



Agenda

Oxford City Council

Court House

TUESDAY, JULY 15, 2008

EXECUTIVE SESSION

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

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

REGULAR MEETING 7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Swearing-In - David King, Police Sergeant

B. Proclamation - Phi Delta Theta



Proclamation

C. Appointments to Boards and Commissions

D. Public Comments

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

4. Consent Agenda.

A. Minutes of the June 17, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



Work Session Minutes

B. Minutes of the June 17, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Regular Meeting Minutes

C. Minutes of the June 23, 2008 City Council Joint Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



Joint Work Session Minutes

D. Report regarding the June 10, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Planning Commission Report

E. Report regarding the June 18, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



BZA Report

F. Report regarding the June 25, 2008 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Civil Service Report

G. A Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Sergeants and Lieutenants, Fraternal Order of Police, Lodge 164 and authorizing

the City Manager and City Law Director to sign the contract on behalf of the City.
(Doug Elliott, City Manager)



Staff Report and Legislation

- H. A Resolution approving the appointment of Joseph Newlin to the RITA Regional Council of Governments and Heidi Hill as the alternate representative to the RITA Regional Council of Governments. (Doug Elliott, City Manager)



Staff Report and Legislation

- I. A Resolution authorizing the temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 22, 2008, from 10:00 p.m. to 1:00 a.m. at Cook Field on Miami's Campus for an After Dark and Campus Activities Council sponsored concert. (Doug Elliott, City Manager)



Staff Report/ Legislation/Supporting Documentation

- J. A Resolution authorizing the temporary abatement of the Noise Ordinance no. 2550, Section 509.09, on Friday, September 12, 2008, from 10:00 p.m. to 2:00 a.m. on the patio at the Shriver Center on Miami's Campus for an After Dark and Program Board sponsored party. (Doug Elliott, City Manager)



Staff Report/Legislation/Supporting Documentation

5. Resolutions.

- A. None.

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

- A. First Reading.

1. An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)



Staff Report/Legislation

2. An Ordinance Repealing Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City Of Oxford's Historic District And Adopting New Chapter 25, Graphics, Signage, & Building Identification Of The Design Guidelines For The City Of Oxford's Historic District. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation

3. An Ordinance Approving A Conditional Use Permit For A Commercial Development To Include An Automobile Service Station In The General Business (GB) District At

3900 Southpointe Parkway, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation/Supporting Documents

4. An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of Phase I Of The Planned Development For The R3 Portion Of Southpointe Crossing With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation/Supporting Documents

5. An Ordinance Approving A Conditional Use Permit For Residential Land Use On The First Floor Of A Proposed New Four Dwelling Apartment Building In the Uptown (UP) District Located behind 25 West High Street. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation/Supporting Documents

B. Second Reading.

1. An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Deputy Clerk of Council)



Staff Report



Legislation

2. An Ordinance Repealing Oxford Code Of Ordinances Section 181.10 And Adopting New Oxford Code Of Ordinances Section 181.10, Including New Subsection (e). (Joe Newlin, Finance Director)



Staff Report/Legislation

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

A. Announcements.

1. Remarks from City Council and City staff.

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

WED - July 16 Board of Zoning Appeals Meeting - Cancelled

FRI - July 18 Community Improvement Corporation 12:00 p.m. LCNB 2nd Floor Meeting Room - Cancelled

MON - July 21 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room

TUES - July 22 Comprehensive Plan Open House - Kramer Elementary School 6:00 p.m.

WED - July 23 Civil Service Commission Meeting - Cancelled

TUES - July 29 Comprehensive Plan Steering Committee Meeting 6:00 p.m.

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

WED - Aug 6 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

TUES - Aug 12 Records Commission Meeting 5:30 p.m. Municipal Building 2nd floor Conference Room

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

FRI - Aug 15 Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd Floor Community Room

MON - Aug 18 Housing Advisory Commission 7:00 p.m. Municipal Building 2nd Floor Conference Room

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

8. Adjourn

the Phi Delta Theta Fraternity was founded on December 26, 1848, at Miami University in Oxford, Ohio, and has grown into a prosperous, international organization in its 160 year existence; and

WHEREAS, the fraternity was founded upon the noble precepts of friendship, sound learning and rectitude; and

WHEREAS, there are 160 chapters and 5 colonies of Phi Delta Theta in 41 states and 5 Canadian provinces; and

WHEREAS, there have been over 230,000 members initiated into Phi Delta Theta; and

WHEREAS, the Fraternity holds its annual Emerging Leaders Institute in Oxford, Ohio, to promote the ideas of scholarship, service to others, leadership, personal development, and fraternal values and ethics to its diverse membership.

NOW, THEREFORE, I, Prudence Z. Dana, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of July 27th through August 2, 2008 to be:

'PHI DELTA THETA WEEK'

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 11th day of July, 2008.

Prudence Z. Dana, MAYOR

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: July 15, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 2, 2008

Date Prepared

Agenda Title: Resolution approving the appointment of Joseph Newlin to the RITA Regional Council of Governments and Heidi Hill as the alternate representative.

Recommendation:

Discussion:

Each municipal corporation which is party to an agreement with RITA has one representative and one alternate representative to a Regional Council of Governments appointed by the City Manager with the approval of City Council.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

RESOLUTION NO.

A RESOLUTION APPROVING THE APPOINTMENT OF JOSEPH NEWLIN TO THE RITA REGIONAL COUNCIL OF GOVERNMENTS AND HEIDI HILL AS THE ALTERNATE REPRESENTATIVE TO THE RITA REGIONAL COUNCIL OF GOVERNMENTS.

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

SECTION 1: Oxford City Council adopted Resolution No. 4255 on May 15, 2007 authorizing the agreement for participation with the Regional Income Tax Agency for income tax administration services.

SECTION 2: The agreement for participation requires member municipalities to appoint one representative and one alternate to the RITA Regional Council of Governments.

SECTION 3: In accordance with the agreement of participation, Council hereby approves the appointment of Joseph Newlin as representative and Heidi Hill as alternate to the RITA Regional Council of Governments.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: July 15, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 25, 2008

Date Prepared

Agenda Title: Resolution approving the contract between the City of Oxford, Ohio and the Oxford Police Sergeants and Lieutenants, Fraternal Order of Police, Lodge 164 and authorizing the City Manager and City Law Director to sign the contract on behalf of the City.

Recommendation: Approval.

Discussion: January 1, 2008 marked the end of the existing contract between the City and the Fraternal Order of Police, Lodge 164.

Negotiations have been completed and approval of this Resolution will authorize the City Manager and Law Director to sign the recommended contract, the term of which is three years.

Approved By:

Initial Date

Department Head: _____

City Attorney: _____

City Manager: _____

RESOLUTION NO.

A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF OXFORD, OHIO AND THE OXFORD POLICE SERGEANTS AND LIEUTENANTS, FRATERNAL ORDER OF POLICE, LODGE 164 AND AUTHORIZING THE CITY MANAGER AND CITY LAW DIRECTOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

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

SECTION 1: The City Manager and Chief of Police recommend Council authorize the City Manager and City Law Director to sign on behalf of the City the Contract referred to in substantially the same form as Exhibit "A" ("Contract") with the Oxford Police Sergeants and Lieutenants, Fraternal Order of Police, Lodge 164. The purpose of this Contract is to achieve a mutual agreement and understanding between the aforementioned parties and to establish written protocol for harmonious relations between the parties. The term of this Contract is for three (3) years from January 1, 2008 through December 31, 2010.

SECTION 2: Council hereby accepts the recommendation and approves the contract finding that the contract will benefit the community and it is in the best interest of the City to authorize the City Manager and City Law Director to sign the contract on behalf of the City.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: July 15, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 7, 2008

Date Prepared

Agenda Title: Report regarding the June 25, 2008 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held their regular meeting on Wednesday, June 25, 2008. Those members present were: Phil Russo, Chair; Susan Cross Lipnickey; Fred Russell; and Sue Morris. Charles Crain was excused. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary; Steve Schwein, Police Chief, and Robert Holzworth, Police Lieutenant, were in attendance for the City.

The Commission reviewed and approved proposed changes to the Lateral Entry criteria for Patrol Officers after making an amendment to the proposed language.

The Commission reviewed and approved an amended Police Officer Eligibility List.

The Commission reviewed and approved the Utility Maintenance Technician Eligibility List.

The Commission approved staff's request to make one more appointment from the existing Police Sergeant Eligibility List.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

DJR 7/7/08

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 15, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

June 23, 2008
Date Prepared

Agenda Title:	Board of Zoning Appeals – June 18, 2008 Meeting Report
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Recommendation:	N/A
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PUBLIC HEARING

BZA-03-2008 5041 College Corner Pike, Variances to Section 1151.05(a)(3)C.1.b for a freestanding sign higher than 6 feet and Section 1151.03(d)(1) sign setback requirement, **Patrick Reist, Applicant(Tabled)**

During the 27 North road improvements, this sign was compensated for and identified as an effected sign to be relocated. According to the Nonconforming Regulations Section 1137.10(b)1 & 2, any nonconforming sign that is relocated or replaced loses its nonconforming status and must comply with the applicable sign requirements. The Applicant proposed to utilize the existing sign case and panels located at the top of the current pole sign. Due to a slight slope from the street leading downward to the building, the proposed sign is 8 feet high from finished grade. The Applicant also requested to place the proposed sign one foot from the new right-of-way instead of the required 8 feet. The BZA voted 4-0 to **APPROVE** the application with the following conditions:

1. That, the top of the sign be no higher than 6 feet from the sidewalk finished grade.
2. That, bushes and landscaping be provided around the sign.

BZA-05-2008 112 S. Poplar, requesting a variance to Sections 1143.05(c)(4)B.1 & B.2, 1143.05(c)(2)C., 1149.02 (a), 1137.04(a), 1137.05(b) and 1137.06 (a) & (b), to allow a front porch addition on a nonconforming use, structure and lot that exceeds the lot coverage, encroaches into the required side yard setback and has a gravel driveway. **Scott Webb, Architect, Applicant (Tabled)**

The property has three structures located on it; a two-story, two-family rental closest to Poplar Street (112 S. Poplar), a one-story, single family rental just behind the two-family (112½ S. Poplar) and a detached garage along the alley. The Applicant is proposing to construct a front porch addition onto the 112 S. Poplar two-family structure. According to the site plan the proposed porch would be roughly 10' x 26' with the exception of the current entry bump out and would encroach into the alley right-of-way. Building and total lot coverage's are already exceeded and would increase with the proposed addition. The existing gravel parking is required to be paved with any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming). The subject property is considered to be a nonconforming lot, nonconforming structure and nonconforming use. Additions are permitted to a nonconformity, provided the use is permitted and the addition satisfies all the dimensional requirements and as long as the nonconformity is not increased.

Staff and Legal Counsel presented to BZA that the request to construct in the alley right-of-way is not permitted and really is not a request BZA should consider because City Council is the public steward for the public right-of-way. Permission for the use of the right-of-way would have to be granted and applied for to City Council.

BZA voted 4-0 to **TABLE** the application until the Applicant makes a request to City Council to utilize the alley right-of-way for new construction. The Applicant waived all time constraints for BZA to render a decision due to the additional review necessary by City Council.

BZA-07-2008 720 S. Campus Avenue, Variances to Section 1149.03(a), Section 1129.04; and 1143.03(c)(3)C, to allow gravel parking, Susan Klein, Applicant, Agent

The Applicant is requesting approval of a gravel driveway that was installed, but not approved. On July 7, 2004 a new building permit was applied for, for the construction of a new single family dwelling unit. On the approved plans a 9' x 52.5' driveway was shown for construction. However, upon final inspection at the completion of the project, gravel was extended off of the driveway at the rear of the house. The zoning code states that all off-street parking and maneuvering areas shall be hard surfaced, loose materials are not permitted. Additionally, the maximum total lot coverage in the "R1MS" district is 35%. According to the 2004/2005 approved site plan, the lot coverage for the single-family house and driveway was 34.9%. With the addition of the gravel parking area the total lot coverage would increase to 64%. A Certificate of Occupancy was also never officially released. The BZA voted 4-0 to **DENY** the application on the basis that Decision Standard's "B", "C", "D", "E" & "F" were not satisfied. The applicant will have 30 days to remove the gravel, unless further appealed. The rental permits will not be renewed either until the official Certificate of Occupancy is released.

BZA-08-2008 623 S. College Avenue, Variances to Section 1149.02(a), Section 1149.03(a), Section 1149.04(b)(6), to allow gravel parking, Holly Morrical, Applicant, Owner

The Applicant is requesting approval to allow an existing gravel driveway remain on the site. A recent permit application for an addition to the property was filed and illustrated the existing gravel drive to remain. The site plan was approved as noted, stating that the driveway must be paved and shall not exceed the 18' driveway width at the alley right-of-way line. Upon a final inspection of the property, the gravel drive had not been paved and the inspection was failed. The Vehicle Management Chapter states that any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site. This included for this project that the existing driveway be paved and meets the 18 foot width requirement. Concerns were expressed about causing more water run-off onto a neighboring property across the alley located at 114 W. Central if the driveway was paved. The BZA voted 3-1 to **APPROVE** the application with the following conditions:

1. That, the existing gravel area along the northern property line may remain, but must be reduced to an 18' x 25' area that is limited to 2 parking spaces and must be bounded by railroad ties or other similar material on three sides of the parking area.
2. That, the remaining gravel is removed and properly grassed.

BZA-09-2008 Courtyards of Miami, Main & Central, Variances to Section 1151.06(B)(2), 1151.06(B)(3), signage, Matt Ostendorf, Applicant, Owner

The Applicant was requesting that a 4' x 8' real estate sign attached to the side of a building facing Main Street and another building facing Central Avenue may remain. The zoning code states that real estate signs in a residential zoning district shall be no more than 6 square feet in area per side and that real estate signs must be freestanding. Had the Applicant proven that the signage was mounted to the building prior to 07.05.2005 when the regulations changed regarding real estate signage, the case would have been dismissed. According to the City records, no such signage existed on the buildings even in October 2005. The BZA voted 4-0 to **DENY** the application on the basis that Decision Standard's "B", "D" & "F" were not satisfied. The applicant will have 30 days to remove the signage, unless further appealed.

The next regular meeting scheduled for July 16, 2008 has been CANCELLED due to a lack of an agenda. Staff is trying to schedule a training session for the BZA members on this date instead.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC \6/23/08

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CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 15, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

June 12, 2008
Date Prepared

Agenda Title:	Planning Commission Meeting Report – June 10, 2008
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Recommendation:	N/A
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DISCUSSION

Reports from Commissions, Boards, Committees and Staff

Mr. Keebler announced that the Uptown Revitalization Committee was prepared to make a recommendation and would be asking City Council to accept and forward to the Planning Commission further review.

Mr. Brewer shared that the next Comprehensive Plan meeting was scheduled for June 30, 2008 at 6:00p.m.

Ms. Kay reported that the HAC & HAPC would be holding an Open House on June 24, 2008 at the Community Arts Center, from 5-7p.m.

Mr. Prytherch provided a report in the Planning Commission's packets for CIC.

Mr. Hurston reported the Environmental Commission was on summer break.

Public Hearing

PC-11-2008 ***CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building., to permit a ground floor residential use in the Uptown District, Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant***

Mr. Brewer explained that the vote ended in a tie and as a result is automatically continued. He shared that they were not required to open the public hearing again, and that members could ask staff or the Applicant if there was any additional information to be presented. Mr. Hurston asked the Applicant a few questions for clarification. The Planning Commission voted 3-2 to recommend approval to City Council.

PC-04-2008 ***CONDITIONAL USE PERMIT – Southpointe, to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District, Scott Webb, Architect, Applicant (Tabled)***

Staff presented the facts of the case including why specific conditions were being recommended for their consideration. The application submitted proposed a 9,300 sq. ft. retail building (4,800 sq. ft. for a convenience store and 4,500 for future retail space) with a gas station (10-pumping stands) covered with a canopy. Access would be provided off of Southpointe Parkway. The Applicant also indicated on the site plan that the existing earth mound along U.S. 27 would remain and the additional 5-foot, landscaped, earth mounds would be provided along Southpointe Parkway.

Public comment received included, opposition to the use, support of the design, concern over light pollution and traffic, comments shared about other service stations being denied. The Commission deliberated the number of pump

stations being provided, outdoor storage and display of merchandise, ingress/egress to the site, landscape maintenance, signage, canopy design, and lighting. The Commission also discussed the purpose of the Conditional Use, the design of the site as a whole and the right to add additional conditions on to the project.

Upon review of the Decision Standards for a Conditional Use, the Commission voted 4-1 to recommend approval to City Council with the following conditions:

1. That there are only three sets of double stacked fuel pumps, providing 12 vehicle-filling locations
2. That the size of the canopy is reduced to cover only the 3 double stacked fuel pumps and associated car fill lanes, and that the building and canopy appear substantially as shown on the drawings; the sides of the canopy shall be an earth tone stucco or similar material, with the top & bottom details shown, without contrasting striping, graphic or banners so as to blend in with the building, and the sides of the canopy shall not be lit.
3. All merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure. Propane sales, must be screened and in an enclosed area, located outside the building
4. That the eastern or 2nd entry from U.S. 27 permits ingress and egress, and that the western or 1st entry closest to U.S. 27 is exit only onto Southpointe Boulevard
5. That, all signage is in accordance with §1151.05(a)(3) as submitted with this Applicant and shall be on the same site.
6. That, the landscaping plan is modified to comply with 1149.05(e)(4)E & F in regards to curbing and landscaped islands.
7. That, a detailed lighting and photometric plan is submitted, and be designed so as to meet the standard for no lighting spill-off to leave the site.
8. That, no wall pack(s) lighting is provided on the proposed retail building.
9. That, any lighting under the canopy is recessed in the ceiling of the canopy.
10. That, dumpster pick-up service shall be allowed only between the hours of 7:00 AM and 7:00 PM.
11. That, an internal circular pattern showing exit and entrance lanes are clearly marked.
12. That, an access easement shall be executed, satisfactory to the City's Law Director, to allow the driveway to be constructed on a separate parcel.
13. That, enough screening shall be provided through mounding and landscaping so that the proposed use on this site is not visible from US 27. Commercial development shall not be accessible from US 27
14. That, 50 feet of side and rear yard setback from US 27 shall be maintained
15. That, the application shall have a perpetual landscaping easement obligation to maintain the landscaping on site and on the berm.

PC-09-2008 ***FINAL PLANNED DEVELOPMENT, US 27 South, condominium development, Scott Webb, Applicant, Agent (Tabled)***

Staff provided a summary that the case was tabled because building elevations, the landscaping schedule, the private temporary bridge capacity study, Fire Chief's review and comments regarding the bridge capacity, and Service and Engineering comments, all needed to be submitted prior to continuing the hearing. Staff shared that the Fire Chief had concerns about the rotting condition of the bridge's wood slats and Engineering's report concurred. The Engineering report also referenced that sanitary sewer service for the property was not yet approved or acceptable and that the street if they were to remain public would have to be constructed to City standards. Discussion was had regarding the private street system, maintenance of and public access of. Much discussion was had on the secondary access.

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

1. That, all requirements of City Council Ordinance #2989 are upheld and implemented as approved.
2. That, the concerns from the Fire Chief must be addressed and satisfactory to the Fire Chief, prior to Council's review and consideration.
3. That, the maintenance of the private streets, and the light poles are the sole responsibility of the property owner and its successors and that a Street Maintenance Agreement is recorded with the Final Development Plan, acceptable to the City's Legal Council. Additionally, a Condominium Declaration

- must be reviewed and accepted by the City's Law Director. The Final Development recording requirement is outlined in Section 1145.08 and Section 1145.09 of the Planning and Zoning Code.
4. That, the Engineering comments regarding the sanitary issues must be addressed and satisfactory to the Engineering Division.
 5. That, a second, permanent ingress/egress street shall be constructed from U.S. 27, as stipulated in Ordinance No. 2989, within 5 years from the start of construction of Phase I or approval of the application for Phase II, whichever is sooner.

OTHER BUSINESS

Open Space Development

Mr. Brewer shared that he is working with staff to get the language finalized and put together for them to discuss in a work session prior to their July Meeting. Staff shared that they do not have any items on their agenda for July. Mr. Brewer explained that he hoped to hold the public hearing on the Open Space Subdivision Regulations in August.

Oxford Twp. Comprehensive Plan

Mr. Kyger reported that he attended the County Planning Commission hearing earlier in the day and that the Commission voted to adopt the Township's Comprehensive Plan with the exception of the Transportation Chapter which was given an extension.

Rules of Procedure Handout Discussion

Planning Commission to review more at next meeting.

The next regular meeting is CANCELLED and a work session will be held July 8, 2008 at 6:00p.m.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 JHC 6/18/08

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A work session of the Oxford City Council was called to order by Mayor Prue Dana on Monday, June 23, 2008 at 7:00 P.M. Those Council members present were, Alysia Fischer, Kate Currie, Richard Keebler, Doug Ross, Greig Rutherford and Ken Bogard.

Staff members present: Doug Elliott, City Manager; Jung-Han Chen, Community Development Director; and Alan Kyger, Economic Development Director.

Also present were Oxford Township Trustees; Jim McDonough, Gary Salmon, and Larry Frimerman. Jim Rubenstein, Committee Chair, Steve Snyder, Miami University, Bob Ison, Milford Township Trustee, Greg Wilkens, Butler County Engineer, Michael Juengling, Butler County Department of Development, and Dr. Fred Bartenstein, Facilitator.

APPROVAL OF AGENDA

Mr. Keebler moved approval of the Agenda. Ms. Fischer seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Joint Work Session was to work towards a compromise/consensus regarding the proposed US 27/SR 73 connector.

Dr. Fred Bartenstein, Facilitator, established ground rules for the Work Session.

INTRODUCTION

Each participant introduced themselves and stated which jurisdiction they represented followed by a brief expectation of what they hoped to accomplish this evening.

DISCUSSION

Each jurisdiction discussed their issues and concerns regarding the proposed connector and a comment queue was provided to allow each participant to comment.

After the discussion Dr. Bartenstein offered the following suggestions for moving forward:

1. Request the matter be tabled at the July 8, 2008 Butler County Planning Commission Meeting.
2. Oxford City Council should take a formal position on the County Thoroughfare Plan at a public meeting.
3. Schedule another meeting with all parties.
4. Report back to the Butler County Planning Commission.

ADJOURNMENT

Mr. Keebler moved to adjourn at 9:15 p.m. Ms. Fischer seconded. The motion carried 7-0-0.

A work session of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, June 17, 2008 at 6:00 P.M. Those Council members present were, Alysia Fischer, Kate Currie, Richard Keebler, Doug Ross and Greig Rutherford. Mayor Dana was excused.

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

APPROVAL OF AGENDA

Mr. Keebler moved approval of the Agenda. Ms. Fischer seconded. The motion carried 6-0-0.

The purpose of the Work Session was for Council to receive a historical review of the Northwest Butler County Transportation Study.

Mr. Elliott advised Mr. Kyger and Mr. Bailey would give a presentation and a question and answer period would follow.

PRESENTATION

Mr. Kyger provided a detailed PowerPoint presentation which covered the history of the Northwest Butler County Transportation Study which began in 2000. Mr. Kyger noted in 1997-1998 Council committed to trying to limit the number of trucks traveling through the City of Oxford and Miami's campus. Mr. Kyger advised Council had passed 6 Resolutions since 2003 endorsing the Northwest Butler County Transportation projects and between 2003 and 2006 Miami and Oxford secured funding for projects.

Mr. Bailey discussed the status of several road improvement projects including SR 73 at SR 177, SR 73 at US 127, US 27 from McGonigle to Oxford, and the US 27/SR73 connector.

Mr. Ross inquired if trucks would be required to use a proposed connector and Mr. Elliott advised no.

Mr. Keebler noted his feeling the City could not pass up federal funding and something had to be done to alleviate the truck traffic.

Ms. Fischer thanked Mr. Kyger and Mr. Bailey for providing the PowerPoint presentation. Ms. Fischer requested updated statistics regarding truck traffic and additional information regarding a portable weigh station.

ADJOURNMENT

Mr. Keebler moved to adjourn at 7:05 p.m. Ms. Fischer seconded. The motion carried 6-0-0.

A regular meeting of the Oxford City Council was called to order by Vice Mayor Ken Bogard on Tuesday, June 17, 2008 at 7:40 p.m. Those members present were Kate Currie, Richard Keebler, Alysia Fischer, Doug Ross and Greig Rutherford. Mayor Dana was excused.

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

**ADJOURN TO
EXECUTIVE SESSION**

Mr. Rutherford moved to adjourn to Executive Session at 7:03 p.m. in accordance with Ohio Revised Code section 121.22 (G) for the purpose of discussing (1) Appointments to Boards and Commissions and (3) Pending litigation . Mr. Ross seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

**RETURN FROM
EXECUTIVE SESSION**

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

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

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Vice Mayor Bogard requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Fischer moved to remove Item 6.A.3. Preliminary Subdivision from the agenda and accept the applicant's request to withdraw the application. Mr. Ross seconded. The motion passed 6-0-0.

ORDINANCE

PRELIMINARY SUBDIVISION

An Ordinance Accepting The Planning Commission's Recommendation To Deny The Preliminary Subdivision Application For A Residential Subdivision On South Campus Avenue In The R2MS (Single And Two-Family Mike Square Residential) District. (Jung-Han Chen, Community Development Director)

Ms. Fischer moved to approve the agenda as amended. Ms. Currie seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

SWEARING IN

Mr. McHugh performed the Swearing-In of Police Sergeant John Jones. Mr. Jones thanked Council, the Police Chief, the Civil Service Commission, and his family for their support.

PRESENTATION

BUTLER COUNTY MRDD

Ms. Holly Boyd thanked Council for the opportunity to make a presentation on behalf of Butler County MRDD. Ms. Boyd discussed their various programs and Annual Action Plan and distributed information to Council as well as a poster for City Hall. Vice Mayor Bogard thanked Ms. Boyd and noted MRDD was a very important function within the County.

APPOINTMENTS TO BOARDS

AND COMMISSIONS

Mr. Keebler moved to reappoint Gary Meyer to the Board of Zoning Appeals for a term expiring June 30, 2011 and Daniel Haizman to the Historic and Architectural Preservation Commission for a term expiring June 30, 2012. Ms. Fischer seconded. The motion passed 6-0-0.

PROCLAMATION

RELAY FOR LIFE

Vice Mayor Bogard read the Proclamation and advised he would present it at the Relay For Life event on Saturday, June 21, 2008.

PUBLIC HEARING

TAX BUDGET

Ms. Fischer moved to open the meeting for a Public Hearing regarding the Tax Budget at 7:43 p.m. Mr. Ross seconded. The motion passed 6-0-0.

Mr. Newlin reiterated information discussed during the first reading of the Ordinance noting this was the first step in the budgeting process for 2009.

Vice Mayor Bogard inquired if there were any questions from the public and there were none. Ms. Fischer requested a model showing what percentage of taxes were allocated to the City and what percentages were allocated to other entities. Mr. Newlin advised that information would be fairly simple to produce.

Ms. Fischer moved to close the Public Hearing at 7:52 p.m. Mr. Ross seconded. the motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Jerome Conley, 625 Brookview Court, addressed Council regarding his support for the connector road on the east side of Oxford. Former Mayor Conley noted when he took the Oath of Office he was committed to ensure the safety of the citizens and visitors of Oxford. Mr. Conley noted letters had been received by Council members from residents outside the City limits opposing the connector and reminded Council that they over the years made a pledge not to annex any township property in a hostile manner and to negotiate revenue sharing initiatives with the township. Mr. Conley noted Council had a vision that they were going to ensure 60,000 daily pedestrian crossings would be safe and it was foolish to believe this was possible with trucks going to and fro. Mr. Conley encouraged Council not to forfeit monies allocated for the project and noted environmental studies had already been done.

Mr. Cal Conrad, 5226 Westgate Drive, noted he felt the Work Session this evening was superb and valuable. Mr. Conrad addressed Council regarding processes he felt were not being followed with regard to Historical and Architectural Preservation matters including property at 22 North College Avenue and on East High Street.

Mr. Larry Frimerman, 292 Ryan Drive, advised the Oxford Township Land Use Plan was presented to the Butler County Planning Commission on June 10th and was accepted with the exception of the transportation section. Mr. Frimerman noted the Butler County Planning Commission requested Oxford Township and the City of Oxford to reach a consensus regarding transportation issues before their July 8, 2008 meeting. Mr. Frimerman suggested a joint meeting between City Council and Oxford Township Trustees on June 23rd or June 30th. Vice Mayor Bogard suggested Mr. Frimerman work with Mr. Elliott to arrange the meeting.

Ms. Connie Elliott, 5201 College Corner Pike, updated Council on her Smoky and Tornado project.

Ms. Lisa Dankavich, 2207 Spruce Lane, addressed Council regarding the US 27 and SR 73 connector road. Ms. Dankavich advised Miami University was committed to supporting the project and had been involved financially as well. Ms. Dankavich noted Miami staff had devoted a lot of man hours to the project. Ms. Dankavich noted her observation that while construction was taking place on High Street there were a lot less trucks on High Street and Patterson Avenue. Ms. Dankavich encouraged Council to do what was best for Oxford and Oxford Township residents as well as Miami students. Ms. Dankavich complimented staff for the excellent Work Session.

CONSENT AGENDA

Mr. Bogard requested removal of item D. Report.

MINUTES

Minutes of the June 3, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the June 3, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the June 4, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

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

REPORTS

Report regarding the June 4, 2008 Uptown Revitalization Committee Meeting. (Jung-Han Chen, Community Development Director)

Mr. Kyger advised the Uptown Revitalization Committee finished their recommendations and would like Council to receive their report and defer it to the Planning Commission for further evaluation and public hearings.

Mr. Rutherford noted concerns with corner properties in the Uptown District due to set-back issues and density issues. Mr. Kyger advised the committee was aware of those concerns and they could be discussed at a future meeting.

Mr. Keebler moved to accept the report and defer it to the Planning Commission for their action and return to Council. Mr. Rutherford seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION

AGREEMENT WITH NEXTEL WEST CORP.

A Resolution No. 4363 authorizing the City Manager to enter into a Frequency Reconfiguration Agreement with Nextel West Corp. (Steve Schwein, Police Chief)

Chief Schwein advised this action was required by law noting the need for frequency re-banding and advised there would be no cost to the City only reimbursement.

Mr. McHugh advised this process was taking place across the country due to safety frequencies bleeding into Nextel frequencies and Nextel frequencies bleeding into safety frequencies.

Mr. Keebler moved to adopt Resolution No. 4363. Ms. Fischer seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCES

FIRST READING

ORDINANCE

CODE UPDATE

An Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances.
(Mary Ann Eaton, Deputy Clerk of Council)

Ms. Fischer noted a yearly code update was problematic for her and she was glad to see we moved to quarterly updates. Ms. Fischer inquired if the website would be updated quarterly as well and Ms. Eaton advised yes.

Mr. Elliott advised he was exploring options to perform some of the updates in house.

Mr. Keebler and Mr. Rutherford noted they would prefer a digital copy instead of paper.

ORDINANCE

NEW SECTION 181.10

An Ordinance Repealing Oxford Code Of Ordinances Section 181.10 And Adopting New Oxford Code Of Ordinances Section 181.10; Including New Subsection (e). (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would establish a cap of \$1,000.00 on the Tax Administrator's (Finance Director) ability to waive penalty or interest. Mr. Newlin noted the current Ordinance did not contain this stipulation and it would cover 95% of the cases. Mr. Newlin stated anything over \$1,000.00 would be presented to the Income Tax Board of Review.

Ms. Fischer inquired what the process was if someone had \$2,000.00 outstanding and Mr. Newlin advised it could be waived with the consent of the Income Tax Board of Review.

Mr. Ross left the dais for the evening.

ORDINANCES

SECOND READING

ORDINANCE

TAX BUDGET

An Ordinance No. 3002 Authorizing The Tax Budget For The Year 2009 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin stated he had no additional information to report and looked forward to Council approving the proposed Ordinance.

Ms. Currie moved to adopt Ordinance No. 3002. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE

NEW SECTION 521.12

An Ordinance No. 3003 Repealing Current Section 521.12 Outdoor Furniture Restriction And Adopting New Section 521.12 Outdoor Furniture Restriction, Reducing The Penalty For Violation. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed legislation would reduce the penalty for violation to a minor misdemeanor on the first offense. Mr. Chen reminded Council this issue had been a topic at recent SCRC meetings.

Mr. Douglas Haynes, 102 N. Talawanda, President, Student Senate, advised the students were grateful and thankful that Council was looking at this again as it was one of the biggest issues for students at the end of the school year. Mr. Haynes noted his hope the proposed Ordinance would be adopted.

Ms. Fischer noted over the past two years Council tweaked Ordinances to better deal with the noise, litter and outdoor furniture issues. Ms. Fischer noted the proposed legislation would bring the penalties in line for all three Ordinances. Ms. Fischer noted the Office of Off Campus Affairs at Miami was committed to working in collaboration with the City on these issues.

Mr. Mike Scott, 124 Willow Lane, Student Body President, thanked Council for considering the proposed legislation. Mr. Scott noted his goal was to foster a strong relationship between the City and the student body. Mr. Scott noted his feeling the proposed legislation was a good compromise.

Ms. Fischer moved to adopt Ordinance No. 3003. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE **NEW CHAPTER 1301**

An Ordinance No. 3004 Amending The Oxford Code Of Ordinances By Repealing Chapter 1301, Ohio Building Code And Adopting New Chapter 1301, Ohio Building Code. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no further information to report and reminded Council this piece of legislation went hand in hand with the next piece of legislation.

