

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meetings of: July 18, 2017

Account Code #: 143.490.64701

Budgeted Amount: \$5,613,132

Service Department  
**Originating Department**

Michael Dreisbach, Service Director  
**Prepared By**

July 6, 2017  
**Date Prepared**

**Agenda Title: Award of Construction Contract with Kramer & Feldman, Inc. for Renovation of Structure at 15 S. College Ave. for Administrative Offices**

**Recommendation: Approve**

### Discussion:

The 2017 Capital Improvement Budget (Municipal Facilities Capital Improvement Fund) includes \$5,613,132 for the renovation of structures to accommodate City offices. The City has been working with CR Architects to develop plans and specifications for the renovation of two buildings to provide office space for City Administration and for an expanded Police Station. Renovations at the former Lane Library (15 S. College Ave.) will provide space for the Office of the City Manager, including the Clerk of Council, and the following Departments: Finance, Economic Development, Community Development, Human Resources, and Public Services. Renovations to the current Municipal Building (101 E. High St.) will provide space for the Division of Police.

The projects will be divided into three phases. Phase one consists of renovating 15 S. College Ave. Once this is complete, the City administrative offices (except Police) will relocate to the renovated space. This will allow Phase Two to begin – the renovation of the first and second floors of the existing Municipal Building. Once this space is complete, Police operations will move into the renovated space allowing for Phase Three – the renovation of the existing Police Station. The City has received approvals from the Historic & Architectural Preservation Commission (HAPC) for both projects. Building plans are now being reviewed by the NIC plans examiner so that building permits may be issued. The City has conducted an analysis of asbestos containing materials for both buildings; remediation of asbestos is included in the base bids for both projects.

Major features and improvements for the former Lane building include the addition of several windows, along with one additional skylight, to increase the natural light entering the building. Conference rooms will include glass walls adjacent to hallways to transmit as much natural light into the building's core as possible. All plumbing, mechanical (including heating and cooling), and electrical systems will be replaced with modern energy efficient systems. Where possible, existing shelving will be re-used in the new facility (including space saving high density shelving with flexible aisles.)

The City developed plans and specifications for the project(s) and advertised extensively for bidders in *The Journal News* and multiple plan / project clearinghouses including Allied Construction, Builders Exchange, iSqFt Plan Room, and McGraw Hill (aka Dodge planroom). Bids were opened and publicly read at 10:30 am on June 1, 2017 with the following results:

**Approved By:**

Department Head:

Initial Date  
MBD \ 7/7/17

City Manager:

DRE \ 7/14/17

| <u>Company</u>         | <u>Base Bid</u> | <u>Alt. 2</u> | <u>Alt. 3</u> | <u>Total with Alternates</u> |
|------------------------|-----------------|---------------|---------------|------------------------------|
| Kramer & Feldman, Inc. | \$2,411,513     | \$117,931     | \$129,228     | \$2,658,672                  |
| Empire Building Co.    | \$2,599,000     | \$121,000     | \$138,000     | \$2,858,000                  |
| Graybach, LLC          | \$2,700,000     | \$114,000     | \$115,000     | \$2,929,000                  |

For this bid, **alternate number two** includes a total roof replacement for the Lane structure, and **alternate number three** includes the addition of an emergency generator and automatic transfer switch. The City also obtained bids for the renovation of the existing Municipal Building at 101 E. High St, however, the bids for that project were all significantly higher than our architects' estimate. There was an additional submittal from D.A.G. Construction Co, Inc. that ultimately was withdrawn due to irregularities in pricing between the two separate building projects contained in the bid. Both CR Architects and the City have reviewed references and past projects constructed by Kramer & Feldman, Inc. They come highly rated and should be an excellent contractor for the Lane renovation project.

It is important to note that this construction contract is for renovation of the former Lane building ONLY. The City will re-bid renovations for the existing Municipal Building in the next few months. There are several items that are not in this building contract that must be considered and funded separately including a fiber optic cable between the two buildings in the project, natural gas main connections with Glenwood Energy, office furnishings not included in the plan, professional moving services for relocation during phases of construction, access control, security systems and cameras, restoration of elevator operation at the former Lane building, and parking lot & landscape improvements.

It is Staff's recommendation that City Council authorize the City Manager to enter into an agreement with Kramer & Feldman, Inc. for the renovation of the structure at 15 S. College Ave., including the base bid and alternates #2 and #3, at a cost of \$2,658,672. Staff is also requesting a 10% contingency for this project in the amount of \$265,867; therefore the total amount not to exceed for this contract is \$2,924,539.

**RESOLUTION NO.**

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KRAMER & FELDMAN, INC. FOR THE RENOVATION OF THE STRUCTURE AT 15 S. COLLEGE AVENUE INCLUDING THE BASE BID AND ALTERNATES NUMBER 2 AND NUMBER 3 AT A COST OF \$2,658,672.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$265,867.00 FOR A TOTAL COST NOT TO EXCEED \$2,924,539.00.

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

SECTION 1: The City advertised for bids in the *Journal News* and with multiple plan/project clearinghouses. Four (4) sealed bids were opened and publicly read on June 1, 2017. The best and lowest bid was provided by Kramer & Feldman, Inc. in the amount of \$2,658,672.00.

SECTION 2: The City Manager and the Service Director recommend Council accept the bid of Kramer & Feldman, Inc. for the renovation of the structure at 15 S. College Avenue including the base bid and Alternates Number 2 and Number 3 at a cost of \$2,658,672.00 plus a contingency amount of ten percent (10%) of the contract price or \$265,867.00 for a total cost not to exceed \$2,924,539.00.

SECTION 3: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of Kramer & Feldman, Inc. for the renovation of the structure at 15 S. College Avenue including the base bid and Alternates Number 2 and Number 3 at a cost of \$2,658,672.00 plus a contingency amount of ten percent (10%) of the contract price or \$265,867.00 for a total cost not to exceed \$2,924,539.00.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Kramer & Feldman, Inc. for the renovation of the structure at 15 S. College Avenue including the base bid and Alternates Number 2 and Number 3 at a cost of \$2,658,672.00 plus a contingency amount of ten percent (10%) of the contract price or \$265,867.00 for a total cost not to exceed \$2,924,539.00.

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

\_\_\_\_\_  
MAYOR

ADOPTED:  
ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: KATE ROUSMANIERE  
PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: July 18 and August 1, 2017

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service

**Originating Department**

Michael Dreisbach

**Prepared By**

July 6, 2017

**Date Prepared**

**Agenda Title:** An Ordinance Authorizing Modifications to the *City of Oxford Stormwater Management Design Manual*.

**Recommendation:** Approve

**Discussion:** Oxford Codified Ordinance Section 400 requires design controls to ensure stormwater from developed areas does not have an adverse effect on natural resources and the environment. Section 135.01 created an Environmental Commission whose purpose, in part, is water resource management including a stormwater control program. The City has had a stormwater management design manual in place since the 1990's.

Service Department staff and the Environmental Commission have completed a review of the *Stormwater Management Design Manual* and have made modifications to clarify various requirements of the manual and also to simplify the language of the manual where possible. A new chapter, Chapter 4, has been added representing Best Management Practices (BMP's) in stormwater management. This chapter describes methods that will prevent or minimize stormwater impact through comprehensive planning and development techniques.

The most substantial changes in the *Stormwater Management Design Manual* include rules to reflect modern standards associated with the USEPA's National Pollutant Discharge Elimination System (NPDES) and incorporating our desire to not only manage stormwater flow, but also to encourage the appropriate reuse of stormwater for beneficial purposes including groundwater recharge.

This manual, through the use of structural BMP's (such as infiltration trenches, organic filters, and rain gardens), non-structural BMP's (such as conservation development and setback limits for sensitive areas), offers engineers and designers flexibility in their plans to achieve City goals while recognizing a variety of different environmental factors.

**Approved By:**

Department Head:

City Manager:

Initial

Date

WBD

7/7/17

DRE

7/14/17

**ORDINANCE NO.**

AN ORDINANCE ADOPTING A NEW CITY OF OXFORD STORMWATER MANAGEMENT DESIGN MANUAL.

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

SECTION 1: The City Manager and the Service Director recommend a new City of Oxford Stormwater Management Design Manual be adopted to provide necessary updates and clarifications within the manual.

SECTION 2: Council accepts the recommendation of the City Manager and the Service Director and hereby adopts a new City of Oxford Stormwater Management Design Manual as set forth on Exhibit "A" attached hereto and incorporated herein by reference to provide necessary updates and clarifications within the manual.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

Report to City Manager

Finance  
Originating Department

Council Meeting Of : 7/18/2017

Account Code No. : see below

Joe Newlin

Prepared By

Budgeted Amount :

7/11/2017

Date Prepared

|                                                  |
|--------------------------------------------------|
| <b>Agenda Title:</b> 2017 Supplemental Budget #6 |
|--------------------------------------------------|

|                                |
|--------------------------------|
| <b>Recommendation:</b> Approve |
|--------------------------------|

**Issue 1**

To make adjustment to amended budget for flashing light signalization by Kramer and reimbursement from School District

Action Needed:

Revenue Side

|               |          |                                    |
|---------------|----------|------------------------------------|
| General (110) | 7,750.00 | Reimbursement from School District |
|---------------|----------|------------------------------------|

Expense Side

|               |           |                                            |
|---------------|-----------|--------------------------------------------|
| General (110) | 10,875.00 | Additional appropriation for signalization |
|---------------|-----------|--------------------------------------------|

|                                                       |            |
|-------------------------------------------------------|------------|
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (3,125.00) |
|-------------------------------------------------------|------------|

**Issue 2**

To make adjustment to amended budget for 2017-2018 Priority One Grant from Ohio Department of Public Safety

Action Needed:

Revenue Side

|                  |          |                    |
|------------------|----------|--------------------|
| Life Squad (210) | 4,225.00 | Priority One Grant |
|------------------|----------|--------------------|

Expense Side

|                  |          |                                                    |
|------------------|----------|----------------------------------------------------|
| Life Squad (210) | 4,225.00 | Additional appropriation for equipment or training |
|------------------|----------|----------------------------------------------------|

|                                                       |   |
|-------------------------------------------------------|---|
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | - |
|-------------------------------------------------------|---|

**Issue 3**

To make adjustment to amended budget for contract with Management Partners for an evaluation of options for the City of Oxford to hear minor criminal cases for the City

Action Needed:

Revenue Side

|               |   |     |
|---------------|---|-----|
| General (110) | - | N/A |
|---------------|---|-----|

Expense Side

|               |           |                                                       |
|---------------|-----------|-------------------------------------------------------|
| General (110) | 23,880.00 | Additional appropriation for court evaluating options |
|---------------|-----------|-------------------------------------------------------|

|                                                       |             |
|-------------------------------------------------------|-------------|
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (23,880.00) |
|-------------------------------------------------------|-------------|

**Issue 4**

To make adjustment to amended budget for contract with Data Management Inc. for TimeClock Plus timeclock for hardware

& software and wireless connections at Oxford Community Park and Pool original budget \$26,000  
Data management Inc - \$34,439, wireless connection & contingencies - \$5,716 Total \$40,155

Action Needed:

Revenue Side

General (110) - N/A

Expense Side

|                                    |          |                                                 |
|------------------------------------|----------|-------------------------------------------------|
| Capital Equipment (140)            | 7,863.00 | Additional appropriation for timeclock solution |
| Water Capital Equipment (320)      | 3,146.00 | Additional appropriation for timeclock solution |
| Wastewater Capital Equipment (330) | 3,146.00 | Additional appropriation for timeclock solution |

|                                                       |             |
|-------------------------------------------------------|-------------|
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (14,155.00) |
|-------------------------------------------------------|-------------|

|                                                             |             |
|-------------------------------------------------------------|-------------|
| Total Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (41,160.00) |
|-------------------------------------------------------------|-------------|

Breakdown by Fund

|                                    |             |
|------------------------------------|-------------|
| General (110)                      | (27,005.00) |
| Capital Equipment (140)            | (7,863.00)  |
| Life Squad (210)                   | -           |
| Water Capital Equipment (320)      | (3,146.00)  |
| Wastewater Capital Equipment (330) | (3,146.00)  |

|                                                       |             |
|-------------------------------------------------------|-------------|
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (41,160.00) |
|-------------------------------------------------------|-------------|

Approved By:

Department Head:

City Manager:

|            |                |
|------------|----------------|
| Initials   | Date           |
| <u>DRF</u> | <u>7/14/17</u> |

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3381. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 6 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2017.

