



Agenda

Oxford City Council

Court House

TUESDAY, JUNE 4, 2019

EXECUTIVE SESSION

1. Roll Call. Kate Rousmaniere, Mayor; Steve Dana, Vice-Mayor; Chantel Raghu; Glenn Ellerbe; Mike Smith; David Prytherch; Edna Southard

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

REGULAR MEETING

11:30 A.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.
 - A. Swearing-In – Police Officers - John Thrasher & William Thissen.
 - B. Introduction – Jessica Greene, Assistant City Manager, Human Resource Director.

- C. Appointments to Boards and Commissions.
- D. Proclamation – “Census 2020 Awareness Day”.
- E. Presentation – 2020 Census – Carolyn Tepe.
- F. Notice to Legislative Authority – New permit for LogCon Enterprises LLC DBA Books & Brews 107 E. Church Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)
- G. Notice to Legislative Authority – New permit for Magatheh Enterprises Inc. DBA Oxford Hookah Lounge 15 N. Beech Street Oxford, Ohio 45056. (Alan Kyger, Economic Development Director)
- H. Public Comments.

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

- 4. Consent Agenda. All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.
 - A. Minutes of the May 21, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)
 - B. Report regarding the May 8, 2019 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)
 - C. Report regarding the May 14, 2019 Planning Commission Meeting. (Sam Perry, Community Development Director)
 - D. Report regarding the May 15, 2019 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)
- 5. Ordinance – Second Reading.
 - 1. An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)
- 6. Resolutions.
 - 1. A Resolution of Oxford City Council accepting the bid and authorizing the City Manager to enter into a contract with Sunesis Construction Co. for the construction of the Oxford Area Trail System (OATS) Phase II at a cost of \$2,355,154.70 plus a contingency amount of ten percent (10%) of the contract price or \$235,515.00 for a total cost not to exceed \$2,590,669.70. (Mike Dreisbach, Service Director)
 - 2. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03 plus a contingency amount of ten percent (10%) of the contract price or \$11,505.70 for a total cost not to exceed \$126,562.73. (Mike Dreisbach, Service Director)
 - 3. A Resolution authorizing the City Manager to extend the agreement with Synagro-Central, LLC for the loading, hauling, and land application of biosolids for a period of five (5) years expiring May

13, 2024 at a cost not to exceed \$31,800.00 annually for the first three (3) years and the cost of the final two (2) years to be determined. (Mike Dreisbach, Service Director)

7. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.
 - A. First Reading.
 - 1.An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection. (Doug Elliott, City Manager) (Tabled Until 6/18/19)
 - 2.An Ordinance Authorizing The Tax Budget For The Year 2020 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)
 - B. Second Reading.
 - 1.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. (Sam Perry, Community Development Director) (Tabled Until 6/4/19)
 - 2.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. (Sam Perry, Community Development Director)
8. A. Announcements & Communications.
 1. Remarks from City Council and City Staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.
- B. Future Meetings. (Note: Meetings will be held at the Court House unless otherwise indicated.)

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

TUES – June 11 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES - June 11 Planning Commission Meeting 7:00 p.m. Cancelled

WED - June 12 Historic and Architectural Preservation Commission Meeting Cancelled

MON - June 17 Housing Advisory Commission Meeting 1:30 p.m. Municipal Building

TUES – June 18 City Council Meeting 7:30 p.m.

WED - June 19 Board of Zoning Appeals Meeting 6:30 p.m. Cancelled

TUES – July 2 City Council Meeting 7:30 p.m.

WED - July 3 Environmental Commission Meeting 7:00 p.m. Municipal Building

THUR –July 4 Holiday – City Offices Closed

TUES - July 9 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES – July 9 Planning Commission Meeting 7:00 p.m.

WED - July 10 Historic and Architectural Preservation Commission Meeting

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TUES – July 16 City Council Meeting 7:30 p.m.

WED - July 17 Board of Zoning Appeals Meeting 6:30 p.m.

9. Adjourn.



AGENDA

OXFORD CITY COUNCIL

COURT HOUSE

TUESDAY, JUNE 4, 2019

EXECUTIVE SESSION 7:15 P.M.

1. Roll Call.

Kate Rousmaniere, Mayor

Steve Dana, Vice-Mayor

Glenn Ellerbe

David Prytherch

Chantel Raghu

Mike Smith

Edna Southard

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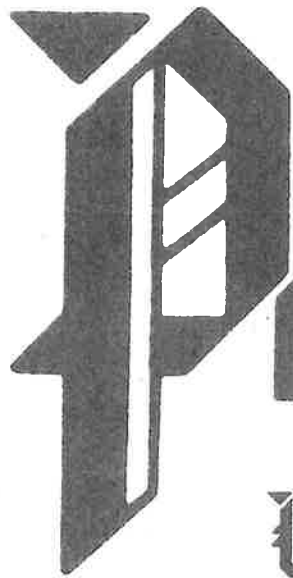
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THUR - July	4	Holiday - City Offices Closed
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THUR - July	18	Recreation Board Meeting 11:30 a.m. Municipal Building

9. Adjourn.



Office of the Mayor

Proclamation

Whereas:

the Constitution of the United States mandates a headcount every 10 years of everyone residing in all 50 states and territories; and

WHEREAS, the first Census was conducted in 1790 and it has been conducted every 10 years since then, therefore the next Census will be taken April 1, 2020; and

WHEREAS, an accurate census count is vital to determining how to allocate \$800 billion in federal and state funding; where to locate schools, child care centers, roads and public transportation, hospitals and other facilities, and for making decisions concerning business growth and housing needs; and

WHEREAS, census data ensures fair congressional representation in the U.S. House of Representatives and in redistricting state legislatures, county and city councils, and school and voting districts; and

WHEREAS, an Oxford Complete Count Committee will be formed to represent various sectors of the Community; and

WHEREAS, the marketing message of Census 2020 is "Shape your future - START HERE"

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby proclaim Tuesday, June 4, 2019 as,

"CENSUS 2020 AWARENESS DAY"

in the City of Oxford, and I encourage all people in our City to join me in promoting this official launch of our Census 2020 preparations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 4th day of June, 2019.


KATE ROUSMANIERE, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: June 4, 2019

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

May 22, 2019
Date Prepared

Agenda Title: Legislative Authority Notice - New permit for LogCon Enterprises LLC DBA Books & Brews 107 E. Church Street Oxford, Ohio 45056

Recommendation: N/A

Discussion:

The permit is for:

C1 - Beer only in original sealed container for carryout only.

Approved By:

Department Head:
City Manager:

Initial Date

MAE MA / 5.21.19

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

52631700015 PERMIT NUMBER		NEW TYPE	LOGCON ENTERPRISES LLC DBA BOOKS & BREWS 107 E CHURCH ST OXFORD OH 45045
03 29 2019 ISSUE DATE		RECEIVED 5-16-19 City of Oxford	
09 088 A FILING DATE			
C1 PERMIT CLASSES			
09	088	A	C35462 RECEIPT NO.

FROM 05/15/2019

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 05/15/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/17/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 5263170-0015

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

5263170

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 52631700005; Name: LOGCON ENTERPRISES LLC; DBA: DBA BOOKS & BREWS; Address: 107 E CHURCH ST OXFORD 45056		
ANN KAMPHAUS	MANAGE MEM	PRESIDENT
NEIL R KAMPHAUS JR	MANAGE MEM	SECRETARY

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: June 4, 2019

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

May 22, 2019

Date Prepared

Agenda Title: Legislative Authority Notice - New permit for Magatheh Enterprises Inc. DBA Oxford Hookah Lounge 15 N. Beech Street Oxford, Ohio 45056

Recommendation: N/A

Discussion:

The permit is for:

D1 - Beer only for on premises consumption or in original sea containers for carryout only until 1:00 a.m.

Approved By:

Initial Date

Department Head:

City Manager:

GAK acn / 5.31.19

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

5462796		NEW	MAGATHEH ENTERPRISES INC DBA OXFORD HOOKAH LOUNGE 15 N BEECH ST OXFORD OH 45056	RECEIVED 5-15-19 City of Oxford
PERMIT NUMBER		TYPE		
ISSUE DATE				
05 10 2019				
FILING DATE				
D1				
PERMIT CLASSES				
09	088	A	C35231	
TAX DISTRICT		RECEIPT NO.		
FROM 05/14/2019				

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 05/14/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/14/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 5462796**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

**CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056**

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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SEARCH CRITERIA**Permit Number**

5462796

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 5462796; Name: MAGATHEH ENTERPRISES INC; DBA: DBA OXFORD HOOKAH LOUNGE; Address: 15 N BEECH ST OXFORD 45056		
MOHAMMAD ALMAGATHAH	0.00	PRESIDENT

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

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A regular meeting of the Oxford City Council was called to order by Vice Mayor, Steve Dana on Tuesday, May 21, 2019 at 7:30 p.m. Those members present were Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard. Mayor Rousmaniere was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Zachary Moore, Planner; Mr. Casey Wooddell, Parks and Recreation Director; Mr. John Detherage, Fire Chief; Ms. Amy Blankenship, City Attorney and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Vice Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PRESENTATION

BUTLER COUNTY AUDITOR'S OFFICE

Mr. David Brown, advised tax settlements were completed by the Treasurer's Office noting the Auditor's Office will disperse those funds to the local governments. Mr. Brown advised the City of Oxford saw a healthy increase of 116% in collections for the first half of last year due to the voters passing the multi-use path levy.

Mr. Brown advised the Auditor's Office continued to work with the legislature on initiating permissive fuel quality testing across the state. Mr. Brown noted the Auditor's Office expected legislation to be introduced this session as part of a bipartisan effort.

Mr. Brown advised new construction site visits were coming up this summer noting the appraisal crew from the Auditor's Office will be looking at new sites across the county.

Vice Mayor Dana thanked Mr. Brown for the updates.

PRESENTATION

OXFORD AREA TRAILS UPDATE

Mr. Dreisbach provided a PowerPoint and updated everyone on the Oxford Area Trail System project noting Phase II will be built this and next construction season. Mr. Dreisbach advised the construction of Phase III will begin in 2022. Mr. Dreisbach noted segment IV will be located on the southwest part of the City noting those were relatively easy segments since the City and Miami University have control of the land and advised there were also willing land partners for those segments. Mr. Dreisbach discussed the areas of the proposed trail that will require right-of-way or easement acquisition noting it would take longer to build and be more expensive. Mr. Dreisbach advised the City was building what can be accomplished relatively easy and for a good value and then pursue the segments that will be more difficult.

Mr. Dreisbach advised the next three sections of the trail will cost approximately 6.6 million dollars noting the City has already been awarded 3.5 million dollars through grant funding and the levy to provide the local match. Mr. Dreisbach noted the City will have approximately 6.3 miles of new trail built in the next 4 years or so.

Mr. Dreisbach addressed various questions from Council members. Mr. Dreisbach thanked Jessica Greene noting she has done a lot of the economic forecasting for the trail project and thanked staff from the Community Development Department and the Engineering Department for their efforts noting it has been a team effort to keep the project moving forward.

PUBLIC COMMENTS

Ms. Janis Dutton, 302 W. Vine Street, commended Council for their environmental work to make Oxford a greener City noting she appreciated that. Ms. Dutton advised at the Earth Fest event in 2018 the Oxford Citizens for Peace and Justice along with Take 3 Oxford circulated a petition to establish a food scrap program and thanked Council for making that happen. Ms. Dutton noted this year the Oxford Citizens for Peace and Justice teamed with Climate Action Oxford and circulated a petition calling for the City of Oxford to divest from fossil fuels. Ms. Dutton advised there were 84 signatures on the petition from one afternoon in the park and noted there were 76 signatures on an online petition. Ms. Dutton read the language on the petition as follows:

“While the City of Oxford government has been working to make our city more environmentally friendly and operational policies greener, its investments still support the industries that are driving global climate change.

The city government currently invests \$6,124,785 in commercial paper, the short-term debt security issued by financial companies and large corporations. Three of the companies the city invests in are among poorest scoring banks **worldwide** in terms of their policy commitments regarding extreme fossil fuel financing.

Bike lanes and parking spaces for scooters are not enough. Extreme weather events are becoming more frequent and devastating more communities.

We the people call on our city government to immediately freeze any new investments in fossil fuels, and divest from direct ownership and funds that include fossil fuels.”

Ms. Dutton thanked Council for their time.

Mr. Elliott provided some background on the City’s investment policy and Mr. Prytherch suggested a Work Session be scheduled to discuss the matter further.

CONSENT AGENDA

MINUTES

Minutes of the May 7, 2019 City Council Work Session Meeting. (Mary Ann Eaton, Clerk of Council)

Minutes of the May 7, 2019 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the May 1, 2019 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the May 7, 2019 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

RESOLUTIONS

RESOLUTION

SURPLUS PROPERTY

A Resolution No. 7081 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. (John Jones, Police Chief)

RESOLUTION

SALVAGE VEHICLES

A Resolution No. 7082 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)

RESOLUTION

SURPLUS PROPERTY

A Resolution No. 7083 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. (John Detherage, Fire Chief)

RESOLUTION

SURPLUS FIRE ENGINE

A Resolution No. 7084 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. (John Detherage, Fire Chief)

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

RESOLUTIONS

RESOLUTION **OVI GRANT**

A Resolution No. 7085 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. (John Jones, Police Chief)

Chief Jones advised staff was seeking permission to apply for the OVI grant noting Oxford was the lead agency for Butler County and advised 13 agencies participate in the program. Chief Jones noted Oxford would apply for the grant funding which would be dispersed to the different agencies to be used for extra patrols for OVI prevention and programing.

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

Mr. Smith inquired how long Oxford had been the lead agency and Chief Jones advised 5 or 6 years.

Chief Jones provided background information on the program noting Mr. Pete Reising (former Oxford Sergeant) coordinated the grant and was paid through the grant to do so.

Mr. Ellerbe moved to adopt Resolution No. 7085. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION **SPEED LIMIT REDUCTION**

A Resolution No. 7086 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). (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the area in question was between Hidden Creek Drive and the western side of Miami University Airport's maintenance building noting currently the westbound speed limit was 45 mph and the eastbound speed limit was 55 mph. Mr. Dreisbach noted staff has received a lot of requests from the Knolls of Oxford to improve the safety of the crossing so residents of the Knolls of Oxford can utilize the Community Park. Mr. Dreisbach advised with the construction of the new Aquatic Center staff expects to see a lot more activity crossing the road in that location. Mr. Dreisbach noted Miami University has petitioned to annex parcels in this area which will give the City control of the frontage along Fairfield Road. Mr. Dreisbach advised staff recommends a 35 mph speed limit in both directions from the west side of the maintenance building to Hidden Creek Drive noting City Council has the authority to approve the recommended speed limit. Mr. Dreisbach discussed other safety improvements that have already been made in the area in question.