Mr. Rutherford noted concern with the maximum encroachment of 2' into an alley right-of-way. Mr. Rutherford noted he did not want to create problems for business owners if they needed to attach certain equipment to a side wall. Mr. Chen advised those cases could be appealed to the Board of Appeals (Building/Housing) and Mr. Keebler advised rooftop units would be preferred.

Mr. Rutherford also noted concerns with encroachments being permitted to the curb line.

Mr. Keebler moved to adopt Ordinance No. 3004. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Ms. Currie, Ms. Fischer, Mr. Bogard (4)

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE

NEW SECTION 1141.03

An Ordinance No. 3005 Repealing Oxford Zoning Code Section 1141.03, Supplemental Regulations, And Adopting New Section 1141.03, Supplemental Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen advised this was a zoning code amendment to incorporate the language Council just adopted.

Mr. Keebler moved to adopt Ordinance No. 3005. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard (4)

NAY: Mr. Rutherford (1)

ABS: None (0)

Mr. Elliott noted he appreciated the Work Session earlier this evening and reminded Council that a meeting needed to be scheduled with the Township Trustees regarding the connector road.

Mr. Elliott provided an update on the matter of Western Knolls vs. The City of Oxford.

Council discussed the proposed meeting with the Township and other entities and felt June 23, 2008 would be appropriate for a Joint Work Session.

Chief Schwein reminded everyone that the City Auction would take place Saturday, June 21, 2008 at 9:00 a.m.

Mr. Kyger advised he met with 2 potential developers regarding the old Wal-Mart site. Mr. Kyger also noted plans were moving forward for demolition at Main and High Streets and the First Financial Bank building was being prepared for demolition and reconstruction.

Ms. Currie noted Council needed to think about forming a Bicentennial Planning Committee and decide how much financial support the City was able to provide for the events.

Ms. Currie inquired if there was an indication of the outcome of mandatory income tax filing and Mr. Elliott noted he would provide the information at a later date.

Ms. Fischer referred to the notion that the City may retain the Kramer School site as green space should the bond levy pass and noted at the next School Board ad-hoc meeting she could ask what their proposal was.

Mr. Bogard read part of a letter received from Dayton History as follows: 'Each year Dayton History presents regional preservation awards to champions of historic preservation in west central Ohio and we are pleased to inform you that the Oxford Township House has been selected for the 2008 Historic Preservation category.' Mr. Bogard congratulated Ms. Laura Henderson and members of the HAPC.

Mr. Bogard informed Council that OKI awarded the City one million dollars for moving utility poles on US 27 S. in preparation for road improvements.

Mr. McHugh offered to draft a Resolution to form the Bicentennial Planning Committee.

ANNOUNCEMENTS

ADJOURN

Ms. Fischer moved to adjourn at 9:35 p.m. Ms. Currie seconded. The motion passed 5-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: July 15, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 10, 2007

Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 22, 2008 from 10:00 P.M. to 1:00 A.M. at Cook Field on Miami's campus for an After Dark and Campus Activities Council sponsored concert.

Recommendation:

Discussion: This request is for the After Dark and Campus Activities Council organization's 'Welcome Back Concert' at Cook Field on Miami's campus.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, AUGUST 22, 2008, FROM 10:00 P.M. TO 1:00 A.M. AT COOK FIELD ON MIAMI'S CAMPUS FOR AN AFTER DARK, AND CAMPUS ACTIVITIES COUNCIL SPONSORED CONCERT.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for the After Dark and Campus Activities Council sponsored concert on Friday, August 22, 2008, from 10:00 P.M. to 1:00 A.M. at Cook Field on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for the After Dark and Campus Activities Council sponsored concert on Friday, August 22, 2008, from 10:00 P.M. to 1:00 A.M. at Cook Field on Miami's campus.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT : August 22, 2008
FROM: 10:00 ^{a.m.} ~~p.m.~~ TO: 1 ^{a.m.} ~~p.m.~~

ACTIVITY/EVENT TO BE UNDERTAKEN:

Welcome Back Concert

LOCATION (attach copies of paperwork showing approval to use site):

Cook Field

NUMBER OF PEOPLE EXPECTED TO ATTEND: _____

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED:

Tri-tech Light & Sound

SOUND MONITORING PLANS (including person in charge of this process):

Pre-event mailing, monitors driving around campus

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION: AfterDark & CAC

ADDRESS: 356 Shriver Center

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON: Vanessa Braun

ADDRESS: 356 Shriver Center TEL. #: 513.529.9989

What is the contact person's relation to the organization (title, etc.)?

Assistant Director of Student Activities: Leadership- Advisor

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT
AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF
RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the
waiver of the noise ordinances, and understand that acceptance of them is a
condition of approval. I hereby certify that the event/activity, which is
the subject of this application will be open to the public and alcohol free.

Applicant's signature V Braun Date: 7-3-8

Exceptions to City Noise Restrictions - Noise Abatements
GENERAL INFORMATION

The City of Oxford, in conjunction with Miami University, has determined that the best interests of the public can be served by granting a limited number of exceptions to the City's noise restriction ordinances to allow for certain events to be held in the community. City Code Sections 509.09, 509.10, 509.11, 509.12 and 509.99, which establish and govern noise restrictions in the City, are attached to this General Information Sheet for reference. Exceptions to the City's noise restrictions are commonly called noise abatements.

Noise abatements are generally needed only for events extending in the hours of:

- 11:00 p.m. - 7 a.m., Sunday through Thursday
- 12:00 a.m. - 7 a.m., Friday and Saturday

Noise abatements will only be granted for events which are (1) open to the general public and (2) alcohol free.

Noise abatement application forms are available from the City. Fully completed application forms will be reviewed by the Student Community Relations Committee (SCRC). Please note, incomplete forms will not be processed. The City Manager may grant a waiver to an applicant, allowing such noise abatement application to be considered by City Council without the review of SCRC, when the City Manager deems such waiver to be necessary.

The SCRC will review noise abatement applications three times a year. The SCRC will review applications and submit comments on such applications to City Council within 30 days from the date of the event. City Council will either approve or deny the noise abatement application.

Organizers of events granted noise abatements are required to become aware of the potential adverse effects that may result from unnecessary noise and must schedule a meeting with a representative from the City. This meeting will allow for a full explanation of the requirements to be fulfilled once the abatement has been granted. Procedures to monitor the sound levels of the event, complaint procedures, and event notification procedures will be determined at this meeting.

For questions pertaining to noise abatements, contact the City of Oxford at 524-5201 or the Office of Student Activities at 529-2268.



OFFICE OF OFF CAMPUS AFFAIRS
AND MIAMI TRIBE RELATIONS
SHRIVER CENTER ROOM 352
OXFORD, OHIO 45056-2817
(513) 529-2268

TO: City Council

FROM: Office of Off-Campus Affairs

RE: Noise Abatements Requests for Fall 2008

DATE: July 8, 2008

Two noise abatement requests have been submitted for activities in Fall 2008. These are the same events that have been approved for abatements in the past few years.

- 8/22/08 Welcome Back Concert on Cook Field
10 pm – 1 am
After Dark & Campus Activities Council
2007: 9 pm – 2 am
2006: 9 pm – 1 am
- 9/13/08 Party on the Patio
10 pm – 2 am
Program Board
2007: 9 pm – 1 am
2006: 10 pm – 2 am

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance Department
Originating Department

Council Meeting Of: June 17, 2008

Account Code No. #: _____

Joe Newlin
Prepared By

Budgeted Amount: _____

June 10, 2008
Date Prepared

Agenda Title: Income Tax Ordinance – Abatement of Penalty and Interest

Recommendation: Approve

Discussion: By the addition of (e) to Section 181.10 Interest and Penalties, a clear and definable benchmark is established in putting a cap of \$1,000 on the Tax Administrator's (Finance Director) ability to waive P&I. This still gives the taxpayer the ability to plead their case in front of the Income Tax Board of Review (Section 181.13).

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

W 6/10/08
[Signature] 6/11/08

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 181.10 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 181.10; INCLUDING NEW SUBSECTION (e).

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

SECTION 1: the addition of new subsection (e) to Oxford Code of Ordinances Section 181.10 Interest and Penalties, a clear and definable benchmark is established in placing a cap on the Tax Administrator's ability to waive penalty and interest; and

SECTION 2: with the addition of new subsection (e) to Oxford Code of Ordinances Section 181.10 Interest and Penalties, the taxpayer still has the ability to plead their case in front of the Income Tax Board of Review.

SECTION 3: SECTION 181.10 ENTITLED "INTEREST AND PENALTIES" IS HEREBY REPEALED AND NEW SECTION 181.10 ENTITLED "INTEREST AND PENALTIES" IS HEREBY ADOPTED AS FOLLOWS (language to be adopted is in bold):

181.10 INTEREST AND PENALTIES.

(a) Interest. All taxes imposed and monies withheld or required to be withheld by employers under the provisions of this Tax Code and remaining unpaid after they have become due shall bear interest at the same rate which ORC Section 718.12, requires be paid by municipalities on their income tax refunds, i.e., the Federal short-term rate as defined in ORC Section 5703.47, plus one and one half percent (1 ½ %) per year.

(b) Penalties. In addition to interest as provided in subsection (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

(1) For failure to pay taxes due, other than taxes withheld: One and one-half percent (1 ½%) per month or fraction thereof,

(2) For failure to remit taxes withheld or required to be withheld from employees: Three percent (3%) per month or fraction thereof,

(3) Where the taxpayer has failed to file a return by the due date or by the date resulting from extension, fifty dollars (\$50.00).

(4) Where the taxpayer has failed to file a declaration on which he has estimated and paid a tax equal to or greater than the tax paid for the previous year or where he has filed a previous return and has failed to file a declaration on which he has estimated and paid tax equal to or greater than ninety percent (90%) of the actual tax for the year, or has failed to file a return and pay the total tax on or before the end of the month following the end of his taxable year: Ten percent (10%) of the difference between ninety percent (90%) of the actual tax for the year and the amount paid through withholding or declaration.

(5) Except in the case of fraud, the penalty shall not exceed one hundred percent (100%) of the unpaid tax.

(c) Exceptions. A penalty shall not be assessed on an additional tax assessment made by the Tax Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Tax Administrator; and provided further that, in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a Federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after the final determination of the Federal tax liability.

(d) Waiver for First Time Violators. Compute penalties for a first violation shall not be assessed. However, notification to the taxpayer for the first time violation will be made.

(e) Abatement of Penalty and Interest. At the Tax Administrator's discretion, the Tax Administrator may abate up to \$1,000 of penalty or interest, or both. Upon recommendation of the Tax Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Tax Administrator to recommend abatement of penalty and/or interest, the Board may nevertheless abate penalty or interest, or both, for good cause shown.

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

MAYOR

ADOPTED: _____

ATTEST:

Deputy Clerk of Oxford City Council

INTRODUCED BY: KEN BOGARD
PREPARED BY: LAW (STAFF)

ORDINANCE NO.

ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE OXFORD CODIFIED ORDINANCES.

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

SECTION 1: Council has determined that certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution. Various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances. The City has heretofore entered into a contract with Walter H. Drane Co. to prepare and publish revisions which are before Council.

SECTION 2: The Ordinances of the City of Oxford, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2008 Replacement Pages so the Codified Ordinances are hereby approved and adopted.

SECTION 3: The following sections and chapters are hereby added, amended or repealed and respectfully indicated in order to comply with the current State law:

Traffic Code

301.20	Definition of Motor Vehicle. (Amended)
333.08	Operation Without Reasonable Control. (Amended)
337.10	Lights on Slow-Moving Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.05	Wheel Protectors. (Amended)

General Offenses Code

509.06	Inducing Panic. (Amended)
517.01	Gambling Definitions. (Amended)
517.15	Skill-Based Amusement Machines. (Added)
525.10	Having an Unlawful Interest in a Public Contract (Amended)
533.01	Obscenity and Sexual Offenses' Definitions. (Amended)
537.051	Menacing by Stalking. (Amended)
537.08	Unlawful Restraint. (Amended)
537.17	Criminal Child Enticement. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 4: The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this Ordinance as Exhibit A. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: June 17, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 10, 2008

Date Prepared

Agenda Title: Ordinance To Approve Current Replacement Pages To The Oxford Codified Ordinances.

Recommendation:

Discussion: The Oxford Codified Ordinances are usually updated once each year to incorporate all legislation passed by City Council as well as any changes in State laws. This Ordinance is to approve the update.

At Council's direction, funds were budgeted for 2008 to begin updating quarterly. This is the first of 3 updates for 2008.

The update includes legislation adopted through April, 2008.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: July 15, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

June 12, 2008
Date Prepared

Agenda Title: PC-11-2008 **CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building, to Permit a Ground Floor Residential Use in the Uptown District, Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant**

Recommendation: Approval

Discussion:

The Applicant seeks approval of a Conditional Use Permit to establish a residential use on the first floor in the Uptown District. The proposed structure would be (4) dwelling units, three stories high. The subject property is located in the alley, across from the City Parking Garage. The proposed building would be placed approximately 7'6" from the east-west alley, and approximately 2' from the north-south alley. There is landscaping shown on the submitted site plan along the alleys and in the front and side of the proposed building.

The Planning Commission held a public hearing May 13, 2008 and deliberated about parking, trash, building mass, occupancy, vacancies in the Uptown and in the Mile Square for both commercial and residential uses. The Planning Commission took a vote on this application and the outcome was a tied-vote of 3-3. Based on the Planning Commission's rules and regulations, this case was automatically brought back for reconsideration at the June 10, 2008 Planning Commission meeting. At that meeting, the Planning Commission voted 3-2 to recommend approval to City Council.

As a side note, HAPC approved the building design on May 7, 2008 and BZA approved the building location in the alley on May 21, 2008.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
JHC	6/27/08

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR RESIDENTIAL LAND USE ON THE FIRST FLOOR OF A PROPOSED NEW FOUR DWELLING APARTMENT BUILDING IN THE UPTOWN (UP) DISTRICT LOCATED BEHIND 25 WEST HIGH STREET.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on June 10, 2008 for the purpose of considering the request of Scott Webb, Architect, Applicant, for a conditional use permit for residential land use on the first floor of a proposed new four dwelling apartment building in the Uptown (UP) District located behind 25 West High Street.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application for residential land use on the first floor of a proposed new four dwelling apartment building in the Uptown (UP) District located behind 25 West High Street.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for residential land use on the first floor of a proposed new four dwelling apartment building in the Uptown (UP) District located behind 25 West High Street as proposed by the applicant.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	June 12, 2008
<u>Case Number</u>	PC-11-2008
<u>Applicant Information</u>	Scott Webb, Architect Stewart Developers, LLC
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To permit residential dwellings on the first floor of a proposed new four, 4-bedroom apartments in the Uptown (UP) District.
<u>Public Hearing Information</u>	On May 13, 2008 and June 10, 2008, public hearings were held at 118 West High Street. A legal notice of the May hearing was published in the Journal News on March 28, 2008 and the Oxford Press on April 4, 2008. Courtesy notices were mailed to adjacent property owners on March 21, 2008.
<u>Commission Action</u>	The Planning Commission voted 3-2-0 recommending approval of the Conditional Use Permit at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	This was a continued case from the May 13, 2008 meeting, due to a tie-vote. Based on the rules and regulations of the Planning Commission, a tied-vote decision would automatically bring the application back for reconsideration during the following month's regular meeting. After public hearing and discussion on June 10, 2008, the Planning Commission voted to recommend approval of the Conditional Use Permit in a vote of 3-2.
<u>Exhibits Submitted to the Commission</u>	1. Case summary sheet provided by staff, due to initial tie- vote, at the June 10, 2008 meeting 2. Community Development Staff Report dated April 29, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering and Police Departments dated April 11, 2008 4. Agency Letter dated April 16, 2008 5. Conditional Use Permit Application dated March 28, 2008 6. Architect Statement Letter dated March 28, 2008 7. Building Elevations/Perspective Drawings 8. Site Photos 9. Site Plan & Landscaping Plan 10. Plat of Survey

CASE # PC 11-2008 SUMMARY

PC-11-2008 *CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building., to permit a ground floor residential use in the Uptown District, Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant*

Planning Commission May 13, 2008 Meeting – Staff Summary:

Staff presented the facts of the case including HAPC's recent approval and BZA's upcoming meeting to determine if a structure can be located with it's principal entrance along an alleyway. Discussion was had about parking, trash, building mass, occupancy, vacancies Uptown and in the Mile Square for both commercial and residential and pro's and con's of having all residential vs. commercial in the alley. The Planning Commission read through and voted on each of the Decision Standards. All Decision Standards were considered satisfied with the exception of two, which had a split vote. Planning Commission voted on a motion to approve. The vote tied at 3-3. Based on the Planning Commission's rules and regulations, this case is automatically brought back for reconsideration in June before being forwarded to City Council.

Planning Commission May 13, 2008 Meeting Minutes:

Please refer to pages 9-12 of the May 13th, 2008 PC Meeting Minutes attached in this agenda.

6/10/08 PC mtg.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-11-2008

Date – May 13, 2008

APPLICATION

Applicant:	Scott Webb, Architect
Location:	Parking lot behind 25 W. High St (former First Financial Bank)
Owner:	James Clawson
Action Request:	Conditional Use Application to permit residential dwellings on the first floor of a proposed new four, 4-bedroom apartments in the Uptown (UP) District
Current Use:	Parking lot
Surrounding Existing Land Uses:	Parking Garage, Office, Food Service/Bar

DESCRIPTION

The Applicant seeks a Conditional Use Permit to establish a residential use on the first floor of a proposed residential building. The proposed structure would be a (4) dwelling unit, three stories high. Each dwelling contains four bedrooms. The subject property is located in the alley, across from the City Parking Garage. The proposed building would be placed approximately 7'6" from the east-west alley, and approximately 2' from the north-south alley.

The lot itself is approximately 3,456 sq. ft. in size. Each dwelling unit is approximately 1,600 sq. ft. There will be some landscape showing on the submitted site plan along alleys in the front and side of the proposed building.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is "UP" Uptown District.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is outlined in Section 1147.02(a):

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

Section 1143.10(b)(2)(C)(1) Conditional Use in the UP District:

Staff Finding: Any combination of dwelling types as defined in Section 1159.05(8) A through E, on the first floor or basement are specifically listed as a Conditional Use in the UP District.

Section 1143(C)(1)(B) Uptown District Site Development Regulations: Minimum lot area per dwelling unit allows certain numbers of dwelling types based on the lot area. For a four-bedroom dwelling, there shall be a minimum 700 sq. ft. lot area. The lot is 3,456 sq. ft.

Staff Finding: Based on the required lot area for a four-bedroom dwelling unit, the lot could support 4.9 units of a 4-bedroom dwelling.

1147(c)(3)(B) (1) Gross Floor Area Ratio: The Maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be three (Lot area X 3= total bldg. sq. ft.).

Staff Finding: Based on this formula, the maximum gross floor area shall not exceed 10,368 sq. ft. The proposed building will have a total of 6,831 square feet of building area.

1147(c)(3)(B)(1)(b) Residential space shall provide a maximum ratio of 2:1 of the lot area.

Staff Finding: The total allowable residential floor area shall not exceed 6,912 sq. ft. The proposed residential structure will have a total of 6,831 sq. ft. of floor area.

1147(c)(B)(1)(C) Minimum Floor area per dwelling unit: 1,400 sq. ft. floor area for 4-bedroom dwelling unit.

Staff Finding: Based on the submittal, each dwelling unit would have approximately 1,600 sq. ft. floor area.

1147.03 Use Specific Regulations & Potential Concerns.

Staff Finding: This section does not contain any language pertaining to utilizing the first floor as a dwelling unit in the Uptown District.

COMPREHENSIVE PLAN

The Housing Chapter and the Uptown Subarea of the Comprehensive Plan prescribes the development focus of this general area.

3. Improve Rental Housing

Rental housing should be improved ensuring quality living environments that are not overcrowded, do not generate excessive noise and trash, and provide positive contributions to the Oxford community. New housing alternatives would provide a market-oriented improvement by generating competition, which should reduce costs and improve living conditions citywide due to enhanced competition among landlords. Equally important is increasing renter participation in monitoring the quality of their neighborhoods through a partnership with the City.

Housing Strategies

A. Improving and expanding code enforcement.

See Housing, Objective I, Strategy C and Urban Design, Objective I, Strategy C.

B. Facilitating new housing alternatives.

New residential development that is intended to serve the student housing market should be considered and should include small-scale commercial activities that will support the local population. The City could facilitate private investment by marketing such areas to potential developers, facilitating infrastructure improvements and providing an appropriate zoning density incentive. One example is the Brown Road neighborhood which has begun to develop as an alternative location for students due to its close proximity to the University.

*Implementation: Planning Department, Engineering Department, City Manager and City Council
Timeframe: Mid Term*

C. Increasing student involvement in neighborhood stabilization.

One proven strategy to stabilizing neighborhoods is gaining involvement by stakeholders.

The City should recruit and organize student groups into a neighborhood watch program that would focus on issues of safety and security, housing maintenance and waste management. Neighborhood cleanup campaigns would be beneficial as well, perhaps scheduled on a quarterly basis. The groups would monitor specific blocks and report problems to a City official who would coordinate the program and handle enforcement follow-up activities.

See Housing, Objective I, Strategy C and University and Community, Objective 2, Strategy C.

Implementation: Planning Department, Service Department and Miami University

Timeframe: Mid Term

D. Investigating a Density Transfer Program.

In general, population densities should be reduced in the Mile Square, with the exception of High Street. The City should investigate the potential of creating a program that permits the transfer of density from one area of the City to areas of Oxford where higher densities are appropriate (receiving zones) based on the Land Use Element. Under the program, the City would acquire densities from potential homeowners (by purchasing the value of occupants) and hold those in a bank, to be purchased by future builders with projects in specific locations. As an example, one benefit of such a program would be to provide a market-oriented means of reducing population density where desired. Examples of density transfer programs can be seen in Boulder, Colorado and Montgomery County, Maryland.

Implementation: Planning Department, Planning Commission and City Council

Timeframe: Mid Term

5. Uptown Subarea

A. Concerns

Uptown is the City's historic downtown and its central business district. However, several factors have come together to create a single-use business district in Uptown, which is strongly geared towards the Miami University student body. Diversifying the business base in Uptown would strengthen it as a business district and would meet the needs of a larger market – the greater Oxford community. From a functional standpoint, reducing or eliminating most truck traffic would provide a far more pleasant and safe environment. Likewise, improving the availability of off- and on-street parking in Uptown would improve accessibility for drivers.

B. Strategies

1. Encouraging higher density new construction where appropriate to provide new space for businesses. Higher density new construction should be encouraged where appropriate to provide new space for businesses. Uptown itself cannot grow horizontally without affecting adjacent residential neighborhoods. New construction should be consistent with Uptown's historic physical character (e.g. building height, setback, design, fenestration, materials, etc.).
2. Focusing new development, reinvestment and redevelopment on primarily mixed uses, combining ground floor retail with upper story offices and housing.
3. Encouraging where feasible, retail activity on sidewalks, especially outdoor seating areas for restaurants.
4. Providing technical assistance and coordination through a small business advocate (e.g. City, chamber or other) to strengthen local businesses and improve survival rates among new start-ups. Such an advocate could be a City economic development coordinator or be staffed at the Chamber of Commerce. Another option would be the establishment of a Main Street program based on the *National Trust for Historic Preservation* model.
5. Considering the establishment of an Uptown Business Improvement District (BID) to provide enhanced services that would strengthen the district.
See Urban Design and Economic Development elements.

COMMENT

Citizen Comments: No public comments have been submitted for this project at this point.

Agency Comments: Police Department
No comments received to date.

Fire Department
No response

City Engineer: (See Attached letter)

- Utilities are available in the alley abutting the property. However, the existing utilities may not be able to service the proposed structure. A good possibility exists that the water service will have to come from the water main on High Street.
- We realize that the parking requirement for the UP District has been eliminated; however, consideration should be given to parking issues. Tenants (students) will more than likely have a car while attending college in Oxford. Chances are they will be looking to park on the streets, where parking is already limited, and not in university-designated areas.

DECISION CRITERIA

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

ANALYSIS

It would appear that the application has met the zoning code regulations. Several issues that may require the Planning Commission's consideration for this particular site are:

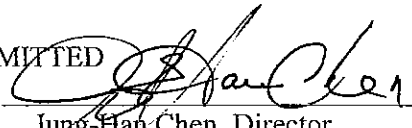
1. That, concerns from the City Engineer regarding the utility connection needs to be addressed.
2. That, this application is also subject to the approval of the HAPC on the design appearance, and the BZA for the lot not having direct street frontage.
3. That, the proposed landscape area around the property shall be installed per submitted site plan.

RECOMMENDATION

Not applicable.

SUBMITTED

BY:


Jung-Han Chen, Director
Community Development Department

DATE:

4/29/08

ATTACHMENT

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

(1) Burden of proof:

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 4/11/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-11-2008

Description:

PC-11-2008 CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building., to permit a ground floor residential use in the Uptown District, Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

See Attached

Drawings reviewed by: Len Endress, Fire Chief

General Comments on Developments within the City of Oxford.

I am becoming concerned that we are giving people a false feeling of security when we approve something and use the fact that it is "sprinklered" as a cure all. I am afraid that there are too many exceptions in the OBBC because a building is sprinklered. I have a real concern that because a building has a 13R sprinkler system, everyone thinks it is safe. I will keep my comments short.

I think it is a very serious problem that the 1, 2, and 3 family code, and the Property Maintenance Code both requires a bedroom to have a second means of egress, i.e. a window, even if it is sprinkler with NO exceptions, but if you can put something in the building that is covered by the OBBC, i.e. a business or make it four+ family you can sprinkler the building and not provide a second way out of the bedrooms. The current code requires all residence two stories or more to be sprinklered. In my years as Chief in Oxford, the fire fatalities have been the result of smoke inhalation and not fire contact. While the superheated gases can be hot enough to set off the 165 degree quick response sprinkler, I can only hope the resident has not been overcome by the gases before they reach the sprinkler. We presently have buildings in the City that meet the OBBC, but I feel are disasters waiting to happen because of exceptions in the OBBC.

When we look at our water supply, we are using figures that are true if there are no other sprinkler systems in operation, and no unusual problems on the system. A water break or fire on the same line could impede the amount of water available to that system and hinder its ability to control a fire.

The amount of water needed for a bedroom is with the following fire load in that room: 1 bed, 1 dresser, 1 chest, 1 chair, 1 night stand, and 1 lamp. I have yet to be in a student room where this is the fire load. I doubt that the amount of water calculated will be enough to contain a fire in one of these rooms. The only saving thing is the code requires these systems to be monitored by a Central Station so the fire dept. will get an early call. I have attached a copy of the material from NFPA. In addition, the NFPA allows the test value to be at the start of the system and not the far end of the system. In Whitewater Township a few years ago, a condo caught fire which had a 13R system, but had a blockage in the line which prevented water from flowing. The blockage was past the test port, so when the acceptance test was done it passed. As a result of the blockage, no water got to the fire and the residents were barely able to escape the fire. I have also attached a copy of this NFPA drawing.

There is also a great amount of discussion as too the proper type of smoke detector to use in a residence, so that the Standard setting and professional organizations are now saying you should have both an ionization and a photo electric detector, and not just "an approved smoke detector as in the past. The photo electric responds to a slow burning smoky fire quicker whereas an ionization detector responds to the free burning fire quicker.

Thank you for your time, and I realize that some of these issues need to be addressed on the State level. I will be in contact with the Ohio State Fire Marshal's Office to see if anything can be addressed regarding these exceptions in the OBBC.

Len Endress Fire Chief

Annex A Explanatory Material

Annex A is not a part of the requirements of this NFPA document but is included for informational purposes only. This annex contains explanatory material, numbered to correspond with the applicable text paragraphs.

A.1.1 NFPA 13R is appropriate for use as an option to NFPA 13, *Standard for the Installation of Sprinkler Systems*, only in those residential occupancies, as defined in this standard, up to and including four stories in height. It is the intent of this standard that if NFPA 13R is appropriate for use, that it be used throughout the entire building. It is recognized that an occupancy incidental to the operations of the residential occupancy might exist within that residential occupancy. Such incidental occupancy would be considered part of the predominant (residential) occupancy and subject to the provisions of the predominant (residential) occupancy by 6.1.14.2 of NFPA 101, *Life Safety Code*, and similar provisions in many local building and fire codes. Use of NFPA 13R throughout the entire building in this case is allowed.

Where buildings are greater than four stories in height, or where buildings are of mixed use where residential is not the predominant occupancy, residential portions of such buildings should be protected with residential or quick-response sprinklers in accordance with 8.4.5 of NFPA 13. Other portions of such buildings should be protected in accordance with NFPA 13. Where buildings of mixed use can be totally separated so that the residential portion is considered a separate building under the local code, NFPA 13R can be used in the residential portion while NFPA 13 is used in the rest of the building.



The criteria in this standard are based on full-scale fire tests of rooms containing typical furnishings found in residential living rooms, kitchens, and bedrooms. The furnishings were arranged as typically found in dwelling units in a manner similar to that shown in Figure A.1.1(a), Figure A.1.1(b), and Figure A.1.1(c). Sixty full-scale fire tests were conducted in a two-story dwelling in Los Angeles, California, and 16 tests were conducted in a 14 ft (4.3 m) wide mobile home in Charlotte, North Carolina. Sprinkler systems designed and installed according to this standard are expected to prevent flashover within the compartment of origin where sprinklers are installed in the compartment. A sprinkler system designed and installed according to this standard cannot, however, be expected to completely control a fire involving fuel loads that are significantly higher than average for dwelling units [10 lb/ft² (49 kg/m²)], configurations of fuels other than those with typical residential occupancies, or conditions where the interior finish has an unusually high flame spread index (greater than 225).

To be effective, sprinkler systems installed in accordance with this standard need to open the sprinklers closest to the fire before the fire exceeds the ability of the sprinkler discharge to extinguish or control the fire. Conditions that allow the fire to grow beyond that point before sprinkler activation or that interfere with the quality of water distribution can produce conditions beyond the capabilities of the sprinkler system described in this standard. Unusually high ceilings or ceiling configurations that tend to divert the rising hot gases from sprinkler

locations or change the sprinkler discharge pattern from its standard pattern can produce fire conditions that cannot be extinguished or controlled by the systems described in this standard.

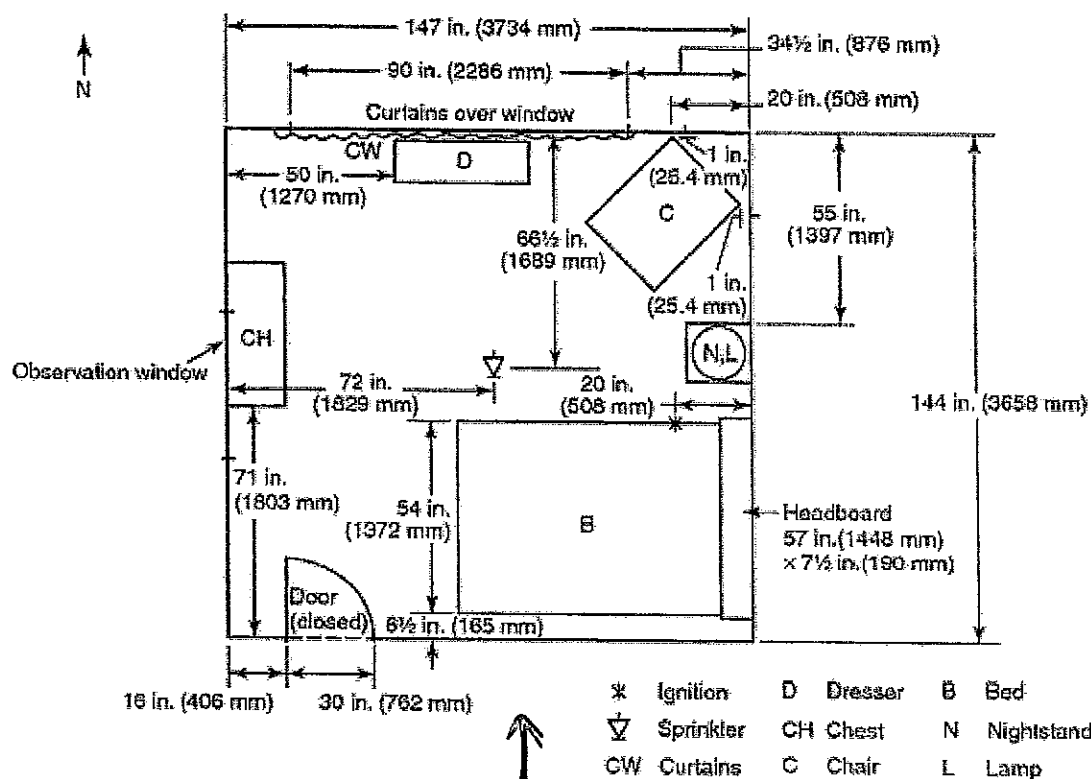
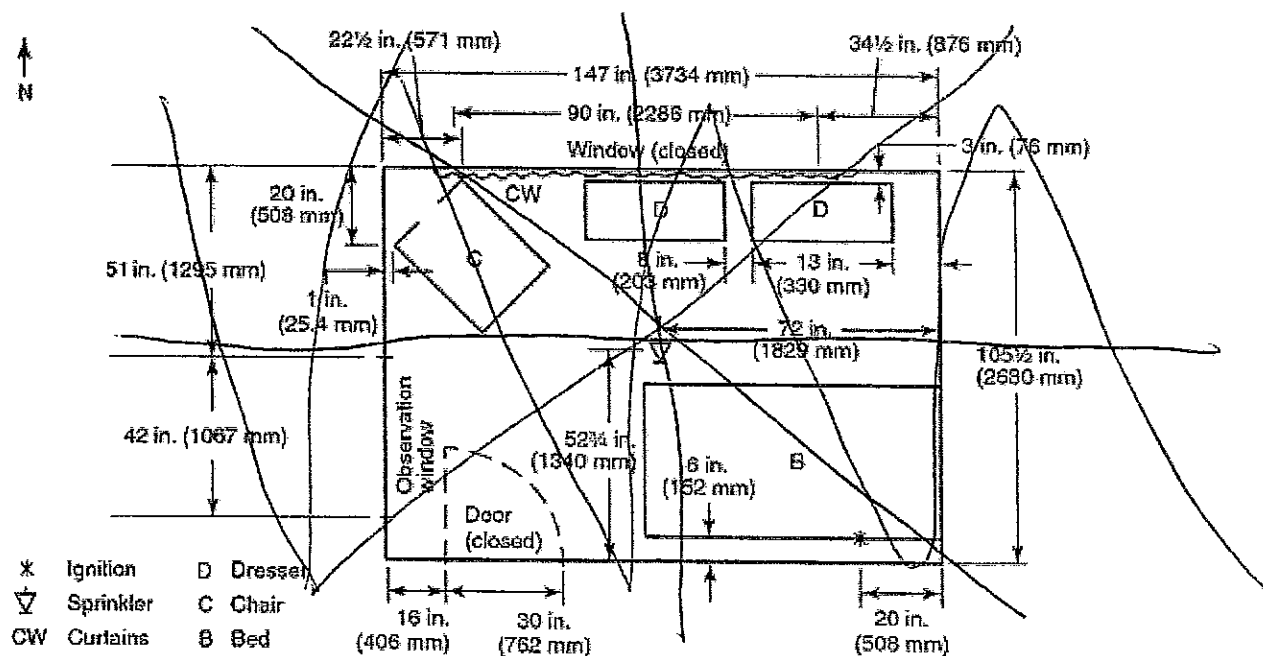


FIGURE A.1.1(a) Bedroom.



accordance with the testing procedures of 16.2.2.1 of NFPA 13, *Standard for the Installation of Sprinkler Systems*.