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

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

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

|                     |          |
|---------------------|----------|
| General Fund 110    | 7,750.00 |
| Life Squad Fund 210 | 4,225.00 |

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

|                                       |           |
|---------------------------------------|-----------|
| General Fund 110                      | 10,875.00 |
| Life Squad Fund 210                   | 4,225.00  |
| General Fund 110                      | 23,880.00 |
| Capital Equipment Fund 140            | 7,863.00  |
| Water Capital Equipment Fund 320      | 3,146.00  |
| Wastewater Capital Equipment Fund 330 | 3,146.00  |

SECTION 4: In all other respects, Ordinance No. 3381 shall remain in full force and effect.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council  
**Originating Department**

**Council Meeting Of:** July 18, 2017

Mary Ann Eaton  
**Prepared By**

**Account Code No. #:** N/A

**Budgeted Amount:** N/A

June 27, 2017  
**Date Prepared**

**Agenda Title:** Legislative Authority Notice - Transfer from Siddhartha Inc. DBA U Shop 1st Floor Front Unit & Basement only 21 E. High Street Oxford Ohio 45056 to AKSD LLC DBA U Shop 1<sup>st</sup> Floor Front Unit & Basement only 21 E. High Street Oxford Ohio 45056.

**Recommendation:** N/A

**Discussion:**

The permit is for:

- C1 Beer only in original sealed container for carry out only.
- C2 Wine and mixed beverages in sealed containers for carry out only.
- D6 Sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. or 11:00 a.m. and midnight.

This transfer will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

**Approved By:**

Department Head:  
City Manager:

Initial Date

DKE \ 7/14/17

NOTICE TO LEGISLATIVE  
AUTHORITY

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

TO

|                |     |      |                               |
|----------------|-----|------|-------------------------------|
| 0084206        |     | TRFO | AKSD LLC                      |
| PERMIT NUMBER  |     | TYPE | DBA U SHOP                    |
| 06             | 01  | 2017 | 1ST FL FRONT UNIT & BSMT ONLY |
| ISSUE DATE     |     |      | 21 E HIGH ST                  |
| 06             | 16  | 2017 | OXFORD OHIO 45056             |
| FILING DATE    |     |      |                               |
| C1             | C2  | D6   |                               |
| PERMIT CLASSES |     |      |                               |
| 09             | 088 | A    | F18683                        |
| TAX DISTRICT   |     |      | RECEIPT NO.                   |

FROM 06/20/2017

|                |     |      |                               |
|----------------|-----|------|-------------------------------|
| 8125783        |     |      | SIDDHARTHA INC                |
| PERMIT NUMBER  |     | TYPE | DBA U SHOP                    |
| 06             | 01  | 2017 | 1ST FL FRONT UNIT & BSMT ONLY |
| ISSUE DATE     |     |      | 21 E HIGH ST                  |
| 06             | 16  | 2017 | OXFORD OHIO 45056             |
| FILING DATE    |     |      |                               |
| C1             | C2  | D6   |                               |
| PERMIT CLASSES |     |      |                               |
| 09             | 088 |      |                               |
| TAX DISTRICT   |     |      | RECEIPT NO.                   |



MAILED 06/20/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 07/21/2017

**IMPORTANT NOTICE**

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

REFER TO THIS NUMBER IN ALL INQUIRIES

**A TRFO 0084206**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

SOCIAL SECURITY HOLDER CROSS REFERENCE  
DISPLAY

PGECE

| SSN                                                                              | PERMIT NBR | EFF DATE      | NAME                   |
|----------------------------------------------------------------------------------|------------|---------------|------------------------|
|                                                                                  |            | TYPE BUSINESS | OFFICE                 |
|  | 0084206    | 06/16/2017    | KARRA AMARENDER<br>LLC |

ENTER NEXT PERMIT NUMBER TO BE PROCESSED

PA2-KEY = END SESSION,      CLEAR-KEY = END OPTION,      ENTER-KEY = TO CONTINUE

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation  
**Originating Department**

Council Meeting Of: July 18, 2017

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: July 6, 2017

**Agenda Title:** Recreation Advisory Board Meeting, 6/29/17

**Recommendation:** Approve

**Attendance:** Members: Ken Bogard, Craig Bennett, Kevin Ackley

Liaisons: Casey Wooddell, City Staff; Edna Southard, City Council, Deanna Barbour, Minutes

Guest: Hollie Bonewit-Cron, Head Swimming and Diving Coach, Miami University

### **Discussion:**

Recreation Advisory Board (RAB) met Thursday, June 29, 2017 at the Oxford Seniors Center. Main topic of conversation for this meeting was the potential fundraising campaign to raise funds for the new family aquatic center.

Mr. Wooddell provided attendees with an updated concept sketch provided by Brandstetter-Carroll. Members discussed the updates and provided feedback and suggestions on the new concept design. Discussion centered mostly on parking, facility orientation in regards to the sun, size of the proposed competition pool and the need, or lack thereof, of certain aspects of the new design.

Board members discussed the pros and cons of the size options for the competition pool. Some pools are 25 yards/meters in length, while others are 50 yards/meters. Members discussed if there was a potential ROI in the cost of a larger pool, including economic impact to the City of potential summer swim meets with a larger facility. Discussion also centered around the need for 8 lanes or 10 lanes in the new facility, and whether or not the city could provide enough staff to guard a larger facility.

In regards to a fundraising campaign, RAB members discussed the reasons why a new pool is necessary, and what benefits it will provide. The current pool is over 44 years old and requires significant maintenance costs prior to opening each year. It also leaks an extensive amount of water on a daily basis. A new facility would not require such costs each season.

A new facility would also promote health, wellness and an active lifestyle. Aquatic centers are facilities for patrons of all ages to utilize and engage in physical activity, and would allow for increased programming opportunities such as water aerobics, water resistance courses, aqua-zumba and enhanced swim instructions. The current facility has very restricted times in which swim instructions can be provided, due to the small size of the facility and short window of time each day between swim team practice and public swim time. A larger facility would allow for increased flexibility, and provide an opportunity to teach swim lessons to a greater number of customers of all ages, not just youth.

Next, RAB members discussed the purpose of hosting a fundraising campaign. RAB members are working to discover if we want to simply offset city costs, increase the amenities offered at the new facility, or to create community involvement. RAB members are looking to create a campaign, in partnership with the Oxford Community Foundation, which will allow individuals and organizations to donate towards the new facility in a variety of methods and to receive recognition for doing such. Potential fundraising items may range from simple brick pavers to facility naming rights depending on the amount of the donation. *Note: City Council approval is still needed to move forward with any type of official agreement with the Oxford Community Foundation.*

Lastly, RAB members discussed the impact the new facility's location will have on the current summer camp directed by Oxford Parks and Recreation. The summer camp of approximately 50 youth per day utilize the pool as part of their daily routine, but moving the pool to the Oxford Community Park will have a severe impact on that ability. OPRD could elect to move the entire camp to the community park, but this would require adding a facility large enough to hold 50+ children in the event of inclement weather. Another option would be for OPRD to purchase a bus to transport children to the park on a daily basis for swimming. These options will be discussed more as the project progresses.

Next meeting date: TBD

Meeting adjourned 5:30pm.

Approved By:

Initial Date

Department Head:

CDW \ 7/10/17

City Manager:

DRE \ 7/14/17

A Work Session of the Oxford City Council was called to order by Mayor Kate Rousmaniere on Tuesday, July 20, 2017 at 6:30 p.m. Council members present were, Steve Dana, Glenn Ellerbe, Kevin McKeehan, Mike Smith and Edna Southard. Bob Blackburn was excused.

Staff members present: Doug Elliott, City Manager; John Jones, Police Chief; Jung-Han Chen, Community Development Director; Alan Kyger, Economic Development Director; Steve McHugh, Law Director and Kim Newton, Acting Clerk of Council.

Miami University staff members present: Mike Curme, Dean of Students and Rebecca Baudry Young, Director of Student Wellness.

### **APPROVAL OF AGENDA**

Mr. McKeehan moved to approve the Agenda. Mr. Smith seconded. The motion carried 6-0-0.

### **PURPOSE**

The purpose of the Work Session was for Council to receive an update from members of the Miami University Alcohol Coordinating Committee regarding their efforts to combat high risk alcohol consumption and large, off-campus house parties.

### **DISCUSSION**

Mr. Curme and Ms. Baudry Young provided an update on the “Good Neighbor Policy” and reviewed and discussed the 2016-2017 citation summary for litter, noise and nuisance party citations issued to students. Other discussion included, extending the Thursday night concerts in the uptown park through September; the “Alcohol Responsibility Program”, which is a pilot program that works with permit holders to train and educate their staff regarding underage drinking, identifying sexual assault, intoxication, etc.; and increasing “noise” and “litter” fines and making them all civil citations.

### **ADJOURNMENT**

Mr. Dana moved to adjourn at 6:59 p.m. Mr. McKeehan seconded. The motion carried 6-0-0.

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

*Police*

Originating Department

Council Meeting Of: July 18, 2017

*John A. Jones*

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 6, 2017

Date Prepared

**Agenda Title:** An Ordinance amending Oxford Codified Ordinance Section 507.02 Police Civil Citation Fine to change the fine structure for civil offenses.

**Recommendation:** Approve

**Discussion:** In 2009 City Council adopted Chapter 507 of the Codified Ordinances entitled Police and Fire Civil Citations. This ordinance established a procedure for enforcement of several sections of the Oxford Codified Ordinances using a civil citation instead of a criminal citation that is processed through the Butler County Area One Court. The original fine structure is still the current fine structure and an increase in the penalty is warranted. Increasing fines for quality of life violations, which fall under the civil offense ordinance, has been discussed and supported by the Off-campus Workgroup of the Alcohol Coordinating Committee at Miami University. Recent additions to the list of violations also require a different fine structure for more serious offenses.

The Police Division requests that the fine structure for Police Civil Citations be as follows:

For violations of Sections:

509.13 Nuisance Party Regulations

921.42 Tampering with water system

921.43 Unlawful hydrant use or connections

We recommend the following fine structure:

| Initial Civil Fine | If Delinquent | If Sent for Collection |
|--------------------|---------------|------------------------|
| (500)              | (1000)        | (1250)                 |

For all other Police Civil Citations, we recommend the following fine structure:

| Initial Civil Fine | If Delinquent | If Sent for Collection |
|--------------------|---------------|------------------------|
| (150)              | (300)         | (450)                  |

Approved By:

Department Head:

City Manager:

Initial Date

*J.A.* \ 7-6-14  
*DRE* \ 7/14/17

**ORDINANCE NO.**

AN ORDINANCE REPEALING CURRENT SECTION 507.02 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATION FINE, AND ADOPTING NEW SECTION 507.02 OF THE OXFORD CODE OF ORDINANCES ENTITLED POLICE CIVIL CITATION FINE.

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

SECTION 1: Council hereby finds that it is necessary to repeal Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine and adopt new Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine. It is the legislative determination of this Council that it is in the best interest of the City of Oxford to update the fines that are owed for a police civil citation.

SECTION 2: Council hereby repeals Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine, and adopts new Section 507.02 of the Oxford Code of Ordinances entitled Police Civil Citation Fine attached hereto and incorporated herein as Exhibit "A". Deletions are struck through and additions are bolded.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

## EXHIBIT “A”

### 507.02 POLICE CIVIL CITATION FINE.

The civil fines for violations of Section 509.13 Nuisance Party Regulations, Section 921.42 Tampering, and Section 921.43 Unlawful Hydrant Use or Connections are:

| <u>Initial Civil Fine</u> | <u>If Delinquent</u> | <u>If Sent for Collection</u> |
|---------------------------|----------------------|-------------------------------|
| (500)                     | (1000)               | (1250)                        |

The civil fines for the **all other** civil offenses listed in Section 507.01 are:

| <u>Initial Civil Fine</u> | <u>If Delinquent</u>  | <u>If Sent for Collection</u> |
|---------------------------|-----------------------|-------------------------------|
| ( <del>60</del> 150)      | ( <del>120</del> 300) | ( <del>180</del> 450)         |

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

# CITY OF OXFORD

## STAFF SUMMARY REPORT

### Report to the City Manager

City Council Meeting of: July 18, 2017

Account Code #: Multiple (described below)

|               |           |               |          |
|---------------|-----------|---------------|----------|
| 141.720.63149 | \$160,000 | 351.861.52340 | \$ 5,500 |
| 141.720.63164 | \$ 25,000 | 130.710.52340 | \$12,000 |
| 417.750.52340 | \$130,000 |               |          |

Service Department  
Originating Department

Michael B. Dreisbach, Service Director  
Prepared By

July 6, 2017  
Date Prepared

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

**Recommendation: Approve**

**Discussion:** The 2017 capital improvement plan includes funding (including appropriations from the TriHealth sidewalk construction donation, parking improvements and services, curb, gutter & sidewalk (CG&S) repairs, Kramer Elementary connector, stormwater management, and CG&S assessments) for the repair of defective curb, gutter, and sidewalk in advance of street pavement resurfacing. On April 18, 2017 the City Council approved **Resolution No. 5059** authorizing Staff to move forward with a special assessment project to repair defective curb, gutter, and sidewalks as defined in Exhibit "A" in the Resolution.