Mr. Wooddell advised a Walk Audit was performed on this portion of Fairfield Road some time ago which some Councilors were involved in.

Mr. Wooddell noted the two major improvements suggested from the Walk Audit were decreasing the speed limit and improving the safety of the intersection in question. Mr. Wooddell advised he felt this would make it safer to get from the Knolls of Oxford to the Park and to get from the City limits to the Park and to the new Aquatic Center.

Ms. Southard noted she felt this was a very responsive approach to the needs of the community and advised she felt it was tremendously good work.

Mr. Prytherch noted the speeds coming into this area were pretty serious and advised it may take some enforcement to acculturate people to a 35 mph speed limit. Mr. Prytherch inquired how quickly the new speed limit could be posted. Mr. Elliott advised he thought the County Commissioners approved the annexation at their meeting yesterday noting there was a waiting period before it becomes effective. Mr. Elliott noted signs could be posted although speeding tickets would not be enforceable until the annexation process was complete.

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

Ms. Southard moved to adopt Resolution No. 7086. Mr. Smith seconded. The motion passed 6-0-0.

ORDINANCES

FIRST READING

ORDINANCE

NEW CHAPTER 1111

An Ordinance Adopting Oxford Codified Ordinance Chapter 1111 Entitled Tree Preservation And Protection. (Doug Elliott, City Manager) **(Tabled)**

Vice Mayor Dana advised the Environmental Commission has requested additional time to review the language for the proposed Tree Preservation and Protection legislation and asked for a motion to table the proposed Ordinance until June 18, 2019.

Mr. Smith moved to table the proposed Ordinance until June 18, 2019. Mr. Ellerbe seconded. The motion passed 6-0-0.

ORDINANCE

NEW CHAPTER 1152

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. (Sam Perry, Community Development Director)

Mr. Moore advised he was filling in for Mr. Perry this evening. Mr. Moore noted the proposed Ordinance would repeal Chapter 1331 which was located in the Building Code and replace an amended version of it with Chapter 1152 which would be located in the Planning and Zoning Code.

Mr. Moore noted this was the second step of a three step process to update the Ordinances which define the processes and procedures for the Historic and Architectural Preservation Commission. Mr. Moore noted the first step was an updated Historic Inventory which was approved in February of last year and this was step two which codifies the criteria and procedures for approving Certificates of Appropriateness that the HAPC reviews and approves.

Mr. Moore advised step three will update the Design Guidelines. Mr. Moore noted some public engagement has gone into the proposed Ordinance and advised two open houses were held in December with Uptown Historic District and Miami University Historic District property owners and noted letters were also sent to individual property owners. Mr. Moore advised the Planning Commission reviewed the proposed language and unanimously recommended approval by City Council. Mr. Moore noted a few highlights of the proposed new Chapter as follows:

- Updated definitions to reflect terminology of the 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

Mr. Moore advised much of the language was carried over from Chapter 1331 to the new Chapter 1152 and noted Wendy Moeller, a consultant that was retained and she prepared some of the changes.

Ms. Southard advised the HAPC has worked hard on the proposed Ordinance for a long time and noted she felt it was important to acknowledge the Chair of the commission, Mike Kohus and member, Chris Skoglund for their efforts. Ms. Southard advised Councilor Smith was on the HAPC for a long time and she now serves on the commission. Ms. Southard advised she was delighted to see the results of this project before Council this evening.

Mr. Chris Skoglund, 211 Ryan Drive, advised he was representing the HAPC and thanked Council for taking this matter into consideration noting there had been numerous attempts previously to get this re-write through. Mr. Skoglund advised the proposed language achieves more standardization, consistency, ease of use and ease of understanding. Mr. Skoglund noted he felt moving it into the planning section of the code verses where it was before is a more logical fit. Mr. Skoglund advised by utilizing the consultant the HAPC was able to standardize language so it aligns with similar ordinances that are in place in other cities and municipalities regarding historic preservation. Mr. Skoglund noted he felt the process for demolition was clear noting it had been somewhat nebulous in the past and caused a lot of concern. Mr. Skoglund noted his hope Council would recognize the efforts the entire commission has put into this amendment.

Mr. Ellerbe noted he felt the planning section of the code was the proper place for this language and inquired in subsequent phases if there will be any provisions for historic locations outside of the Uptown Historic District to become eligible. Mr. Skoglund advised there was an effort underway now to collect 'candidates' for possible historic consideration throughout the City of Oxford. Mr. Skoglund noted the HAPC will review those sites and map them out to determine how to best handle them. Ms. Southard advised in order to implement the expanded preservation of historic structures the HAPC came up with a statement that says the HAPC is identifying historic structures within Oxford that have potential historic or architectural value which may or may not result in the creation or expansion of a historic district.

Mr. Prytherch inquired how the proposed language strengthens the inspection and maintenance of historic buildings noting there were structures that appear to be undergoing demolition by neglect.

Mr. Skoglund advised the HAPC was looking to have a more proactive approach taken by the City in terms of performing more visual inspections so there are not structures that by neglect fall into being demolition candidates. Mr. Skoglund noted when someone wishes to have a building demolished so they can build something else a third party will inspect what the owner considers to be structurally deficient to determine whether or not it is indeed deficient.

Vice Mayor Dana noted he felt the Certificate of Appropriateness was an excellent tool to meet the goals of the HAPC and advised he felt Mr. Skoglund and his colleagues have done good work.

Ms. Kathleen Zien, inquired who the third part inspector would be and how they would determine if there was a foundational crack or some other deficiency. Mr. Moore referred to Section 1152.10(g) of the proposed Ordinance and advised the City's Chief Building Official would assist in the determination of the condition of a structure as part of any application for a COA related to demolition. Mr. Moore noted the Chief Building Official was Scott Young or his designee from National Inspection Corporation who the City contracts with for building permit reviews.

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 3493. Supplemental Budget Ordinance Number 5 To Make Supplemental Appropriations For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Supplemental Budget would appropriate \$400,000 from the Southpointe TIF Capital Improvement Fund for the construction of new roadway.

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

ORDINANCES **SECOND READING**

ORDINANCE **CONDITIONAL USE**

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. (Sam Perry, Community Development Director)

Vice Mayor Dana advised the petitioner has requested the proposed Ordinance be tabled until the next meeting when all Council members are present on June 4, 2019.

Mr. Smith moved to table the proposed Ordinance until June 4, 2019. Ms. Southard seconded.

Ms. Zien asked to make a comment.

Mr. Smith withdrew his motion to table the proposed Ordinance. Ms. Southard withdrew her second.

Ms. Kathleen Zien, Joseph Drive, noted in the past she recalled at the beginning of a meeting the Mayor as a courtesy to those in the audience would let people know a certain item was being tabled. Ms. Zien advised 85 minutes ago, the audience could have been informed that this item was being tabled once Council reached that point in the agenda.

Mr. Elliott advised he felt this was a reasonable request although sometimes the motion to table does not pass.

Mr. Prytherch noted he would be absent on June 4 and advised the applicant asked for the proposed Ordinance to be tabled on the basis of having all Councilors present for the second reading. Mr. Elliott advised he would inform the applicant that not all Councilors would be present on June 4th and the applicant can decide if he wishes to proceed with the second reading.

Mr. Smith moved to table the proposed Ordinance for a conditional use permit to allow for the commercial development of property located at Southpointe Parkway until June 4, 2019. Ms. Southard seconded. The motion passed 6-0-0.

ORDINANCE **CONDITIONAL USE**

An Ordinance No. 3527 Approving A Conditional Use Permit To Allow The Construction Of A Social Services Agency Within A City Owned Public Park Located On College Corner Pike (Lot# 1728) Oxford, Ohio 45056 in the GB (General Business) District With Conditions. (Sam Perry, Community Development Director)

Mr. Moore advised Council saw the presentation from Mr. Perry on this proposal at the First Reading and noted the applicant spoke at the First Reading as well. Mr. Moore advised he and the applicant would answer any outstanding questions there may be on the proposal.

Mr. Norman Butt, the Architectural Group, read the following into the record: "I would like to take this opportunity on behalf of the Talawanda Oxford Pantry & Social Services Board of Directors, staff and volunteers we thank you and all of the Oxford employees who have assisted with the development of this project and provided review assistance and commentary. At the time our office was commissioned last year by TOPSS we were unaware of the tremendous efforts previously put forth by individuals and organizations all working toward the realization of a goal to relocate the Oxford Community Choice Pantry and bring enhanced and expanded social services to the Oxford community. Top commitment to this project has been unwavering as our offices moved forward with this realization. We have similarly committed to the collaborative process of this project. Our efforts have included speaking with and infusing the recommendations of Chief Jones of the Police Department, Casey Wooddell of the Parks and Recreation Department, and Sam and Zach from Community Development.

Chief Jones's comments regarding safety and security were of utmost importance and assisted in directing design decisions regarding controlled site lighting and building entry and egress components. At this time we wish to also extend thanks to the Planning Commission whose review comments have been incorporated into the project and positively contribute to its community responsiveness. As previously presented we believe the project activates the park by uniting residential areas, by enhancing bike and pedestrian connectivity, by maintaining the existing drinking fountain, parking, benches, landscaping and other park amenities, by concealing the new buildings waste receptacles and truck drop-off areas by facing them towards less usable portions of the site, by taking advantage of limited western wet areas for the development of a storm water retention system and basin, by promoting visual and noise control by designing new vegetation between the facility and the immediate neighbor to the north, by adding additional trees and landscaping to the park and providing a welcoming facility façade with pergola and landscaped seat benches and bike racks. Though the facility's interior design development is not the focus of the review it has been approached in the same methodical and comprehensive manner as the site and the exterior building design to serve the needs of the community. Regarding the next step in the process you previously granted City Manager, Doug Elliott the authority to enter the City into a lease agreement with TOPSS for a facility no greater than 6,000 square feet with the restriction that any future building and/or site development requires subsequent submissions, reviews and approval. There is no consideration at this time for expansion of the facility or site development. Upon your approval of this project our office will immediately proceed to finalize construction documents followed by submission to verify the City of Oxford Zoning Code compliance and compliances with the Ohio Building Code. Again on behalf of everyone associated with the Talawanda Oxford Pantry & Social Services and our office I wish to thank you for your review consideration and herein request approval of this project to move forward to serve the Oxford community."

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

Mr. Ellerbe inquired if there were any changes since the First Reading of the proposed Ordinance and Mr. Butt advised no.

Vice Mayor Dana noted he had been associated with the pantry for some time and advised he felt there was no question that the conditional use was appropriate. Vice Mayor Dana noted this proposed change does not diminish the purpose of the public park as he felt it increases it. Vice Mayor Dana advised he felt it improves the neighborhood, adds social activity and protects trees. Mr. Dana referred to page 140 of Council's packet and noted he felt all of the conditions were reasonable. Vice Mayor Dana noted he felt this type of a facility was needed in Oxford.

Ms. Southard inquired if there had been any changes to the lease agreement and Mr. Elliott advised no. Ms. Southard advised the City was leasing the land for a 25 year period. Ms. Southard noted she felt this was a good project and advised she looked forward to hearing more about the construction of the building.

Vice Mayor Dana congratulated Ms. Southard for the work she has done on getting this project started with the City noting he felt it was very significant.

Mr. Prytherch advised this was the last stage in this process other than the administrative review and expressed his gratitude that this was a community initiative in which the City was able to help facilitate. Mr. Prytherch noted without the community initiative there would be no new food pantry and no TOPSS.

Ms. Southard noted as far as she knew this was a unique collaboration between a City and a food pantry and advised she felt it was exciting to see this actually happen.

Ms. Ann Fuehrer, 5595 Reily Millville Road, Secretary of the Board for TOPSS, advised she and the board were very much looking forward to the ongoing collaboration and believe it is important that the City be involved in a collaborative way with their private agency.

Vice Mayor Dana thanked Ms. Fuehrer noting she put a lot of effort into this project and has researched it and met with people to provide the ground work which Council appreciated.

Mr. Smith moved to adopt Ordinance No. 3527. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted last Saturday was Miami University's commencement and with students moving out there will be a lot of trash left behind at the curbs. Mr. Elliott advised the City will provide special trash pick-ups for 10 days in the Mile Square Plus area. Mr. Elliott reminded everyone that the ShareFest program was a wonderful opportunity to dispose of unwanted items. Mr. Elliott reminded everyone it was illegal to go through someone's discarded items and bags at the curbsides. Mr. Elliott noted he wished more and more property owners would have their properties provide the furniture and mattresses so there is not so much debris at the curbside after the students move-out for the summer.

Mr. Elliott advised Mayor Rousmaniere and Mr. Kyger were attending the International Town Gown Association conference in State College PA. and noted the City of Oxford and Miami University received an award for being the most healthy college town.

Mr. Elliott advised Mr. Kyger had been working with Lime and Lime will provide a limited number of e-scooters to be used in Oxford over the summer months. Mr. Elliott noted a parking area for e-scooters will be made available at the new Aquatic Center.

Mr. Elliott advised due to the above average rainfall this spring which caused several delays in construction the opening of the new Aquatic Center has been rescheduled to June 15th. Mr. Elliott noted this would be a wonderful addition to the quality of life in the community and he felt everyone was excited about it.

Mr. Elliott apologized for the delay noting he felt everyone recognized the poor weather conditions have made it difficult to finish the construction by May 25, 2019.

Chief Jones advised tomorrow he and Chief Detherage would be at the Ohio Department of Public Safety in Columbus where several Firefighters and two Police Officers would receive a Star of Life award from the Division of EMS because it is EMS week.

Chief Jones noted the City recognized those firefighters and officers with a Life Saving Award for an incident which occurred last year at Schneider Electric. Chief Jones advised TriHealth nominated the fire and police personnel for the State of Ohio award.

Mr. Wooddell noted after the announcement was made last week about the delay in opening the new Aquatic Center the feedback from the community has been very supportive. Mr. Wooddell advised staff understands the delay impacts certain people in different ways noting the swim team practices and swimming lessons that were scheduled prior to June 15 will be rescheduled as needed. Mr. Wooddell noted once open the Oxford Aquatic Center will be one of the nicest facilities in the region and he hoped it would stay as busy as possible all summer.

Mr. Moore advised it was another successful year for ShareFest noting 8 semi-trailer loads of items were collected which is the largest collection ever in the history of ShareFest. Mr. Moore advised ShareFest was a little different this year in that Mr. Perry and Mr. Wilson had a limited role and noted there were many community members who stepped up to take on that role which staff appreciates. Mr. Moore advised the items collected support a lot of great organizations.

Ms. Eaton reminded Councilors to provide her with their vacation schedules for the summer months.