Fire department connections are not required for all systems covered by this standard but can be installed at the discretion of the owner. In these cases, hydrostatic tests in accordance with NFPA 13 are required.

Dry systems also should be tested by placing the system under air pressure. Any leak that results in a drop in system pressure greater than 2 psi (0.14 bar) in 24 hours should be corrected. Leaks should be identified using soapy water brushed on each joint or coupling. The presence of bubbles indicates a leak. This test should be made prior to concealing the piping.

A.6.6.3 The connection to city mains for fire protection is often subject to local regulation of metering and backflow prevention requirements. Preferred and acceptable water supply arrangements are shown in Figure A.6.6.3(a), Figure A.6.6.3(b), and Figure A.6.6.3(c). Where it is necessary to use a meter between the city water main and the sprinkler system supply, an acceptable arrangement as shown in Figure A.6.6.3(c) can be used. Under these circumstances, the flow characteristics of the meter are to be included in the hydraulic calculation of the system. Where a tank is used for both domestic and fire protection purposes, a low water alarm that actuates when the water level falls below 110 percent of the minimum quantity specified in 6.6.2 should be provided.

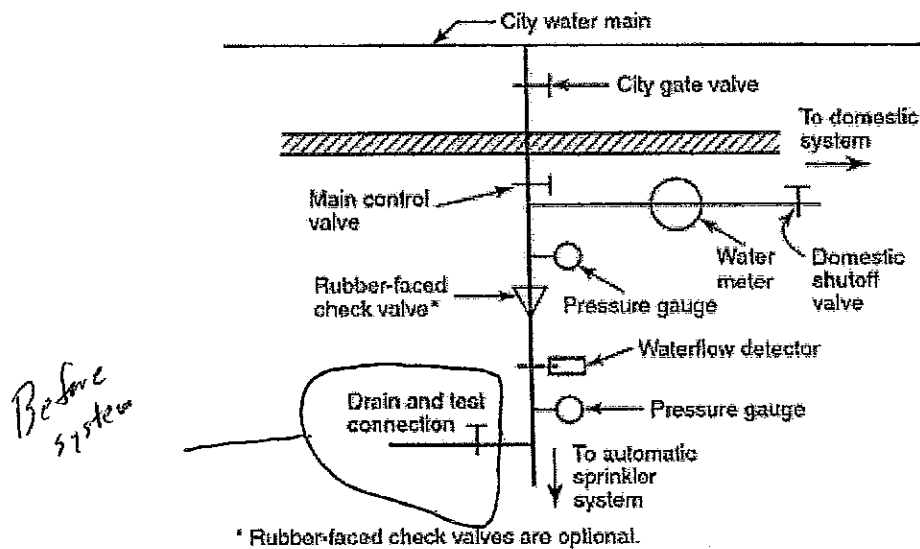


FIGURE A.6.6.3(a) Preferable Arrangement.

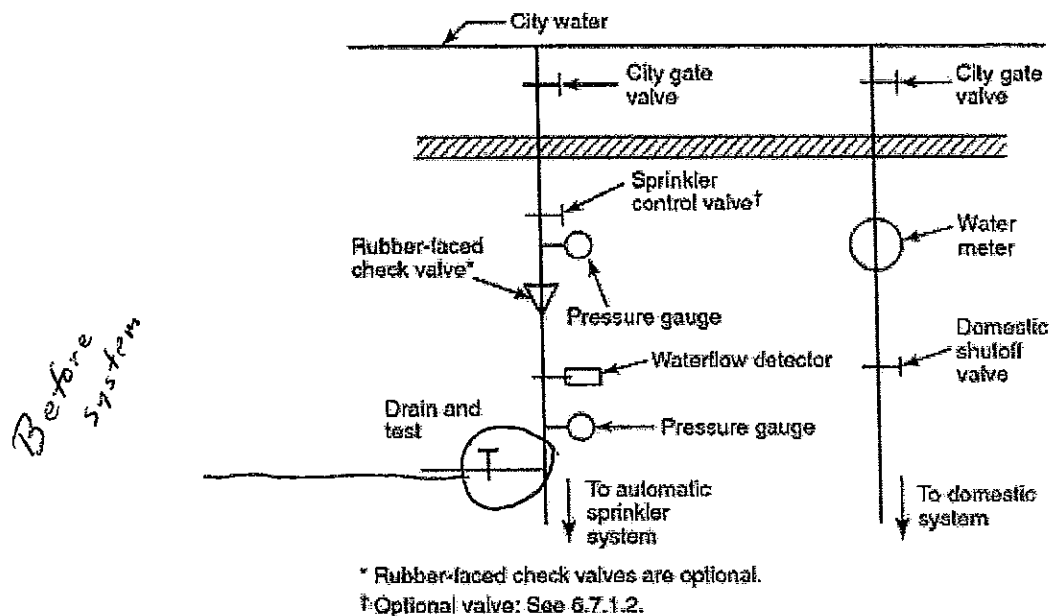


FIGURE A.6.6.3(b) Acceptable Arrangement with Valve Supervision — Option 1 (see 6.7.1.2).

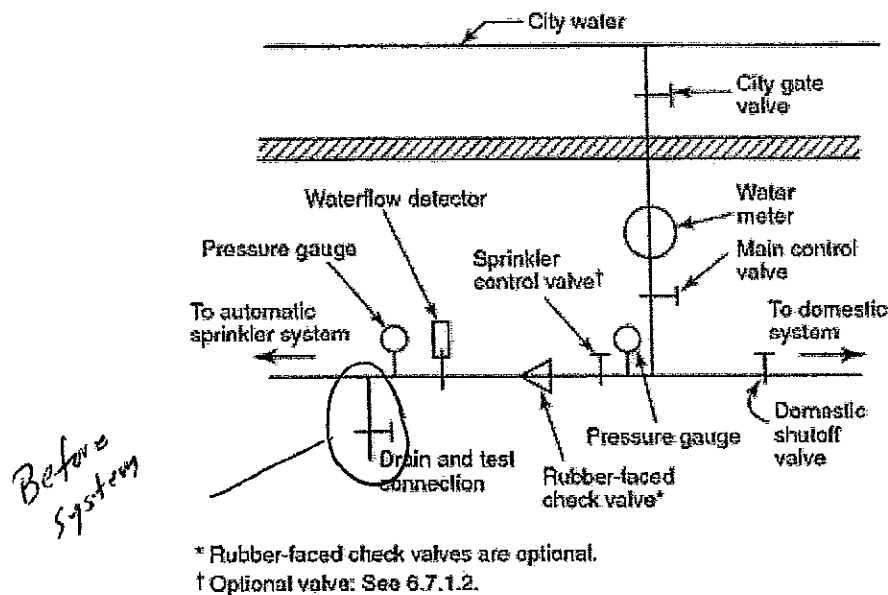


FIGURE A.6.6.3(c) Acceptable Arrangement with Valve Supervision — Option 2 (see 6.7.1.2).

A.6.6.5 Table A.6.6.5(a) and Table A.6.6.5(b) can be used to determine a domestic design demand. Using Table A.6.6.5(a), the total number of water supply fixture units downstream of any point in the piping serving both sprinkler and domestic needs is determined. Using Table A.6.6.5(b), the appropriate total flow allowance is determined and added to the sprinkler

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 4/11/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-11-2008

Description:

PC-11-2008 CONDITIONAL USE, Parking Lot Behind Former First Financial Bank Building., to permit a ground floor residential use in the Uptown District, Stewart Developers LLC, Applicant; Scott Webb, Architect, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

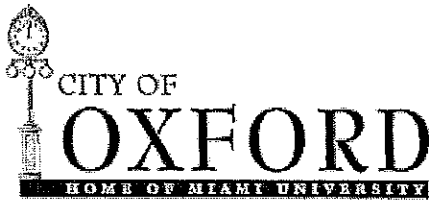
Drawings are returned: w/comments without/comments

SEE MEMO DATED 4-22-08

Drawings reviewed by:

A. P. [Signature]

4-22-08



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-11-2008

DATE: April 22, 2008

The following are our review comments.

- Utilities are available in the alley abutting the property. However, the existing utilities may not be able to service the proposed structure. A good possibility exists that the water service will have to come from the water main on High street.
- We realize that the parking requirement for the UP District has been eliminated. However, consideration should be given to the parking issues. Tenants (students) will more than likely have a car while attending college in Oxford. Chances are that they will be looking to park in the streets, where parking is already limited, and not in university designated areas.

City of Oxford
Inter-Office Review Transmittal Sheet

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☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **5/6/2008** 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: _____

S. Seifert

Stewart Developers, LLC
125 West Spring Street — Oxford, OH 45056
(513) 524-9500 / FAX (513) 523-9415

April 16, 2008

City of Oxford & HAPC
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the 25 West High Street - Alley Site project. Scott is authorized to speak and act on our behalf before HAPC, City Council and Board of Zoning.

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

Sincerely,



James M. Clawson
Stewart Developers, LLC

Conditional Use Permit Application

City of Oxford, Ohio

Case No.: PC-11-2008
Date Filed: 3/28/08
5/13/08

REQUIRED INFORMATION (print clearly)

Name of Applicant: Stewart Developers LLC / Scott Webb, Architect
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 125 West Spring St. 103 W. Walnut St.
Oxford Ohio 45050 Oxford Ohio 45054
Telephone Number(s): 524-9500 523-3838
Location of Property: Parking lot behind 25 West High Street (former bank)
Legal Description: Survey attached
Zoning District: UP
Total Area: 2450 Acres / Square Feet (circle one)
Existing Use: Parking lot
Proposed Use: New Apartment Building

SUBMISSION REQUIREMENTS

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

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

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

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

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

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

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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

NOTE: Incomplete applications will not be processed.

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



Signature of Applicant

JAMES M. CLAWSON

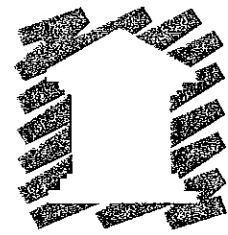
Printed Name

Date: 3/28/08

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: pd 13670

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



SCOTT
WEBB

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Alley Site
Former 1st Financial Parking lot
behind 25 West High Street (former 1st Financial)

March 28, 2008

Dear Jung-Han,

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 ground floor residential use in the Uptown Zoning District.

In addition to those items outlined in the attached Conditional Use Application, **Section 1147.02(a)(1)B.** of the Zoning Code requires that "a written, detailed description shall include the following information. A separate answer is required for each subsection."

1. *The name address and telephone number of the applicant and the property owner.*

Property Owners:

Stewart Developers LLC.
125 West Spring Street
Oxford, Ohio 45056

Architect:

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

Surveyor:

DDS Surveying Inc.
318 South College Avenue
Oxford, Ohio 45056

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*

A letter of Agency is provided under a separate cover

3. *A Legal Description of the Site, including all separate lots*

A survey of the Property has been submitted with the application.

4. *A description of the existing use of the site:*

The site in question is the parking lot behind 25 West High Street, formerly parking for customers of First Financial Bank..

5. *The Zoning District in which the Site is located*

The subject property is located in the Up - Uptown Zoning District.

6. *A Description of the proposed use*

The Conditional Use requested is for ground floor residential in the UP District. Residential is an allowable use on the upper floors in this district.

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

The proposal contained herein eliminates the potential for Goods sold, services performed, customers and deliveries as it is for allowed (4) apartments, and only seeks to lessen the impact on the neighborhood.

b. *The hours of operation*

The proposal contained herein is for (4) apartments

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

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

The property at hand is located in the alley behind the approved, new Mixed-Use building on the former bank site, the Mixed-Use building containing the Mexican restaurant, and between the City Parking Garage, the rear of the Oxford Press building, and a rental house facing Walnut Street. In Both the UP District, and the adjacent RO district, residential uses are allowed. The proposal only seeks to eliminate the requirement for commercial space

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

The proposed building is designed to respect both the adjacent buildings and its own occupants. The building uses its voluntary set backs to provide relief for the adjacent buildings, opening its courtyard toward Walnut Street, and providing landscaped areas for visual relief in the alley.

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

The proposed use will not involve operations that create additional potential nuisances. As apartments are an allowed use in this district, the application is asking to eliminate the commercial component in this location..

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

No negative effects are anticipated on adjacent property.

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

The existing property is landlocked in the alley. While there are a number of other potential locations for the residential market, it is not a good parcel for a business on the ground floor. There are no other businesses facing the alley in this location. The only

successful businesses anywhere in the alleys uptown are bars, such as Mac & Joes, CJ's and the Circle.

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

There is however a market for additional student housing in this district, as evidenced by the success of the adjacent apartment buildings in the alley. Concentrating students in the uptown district however does help the existing businesses, adding full time residents and life to the mixed-use of the uptown.

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

There are no "potential concerns" described in the Zoning Code for residential units on the ground floor in the uptown district.

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

A 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*

The proposed building has already received a Certificate of Appropriateness from the Historical Architectural Preservation Committee (HAPC)

Decision Standards

In response to the decision standards outlined in the Conditional Use Permit Application, we offer the following:

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

The use of the first floor in the Uptown District as Single, two-family or three-family dwellings is a Conditional Use in the Uptown District per 1143.10 (b) (2).

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

Apartments on the upper floors of buildings in the Uptown District are allowed by right in the Zoning Code. The proposed use therefore is allowed by the code in this area. The application for the Conditional Use of the ground floor is based on the fact that it is not a good location for businesses on the ground floor. The property is completely landlocked in the alley, and has no visibility to the business district of High Street, Main Street, or South Poplar.

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

An objective of the Housing section of the Comprehensive plan is to improve housing conditions and suggests the City should "encourage a broad range of housing opportunities in Oxford".

The Comprehensive Plan also encourages infill development over expansion. Allowing a property in an alley to be improved to a higher density use is a step in this direction. Though the comprehensive plan calls for primarily mixed-use buildings in the Uptown Subarea, the property at hand has limited commercial potential.

The Urban Design section of the Comprehensive Plan directs new construction to be consistent with the existing fabric and architectural vocabulary. Application has been made for a Certificate of Appropriateness by the HAPC.

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

The building is designed to provide four new apartments, and features a central courtyard, and increased setbacks, allowing for trash cans and additional landscaping areas

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

The proposed apartments will generate less trash & noise than would be generated if the building included both commercial and residential uses as prescribed by the zoning district.

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

The proposed apartments will be far less detrimental to persons & property than would be generated if the building included both commercial and residential uses as prescribed by the zoning district. The new use, which is allowed on upper floors of this district, is not considered hazardous or detrimental to the area.

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

There is only one proposed use of the property. No incidental uses are proposed nor anticipated.

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

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

9. *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.

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

The site has been designed in a manner harmonious with the other structures in the area. The proposed building has been designed as a brick structure and will require a Certificate of Appropriateness by the HAPC.

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

The parking requirement for the UP District has been eliminated. No place has been allotted for parking, so no additional traffic in the alley will be generated.

12. *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 the existing alley. The building has been designed to respect the existing rental house to the South, and allows an existing stone wall to remain.

- 13. 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.*

Application will be made for A Certificate of Appropriateness by HAPC. Plans for the building and the individual apartments will be submitted and reviewed for compliance with the Ohio Building Code, and the Oxford Zoning, and Property Maintenance Codes.

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

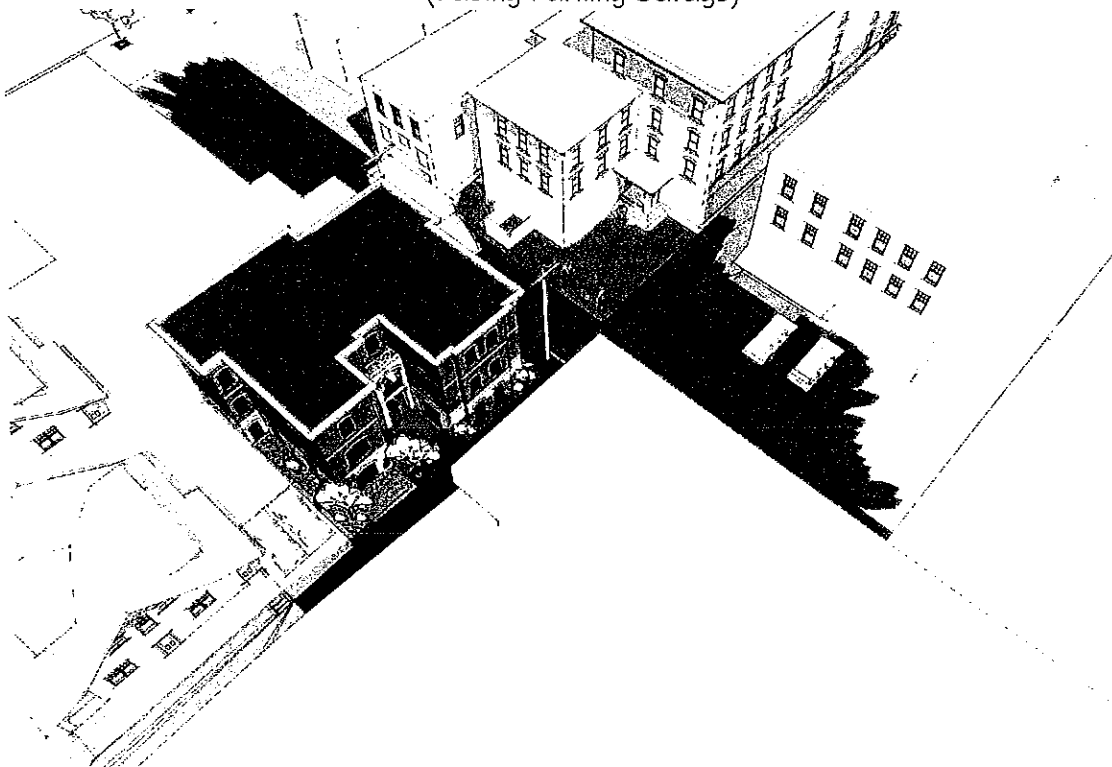
Respectfully,

Scott Webb, Architect

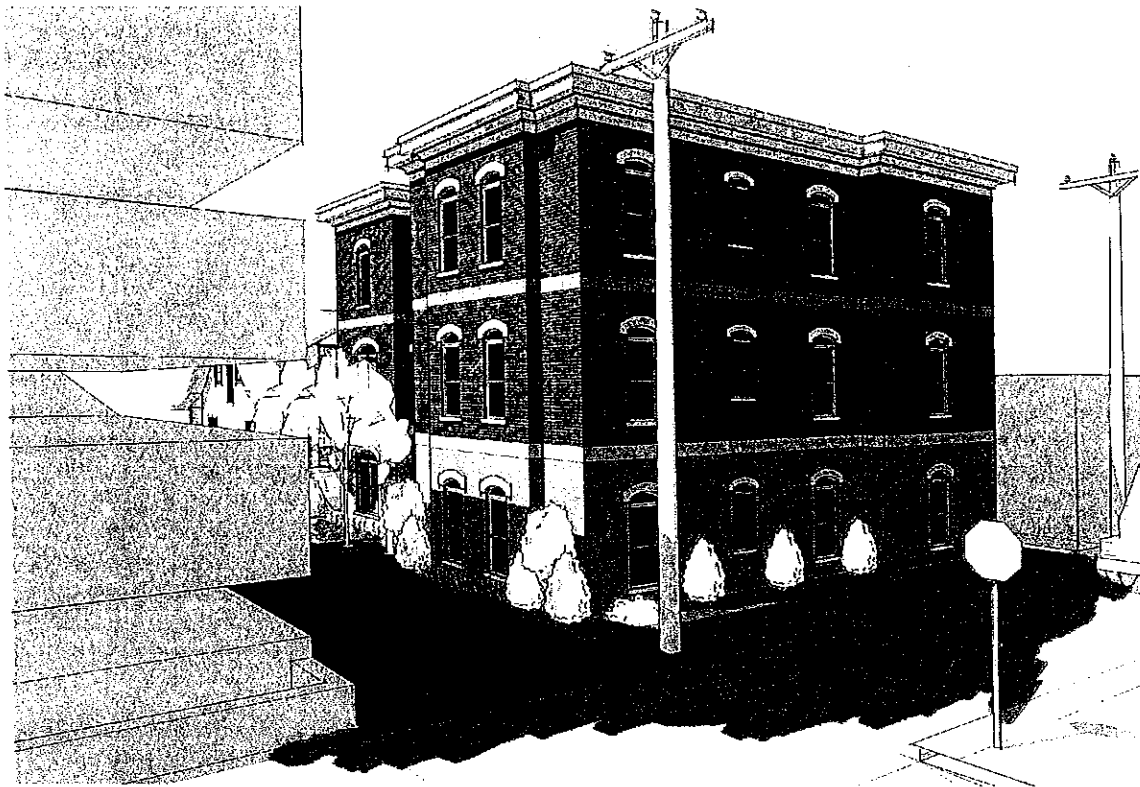
Via email



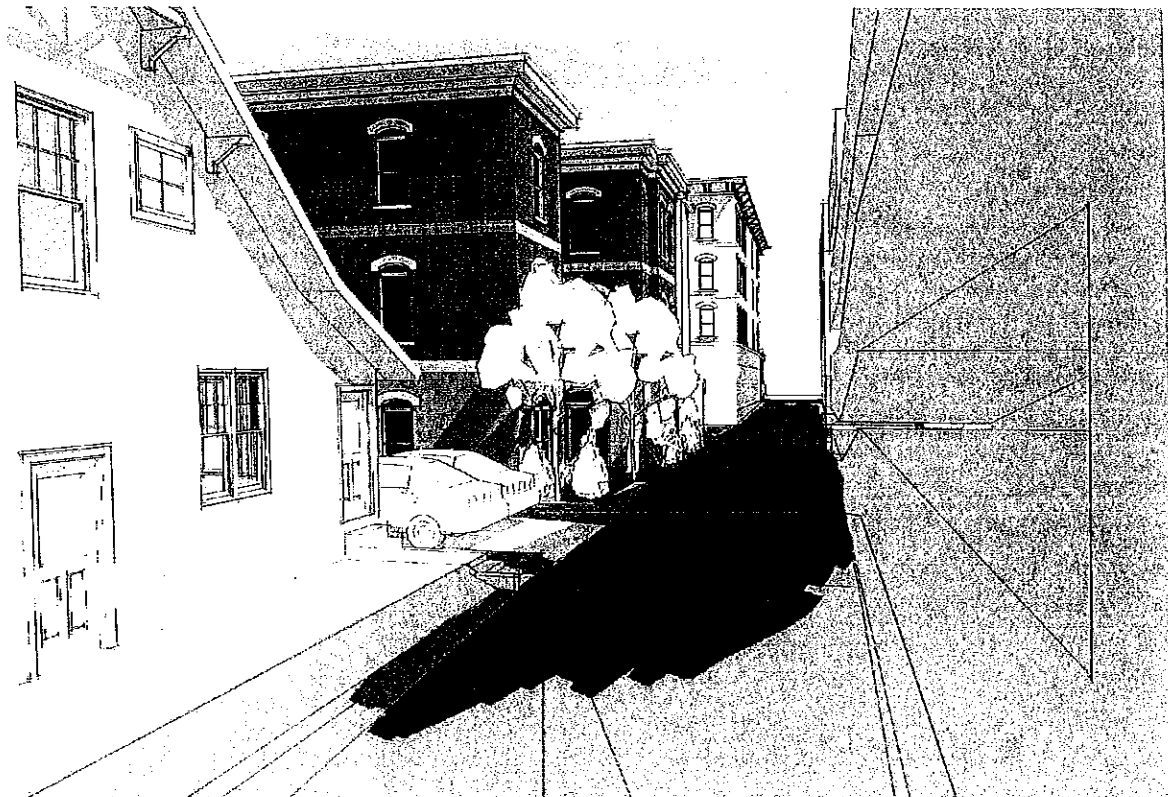
Front View of Proposed New 4-Unit Apartment Building
(Facing Parking Garage)



View of Proposed New 4-Unit Apartment Building from Above
(In Context with Existing & Proposed Adjacent Buildings)



View of Proposed New 4-Unit Apartment Building from North
 (Looking South at Site from North-South Alley)



View of Proposed New 4-Unit Apartment Building from Walnut
 (Looking North between parking garage and Walnut Street rental house)



Looking South at Alley Site from North-South Alley



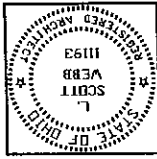
Looking South toward parking garage from former Bank Drive-thru



Looking North between parking garage & Walnut Street rental house



Looking North toward lot showing existing stone wall to remain

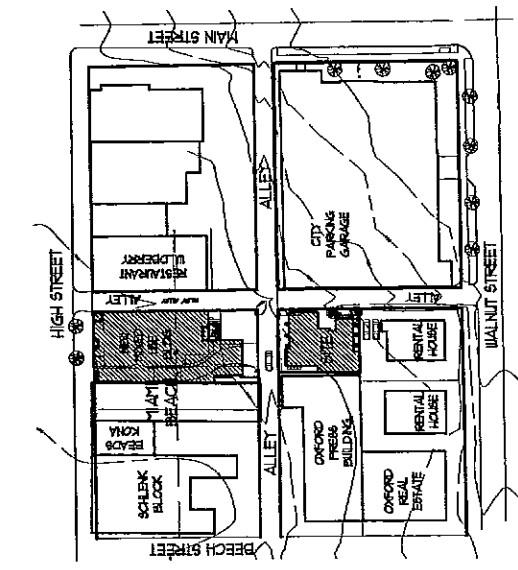
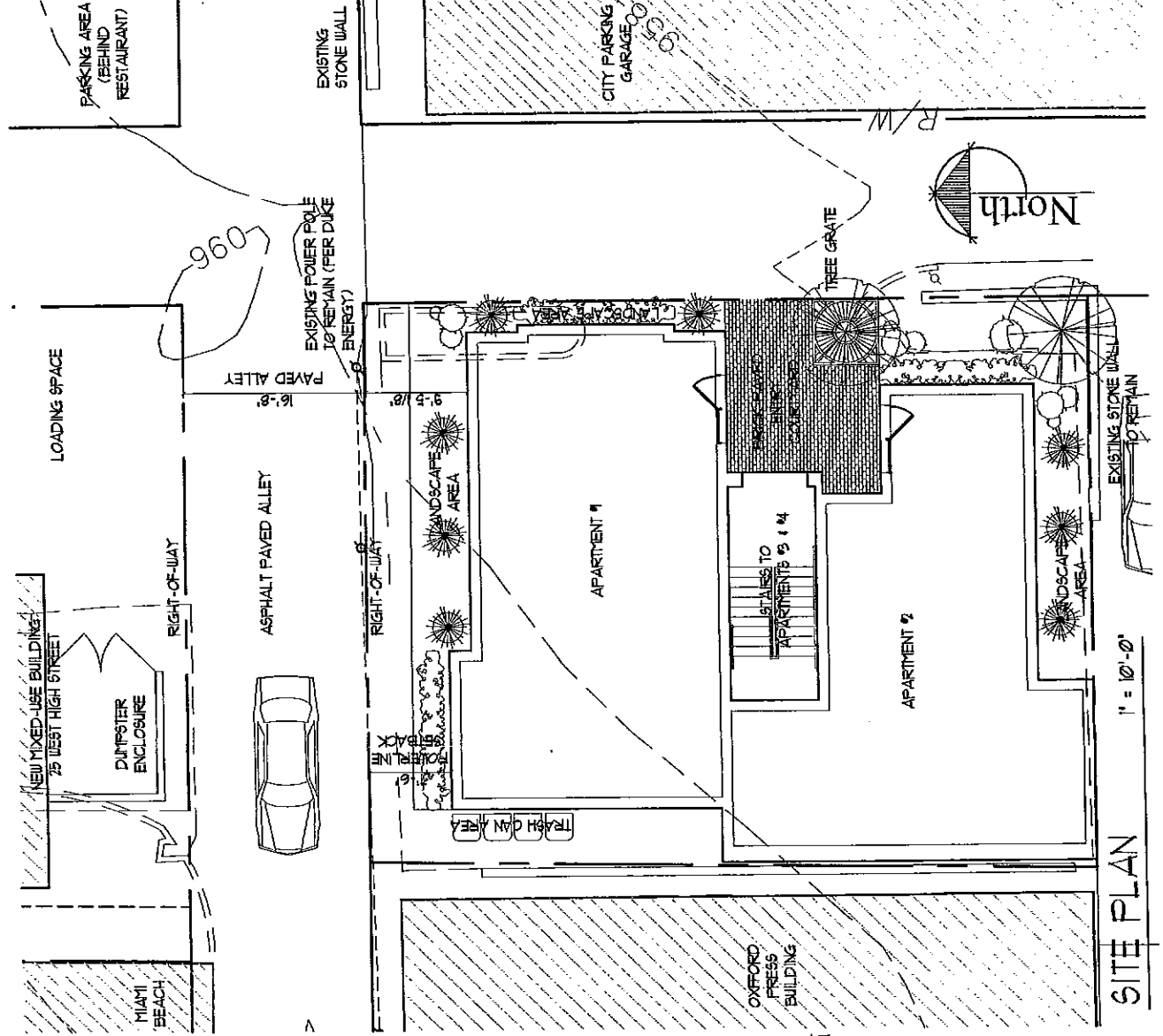


SCOTT WEBB ARCHITECT
 103 West Walnut Street
 Oxford, Ohio 45056
 (513) 223-3838
 www.scottwebbarchitect.com

PROPOSED NEW 4-UNIT APARTMENT BUILDING
 West Walnut Street Alley Site
 (parking - behind 25 West High)
 ORD, OHIO 45056

DATE	March 26, 2008
REVISIONS	

A-1



LOCATION PLAN 1" = 100'-0"

ZONING CODE REVIEW

PROPOSED THREE STORY RESIDENTIAL STRUCTURE CONTAINING (4) 4-BEDROOM APARTMENTS REQUIRING CONDITIONAL USE APPROVAL FOR GROUND FLOOR RESIDENTIAL IN THE UP ZONING DISTRICT

ZONING DISTRICT: UP - UPTOWN DISTRICT
 LOT AREA: 3,456 SF. - 0.78 ACRES

FLOOR AREA RATIO

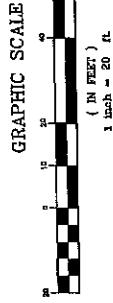
S.F. REQUIREMENTS (GROSS)	BUILDING AS SHOWN (GROSS)
MIN. 5TH FLOOR COMMERCIAL	2,415 SF
MAX. RESIDENTIAL (GROSS)	6,931 SF
MAX. 2X LOT AREA	6,931 SF (221T SF EACH OF 3 STORIES)
MAXIMUM BUILDING (GROSS)	10,368 SF
MAX. 3X LOT AREA	6,931 SF TOTAL BUILDING AREA

MIN. APARTMENT SIZES IN UP DISTRICT

S.F. REQUIREMENTS (GROSS)	BUILDING AS SHOWN (GROSS)
4- BEDROOM APARTMENTS	1,400 SF ± 16,000 SF

SETBACK REQUIREMENTS & PARKING

- NO SETBACKS REQUIRED IN UP DISTRICT
- SETBACK OF 1'-6" FROM OVERHEAD ELECTRIC LINES REQUIRED BY DUKE ENERGY
- NO PARKING REQUIRED IN UP DISTRICT



I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. ALL WORK PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO.

DAVID DOUGLAS SMITH PROFESSIONAL SURVEYOR NO. 7121 DATE

LEGEND	
W.M.	WATER METER
E.M.	ELECTRIC METER
G.M.	GAS METER
U.P.	UTILITY POLE
W.S.O.V.	WATER SHUT-OFF VALVE
C.O.	CLEANOUT
M.H.	MANHOLE
W	WATER LINE
G	GAS LINE
OHU	OVERHEAD UTILITY
SS	SANITARY LINE

NOTES AND REFERENCES
NORTH BASED ON AN ASSUMED
MERIDIAN AND IS TO DENOTE
ANGLES ONLY.