Staff prepared and filed plans with the City Clerk as required by ORC 729.03 and the Clerk served notice to the properties involved. The City advertised this project for bids on June 2 and 9, 2017. Only one bid was submitted which was opened and publically read on June 16, 2017. The bid was not acceptable as it exceeded the City's estimate of probable cost by more than 10%. The City re-advertised this project with an extended deadline date so that more contractors would be able to bid on this project. The advertisements ran June 23 and 30, 2017 and bids were publically opened and read aloud on July 7, 2017 with the following results:

|                         |                     |
|-------------------------|---------------------|
| <b>W. G. Stang, LLC</b> | <b>\$302,116.00</b> |
| Jackson Construction    | \$359,968.32        |
| Adleta Construction     | \$369,877.18        |

In addition to the work specified in Resolution No. 5059, the contractor will also be constructing NEW sidewalk along Morning Sun Road completing the city sidewalk network from Sycamore St. to Kelly Drive. This work is being made possible by a donation from McCulloch Hyde Memorial Hospital and TriHealth. The contractor will also be constructing a new 10' wide concrete path connecting the existing sidewalk on Miami Trail to the northern property line of Kramer Elementary School (TSD will be extending this path using school funds). The contractor will also be replacing concrete along High St. in conjunction with a parking meter post replacement project. W. G. Stang, LLC (Stang) has completed numerous public contracts with Oxford, most recently an OATS trail segment, and is in good standing with the City.

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

The lowest and best bid was provided by W.G. Stang, LLC at a cost of \$302,116.00. Staff recommends the City Council authorize the City Manager to enter into an agreement with W.G. Stang, LLC for the construction and replacement of designated curb, gutter, and sidewalk per project specifications. Staff is also requesting a ten percent contingency in the amount of \$30,211.60, therefore the contract amount not to exceed shall be **\$332,327.60**. Line appropriations listed above will be utilized to fund this contract.

**Approved By:**

Department Head:  
City Manager:

Initial      Date

MBD 7/7/17  
DRE 7/14/17

**RESOLUTION NO.**

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH W.G. STANG, LLC FOR THE CONSTRUCTION AND REPLACEMENT OF DESIGNATED CURB, GUTTER, AND SIDEWALK AT A COST OF \$302,116.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$30,211.60 FOR A TOTAL COST NOT TO EXCEED \$332,327.60.

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

SECTION 1: The City advertised for bids in the *Journal News* on June 23, 2017 and June 30, 2017. Three (3) sealed bids were opened and publicly read on July 7, 2017. The best and lowest bid was provided by W.G. Stang, LLC. in the amount of \$302,116.00.

SECTION 2: The City Manager and the Service Director recommend Council accept the bid of W.G. Stang, LLC for the construction and replacement of designated curb, gutter, and sidewalk at a cost of \$302,116.00 plus a contingency amount of ten percent (10%) of the contract price or \$30,211.60 for a total cost not to exceed \$332,327.60.

SECTION 3: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of W.G. Stang, LLC for the construction and replacement of designated curb, gutter, and sidewalk at a cost of \$302,116.00.00 plus a contingency amount of ten percent (10%) of the contract price or \$30,211.60 for a total cost not to exceed \$332,327.60.

SECTION 4: Council further authorizes the City Manager to enter into a contract with W.G. Stang, LLC. for the construction and replacement of designated curb, gutter, and sidewalk at a cost of \$302,116.00 plus a contingency amount of ten percent (10%) of the contract price or \$30,211.60 for a total cost not to exceed \$332,327.60.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: KATE ROUSMANIERE  
PREPARED BY: LAW(STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Manager

**Originating Department**

Council Meeting Of: July 18, 2017

Doug Elliott

Account Code No. #: N/A

**Prepared By**

Budgeted Amount: N/A

July 14, 2017

**Date Prepared**

**Agenda Title:** A Resolution accepting/rejecting the Fact Finder's Report and Recommendation issued by Thomas J. Nowel, Fact Finder on July 14, 2017 in the matter of the Collective Bargaining Agreement between the City of Oxford and the Oxford Patrol Officers F.O.P. Lodge 38.

**Recommendation:**

**Discussion:**

A Fact finding Hearing took place on Thursday, June 22, 2017 in Oxford. The City and Union presented their written position statements defining all unresolved issues and summarizing the position of each party with regard to each unresolved issue.

The City received the Fact Finding Report on July 14, 2017. Council will need to vote to accept or reject the report. If Council or the Union rejects the report the next step would be binding arbitration.

**Approved By:**

Department Head:

City Manager:

**Initial Date**

DRE \ 7/14/17

## RESOLUTION NO.

A RESOLUTION ACCEPTING THE FACT FINDER'S REPORT AND RECOMMENDATIONS ISSUED BY THOMAS J. NOWEL, FACT FINDER ON JULY 14, 2017 IN THE MATTER OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF OXFORD AND THE OXFORD PATROL OFFICERS F.O.P. LODGE 38.

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

SECTION 1: The City and the Oxford Patrol Officers F.O.P. Lodge 38 were unable to resolve all issues in their recent labor negotiations as a result of which the unresolved issues were submitted to fact finding.

SECTION 2: The Council of the City of Oxford accepts the Fact Finder's Report and Recommendations based upon its review thereof and the recommendation of the City Manager that it be accepted.

SECTION 3: The Fact Finder's Report and Recommendations issued by Thomas J. Nowel, Fact Finder on July 14, 2017 as set forth in Exhibit "A" attached hereto is hereby accepted.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio revised code.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**EXHIBIT "A"**

**STATE EMPLOYMENT RELATIONS BOARD**

**FACT FINDER'S REPORT  
AND  
RECOMMENDATION**

**IN THE MATTER OF:**

**CITY OF OXFORD**

**AND**

**FRATERNAL ORDER OF POLICE, LODGE NO. 38**

Case No. 2016-MED-12-1396

Patrol Officers

Before Fact Finder: Thomas J. Nowel, NAA

July 14, 2017

**PRESENTED TO:**

Daniel E. Haughey, Esq.  
Attorney for FOP Lodge No. 38  
121 W. High Street  
Oxford, Ohio 45056

Stephen M. McHugh, Esq.  
Coolidge Wall Co., LPA  
33 W. First Street, Suite 600  
Dayton, Ohio 45402

Donald M. Collins, Esq.  
State Employment Relations Board  
65 East State Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215

## INTRODUCTION

Thomas J. Nowel was appointed to serve as Fact Finder in the case as captioned on the cover page by the State Employment Relations Board on April 3, 2017 in accordance with Ohio Revised Code Section 4117.14 (C) (3). Hearing in the matter was held on June 22, 2017 at Oxford City Hall.

The fact finding case involves a bargaining unit of approximately sixteen Patrol Officers. The parties have engaged in a number of bargaining sessions and have resolved all issues with the exception of wages. The parties agreed to the issuance of the Report and Recommendation on July 14, 2017.

Those participating at hearing for the Employer included the following:

Stephen M. McHugh, Law Director

Doug Elliott, City Manager

John Jones, Police Chief

Candi Fyffe, Human Resources Director

Those participating for the Union included the following:

Daniel E. Haughey, Attorney for the Union

Matt Blauvelt, Police Officer

Peter F. Dunkin, Police Officer

## BACKGROUND

In analyzing the positions of the parties regarding the issue at impasse and then developing a recommendation, the Fact Finder is guided by the principles which are outlined in Ohio Revised Code Section 4117.14 (G) (7) (a-f) as follows.

1. Past collectively bargained agreements, if any, between the parties.

2. Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved.
3. The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, the effect of the adjustments on the normal standard of public service.
4. The lawful authority of the public employer.
5. The stipulations of the parties.
6. Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact finding, or other impasse resolution procedures in the public service or private employment.

#### ANALYSIS AND RECOMMENDATION

During the course of negotiations, the parties were successful in resolving all issues with the exception of wages. The Employer had previously concluded negotiations with the bargaining unit representing Sergeants and Lieutenants (supervisors). The parties agreed to wage increases in the supervisory unit of 4% effective January 1, 2017; 2.5% effective January 1, 2018; and 2.5% effective January 1, 2019. This bargaining unit is also represented by FOP Lodge No. 38. Employees in the Patrol Officer bargaining unit rejected the same wage offer proposing instead a financial package which would close the salary gap between Patrol Officers and Sergeants. The gap currently is in the range of 18%, and the goal of the Union is to move the gap to 15%. The Union states that the gap between Sergeants and Lieutenants is currently 15%, and the gap between patrol and supervisors in many regional Police Departments is in the

15% range, and the salary gap between patrol and supervision at the Miami University Police Department, located in Oxford, is slightly more than 7%. The Union argues further that the Patrol Officers bargaining unit agreed to a wage freeze in 2011 while a conciliator awarded a 2% increase that year for the supervisors' unit which has further exasperated the wage gap.

The Employer states that its wage proposal is generous and in line with the supervisors bargaining unit and non-union employees. In addition, the Employer has proposed no increase for employees in health insurance costs during the term of the new Agreement. This may be a significant cost factor for the Employer over the term of the new Agreement. In addition, the new Agreement will include improvements in the tuition fund, on call pay and other adjustments. The Employer argues that its wage proposal and wage schedule compare favorably regionally and state-wide based on information gathered from the State Employment Relations Board.

**PROPOSAL OF THE UNION:** The ultimate goal of the Union is to move the gap between Sergeants and Patrol to 15%. In order to move in this direction, the Union suggested a number of options, including a significant increase in shift differential. The basic proposal of the Union before the Fact Finder is a wage package which includes a 4% wage increase effective January 1, 2017; 4% wage increase effective January 1, 2018; 4% wage increase effective January 1, 2019.

**PROPOSAL OF THE EMPLOYER:** The Employer proposes the same wage package which was negotiated and approved by the bargaining unit representing Sergeants and Lieutenants. 4% effective January 1, 2017; 2.5% effective January 1, 2018; 2.5% effective January 1, 2019.

**RECOMMENDATION:** Both parties make compelling arguments regarding their wage proposals. The Employer argues the importance of internal comparables which fact finders find to be

critical factors. The Union argues the inequity which was created when it agreed to a wage freeze in 2011 while the supervisors bargaining unit was awarded a 2% increase in conciliation. The gap between Patrol Officers and supervisors was impacted and continues to be so. It is important to note that the gap between Sergeants and Lieutenants is 15%. Nevertheless, the Employer is unwilling, at this time, to establish a 15% gap in the Patrol Officers collective bargaining agreement. The Union proposed three 4% wage increases, during the term of the new Agreement, as a way to close the gap. This approach makes sense and would allow the parties to again consider the gap between Patrol Officers and Sergeants during the next negotiations. Wage increases at this level will bring Patrol Officer wages closer to the 15% gap. Based on discussions between the parties and Fact Finder, the recommendation for wages during the term of the new Agreement is as follows.

4% wage increase effective (and retroactive) January 1, 2017.

3% wage increase effective January 1, 2018.

3% wage increase effective January 1, 2019.

Appendix A of the Agreement would read as follows consistent with the recommendation.

#### Appendix A Wage Schedule

##### ALL PATROL OFFICERS WITH 36 MONTHS SERVICE IN POSITION

Patrol Officer wages will increase as follows: 4% effective January 1, 2017; 3% effective January 1, 2018; and 3% effective January 1, 2019.

| <u>Contract Year</u>                 | <u>Salary</u>    |
|--------------------------------------|------------------|
| January 1, 2017 to December 31, 2017 | \$\$,\$\$\$.\$\$ |
| January 1, 2018 to December 31, 2018 | \$\$,\$\$\$.\$\$ |
| January 1, 2019 to December 31, 2019 | \$\$,\$\$\$.\$\$ |

All remaining provisions of Appendix A remain unchanged from the 2014 collective bargaining agreement.

### CONCLUSION

The Fact Finder has reviewed the pre-hearing statements and all other facts presented by the parties in addition to the criteria enumerated in Ohio Revised Code Section 4117.14 (G) (7) (a-f). In addition to the wage recommendation contained in this Report and Recommendation, all tentative agreements reached by the parties during negotiations are incorporated herein.

Respectfully submitted and issued at Cleveland, Ohio this 14<sup>th</sup> Day of July 2017.

A handwritten signature in cursive script that reads "Thomas J. Nowel".

---

Thomas J. Nowel, NAA  
Fact Finder

# CERTIFICATE OF SERVICE

I hereby certify that, on this 14<sup>th</sup> Day of July 2017, a copy of the foregoing Report and Recommendation of the Fact Finder was served by electronic mail upon Daniel E. Haughey, Esq., representing the Fraternal Order of Police, Lodge No. 38; Stephen M. McHugh, Esq., representing the City of Oxford; and Donald M. Collins, Esq. General Counsel, State Employment Relations Board.

A handwritten signature in cursive script that reads "Thomas J. Nowel".