Ms. Raghu referred to one of Mr. Elliott's comments and advised she felt if more apartments were furnished there would be less waste at the curbside after move-out. Ms. Raghu advised ShareFest was amazing and noted Carol Michael came up with the idea 17 years ago all on her own and turned into wonderful program which has prevented tons of waste from going to the landfill. Ms. Raghu noted she felt there were creative ways Council could come up with to try to make furnished apartments more attractive to property owners. Ms. Raghu referred to the anti-scavenging ordinance and litter and noted even with ShareFest a lot of good material gets left at the curbside that does not need to go to the landfill.

Mr. Ellerbe thanked the City for a smooth transition into our summer period noting he did not hear a lot of fanfare, there was not a lot of noise and the traffic was minimal for what it was. Mr. Ellerbe advised ShareFest was great and noted a lot was going on the Aquatic Center and he felt the communication has been great. Mr. Ellerbe noted he was happy to be a part of the City and serving for the community.

Mr. Smith reminded everyone it was still Historic Preservation Month and advised this Saturday was the final Historic Preservation Month Tour sponsored by the HAPC, the Smith Library of Regional History and the McGuffey House Museum. Mr. Smith noted the tour started at 10:30 a.m. at the corner of Poplar and Vine Streets led by Valerie Elliott of the Smith Library.

Mr. Smith advised this was a great way to see some of the neighborhoods up close and personal.

Ms. Southard advised Mr. Smith led the tour last week, she led the tour the previous week and Steve Gordon led the first tour. Ms. Southard noted the group firmly believes that everyone cares about historic preservation although people are not going to preserve things they do not know about. Ms. Southard advised that was why these tours are so crucial and matter so much. Ms. Southard noted 20-30 people usually participate in each tour to learn about the neighborhoods, the historic houses in the area, and the local history aspects of the dwellings. Ms. Southard advised she was pleased to work with Mr. Smith, Ms. Elliott and Mr. Gordon on this project.

Mr. Prytherch thanked the Community Development Department and others who participated in his class client project that focused on inter-jurisdictional collaboration in Oxford. Mr. Prytherch noted it was a student project that tackled what is perennially for Council a real issue. Mr. Prytherch advised the students learned a lot noting in the process they engaged a lot of people and met with people from Miami University, local Townships and the City of Oxford. Mr. Prytherch noted the students met individually with the stakeholders including various townships. Mr. Prytherch advised the students completed their report, presented it to the Planning Commission and shared it with Mr. Perry. Mr. Prytherch noted the report contained a set of recommendations and advised sometimes the process is the product. Mr. Prytherch noted right now the City and Oxford Township were talking to each other, attending each others meetings and looking at some collaboration regarding the Oxford Area Trail project. Mr. Prytherch advised the report points at some more structural things such as creating an inter-jurisdictional committee that meets quarterly or working on comprehensive plans that align better.

Mr. Prytherch noted the Climate Action Taskforce has met a couple of times as a steering committee and advised a Work Shop would be held on Thursday, June 20 from 5:00 to 6:30 p.m. to engage the wider public so people can be part of the taskforce. Mr. Prytherch noted the group wants to understand what it means to be part of the Global Covenant of Mayors, what has been done so far and what it would take to do more. Mr. Prytherch advised he would provide additional information on the Work Shop soon.

Vice Mayor Dana congratulated Mr. Prytherch on the efforts coming forth regarding planning noting he felt the "One Oxford" product from the students was very sophisticated, very crisp and very well done. Vice Mayor Dana advised the community will benefit from the report.

Vice Mayor Dana advised he and Councilor Raghu volunteered at ShareFest and noted it was amazing to see the amount of work done by Talawanda students.

Vice Mayor Dana noted he felt the vote that will be considered on June 4 regarding the proposed gas station and convenience store is of the utmost importance and advised he felt the proposal was very substantial. Vice Mayor Dana noted Council's decision on June 4 may set a precedent for many years.

ADJOURN

Mr. Smith moved to adjourn at 9:12 p.m. Mr. Ellerbe seconded. The motion passed 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: June 4, 2019

Sam Perry
Prepared By

Account Code No. #:

May 30, 2019
Date Prepared

Budgeted Amount: N/A

HAPC MEETING REPORT – MAY 8, 2019
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HAPC-2019-07, 22 S Beech Street, Demolition of Existing Structure; Replacement with new Mixed-Use Building, Scott Webb, Applicant, Agent

This was the second review of a proposed removal of a 1 story non-conforming use automotive business to be replaced with a 4 story mixed use building. The location is the corner of Walnut and Beech Streets. The new building will have underground parking, hotel, apartments and upper level restaurant patio. There were no changes from the pre-application in April. The building will be brick and faux stucco (EFIS). The HAPC approved the Certificate of Appropriateness with conditions by a vote of 5-0.

There was general discussion about the 2019 Council goal regarding historic preservation. Two administrative approvals were discussed: a revision to the 114 W. Walnut St business sign (next to Municipal Building) and the approval of louvers for a recessed new HVAC system for Chase Bank at 20 W. High Street. There was general discussion about amending the agenda to be consistent with BZA, Planning and Council regarding public comments on cases. There was discussion of potential subcommittee work for guidance on historically appropriate paint color schemes.

The meeting adjourned at 7:30 p.m.

Department Head:	<u>SP / 5-30-19</u>
City Manager:	<u>GAK nck 5-31-19</u>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: June 4, 2019

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount: N/A

May 30, 2019
Date Prepared

Agenda Title: Planning Commission Meeting Report- May 14, 2019

Staff and Commission members provided updates from various boards and recent meetings.

Presentation- Greater Oxford Area Planning- Options for Collaboration

A Miami University Advanced Planning class presented their final work product as a result of a semester long team project. The project was modeled after a professional client project that assists a community. The City of Oxford Community Development Department was the client.

The students found that there were few examples of collaborative land use or infrastructure planning being done between the City, Township and University. Particularly at the border areas. Four options for collaborating were presented. The options varied in degree of formality and detail. Options from around the country were shared: Bowling Green, Ohio, Waco, Texas, Urbana, Illinois and Ames, Iowa. The group recommended specific short term tasks such as a formal interjurisdictional committee and long term tasks such as working together on a shared comprehensive land use map. The current comp plan maps of the city and the township do not display each other's goals at all.

The Commission members and staff expressed gratitude to the class for the excellent work.

After the regular meeting a work session was held to follow up on two items of inquiry from a previous Commission meeting: 1.) Outdoor storage of merchandise in Oxford and 2.) Process for amendments to previously approved Planned Developments and Conditional Uses

Approved By:	Department Head: <u>SP / 5-30-19</u>
	City Manager: <u>ACM GAK / 5-31-19</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: June 4, 2019

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: N/A

May 31, 2019
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – May 15, 2019
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The BZA welcomed new member Dan Haizman who was sworn in prior to the meeting by City Attorney Amy Blankenship.

Adjudication Hearings

BZA-2019-03, 612 S. College Avenue, Variance to Section 1143.03(c)(7)D, to allow for a deck in the side yard, **Scott Webb, Appellant**

A deck had been installed without a permit on the side of an existing three-family building. In response to city enforcement action, the owner's agent filed a building permit application which could not meet the zoning code. Mile Square Architectural Guidelines only permit decks on rear walls of buildings. The evidence presented was that the deck had been installed to accommodate a resident with limited mobility. The BZA reviewed the case using the seven decision standards and found that two were met. The buildings in this area were not historic so the character was not altered by the modern materials and the deck met all other zoning standards, so it was not substantial. The variance was approved by a vote of 5-0.

BZA-2019-04, 200 W. High Street, Variance to Section 1151.05(a)(1), to allow for more than one wall sign per nonresidential occupant, and Section 1151.05(a)(1)(A), variance requiring wall signs to be attached between nine and eighteen feet above the adjacent ground, **Timothy Hoskins, Triangle Sign Company, Appellant**

Adhesive sign lettering had been installed without a permit on two existing nonconforming wall signs at the former First Merchants Bank building. The sign boxes were installed many years ago under previous sign regulations. In response to city enforcement action, the owner's agent filed a building permit application which could not meet the zoning code. Current sign regulations do not permit lighted wall signs in the Office Residential District, do not permit wall signs less than 9 feet above grade and only permit one sign, total, whether wall or freestanding (choice of owner). The BZA reviewed the case using the seven decision standards and found that two were met for the height variance request but none were met for the number of signs request. The one-story building design limited height placement. The height variance was approved by a vote of 5-0 and the number of signs variance was denied by a vote of 5-0. One of the sign boxes would be required to be removed.

Approved By:

Department Head:

Initial

Date

S.P. / 5-31-19

City Manager: ACA

GAK / 5-31-19

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Council Meeting Of :

Account Code No. :

Budgeted Amount :

5/21/2019

see below

Finance
Originating Department

Joe Newlin
Prepared By

5/29/2019
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) (400,000.00)
Increase/(Decrease)

Issue 2

To make adjustment to budget for OAT Phase II construction from unencumbered balance due to higher than expected bid pricing includes 10% contingency, \$2,100,000 originally budgeted increases to \$2,590,669

Action Needed:

Revenue Side

N/A

Expense Side

Oxford Area Trail Capital Improvement Fund (144) 490,669.00 Increase for roadway improvements

Net Effect on Fund Balance/(s) (490,669.00)
Increase/(Decrease)

Total Net Effect on Fund Balance/(s) (890,669.00)
Increase/(Decrease)

Breakdown by Fund

Oxford Area Trail Capital Improvement Fund (144) (490,669.00)

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

Net Effect on Fund Balance/(s) (890,669.00)
Increase/(Decrease)

Approved By:

Department Head:

City Manager: *ACM*

Initials

Date

[Signature] 5/29/19
GAIC 5-31-19

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:

Oxford Area Trail Capital Improvement Fund 144	490,669.00
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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: June 4, 2019

Account Code #: 144.490.64702

Budgeted Amount: \$2,100,000

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

May 28, 2019

Date Prepared

Agenda Title: Award of a Construction Contract to Sunesis Construction Co. for Construction of Oxford Area Trails – Phase II from SR73 to US27

Recommendation: Approve

Discussion: The City has worked with Bayer Becker Engineering to design bridge / road plans & specifications for the construction of Phase II of the Oxford Area Trail System (OATS) multi-use path for use by cyclists and pedestrians. This segment of the OATS trail is approximately 1.35 miles in length and will connect SR73 (at the existing gravel parking lot by DeWitt Cabin and Four Mile Creek) to US27 in the vicinity of Miami University's Pepper Park. This segment of the OATS trail is more expensive per mile when compared to other segments because a new bridge will be constructed across Four Mile Creek. This bridge is isolated from the current SR73 bridge and is designed to serve only cyclists and pedestrians.

The project estimate for this segment of the OATS trail is \$2,281,687.49. In addition to local funding, the City has obtained funding from Miami University in the amount of \$700,000 and \$750,000 from OKI.

Plans and specifications were developed and the project was advertised for bids with multiple clearinghouses, as well as, in the Journal News on May 3, 10 & 17, 2019. Three bids were received and opened on May 24, 2019 with the following results:

Sunesis Construction Co.	\$ 2,355,154.70
Barrett Paving Co.	2,390,699.05
Eclipse Construction Co.	3,202,423.00

The lowest and best bid was submitted by Sunesis Construction Co. in the amount of \$2,355,154.70. While this bid is higher than the estimate prepared by Bayer Becker Engineers, it is within an acceptable range. Sunesis Construction Co. has done numerous multi-million dollar projects similar in scope and difficulty as this phase of the OATS trail.

It is Staff's recommendation the Oxford City Council authorize the City Manager to sign a contract for construction of the OATS Phase II segment at a cost of \$2,355,154.70. Staff is requesting a contingency in the amount of \$235,515 (10%), therefore the contract not to exceed amount shall be **\$2,590,669.70**. Please note that this amount exceeds the amount already appropriated by the City Council. A Supplemental Appropriation of \$490,669.70 will be required in order to award this contract to Sunesis.

Approved By:

Department Head:

Initial MBD Date 5/29/19

City Manager: acm

GAK / 5-31-19

RESOLUTION NO.

A RESOLUTION OF OXFORD CITY COUNCIL ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUNESIS CONSTRUCTION CO. FOR THE CONSTRUCTION OF THE OXFORD AREA TRAIL SYSTEM (OATS) PHASE II AT A COST OF \$2,355,154.70 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$235,515.00 FOR A TOTAL COST NOT TO EXCEED \$2,590,669.70.

WHEREAS, the City advertised for bids in the *Journal-News* and with multiple clearinghouses on May 3, 10 & 17, 2019. Three (3) sealed bids were received, opened and publicly read on May 24, 2019. Sunesis Construction Co. provided the lowest bid in the amount of \$2,355,154.79; and

WHEREAS, the City Manager and the Service Director recommend Council find the bid of Sunesis Construction Co. to be the lowest and best bid and accept the bid of Sunesis Construction Co. for the construction of the Oxford Area Trail System (OATS) Phase II at a cost of \$2,355,154.70 plus a contingency amount of ten percent (10%) of the contract price or \$235,515.00 for a total cost not to exceed \$2,590,669.70.

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

SECTION 1: Council hereby finds the bid of Sunesis Construction Co. to be the lowest and best bid and accepts the recommendation of the City Manager and the Service Director and accepts the bid of Sunesis Construction Co. for the construction of the Oxford Area Trail System (OATS) Phase II at a cost of \$2,355,154.70 plus a contingency amount of ten percent (10%) of the contract price or \$235,515.00 for a total cost not to exceed \$2,590,669.70.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Sunesis Construction Co. for the construction of the Oxford Area Trail System (OATS) Phase II at a cost of \$2,355,154.70 plus a contingency amount of ten percent (10%) of the contract price or \$235,515.00 for a total cost not to exceed \$2,590,669.70.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



Phase 2: Miami Connector (2019)

- ODOT PID #105057
- Total Cost Estimate: \$2,281,687.49
- Funded by OKI Grant (\$750,000)
- Match: Miami University (700,000), Levy
- 1.35 mile paved section from SR 73 to
- US 27. Includes bridges at SR 73 and
- Peffer Park, and also connector to Ditmer
- Parking Lot.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: June 4, 2019

Account Code #: 417.750.53430; 351.861.52340

Budgeted Amount: \$100,000.00; \$40,000.00

Service Department

Originating Department

Michael B. Dreisbach, Service Director

Prepared By

May 28, 2019

Date Prepared

Agenda Title: Construction Contract for the Repair of Concrete Curb, Gutter, & Sidewalk

Recommendation: Approve

Discussion: The 2019 capital improvement plan includes funding for the repair of defective curb, gutter, and sidewalk in advance of street pavement resurfacing. On May 7, 2019, the City Council approved **Resolution No. 7080** authorizing Staff to move forward with a special assessment project to repair defective curb, gutter, and sidewalk as defined in Exhibit "A" in the Resolution.