DEED REFERENCES

D.B. 7844 PG. 295
D.B. 7514 PG. 1007
D.B. 7112 PG. 2005
D.B. 7503 PG. 2277
D.B. 6525 PG. 525
D.B. 941 PG. 314
D.B. 6115 PG. 244
D.B. 5242 PG. 190
D.B. 6282 PG. 1592
D.B. 6315 PG. 1568
D.B. 1748 PG. 157
D.B. 6057 PG. 1792
D.B. 6509 PG. 57
D.B. 6638 PG. 1381
D.B. 6606 PG. 847
D.B. 1705 PG. 8
D.B. 6607 PG. 504

SURVEYS

D.B. N PG. 364
VOL. 49 PG. 42
VOL. 40 PG. 43
VOL. 27 PG. 63
VOL. 5 PG. 235
D.B. 6607 PG. 504

EASEMENT

D.B. 6584 PG. 1657

B SURVEYING, INC.
DAVID DOUGLAS SMITH, P.S.
5555 PARKVIEW ROAD
OXFORD, OHIO 46055
PROFESSIONAL SURVEYOR

PLAT OF SURVEY

PARTS OF
LOTS 89 90 AND 91
CITY OF OXFORD
BUTLER COUNTY, OHIO

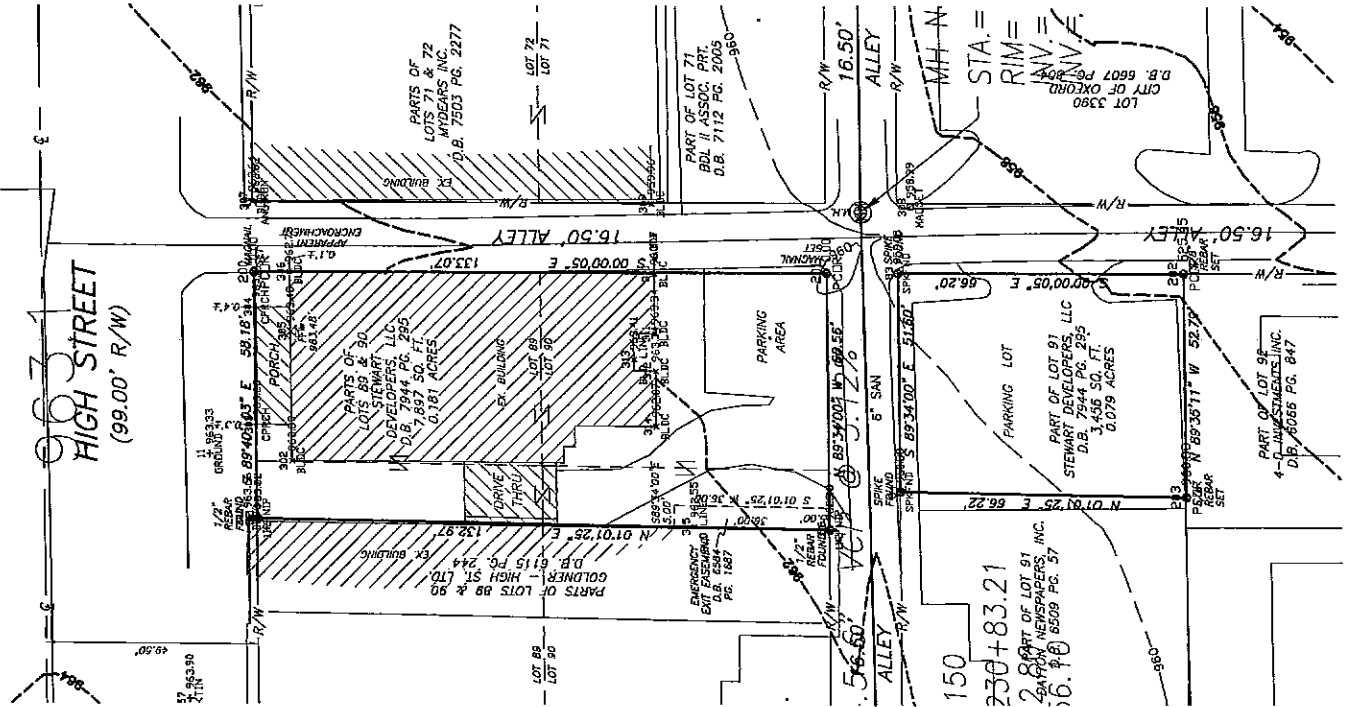
FOR
SCOTT WEBB

DATE 12/19/2007

SCALE 1" = 20'

BY A.J.C.

PROJECT NO. 27129



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: July 15, 2007

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

June 10, 2007
Date Prepared

Agenda Title:	HAPC – Text Amendments to Chapter 25 Graphics, Signage & Building Identification of the HAPC Design Guidelines, City of Oxford HAPC, Applicant
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Recommendation:	Approve
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Discussion:

HAPC is requesting approval of amendments to four of the eleven Specific Recommendations in Chapter 25, Historic & Architectural Preservation Design Guidelines - Signage. Proposed amendments clarify that the use of neon lighting and internal illumination of signs in the UP Historic District is prohibited and coordinate the HAPC guidelines with the Planning and Zoning Code requirements for sandwich board signs.

Currently, HAPC regulations specifically prohibit the use of sandwich board signs and banners in an indirect way. In 2007, there were many "Administrative Findings" letters sent to business and property owners regarding banners. The HAPC, after discussion, determined they would like to see sandwich boards continue in place of banners.

The HAPC is recommending amendments to the sign guidelines by cross-referencing the Zoning Code requirements for sandwich board signs.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>6/10/08</u>
	City Manager:		

ORDINANCE NO.

AN ORDINANCE REPEALING CHAPTER 25, GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION OF THE DESIGN GUIDELINES FOR THE CITY OF OXFORD'S HISTORIC DISTRICT AND ADPOTING NEW CHAPTER 25, GRAPHICS, SIGNAGE & BUILDING IDENTIFICATION OF THE DESIGN GUIDELINES FOR THE CITY OF OXFORD'S HISTORIC DISTRICT.

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

SECTION I: The Historic and Architectural Preservation Commission of the City of Oxford has recommended the repeal of current Chapter 25, Graphics, Signage, & Building Identification of the Design Guidelines for the City of Oxford's Historic District and has recommended the adoption of new Design Guidelines regarding the same by clarifying that the use of neon lighting and internal illumination of signs in the Uptown Historic District is prohibited and by cross-referencing the Zoning Code requirements for sandwich board signs, which is included herein as Exhibit "A".

SECTION II: Council hereby finds that the City of Oxford's Historic and Architectural Preservation Commission held public hearings and that following the public hearings did deliberate and as a result of those deliberations, the Historic and Architectural Preservation Commission recommended repealing Chapter 25 of the Design Guidelines for the City of Oxford's Historic District and adopting new Chapter 25 of the Design Guidelines for the City of Oxford's Historic District which is included herein as Exhibit "A"

SECTION III: Council hereby repeals Chapter 25 of the Design Guidelines for the City of Oxford's Historic District and adopts new Chapter 25 of the Design Guidelines for the City of Oxford's Historic District which is included herein as Exhibit "A".

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION

Signs serve two purposes for businesses: to advertise and to identify. Unfortunately, these purposes are often placed at cross purposes when individual businesses attempt to distinguish themselves through ever increasing signage (both in size and number). This has the unintended effect of making all businesses in an area less visible while creating potential traffic hazards, confusion, and aesthetic devaluation. The commercial corridor in the Uptown Historic District has undergone numerous changes in graphics and signage throughout the years in an attempt to find the balance between advertising and identifying particular businesses and maintaining the appearance of the District as a whole.

Maintenance and Preservation

1. The Sign Code of the City of Oxford should be consulted for specific sign regulations in addition to these guidelines.
2. Any change, installation, preservation, or maintenance work should not permanently alter or damage a building. Likewise, any existing architectural details should not be removed, damaged, or covered over. When signs are removed, the building surface should be repaired and/or restored.
3. All signs should be protected against deterioration or fading.



Appropriate lighting and signage in Uptown Oxford.

Specific Recommendations

1. The Sign Code of the City of Oxford should be consulted for specific sign regulations in addition to these guidelines.
2. All sign installations must be reversible and can not damage the underlying structure.
3. For signs located on the outside of a building, internal illumination (such as neon type signage) is prohibited. Rather, external illumination should be utilized with light fixtures and installation complementing the overall architectural character of the building in scale, style, and material.

GRAPHICS, SIGNAGE, & BUILDING IDENTIFICATION

4. For signs located inside a building, but clearly visible from a public way, internal illumination ~~is discouraged~~ **are prohibited** (ie. neon type signs). Window signs are appropriate if they are applied directly to the window surface or are constructed as panels attached parallel to the surface.
5. Appropriate sign materials include wood, stone, metal, or glass. ~~while plastics or neon tubing should be avoided~~ **is prohibited. Plastic is allowed if high quality and indistinguishable from wood**
6. All signage should respect the architectural theme, general composition, and scale of the building to which it is attached.
7. Signs should be kept simple in design, color, and materials and should be easy to read.
8. Sign color should complement the overall color scheme of the structure. It is desirable to have sign letters contrast with, but complement, their background.
9. Using *clipart* trademarks and corporate logos, such as beer and soda logos, is prohibited unless they are actually a part of the business name.
10. Sign types which are traditionally associated with strip or highway development are prohibited (ie. plastic signs, billboards, portable signs **and banners**.) *Ssandwich board signs are allowed per Oxford Zoning Code Chapter 1151. One (1) free-standing sandwich board sign is permitted with a maximum of 16 square feet, two sign faces with no more than 12 square feet, shall not extend more than five feet into or impeded the sidewalk area adjacent to the sign.*
11. For building identification purposes, address numerals should be attached to all buildings. These should be between 3 and 8 inches high and should be constructed of appropriate and complementary material to the building structure. The address should be easily seen from the adjacent street or public way, yet be as unobtrusive as possible.



Insensitive signage (left) contrasts very sensitive signage (right). These signs are directly across the street from each other.



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: July 15, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

June 12, 2008
Date Prepared

Agenda Title: PC-09-2008 FINAL PLANNED DEVELOPMENT, US 27 South, Condominium Development, Scott Webb, Applicant, Agent

Recommendation: Approval w/Conditions
--

Discussion:

The Applicant is requesting approval of a Final Planned Development to allow for Phase I of Lakewood Condominiums, which include 46 single-family condominium dwelling units on the southern portion of the property along with a clubhouse and pool area.

City Council approved on November 20, 2007, Ordinance #2989, which was a Preliminary Development Plan for this portion of the property.

This case was first presented at the April 8, 2008 Planning Commission meeting. During the hearing, Staff outlined ten conditions before the Planning Commission to consider. Planning Commission members noted their concern regarding the number of conditions, the tracking of their completion, and more specifically the structural engineering of a bridge to be used as a secondary means of egress and the Applicant wishing to keep the roads private versus public. The Planning Commission voted to table PC-09-2008.

PC-09-2008 was brought back to the May 13, 2008 Planning Commission meeting. Items that had been requested of the Applicant had not been provided for this meeting. Therefore, the case was once again tabled.

At the June 10, 2008 meeting, the Planning Commission deliberated at length on many issues and after a public hearing and more discussion, the Planning Commission voted 5-0-0 to recommend approval to City Council with the following conditions:

1. That, all requirements of City Council Ordinance #2989 are upheld and implemented as approved.
2. That, the concerns from the Fire Chief must be addressed and satisfactory to the Fire Chief, prior to City Council's review and consideration.
3. That, the maintenance of the private streets, and the light poles are the sole responsibility of the property owner and its successors and that a Street Maintenance Agreement is recorded with the Final Development Plan, acceptable to the City's Legal Council. Additionally, a Condominium Declaration must be reviewed and accepted by the City's Law Director. The Final Development recording requirement is outlined in Section 1145.08 and Section 1145.09 of the Planning and Zoning Code.
4. That, the Engineering comments regarding the sanitary issues must be addressed and satisfactory to the Engineering Division.
5. That, a second, permanent ingress/egress street shall be constructed from U.S. 27, as stipulated in Ordinance No. 2989, within 5 years from the start of construction of Phase I or approval of the application for Phase II, whichever is sooner.

Staff and Legal Council are recommending modification to the conditions placed by Planning Commission for

Condition #2 and #4. The modification is to assure that the comments received by Fire and Engineering are addressed and satisfactory prior to the submission of the final (recording) plat instead of requiring these items to be met before Council deliberates the case.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

JHC 6/20/08

|

|

ORDINANCE NO.

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF PHASE I OF THE PLANNED DEVELOPMENT FOR THE R3 PORTION OF SOUTHPOINTE CROSSING WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on June 10, 2008, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of 4-Leaf Development LLC, Scott Webb, Architect, Agent, for approval of a Final Planned Development of Phase I on the R3 portion of Southpointe Crossing to allow a Planned Development for residential use.

SECTION 2: The Planning Commission, after due deliberation found the application satisfied the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for Phase I of the R3 portion of the Southpointe Crossing site with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Plan application for Phase I of the R3 portion of the Southpointe Crossing Site, to allow a development for residential use based on the submittals of the applicant and accepts and adopts the Planning Commission recommendation as modified herein, made part of this approval with the following conditions:

- a. All requirements of City Council Ordinance No. 2989 are upheld and implemented as approved.
- b. The concerns from the Fire Chief must be addressed and satisfactory to the Fire Chief, prior to the filing of the final plat.
- c. The maintenance of the private streets and the light poles are the sole responsibility of the property owner and its successors and that a Street Maintenance Agreement is recorded with the Final Development Plan, acceptable to the City's Law Director. Additionally, a Condominium Declaration must be reviewed and accepted by the City's Law Director. The Final Development recording requirement is outlined in Section 1145.08 and Section 1145.09 of the Planning and Zoning Code.
- d. The Engineering comments regarding the sanitary issues must be addressed and satisfactory to the Engineering Division prior to the filing of the final plat.
- e. A second permanent ingress/egress shall be constructed from US 27 as stipulated in Ordinance 2989 within 5 years from the start of construction of Phase 1 or approval of the application for Phase II whichever is sooner.

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

ADOPTED: _____ MAYOR

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	June 12, 2008
<u>Case Number</u>	PC-09-2008
<u>Applicant Information</u>	Scott Webb, Architect 4-Leaf Development LLC
<u>Requested Action</u>	Final Planned Development
<u>Summary of Request</u>	To allow for Phase I of Lakewood Condominiums including 46 single-family condominium dwelling units.
<u>Public Hearing Information</u>	On April 8, 2008, May 13, 2008, and June 10, 2008, public hearings were held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on March 7, 2008. Courtesy notices were mailed to adjacent property owners on March 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 5-0-0 at the June 10, 2008 meeting and recommended approval of the Final Planned Development with conditions.
<u>Commission Findings and Conclusions</u>	After extensive discussions, the Planning Commission voted to recommend approval of the Final Planned Development with the following conditions: 1. That, all requirements of City Council Ordinance #2989 are upheld and implemented as approved. 2. That, the concerns from the Fire Chief must be addressed and satisfactory to the Fire Chief, prior to City Council's review and consideration. 3. That, the maintenance of the private streets, and the light poles are the sole responsibility of the property owner and its successors and that a Street Maintenance Agreement is recorded with the Final Development Plan, and acceptable to the City's Legal Council. Additionally, a Condominium Declaration must be reviewed and accepted by the City's Law Director. The Final Development recording requirement is outlined in Section 1145.08 and Section 1145.09 of the Planning and Zoning Code. 4. That, the Engineering comments regarding the sanitary issues must be addressed and satisfactory to the Engineering Division. 5. That, a second, permanent ingress/egress street shall be constructed from U.S. 27, as stipulated in Ordinance No. 2989, within 5 years from the start of construction of Phase I or approval of the application for Phase II, whichever is sooner.

**Exhibits Submitted to the
Commission**

1. Community Development Staff Report dated April 8, 2008 with a revision date of June 2, 2008
2. Ordinance No. 2989
3. Correspondence from Fire Chief, along with documentation of Bridge Load Capacity
4. Correspondence from Engineering Department
5. Correspondence from Police Chief
6. Review and Comment form dated March 17, 2008
7. Submitted drawings
8. Letter of Agency dated March 10, 2008
9. Planned Development Application dated February 22, 2008
10. Architect Statement Letters dated May 5, 2008
11. Legal Description

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-09-2008

Date – April 8, 2008
Revised – June 2, 2008

APPLICATION

Applicant:	Scott Webb, Architect
Location:	U.S 27 South, Condominium Development on the R-3 Portion of Southpointe Crossing – Phase I “Lakewood Condominiums”
Owner:	4-Leaf Development LLC
Action Request:	Final Planned Development
Current Use:	Vacant
Current Zoning	R-3, limited to 12 dwellings per acre
Surrounding Existing Land Uses:	Vacant land/Single family/ Multi-family

GENERAL DESCRIPTION

The Applicant seeks acceptance for a Final Planned Development (FPD) for the Southpointe Crossing site, Phase I – Lakewood Condominiums. City Council approved on November 20, 2007, Ordinance #2989, which was a Preliminary Development Plan for this portion of the property.

This parcel is the R-3 portion, which is limited to 12 units per acre. It is approximately 39.8 acres and is limited to 477 units maximum. The Applicant is seeking conceptually to lay out 90 condominium units on this site, with an interconnected roadway system. Additionally, the Applicant proposes to construct a clubhouse and pool, as well as keeping the existing dwelling located at the southeast portion of the parcel.

The Applicant has indicated this parcel would be developed in two phases. The first phase would be 46 single-family condominiums on the southern portion of the property along with the clubhouse and pool area (current application). The second phase will be for the remaining 44 single-family condominiums on the portion north of the existing pond (will require separate FPD later). The proposed Planned Development is taking the theme of “new urbanism” with the placement of the structures closer to the right-of-way than a traditional suburban subdivision approach. The project attempts to create a cluster development to preserve natural open space. The Applicant indicated the open space was approximately 18 acres, equivalent to 46% of the site while maintaining a 50-foot perimeter setback to preserve the natural elements of the site.

Several other notable features of the proposal are as follows:

1. Interconnected alleys provide access to the rear parking area.
2. A 39-space guest parking lot and associated driveway.
3. Two access points to the future U.S. 27/S.R. 73 Connector.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is R1A to the north, a real-state office at the entrance to this site and OI (Office-Industrial) zoned property directly to the west. Residential structures, southeast of the entrance of the site, along U.S 27 South, are still in the Oxford Township jurisdiction.

ZONING CODE REGULATIONS

§1143.06(c)(2)A. R-3 Multi-Family Residential District Yard Requirements:

- A. *Minimum front yard depth - 30 feet*

STAFF FINDINGS: The Applicant provided a concept layout showing only a 20 feet front yard setback. City Council in Ordinance #2989 approved the 20 foot front yard setback.

§1145.12(e)(1) PUD Dimensional Requirements:

1. *Building Heights shall be limited as in the underlying zoning district, regardless of land use.*

STAFF FINDINGS: The Applicant has furnished an architectural rendering to illustrate the building height to be around 2 stories. During the building application process, staff will also review the building height to insure all regulations are met.

§1145.12(g) Environmental: A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands.

STAFF FINDINGS: City Council in Ordinance #2989 waived the required buffer around the existing pond.

§1149.05(e)(4)B. & F. Parking Lot Design:

- B. *Any parking space oriented in such a way as to have headlights shine into a residential structure shall have a fence, wall, or solid hedge of no less than 4' in height screening the headlights.*
- F. *A raised, landscaped, and curbed island of a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and the ends of each row of parking spaces and at every interval of 7 parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space.*

STAFF FINDINGS: The Applicant has provided a landscaping plan with planting schedule and appears to satisfy all landscaping requirements.

§1149.05(e)(5)B.1.a. Landscaping:

- B. 1.a. *A parking area shall have two trees per parking facility plus one tree for every five parking spaces or fraction thereof generally distributed throughout the parking area.*

STAFF FINDINGS: The Applicant has submitted a landscaping layout and seems to have provided the necessary number of trees to satisfy this requirement.

COUNCIL ORDINANCE

City Council approved November 20, 2007, Ordinance #2989 with the following conditions:

- a. There shall be a second ingress/egress to U.S. 27, in addition to the existing Southpointe Blvd., for the proposed condominium development.
- b. The proposed project shall be completed in five years or the approval shall become null and void.
- c. The required front yard setback is reduced from 30 feet to 20 feet.
- d. The required buffer around the existing pond is waived as proposed by the Applicant and accepted by the Planning Commission.

AGENCY COMMENTS

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

Police Department:	No comments received to date.
Engineering:	Refer below.
Fire:	Refer below.

STAFF FINDINGS: The Applicant has submitted an Engineering certified copy on the load capacity of the existing bridge to be used as a temporary second ingress/egress.

The Applicant's letter also indicated that the property owner would not dedicate the streets over to the City as initially presented and the streets would remain private. With the streets remaining private, the Applicant has modified the street widths and has provided landscaped "bump-outs". The Service Department Director, Mike Dreisbach, has indicated that the Service Department could accept the developer's offer to keep the streets private and to perform maintenance. The construction of these private roads will still be required to meet City Standards. Additionally, the Engineering Division also indicated that the decorative bridge must meet City standards and the design plans have to be reviewed by the City Engineer. Those emails are attached for your information and consideration.

Fire Chief Detherage has received a copy of the Engineering load capacity of the existing bridge. He has some concerns about the statement and certain issues that will require further confirmation. His email is attached for your review and consideration.

PUBLIC COMMENT FORMS

A public comment form was received from Tami Kuginskie, 3926 Oxford-Millville Road, in opposition of the development.

STAFF ANALYSIS

Overall, the Phase I Final Development Plan is in harmony with the layout, general intent, and intensity of the approved Preliminary. Many items requested during the Preliminary have been addressed, as mentioned above. In summary, those items are as follows and should the Planning Commission recommend approval, Staff recommends the following conditions:

1. That, all requirements of City Council Ordinance #2989 are upheld and implemented as approved.
2. That, the concerns from the Fire Chief must be addressed and satisfactory to the Fire Chief, prior to Council's review and consideration.
3. That, the maintenance of the private streets, and the light poles are the sole responsibility of the property owner and its successors and that a Street Maintenance Agreement is recorded with the Final Development Plan, acceptable to the City's Legal Council. Additionally, a Condominium Declaration must be reviewed and accepted by the City's Law Director. The Final Development recording requirement is outlined in Section 1145.08 and Section 1145.09 of the Planning and Zoning Code.
4. That, the Engineering comments regarding the sanitary issues must be addressed and satisfactory to the Engineering Division.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Jing-Han Chen".

Jing-Han Chen, Director
Community Development Department

DATE: June 2, 2008

ORDINANCE NO. 2989

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF THE PLANNED UNIT DEVELOPMENT FOR THE R3 PORTION OF SOUTHPOINTE CROSSING.

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

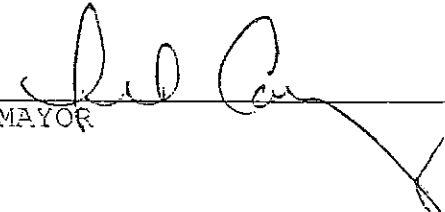
SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 9, 2007, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of 4-Leaf Development LLC, Scott Webb, Architect, Agent, for approval of a Preliminary Planned Development on the R3 portion of Southpointe Crossing to allow a Planned Unit Development for residential use.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for the R3 portion of the Southpointe Crossing site.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for the R3 portion of Southpointe Crossing Site, to allow a development for residential use based on the submittals of the applicant and accepts and adopts the Planning Commission recommendation made part of of this approval with the following conditions:

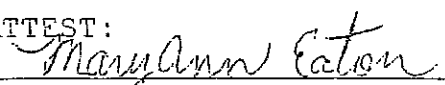
- a. There shall be a second ingress/egress to U.S. 27, in addition to the existing Southpointe Blvd., for the proposed condominium development.
- b. The proposed project shall be completed in five years or the approval shall become be null and void.
- c. The required front yard setback is reduced from 30 feet to 20 feet.
- d. The required buffer around the existing pond is waived as proposed by the applicant and accepted by the Planning Commission.

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


MAYOR

ADOPTED: November 20, 2007

ATTEST:


DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW(STAFF)

PC-24-2007

For 6/10/08 PC mtg

Lynn Taylor

email from Oxford Fire Chief
re: bridge capacity
dated 6/4/08

From: Jung-Han Chen
Sent: Thursday, June 05, 2008 9:15 AM
To: Lynn Taylor
Subject: FW: southpointe bridge capacity letter...

For the case file.

Jung-Han Chen, AICP
Community Development Director
City of Oxford
Oxford, OH 45056
(513) 524-5204

From: John Detherage
Sent: Wednesday, June 04, 2008 8:35 PM
To: Jung-Han Chen
Subject: RE: southpointe bridge capacity letter...

Jung-Han,

Per your request, I have reviewed the documents pertaining to the proposed use of the existing bridge for the Southpointe access. From the information provided, I could find no reason that this bridge would not serve the proposed purpose, but upon inspection I do have some concerns.

1. It appears that our ladder truck was omitted from the list of apparatus. The GVW for this unit is 69,500 lbs. Taking the ladder truck over this bridge would not be my first choice, but it may be needed if hose or other obstacles block the primary access.
2. Upon inspection of the bridge, I found that I would not agree with the statement "The condition of the bridge is reasonable, with no reports of excessive corrosion or rot to either the steel beams or the wood decking and railing". While I am not a bridge inspector or an engineer, I would not consider the condition of the deck of the bridge to be "reasonable" when it comes to using the bridge for fire apparatus. Several of the deck timbers are rotted to what I would consider the point of failure. Several others show various stages of decay.
3. It appears that the steel beams are in could condition, but I would like a chance to get under the bridge and view them more closely since the water level today blocked the access.
4. If repairs are made to bring the bridge deck to an acceptable condition, will there be a requirement put in place to ensure that the bridge is maintained and inspected regularly?

The condition of this bridge concerns me not only for the safety of the current residents, but also the safety of future residents and our fire department staff. If you would like, I would be more than happy to make another visit to the bridge to explain my findings. I would also like to speak to the current resident/owner of the property to discuss fire response to the current structures on the property.

John

John P. Detherage
Fire Chief
City of Oxford Fire Department
101 East High St.
Oxford, Ohio 45056

6/5/2008

Office: (513) 524-8249
Cell: (513) 839-1570

From: Jung-Han Chen
Sent: Tuesday, June 03, 2008 4:46 PM
To: Kathy Dale; Len Endress; John Detherage
Cc: Alan Kyger
Subject: FW: southpointe bridge capacity letter...

FYI

Jung-Han Chen, AICP
Community Development Director
City of Oxford
Oxford, OH 45056
(513) 524-5204

From: Scott Webb, Architect [mailto:scott@scottwebbarchitect.com]
Sent: Tuesday, June 03, 2008 4:38 PM
To: Jung-Han Chen
Subject: FW: southpointe bridge capacity letter...

Jung-Han,
Attached, please find the letter from the structural engineer on the project regarding the bearing capacity of existing bridge.
If you have any questions, or need any additional information, please call.

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

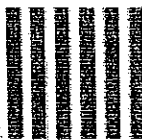
From: Mike Frank [mailto:MFrank@gopltd.com]
Sent: Tuesday, June 03, 2008 4:22 PM
To: Scott Webb, Architect
Subject: southpointe bridge capacity letter...

...is attached! Call if any questions and thank you!

Michael Frank

GOP Limited

Structural Engineers

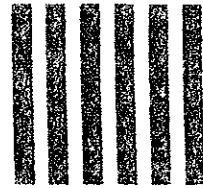


A Small Business Enterprise (SBE) Firm
644 Linn Street, Suite 936
Cincinnati, OH 45203-1738
Ph: (513) 621-7073
Fax: (513) 621-0434

6/5/2008

MEMORANDUM/FAX

GOP Limited
Structural Engineers



DATE June 3, 2008

PHONE _____

CLIENT L. Scott Webb, Architect

MEETING _____

TO Mr. Scott Webb

FIELD REPORT _____

FROM Michael Frank

XXX MESSAGE _____

PROJECT NO. 08112

RESPONSE REQUESTED _____

PROJECT NAME Bridge at Southpointe; Oxford, Ohio

SUBJECT Load Capacity of Existing Bridge

Dear Mr. Webb:

I received your February 15, 2008 site notes and the equipment weight email message from Fire Chief Endress, with the city of Oxford (copies are attached). I have reviewed the information and made a load capacity evaluation of this bridge, based on the information provided. The condition of the materials in the bridge is reasonable, with no reports of excessive corrosion or rot to either the steel beams or the wood decking and railing.

The primary load carrying members are pairs of 30" depth steel channels, spanning the 35' distance over the creek. The decking is timber, that is approximately nine inches thick. The rail and wheel guard is arranged to keep truck wheels within close proximity of the steel beams, so the decking is not working very hard (as the wheels are directly above the beam flanges). The steel beams are at roughly 94" centers, while the fire equipment varies between 89" and 97" centers.

The typical AASHTO uniform "lane" load would be roughly 600 plf with a concentrated load of 18,000 pounds or 26,000 pounds (bending or shear), while the point load requirement would be an axle load of 32,000 pounds. The steel beam capacity is far in excess of these amounts. The wood decking, by the geometry of the wheel guards, etc., is also more than adequate for the typical AASHTO HS-20 loading, which is more than any of the present Oxford equipment weights.

Thus, the bridge is adequate for the intended fire equipment loads. I trust this information will meet your present needs. Please let me know if you've any further questions. Thank you for the opportunity to be of service.



DISTRIBUTION file

SIGNED Michael C. 2

PAGE 1 OF 4

2/4

notes



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Job / Client:

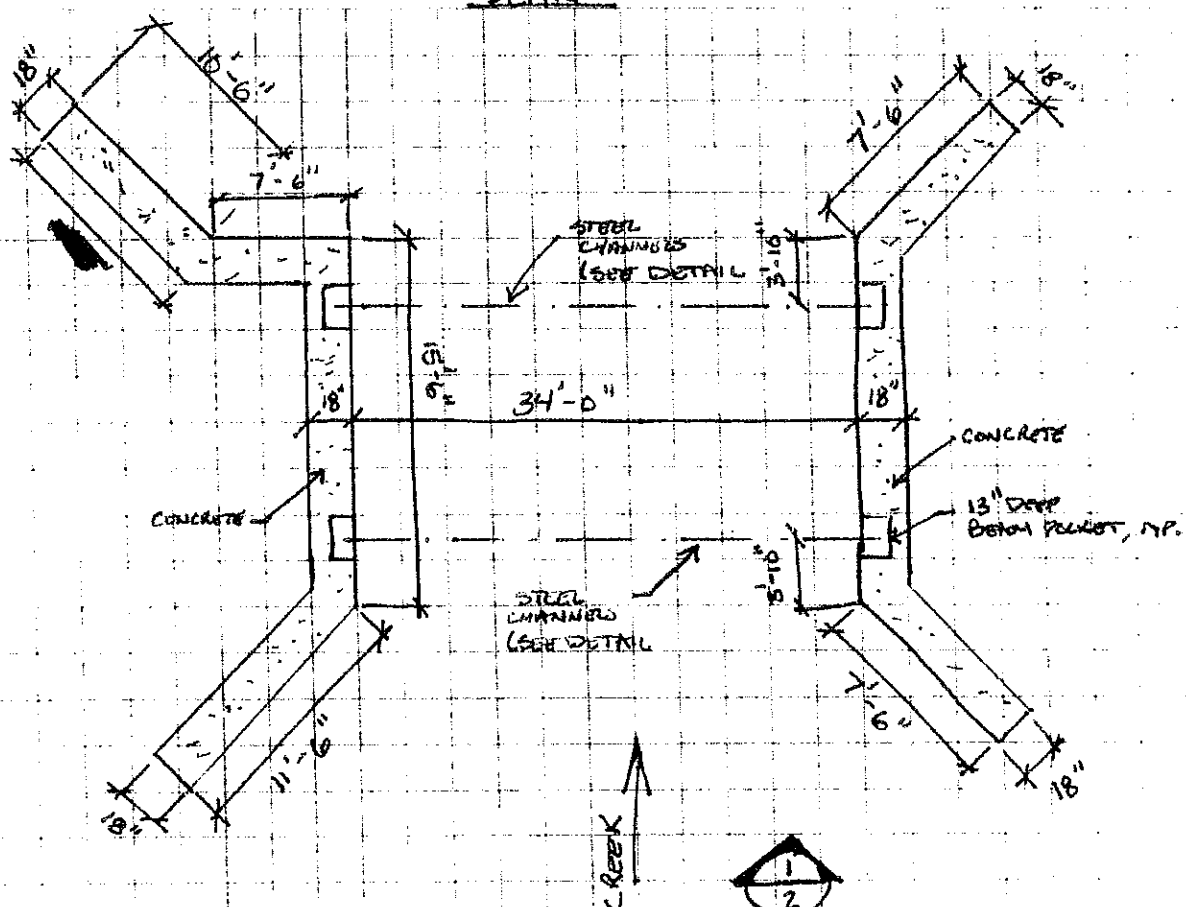
Re:

BRIDGE ON CONDO SITE

Date:

FEBRUARY 15, 2008

PLAN



3/4

notes



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

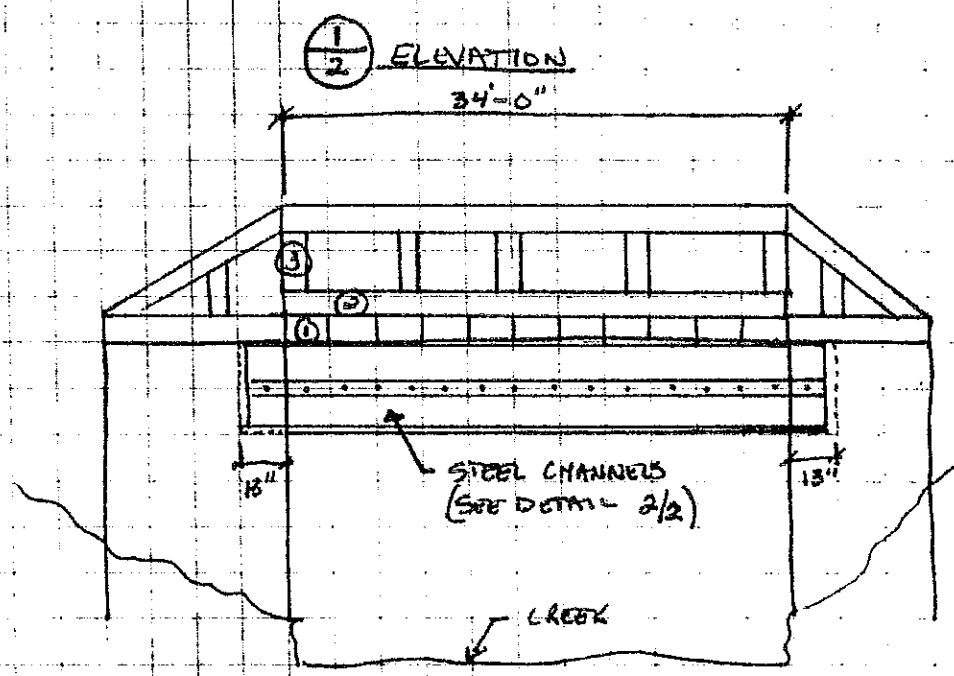
Job / Client:

Re:

BRIDGE ON CONDO SITE

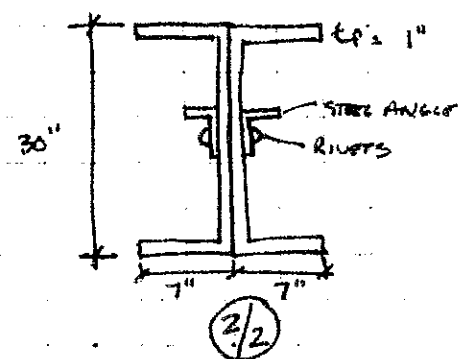
Date:

FEBRUARY 15, 2008



W30X173 ?