---

Thomas J. Nowel, NAA  
Fact Finder

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** July 18, 2017

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

June 29, 2017  
**Date Prepared:**

**Budgeted Amount:**

**PC-2017-05, PRELIMINARY PLANNED DEVELOPMENT**, Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site and Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

**Recommendation: Approval with Conditions**

**Discussion:**

The applicant is seeking a Preliminary Planned Development to build 88 units of single family dwellings in a cluster of two and three-family configurations by demolishing two existing warehouse buildings.

The proposed dwelling units are to be considered as brown stone style architecture in a neo-traditional urban pattern with little front setback. Rose Avenue is currently 50' Right-of-Way all the way to the terminus at the railroad track. This proposal seeks vacation of two segments of ROW: Rose and a north-south alley intersecting Rose Avenue. The total number of dwelling units is subject to the completion of these ROW's. Without the vacation of the right-of-way, the dwelling units will be down to 85 units, as well as impact on parking along units 77 through 88.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single-phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval.

Please note this project is an in-fill development of utilizing an abandoned lumber yard site and associated properties for residential redevelopment purposes and is to be developed with a private-street providing access to all the dwelling units with parking spaces right off this private street. There are several public right-of-ways that would need to be vacated to allow the private street to be used as planned to reach the planned number of units. It would be City Council's decision to take legislative action on those.

The site is very challenging for development due to its accessibility to major roadways, and the shape of the site also poses development challenges with an additional development pattern. By taking the planned development approach, the developer/architect could ask for dimensional requirements waived by the Planning Commission, given the challenge of the site configuration.

The Planning Commission reviewed this application and deliberated their considerations in two separate meetings. On June 9, the Commission discussed at length this project and made a recommendation for Council to approve this Preliminary Planned Development with conditions as follows:

1. The Planning Commission recommends waiving the dimensional requirements of this project on lot coverage and open space coverage, as presented.
2. The vacation of the right-of-way of the existing alley and Rose Avenue must be approved by City Council prior to submitting the Final Planned Development. Any changes from the Preliminary Planned Development reviewed by the Planning Commission will be considered as a new application, unless specifically requested by the Planning Commission and/or City Council.
3. The requirements outlined in the memo from the City Engineer must be satisfied to the City Engineer. The issues are as follows:
  - a. That, a Traffic Study would be required, and
  - b. That, all private streets, curbs and gutters must be constructed as per City of Oxford Specifications, and
  - c. That, a detailed water, sanitary and storm water design and capacity must be provided to the City Engineer for approval prior to the Final Planned Development,
  - d. That, the installation of a new and/or improved sanitary sewer main must be in a recorded easement and sized and constructed to meet the City's standards/specifications, and
  - e. That, the installation of new and/or improved water mains shall also be in a recorded easement and sized and constructed to meet the City standards/specifications, and
  - f. That, the installation of a new and/or improved storm sewer must be in a recorded easement and constructed and sized to meet the City's standards/specifications,
  - g. That, a Performance Bond will be required to ensure the streets, utilities are constructed and maintained to City Standards during the construction of the development. The subject bond will be replaced by a Maintenance Bond, once the development is completed, and
  - h. That, any off-site traffic improvements related to this project, as determined by the City Engineer, after the review of the Traffic Study, shall be paid by the Developer.
4. That, a detailed landscaping plan must be provided with the Final Planned Development and is satisfactory to meet the City's regulations, and
5. That, a detailed lighting plan must be presented with the Final Planned Development and is satisfactory to meet City's Standards, and
6. That, any open space, sidewalk and private street provided in this development shall be constructed and maintained by the property owner, and
7. That, the Final Planned Development plan shall meet Chapter 1149 Parking and Site Access of the Oxford Zoning Code, and
8. That, the final buildings constructed shall match the drawings presented, and
9. That, a Cross Access easement will be agreed to with existing neighboring properties and shall be recorded in the Butler County Recorder's Office, and
10. That, there shall be parallel parking provided on Heather Lane and Rose Avenue, and
11. That perimeter setbacks shall be maintained throughout the development with the exception of Buildings 72, 73 and 74, and
12. That, a 5' sidewalk clearance shall be maintained throughout the development, and
13. That, a centralized refuse collection solution will be identified.

Approved By:

Department Head:

City Attorney:

City Manager:

ghc / 7/5/17  
DRE / 7/14/17

## ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT ON APPROXIMATELY 6.45 ACRES OF LAND FORMERLY KNOWN AS THE MIAMI VALLEY LUMBER SITE AND ASSOCIATED PROPERTIES TO ALLOW A DEVELOPMENT FOR RESIDENTIAL USE WITH CONDITIONS.

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

SECTION 1: Council hereby finds the Planning Commission held a public hearing on May 9, 2017 and on June 13, 2017, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Agent, for approval of a Preliminary Plan on approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties to allow a Planned 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 approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for approximately 6.45 acres of land formerly known as the Miami Valley Lumber site and associated properties to allow a development for residential use based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

1. Dimensional requirements with regard to lot coverage and open space coverage shall be waived.
2. A vacation of the right-of-way of the existing alley and Rose Avenue shall be approved by City Council prior to the submission of the Final Planned Development application. Any changes from the Preliminary Planned Development application reviewed by the Planning Commission shall be considered a new application, unless said changes were requested by the Planning Commission and/or City Council.
3. The requirements outlined in the May 30, 2017 memo from the City Engineer to the Community Development Department shall be met as follows:
  - a. A Traffic Study shall be required.
  - b. All private streets, curbs and gutters shall be constructed per City of Oxford specifications.
  - c. A detailed water, sanitary and storm water design and capacity shall be provided to the City Engineer for approval prior to the submission of the Final Planned Development application.

- d. The installation of new and/or improved sanitary sewer mains and water mains shall be placed in a recorded easement and sized and constructed to meet the City of Oxford standards/specifications.
  - f. A performance bond shall be required to ensure the streets and utilities are constructed and maintained to City standards during the construction of the development. The performance bond shall be replaced with a maintenance bond once the development is complete.
  - g. After review of the traffic study any off-site traffic improvements related to this project as determined by the City Engineer shall be paid by the developer.
- 4. A detailed landscaping plan shall be provided with the Final Planned Development application and shall satisfactorily meet the City's regulations.
  - 5. A detailed lighting plan shall be provided with the Final Planned Development application and shall satisfactorily meet the City's regulations.
  - 6. All open space, sidewalks and private streets provided in the development shall be constructed and maintained by the property owner.
  - 7. The Final Planned Development application shall meet the provisions of the Oxford Codified Ordinance Chapter 1149 regarding parking and site access.
  - 8. The buildings constructed shall match the drawings presented.
  - 9. A cross access easement shall be agreed to with the existing neighboring properties and shall be recorded in the Butler County Recorder's Office.
  - 10. Parallel parking shall be provided on Heather Lane and on Rose Avenue.
  - 11. Perimeter setbacks shall be maintained throughout the development with the exception of Buildings 72, 73 and 74.
  - 12. A five foot sidewalk clearance shall be maintained throughout the development.
  - 13. A centralized refuse collection solution shall be identified.

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

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

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

|                                                    |                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 18, 2017                                                                                                                                                                                                                                                                                                                                                            |
| <b><u>Case Number</u></b>                          | PC-2017-05                                                                                                                                                                                                                                                                                                                                                               |
| <b><u>Applicant Information</u></b>                | Scott Webb<br>Terry Dudley                                                                                                                                                                                                                                                                                                                                               |
| <b><u>Requested Action</u></b>                     | Preliminary Planned Development                                                                                                                                                                                                                                                                                                                                          |
| <b><u>Summary of Request</u></b>                   | Preliminary Planned Development to build 88 units of single family dwellings on approximately 6.45 acres, located at the former Miami Valley Lumber Yard site and associated adjoining properties.                                                                                                                                                                       |
| <b><u>Public Hearing Information</u></b>           | A Public Hearing took place at 118 W. High Street on May 9, 2017 (Tabled) and June 13, 2017. A Concept Review also took place with the Planning Commission in March. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017 |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 5-0-0 recommending approval with numerous conditions.                                                                                                                                                                                                                                                                                      |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission reviewed this development quite extensively. Concerns reviewed were increased traffic, Engineering concerns, open space, parking, refuse collection.                                                                                                                                                                                             |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Reports Dated May 1, 2017 and June 8, 2017</li><li>2. May 30, 2017 Engineering Department Memorandum</li><li>3. Interoffice Review Transmittal Sheets</li><li>4. Surrounding Property Owner Notifications Map</li><li>5. Letter of Agency</li><li>6. Planned Development Application</li></ol>                            |

## Memorandum

PC-2017-05

**TO:** David Prytherch, Chair  
Members of the Oxford Planning Commission

**FROM:** Jung-Han Chen  
Community Development Director

**SUBJECT:** Gaslight Avenue Preliminary PUD

**DATE:** June 8, 2017

---

Just want to provide an update to the Commission concerning the issues raised during the May Planning Commission regular meeting related to this project.

The Commission wanted to make sure that a discussion about the Right-of-Way vacation issues has begun, so the vacation request will be filed definitely at a later date, since the density of this project depends on the vacation of the Right-of-Way. The Developer and the applicant met with Service/Engineering and staff on May 24, 2017 and this was one of the topics discussed at that meeting. The City Engineer had also prepared an updated memo, dated May 30, 201, based on this meeting.

Additionally, the Commission members also commented individually about this project and had asked the applicant to consider incorporating those comments into the drawings and presentations for the coming meeting. Those were: density issue, open space, perimeter setbacks and the private street along with the perpendicular parking off the private street. The applicant may have something ready for the Commission at its June meeting, but staff has not received any revised information/drawings/narratives reflecting the concerns raised by the Commission that can be forwarded to the Commission with the packet.



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.  
City Engineer

RE: PC-2017-05; Preliminary Planned Development  
Gaslight Ave. at Stewart Square

DATE: May 30, 2017

---

This memo is intended to reflect agreements made during a meeting on May 24, 2017. It is intended to address some of the issues raised in the memo dated February 10, 2017.

In attendance were: Mike Dreisbach - Service Director  
Victor Popescu - City Engineer  
Jung-Han Chen - Community Development Department  
Jim Clawson - Developer  
Bob Champa - Developer  
Scott Webb - Architect / Consultant

The following issues were discussed and agreed upon.

- Ordinance No. 2617, Section 7, refers to conditions that had to be met so that a part of Beech Street is vacated. The Ordinance directed that the conditions for the vacations were to be accomplished within a year from the date of the Ordinance's approval. The time frame expired without the Ordinance's implementation. Thus, the Ordinance has expired. Since the vacation of Beech Street is essential to the Development, the Developer has agreed that all the conditions that will be set by the Planning Commission and the City Council, for the vacation of Beech Street, will be adhered to.
- In the February 10, 2017 memo, concern was expressed for the proposed access thru the parking area along the east side of the Hampton Hotel. The issue was discussed by the attendees, and it was agreed that traffic calming (i.e.

speed bumps) will be implemented thru the parking area. Additionally, the access will not be gated; rather it will consist of signage on each side of the entrance, identifying the Development.

- The access thru Heather Lane will be redesigned to accommodate two-way traffic. The present width of Heather Lane will be increased by approximately 14 feet. The increased in width is a result of the Developer dedicating additional land for this purpose.
- West Rose Avenue, within the existing 50 feet right-of-way, will be improved to meet City Standards. It will connect with the Development's entrance thru the vacated Beech Street.
- The need for a Traffic Study was discussed and agreed upon its need.
- The existing sanitary sewer main between College Avenue and Rose Avenue is in a questionable state (i.e. structural, capacity, etc.). This sanitary sewer has been a major concern for the City. Although it is a public utility, it is not in a recorded easement, and it is partially under an existing building that will be demolished. As part of this Development, the City will install a proper sanitary sewer, and the Developer will grant the necessary easement. Thus, guarantying a properly functioning sanitary main for the foreseeable future.
- The storm water will be discharged into the public storm sewer. During the plan development, parts of the existing storm sewer will be redesigned. The design will resolve many of the potential and existing issues related to the storm sewers integrity (i.e. structural, depth, seepage, etc.). Remaining sections of the existing storm sewer will be investigated to establish the need for repairs or replacements.

If there are questions, please contact the Engineering Division.

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**  
**Planning Commission**

**Case # PC-2017-05**

**Date – May 9, 2017**

---

**APPLICATION**

|                                 |                                                                          |
|---------------------------------|--------------------------------------------------------------------------|
| Applicant:                      | Scott Webb, Applicant/Agent/Architect                                    |
| Location:                       | Former Miami Valley Lumber Yard Site and Associated Adjoining Properties |
| Owner of Properties:            | Terry Dudley,/Prime Dudley Properties                                    |
| Action Request:                 | Preliminary Planned Development                                          |
| Current Use:                    | Vacant with abandoned buildings                                          |
| Current Zoning                  | GB-General Business (Requested to be rezoned to R-2MS)                   |
| Surrounding Existing Land Uses: | Railroad tracks, single/multi-family residences, mixed-use development   |

---

**GENERAL DESCRIPTION**

The applicant is seeking a Preliminary Planned Development to build 88 units of single family dwellings in a cluster of two and three-family configurations. The site is approximately 6.45 acres with three access points: College Avenue, Rose Avenue and Heather Lane. This development has been proposed in conjunction with a zoning map amendment to change the area zoning from GB and R-1MS to R-2MS. The site is challenging for development purposes, due to its geographical layout, as well as the visibility and accessibility from fully paved roadways.