Staff prepared and filed plans with the City Clerk as required by ORC 729.03 and the Clerk served notice to the properties involved. The City advertised this project for bids on May 3 & 10, 2019 in the *Journal News* as well as multiple plan clearinghouses. Unfortunately, no bids were received to perform this work. Staff discussed the project with contractors that typically bid this type of work, and found that the contractors were already committed to significant projects, and could not meet the deadline advertised in the bid documents. Staff worked to refine the project specifications, adjusted the project deadline, and re-advertised the project for bids on May 17 and May 24, 2019. Bids were opened on May 29, 2019, one bidder submitting the following result:

Jackson Construction, Inc. \$115,057.03

The City has worked with Jackson Construction on numerous contracts in the past; all with very favorable outcomes. It is important that this work, particularly the curb & gutter, be completed prior to street resurfacing operations in late July.

Once work has been completed by the contractor, Staff will request that Council authorize an Ordinance assessing improvement costs in accordance with Ohio Revised Code. Owners will have the opportunity to pay for the improvements in cash within 30 days of the assessing Ordinance. Should an owner choose not to pay in cash, levied amounts will be paid in five annual installments with an interest rate on deferred payments at 5%.

Staff recommends the City Council authorize the City Manager to enter into an agreement with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03. Staff is also requesting a contingency in the amount of \$11,505.70, therefore the contract amount not to exceed shall be **\$126,562.73**.

Approved By:

Department Head:

City Manager: *ne*

Initial Date

MBD 5/29/19

CAK 5-31-19

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACKSON CONSTRUCTION, INC. FOR THE CONSTRUCTION AND REPLACEMENT OF DESIGNATED CURB, GUTTER, AND SIDEWALK PER PROJECT SPECIFICATIONS AT A COST OF \$115,057.03 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$11,505.70 FOR A TOTAL COST NOT TO EXCEED \$126,562.73.

WHEREAS: the City advertised for bids in the *Journal News* and with multiple plan clearinghouses on May 17, 2019 and on May 24, 2019. One (1) sealed bid was opened and publicly read on May 29, 2019. The bid was provided by Jackson Construction, Inc. in the amount of \$115,057.03; and

WHEREAS: the City Manager and the Service Director recommend Council accept the bid of Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03 plus a contingency amount of ten percent (10%) of the contract price or \$11,505.70 for a total cost not to exceed \$126,562.73.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03 plus a contingency amount of ten percent (10%) of the contract price or \$11,505.70 for a total cost not to exceed \$126,562.73.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Jackson Construction, Inc. for the construction and replacement of designated curb, gutter, and sidewalk per project specifications at a cost of \$115,057.03 plus a contingency amount of ten percent (10%) of the contract price or \$11,505.70 for a total cost not to exceed \$126,562.73.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: June 4, 2019

Account Code #: 331.830.52340

Budgeted Amount: \$82,000.00

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

May 29, 2019

Date Prepared

Agenda Title: Land Application of Biosolids from the Wastewater Treatment Plant

Recommendation: Approve

Discussion:

The 2019 Operating Budget includes \$82,000 for various contracted services including the beneficial land application of biosolids from the City's wastewater treatment plant (WWTP).

The City contracted with Synagro Central, LLC. (Synagro) for the removal, transportation, and land application of anaerobically digested biosolids from the WWTP at a rate of \$19.27 per wet ton. Our agreement with Synagro allows for contract extensions so long as conditions are mutually agreeable. Synagro has proposed a five year extension to our contract at a rate of \$21.20 per wet ton. The WWTP expects to produce approximately 1500 wet tons of biosolids this year; therefore our expense for this agreement would be approximately \$31,800 annually. This cost increase not only reflects increased costs expended by Synagro such as labor, transportation, and fuel, but also reflects the increased efficiency of WWTP operations in drying our biosolids prior to being stored for land application.

Staff has evaluated other disposal options available to the City including "alternate daily cover" at the Rumpke Sanitary Landfill and thermal oxidation in conjunction with Butler County Department of Environmental Services. At this time, beneficial land application is by far the most economical option for OEPA permitted disposal.

This Resolution will authorize the City Manager to extend the City's agreement with Synagro-Central, LLC for the loading, hauling, and land application of biosolids for an amount not to exceed \$31,800 annually. This contract extension would be for a five year period, expiring on May 13, 2024. Synagro shall freeze the rate paid by the City for the first three years of the contract. Should the City decide to continue service in years four and five, the rate may be adjusted by the Consumer Price Index multiplier for the Greater Cincinnati area. Staff is not requesting a contingency amount at this time for this contract.

Approved By:

Department Head:

Initial Date
MB 5/29/19

City Manager: nen

QAK 5.31.19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT WITH SYNAGRO-CENTRAL, LLC FOR THE LOADING, HAULING, AND LAND APPLICATION OF BIOSOLIDS FOR A PERIOD OF FIVE (5) YEARS EXPIRING MAY 13, 2024 AT A COST NOT TO EXCEED \$31,800.00 ANNUALLY FOR THE FIRST THREE (3) YEARS AND THE COST OF THE FINAL TWO (2) YEARS TO BE DETERMINED.

WHEREAS, the City Manager and the Service Director recommend Council authorize the City Manager to extend the agreement with Synagro-Central, LLC for the loading, hauling, and land application of biosolids for a period of five (5) years expiring May 13, 2024 at a cost not to exceed \$31,800.00 annually for the first three (3) years and the cost of the final two (2) years to be determined.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Service Director and authorizes the City Manager to extend the agreement with Synagro-Central, LLC for the loading, hauling, and land application of biosolids for a period of five (5) years expiring May 13, 2024 at a cost not to exceed \$31,800.00 annually for the first three (3) years and the cost of the final two (2) years to be determined.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 6/4 & 6/18

Joe Newlin
Prepared By

Account Code No. _____

Budgeted Amount: _____

5/28/19
Date Prepared

Agenda Title:	Year 2020 Tax Budget submitted to the County
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Recommendation:	Approve
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Discussion:

This is the annual Tax Budget to be submitted for the coming year to the Butler County Tax Commission, in accordance with requirements stipulated by Ohio Revised Code. Approval by the legislative body is required by July 15th and it is due to the County by July 20th.

The tax budget required for the County is essentially a preliminary budget estimate for next year. Beginning in August we will undertake our normal detailed line-item budget analysis and preparation. We will spend approximately 3 months of intensive preparation on our detailed budget, and the final approved budget will then be submitted to the County Budget Commission to replace this preliminary estimate.

This tax budget provides our first glimpse at 2020's General Fund budget. We have prepared this budget with an approximately 0% change from the 2019 amended Budget except for a few items. It was prepared as follows:

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General Fund Budget Analysis

	2019 <u>Estimate</u>	2020 <u>Budget</u>	<u>Delta</u>
Total Revenue	15,646,045.00	15,321,345.00	(324,700.00)
Property Tax	1,180,000.00	1,083,300.00	(96,700.00)
Northridge III Subdivision Cash Bond	28,000.00	-	(28,000.00)
Return of Advance from Southpointe TIF Fund	200,000.00	-	(200,000.00)
Total Revenue Delta			(324,700.00)
Total Expenditures	15,742,601.20	15,321,345.00	(421,256.20)
Northridge III Subdivision Bond Release	28,000.00	-	(28,000.00)
Law Department Settlement	232,805.00	182,805.00	(50,000.00)
Transfer to Park Debt Service	311,250.00	-	(311,250.00)
Transfer to Aquatic Center Debt Service	95,605.49	308,500.00	212,894.51

Transfer to Capital Equipment Fund	626,308.00	577,958.00	(48,350.00)
Transfer to Capital Improvement Fund	514,003.00	516,050.56	2,047.56
Advance to Southpointe TIF Fund	200,000.00	-	(200,000.00)
Contingency	38,598.27	40,000.00	1,401.73
Total Expenditure Delta			(421,256.20)

All other revenues and expenditures remained constant.

See exhibit "A" for all other Funds changes.

Please keep in mind this is just a preliminary estimate.

Ohio Revised Code requires one public hearing be held, advertised at least 10 days in advance. We have advertised the public hearing for the Council meeting of June 18th.

Approved By:

Department Head:

City Manager: *ACM*

Initial Date

[Signature] 5/28/19
CAX / 5-31-19

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE TAX BUDGET FOR THE YEAR 2020 AND DIRECTING THAT THE SAME BE TRANSMITTED TO THE BUTLER COUNTY AUDITOR.

WHEREAS, the annual Tax Budget for the coming year shall be submitted to the Butler County Auditor pursuant to the Ohio Revised Code Section 5705.30; and

WHEREAS, approval by the legislative body of each political subdivision is required by July 15th of each year and it is due to the county by July 20th of each year.

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

SECTION 1: The year 2020 tax budget, attached hereto as Exhibit "A" for the City of Oxford is hereby adopted and the Finance Director is directed to transmit a copy of said budget to the Butler County Auditor.

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)

City or
Village of

Oxford

Butler

County, Ohio

(Date)

June 18

2019

Year

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th. **FAILURE TO COMPLY WITH SEC. 5705.30 R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.**

To the auditor of said County:

The following Budget year beginning January 1, 2020, has been adopted by Council and is herewith submitted for the consideration of the County Budget Commission.

Signed

Title

Finance Director

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED RATES

For Municipal Use		For Budget Commission Use		For County Auditor Use	
FUND (Include only those funds which are requesting general property tax revenue)	Budget Year Amount Requested of Budget Commission Inside/Outside Column 1	Budget Year Amount Approved by Budget Commission Inside 10 Mill Limitation Column 2	Budget Year Amount to be Derived From Levies Outside 10 Mill Limitation Column 3	County Auditor's estimate of Tax Rate to be Levied	
				Inside 10 Mill Limit Budget Year Column 4	Outside 10 Mill Limit Budget Year Column 5
GOVERNMENT FUNDS					
GENERAL FUND	1,180,000				
SPECIAL REVENUE FUNDS	1,378,128				
DEBT SERVICE FUNDS					
CAPITAL PROJECTS FUNDS					
PROPRIETARY FUNDS					
FIDUCIARY FUNDS					
AGENCY FUNDS					
TOTAL OF ALL FUNDS	2,558,128	0	0	0	0

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES[illegible]

FUND NAME: GENERAL FUND
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT I - A

DESCRIPTION (1)	For 2017 Actual (2)	For 2018 Actual (3)	Current Year Estimated for 2019 (4)	Budget Year Estimated for 2020 (5)
REVENUES				
Local Taxes				
General Property Tax - Real Estate	1,010,032.00	1,077,688.00	1,180,000.00	1,083,300.00
10% Rollback & Homestead	89,027.00	94,204.00	96,700.00	96,700.00
Tangible Personal Property Tax	-	-	-	-
Municipal Income Tax	8,783,372.00	9,058,621.00	8,850,000.00	8,850,000.00
Other Local Taxes	261,642.00	271,952.00	265,000.00	265,000.00
Total Local Taxes	10,144,073.00	10,502,465.00	10,391,700.00	10,295,000.00
Intergovernmental Revenues				
State Shared Taxes and Permits	5,892.00	-	-	-
Local Government	322,716.00	337,176.00	328,000.00	328,000.00
Estate Tax	-	-	-	-
Cigarette Tax	992.00	848.00	800.00	800.00
License Tax	-	-	-	-
Liquor and Beer Permits	36,700.00	38,209.00	38,000.00	38,000.00
Gasoline Tax	-	-	-	-
Library and Local Government Support Fund	-	-	-	-
Property Tax Allocation	-	-	-	-
Other State Shared Taxes and Permits	-	-	-	-
Total State Shared Taxes and Permits	366,300.00	376,233.00	366,800.00	366,800.00
Federal Grants or Aid	-	19,192.00	-	-
State Grants or Aid	27,075.00	11,949.00	18,543.00	18,543.00
Other Grants or Aid	83,693.00	97,545.00	110,534.00	110,534.00
Total Intergovernmental Revenues	477,068.00	504,919.00	495,877.00	495,877.00
Special Assessments	-	-	-	-
Charges for Services	486,265.00	458,705.00	587,460.00	587,460.00
Fines, Licenses, and Permits	829,439.00	739,742.00	751,300.00	723,300.00
Miscellaneous	368,387.00	417,251.00	360,128.00	360,128.00
Other Financing Sources:				
Proceeds from Sale of Debt	-	-	-	-
Transfers	161,694.00	137,570.00	138,149.00	138,149.00
Advances	1,660,550.00	854,380.00	2,921,431.00	2,721,431.00
Other Sources				
TOTAL REVENUES	14,127,476.00	13,615,032.00	15,646,045.00	15,321,345.00

FUND NAME: GENERAL FUND
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT I - B

DESCRIPTION (1)	For 2017 Actual (2)	For 2018 Actual (3)	Current Year Estimated for 2019 (4)	Budget Year Estimated for 2020 (5)
EXPENDITURES				
Security of Persons and Property				
Personal Services	4,002,959.00	4,023,197.00	4,563,463.00	4,563,463.00
Travel Transportation	-	-	-	-
Contractual Services	821,238.00	865,246.00	980,519.61	980,519.61
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Security of Persons and Property	4,824,197.00	4,888,443.00	5,543,982.61	5,543,982.61
Public Health Services				
Personal Services	-	-	-	-
Travel Transportation	-	-	-	-
Contractual Services	127,344.00	127,993.00	132,064.00	132,064.00
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Public Health Services	127,344.00	127,993.00	132,064.00	132,064.00
Leisure Time Activities				
Personal Services	1,014,371.00	989,912.00	1,151,349.00	1,151,349.00
Travel Transportation	-	-	-	-
Contractual Services	390,387.00	418,415.00	510,034.33	510,034.33
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Leisure Time Activities	1,404,758.00	1,408,327.00	1,661,383.33	1,661,383.33
Community Environment				
Personal Services	570,377.00	601,105.00	632,208.00	632,208.00
Travel Transportation	-	-	-	-
Contractual Services	548,240.00	450,763.00	472,739.00	472,739.00
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Community Environment	1,118,617.00	1,051,868.00	1,104,947.00	1,104,947.00
Basic Utility Services				
Personal Services				
Travel Transportation				
Contractual Services				
Supplies and Materials				
Capital Outlay				
Total Basic Utility Services	-	-	-	-

FUND NAME: GENERAL FUND
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT I - C

