28, 2013
REVISIONS	

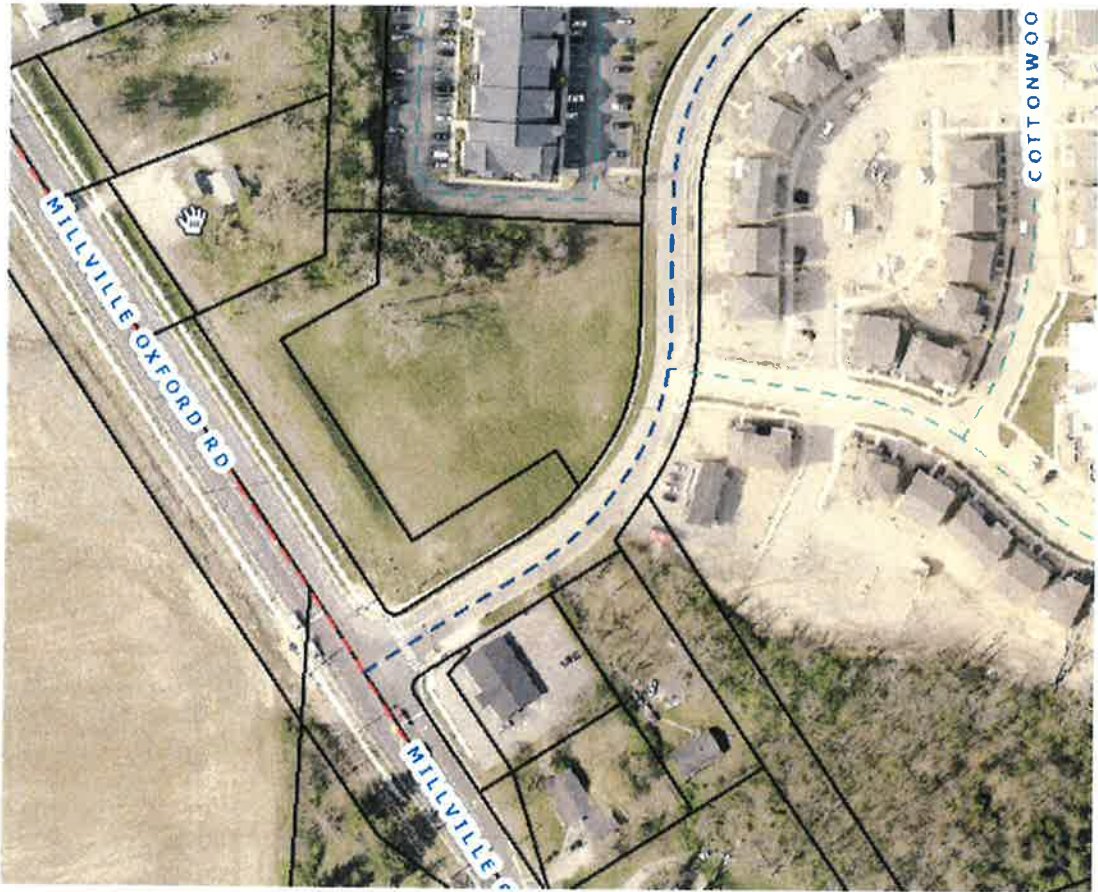
A-3



RECEIVED JAN 28 2013

PRELIMINARY SITE PLAN 1" = 50'-0"

Project & Area Photos



Aerial View



Site from South



Site from North



View toward Intersection from South



View toward Intersection from North



View from Magnolia (Annex Entrance)



View toward Level 27 Multi-Family Development



View toward The Annex, Multi-Family Development