The proposal is to demolish two existing warehouse buildings and redevelop the entire site with a total of 88 dwelling units, including open space. A majority of them would be four-bedroom and about 14 units would be two-bedroom style housing. These dwelling units are arranged in a cluster of two, three and four units based on the locations of these units.

The site will be served with three (3) access points. The College Avenue access will be totally eliminated for vehicular traffic, but accessible by foot or bike. The remaining two access points are from Heather Lane and Rose Avenue. Heather Lane is less than 10 feet, while Rose Avenue is partially developed. Details of the roadway conditions are discussed below.

The site sits out of the traffic pattern and is not easily recognizable if a person is not familiar with the location of the site. The site frontage along College Avenue is considered unusable, if not outright dangerous to cross the railroad tracks.

The proposed dwelling units are to be considered as brown stone style in a neo-traditional urban pattern with little front setback. Rose Avenue is currently 50' Right-of-Way all the way to the terminus at the railroad track. This proposal seeks vacation of two segments of ROW: Rose and a north-south alley intersecting Rose Avenue. The total number of dwelling units is subject to the completion of these ROW's. Without the vacation of the right-of-way, the dwelling units will be down to 85 units, as well as the impact on parking along units 77 through 88.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval.

## **ZONING CODE REGULATIONS**

### **§1141.04(j) Density computation:**

Residential density for PUD is based on the underlying zoning district with a 10% bonus. Since the proposed site is considered to be an R-2MS which would allow a single or a two-family dwelling, based on the size of the lot. For this analysis, the projected density would be based on the R-2MS underlying zoning to start. Given this is a Planned Development project the computation of density would be capped at 85 units.

*Findings: A total of 88 units are being proposed, which exceed the maximum number of dwelling units allowed by the Planned Development regulations.*

### **§1145.14 (3)(e)(3) A. perimeter setback for residential district**

A 25 feet perimeter setback is required that no vehicular management area or building shall be located in the perimeter setback.

*Findings: The site development proposal shows that various building encroachments take place in different locations, particularly on the eastern side of the development. On the western side of the development, parking encroaches into the required setback.*

### **§1145.12 (f) (1) Open Space**

No Planned Development proposal shall have less than 20 % open space.

*Findings: Only 13%, approximately 38,554 sq. ft. (less than one acre), in four (4) separate locations are identified as open space.*

### **§1145.12(f)(2) Residential Lot Coverage: Lot coverage for residential portion shall not exceed 40 %.**

*Findings: The proposal shows that the total lot coverage is 50.02%.*

### **§1145.12(h) Landscape and Screening**

A planned development shall satisfy all landscaping elements required by other sections of this code. Oxford Zoning Code 1149.05 requires a landscaping plan for residential uses containing more than 3 dwelling units. **§1149.05(e)(5)B.1.a. Landscaping:** B.1.a.- states that 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.

*Findings: No detailed landscaping plan has been provided for this phase of review.*

### **1151.05(a)(3)(A), (B) and (C) Permanent Signs:**

*Findings: No signage plan has been provided.*

### **1149.05(e)(5) Bike and Motorcycle Parking:**

Bike parking is required for multi-unit residential buildings. A minimum of 3 bicycle parking spaces or at least 1 bicycle space per 10 on-site vehicle parking spaces actually provided. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking space is 1 for 20 vehicle parking spaces. Covered spaces are strongly encouraged.

*Findings: No information on bike parking is provided.*

## **AGENCY REVIEWS**

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

|              |                           |
|--------------|---------------------------|
| Police:      | Returned with no comments |
| Fire:        | Returned with no comments |
| Engineering: | Comments attached         |
| Econ. Dev.   | Comments attached         |

## **STAFF ANALYSIS**

Please note this project is an in-fill development of utilizing an abandoned lumber yard site and associated properties for residential redevelopment purposes and is to be developed with a private-street providing access to all the dwelling units with parking space right off this private street. It will be City Engineer's office to determine the necessary width of this private street to adequately serve the vehicular and parking arrangement of this project. Furthermore, there are several public right-of-ways that would need to be vacated to allow the private street to be used as planned to reach the planned number of units. It would be City Council's decision to take legislative action on those. Additionally, there is also an existing underground sewer that the developer would need to work out with the Service Department in replacing this and creating the necessary easement for maintenance purposes. There are other water and sanitary issues that will also need to be worked out with the Service Department, in addition to the storm water issue that the current layout does not provide any detailed information how the future storm water would be handled.

As mentioned earlier, there is a private street being proposed, but in reality this street is functioning as an access isle for off-street parking. It may be common in a large apartment complex that a parking isle serves the purpose of maneuvering vehicles in and out of parking spaces. It is not seen in Oxford any public or private street that has this arrangement in the recent years. There will be likely traffic blockage when any vehicle is backing out from the space. This is the reason that regulations state that the maneuvering of vehicles necessary to enter or exit shall not occur on a City Street. The turning radii might also be an area of concern. There was no comment, other than the Economic Development Director, from other City staff concerning the parking arrangement, along with the "private street" traffic design. The Planning Commission may want to ask the applicant whether a different arrangement of the layout would be more appropriate to safeguard the traffic and public safety of the residents. How would parallel parking work instead of perpendicular parking? Would it provide additional "roadway" width to allow better traffic flow? Would additional width allow some buildings to not encroach into the perimeter setback? How many parking spaces will then be provided? The Planning Commission has been discussing reducing the requirements of parking spaces and this project might be something to consider given the location of this project in proximity to Chestnut Fields Parking Lot.

It is encouraging to see cooperation between adjoining property owners in providing pedestrian connection from one property to another. The proposal also calls for an entrance from Stewart Square. It may not be a recommended traffic arrangement to allow vehicles in and out of the project via a parking lot of the adjoining property, since it may become a shortcut. It could be ideal for use as an emergency purpose as the last resort, but should not be used as a daily route, as pointed by the City Engineer.

Additionally, the City Engineer also recommends that the sanitary main and storm water main to be totally replaced.

There is an encroachment of parking into the public right-of-way along W. Rose Avenue and will need to be removed. It is also unclear whether Heather Lane will be improved by the applicant in conjunction with this project to allow better access for apartments 1-8, as well as the rest of the dwelling units.

A preliminary Planned Development proposal the developer is seeking recommendation from the Planning Commission before any detailed design work can be commenced. However, there are many

design issues that cannot be adequately analyzed without some preliminary information, such as whether lot coverage satisfies the requirement, whether the right-of-way vacation can be approved by City Council.

There is no specific step that outlines where the developer should start, and the developer needs to start the process to initiate the negotiate with the City to address those different issues. This report cannot address those issued, but to review this proposal based on the specific regulations outlined in the Zoning Code related to the Planned Development.

**§1145.07 Action by Planning Commission and City Council:**

- (a) The Planning Commission shall recommend to Council, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (b) The Planning Commission shall base its recommendation and City Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and City Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purpose of this Zoning Code.
- (c) City Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

The site is very challenging for development due to its accessibility to major roadways, and the shape of the site also poses development challenges with an additional development pattern. By taking the planned development approach, the developer/architect could ask for dimensional requirements waived by the Planning Commission, given the challenge of the site configuration. There are several issues that staff identified for discussion and deliberation purposes: residential density issues, encroachment into the perimeter setback, minimum open space, as well as lot coverage.

Additionally, the Planning Commission needs to consider either requiring the project to meet Design Standards of Planned Development as outlined in Oxford Zoning Code 1145.12 or considering waiving those issues identified earlier. The Planning Commission may weigh in what impact those encroachments might cause and what benefits might arise from waiving those standards to the applicant, community at large and what the applicant offers to offset those encroachments.

**RECOMMENDATION**

The applicant is submitting a review of a Planned Development proposal for a residential in-fill development project. This proposal has many issues that will need to be worked out between the City and the applicant/owner before the project can actually occur, particularly the right-of-way vacation, water/sanitary and storm water issues. Those issues may take place in a different tract of consideration. Given that the computation of the density of this project is predicated, to a certain degree, by the vacation of certain right-of-way vacations, the recommendation from the Planning Commission needs to be clear that the vacation must be obtained within the timeframe of the validity of the Preliminary PUD.

Additionally, the Planning Commission may also stipulate various conditions for its recommendation, should the Commission feel the project warrant its positive review. The conditions may include the following, but not limited to:

1. The Planning Commission recommends waiving the dimensional requirements of this project on perimeter setbacks, lot coverage and open space coverage, as presented.
2. The vacation of the right-of-way of the existing alley and Rose Avenue must be approved by City Council prior to submitting the Final Planned Development. Any changes from the Preliminary

Planned Development reviewed by the Planning Commission will be considered as a new application, unless specifically requested by the Planning Commission and/or City Council.

3. The requirements outlined in the memo from the City Engineer must be satisfied to the City Engineer. The issues are as follows:
    - a. That, a Traffic Study would be required, and
    - b. That, all private streets, curbs and gutters must be constructed as per City of Oxford Specifications, and
    - c. That, a detailed water, sanitary and storm water design and capacity must be provided to the City Engineer for approval prior to the Final Planned Development,
    - d. That, the installation of a new and/or improved sanitary sewer main must be in a recorded easement and sized and constructed to meet the City's standards/specifications, and
    - e. That, the installation of new and/or improved water mains shall also be in a recorded easement and sized and constructed to meet the City standards/specifications, and
    - f. That, the installation of a new and/or improved storm sewer must be in a recorded easement and constructed and sized to meet the City's standards/specifications,
    - g. That, a Performance Bond will be required to ensure the streets, utilities are constructed and maintained to City Standards during the construction of the development. The subject bond will be replaced by a Maintenance Bond, once the development is completed, and
    - h. That, any off-site traffic improvements related to this project, as determined by the City Engineer, after the review of the Traffic Study, shall be paid by the Developer.
  4. That, a detailed landscaping plan must be provided with the Final Planned Development and is satisfactory to meet the City's regulations, and
  5. That, a detailed lighting plan must be presented with the Final Planned Development and is satisfactory to meet City's Standards, and
  6. That, any open space, sidewalk and private street provided in this development shall be constructed and maintained by the property owner, and
  7. That, the Final Planned Development plan shall meet Chapter 1149 Parking and Site Access of the Oxford Zoning Code.
  8. That, the final buildings constructed shall match the drawings presented.
- 

SUBMITTED

BY:

  
Jung Han Chen  
Community Development Director

DATE: May1, 2017

## GENERAL DECISION STANDARDS FOR PLANNED DEVELOPMENT

**General Decision Standards.** All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) 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.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) 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.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**(c) Additional Final Plan Decision Standards**

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: April 5, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05 PRELIMINARY PLANNED DEVELOPMENT Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site & Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

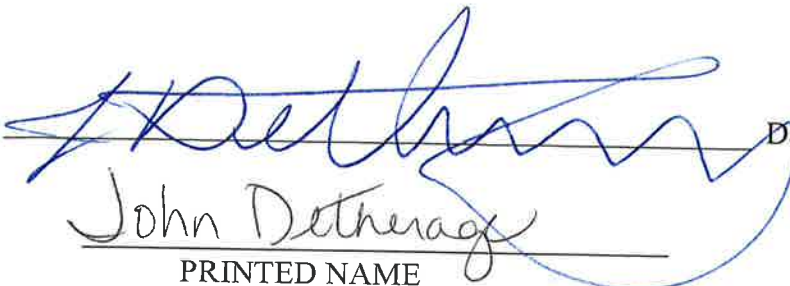
- Your earlier review comments are attached. This development when first submitted became a concept review. Since then, a revision was provided by the applicant and the attached reflects a more up-to-date plan. Please review. You may not feel you need to make changes to your previous comments.

☒ Review ☐ Revisions ☐ Other

Please return no later than: **May 2, 2017** 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:

  
John Detherage  
PRINTED NAME

Date:

4-17-17

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: April 5, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05 PRELIMINARY PLANNED DEVELOPMENT Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site & Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

- Your earlier review comments are attached. This development when first submitted became a concept review. Since then, a revision was provided by the applicant and the attached reflects a more up-to-date plan. Please review. You may not feel you need to make changes to your previous comments.

  X   Review            Revisions            Other

Please return no later than: **May 2, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned:   w/comments   without/comments

*SEE MEMO DATED 2-10-17.*

Drawings reviewed by:   *H. Popescu*   Date:   4-13-17  

  VICTOR POPESCU    
PRINTED NAME



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.  
City Engineer

RE: PC-2017-05; Preliminary Planned Development  
Gaslight Ave. at Stewart Square

DATE: February 10, 2017

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The following are our comments.