- ① 7"(W) x 9"(H) WOOD TIMBER
- ② 7"(W) x 9"(H) WOOD TIMBER
- ③ 6"(W) x 8 1/2"(D) WOOD TIMBER



5/9/08 - Rec'd from Len Endress. Scott Webb requested: Len
copied us in. Lakewood Condos

Re: Southpointe Crossings

Page 1 of 1

523 - 1818

From: ofd281@aol.com

To: terricorner@bayerbecker.com

Subject: Re: Southpointe Crossings

Date: Fri, 29 Feb 2008 10:17 am

Terri,

Here are the measurements you requested.

Truck#	Overall Length	Rear Wheel to Front Wheel	Front Wheel to Bumper	OS wheel / Front	OS wheel / Rear
241	22' 6"	13' 6"	3' 9"	77"	89"
211	31' 3"	15' 11"	7' 10"	90"	97"
213	30' 8"	15' 5"	7' 10"	90"	97"
255	27' 8"	14' 9"	7' 11"	90"	97"

All wheel measurements are from center of wheels

I am adding another truck as I thought these buildings will be occupied before Phase Three and the other road is built. This is the aerial truck.

231	41' 4"	22' 8"	7' 6"	100"	100"
-----	--------	--------	-------	------	------

Gross Vehicle Weight is 69,500#

Please let me know if you have any questions, or need other information.

Len Endress, Chief
Oxford Fire Department

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

From: Terri Corner <terrnicorner@bayerbecker.com>

To: ofd281@aol.com

Sent: Thu, 28 Feb 2008 7:42 am

Subject: RE: Southpointe Crossings

No problem, Len....I understand you have more important things to deal with on a daily basis! Thursday will be just fine.

Thanks much!

Terri

From: ofd281@aol.com [mailto:ofd281@aol.com]

Sent: Wednesday, February 27, 2008 5:10 PM

To: terricorner@bayerbecker.com

Subject: Re: Southpointe Crossings

Hi Terri,

I am sorry, I got swamped. I will get those on Thursday and send them right away.

Len

Chapter 5 Means of Access

5.1 General.

This section shall apply to roads constructed within the confines of private property whether or not they are dedicated as public thoroughfares.

5.1.1 Means of access for fire department apparatus shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof, and shall be provided to all structures.

5.1.2 Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.

5.1.3* Landscaping or other obstructions shall be maintained in a manner that provides unobstructed access for fire department operations.

5.2 Roadways.

Roadways shall be constructed and maintained in accordance with Section 5.2.

5.2.1 Roadways shall be constructed of a hard, all-weather surface designed to support the heaviest piece of fire apparatus likely to be operated on the roadway. *69,500 lbs.*

5.2.2 Every dead-end roadway more than 91.5 m (300 ft) in length shall be provided at the closed end with a turnaround having not less than a 36.5 m (120 ft) outside diameter of traveled way.

5.2.3* Roadways shall have a minimum clear width of 3.7 m (12 ft) for each lane of travel, excluding shoulders and parking. Provisions shall be made for factors that could impinge on the minimum width — for example, drainage, snow removal, parking, and utilities.

5.2.4 Grades shall be not more than 10 percent except as permitted by 5.2.4.1.

5.2.4.1 Grades steeper than 10 percent shall be permitted by the authority having jurisdiction where mitigation measures can be agreed upon jointly by the fire department and the road engineering department.

5.2.5 Grades shall be not less than 0.5 percent in order to prevent pooling of water in a traveled way.

5.2.6 Any secondary road intersecting with another road shall be sloped 1 percent to 3 percent down and away from the intersection for a distance of 30.5 m (100 ft) from the intersection.

5.2.7* At least 4.1 m (13 ft 6 in.) nominal vertical clearance shall be provided and maintained over the full width of all means of access.

5.2.8 Turns in roadways shall maintain the minimum road width.

5.2.9* Turns in publicly owned or privately owned major feed roadways shall be constructed with a minimum radius of 30.5 m (100 ft) to the centerline.

5.3 Parking Lots.

5.3.1 The minimum lengths of parking lot stalls as measured end to end and the minimum aisle widths shall be as shown in Table 5.3.1.

Table 5.3.1 Minimum Parking Lot Stall Dimensions and Minimum Aisle Lengths

Parking Angle	Minimum Stall Length		Minimum Aisle Width, One-Way Traffic Flow		Minimum Aisle Width, Two-Way Traffic Flow	
	m	ft	m	ft	m	ft
45 degrees	8.4	27.5	4.9	16	7.3	24
60 degrees	7.2	23.7	4.9	16	7.3	24
75 degrees	6.4	20.9	7.0	23	7.3	24
90 degrees	5.6	18.5	7.9	26	7.9	26

5.3.2 Parking lot lanes adjacent to any building shall provide a travel lane with 4.9 m (16 ft) clear width if traffic flow is one way and 7.3 m (24 ft) clear width if traffic flow is two way.

5.3.3 The minimum turning radius for parking lot lanes necessary for fire department apparatus access shall be determined by the authority having jurisdiction.

5.4* Fire Lanes.

5.4.1 Fire lanes shall be provided as required by the fire department having jurisdiction and in keeping with the requirements of Section 5.4.

5.4.2 Fire lanes providing one-way travel shall be a minimum of 4.9 m (16 ft) in width, and fire lanes with two-way travel shall be a minimum of 7.3 m (24 ft) in width.

5.4.3 Turns in fire lanes shall be constructed with a minimum radius of 7.6 m (25 ft) at the inside curb line and a minimum radius of 15.2 m (50 ft) at the outside curb line.

5.4.4 Fire lanes connecting to roadways shall be provided with curb cuts extending at least 0.6 m (2 ft) beyond each edge of the fire lane.

5.4.5 The angle of approach and departure for any means of access shall not exceed 8 degrees.

5.4.6 The designation, design, and maintenance of fire lanes on private property shall be approved by the authority having jurisdiction.

5.4.7 The clear opening provided through gates shall be 0.6 m (2 ft) wider than the traveled

way.

5.4.8 All gates shall be located a minimum of 9.1 m (30 ft) from the public right-of-way and shall not open outward.

5.4.9 Fire department personnel shall have ready access to locking mechanisms on any gate restricting access to a fire lane. Proposed changes to access shall be preapproved by the authority having jurisdiction.

5.4.10* Appropriate "No Parking" signs shall be posted in accordance with the instructions of the fire department having jurisdiction, and a method of enforcing such provisions shall be provided.

5.4.11 At least 4.1 m (13 ft 6 in.) nominal vertical clearance shall be provided and maintained over the full width of a fire lane.

Chapter 10 Protection During Construction

10.1 General Requirements.

10.1.1* Minimum Fire Protection. Protection shall not be less than that required by the fire department having jurisdiction.

10.1.2 Vehicular Access. Fire department vehicular access to all structures under construction shall be provided at all times.

10.1.2.1 In areas where ground surfaces are soft or likely to become soft, hard all-weather surface access roads shall be provided.

10.1.3 Trash and Debris. Trash and debris shall be removed from the construction site as often as necessary to maintain the site in a fire-safe manner.

10.1.4 Flammable or Combustible Liquids. Flammable or combustible liquids shall be stored, handled, or used on the construction site in accordance with the applicable provisions of NFPA 30, *Flammable and Combustible Liquids Code*; NFPA 54, *National Fuel Gas Code*; and NFPA 58, *Liquefied Petroleum Gas Code*.

10.1.5 Portable Fire Extinguishers. One portable fire extinguisher having a minimum rating of 4-A:30-B:C shall be within a travel distance of 22.9 m (75 ft) or less to any point of a structure under construction.

10.1.5.1 Personnel normally on the construction site shall be instructed in the use of the fire extinguishers provided.

10.1.6 Heating Devices. Temporary heating devices shall be of an approved type, located away from combustible materials, and attended and maintained by competent personnel.

10.1.7 Smoking. Smoking shall be prohibited, except in those areas approved. When required by the authority having jurisdiction, "No Smoking" signs shall be posted.

10.1.8 Cutting and Welding. Cutting and welding operations shall be in accordance with NFPA 51B, *Standard for Fire Prevention During Welding, Cutting, and Other Hot Work*.

10.2 During Construction Phase.

Prior to the delivery of combustible materials and construction of buildings, the water supply for fire protection, either temporary or permanent and acceptable to the fire department, shall be made available.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-09-2008

Description:

**PC-09-2008 FINAL PLANNED DEVELOPMENT, US 27 South, condominium
development, Scott Webb, Applicant, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

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

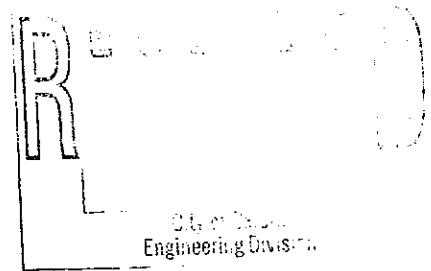
Drawings are returned: w/comments without/comments

#2. I would like to see the actual weight limits that have been calculated. I have attached my contracts with the Engineer. As from my attachments, the needed weight limit is much higher when buildings are occupied and now have a life safety issue.

Drawings reviewed by: _____

#4 NFPA states the minimum width required for fire fighting is 24 ft on a two way private road. I have attached NFPA 1141 Chapter 5 and Chapter 12 which relate to this.

City of Oxford
Inter-Office Review Transmittal Sheet



FOR 6/10/08 PC mtg

Date: 5/28/2008

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-09-2008

Description: **FINAL PLANNED DEVELOPMENT, US 27 South, Southpointe**
condominium development, **Scott Webb, Applicant, Agent**

☒ Review

☒ Revisions

☐ Other

Comments or status update requested by: Kathryn A. Dale

Please return no later than: **6/4/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Victor,

On February 26, 2008 CDD sent out an inter-office transmittal sheet to you stating that the following documents were included:

1. Lakewood Condominiums Development Detention/Retention Design
2. Flood Study
3. Drainage Plan
4. Traffic Study and Addendum

Another inter-office comment & review sheet similar to this layout was sent to Fire, Engineering & Police March 4, 2008 requesting review and comments back by March 28, 2008. We did not receive any comments and do not have any record of comments being submitted.

Planning Commission held a hearing on this case April 8, 2008. At this meeting the Planning Commission raised questions regarding the street layout and dedication. In the Preliminary application public streets were presented. The applicant was now proposing private streets with bump-outs and on-street parking. The Commission and applicant also questioned if a decorative bridge proposed could remain private if the streets were to be public. Ultimately

-Returned w/ comments. See attached memo
dated 5/20/08

Scott Otto

pg 1 of 2

pg 2 of 2

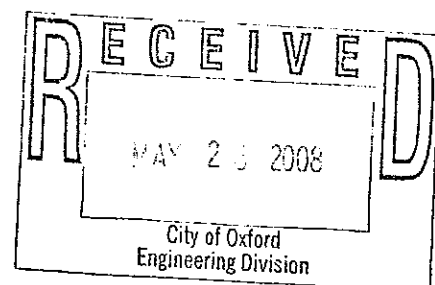
Planning tabled the application in order to obtain answers to these questions as well as to obtain additional information that was required such as landscaping, lighting, signage and structural spec's on a private bridge that the applicant wished to utilize as a secondary access point. On April 10, 2008 Jung-Han Chen emailed yourself, Mike Dreisbach and Chief Schwien some questions regarding private vs. public streets. Again, we have no record of a response.

Planning Commission's next hearing to continue this case was May 13, 2008. On May 08, 2008 at 3:00 p.m. our department received additional drawings for this case from the applicant. More drawings were submitted the next day as well by the applicant. Again, Planning Commission tabled the application because information requested was not submitted; in addition, revisions were submitted without ample time for the Commission or staff to review and comment on.

Included with this transmittal are the drawings that were submitted to us May 8 & 9, 2008 for your review and comment. We have yet, to date received the bridge calculations (or any other requested drawings) from the applicant and will forward as soon as we do.

This application is scheduled to go before the Planning Commission again on June 10, 2008. We are requesting some additional information from the applicant. This information will be forwarded to your attention as soon as we receive it. We would greatly appreciate any comments you can provide by June 4, 2008.

Thanks
Kathy Dale





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development

FROM: Victor Popescu, P.E.
City Engineer

BY: Scott Otto
EIT

RE: Case #: PC-09-2008
Lakewood Condominiums

DATE: May 30, 2008

The Engineering Division offers the following comments:

- Meetings with the developer April 21, 2008 and the project engineer May 12, 2008 took place to discuss avoiding a sanitary sewer lift station and designing a gravity sanitary sewer system. The Engineering Division requested the project engineer to submit plans for approval before final approval of the development. Alternative design plans for the sanitary sewer service have not yet been received by the Engineering Division.
- After visiting the site and driving the proposed second ingress/egress paved drive, there is concern about the condition of the existing wooden bridge. The Engineering Division has not yet received any information about this bridge from the Structural Engineer of record on the project, and cannot make any judgments until that information is reviewed.
- The streets shall be designed to City of Oxford standards, regardless if the developer desires public or private streets. Existing bump-outs throughout town have had problems with drainage, snow plowing and maintenance issues, therefore are not recommended.

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

Kathy Dale

for 6/10/08 PC mtg

From: Scott Otto
Sent: Wednesday, June 04, 2008 11:36 AM
To: Kathy Dale
Cc: Mike Dreisbach; Richard Dils
Subject: RE: Lakewood Condo's

Kathy,

Yes, the decorative bridge must meet City of Oxford Standards and the design plans have to be reviewed by the City Engineer.

Scott Otto
City of Oxford
Service Department
Engineering Division
101 E. High Street
Oxford, OH 45056
Phone: 513-524-5208
Email: sotto@cityofoxford.org

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

From: Mike Dreisbach
Sent: Wednesday, June 04, 2008 9:47 AM
To: Scott Otto; Richard Dils
Cc: Kathy Dale
Subject: Fw: Lakewood Condo's

Please reply to Kathy.

TX. Mike

City of Oxford
Service Department -
Wireless Networking

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

From: Kathy Dale <kdale@cityofoxford.org>
To: Mike Dreisbach <MDreisbach@cityofoxford.org>
CC: LeAnn Hendricks <LHendricks@cityofoxford.org>; Jung-Han Chen <JHChen@cityofoxford.org>
Sent: Wed Jun 04 08:45:31 2008
Subject: RE: Lakewood Condo's

Mike,

Can you confirm that the 'decorative' bridge Scott Webb has mentioned would also have to be constructed to City Standards?

Thanks,

Kathy

Kathryn A. Dale, AICP

City of Oxford

City Planner

Community Development Department

101 E. High Street

Oxford, Ohio 45056

p. (513) 524-5204

f. (513) 524-5266

From: Mike Dreisbach

Sent: Monday, June 02, 2008 12:00 PM

To: Kathy Dale

Cc: Jung-Han Chen; Alan Kyger; Douglas Elliott

Subject: Lakewood Condo's

Kathy:

Alan and I had a meeting with the CM this morning to discuss the public/private street issue. We've come to the decision that we should accept the developer's offer to keep the streets private and to perform there own maintenance. They will still need to meet minimum City standards for construction. Other comments from the City Engineer's memo (5/30/08) are still pertinent.

I'll stop by later today to discuss if you have any questions.

Thanks, Mike

Michael Dreisbach

Director of Service

101 E. High St.

Oxford, OH 45056

Kathy Dale

response re: private vs. public roads

From: Steve Schwein
Sent: Thursday, April 10, 2008 3:44 PM
To: Jung-Han Chen; Mike Dreisbach; Victor Popescu
Cc: Kathy Dale; Steve McHugh
Subject: RE: Southpointe Condominium development

On the issue of public vs. private roads, the simple answer is that this very issue exists presently in the mobile home park. Many of the streets in the park are not dedicated city streets. However, that does NOT prohibit the owner of the property from posting certain conditions on those streets, which then allows the PD to enforce those conditions. For example, NO PARKING ON SIDEWALKS, NO PARKING ON THE WRONG SIDE OF THE STREET, etc. We've been citing people in the mobile home park for years for violating posted signs and had no problem in court. You'd have to speak with McHugh regarding enforcing speed limits on private streets, though.



Steve Schwein | Chief of Police
Oxford Police Department
101 E. High Street
Oxford, Ohio 45056
513.524.5247

FBINAA, 193rd Session

From: Jung-Han Chen
Sent: Thursday, April 10, 2008 11:50 AM
To: Mike Dreisbach; Victor Popescu; Steve Schwein
Cc: Kathy Dale
Subject: Southpointe Condominium development

All,

Planning Commission tabled the consideration of the 1st phase of "Lakewood Condominium" during its Tuesday night regular meeting. The issue of private road vs. public road concerns the Commission greatly on several fronts. One is the roadway construction of private roads and what standards the private roads have to meet. Can Police patrol private roads is another issue? Does Service Department have any concerns on the proposed roadway layouts showing bump-outs and parking on both sides of streets? Would decorative bridges be allowed within this development?

Your assistance to these questions will be very helpful to the Commission's deliberation on this case.

Jung-Han Chen, AICP
Community Development Director
City of Oxford
Oxford, OH 45056
(513) 524-5204



CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: PC-09-2008

Date of Hearing: April 8, 2008

PC-09-2008 FINAL PLANNED DEVELOPMENT, US 27 South, Southpointe
condominium development, Scott Webb, Applicant, Agent

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **April 1, 2008** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Robert & Tami S. Kuginoskie

Address: 3926 Oxford-millville Rd.
Oxford, OH 45056-8916

Telephone: Home: 513 523 9076 Work: _____

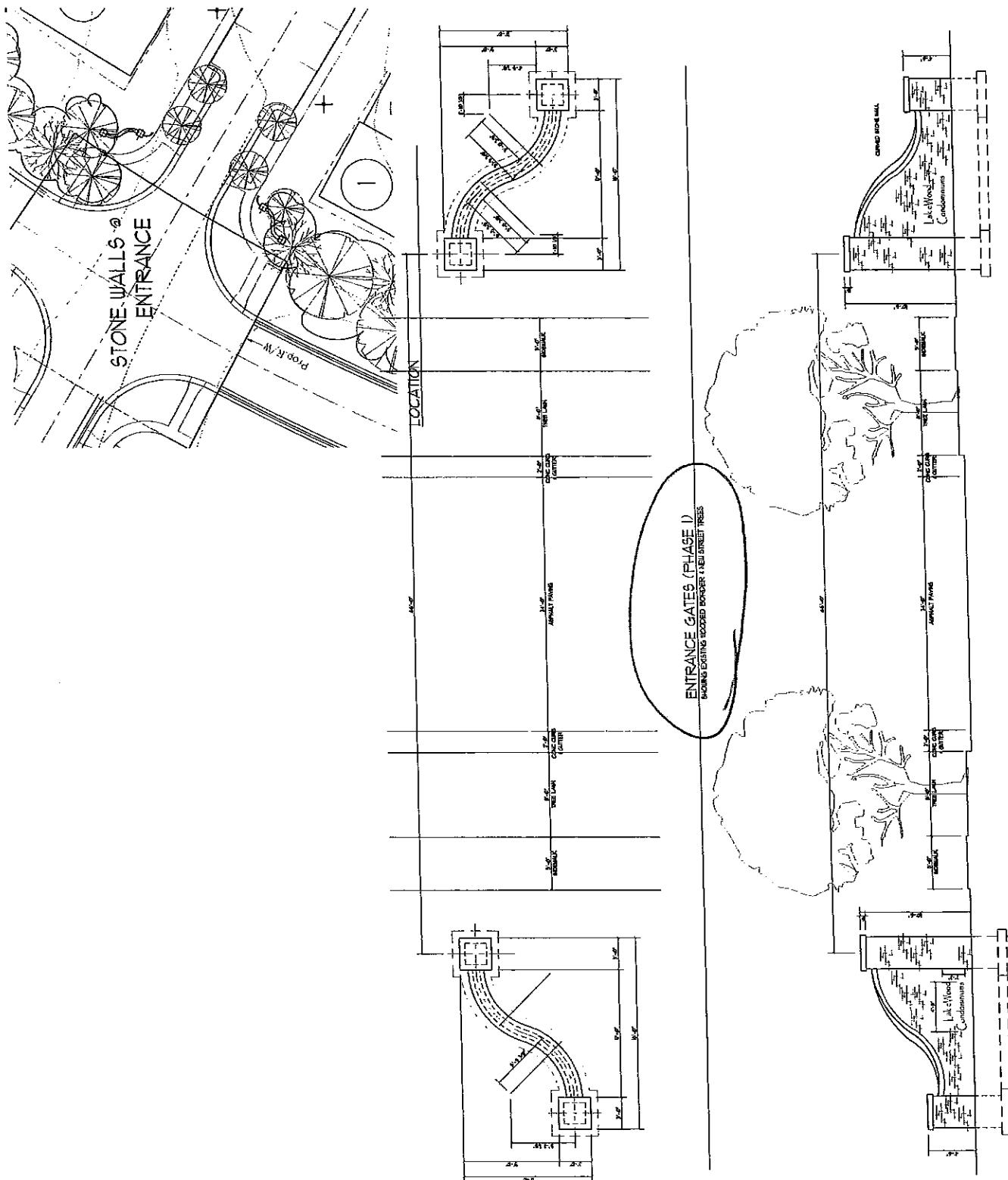
COMMENTS: Scott Webb's plans continue to destroy green space and wildlife habitat - what I don't understand is what the city of Oxford has to do with township land. I know the plants and animals are going to lose this battle and it's unconscionable - I continue to protest as I have from the beginning of this abomination.

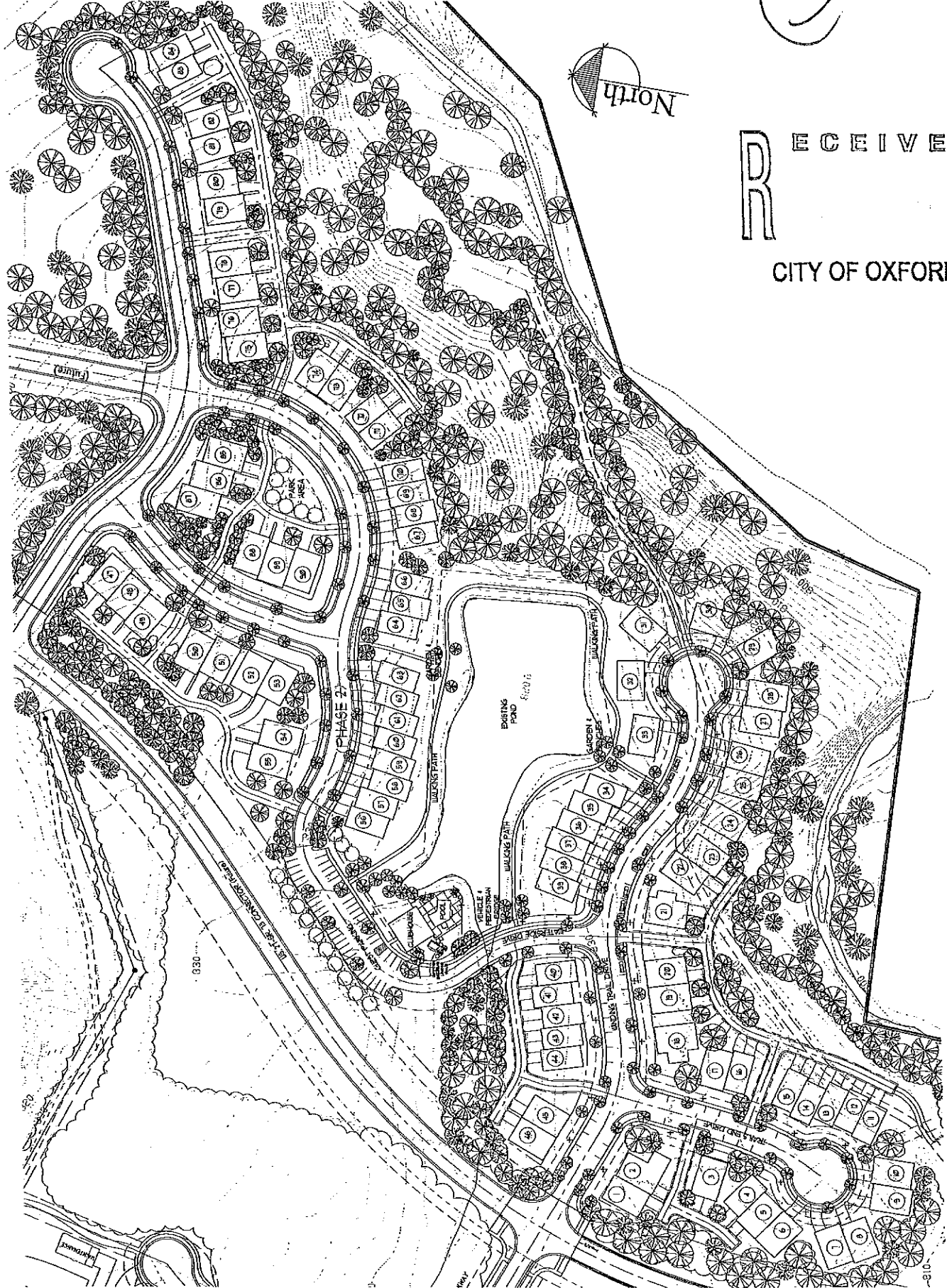
Signature

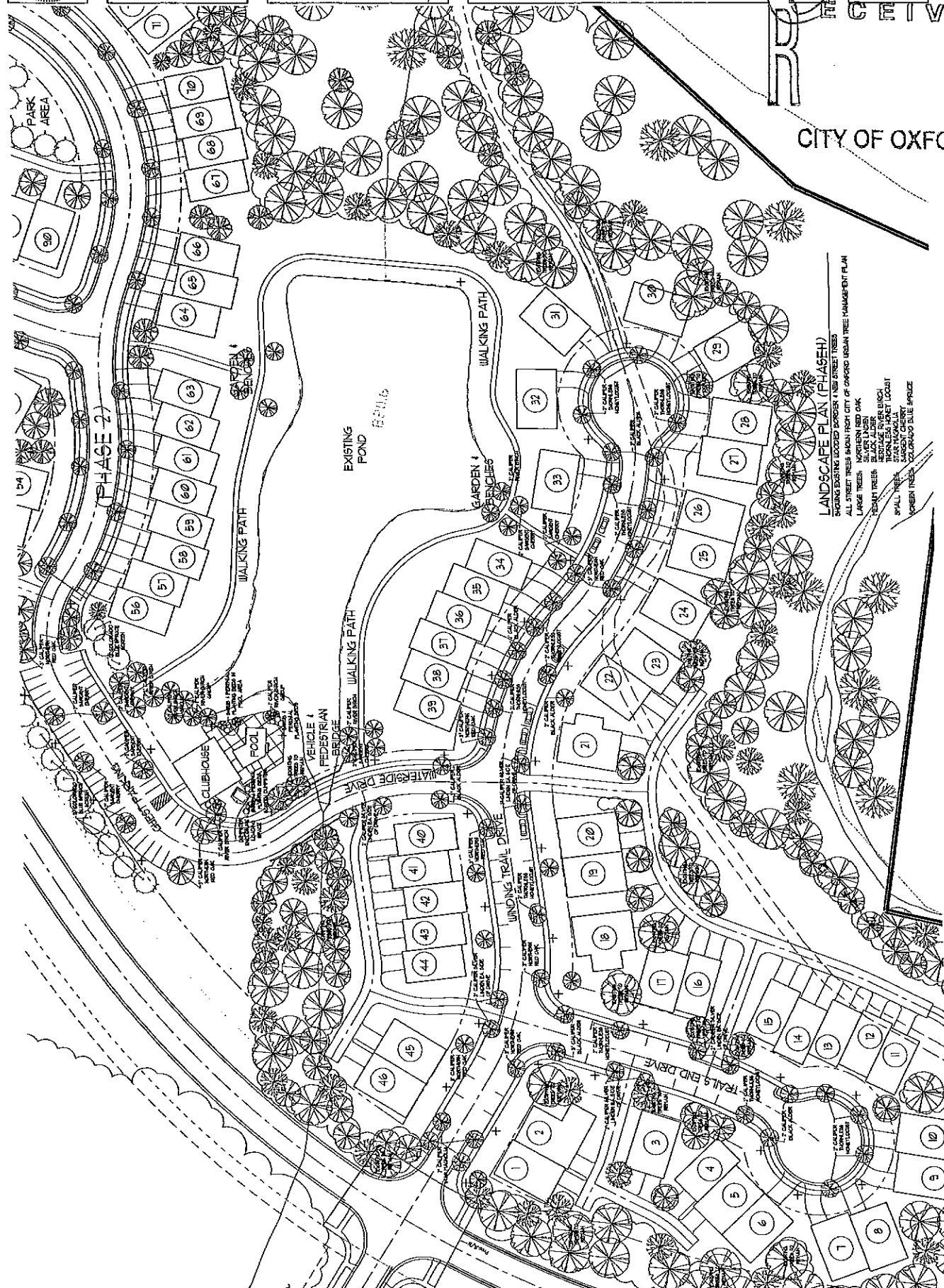
Date

Tami S. Kuginoskie

3/17/08









SCOTT WEBB
ARCHITECT
182 West Walnut Street
Columbus, OH 43201
614.221.1111
www.scottwebbarchitect.com

REVISIONS

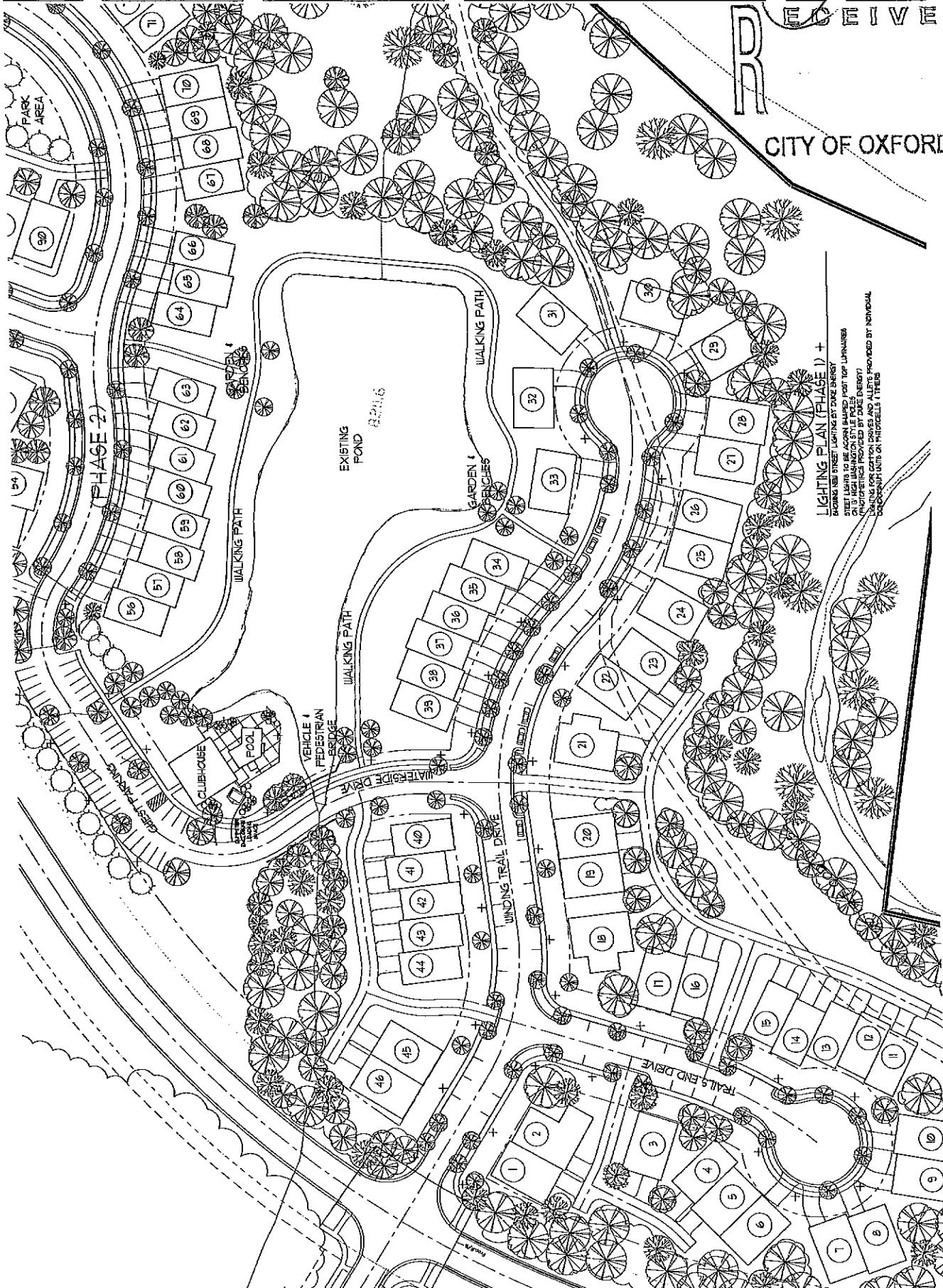
PROPOSED NEW PLANNED UNIT DEVELOPMENT
Lakewood Condominiums
RD, OHIO 43056

February 25, 2009

A-3

RECEIVED

CITY OF OXFORD



LIGHTING PLAN (PHASE 1) +
SHOWING NEW STREET LIGHTING BY DUNE ENERGY
STREET LIGHTS TO BE ACROSS BAYVIEW POST TOP LUMINAIRE
ON 15' TALL Poles
ON 15' TALL Poles PROVIDED BY DUNE ENERGY
LANDSCAPING FOR GARDEN DRIVES AND ALLEYS PROVIDED BY INDIVIDUAL
CONDOMINIUM UNITS ON PARCELS 1 THRU 4

Post Top Luminaire – Acorn Shaped

This luminaire is referred to as an acorn because it is shaped similar to the small acorn that is produced by the oak tree.