DESCRIPTION (1)	For 2017 Actual (2)	For 2018 Actual (3)	Current Year Estimated for 2019 (4)	Budget Year Estimated for 2020 (5)
EXPENDITURES				
Transportation				
Personal Services	-	-	-	-
Travel Transportation	-	-	-	-
Contractual Services	-	-	-	-
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Transportation	-	-	-	-
General Government				
Personal Services	986,574.00	1,008,313.00	929,648.00	928,246.00
Travel Transportation	-	-	-	-
Contractual Services	939,070.00	1,033,519.00	1,187,145.50	1,110,547.50
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total General Government	1,925,644.00	2,041,832.00	2,116,793.50	2,038,793.50
Debt Service				
Redemption of Principal	-	-	-	-
Interest	-	-	-	-
Other Debt Service	-	-	-	-
Total Debt Service	-	-	-	-
Other Uses of Funds				
Transfers	5,015,033.00	3,544,985.00	2,223,401.49	2,078,743.56
Advances	1,660,550.00	854,380.00	2,921,431.00	2,721,431.00
Contingencies	-	-	38,598.27	40,000.00
Other Uses of Funds	-	-	-	-
Total Other Uses of Funds	6,675,583.00	4,399,365.00	5,183,430.76	4,840,174.56
TOTAL EXPENDITURES	16,076,143.00	13,917,828.00	15,742,601.20	15,321,345.00
Revenues over/(under) Expenditures	(1,948,667.00)	(302,796.00)	(96,556.20)	-
Beginning Cash Balance	8,075,401.00	6,126,734.00	5,823,938.00	5,727,381.75
Ending Cash Fund Balance	6,126,734.00	5,823,938.00	5,727,381.80	5,727,381.75
Rounding	0.18	(0.05)	(0.05)	-
Outstanding Advances to be repaid	-	-	-	-
Estimated Encumbrances (outstanding at year end)	85,228.00	61,049.44	-	-
Estimated Ending Unencumbered Fund Balance	6,041,506.18	5,762,888.51	5,727,381.75	5,727,381.75

EXHIBIT II -A

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2020	Budget Year Estimated Receipt	Total Available For Expenditures	Personal Services	Other	Total	Estimated Unencumbered Fund Balance 12/31/2020
GOVERNMENTAL: SPECIAL SERVICE:							
Street	565,790.28	963,340.00	1,529,130.28	754,193.00	209,147.00	963,340.00	565,790.28
State Highway Improvement	29,104.90	22,650.00	51,754.90		20,200.00	20,200.00	31,554.90
Community Development Block Grant	150,000.00	221,000.00	371,000.00		221,000.00	221,000.00	150,000.00
Community Development Block Loan	425,625.36	49,543.00	475,168.36		160,000.00	160,000.00	315,168.36
Parking Meter	646,763.38	672,500.00	1,319,263.38	438,119.00	316,880.00	754,999.00	564,264.38
Life Squad	15,675.61	160.00	15,835.61		0.00	0.00	15,835.61
Affordable Housing Trust	5,805.24	61.00	5,866.24		0.00	0.00	5,866.24
Law Enforcement Trust	17,796.68	12,029.00	29,825.68		7,000.00	7,000.00	22,825.68
Enforcement & Education	137,376.50	2,174.00	139,550.50		12,800.00	12,800.00	126,750.50
FEMA	0.00		0.00			0.00	0.00
Fire/EMS	1,969,700.04	2,209,515.00	4,179,215.04	1,779,668.00	918,566.00	2,698,234.00	1,480,981.04
OVI Task Force	(221,466.85)	449,695.00	228,228.15	56,975.00	392,720.00	449,695.00	(221,466.85)
South Pointe TIF District 1	118,287.90	287,979.80	406,267.70		267,439.08	267,439.08	138,828.62
South Pointe TIF District 2	3,005.51	7,317.12	10,322.63		6,795.21	6,795.21	3,527.42
South Pointe TIF District 3	4,510.21	10,980.40	15,490.61		10,197.20	10,197.20	5,293.41
South Pointe TIF District 4	4,499.55	10,954.46	15,454.01		10,173.11	10,173.11	5,280.90
South Pointe TIF District 5	4,477.65	10,896.28	15,373.93		10,120.40	10,120.40	5,253.53
OAT Property Tax Fund	0.00	1,050,000.00	1,050,000.00		1,050,000.00	1,050,000.00	0.00
Fire Loss Claims	0.00		0.00			0.00	0.00
TOTAL SPECIAL REVENUE FUNDS	3,876,951.96	5,980,795.06	9,857,747.02	3,028,955.00	3,613,038.00	6,641,993.00	3,215,754.02

EXHIBIT II - B

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2020	Budget Year Estimated Receipt	Total Available For Expenditures	Personal Services	Other	Total	Estimated Unencumbered Fund Balance 12/31/2020
DEBT SERVICE FUNDS							
Aquatic Center Debt Service Fund	3,445.52	311,250.00	314,695.52		311,250.00	311,250.00	3,445.52
Southpointe TIF Debt Service	0.00	304,725.00	304,725.00		304,725.00	304,725.00	0.00
1999 Parks Imp.Bond Debt Service Fund	0.50		0.50			0.00	0.50
TOTAL DEBIT SERVICE FUNDS	3,446.02	615,975.00	619,420.52	0.00	615,975.00	615,975.00	3,445.52
CAPITAL PROJECT FUNDS							
Capital Equipment	711,280.24	626,308.00	1,337,588.24		626,308.00	626,308.00	711,280.24
Capital Improvement	702,900.97	1,280,303.00	1,983,203.97		1,391,150.00	1,391,150.00	592,053.97
Parking Lot Improvement	107,637.95	40,000.00	147,637.95		40,000.00	40,000.00	107,637.95
Municipal Facilities Capital Improvement	145.17	0.00	145.17		0.00	0.00	145.17
Oxford Area Trails Capital Improvement Fund	(1,083,270.37)	3,175,781.00	2,092,510.63		2,125,781.00	2,125,781.00	(33,270.37)
Aquatic Center Capital Improvement Fund	(0.00)	0.00	(0.00)		0.00	0.00	(0.00)
Southpointe Roadway TIF Capital Improvement Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CAPITAL PROJECTS	438,693.96	5,122,392.00	5,561,085.96		4,183,239.00	4,183,239.00	1,377,846.96
Special Assessment	6,266.69	193,733.31	200,000.00		200,000.00	200,000.00	0.00
TOTAL SPECIAL ASSESSMENT	6,266.69	193,733.31	200,000.00	0.00	200,000.00	200,000.00	0.00

EXHIBIT II - C

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2020	Budget Year Estimated Receipt	Total Available For Expenditures	Personal Services	Other	Total	Estimated Unencumbered Fund Balance 12/31/2020
PROPRIETARY: ENTERPRISE FUNDS Water Capital Equipment Water Operating Water Improvement Water Capacity Benefit Fund NE Water Capacity Benefit Fund NW Water Capacity Benefit Fund SE Water Capacity Benefit Fund SW Sewer Capital Equipment Sewer Operating Sewer Improvement Sewer Capacity Benefit Fund NE Sewer Capacity Benefit Fund NW Sewer Capacity Benefit Fund SE Sewer Capacity Benefit Fund SW Refuse Stormwater Utility Landfill Post-Closure	186,314.49 3,149,552.37 1,853,156.10 495,457.84 157,168.61 313,305.15 179,516.85 154,505.03 1,597,759.18 1,217,413.83 416,833.38 153,316.01 433,938.62 128,298.24 1,921,055.34 69,487.85 1,176,203.81	131,850.00 2,728,233.00 844,651.00 4,771.00 1,796.00 3,492.00 1,562.00 233,102.00 2,988,160.00 251,949.00 3,931.00 1,562.00 4,568.00 829.00 1,572,177.00 40,782.00 17,000.00	318,164.49 5,877,785.37 2,697,807.10 500,228.84 158,964.61 316,797.15 181,078.85 387,607.03 4,585,919.18 1,469,362.83 420,764.38 154,878.01 438,506.62 129,127.24 3,493,232.34 110,269.85 1,193,203.81	1,397,741.00 1,643,044.00 212,039.00 3,252,824.00	131,850.00 1,330,492.00 1,250,000.00 18,375.00 18,375.00 18,375.00 18,375.00 18,375.00 315,850.00 1,345,116.00 570,000.00 1,465,138.00 40,000.00 1,200.00	131,850.00 2,728,233.00 1,250,000.00 18,375.00 18,375.00 18,375.00 18,375.00 315,850.00 2,988,160.00 570,000.00 0.00 0.00 0.00 0.00 1,677,177.00 40,000.00 1,200.00	186,314.49 3,149,552.37 1,447,807.10 481,853.84 140,589.61 298,422.15 162,703.85 71,757.03 1,597,759.18 899,362.83 420,764.38 154,878.01 438,506.62 129,127.24 1,816,055.34 70,269.85 1,192,003.81
TOTAL ENTERPRISE FUNDS	13,603,282.70	8,830,415.00	22,433,697.70	3,252,824.00	6,523,146.00	9,775,970.00	12,657,727.70

EXHIBIT II - D

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2020	Budget Year Estimated Receipt	Total Available For Expenditures	Personal Services	Other	Total	Estimated Unencumbered Fund Balance 12/31/2020
INTERNAL SERVICE FUNDS							
Internal Service Fund	57,248.63	264,114.00	321,362.63		261,709.00	261,709.00	59,653.63
Employee Benefits Fund	282,875.88	2,190,764.00	2,473,639.88		2,370,792.00	2,370,792.00	102,847.88
TOTAL INTERNAL SERVICE FUNDS	340,124.51	2,454,878.00	2,795,002.51	0.00	2,632,501.00	2,632,501.00	162,501.51
FIDUCIARY:							
TRUST AND AGENCY FUNDS							
Board of Building Standards Fund	0.00	2,850.00	2,850.00		2,850.00	2,850.00	0.00
Hotel Tax Agency Fund	0.00	245,000.00	245,000.00		245,000.00	245,000.00	0.00
TOTAL TRUST AND AGENCY FUNDS	0.00	247,850.00	247,850.00	0.00	247,850.00	247,850.00	0.00
TOTAL FOR MEMORANDUM ONLY	18,268,765.84	23,446,038.37	41,714,803.71	6,281,779.00	18,015,749.00	24,297,528.00	17,417,275.71

[illegible]

DESCRIPTION	For 2017 Actual	For 2018 Actual	Adjusted Budget Year 2019	Estimate for Budget 2020	Explanation for Changes from prior year % increase over prior year budget
REVENUES					
Local Taxes					
General Property Tax - Real Estate	1,010,032	1,077,688	1,180,000	1,083,300	-8.19%
10% Rollback & Homestead, Trailor	89,027	94,204	96,700	96,700	0.00%
Tangible Personal Property Tax					0.00%
Municipal Income Tax	8,783,372	9,058,621	8,850,000	8,850,000	0.00%
Other Local Taxes (Hotel tax)	261,642	271,952	265,000	265,000	0.00%
Total Local Taxes	10,144,073	10,502,465	10,391,700	10,295,000	(96,700) -0.93%
Intergovernmental Revenues					
State Shared Taxes and Permits	5,892				100.00%
Local Government	322,716	337,176	328,000	328,000	0.00%
Estate Tax					0.00%
Cigarette Tax	992	848	800	800	0.00%
Licenses Tax					0.00%
Liquor and Beer Permits	36,700	38,209	38,000	38,000	0.00%
Gasoline Tax					
Library and Local Government Support Fund					
Property Tax Allocation					
Other State Shared Taxes and Permits					
Total State Shared Taxes and Permits	366,300	376,233	366,800	366,800	0.00%
Federal Grants or Aid					0
State Grants or Aid	27,075	19,192	18,543	18,543	0.00%
Other Grants or Aid	83,693	97,545	110,534	110,534	0.00%
Total Intergovernmental Revenues	110,768	128,686	129,077	129,077	0.00%
Special Assessments					
Charges for Services	486,265	458,705	587,460	587,460	0.00%
Fines, Licenses, and Permits	829,439	739,742	751,300	723,300	-3.73%
Miscellaneous	368,387	417,251	360,128	360,128	0.00%
Other Financing Sources:					
Proceeds from Sale of Debt					
Transfers	161,694	137,570	138,149	138,149	0.00%
Advances	1,660,550	854,380	2,921,431	2,721,431	(200,000) -6.85%
Other Sources					
TOTAL REVENUE	14,127,476	13,615,032	15,646,045	15,321,345	(324,700) -2.08%
TOTAL EXPENSES					
NET GAIN/(LOSS)					
			(96,556)	0	

revision to the % increase

0.00%

Dept	2017 Actual			2018 Actual			2019 Estimate			2020 Tax Budget		
	Personal Services	Operating	Capital Outlay	Personal Services	Operating	Capital Outlay	Personal Services	Operating	Capital Outlay	Personal Services	Operating	Capital Outlay
Security of Persons & Property												
110	3,968,321	696,733	0	4,665,054	733,741	0	4,724,277	844,720	0	5,366,582	844,720	0
120	34,638	36,940	0	71,578	43,172	0	75,833	43,750	0	85,351	43,750	0
130	0	0	0	0	0	0	0	0	0	0	0	0
140	0	0	0	0	0	0	0	0	0	0	0	0
170	87,565	87,565	0	87,565	88,333	0	88,333	4,888,443	0	92,050	0	0
Total	4,002,959	821,238	0	4,824,197	865,246	0	4,888,443	5,543,983	0	5,543,983	980,520	0
Public Health & Welfare												
210	10,804	10,804	0	9,931	9,931	0	9,931	15,000	0	15,000	0	0
220	6,576	6,576	0	6,598	6,598	0	6,598	6,600	0	6,600	0	0
221	109,964	109,964	0	111,464	111,464	0	127,993	110,464	0	110,464	0	0
Total	127,344	127,344	0	127,993	127,993	0	127,993	132,064	0	132,064	0	0
Leisure Time Activities												
290	6,500	16,683	0	23,183	7,357	0	23,781	25,924	0	37,694	25,924	0
610	61,423	47,720	0	109,143	43,457	0	91,520	89,437	0	136,050	89,437	0
620	649,578	215,445	0	885,023	239,976	0	893,127	708,313	0	979,774	271,461	0
630	296,870	110,539	0	407,409	285,947	0	399,889	143,211	0	295,216	143,211	0
680	0	0	0	1,404,758	0	0	1,408,327	0	0	1,661,363	0	0
Total	1,014,371	390,387	0	1,404,758	989,912	0	1,408,327	510,034	0	1,661,363	510,034	0
Community Environment												
310	375,503	25,643	0	401,146	393,513	0	421,559	41,055	0	396,001	41,055	0
320	74,236	478,392	0	552,628	88,458	0	465,727	382,653	0	112,576	382,653	0
335	0	10,000	0	10,000	8,000	0	8,000	8,000	0	8,000	0	0
345	0	31,574	0	31,574	0	0	29,152	0	0	33,869	0	0
360	120,638	2,631	0	123,269	119,134	0	127,430	1,104,947	0	130,793	7,162	0
Total	570,377	548,240	0	1,118,617	601,105	0	1,051,868	472,739	0	1,104,947	472,739	0
General Government												
408	0	100,977	0	100,977	0	0	109,306	123,207	0	123,207	0	0
410	217,929	27,179	0	245,108	236,261	0	244,638	9,732	0	236,787	9,732	0
420	170,949	98,012	0	268,961	171,560	0	275,089	117,832	0	175,182	117,832	0
421	0	369,357	0	369,357	0	0	395,487	355,145	0	355,145	0	0
430	117,145	92,627	0	209,772	116,957	0	299,914	231,403	0	232,805	182,805	0
450	90,397	39,193	0	129,590	89,950	0	125,501	36,504	0	129,056	36,504	0
465	82,754	11,429	0	94,183	83,412	0	93,263	85,806	0	92,552	85,806	0
470	21,658	18,659	0	40,317	23,333	0	30,864	13,350	0	36,504	13,350	0
480	66,073	73,684	0	139,757	84,481	0	148,323	23,413	0	33,792	23,413	0
481	98,507	23,732	0	122,239	99,425	0	123,412	133,553	0	96,508	133,553	0
483	31,948	0	0	31,948	0	0	18,814	33,834	0	101,694	33,834	0
490	121,162	52,273	0	173,435	123,573	0	177,201	57,086	0	57,086	0	0
500	986,574	939,070	0	1,925,644	1,008,313	0	2,041,832	65,121	0	126,036	37,121	0
Total	986,574	939,070	0	1,925,644	1,008,313	0	2,041,832	1,187,146	0	928,246	1,110,548	0
Transfers												
		5,015,033		5,015,033	3,544,985		3,544,985	2,223,401		2,223,401	2,078,744	
Advances		1,660,550		1,660,550	854,380		854,380	2,921,431		2,921,431	2,721,431	
Contingency		0		0	0		0	38,598		38,598	40,000	
tot gen fund	6,574,281	9,501,862	0	16,076,143	6,622,527	0	13,917,828	8,465,933	0	7,275,266	8,046,079	0