- Traffic Study would be necessary.
- Ordinance No. 2617, Section 7 refers to conditions that had to be met so that a part of Beech Street is vacated. The conditions were to be met within a year from the adoption of the subject Ordinance. The adoption date of the Ordinance was December 1, 1998. We found no evidence that the conditions were met.
- We do not concur with the proposed entrance along the east side of the Hampton Hotel. This proposed entrance is thru a parking area for the hotel.
- The conceptual plan indicates that the proposed entry along Hampton Hotel will be gated. Will the subject development be a gated community? If so, the other development entries will need to be gated.
- The conceptual plan is not clear on the proposed "expanded curb cut" on S. Main Street, as well as the intent of using Heather Lane for traffic purposes.
- All streets, public or private, within the proposed development must be constructed as per City of Oxford Specifications.

- The existing sanitary sewer main between College Avenue and Rose Avenue is in questionable state (i.e. structural, capacity, etc.). Although it is a public utility, it is not in a recorded easement, and it is partially under an existing building that will be demolished. The demolition operations may impact the already questionable state of the main. Additional sewer lateral taps may further impact the main's integrity. It is recommended that the existing main be replaced in its entirety, thus guarantying a properly functioning sanitary main for the foreseeable future. The main shall be located within a recorded easement.
- All water mains shall be located within recorded easements.
- The Fire Chief will determine the need and locations of the fire hydrants.
- Water meters are to be purchased from the City, and installed by the Developer / Contractor.
- The water main is to be looped.
- Water for each structure is to be individually metered. City of Oxford Specifications does not allow master metering.
- The water meters will be read, and billed by the City.
- Will there be irrigation (i.e. proposed park area)?
- All taps on live water mains shall be made by City Staff.
- The integrity of the storm sewer between College Avenue and S. Main Street must be established. The conceptual plan indicates that the storm sewer's material is clay. It is an old sewer and with construction activities around and over the sewer, it may need replacement or repairs in part. Additionally, the storm sewer must be in a recorded easement.
- Would all the storm water be discharged into the public storm sewer, or would there be a detention or retention pond incorporated into the design?
- Infrastructure (water, sanitary, and storm), and the streets (curb, and intermediate asphalt course) are to be constructed prior to initiating construction of the buildings.
- City Staff will inspect the construction of the infrastructure to assure that the City of Oxford Specifications are met.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: February 6, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-05, PRELIMINARY PLANNED DEVELOPMENT, 6.45 acres, GB & R1MS Districts, Former Miami Valley Lumber Site & Associated Properties, Proposed Name, Gaslight Avenue at Stewart Square, Dudley Prime Properties, LLC, Owner, Scott Webb, Applicant/Agent

X Review            Revisions            Other

Please return no later than: **March 7, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

- ① Elimination of driveway entrance at S. College Ave at RRX improves the safety in my opinion.
- ② ~~Be~~ Existing buildings are attractive nuisances and I look forward to their demolition

Drawings reviewed by:  Date: 3-6-17

JOHN A. JONES, Police Chief  
PRINTED NAME





# PC-2017-05

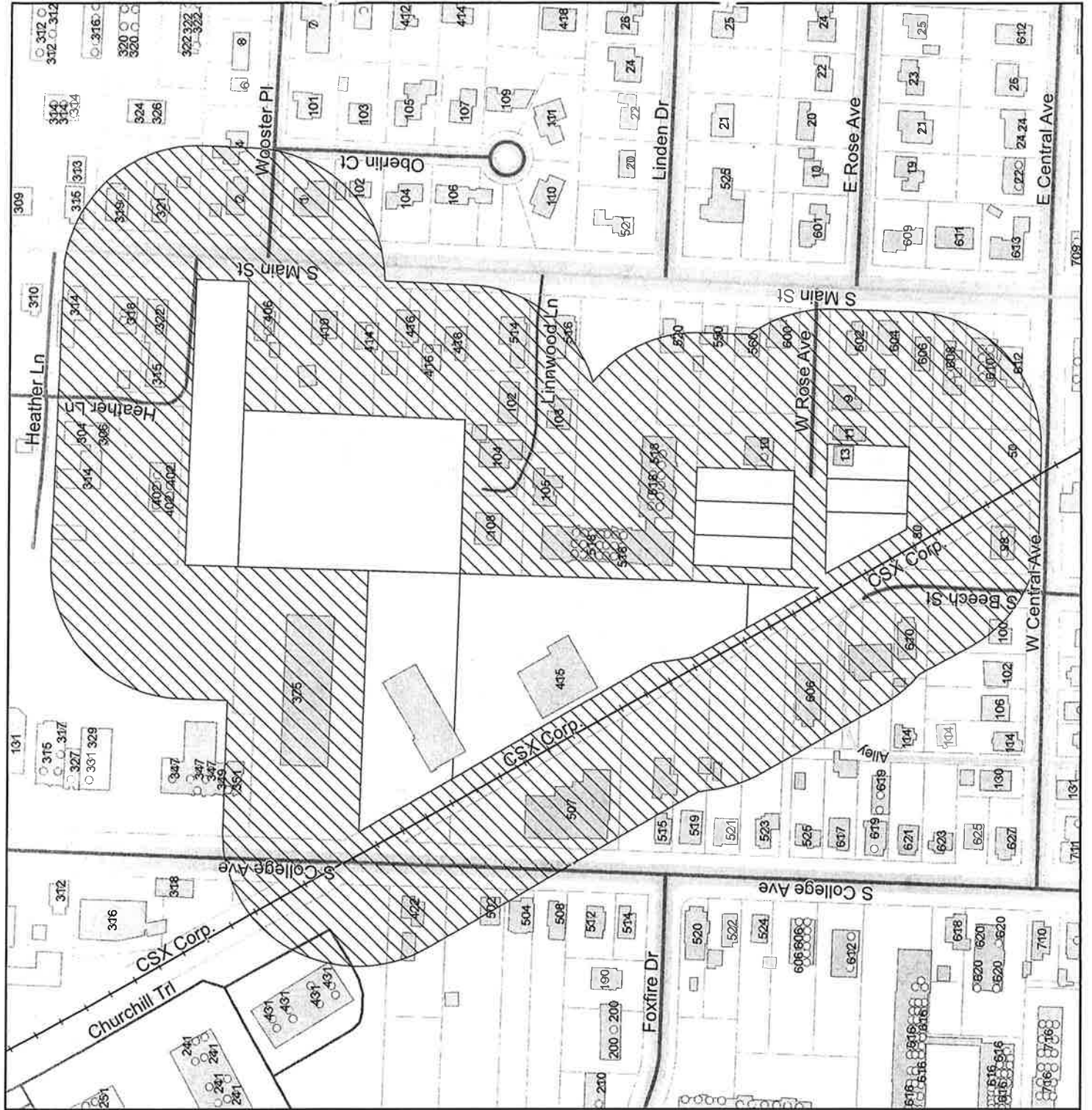
## Surrounding Property Owners Notifications Map

### Legend

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



1 inch = 200 feet



## LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford Planning Commission and act on our behalf regarding a ~~Zoning Map~~ <sup>PUD</sup> ~~Amendment~~ for our property between South College Ave. & South Main Street.

Thank-you,

Signed:

Terry Dudley

Terry Dudley

Dudley Prime Properties LLC

1-27-17

Date:



|                    |                        |
|--------------------|------------------------|
| Internal Use Only: |                        |
| Case No.           | PC-2017-05             |
| Date Filed         | 1/27/17 Concept Review |
|                    | 3/24/17 Prelim.        |

## Planned Development Application

### Application Type

Choose One

☒

Preliminary (\$400)

☐

Final (\$400)

☐

Preliminary & Final (\$400)

### Applicant Information

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

Name \*

Scott Webb, Architect

Mailing Address \*

103 West Walnut Street

City, State & Zip Code \*

Oxford, Ohio 45056

Telephone Number \*

513-523-3838

Email Address scott@scottwebbarchitect.com

### Owner Information

Name \*

Dudley Prime Properties LLC

Mailing Address \*

6744 Contreras Road

City, State & Zip Code \*

Oxford, Ohio 45056

Telephone Number \*

513-523-1800

Email Address \_\_\_\_\_

### Engineer/Surveyor Information

Name \*

Byer Becker

Mailing Address \*

110 S. College Ave.

City, State & Zip Code \*

Oxford, Ohio 45056

Telephone Number \*

513-523-4270

Email Address ettareed@bayerbecker.com

### Location and Lot Information

Name of Subdivision \*

Former Miami Valley Lumber Site and Associated Properties

Location of Property \*

South College & Main Street

Legal Description \*

See Attached

Zoning District \*

G & R1MS

Total Area \*

~~5.41~~ Acres  
6.45

### Submission Requirements and Documentation

The application requirements (Section 1145.05<sup>1</sup>) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

**Thirteen (13)** complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

## Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)<sup>2</sup> is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

## Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06<sup>1</sup>.

## Fees & Receipt

The required fee for preliminary and final is \$400.00 plus \$100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate<sup>3</sup>.

## Sign and Date

Applicant Signature \*

Date \*

1/27/16

## Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required preliminary plans containing all required information as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

### For Staff Use Only

Fee Paid Date \*

1/27/17

Receipt Number \*

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

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

<sup>3</sup> The United States Postal Service: <http://www.usps.com/>

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](http://www.scottwebbarchitect.com)

Re: Application for Residential Planned Development  
Gaslight Avenue at Stewart Square  
Former Miami Valley Lumber Site and associated properties  
Oxford Ohio

January 27, 2017

Dear Jung-Han,

Please accept this letter as a formal request for a Preliminary Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development on the Former Miami Valley Lumber Site and associated properties, located between South College Avenue and South Main Street, South of Stewart Square.

The project as presented represents a 6.45 acre Residential Planned Development in the Mile Square as a compliment to Stewart Square.

As shown on the attached drawings & renderings, the group of properties is isolated behind Stewart Square and includes both GB and R1MS properties. Spreadsheets are provided with this application describing the development potential based on the current zoning districts. Also provided is an evaluation of the property where it the R1MS portions have been "upzoned" to R3MS as has been discussed at the recent Planning Commission work sessions.

Additionally, we have provided a spreadsheet addressing the site design regulations, including occupancy, parking, lot coverage, and open space requirements. As you can see from the attached drawings, the combination of lots create an irregular shape and subsequently, an excessive amount of perimeter. Included in the spreadsheet portion of this application is a comparison of this lot with a more traditional orthogonal lot.

Also included are preliminary Site Plans, renderings, & details describing the proposed project.

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

**Property Owners:**

Terry Dudley  
56744 Contreras Road  
Oxford, Ohio 45056

**Adjacent Property Owners:**

Stewart Developers LLC  
125 West Spring Street  
Oxford, Ohio 45056

**Architect:**

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

**Surveyor:**

Bayer Becker Inc.  
110 South College Avenue  
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Deeds/Surveys of the Property will be included under a separate cover
- B. The Site currently contains (2) abandoned buildings (from the former Miami Valley Lumber Company) as well as vacant land. The site is currently accessed from South College Avenue, where it conflicts with a diagonal railroad crossing. The vacant land can also be accessed via a small parcel, adjacent to a 9.90' City Alley Right-of-Way connects to South Main Street

To the South of the project, the combination of a vacated Right-of-Way and a proposed extension to through the marginally improved Rose Avenue results in a third access point to the proposed development.

- C. The property is currently zoned GB along South College Avenue, with R1MS throughout the remainder of the area between South College and South Main Streets.
- D. Description of the Proposed Planned Development.

- 1. The Proposed Residential Planned Development designed to create a neighborhood of "Brownstone" style residential townhouses as compliment to Stewart Square.

The entrance from South College Street at the railroad crossing would be eliminated. The primary access to the new development is provided through Stewart Square along the east side of the development, extending the drive that follows from South Beech Street past the hotel. The axial view to the South is terminated with a fountain and outdoor gathering space across the proposed Gaslight Avenue.

The townhouses are combined in various configurations of 2 & 3 unit buildings, though each unit was a private entrance from the street; No common corridors or stairs are provided. While the units are nearly identical in floor plan, the street facades would vary with multiple exterior finishes, cornices, bays, and window shapes, creating a unique neighborhood reminiscent of older neighborhoods and in the style that compliments Stewart Square. Additionally, gas-styled street lamps used throughout Stewart Square will continue into this development, and was the inspiration for the name of the project.

A second entrance is proposed through a small that joins South Main Street at the northeast corner of the property. This parcel is adjacent to a 9.90' alley Right-of-way that is marginally improved. The proposal included herein describes combining this area with the Main Street parcel, creating an entrance to the development and providing improved connection to Heather Lane.

To the South of the project, the combination of a vacated Right-of-Way and a proposed extension to through the marginally improved Rose Avenue results in a third access point to the proposed development

Each entrance is provided with identification signage placed on brick walls. Sidewalks are provided throughout, and connect to both Stewart Square and South Main Street.