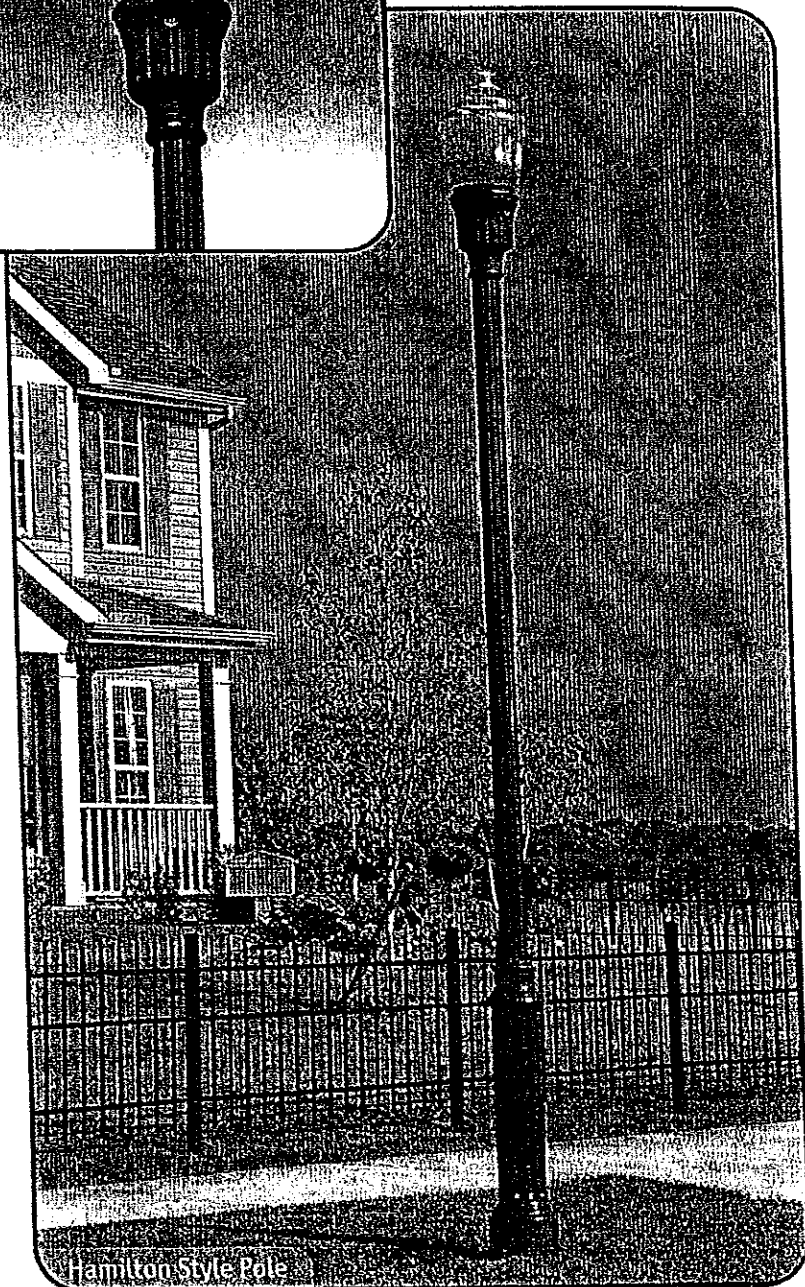
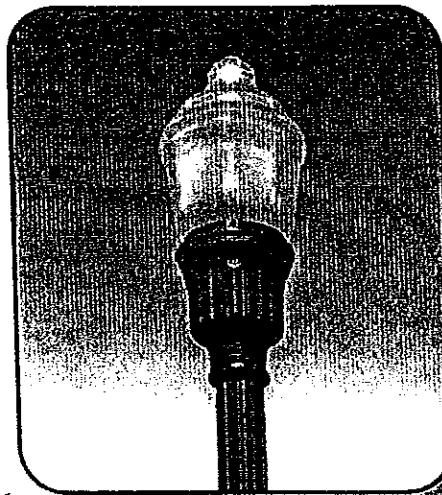
This acorn shaped luminaire features a glass globe with prismatic ridges for precision photometrics and efficient lighting pattern output .

When this luminaire is mounted on a decorative pole it suggests an elegant and historical era that enhances the theme of a lighting area during both the daytime and nighttime hours.

Today this bygone era can be recaptured with the convenience of electricity and automatic controls for the lighting hours. Current technology allows the lighting output to be more energy efficient, reliable and effective than it has ever been.

The poles used for mounting this luminaire resemble the styles of the past... while producing an aesthetic appearance with practicality and durability.

Two different anchor base, foundation mounted, decorative aluminum poles are being offered for this luminaire. Both poles have fluted shafts but each has a unique shape on the lower portion. They each have a 12 foot shaft length which results in a 13 foot luminaire mounting height from ground level.



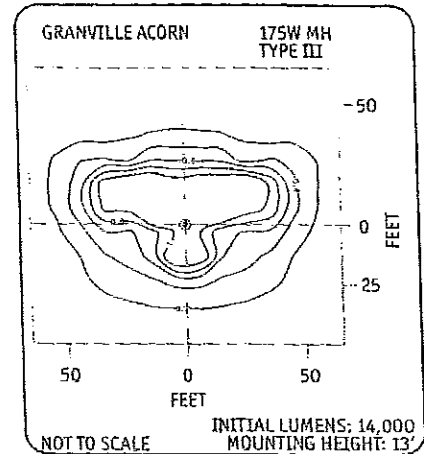
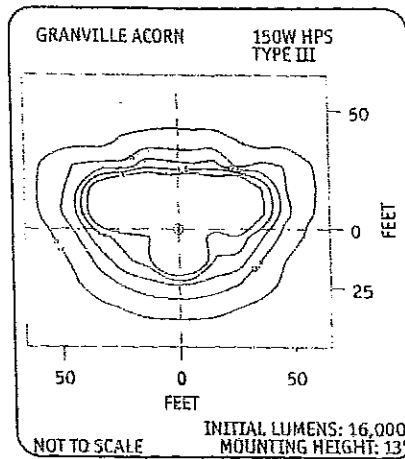
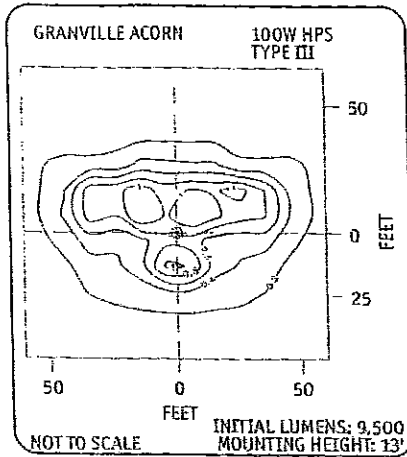
RECEIVED
CITY OF OXFORD

CINERGY INC.

Post Top Luminaire – Acorn Shaped

APPLICATION: This post top mounted luminaire is used in residential subdivisions, apartment or condominium complexes, downtown pedestrian areas, city parks, river walks, etc.

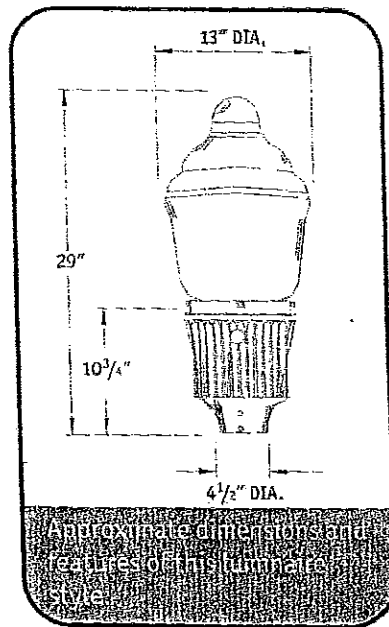
Photometrics -Lighting Output Distribution or Pattern for the Acorn Luminaire- The pole is located where the two center lines intersect. HPS or High Pressure Sodium provides a soft golden yellow light while the MH or Metal Halide provides a white light source.



Wattage - Voltage - 120V
 High Pressure Sodium –
 100W, 150W
 Metal Halide–175W

Luminaire Construction

This acorn luminaire has cast aluminum housing with black, polyester, powder coat finish. The pull out power module, holds the ballast, terminal block, and plug-in starter, along with the hidden twistlock photocontrol, which uses a small window to measure outside light for off and on control.



Photometrics

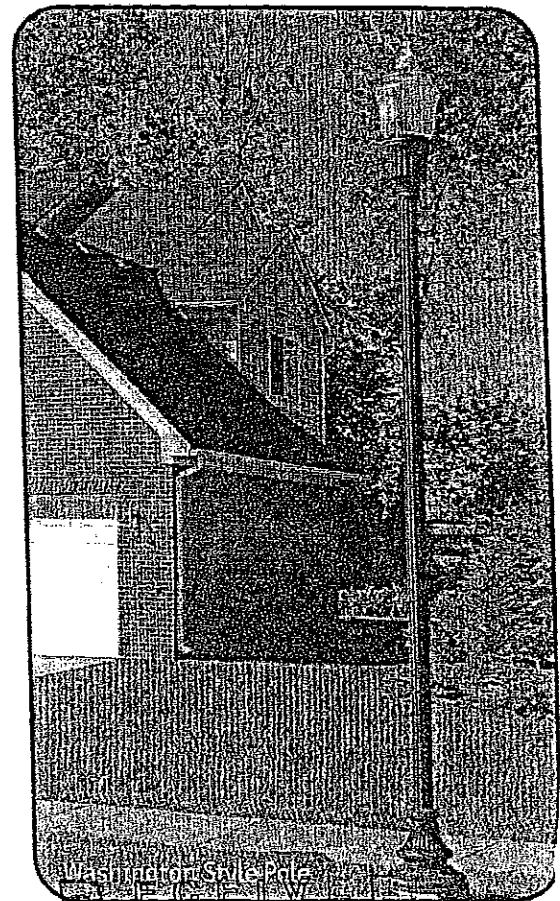
The most common photometric pattern for this luminaire is Type III and this is considered a semi-cutoff off. (See above photometric patterns for examples.)

Mounting

This luminaire mounts directly onto a three- inch diameter tenon at the top of the pole.

Installation

This lighting equipment is installed with underground conductor and electrical facilities.

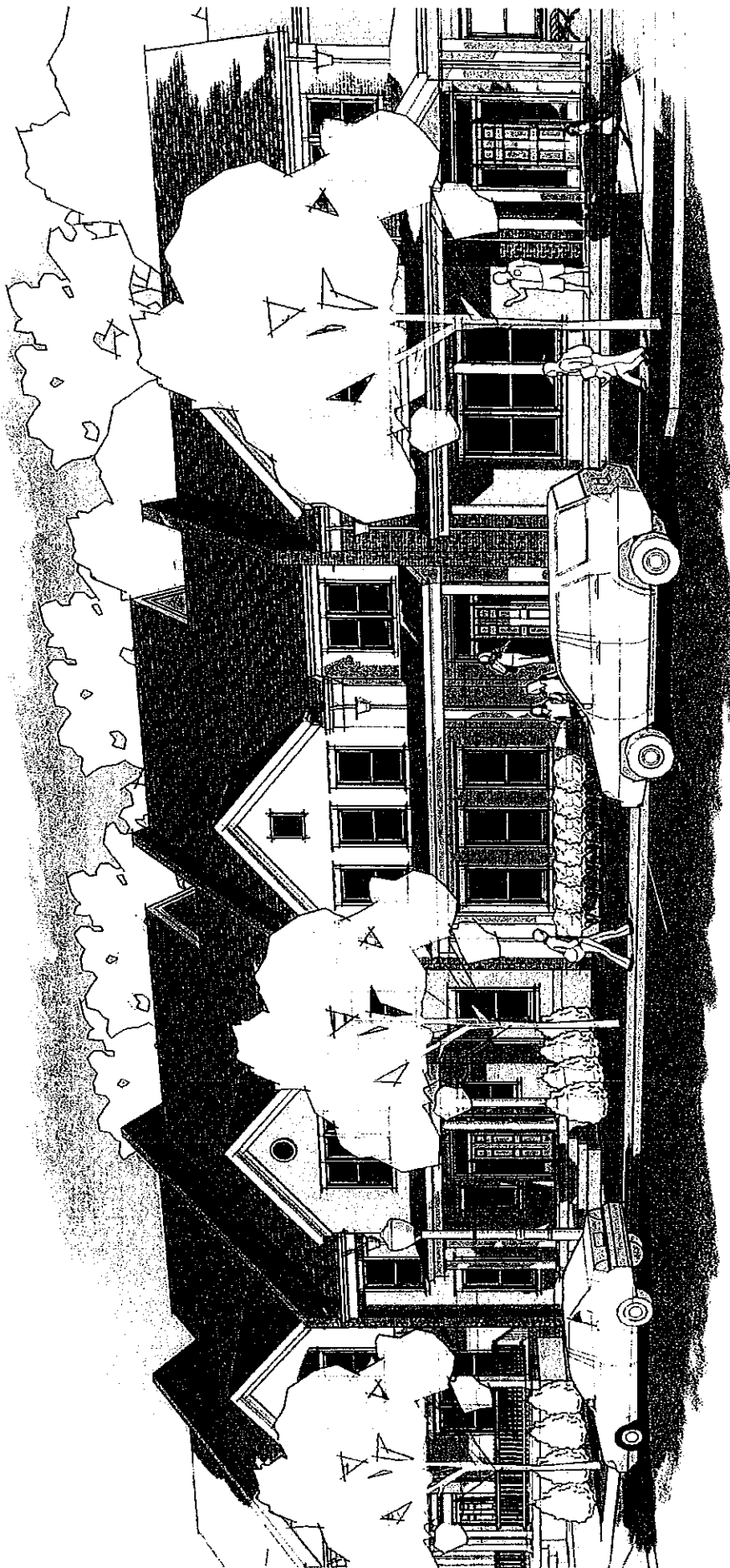


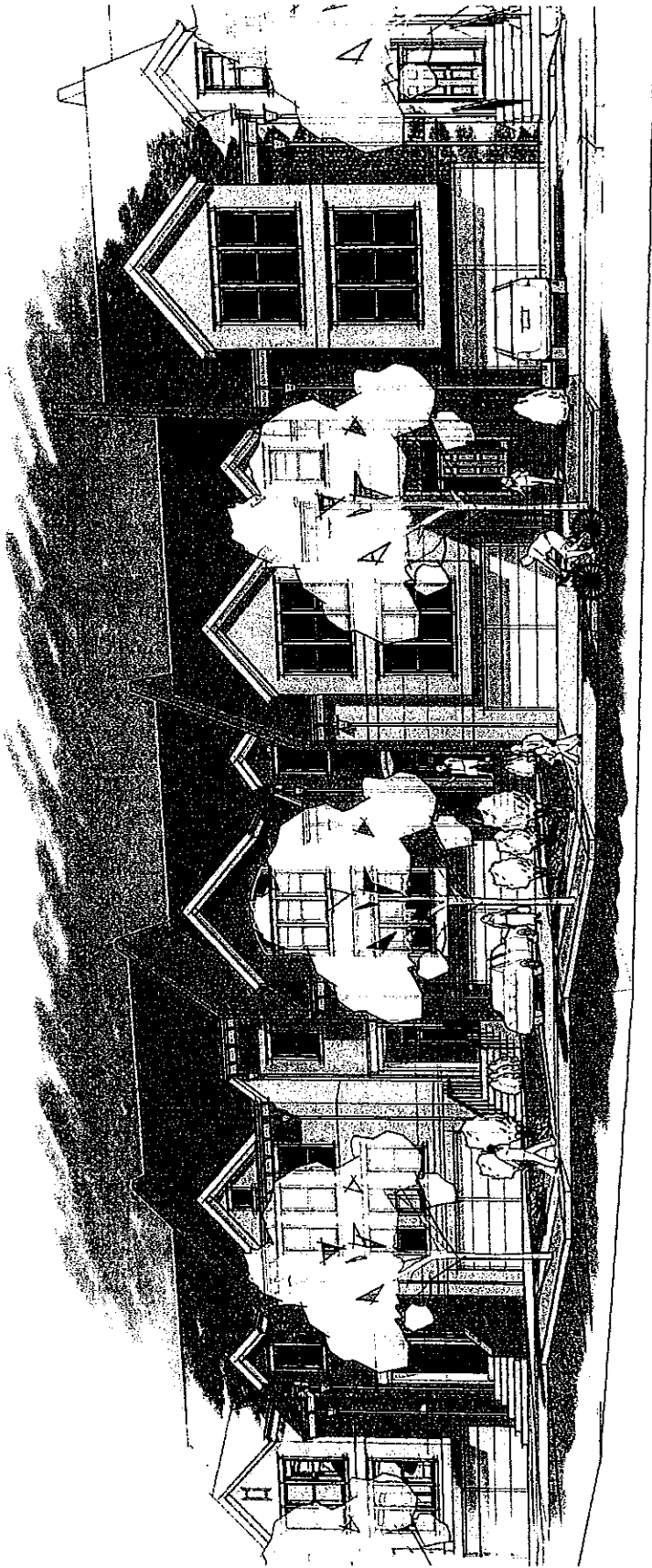
WASHINGTON
 STYLE
 POLE

MAY 01 2001

CINERG

CITY OF OXFORD Post Top Acorn Flyer





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

March 10, 2008

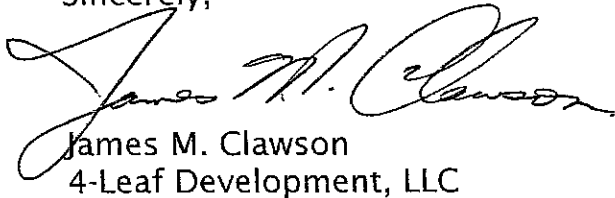
City of Oxford
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the final development application for the condominiums within the Southpointe Crossing Development. Scott is authorized to speak and act on our behalf before Planning and City Council.

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

Sincerely,



James M. Clawson
4-Leaf Development, LLC

Final Dev.

Case No.: PC-9-2008
Date filed: 2/22/08

Planned Development Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Groff Wells Architects 4100 Development LLC
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 103 W. Walnut St. 125 West Spring St.
Oxford Ohio 45050 Oxford Ohio 45050
Telephone Number(s): 513-783-7873
Name of Subdivision: Southpointe Condominiums (Lakewood Condominiums)
Location of Property: US 27 South / Southpointe Parkway
Legal Description: _____
Zoning District: R13
Number of Lots: _____
Total Acreage: 29.52 Acres
Surveyor/Engineer: David Proctor
Address: 100 Mills Rd. Fairfield Ch. 45004
Phone Number: 229-2149

DRAWING REQUIREMENTS

Please submit **thirteen** (13) complete sets of all information with each preliminary and final application. The Zoning Administrator may modify this requirement based upon the type of materials included. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.

If any information is submitted in color or on non-standard paper, more copies may be required.

A. Preliminary Plan

1. Application Fee
2. The name, mailing address, and telephone number of the applicant and all property owners
3. If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter
4. Evidence sufficient to ensure that the applicant has the financial capacity to complete the proposed development
5. Evidence of unified control of all land in the proposed area
6. The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans
7. Description of Use and Site
 - a. A written, detailed description shall include the following information. A separate response is required for each subsection.
 - b. A legal description of the site, including all separate lots
 - c. A description of the existing uses of the site
 - d. The zoning districts in which the site is located
 - e. A description of the proposed PD
 - i. The number of housing units by size and type proposed within each phase
 - ii. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles
 - iii. The hours of operation of any nonresidential use
 - iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned

consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the final plan and reports.

1. Topographic data map drawn to a scale of 100 feet to one inch by a registered surveyor or engineer showing:
 - a. Boundary lines: bearings and distances.
 - b. Easements: location, width, and purpose.
 - c. Wooded areas, streams, lakes, marshes, and any other physical conditions that affect the site.
 - d. Ground elevations on the tract: for land that slopes less than one-half percent, show one-foot contours; for land that slopes more than one-half percent, show two foot.
 - e. If deemed necessary, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock and ground water, and the existing depth of ground water.
2. A general site and land use plan for the planned development as a whole, indicating sub-areas for phased development, if any, and showing location and use of structures and portions of structures in relation to building site lines; floor plans of the buildings involved, indicating horizontal dimensions, uses of space, and floor area; elevations of the buildings involved, indicating height, and if required, in determinations for the particular building or use location and dimensions of all windows and other glassed areas; building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and use for which it is intended, and such other matters as are required to establish a clear pattern of the relationship to exist between structures, uses, circulation and land.
3. Agreements, Contracts, Deed Restrictions, and Sureties:
 - a. Filing a performance and labor and material payment bond in the amount of 110 percent of the estimated construction cost as determined by the City.
 - b. Depositing or placing in escrow or certified check, cash, or other acceptable pledge, in the amount of 110 percent of the construction cost as approved by the City.

NOTE: Incomplete applications CANNOT be processed.

Submit this application, required copies of the preliminary plan containing all required information and the required fee (\$400 plus \$100.00 per acre for preliminary subdivision or planned development), made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. The plan will be placed on the next possible agenda

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

SIGNATURE OF APPLICANT: _____

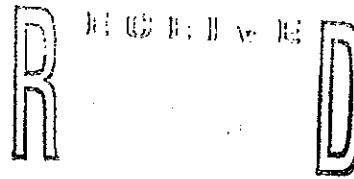
Date: _____

PRINTED NAME: _____

FEE / RECEIPT

\$400 plus \$100.00 per acre - Paid / Receipt Number: See below

1. pd 2/22/08 CK # 3290 (Scott Webb CK)
\$ 439.58
2. pd 2/28/08 # 13591 (Jim Clawson)
\$ 4358.00



CITY OF OXFORD

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

SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Residential Planned Development
Condominiums at Southpointe Crossings

May 5, 2008

Dear Jung-Han,

The following describes the changes made to the approved Preliminary Planned Development for the newly named "Lakewood Condominiums", approved by City Council with Ordinance No. 2989, November 20, 2007.

1. As presented at the Planning Commission meeting of April 8, the name of the development is now "Lakewood Condominiums"
2. Per the Ordinance:

"a. There shall be a second ingress/egress to US 27, in addition to the existing Southpointe Blvd. for the proposed Condominium development."

As discussed at Planning Commission & City Council, the eventual second means of ingress/egress to the property will be the potential "connector road between US 27 and State Route 73" as shown and dedicated on the Final Recorded Plat.

To require construction of this road for the 46 homes in the first phase of this development is an unfair burden.

It is certainly reasonable for Planning Commission & City Council to want a second way into and out of the development for emergency vehicles. To that end, we offer the following:

There currently exists a second means of egress to the property, via an existing paved drive. A meeting was held on site with Len Endress, to review this existing road, and to determine if in his opinion, it would be acceptable for emergency vehicles. Driving the length of the road, Chief Endress' concern was only the capacity of an existing bridge. Chief Endress sent the weights of the City's emergency trucks, measurements were taken of the bridge, and were reviewed by the Structural Engineer of record on the project. Preliminary calculations showed adequate capacity for emergency vehicles.

A letter, certifying the weight limits, as provided by the Structural Engineer on the project, will be provided to the Community Development and Engineering Departments.

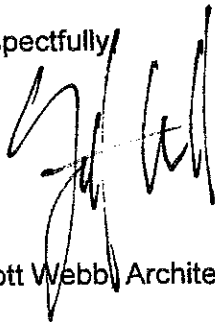
3. Planning Commission was undecided regarding whether the roads within the Condominium development were to be public or private streets. The streets have been and will be installed to City standards, as submitted, the difference being the addition of the landscaped

"bump-outs". Since this is not considered a standard street arrangement, the developer offered to make to roads private, rather than public streets. The developer would gladly dedicate these as public streets so long as Planning Commission, and subsequently, City Council approve this type of street/parking arrangement.

4. A landscape plan has been included with this submission, as requested by the staff report. This plan has been developed using entirely native trees, chosen from the City of Oxford tree lists, and those available through the State of Ohio Department of Natural Resources.
5. A dumpster enclosure and loading space has been added to the Clubhouse area. The enclosure will be brick, to match the clubhouse, and screened from public view from all directions. This also allows for a loading space for catering, etc.
6. The parking area around the clubhouse has been revised to include more trees, and now meets the requirement of no more than 7 parking spaces in a row separated by an island.
7. Providing these new islands, and the screening of the parking area from the proposed US27 - 73 Connector provides 20 new trees, exceeding the requirement for 10 in this area.
8. Additional trees & screening have been provided to shield the potential of headlights shining into the residential area in phase 2.
9. A lighting plan has been provided, showing the location of acorn-shaped lamps atop historic, Hamilton poles, provided by Duke Energy as shown on the attached cutsheet.
10. Street signs, on similar poles will be used as way-finding signs, as found in most neighborhoods. A sign signifying the entrance to the development will be located, and sized in accordance with the City of Oxford Sign Code with the final design provided with the sign application.

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

Respectfully,



Scott Webb Architect

RECEIVED

CITY OF OXFORD



SURVEYING, INC.



DAVID DOUGLAS SMITH, P .S.

REGISTERED LAND SURVEYOR

OHIO - INDIANA - KENTUCKY

WEST VIRGINIA - NEW YORK - VERMONT

DDS SURVEYING, INC.

P.O. BOX 150

OXFORD, OHIO 45056

OFFICE (513) 523-4270

FAX (513) 523-4270

E-MAIL DDS4111@AOL.COM

Legal Description

39.577 acres

Situated in Section 25, Town 1, Range 1 and Section 36, Town 1, Range 1 Oxford Township, being part of lot 3716 of the City of Oxford, Butler County, Ohio being part of the lands of 4 Leaf Development, LLC as recorded in deed book 7056 page 1795 of the butler county recorder's office and being more particularly described as follows:

Commencing at the northwest corner of said section 36;

thence S 86°09'03" E a distance of 1071.50 feet to a point;

thence N 02°05'31" E a distance of 653.23 feet to a point;

thence S 87°57'59" E a distance of 257.60 feet to a point;

thence S 25°36'02" E a distance of 300.81 feet to a point;

thence S 65°04'39" E a distance of 401.46 feet to a point;

thence N 66°05'41" E a distance of 199.88 feet to a point;

thence N 54°27'42" E a distance of 547.65 feet to a point;

thence N 02°08'25" E a distance of 741.31 feet to a point;

thence S 48°06'20" E a distance of 65.04 feet to a point;

thence S 02°08'25" W a distance of 704.74 feet to a point;

thence with a curve turning to the right with a radius of 1050.00 feet and an arc length of 401.51 feet, with a chord bearing of S 13°05'42" W for 399.07 feet to a point, said point being the **True Point of Beginning**;

thence S 65°51'52" E a distance of 180.84 feet to a point;

thence with a curve turning to the right with a radius of 260.00 feet and an arc length of 73.54 feet, with a chord bearing of S 57°45'40" E a distance of 73.30 feet to a point;

thence S 49°39'29" E a distance of 54.01 feet to a point;

thence with a curve turning to the left with a radius of 255.21 feet and an arc length of 258.97 feet, with a chord bearing of S 78°45'14" E a distance of 248.00 feet to a point;

thence N 72°09'01" E a distance of 246.75 feet to a point;

thence with a curve turning to the left with a radius of 230.00 feet and an arc length of 183.27 feet, with a chord bearing of N 49°19'24" E a distance of 178.46 feet to a point;

thence S 39°21'07" E a distance of 397.53 feet to a point;

thence S 02°47'51" W a distance of 109.18 feet to a point;

thence S 36°44'09" W a distance of 295.97 feet to a point;

thence S 64°06'31" W a distance of 429.04 feet to a point;

thence S 33°24'58" W a distance of 362.92 feet to a point;

thence S 14°34'15" W a distance of 189.88 feet to a point;

thence S 88°18'15" W a distance of 657.05 feet to a point;

thence S 02°39'50" W a distance of 155.20 feet to a point;

thence S 27°22'27" W a distance of 107.89 feet to a point;

thence S 64°42'37" W a distance of 137.58 feet to a point;

thence S 89°23'01" W a distance of 103.67 feet to a point;

thence N 86°35'59" W a distance of 180.02 feet to a point;

thence N 00°28'30" E a distance of 347.41 feet to a point;

thence with a curve turning to the right with a radius of 1050.00 feet and an arc length of 863.08 feet, with a chord bearing of N 24°01'23" E a distance of 838.99 feet to a point;

thence N 47°34'16" E a distance of 282.77 feet to a point;

thence with a curve turning to the left with a radius of 1050.00 feet and an arc length of 431.06 feet with a chord bearing of N 35°48'38" E a distance of 428.04 feet to the **True Point of Beginning**, containing 39.577 acres more or less, and being subject to all legal highways, easements, restrictions and agreements of record.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: July 15, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

June 12, 2008
Date Prepared

Agenda Title: PC-04-2008 CONDITIONAL USE PERMIT – Southpointe, to Allow for a Commercial Development to Include an Automobile Service Station in the General Business (GB) Zoning District, Scott Webb, Architect, Applicant
--

Recommendation: Approval w/ Conditions

Discussion:

The Applicant is requesting approval of a Conditional Use Permit to allow for an automobile service station in the General Business (GB) Zoning District. The application is to build a 9,300 sq. ft. retail building (4,800 sq. ft. for a convenience store and 4,500 for future retail space) with a gas station (10-pumping stands) covered with a canopy. Access would be provided off of Southpointe Parkway. The Applicant also indicated on the site plan that the existing earth mound along U.S. 27 would remain and the additional 5-foot, landscaped, earth mounds would be provided along Southpointe Parkway.

The Planning Commission went through a lengthy discussion on the following issues: the number of pump stations being provided, outdoor storage and display of merchandise, ingress/egress to the site, landscape maintenance, signage, canopy design, and lighting. The Planning Commission also discussed the purpose of the Conditional Use, the design of the site as a whole and the right to add additional conditions on to the project.

After a public hearing and discussion, the Planning Commission voted 4-1 to recommend approval to City Council with the following conditions:

1. That, there are only 3 sets of double stacked fuel pumps, providing 12 vehicle filling locations.
2. That, the size of the canopy is reduced to cover only the 3 double stacked fuel pumps and associated car fill lanes, and that the building and canopy appear substantially as shown on the drawings; the sides of the canopy shall be an earth tone stucco or similar material, with the top & bottom details shown, without contrasting striping, graphic or banners so as to blend in with the building, and the sides of the canopy shall not be lit.
3. That, all merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure. Propane sales, must be screened and in an enclosed area, located outside the building.
4. That, the eastern or second entry from U.S. 27 permits ingress and egress, and that the western or first entry closest to U.S. 27 is exit only onto Southpointe Boulevard.
5. That, all signage is in accordance with §1151.05(a)(3) as submitted with this application and shall be on the same site.
6. That, the landscaping plan is modified to comply with 1149.05(e)(4)E & F in regards to curbing and landscaped islands.
7. That, a detailed lighting and photometric plan is submitted, and be designed so as to meet the standard for no lighting spill-off to leave the site.