FUND NAME: GENERAL FUND
FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL
TRANSFERS/ADVANCES PG 1 OF 1

DESCRIPTION

	For 2017 Actual	For 2018 Actual	Adjusted Budget Year 2019	Estimate for Budget 2020
REVENUES TRANSFERS-IN				
From Hotel Tax Fund	15,698	16,317	-	-
From Parking Fund	29,711	29,241	30,120	30,120
From Oxford Natural Gas Fund	-	-	-	-
From Water Fund	42,095	34,004	39,343	39,343
From Sewer Fund	42,095	34,004	39,343	39,343
From Capital Improvement Fund	-	-	-	-
From FEMA Fund	-	-	-	-
From Storm Water Fund	-	-	-	-
From Refuse Fund	32,095	24,004	29,343	29,343
Total Transfers In	161,694	137,570	138,149	138,149
REVENUES ADVANCES-IN				
Return of Advance from Capital Equipment Fund	16,000	-	-	-
Return of Advance from Capital Improvement Fund	521,550	322,750	265,650	265,650
Return of Advance from Oxford Area Trails	668,000	101,630	2,125,781	2,125,781
Return of Advance from Southpointe TIF Fund	-	200,000	200,000	-
Return of Advance from Employee Benefit Fund	5,000	5,000	5,000	5,000
Return of Advance from Special Assessment Fund	-	-	100,000	100,000
Return of Advance from OVI Task Force Fund	450,000	225,000	225,000	225,000
Total Advances In	1,660,550	854,380	2,921,431	2,721,431
EXPENDITURES TRANSFERS-OUT				
To FEMA Fund	-	-	-	-
To Street Fund	544,613	582,045	578,085	578,085
To Capital Equipment Fund	290,195	294,398	626,308	577,958
To Capital Improvement Fund	385,000	341,629	514,003	516,051
To Municipal Facilities Fund	3,400,000	1,700,000	-	-
To Oxford Area Trail Fund	-	227,000	-	-
To Aquatic Center Debt Service Fund	-	-	95,605	308,500
To Park Debt Service Fund	307,075	311,763	311,250	-
To Storm Water Fund	40,000	40,000	40,000	40,000
To Special Assessment Fund	30,000	30,000	40,000	40,000
To Fire/EMS Fund	18,150	18,150	18,150	18,150
Total Transfers Out	5,015,033	3,544,985	2,223,401	2,078,744
EXPENDITURES ADVANCES-OUT				
To Capital Equipment Fund	16,000	-	-	-
To Capital Improvement Fund	521,550	322,750	265,650	265,650
To Oxford Area Trails Fund	668,000	101,630	2,125,781	2,125,781
To Southpointe TIF Fund	-	200,000	200,000	-
To Employee Benefit Fund	5,000	5,000	5,000	5,000
To Special Assessment Fund	-	-	100,000	100,000
To OVI Task Force Grant Fund	450,000	225,000	225,000	225,000
Total Advances Out	1,660,550	854,380	2,921,431	2,721,431

**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.

☒ 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**

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 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

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

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☒ 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. ~~But~~ 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: 4-2-19

John A. Jones, Police Chief

PRINTED NAME

✓

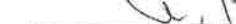
To: Fire Department Engineering Division Police Department Econ Dev Department

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

- X Review Revisions Other

w/comments

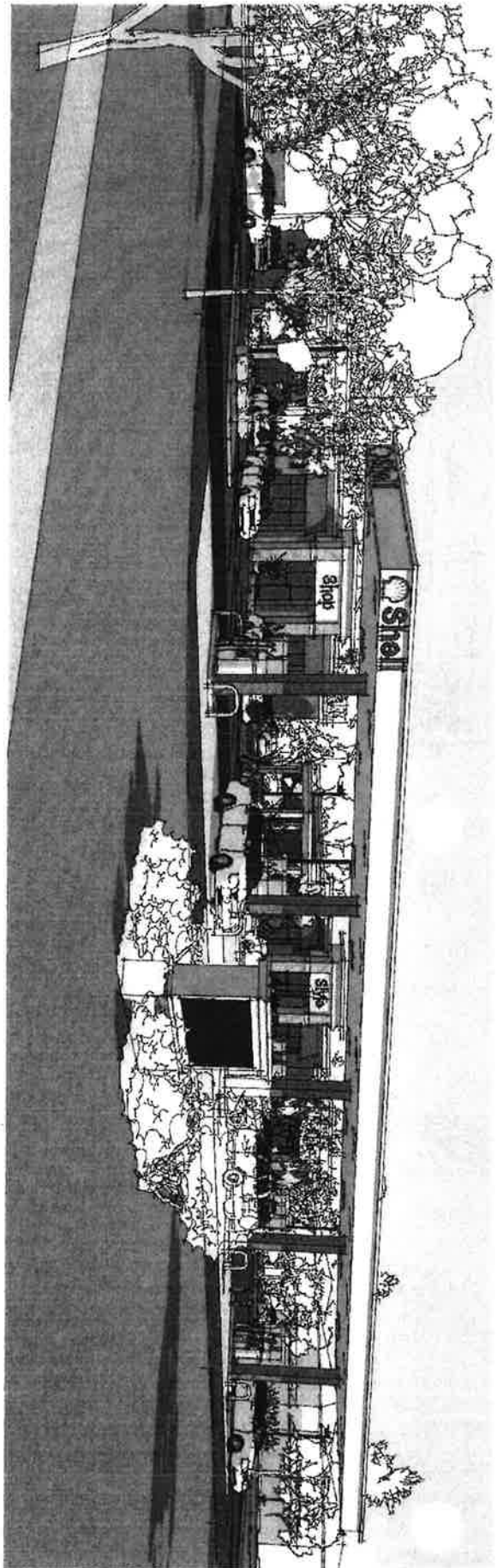
As far as curb cuts and traffic patterns, I will allow the City Engineer and traffic specialists handle that section of the proposal.


G. Alan Korman

Date:

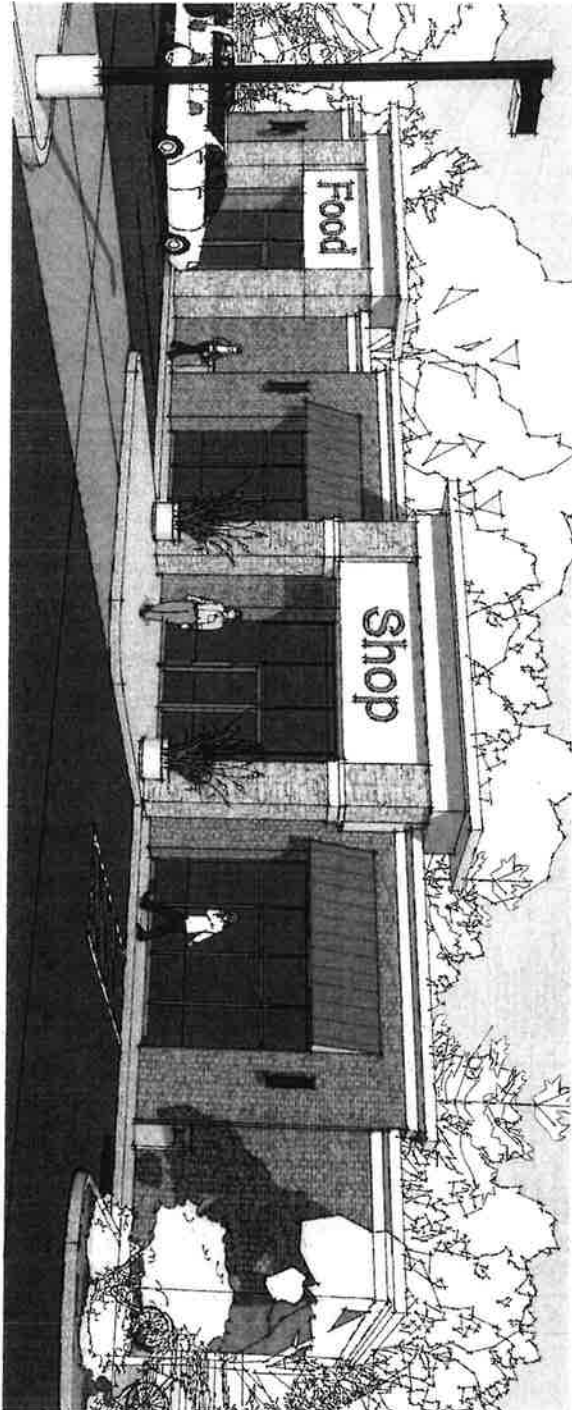
PRINTED NAME

[illegible]



BUILDING DESIGN

MIN. 60% GLAZING BETWEEN 2.5' 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
(513) 523-9888

www.scottwebbarchitect.com

PROPOSED NEW COMMERCIAL DEVELOPMENT

Southpointe Crossing

SOUTHPOINTE PARKWAY
OXFORD, OHIO 45056

DATE

March 26, 2009

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.

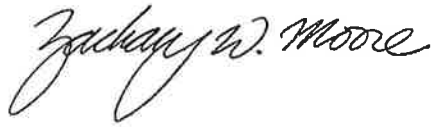
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

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.

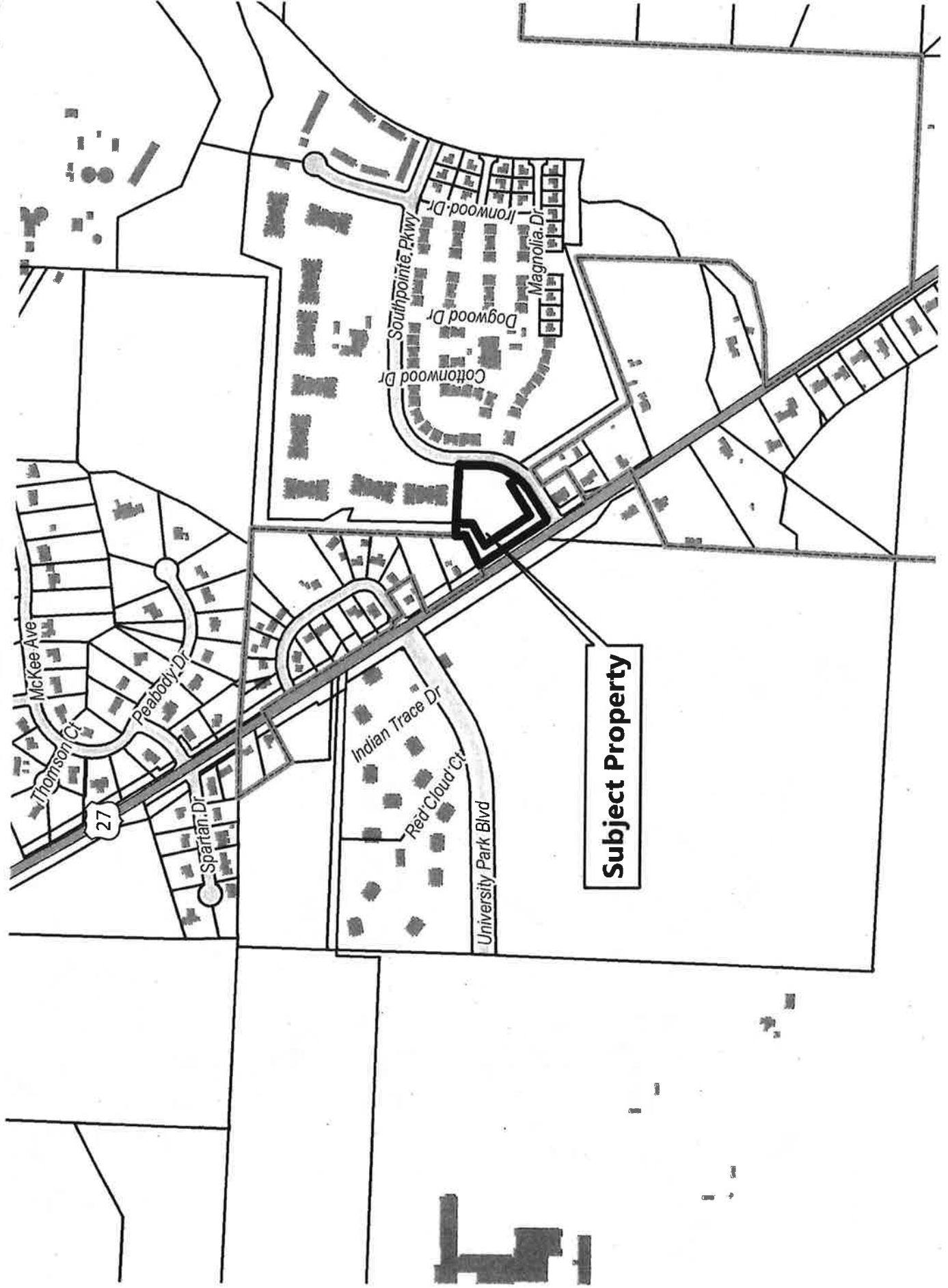
1147.03(b)(10) Drive-Through Restaurant Facilities.