Active Open Space is provided with a Gazebo & picnic area to the west of the development, visible from South College Avenue. A series of pedestrian paths are

proposed connecting this park area to the sidewalks along South College, Stewart Square, the secondary "Central Park". Sidewalks continue throughout the development and connect to the City sidewalks along South Main Street.

A significant sanitary sewer line currently crosses the site without an easement. The design as presented allows this to remain through the new street & parking area.

2. No commercial development is proposed in this Planned Development. Though a portion of the land is Zoned GB, visibility and access are limited, and is not an attractive location for new businesses.
  3. Hours of operation are not relevant, as only residential uses are proposed.
  4. The project is intended to be built in a single phase.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
1. The proposed residential development is the most compatible use to the surrounding properties. Located in the center of the block and without GB street access, a higher density residential development is ideal for this location. Working with the Stewart Square Developers has created an opportunity for access from their site, allowing the elimination of the conflicted entrance to the property along South College Street with the diagonal railroad crossing. Further, the building have been designed as a compliment to Stewart Square in style and materials
  2. The existing abandoned buildings on the site are to be removed. As described above, the entire development was designed as a compliment to the adjacent Stewart Square in respectful of the other adjacent residential properties.
  3. Noise, lighting, & nuisances will be typical for a residential neighborhood.
  4. The development is designed to provide a perimeter setback where appropriate.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right. The location is appropriate for residential development, as it represents in infill project where residential is the best use, provides connectivity to streets and adjacent developments, and continues the walkability of the Mile Square
- G. The Planned Development is necessary and desirable for the neighborhood and the community, providing new housing options in the Mile Square. It reflects the current goals of Planning Commission as they look for opportunities to allow greater density within the fabric of the community for the growing University population.
- H. Preliminary investigation and work on the adjacent properties leads us to believe all public utilities are existing & adequate for the proposed development. Improvements, if required, will be part of the Final Planned Development Application.
- I. The traffic impact would not be significant. Three entry/exits are provided without creating a new "through Street" that would encourage additional commercial traffic. Pedestrian access is accounted for through new sidewalks, connecting to Stewart Square and Main Street.
- J. There are no proposed easements or covenants or restrictions on the land or existing structures. Utility easement may need to be granted for existing or proposed utilities not currently in easements.

K. Mailing addresses of adjacent property owners are attached.

L. Other pertinent information:

The proposed development aligns with the goals of the Comprehensive Plan; it provides new, diverse housing opportunities and is designed to reflect the historic guidelines of the Mile Square and the Historic District as an extension of Stewart Square.

It improves connectivity for traffic and pedestrians, with connected street & sidewalks throughout.

The project aligns with the work and goals of Planning Commission exhibited at work sessions over the past 6 months. The increasing enrollment of Miami University has put pressure on neighborhoods and vacant land on the perimeter of the City. Planning Commission has been searching for areas where density can be thoughtfully created within the City to relieve this pressure. Creative land use on vacant property in the Mile Square such as this provides an opportunity to create a new higher density neighborhood without impacting neighbors or the existing historic housing stock.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

# Gaslight Avenue at Stewart Square

## Dudley Prime Properties LLC

Revised Lot Areas from Bayer Becker Survey March 1, 2017  
Planned Development Calculations

|                               | Units                 | Bedrooms |                       |
|-------------------------------|-----------------------|----------|-----------------------|
| Proposed 4-Bedroom Townhouses | 74                    | 4        | 296                   |
| Proposed 2-Bedroom Townhouses | 14                    | 2        | 28                    |
|                               | <b>88 Total Units</b> |          | <b>324 Total Beds</b> |

### Site Development Regulations (1145.12 DESIGN)

**Parking**  
 Parking Provided 231 spaces  
 Regulation (2.5 per Dwelling Unit) 220 spaces

|                           |                     |                                  |
|---------------------------|---------------------|----------------------------------|
| <b>Lot Coverage</b>       |                     |                                  |
| Buildings                 | 52,488 s.f.         | 18.03% Building Lot Coverage     |
| Drives & Parking          | 73,533 s.f.         |                                  |
| Sidewalks-West            | 3,645 s.f.          |                                  |
| Sidewalks-East            | 11,768 s.f.         |                                  |
| Sidewalks -NW-Center      | 3,050 s.f.          |                                  |
| Sidewalks-South-Rose Ave. | 1,107 s.f.          |                                  |
| <b>Total Lot Coverage</b> | <b>145,591 s.f.</b> | <b>50.02% Total Lot Coverage</b> |
| Regulation (Max 40%)      | 116,425 s.f.        |                                  |

|                                    |                    |               |
|------------------------------------|--------------------|---------------|
| <b>Open Space</b>                  |                    |               |
| West Park Picnic Area              | 21,479 s.f.        |               |
| Central Park                       | 5,925 s.f.         |               |
| Corner Park                        | 4,320 s.f.         |               |
| Rose Ave Open Space                | 7,622 s.f.         |               |
| <b>Total Qualifying Open Space</b> | <b>39,346 s.f.</b> | <b>13.52%</b> |
| Regulation (Min 20%)               | 58,212 s.f.        |               |

**Challenges of an Irregular Lot**

|                            | Existing Lot<br>Area                                  | Comparative<br>Square Lot                       |
|----------------------------|-------------------------------------------------------|-------------------------------------------------|
| Overall Lot Area           | 291,062 s.f.                                          | 291,062 s.f.                                    |
| Buildable Area             | 197,936 s.f.                                          | 239,640 s.f.                                    |
| 25' Perimeter Setback Area | 93,126 s.f.<br>2.14 acres<br>32.00% of Lot Area       | 51,422 s.f.<br>1.18 acres<br>17.67% of Lot Area |
|                            | 81.10% More Perimeter than a Comparable<br>Square Lot |                                                 |

**Comparison of Total Open Space**

|                                |                                                                                            |                            |
|--------------------------------|--------------------------------------------------------------------------------------------|----------------------------|
| Perimeter Setback Area         | 93,126 s.f.                                                                                | 51,422 s.f.                |
| Proposed Qualifying Open Space | 39,346 s.f.                                                                                | 58,212 s.f.                |
|                                | 132,472 s.f.<br>3.04 acres<br>20.83% More Total Open Space than a Comparable<br>Square Lot | 109,634 s.f.<br>2.52 acres |

# Gaslight Avenue at Stewart Square

Dudley Prime Properties LLC

Revised Lot Areas from Bayer Becker Survey March 1, 2017

## Existing Zoning

| Lot Area                                         | Current Zoning | Lot Area            | Allowable Density Units / Lot Area | Dwelling Units | PUD Bonus                | Dwelling Units           |
|--------------------------------------------------|----------------|---------------------|------------------------------------|----------------|--------------------------|--------------------------|
| Main Parcel                                      |                |                     |                                    |                |                          |                          |
| Existing GB Areas (Miami Valley)                 | GB             | 129,247             | 1                                  | 7500           | 17.23                    | 17.23                    |
| Existing R1MS Area (Center Parcel & Heather Ln.) | R1MS           | 108,559             | 1                                  | 6000           | 18.09                    | 19.90                    |
| North Rose Ave. (3 Parcels)                      | R1MS           | 23,059              | 1                                  | 6000           | 3.84                     | 4.23                     |
| South Rose Ave.                                  | R1MS           | 17,920              | 1                                  | 6000           | 2.99                     | 3.29                     |
| <b>Total Based on Existing Lots</b>              |                | <b>278,785 s.f.</b> |                                    |                |                          | <b>44.65 Units</b>       |
| (No Vacated Right-of-Way)                        |                | <b>6.40 Acres</b>   |                                    |                |                          | <b>4 Bedrooms</b>        |
|                                                  |                |                     |                                    |                |                          | <b>178.59 Total Beds</b> |
| Vacated Rose Ave. North                          | R1MS           | 4,029               | 1                                  | 6000           | 0.67                     | 0.74                     |
| <b>Total Based on including Vacating</b>         |                | <b>282,814 s.f.</b> |                                    |                |                          | <b>45.39 Units</b>       |
| <b>North "L" of Rose Ave. Right-of-Way</b>       |                | <b>6.49 Acres</b>   |                                    |                |                          | <b>4 Bedrooms</b>        |
|                                                  |                |                     |                                    |                |                          | <b>181.55 Total Beds</b> |
| Vacated Rose Ave. Center                         | R1MS           | 8,248               | 1                                  | 6000           | 1.37                     | 1.51                     |
| <b>Total Based on including Vacating</b>         |                | <b>291,062</b>      |                                    |                |                          | <b>46.90 Units</b>       |
| <b>Center portion of Rose Ave. Right-of-Way)</b> |                | <b>6.68 Acres</b>   |                                    |                |                          | <b>4 Bedrooms</b>        |
| <b>Site Totals</b>                               |                |                     |                                    |                | <b>187.60 Total Beds</b> |                          |

# Gaslight Avenue at Stewart Square

## Dudley Prime Properties LLC

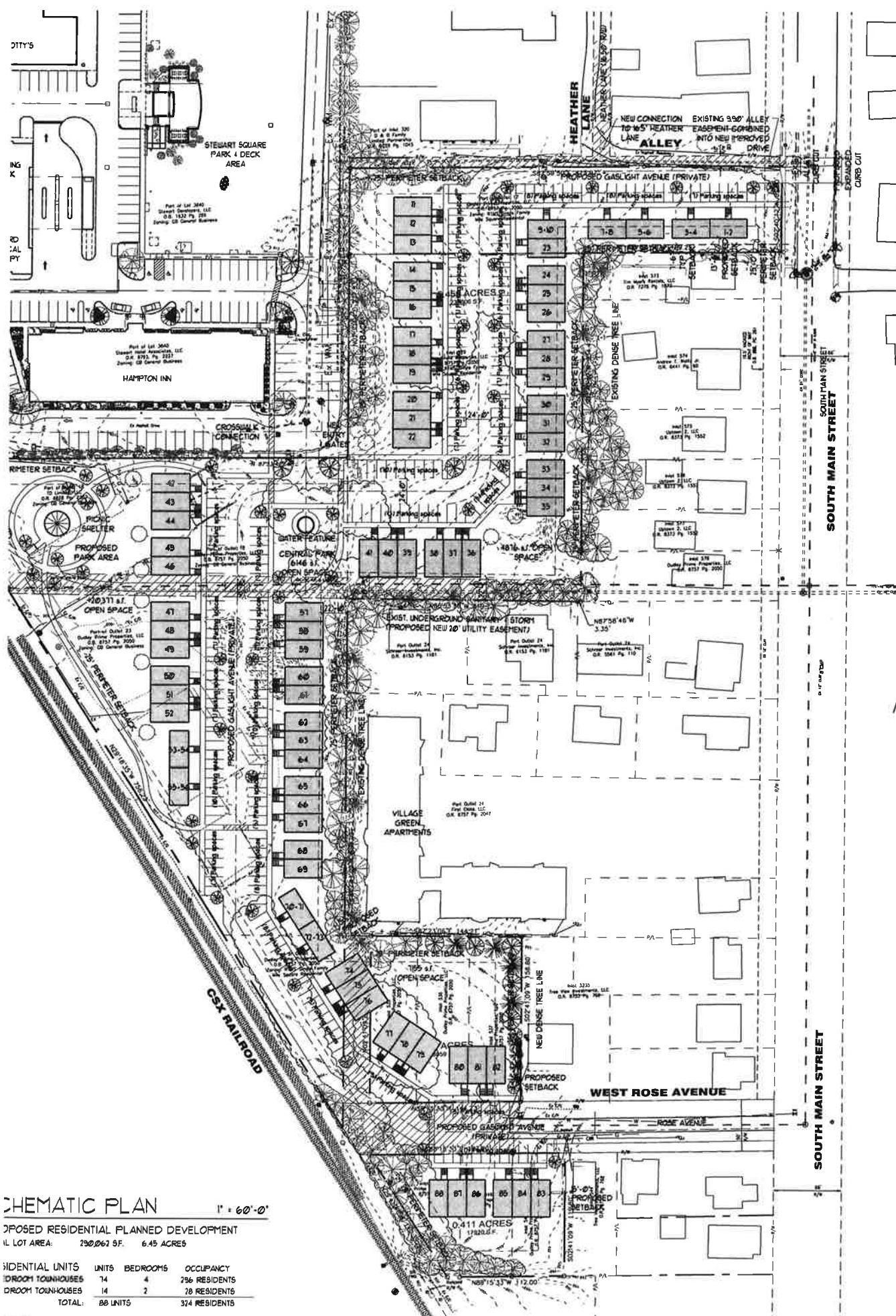
Revised Lot Areas from Bayer Becker Survey March 1, 2017