8. That, no wall pack(s) lighting is provided on the proposed retail building.
9. That, any lighting under the canopy is recessed in the ceiling of the canopy.
10. That, dumpster pick-up service shall be allowed only between the hours of 7:00 AM and 7:00 PM.
11. That, internal circular pattern showing exit and entrance lanes are clearly marked.
12. That, an access easement shall be executed, satisfactory to the City's Law Director, to allow the driveway to be constructed on a separate parcel.
13. That, enough screening shall be provided through mounding and landscaping so that the proposed use on this site is not visible from US 27. Commercial development shall not be accessible from US 27.
14. That, 50 feet of side and rear yard setback from US 27 shall be maintained.
15. That, the application shall have a perpetual landscaping easement obligation to maintain the landscaping on site and on the berm.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAC

6/20/08

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL DEVELOPMENT TO INCLUDE AN AUTOMOBILE SERVICE STATION IN THE GENERAL BUSINESS (GB) DISTRICT AT 3900 SOUTHPOINTE PARKWAY, OXFORD, OHIO WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on June 10, 2008 for the purpose of considering the request of Scott Webb, Architect, Applicant, for a conditional use permit for a commercial development to include an automobile service station in the General Business (GB) District at 3900 Southpointe Parkway, Oxford, Ohio.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use application for the commercial development to include an automobile service station located at 3900 Southpointe Parkway, Oxford, Ohio with the following conditions:

- a. There are only 3 sets of double stacked fuel pumps, providing 12 vehicle filling locations.
- b. The size of the canopy is reduced to cover only the 3 double stacked fuel pumps and associated car fill lanes, and that the building and canopy appear substantially as shown on the drawings; the sides of the canopy shall be an earth tone stucco or similar material, with the top and bottom details shown, without contrasting striping, graphic or banners so as to blend in with the building, and the sides of the canopy shall not be lit.
- c. All merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure. Propane sales must be screened and in an enclosed area, located outside of the building.
- d. The eastern or second entry from US 27 permits ingress and egress, and the western or first entry closest to US 27 is right-out only onto Southpointe Boulevard.
- e. All signage is in accordance with zoning code section 1151.05(a)(3) as submitted with this application and shall be on the same site.
- f. The landscaping plan is modified to comply with 1149.05(e)(4)E&F in regard to curbing and landscaped islands.
- g. A detailed lighting and photometric plan is submitted, and designed so as to meet the standard for no lighting spill-off to leave the site.
- h. No wall pack(s) lighting shall be allowed on the proposed retail building.

- i. Any lighting under the canopy shall be recessed in the ceiling of the canopy.
- j. Dumpster pick-up service shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m.
- k. Internal circular pattern showing exit and entrance lanes are clearly marked.
- l. An access easement shall be executed, satisfactory to the City's Law Director, to allow the driveway to be constructed on a separate parcel.
- m. Screening shall be provided through mounding and landscaping so that the proposed use on this site is not visible from US 27. Commercial development shall not be accessible from US 27.
- n. Fifty feet of side and rear yard setback from US 27 shall be maintained.
- o. The applicant, owner and successors shall execute a perpetual landscaping easement obligating them to maintain the landscaping on the site and on the berm.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a commercial development to include an automobile service station with conditions at 3900 Southpointe Parkway, Oxford, Ohio.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

Report Date June 12, 2008

Case Number PC-04-2008

Applicant Information Scott Webb, Architect
4-Leaf Development LLC

Requested Action Conditional Use Permit

Summary of Request To allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District.

Public Hearing Information On June 10, 2008, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Journal News on March 28, 2008 and the Oxford Press on April 4, 2008. Courtesy notices were mailed to adjacent property owners on March 21, 2008.

Commission Action The Planning Commission voted 4-1-0 recommending approval of the Conditional Use Permit with conditions.

Commission Findings and Conclusions After public hearing and discussion, the Planning Commission voted to recommend approval of the Conditional Use Permit with the following conditions:

1. That, there are only 3 sets of double stacked fuel pumps, providing 12 vehicle filling locations.
2. That, the size of the canopy is reduced to cover only the 3 double stacked fuel pumps and associated car fill lanes, and that the building and canopy appear substantially as shown on the drawings; the sides of the canopy shall be an earth tone stucco or similar material, with the top & bottom details shown, without contrasting striping, graphic or banners so as to blend in with the building, and the sides of the canopy shall not be lit.
3. That, all merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure. Propane sales, must be screened and in an enclosed area, located outside the building.
4. That, the eastern or second entry from U.S. 27 permits ingress and egress, and that the western or first entry closest to U.S. 27 is exit only onto Southpointe Boulevard.
5. That, all signage is in accordance with §1151.05(a)(3) as submitted with this application and shall be on the same site.
6. That, the landscaping plan is modified to comply with 1149.05(e)(4)E & F in regards to curbing and landscaped islands.
7. That, a detailed lighting and photometric plan is

- submitted, and be designed so as to meet the standard for no lighting spill-off to leave the site.
8. That, no wall pack(s) lighting is provided on the proposed retail building.
 9. That, any lighting under the canopy is recessed in the ceiling of the canopy.
 10. That, dumpster pick-up service shall be allowed only between the hours of 7:00 AM and 7:00 PM.
 11. That, internal circular pattern showing exit and entrance lanes are clearly marked.
 12. That, an access easement shall be executed, satisfactory to the City's Law Director, to allow the driveway to be constructed on a separate parcel.
 13. That, enough screening shall be provided through mounding and landscaping so that the proposed use on this site is not visible from US 27. Commercial development shall not be accessible from US 27.
 14. That, 50 feet of side and rear yard setback from US 27 shall be maintained.
 15. That, the application shall have a perpetual landscaping easement obligation to maintain the landscaping on site and on the berm.

Exhibits Submitted to the Commission

1. Community Development Staff Report dated April 8, 2008 with revision dates of May 13, 2008 and June 3, 2008.
2. Letter dated May 29, 2008 from Steve McHugh regarding zoning designation.
3. Inter-office Review Transmittal Sheets from Fire, Engineering and Police Departments dated March 4, 2008.
4. E-mails received from the community to Planning Commission
5. Agency letter dated January 25, 2008.
6. Conditional Use Permit Application dated January 25, 2008.
7. Architect Statement Letters dated June 4, 2008.
8. Site Plan, Landscaping Plan. Signage Plan.
9. Perspective drawings.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-04-2008

Date – April 8, 2008
Revised- May 13, 2008
Revised- June 3, 2008

APPLICATION

Applicant:	Scott Webb, Architect
Location:	U.S. 27 South (Southpointe Blvd.)
Owner:	4-Leaf Development LLC
Action Request:	CONDITIONAL USE PERMIT – to allow for a commercial development to include an automobile service station.
Current Use:	Vacant Land
Current Zoning	GB
Surrounding Existing Land Uses:	Single-Family\Agricultural and Vacant

GENERAL DESCRIPTION

The subject property is 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway. The applicant desires to construct commercial space, with gas station. The City Council approved the a zone change request of this parcel during its regular meeting on May 6, 2008.

The Applicant is proposing a 9,300 sq. ft. retail building (4,800 sq. ft. for a convenience store and 4,500 for future retail space) with a gas station (10-pumping stands) covered with a canopy. Access would be provided off of Southpointe Parkway. The Applicant also indicated on the site plan that the existing earth mound along U.S. 27 would remain and the additional 5-foot, landscaped, earth mounds would be provided along Southpointe Parkway.

SURROUNDING NEIGHBORHOOD

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

AGENCY COMMENTS

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

Police Department:	Stated support for the proposed project and felt it would reduce the number of road trips for people.
Engineering:	Responded without comments.
Fire:	Responded without comments.

PUBLIC COMMENT FORMS

Many public comments were received and are on file with the application.

ZONING CODE REGULATIONS

Conditional Use

The Purpose of Conditional Use regulations are in Section 1147.01(a):

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

§1143.12(b)(2) GB District Conditional Uses:

STAFF FINDINGS: Automobile service stations selling gasoline is a Conditional Use.

§1147.02(a)(1)(C)(6) & (8) Site Plan Requirements for a Conditional Use:

6. Location, height, dimensions, and use of all proposed and existing structures.
8. Location, size, and type of all proposed signs.

STAFF FINDINGS: Perspective drawings have been provided to offer some idea on the scale of the proposed building. There is not enough information to determine the height of the proposed canopy. The Applicant is limited to 2 wall signs, with an additional sign facing the secondary roadway, max. height of 3 feet and the maximum total sign area for all signs on the development site shall not exceed 2 sq. ft of signage per linear foot of front foot of the site, in accordance with §1151.05(a)(3). According to the signage plan submitted, the proposed signage will satisfy the signage requirements.

§1147.03(b)(5) Conditional Use: Use specific regulations and potential concerns:

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 setback 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.

§1149.05(e)(4) Non-Residential Vehicle Management Parking Lot Design Regulations:

Parking lot design.

- A. All non-residential parking areas shall be screened from an adjacent residential district by a 6-foot high visual screen.
- D. Light fixtures shall be a maximum height of 16 feet above the adjacent ground.
- E. All unpaved areas adjacent to an off-street parking area shall be raised, landscaped, and separated from the parking area by a minimum 6-inch high concrete curb.
- F. A raised, landscaped, and curbed island of a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and the ends of each row of parking spaces and at every interval of 7 parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines.

STAFF FINDINGS: The Applicant indicates landscaping on top of the earthen mounds; a landscaping schedule has been submitted indicating the species, calipers and height of the landscaping. No lighting plan or typical lighting fixtures has been submitted to determine compliance with letter "D" above. The construction plans submitted at the time of permitting will need to indicate that curbing is provided around the parking lot and paved areas of the site. Furthermore, the parking spaces in front of the retail building will need to be modified and provide a landscaped island at every interval of 7 parking spaces in a row.

COMPREHENSIVE PLAN

The subject property was not located within the City limits at the time of the 1998 Comprehensive Plan, but is located within the Millville-Oxford Growth Area.

LAND USE POLICIES

Citywide Policies

B. Growth Areas

Growth Areas are intended to be well integrated into present day Oxford, providing seamless continuity but reflecting the best planning principles reflected in Section 12; Urban Design; The Growth Areas are identified along Millville-Oxford, Oxford-Reily and Brown roads because these locations have favorable infrastructure, are sensitive to the natural environment and create a more fully integrated physical environment.

The Land Use Plan recommends the general location of three clusters. When built out, these areas could have some or all of the components of an integrated neighborhood: residential (single family and multifamily), public facilities, park land and open space. Each cluster should be unique and reflect the physical characteristics of their location and the development pattern of their immediate environs.

It will be decades before Oxford can expect the projected build out population for all three clusters, but if the community desires to protect open space, efficiently expand infrastructure and improve small town quality, then actions need to be taken today for the desired vision to be realized. This requires identifying the general geographic areas of these clusters and developing a general phasing plan.

Growth Areas are expected to develop in small phases, perhaps in 100-acre units, depending on market demand, developer proposals, availability of utilities and other factors. However, to ensure continuity the City should prepare detailed area plans for each Growth Area which detail land use, appropriate zoning, road network extensions, necessary utilities, parks and other community facilities and timing

C. Phasing and Implementation

Growth Areas should be phased as each is developed. It is also possible that the clusters could intentionally be given different emphasis in terms of the type and mix of residential uses. The key to their success, however, will be an appropriate mix of uses and sensitive design treatment.

Given the abundance of land in relationship to anticipated need between now and 2010, the most direct opportunity to shape new development will come beyond 2010. Between now and 2010, the City will make important decisions about infrastructure improvements that will affect the type of physical environment created. The concept for this future development is based on the creation of Growth Areas at key locations on the City's edge. This may seem like a long time, but comprehensive planning is a long-term effort.

Recent discussions by the Comprehensive Plan Update Steering Committee on this particular area are not so much against the idea of having a convenience store/gas station use in this vicinity and support this concept if the development is done carefully (scale, aesthetics, etc.). Opinions shared so far regarding this area state they do not want to be able to see or know that retail spaces are available in this area from U.S. 27 and should not be a destination for people, but solely a convenience for those who live and work in this area. The Committee would not be in favor of access from U.S. 27, but only as presented, off of the side-street. The Committee wants it to be connected to the development/ neighborhood it is intended to serve through car and alternative forms of transportation (pedestrian and bike paths). Major concerns of the Committee are that this area does not become disconnected and dependent only on automobile access like U.S. 27 North and inundated with fast food and shopping strips.

STAFF ANALYSIS

During the zone change hearing of the site, the Commission supports the commercial use at this corner to serve several purposes. One is to provide a neighborhood type of commercial establishments to provide daily convenience of the residents in this general quadrant. Secondly, a good design of the site could be easily accomplished and promote the desired appearance the Commission is contemplating. However, the Planning Commission emphasized that this site is one of the gateways into Oxford community, hence, the design elements and its associated aesthetic features are extremely critical to soften any harsh, unattractive design that are commonly found in a roadway oriented commercial area. The implementation of the design guidelines and any additional conditions that the Commission may deem appropriate to harmoniously promote well-designed commercial development in a predominately-residential setting.

During the May 6, 2008 City Council regular meeting, the City Council approved the zone change to a specific parcel. City Law Director provided a legal opinion, based on the request from the City Manager, that it was Council's intent to rezone the entire 3.26 acres of land. Staff has attached the said legal opinion for your information.

The Applicant appears to have satisfied all the supplemental regulations of the "GB" zoning district regarding the earthen mounds, landscaping, building orientation and dumpster screening. The Applicant also satisfies the minimum parking and queuing space requirements. Overall, the proposal is very close to what the Planning Commission and the Comprehensive Plan Steering Committee has been discussing for this area. Based on the perspective drawings and to possibly make the proposed use less obstructive and to blend in better with the area, the idea of concealing or modifying the canopy to match the roofline of the retail building seems to be a good approach to contemplate. Several options staff is recommending to accomplish this intent are as follows:

- a. Limiting the height of the flat-roofed canopy to be not to exceed the height of the eave of the proposed building,
- b. Eliminating the canopy entirely,
- c. A pitch-roof structure for gas dispensers,
- d. Additional landscaping shall be provided on the earth mounds along US 27 and Southpointe Parkway to conceal the canopy from the public view.

Additionally, those conditions that were part of the PUD approval from the County shall also be remained related to this site. Those conditions are as follows:

1. Enough screening shall be provided through mounding and landscaping so that the proposed use on this site is not visible from US 27. Commercial development shall not be accessible from US 27.
2. That, 50 feet of side and rear yard setback from US 27 shall be maintained.

Should the Planning Commission recommend approval to City Council, staff suggests the following conditions for the Planning Commission to consider:

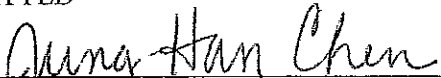
1. That, all signage is in accordance with §1151.05(a)(3) as submitted with this applicant and shall be on the same site.
2. That, the landscaping plan is modified to comply with 1149.05(e)(4)E & F in regards to curbing and landscaped islands.
3. That, a detailed lighting and photometric plan is submitted.
4. That, no wall pack(s) lighting is provided on the proposed retail building.
5. That, any lighting under the canopy is recessed in the ceiling of the canopy.
6. That, dumpster pick-up service shall be allowed only between the hours of 7:00 AM and 7:00 PM.
7. That, internal circular pattern showing exit and entrance lanes are clearly marked.
8. That, an access easement shall be executed, satisfactory to the City's Law Director, to allow the driveway to be constructed on a separate parcel.

RECOMMENDATION

Not Applicable.

SUBMITTED

BY:



Jung-Han Chen, AICP

Director

Community Development Department

DATE: June 2, 2008

ATTACHMENT

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

(1) Burden of proof.

- A. The Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

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



May 29, 2008

Marshall D. Ruchman¹
Dennis J. Adkins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely²
David E. Larson

Julie Cope Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsoulis
Scott A. Ashelman

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998
Robert N. Farquhar
1936 - 2008

Douglas R. Elliott, Jr.
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Ordinance 3001- Rezoning 3.26 Acres at Southpointe Development

Dear Doug:

This letter is in response to your email dated May 20, 2008. The issue is the incongruity between the 3.26 acres cited in Ordinance 3001 and the referenced parcel number, which is a parcel containing only 1.669 acres.

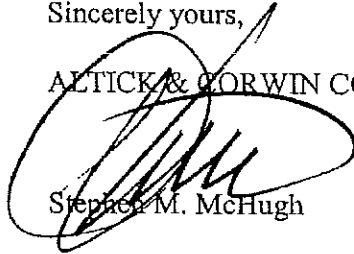
I reviewed the ordinance as amended and passed by Council, as well as attached "Exhibit D". After conducting case law research on similar issues, it is my opinion that since the ordinance is unclear (due to the conflicting acreage issue), the ordinance must be evaluated based on the legislative intent behind the ordinance.

As you indicated in your email, it is clear that Council's intent was to rezone the entire 3.26 acres of land. The Staff Summary Report included in the May 6, 2008 Agenda clearly states that the entire 3.26 acres should be rezoned. Further, Exhibit D outlines 3.26 acres for rezoning. The insertion of a parcel number in the body of the ordinance that covers only part of the land to be rezoned does not offset the clear intent of Council. In conclusion, it is my opinion, the ordinance rezoned 3.26 acres of land and the incongruity caused by the insertion of the parcel number did not negate the legislative intent of Council.

I hope this letter addressed your issue. Please call me if I can be of further assistance.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.


Stephen M. McHugh

SMM/

cc: Donna Heck, Clerk of Council
Jung-Han Chen, Community Development Director

¹ Also admitted in Indiana

² Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
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— **Journal of Management Education** 34(10):1103-1116, 2010. © 2010 Sage Publications

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2008

Description:

CONDITIONAL USE PERMIT – to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District, Scott Webb, Architect, Applicant

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/1/2008** 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:

Sen Endress, Fire Chief

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department Engineering Division Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2008

Description:

CONDITIONAL USE PERMIT – to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District, Scott Webb, Architect, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/1/2008** 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: _____

A. Petersen 3-21-08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/4/2008

To: Fire Department

Engineering Division

Police Department

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2008

Description:

CONDITIONAL USE PERMIT – to allow for a commercial development to include an automobile service station in the General Business (GB) Zoning District, Scott Webb, Architect, Applicant

☒ Review

☐ Revisions

☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **4/1/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: ☒ w/comments ☐ without/comments

I firmly believe this is an excellent use for this property and believe it will significantly reduce the number of road trips to the City Core as the area develops. Fewer trips for gas/food samples.

Drawings reviewed by: J. Setlow 3/21/8

Kathy Dale

From: Kim Newton
Sent: Tuesday, May 13, 2008 8:48 AM
To: Lynn Taylor; Jung-Han Chen; Kathy Dale
Subject: FW: Gas Station at College Suites

From: Robert Kuginskie [mailto:bobkug@verizon.net]
Sent: Monday, May 12, 2008 9:59 AM
To: prythedl@muohio.edu; rkeebler@cityofoxford.org; bbrewer@designedlearning.com; afischer@cityofoxford.org; mannwell41@woh.rr.com; kaysa@muohio.edu
Subject: Gas Station at College Suites

Oxford City Planning Commission Members:

As a resident and home owner on Route 27 south of Oxford, I must express my concern over the proposal to place a service station/convenience store at the entrance to College Suites. Nearby property owners should not be required to continually check the actions of the various city entities to find out that they may be getting new commercial neighbors.

The aesthetics of the area south of Oxford off Route 27 have already been adversely affected by the portion of the development (College Suites) that has been completed. The view from my back porch used to be pastoral and natural in appearance, it now includes the development with its associated traffic and noise. The Spring plant growth has now blocked my view and softened the sounds from that area - but I know that's temporary.

The City of Oxford has already made a large financial investment in the College Suites/South Pointe development. The central city area appears to be getting filled with vacant business buildings while projects such as this are encouraged and financed by the the city leadership. How much business will be lost by similar enterprises in town? Enough to generate another abandoned business building (gas station with underground tanks!) within the downtown area? Any new commercial enterprise will contribute to the further decline in the customer base supporting the downtown Oxford businesses.

The traffic on Route 27 has continued to be notorious as a safety problem. Adding a 12-pump gas station (or any similar traffic-oriented) commercial enterprise) will increase not only the gross traffic on this roadway but also the number of vehicles leaving and re-entering the traffic flow. This can only contribute to an increase in accidents.

These aspects make this proposal counter to the welfare of Oxford and its citizens. Please do not approve this change.

Bob Kuginskie
3926 Oxford Millville Rd.
Oxford, OH 45056

Kathy Dale

From: Kim Newton
Sent: Tuesday, May 13, 2008 8:48 AM
To: Lynn Taylor; Jung-Han Chen; Kathy Dale
Subject: FW: Gas Station on Route 27 South

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

From: Valerie Elliott [mailto:v.elliott@lanepl.org]
Sent: Monday, May 12, 2008 11:47 PM
To: Alysia Fischer; kaysa@muohio.edu; bbrewer@designedlearning.com; mannwell41@woh.rr.com; prbrady@ix.netcom.com; rakfire@earthlink.com; prythedl@muohio.edu
Subject: Gas Station on Route 27 South

Planning Commission:

Please vote NO on the conditional use permit that would allow a gas station on Millville Oxford Road. If there really is a need for another gas station, it should be in an appropriate location--not at the main entrance to Oxford. It is bad enough that we now have more suburban sprawl creeping southeast; don't make it worse with a gas station/mini-mart that will benefit only the developer.

Instead, consider the greater good of the community, and spare us another blight on the landscape.

Valerie Elliott

/

Jung-Han Chen

From: Douglas Elliott
Sent: Wednesday, April 09, 2008 8:44 AM
To: Jung-Han Chen
Subject: FW: Agenda for 4/8/08 - South 27 "Commrcial" Request

From: Alysia Fischer [mailto:alysiafischer@hotmail.com]
Sent: Tuesday, April 08, 2008 10:40 PM
To: Kathy Dale; Douglas Elliott
Subject: FW: Agenda for 4/8/08 - South 27 "Commrcial" Request

Kathy,

The notes she's speaking about would be very useful to have in our Council packets this week as we move into the discussion of rezoning from R-3 to GB down at Southpointe on Tuesday. Any chance they're easy to access?

Alysia

Date: Tue, 8 Apr 2008 18:32:36 -0700
From: soozkostic1958@yahoo.com
Subject: Agenda for 4/8/08 - South 27 "Commrcial" Request
To: alysiafischer@hotmail.com; bbrewer@designedlearning.com; prbrady@ix.netcom.com; mannwell41@who.rr.com; kaysa@muohio.edu; rakfire@earthlink.com; prythedl@muohio.edu

Ladies and Gentlemen,

I am writing to express concern regarding the "commercial" development being proposed for South 27, next to the College Suites apartments.

It was recently my honor, as a member of the Comprehensive Plan Committee, to listen to the public comments from about 100 people on a wide range of topics. That land and its use was one of the specific areas discussed. My table included a city official, a former City Council member, a township official, two business persons, and two Mile Square homeowners. They expressed very strong feelings that commercial use of what is currently duplex-type housing was most inappropriate.

I then read the comments from our table to the entire group; this opinion was met with applause from the audience. No matter how one shakes it, the vast majority of the citizens who attended that meeting were seriously in opposition of using this land in a commercial manner. The folks who were there included many city officials, many land owners, many business persons, and several people from the township.

I feel it important that the Planning Commission take this

6/4/2008

very useful survey of our citizens and include it in the review of any commercial proposal for that property. These are the people who pay the taxes, pay the fees, and who ultimately have to live with how this land is used.

They count.

Their voices and opinions are important to our present and future planning.

If you would like to see the notes from that meeting, please contact me and I will forward the file. Or contact Kathy in the city Planning Department, who can provide the over all notes.***

***Please be advised that I would also suggest that you review the actual comment sheets, as the summation cannot do justice to what people actually said at that meeting.

I thank you for your time and consideration, and look forward to your protection of our town and its resources.

Very truly yours,
Suzanne Kostic
Candlewood Terrace Apartments
615 Ogden Court
Oxford, OH 45056

/

You rock. That's why Blockbuster's offering you one month of Blockbuster Total Access, No Cost.

More immediate than e-mail? Get instant access with Windows Live Messenger.

Rec'd 4.8.08 PC Mtg.

WS Schedule

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

Dear members of the Oxford Planning Commission,

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

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

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

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

Best regards,
Jonathan Levy
214 West Withrow
523-8693

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

Rec'd 4.8.08 PC: tq.

WS Schedule

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

Dear members of the Oxford Planning Commission,

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

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

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

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

Carole Katz
214 West Withrow
523-8693

WS Schedule

From: Classics190@aol.com
Sent: Tuesday, April 08, 2008 5:29 PM
To: Alysiafischer@hotmail.com; bbrewer@designedlearning.com; kaysa@muohio.edu;
mannwell41@who.rr.com; rakfire@earthlink.com; prbrady@ix.netcom.com; prythedl@muohio.edu
Subject: Gas Station at Southpointe project, S.27

Dear Planning Board Members:

I have attended both meetings for a 'new comprehensive plan for Oxford.' In discussion we came to feel that some well executed plan for the Southpointe area might be feasible and attractive as an approach to Miami University and Oxford. I am appalled to hear that a 10 pump gas station and convenience store is what the group has in mind.

PLEASE DO NOT ACCEPT THIS REQUEST!

Respectfully,

Joyce Gordon

Planning your summer road trip? Check out [AOL Travel Guides](#).

WS Schedule

From: Gordon, Stephen Canning Mr. [gordonsc@muohio.edu]
Sent: Tuesday, April 08, 2008 3:12 PM
To: alysiafischer@hotmail.com; Brewer, William; prbrady@ix.netcom; mannwell41@who.rr.com; Kay, Susan; mailto:rakfire@earthlink.com; Prytherch, David Lloyd Dr.
Subject: Planning Commision Agenda Item, 4/8/08

Planning Commission Members:

I regret I have a conflict & am unable to attend this evening's meeting.

1) Filling Station Request, US 27 at Southpoint Crossing:

- Construction of a 10 pump station and convenience store will provide a beachhead for subsequent commercial strip development outside of Oxford proper. It will begin a trend that captures a greater share of retail business from Oxford proper and in essence create a satellite business district. Traffic congestion will be real by-product of such commercial developments.
- US 27 south and SR 73 east are "Gateways" to Oxford. Establishment of gas stations and convenience stores along US 27 near the entrance to Oxford will erode the fragile aesthetic entrances to the community and foster future unplanned retail establishments. Once the precedent has been set future incompatible land uses will gravitate to the area.
- Several ecologically sensitive areas such as Hefner Preserve and the College Woods Natural Area, along with the Oxford Cemetery are located in proximity to the proposed location. Increased light trespass, 24 hour service, litter, tainted water runoff and traffic noise will erode the habitat, ecology and tranquility of Miami's sensitive Natural Areas.
- The United States has paved at least 4 million linear miles of roads in this country. Add parking lots, driveways and other paved surfaces and you have an area five times the size of New Jersey that is paved. The impact is already having severe consequences as seen in flash flooding, poor water quality and declining biodiversity.
- Oxford is a destination point for many travelers and tourists. The community's small town, rural character is a key part of our drawing power. Do we want our visitors to be greeted to Oxford by a 10 pump station and convenience mart with streamers and piles of wood mulch?

I urge members of the Planning Commission to **reject this request.**

My views do not reflect the opinions of Miami University.

Sincerely,

Stephen C. Gordon
5289 Hillcrest Drive
Oxford OH 45056
gordonsc@muohio.edu

4/8/2008

Rec'd 4.8.08 PC 1149

WS Schedule

From: Elliott, Valerie E. Ms. [elliote@muohio.edu]
Sent: Tuesday, April 08, 2008 2:48 PM
To: Brewer, William; Kay, Susan
Subject: Planning

I understand that you are on Planning Commission, and I would like you to know that many area residents would rather not see a gas station on Rt. 27 south of Oxford. Putting something like that, no matter how well screened, at Oxford's front door, is not in the best interests of the community.

Does Planning have to approve anything that is allowed by law, zoning, etc., or are members permitted to make decisions based on other criteria? Not only is such a proposal aesthetically displeasing, it will contribute to traffic congestion (possibly necessitating another traffic light) and will certainly encourage suburban sprawl.

Please vote No.

Thanks.

Val Elliott

WS Schedule

From: Karrow, Robert [karrowrs@muohio.edu]
Sent: Tuesday, April 08, 2008 9:21 AM
To: alysiafischer@hotmail.com; Brewer, William; prbrady@ix.netcom.com; mannwell41@who.rr.com; Kay, Susan; rakfire@earthlink.com; Prytherch, David Lloyd Dr.
Cc: Kathleen Zien
Subject: Southpointe project, S.27, "Request for Conditional Use to allow for a commercial development to include an automobile service station in the Gen'l Business Zoning District."

Dear Commission Members:

I know all of you want Oxford to be the best and most welcoming community it can be.

The request for conditional use to include an automobile service station on south 27 by the entry to College Suites, South Point, is not appropriate.

Conditional uses are just that, uses which are not allowed as a matter of right within a zoning district.

The Commission should not support this request.

Oxford finally is beginning to have actual guidelines in place to help direct development and design in ways that will enhance the community. This conditional use will not enhance the entrance to our city.

The same would hold for the request for approval of changes to 320 E. Vine. We as a community really need to consider the whole, and demand cohesive development or redevelopment that will improve the total community.

Robert Karrow
Oxford

Robert Karrow
Business Relations Associate - Communications
DARS Center
Miami University
5285 Brown Road
Oxford, OH 45056

Phone: 513.529.8557 | E-Mail: karrowrs@muohio.edu

WS Schedule

From: Karrow, Robert [karrowrs@muohio.edu]
Sent: Tuesday, April 08, 2008 2:24 PM
To: alysiafischer@hotmail.com; Brewer, William; prbrady@ix.netcom.com; mannwell41@who.rr.com; Kay, Susan; rakfire@earthlink.com; Prytherch, David Lloyd Dr.
Cc: Kathy Dale
Subject: Gas station/convenience store in Davidson, NC. - It's not that difficult

Wow, guess they don't only do basketball well in Davidson.

I won't be able to attend tonight's meeting. But if Davidson SC can get this:
<http://www.ci.davidson.nc.us/eventdetail.asp?scheduleitemid=1230>

Oxford should be able to expect something better than what's being proposed on south 27 (which is basically a mini strip-mall with a landscaped berm) particularly since the residential development beyond the student housing complex is being billed as new urbanist.

Scott Webb is capable of much better design than this. And Oxford should be telling developers more specifically what the community is looking for in commercial development.

Maybe we should look more closely at Davidson's (another college town) planning and development guidelines.

Bob Karrow
Oxford

Robert Karrow
Business Relations Associate - Communications
DARS Center
Miami University
5285 Brown Road
Oxford, OH 45056

Phone: 513.529.8557 | E-Mail: karrowrs@muohio.edu

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: jacke@fuse.net
Sent: Monday, April 07, 2008 8:51 AM
To: bbrewer@designedlearning.com
Subject: Oxford Planning Commission

Dear Member of Planning Commission,

Please do not approve the Request for Conditional use to allow for a commercial development to include an automobile service station in the General Business Zoning District on US 27 South! Time and time again we have heard your members say at Public Meetings that you want to maintain the Green environmental atmosphere coming into Oxford. Here is your opportunity to put your action to work to back up your words. Do you mean what you say? We hope so!

Jack & Marsha Haffey
5106 Bonham Road
Oxford, Ohio 45056

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: Alessio, Helaine Dr. [alessih@muohio.edu]
Sent: Monday, April 07, 2008 10:31 PM
To: Brewer, William
Subject: vote no on the gas station development on 27

Bill,

Please do not support the gas station development on Rt. 27 just south of Oxford. Please do not compromise the beauty and unique qualities of Oxford because of Developers.

We already have gas stations and strip malls on 27 north of town and that looks horrible. Please do not allow for a replication of this on 27 south.

Helaine Alessio

Rec'd 4.8.08 PC Mtg.

WS Schedule

From: Frances McClure [Mcclurfd@muohio.edu]
Sent: Monday, April 07, 2008 10:28 PM
To: bbrewer@designedlearning.com
Subject: Planning Commission Meeting, April 8

Dear Bill:

I am sorry I cannot be at the Planning Commission meeting, but I do hope the members of the Commission very carefully consider the impact that a service station will bring to the already troubled 27 South highway. The heavy traffic generated by a service station the will only exacerbate the situation and make the road more dangerous.

Thank you,
Frances McClure.

RECEIVED

APR 16 2008

City of Oxford

April 16, 2008

Letter to the Editor:

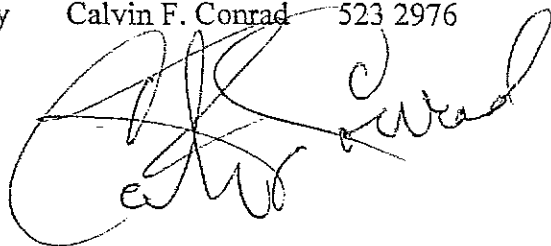
Last evening I attended the Oxford City Council meeting to speak against the rezoning of 3.26 acres from residential to commercial so that a large convenience store and gas station may be built. The land is adjacent to route 27 south at the Southpointe apartment complex. Only the representative of the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

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

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

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

Sincerely Calvin F. Conrad 523 2976

A handwritten signature in black ink, appearing to read "Calvin F. Conrad", written over a horizontal line.

From: Larry Frimerman [mailto:larryfrimerman@yahoo.com]
Sent: Tuesday, April 08, 2008 12:03 AM
To: alysiafischer@hotmail.com; bbrewer@designdlearning.com; prbrady@ix.netcom.com; mannwell41@woh.rr.com; kaysa@muohio.edu; rakfire@earthlink.com; prythedl@muohio.edu
Subject: Re: Planning 4/8/08

Larry Frimerman

Plannings agenda this week includes a request for a 10 pump gas station and convenience store at the S entry of Oxford at the entry of Southpointe apt. rentals.

**Public Notice in Fri. 4/4/08 issue of the OxPress, p. B5, Southpointe project, S.27, (the large rental complex next to Thacker Realty, E side of 27):
"Request for Conditional Use to allow for a commercial development to include an automobile service station in the Genl Business Zoning District."**

As a former Butler County Planning Commission member, I can tell you that the County Planning Commission was NOT in favor of having retail commercial businesses like a convenience store. In addition, on the joint City-Township subcommittee a year ago, both parties agreed that such activity was not in the best interests of Oxford or the Twp. This is not a retail or commercial district, but a residential one.