- 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

Site Parcel(s)

0 0.05 0.1 0.2 Miles

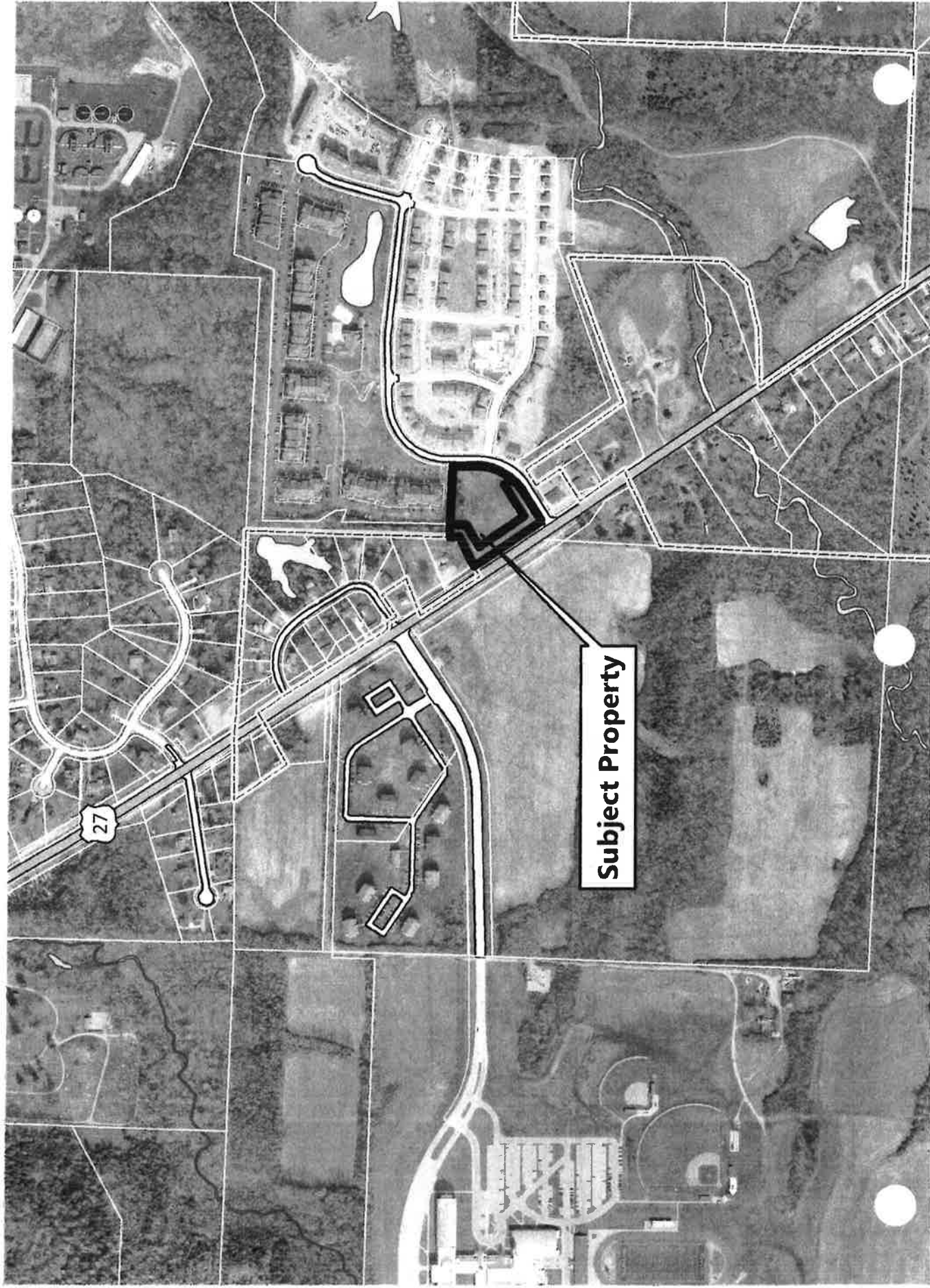


Subject Property

Location Map

 Site Parcel(s)

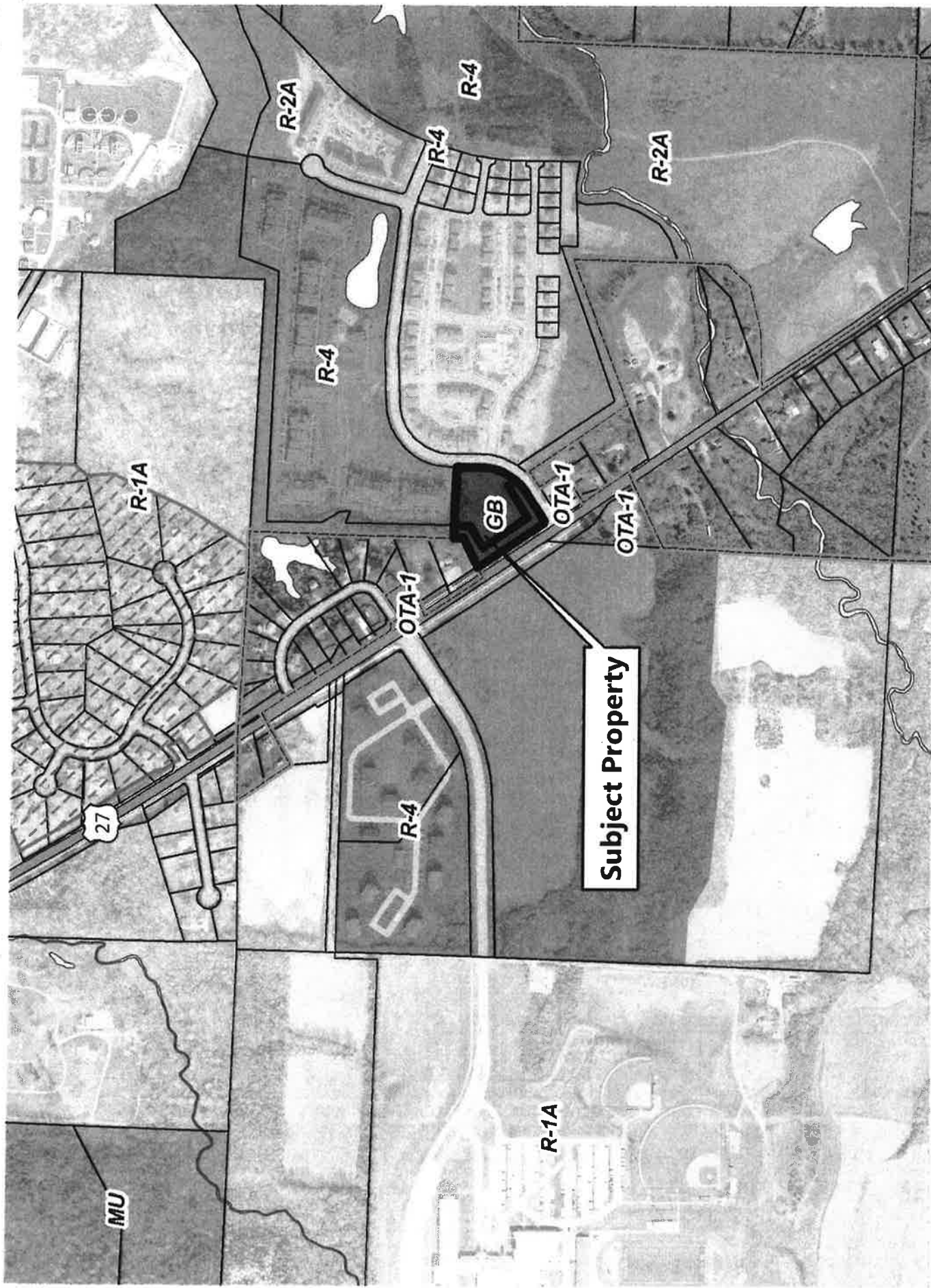
0 0.05 0.1 0.2 Miles



Location Map

 Site Parcel(s)

0 0.05 0.1 0.2 Miles



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

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 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

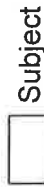
John A. Jones
PRINTED NAME



PC-2019-08

Surrounding Property Owners Notifications Map

Legend



Subject



200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel

16.5' Vacated ROW



Building Footprint



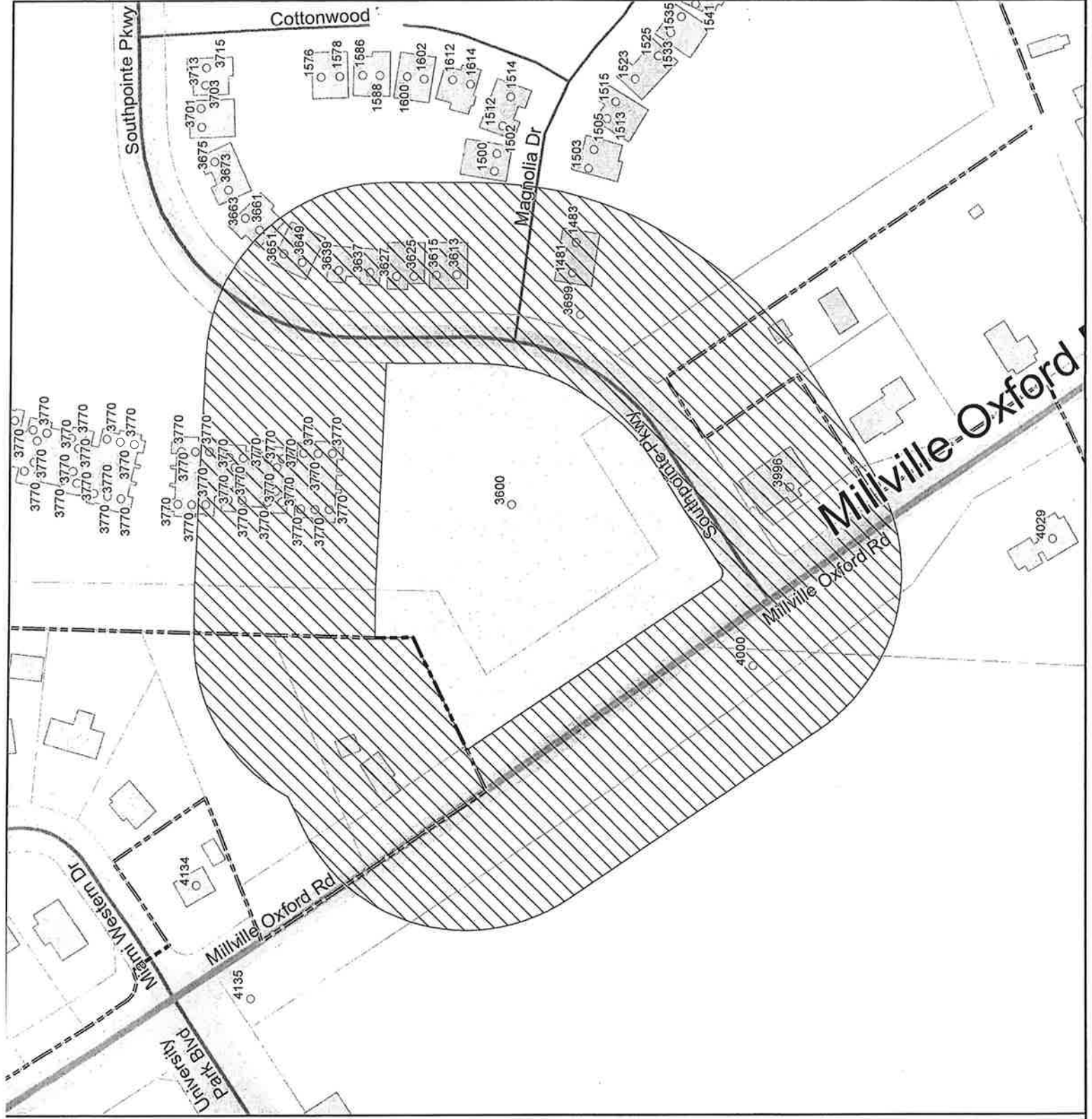
Paved Roadway



1 inch = 150 feet

Prepared on Friday, February 22, 2019

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plans, and 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.
- A. Application Fee.
- B. Description of Use and Site.
- A written, detailed description shall include the following information. A separate response is required for each subsection.
1. The name, mailing address, and telephone number of the applicant and the property owner.
 2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 3. 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.

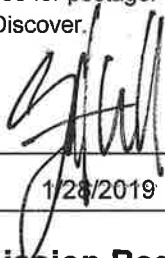
Fees & Receipt

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

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

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 menus 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

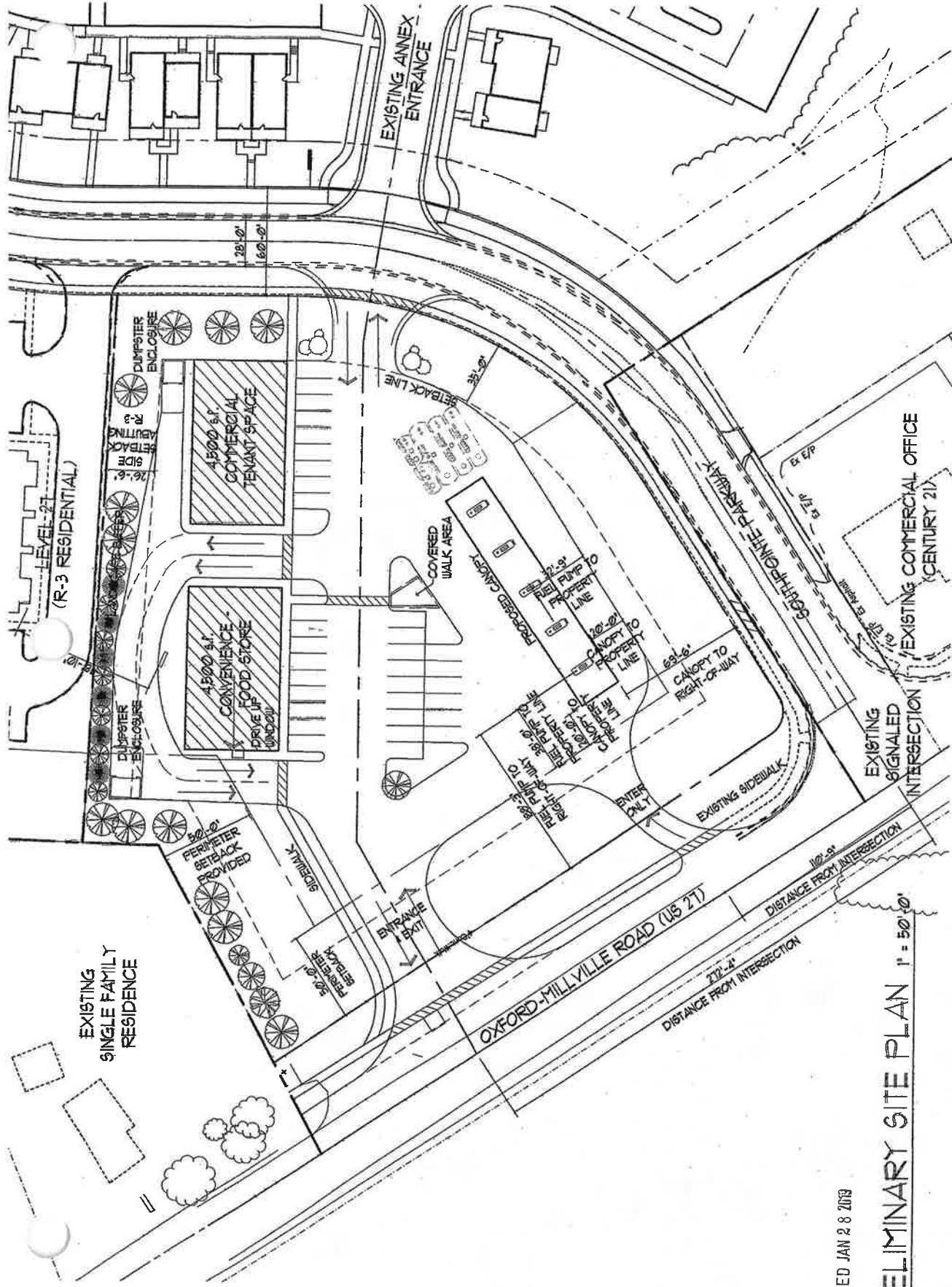


SCOTT WEBB ARCHITECT
103 West Main Street
Bedford, VA 22609
540-552-3538
www.scottwebbarchitect.com

PROPOSED NEW COMMERCIAL DEVELOPMENT
Southpointe Crossings

DATE	January 28, 2019
REVISIONS	

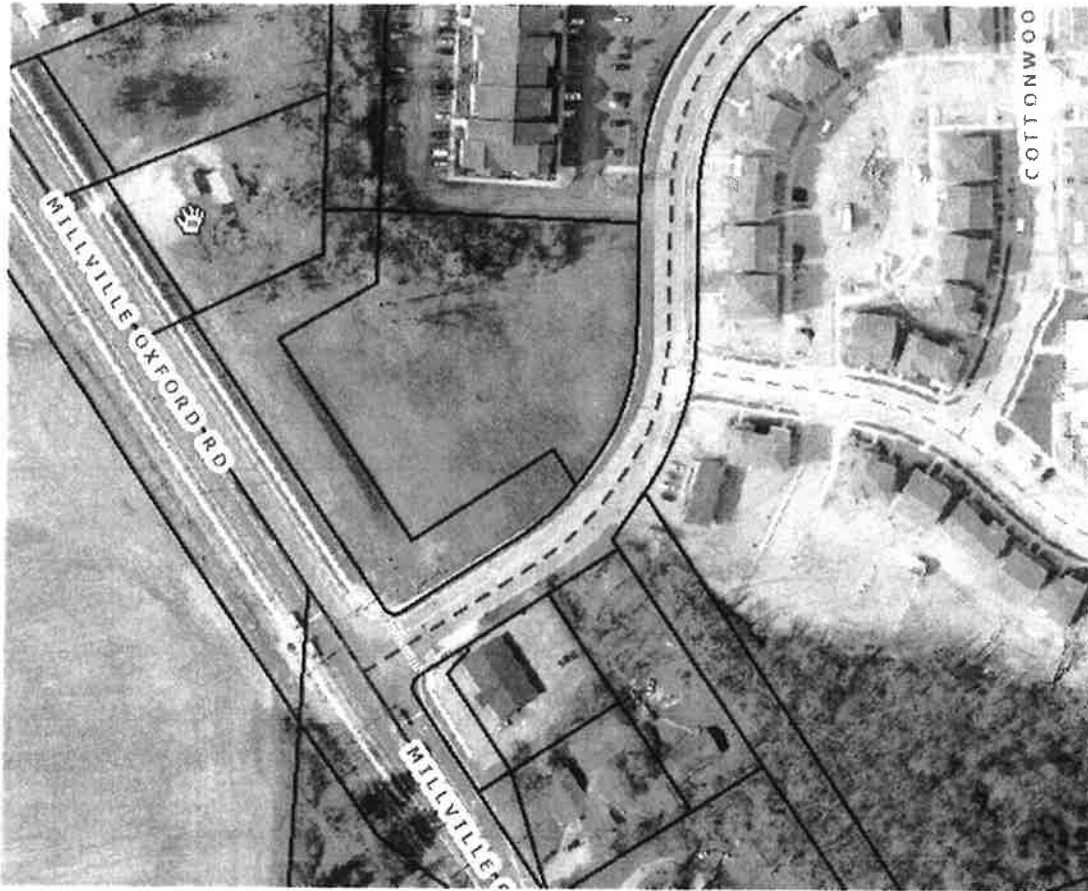
A-3



RECEIVED JAN 28 2019

PRELIMINARY SITE PLAN 1" = 50' 10"

Project & Area Photos



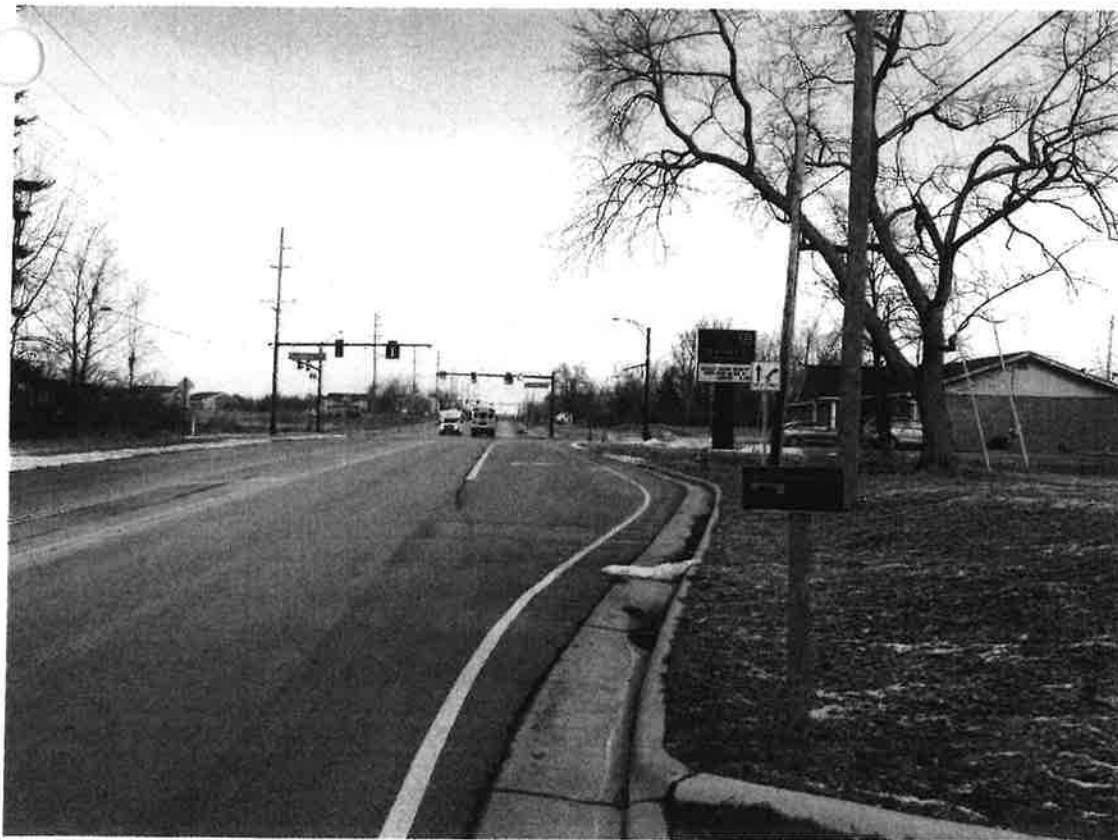
Aerial View



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

**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.

(e) 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)

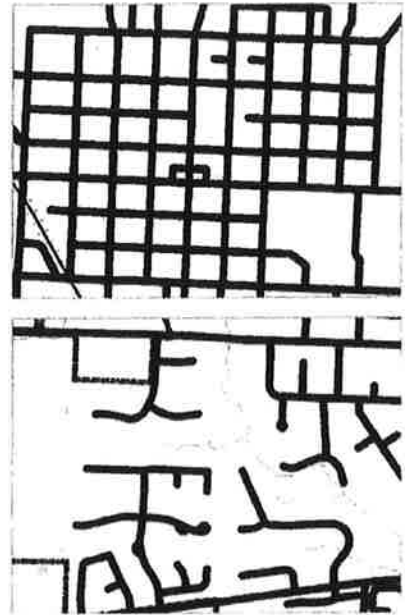
The public has a strong desire to preserve Oxford's small town character. This was mentioned directly and indirectly by making reference to the scale and quality of the physical environment that defines Oxford. Specific elements mentioned by the public include agricultural land, Uptown, neighborhoods 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 disjointed 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.

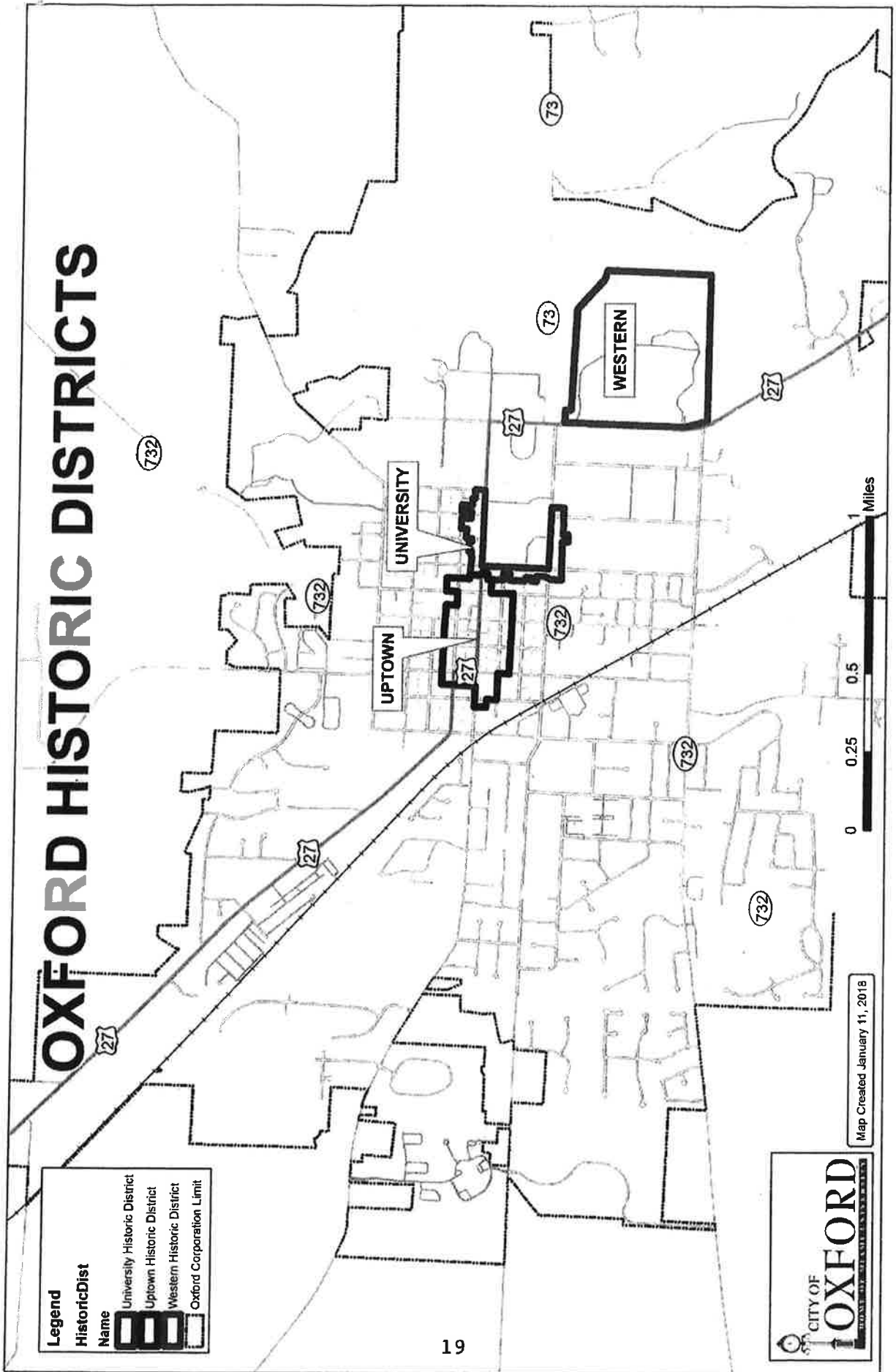


Many rural and natural features surrounding the city create a distinct character for the community. The Black Covered Bridge is an example of a natural and physical element that defines the rural character of the community.

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	



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**

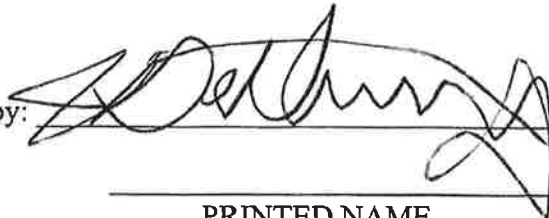
 X Review Revisions Other

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

City of Oxford
Inter-Office Review Transmittal Sheet

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Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



John A Jones
PRINTED NAME

Date: _____

1/18/19

City of Oxford
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.....

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
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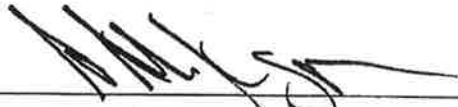
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Over the years, I have found the HAPC to be supportive in both protecting and encouraging the preservation of historic structures and in working with property owners in the redevelopment of their properties. Because of this, I support the HAPC's efforts in updating and clarifying the HAPC purpose statement as well as the operational & decision standards.

Drawings reviewed by:  Date: 2-4-19

G. Alan Korman

PRINTED NAME