It is a shame to have a land use plan and zoning, as well as the will of citizens and public officials so disregarded, to have to even consider such an expansion of a commercial enterprise in the proposed area, let alone location. We need businesses in the core of Oxford. We do NOT need such a gas station or convenience mart.

Larry Frimerman

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

Sent: Wednesday, April 09, 2008 4:25 PM

To: jhchen@cityofoxford.org; kdale@cityofoxford.org; dellott@cityofoxford.org; rakfire@earthlink.com; kaysa@muohio.edu; prbrady@ix.netcom.com; mannwell41@woh.rr.com; bbrewer@designedlearning.com; prythedl@muohio.edu; alysiafischer@hotmail.com; mchughs@altickcorwin.com; knewton@cityofoxford.org

Cc: elliotje@muohio.edu; elliot (home), valerie; anderson, john; pdana@bizwoh.rr.com; rossauktion@bizwoh.rr.com; katecurrie@hotmail.com; retiredbogard@woh.rr.com; calconrad@aol.com; alessih@po.muohio.edu; houktw@muohio.edu; karrowrs@muohio.edu; rogerses@muohio.edu; jacksoe2@muohio.edu; zienkl@hotmail.com

Subject: NOT a good evening

Tuesday, 4/8/08 9:53 PM

I suspect I am not the only person in attendance with questions and concerns about the procedures at tonight's Planning Commission meeting regarding PC-04-2008 "Conditional Use, Southpointe, to allow for a commercial development to include an automobile service station in the GB Zoning District."

Many in the audience made special effort to attend this meeting to offer public comment on this application.

It was given public notice in the OxPress and the staff report was duly included in Planning's 4/8/08 agenda. I venture to say all of us had prepared comments to be included in the public record and minutes concerning this application.

This agenda item was tabled.

The reason given for tabling this hearing was because the conditional use was being requested before a rezoning request had a second reading by City Council or was legally approved.

According to Mr. Chen's staff report, [agenda p. 30, 2nd para.,] "the property is technically still zoned R3 which does not permit this use by right or conditionally. For the purpose of this staff report, the proposed use will be reviewed under the "GB" regulations and requirements. By the time this Conditional Use application is reviewed and voted on by city Council, the General Business zoning classifications should be established."

The 2nd reading to determine that possible change in zoning for that land isn't until next Council's meeting, Tues. April 15. Why was this application even placed on the Planning agenda prior to the second reading by Council April 15?

Staff was aware of that 2nd reading and time line, evidenced by the above text.

The two members of Council who serve on Planning would also have been aware of the pending reading.

Legal counsel certainly should have been the ultimate advisor NOT to include in this agenda since the acreage in question was not yet rezoned for General Business!

I do not believe it is considered procedurally appropriate to entertain a conditional use request before the appropriate zoning has been granted.

Chairman Brewer admitted his lightbulb moment Tues. morning, realizing "Why are we hearing this tonight? It hasn't been rezoned." When the Chair asked for clarification on

procedure – either going forward or tabling – I heard Atty. McHugh indicate the applicant wished to go forward on this.

According to the Attachment (agenda p. 35, c) "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 comment presented during the public hearing."

To suggest to the audience "you can come back later to another meeting when it's appropriate IF / when it is received as a rezone" or "talk to Council" was disingenuous. Those who managed to rearrange their day and evening to prepare for, and attend, the April 8 meeting may not be able to return the next time this application is heard. No apology was offered those in attendance for wasting their time. A rebuke to city staff for placing this on the agenda would also have been appropriate under the circumstances.

In summary:

1. Is it appropriate to place a conditional use application on the agenda if the underlying zoning is not correct?
2. If an application is received that does not meet General Decision Standard 1 (or) A "The proposed use is in fact a Conditional Use in the zoning district in which it is proposed," should it be administratively denied, and who should make such a decision?
If it didn't meet this first standard, (as Mr. Chen admits in his report) why was it even in the agenda?
3. Who is ultimately responsible for ensuring that items on the agenda meet all required criteria for consideration by this commission? (or any review Board in fact)
4. I request, and would like assurance, the electronic comments received from citizens who were not in attendance are included in the public record and appear in all future agendas of Planning and Council that deal with the Southpointe application for a gas station and convenience store as Conditional Use. Although the Chair turned over a stack of emails he received, other members of Planning may have received some that were not duplicates; please check.

Had this application been approved prematurely by Planning, it would have been additional ammunition for Mr. Clawson to convince his rezone request and gas station combo be approved by Council, ie., "*Planning's already given me the go-ahead.*" With the number of emails Mr. Brewer indicated receiving, I think non-support of this project by the community is evident.

A letter dated Feb. 12, 2008 in the agenda (p. 39) from Scott Webb, agent for Mr. Clawson (4-Leaf Development) requested a postponement of the conditional use hearing because that portion of the property had not yet been heard at Council, certainly not approved nor recorded, making the application void at that time.

If the applicant/agent requested his plan now be placed on the agenda for consideration April 8, 2008 as Mr. McHugh seemed to indicate (when nothing had changed since the Feb. 12 letter), then Planning should have acted on the application April 8 and appropriately DENIED the request as written. It should have been acted on. The Chair and commission should have saved us all the time: "It does not meet the first, and most important decision standard, A/1. It is denied."

Mr. McHugh and/or Mr. Chen, Please "REPLY ALL" with explanation of how / why this was an agenda item, certainly as a courtesy to those who attended the meeting.

It seems rather dysfunctional in procedure that a city with multiple, professional staff members coordinated an agenda with materials that should have been WITHHELD until the correct & legal time to hear an application.

I'm copying those who took more than generous time out of their night, in vain, to attend. *(Ed & Marian Jackson's attendance was only to address the gas station; Ed came prepared with notes. Had he not come to the meeting, he could have avoided his fall in chambers).*

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

January 25, 2008

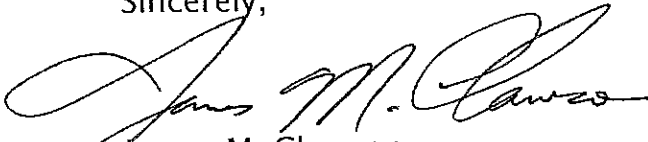
Oxford Planning Commission
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the proposed commercial development at 3900 Southpointe Crossing project. Scott is authorized to speak and act on our behalf before Oxford Planning Commission.

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

Sincerely,



James M. Clawson
4-Leaf Development, LLC

Case No.: PC-04-08
Date Filed: 1/25/08

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Scott Webb, Architect / 4-Leaf Development LLC.

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

Mailing Address: 103 W. Walnut St. Oxford / 125 W. Spring St. Oxford

Telephone Number(s): 523-3838 524-9500

Location of Property: 3900 Southpointe Parkway

Legal Description: _____

Zoning District: mixed

Total Area: 9,300 Acres / Square Feet (circle one)

Existing Use: vacant

Proposed Use: Commercial Development w/ Gas Station

SUBMISSION REQUIREMENTS

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

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

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

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

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

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

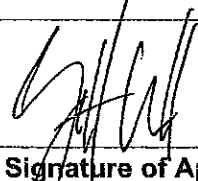
On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyoio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

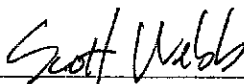
All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

NOTE: Incomplete applications will not be processed.

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



Signature of Applicant



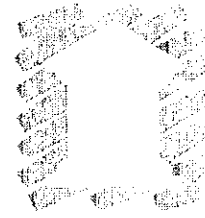
Printed Name

Date: Jan 25, 2008

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: 400 pd #13502

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Commercial Development
Southpointe Crossings

June 4, 2008

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a Commercial Development that includes an automobile service station selling gasoline in the General Business Zoning District.

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

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

Surveyor:

DDS Surveying Inc.
318 South College Avenue
Oxford, Ohio 45056

/

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

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

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

While most commercial uses are permitted in the GB District. Automobile service stations and convenience store facilities selling gasoline are specifically listed as a conditional use in the GB district. The gas station use is part of the overall (permitted) commercial development proposed.

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

The GB District is the Zoning designation in which all facilities selling gasoline are to be located. Section 1147.03 (5) of the Conditional Use Chapter of the Zoning Code addresses businesses of this type specifically as follows:

A. Potential Concerns:

1. *Adequate design of vehicle management area*
2. *Location of Fuel Pumps and Canopy*
3. *Outdoor sales and storage*

The Zoning Code then describes regulations to mitigate these concerns,

B. Regulations

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

No outside sales areas are proposed in this application

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

Proposed Fuel pumps are shown in excess of 49' and 30" from all property lines

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

The proposed canopy is set back in excess of 38' and 26' from all property lines.

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

Since the property at hand was just recently annexed, the area is addressed by Oxford's Comprehensive Plan as "potential growth area, (2010 and beyond). During the annexation process, zoning was established for this and other portions of the overall development, as it was brought into the City of Oxford, allowing a small commercial development to support varied uses of the 176 acres of residential & Tech Park development approved for this site.

4. *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.

5. *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.

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

The operation of the commercial development and gasoline facility will not be detrimental to any person, property or the general welfare.

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

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

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

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

9. *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.

10. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning 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. The entire development is surrounded by mature trees, and or landscape berms and setbacks that exceed all requirements

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

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 120 feet. This section further states that curb cuts must be 30 feet apart. The curb cuts shown for this development are more than 300' apart.

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

12. *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

13. *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

(via e-mail)

/

/

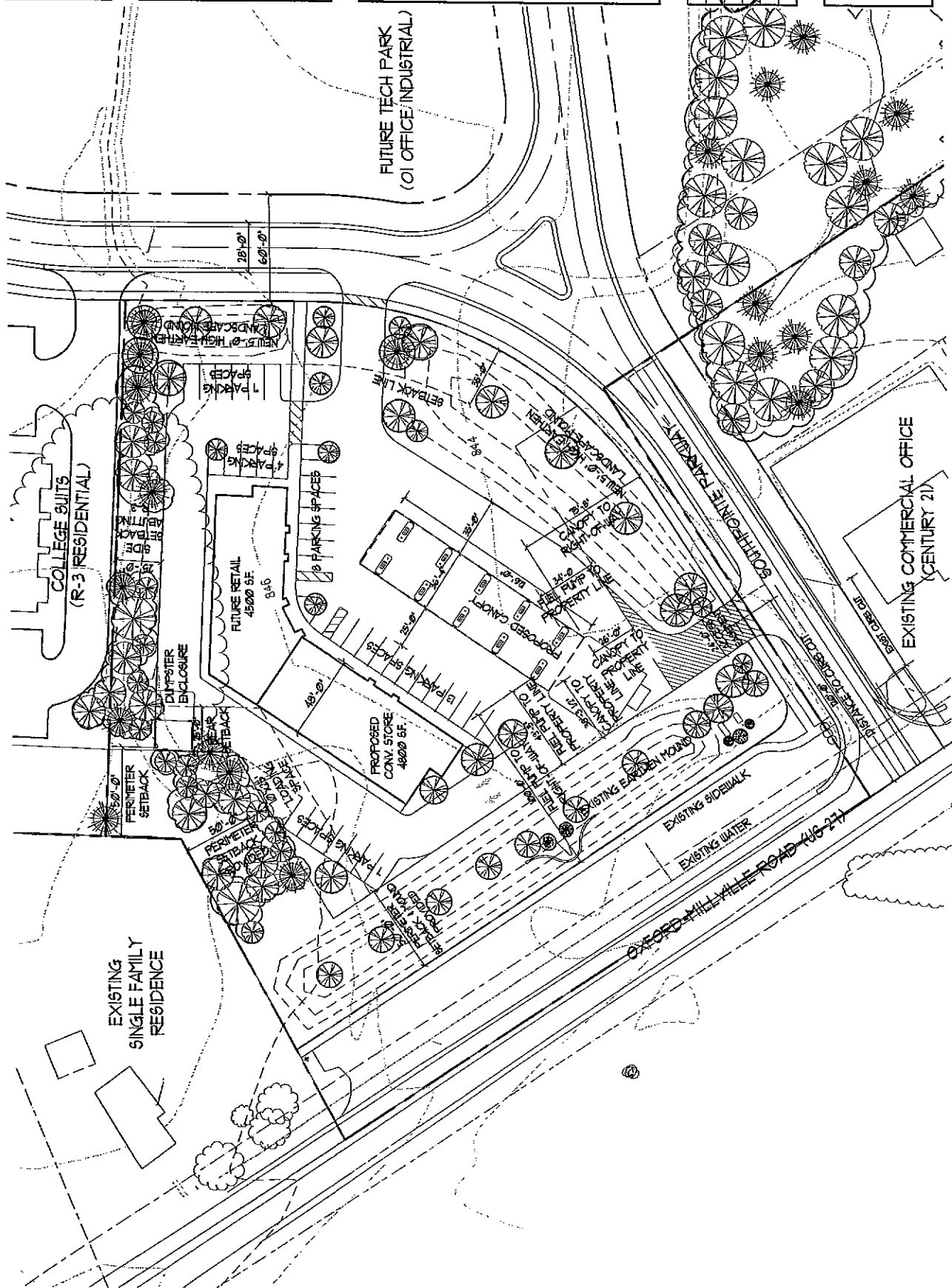


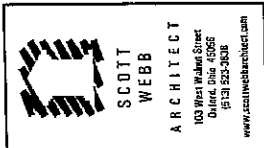
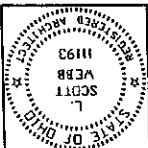
SCOTT WEBB
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100 West Walnut Street
Oxford, Ohio 45056
(614) 523-3838
www.scottwebbarchitect.com

Southpointe Crossings
PROPOSED NEW COMMERCIAL DEVELOPMENT
SOUTHPOINTE PARKWAY
OXFORD, OHIO 45056

DATE	May 13, 2008
REVISIONS	1. June 4, 2008

A-1

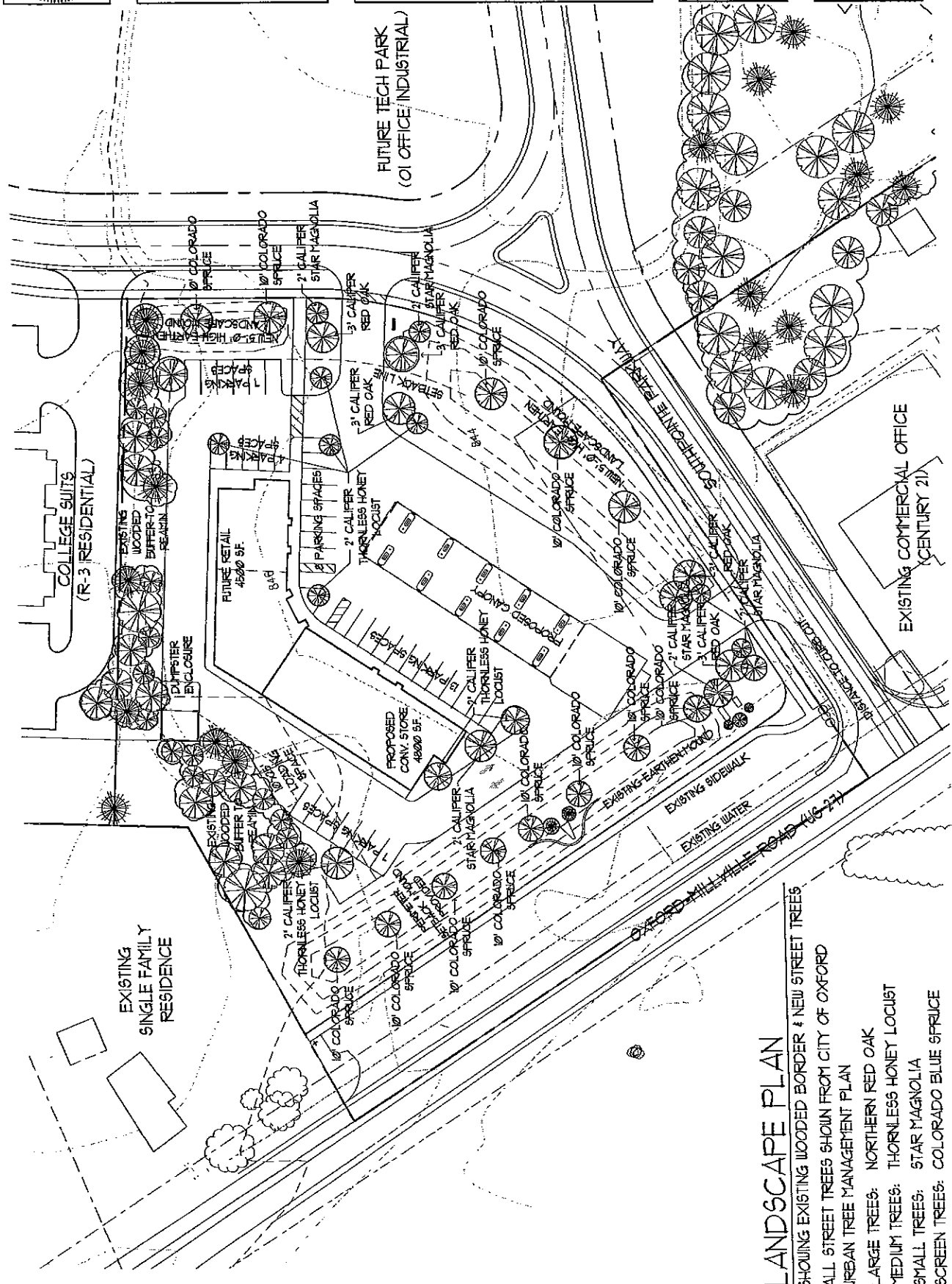




PROPOSED NEW COMMERCIAL DEVELOPMENT
Southpointe Crossings
SOUTHPOINTE PARKWAY
OXFORD, OHIO 45056

DATE	May 18, 2000
REVISIONS	June 4, 2000

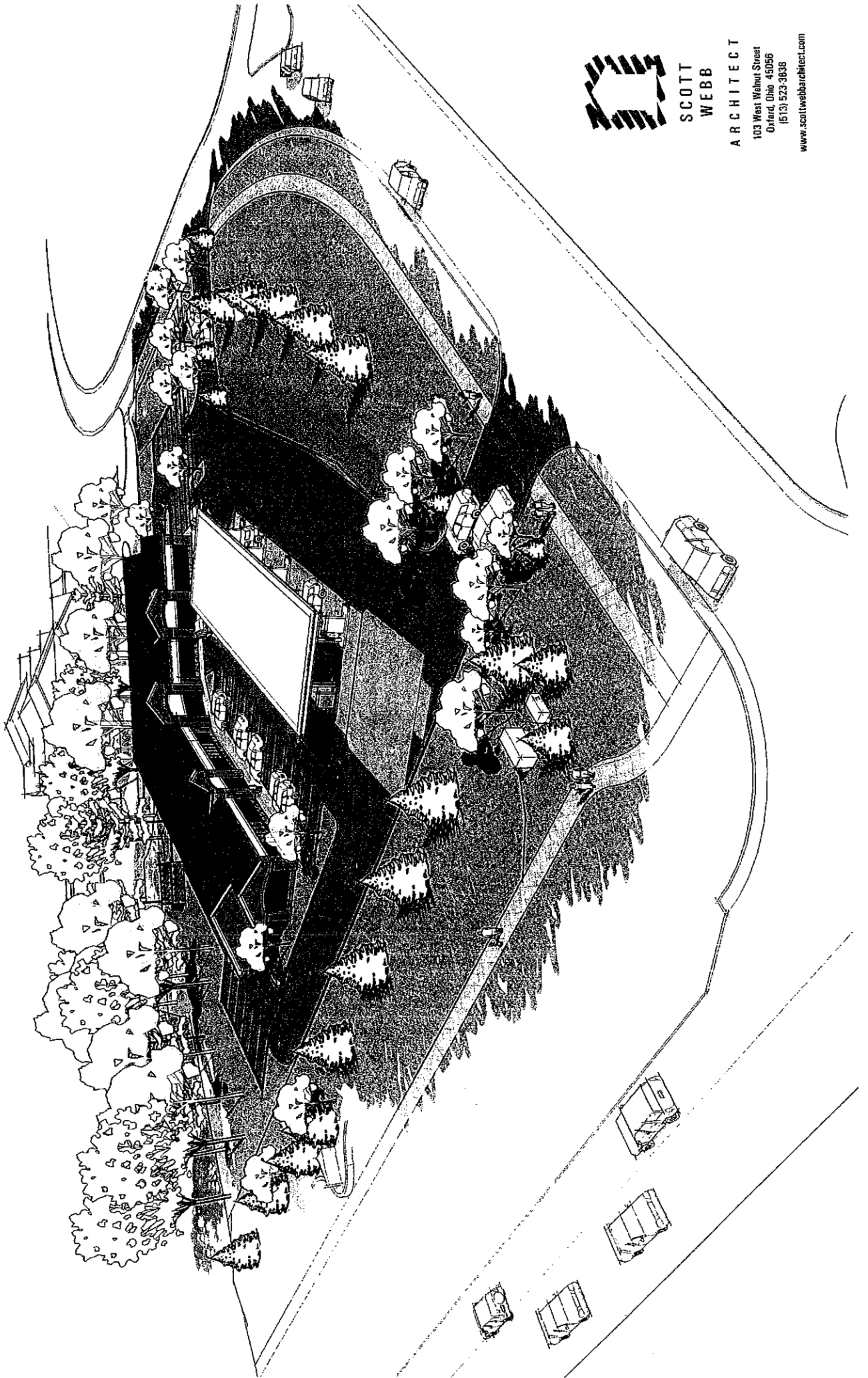
A-2



LANDSCAPE PLAN

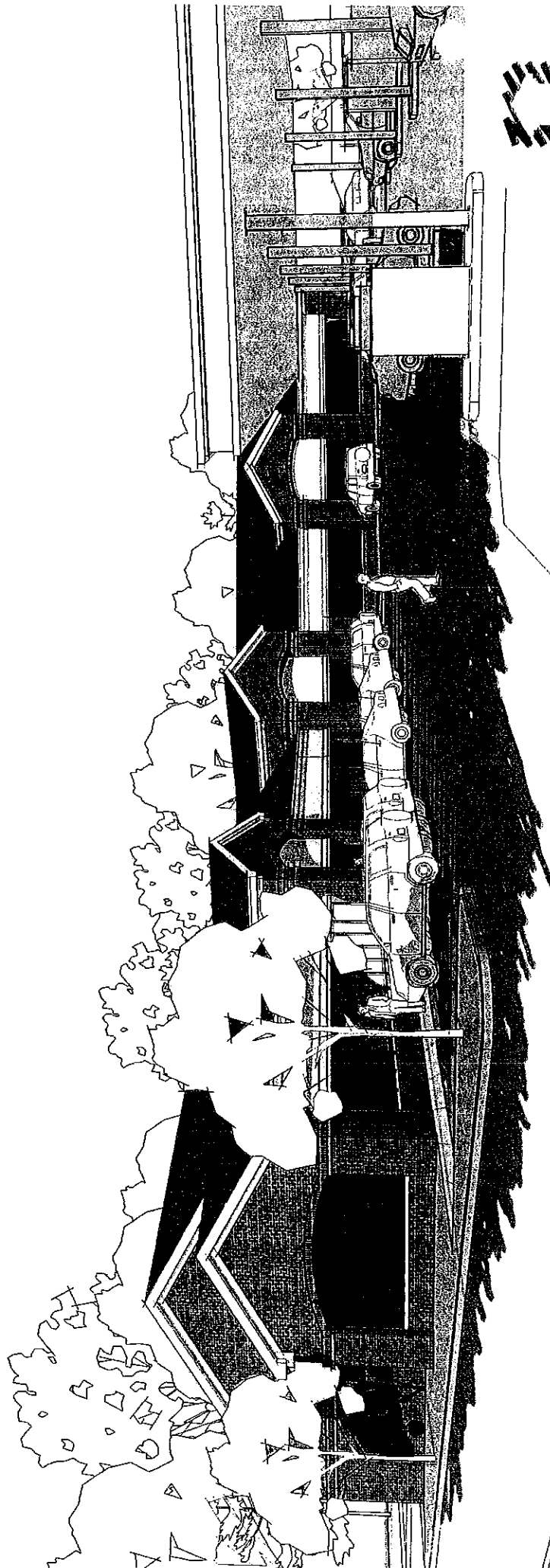
- SHOWING EXISTING WOODED BORDER & NEW STREET TREES
- ALL STREET TREES SHOWN FROM CITY OF OXFORD
- URBAN TREE MANAGEMENT PLAN
- LARGE TREES: NORTHERN RED OAK
- MEDIUM TREES: THORNLESS HONEY LOCUST
- SMALL TREES: STAR MAGNOLIA
- SCREEN TREES: COLORADO BLUE SPRUCE

SIGNS AS SHOWN:	24sf
GROUND SIGN: MAX 6'-0" HIGH, 12sf PER FACE	
BUILDING SIGNS: (3) ONE PER EACH TENANT	
MAX. 3'-0" HIGHx12'-0" LONG	103sf
CANOPY LOGO: (1) ONLY, 2'-0" HIGH x 10'-0"	20sf
TOTAL:	152sf



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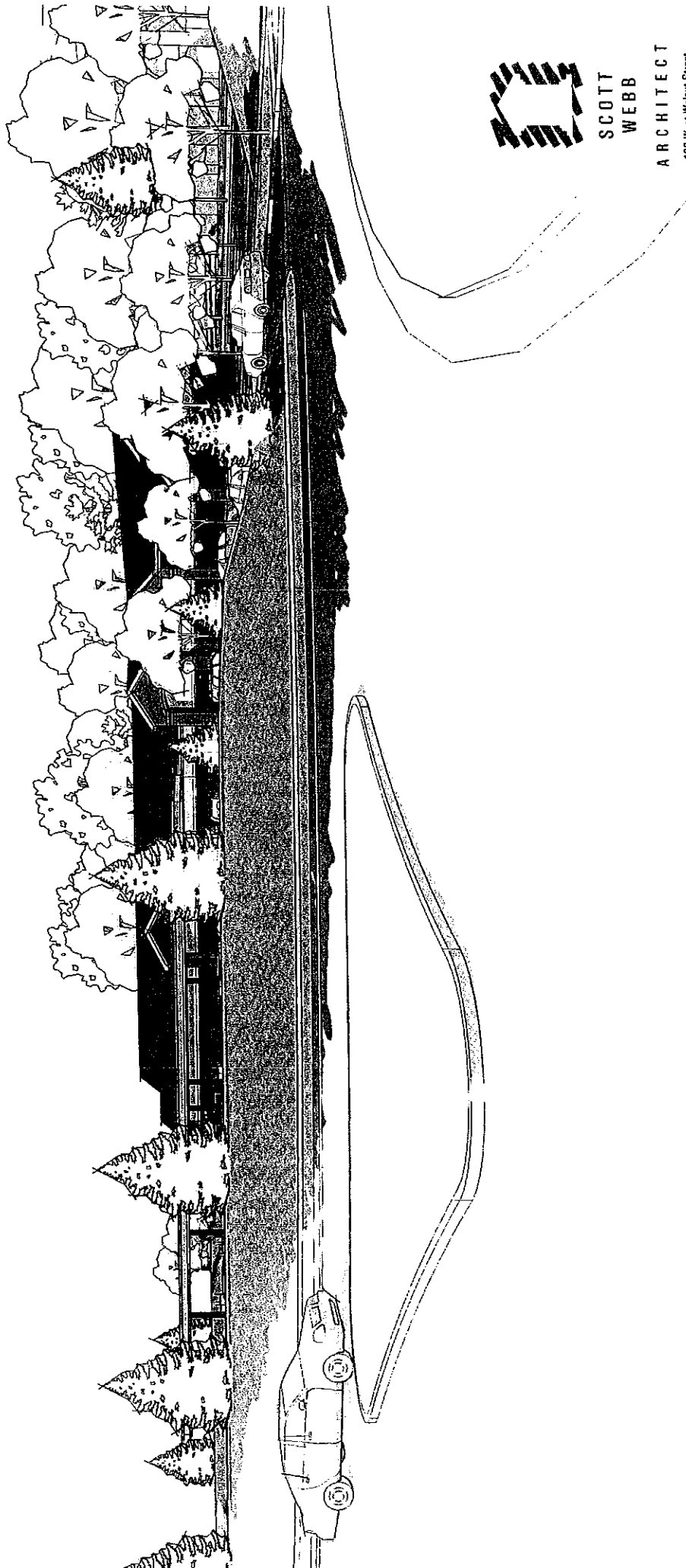


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CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 07/15/08

Heidi Hill
Prepared By

Budgeted Amount: _____

06/19/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #2

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

Additional appropriation needed for the following departments or divisions within the General, Street, Parking, Water, and Sewer funds for the increasing cost of fuel. The appropriation is needed from fund balance.

General Fund

Police Department
Gasoline

11,390.00

Fire Department
Gasoline

870.00

EMS
Gasoline

1,260.00

Engineering
Gasoline

180.00

Parks & Recreation
Gasoline

990.00

Parks Maintenance
Gasoline

915.00

Street Fund
Gasoline

20,425.00

Parking Fund

Gasoline 1,690.00

Water Fund

Water Plant

Gasoline 425.00

Water Administration

Gasoline 720.00

Engineering

Gasoline 260.00

Sewer Fund

Wastewater Treatment Plant

Gasoline 950.00

Wastewater Collection

Gasoline 1,855.00

Engineering

Gasoline 260.00

Life Squad Gift Fund

Capital Outlay

From grant revenue 6,000.00

The City has received a grant from Proctor & Gamble in the amount of 6,000.00. We would like to appropriate this money towards the purchase of AED's.

Internal Service Fund

From additional Revenue

Gasoline 42,190.00

The Internal Service fund pays for the purchase of fuel for the City. This fund charges back money from the respective Funds for fuel costs used by each Department or Division within each Fund.

Approved By:

Department Head:
City Manager:

Initial Date

11/10/20

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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

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

SECTION 2: The following additional appropriations are hereby made:

GENERAL FUND	15,605.00
From fund balance	
STREET FUND	20,425.00
From fund balance	
PARKING FUND	1,690.00
From fund balance	
WATER FUND	1,405.00
From fund balance	
SEWER FUND	3,065.00
From fund balance	
LIFE SQUAD GIFT FUND	6,000.00
From additional revenue	
INTERNAL SERVICE FUND	42,190.00
From additional revenue	

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

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

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: July 15, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 10, 2008

Date Prepared

Agenda Title: A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 12, 2008 from 10:00 P.M. to 2:00 A.M. on the patio at the Shriver Center on Miami's campus for an After Dark and Program Board sponsored party.

Recommendation:

Discussion: This request is for the After Dark and Program Board organization's 'Party on the Patio' at the Shriver Center on Miami's campus.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

RESOLUTION NO.

A RESOLUTION AUTHORIZING A TEMPORARY ABATEMENT OF THE NOISE ORDINANCE NO. 2550, SECTION 509.09, ON FRIDAY, SEPTEMBER 12, 2008, FROM 10:00 P.M. TO 2:00 A.M. ON THE PATIO AT THE SHRIVER CENTER ON MIAMI'S CAMPUS FOR AN AFTER DARK AND PROGRAM BOARD SPONSORED PARTY.

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

SECTION 1: The City Manager and Police Chief recommend a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, for an After Dark and Program Board sponsored party on Friday, September 12, 2008, from 10:00 P.M. to 2:00 A.M. on the patio at the Shriver Center on Miami's campus in accordance with the provision in the Noise Ordinance No. 2550, Section 509.11 Exceptions to Noise Restrictions, Section G: "Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the City of Oxford, Ohio."

SECTION 2: Council having reviewed the recommendation and finding this to be a community event hereby authorizes the City Manager to issue a temporary abatement of the Noise Ordinance.

SECTION 3: The City Manager is hereby authorized to approve a temporary abatement of the Noise Ordinance No. 2550 Section 509.09 for an After Dark and Program Board sponsored party on Friday, September 12, 2008, from 10:00 P.M. to 2:00 A.M. on the patio at the Shriver Center on Miami's campus.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD
NOISE ABATEMENT APPLICATION

EVENT INFORMATION:

DATE REQUESTED FOR NOISE ABATEMENT :

September 12 2008

FROM: 10 ^{a.m.} ~~p.m.~~ TO: 2 ^{a.m.} ~~p.m.~~

ACTIVITY/EVENT TO BE UNDERTAKEN:

Party on the Patio

LOCATION (attach copies of paperwork showing approval to use site):

Shriver Back Patio

NUMBER OF PEOPLE EXPECTED TO ATTEND: 1000-1500

OPEN TO PUBLIC
ALCOHOL AVAILABLE

YES
YES

NO
NO

TYPE OF SOUND EQUIPMENT TO BE USED:

Tri-tech light & Sound

SOUND MONITORING PLANS (including person in charge of this process):

Pre-event mailing, monitors driving around campus

APPLICANT ORGANIZATION INFORMATION:

NAME OF ORGANIZATION:

Program Board : ~~After Dark~~ After Dark

ADDRESS:

356 Shriver Center

Is this a registered student organization at Miami University? yes

INDIVIDUAL INFORMATION (RESPONSIBLE PARTY, MUST BE OVER 18 yrs.):

NAME OF CONTACT PERSON:

JS Bragg

ADDRESS:

356 Shriver Center

TEL. #:

513.529.7127

What is the contact person's relation to the organization (title, etc.)?

Asst. Director of Student Activities; Leadership Advisor

ATTACH EXTRA PAGES IF THE SPACE PROVIDED ABOVE IS INSUFFICIENT
AND ATTACH ANY SUPPLEMENTAL DOCUMENTATION THAT MAY BE OF
RELEVANCE.

I have read and understand the rules, conditions and laws applicable to the
waiver of the noise ordinances, and understand that acceptance of them is a
condition of approval. I hereby certify that the event/activity, which is
the subject of this application will be open to the public and alcohol free.

Applicant's signature

[Signature]

Date:

7-3-8