### Potential Zoning Changes

### GB & R-1 to R2MS

Based on discussions at Planning Commission Work Sessions addressing density increases in the Mile Square

| Lot Area                                                                          | Proposed Zoning | Lot Area                          | Allowable Density Units / Lot Area | Dwelling Units | PUD Bonus    | Dwelling Units                                               |
|-----------------------------------------------------------------------------------|-----------------|-----------------------------------|------------------------------------|----------------|--------------|--------------------------------------------------------------|
| Former GB Areas (Miami Valley)                                                    |                 | 129,247                           |                                    |                |              |                                                              |
| Former R1MS Area (Center Parcel & Heather Ln.)                                    |                 | 108,559                           |                                    |                |              |                                                              |
| <b>Total Northwest Parcel</b>                                                     | <b>R2MS</b>     | <b>237,806</b>                    | <b>2</b>                           | <b>7500</b>    | <b>63.41</b> | <b>110% 69.76</b>                                            |
| North Rose Ave. (3 Parcels)                                                       |                 | 23,059                            |                                    |                |              |                                                              |
| South Rose Ave.                                                                   |                 | 17,920                            |                                    |                |              |                                                              |
| <b>Total Existing Rose Ave.</b>                                                   | <b>R2MS</b>     | <b>40,979</b>                     | <b>2</b>                           | <b>7500</b>    | <b>10.93</b> | <b>110% 12.02</b>                                            |
| <b>Total Based on Existing Lots (No Vacated Right-of-Way)</b>                     |                 | <b>278,785 s.f.</b><br>6.40 Acres |                                    |                |              | <b>81.78 Units</b><br>4 Bedrooms<br><b>327.11 Total Beds</b> |
| Vacated Rose Ave. North                                                           | <b>R2MS</b>     | 4,029                             | 2                                  | 7500           | 1.07         | 110% 1.18                                                    |
| <b>Total Based on including Vacating North "L" of Rose Ave. Right-of-Way</b>      |                 | <b>282,814 s.f.</b><br>6.49 Acres |                                    |                |              | <b>82.96 Units</b><br>4 Bedrooms<br><b>331.84 Total Beds</b> |
| Vacated Rose Ave. Center                                                          | <b>R2MS</b>     | 8,248                             | 2                                  | 7500           | 2.20         | 110% 2.42                                                    |
| <b>Total Based on including Vacating Center portion of Rose Ave. Right-of-Way</b> |                 | <b>291,062</b><br>6.68 Acres      |                                    |                |              | <b>85.38 Units</b><br>4 Bedrooms<br><b>341.51 Total Beds</b> |
| Total of Area of Vacated Easements                                                |                 | 12,277 s.f.                       |                                    |                |              |                                                              |
| New 20' Utility Easement                                                          |                 | 11,085 s.f.                       |                                    |                |              |                                                              |
| (Existing Storm & Sanitary Sewer through property)                                |                 |                                   |                                    |                |              |                                                              |



**SCHEMATIC PLAN**

PROPOSED RESIDENTIAL PLANNED DEVELOPMENT

LOT AREA: 290,067 SF. 6.45 ACRES

| RESIDENTIAL UNITS | BEDROOMS        | OCCUPANCY            |
|-------------------|-----------------|----------------------|
| 14 TOWNHOUSES     | 4               | 28 RESIDENTS         |
| 14 TOWNHOUSES     | 2               | 28 RESIDENTS         |
| <b>TOTAL:</b>     | <b>66 UNITS</b> | <b>112 RESIDENTS</b> |



**SCOTT WEBB ARCHITECT**

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

**REVISIONS**

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PROPOSED PLANNED DEVELOPMENT

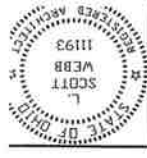
# Gaslight Avenue at Stewart Square

FORMER MIAMI VALLEY LUMBER SITE  
OXFORD, OHIO 45056

January 31, 2017



ENTRANCE FROM STEWART SQUARE



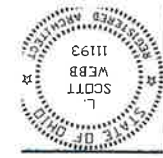
**SCOTT WEBB ARCHITECT**  
108 West Walnut Street  
Grand, Ohio 43066  
(614) 325-3836  
www.scottwebbarchitect.com

PROPOSED PLANNED DEVELOPMENT  
**Gaslight Avenue**  
at Stewart Square  
FORMER MIAMI VALLEY LUMBER SITE

|           |                  |
|-----------|------------------|
| DATE      | January 21, 2017 |
| REVISIONS |                  |
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LOOKING NORTH TOWARD STEWART SQUARE



**SCOTT WEBB**  
ARCHITECT  
102 West Walnut Street  
Oxford, Ohio 43085  
(614) 523-5338  
www.scottwebbarchitect.com

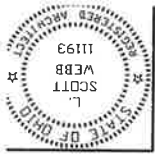
PROPOSED PLANNED DEVELOPMENT  
**Gaslight Avenue**  
at Stewart Square  
OXFORD, OHIO 43086  
FORMER MAINT VALLEY LUMBER SITE

|           |                  |
|-----------|------------------|
| DATE      | January 27, 2011 |
| REVISIONS |                  |
|           |                  |
|           |                  |

A-3



STREETSCAPE LOOKING SOUTH FROM HEATHER LANE CONNECTION



**SCOTT WEBB ARCHITECT**  
 103 West Walnut Street  
 Oxford, Ohio 45056  
 (513) 523-3838  
[www.scottwebbarchitect.com](http://www.scottwebbarchitect.com)

**Gaslight Avenue**  
 at Stewart Square  
 PROPOSED PLANNED DEVELOPMENT  
 FORMER MIAMI VALLEY LUMBER SITE  
 OXFORD, OHIO 45056

|           |                  |
|-----------|------------------|
| DATE      | January 21, 2007 |
| REVISIONS |                  |
|           |                  |
|           |                  |

A-2



VIEW FROM ABOVE

PROPOSED PLANNED DEVELOPMENT  
**Gaslight Avenue**  
 at Stewart Square  
 FORMER MIAMI VALLEY LUMBER SITE

ARCHITECT  
**SCOTT  
 WEBB**  
 103 West Walnut Street  
 Oxford, Ohio 45055  
 (513) 523-3838  
[www.scottwebbarchitect.com](http://www.scottwebbarchitect.com)



| DATE             |
|------------------|
| January 21, 2007 |
| REVISIONS        |
|                  |
|                  |
|                  |

**A-1**

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** July 18, 2017

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

June 22, 2017  
**Date Prepared:**

**PC-2017-14 Conditional Use Permit Application to allow for a daycare in a GB (General Business) District at 5500 College Corner Pike, Phil Young, Applicant**

**Recommendation: Approval**

**Discussion:**

As follow-up to a March 24, 2017 building permit application, the applicant is seeking a recommendation of approval of a conditional use for a daycare. The daycare business is to be located in an existing vacant building in the General Business District. The location is 5500 College Corner Pike (U.S. 27 North), formerly The Planning Forum office. The 1.65 acre property is bounded by a retail strip center and an undeveloped agricultural tract.

The proposed daycare at this property is permitted conditionally by the Oxford Zoning Code and presents the Planning Commission with an opportunity to recommend a viable use for this long vacant property. There would be very little, if any, nuisance to adjacent properties based upon existing conditions. Staff has expressed some concerns to the applicant regarding the safety of children walking through or along the edge of the rear parking lot during drop off. Based upon the applicant's experience at his two other daycare sites, he assured City staff that they would implement a robust safety plan that would not require modifying the parking lot design.

The Planning Commission reviewed the application and discussed issues raised by staff in their report and recommended approval to City Council in a 5-0-0 vote, with conditions as follows:

1. That, a Lot Consolidation application or Cross Access Easement is submitted within one year of City Council approval;
2. That, the Applicant works with Staff to identify a solution for additional lighting in front of the building;
3. That, the Applicant works with Staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

**Approved By:**

**Department Head:**  
**City Attorney:**  
**City Manager:**

*JHC* 6/26/17  
*DRK* 7/18/17  
*[Signature]*

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER IN AN EXISTING STRUCTURE LOCATED AT 5500 COLLEGE CORNER PIKE 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 13, 2017, for the purpose of considering the request of Phil Young, Applicant, for a conditional use permit for a day care center in an existing structure located at 5500 College Corner Pike.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application for a day care center at 5500 College Corner Pike with the following conditions:

- a) A Lot Consolidation application or Cross Access Easement shall be submitted within one year of City Council approval.
- b) The applicant shall work with staff to identify a solution for additional lighting in front of the building.
- c) The applicant shall work with staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a pre-school in an existing structure as proposed by the applicant.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

\_\_\_\_\_  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

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

|                                                    |                                                                                                                                                                                                                                                                         |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 18, 2017                                                                                                                                                                                                                                                           |
| <b><u>Case Number</u></b>                          | PC-2017-14                                                                                                                                                                                                                                                              |
| <b><u>Applicant Information</u></b>                | Phil Young, Kid Camp Learning Center, LLC<br>Zeus Apartment Buildings, Inc                                                                                                                                                                                              |
| <b><u>Requested Action</u></b>                     | Conditional Use                                                                                                                                                                                                                                                         |
| <b><u>Summary of Request</u></b>                   | To allow for a daycare in the General Business District at 5500 College Corner Pike                                                                                                                                                                                     |
| <b><u>Public Hearing Information</u></b>           | A Public Hearing took place at 118 W. High Street on June 13, 2017. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Signage was posted at the site on June 6, 2017 |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 5-0-0 recommending approval with conditions.                                                                                                                                                                                              |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission focused upon outdoor lighting on the front of the building and the existing multi-use path at the site will continue to be available and how best to direct users to the location of the path.                                                  |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report Dated June 6, 2017</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Surrounding Property Owner Notifications Map</li><li>4. Letter of Agency</li><li>5. Conditional Use Application</li></ol>          |



June 19, 2017

Mr. Phil Young  
Kid Camp Learning Center LLC  
2520 Ross Millville Road  
Hamilton, OH 45013

Dear Mr. Young:

**PC-2017-14 CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent**

On June 13, 2017, the City of Oxford Planning Commission recommended 5-0-0 to approve your request for a Conditional Use with the following conditions:

1. That, a Lot Consolidation application or Cross Access Easement is submitted within one year of City Council approval;
2. That, the Applicant works with Staff to identify a solution for additional lighting in front of the building;
3. That, the Applicant works with Staff to identify a solution for safe pedestrian access from the existing multi-use path to the building.

Oxford City Council will hold their First Reading on Tuesday, July 18, 2017 and their Second Reading on August 1, 2017 regarding this Conditional Use. These meetings will take place at 7:30 p.m. at the Oxford Courthouse.

Should you have any questions related to this action, please contact me at 513/524-5204.

Sincerely,

Lynn Taylor  
Administrative Assistant  
Community Development Department

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**  
**Planning Commission**

Case # PC-2017-14

Date -- June 13, 2017

---

**APPLICATION**

|                 |                                    |
|-----------------|------------------------------------|
| Applicant:      | Kid Camp Learning LLC (Phil Young) |
| Location:       | 5500 College Corner Pike           |
| Owner:          | Zeus Apartment Buildings Inc.      |
| Action Request: | Conditional Use Permit Application |
| Current Use:    | Vacant Office Building             |
| Zoning:         | GB (General Business District)     |

|                                 |                                                                         |
|---------------------------------|-------------------------------------------------------------------------|
| Surrounding Existing Land Uses: | Retail Service, Automobile Service, Vacant Agricultural, Light Industry |
|---------------------------------|-------------------------------------------------------------------------|

---

**GENERAL DESCRIPTION**

As follow-up to a March 24, 2017 building permit application, the applicant is seeking a recommendation of approval of a conditional use for a daycare. The day care business is to be located in an existing vacant office building in the General Business District. The location is 5500 College Corner Pike (U.S. 27

North), briefly known as Bill's Art Store and formerly The Planning Forum office. The 1.65 acre property is bounded by a retail strip center and an undeveloped agricultural tract.

**PUBLIC COMMENTS**

Public notices were mailed to surrounding property owners and a notice sign was placed in front of the property. No comments were received as of this writing.

**AGENCY REVIEWS**

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

|              |                            |
|--------------|----------------------------|
| Police:      | Returned without comments. |
| Fire:        | Returned without comments. |
| Engineering: | Returned with comments.    |
| Econ. Dev.:  | Returned with comments.    |

**ZONING CODE REVIEW**

Below is an excerpt from Oxford Zoning Code Section 1147.03, Use-Specific Regulations with staff comments in ***bold/italic***:

- (21) Day Care Centers and Nursery Schools.
- A. Potential Concerns
1. Location and adequacy of planned outdoor play area. ***[meets state requirements per applicant] [see Engineering comment re: ditch]***
  2. Noise. ***[not neighboring residential uses]***
  3. Adequate drop-off facilities. ***[provided in rear; requires staff oversight for safety]***
- B. Regulations.
1. Use of outdoor play areas shall be limited to between the hours of 8:00 A.M. and 8:00 P.M. daylight hours. ***[confirmed]***

**General Decision Standards for Conditional Uses — Section 1147.02(c)(2)**

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

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

*Yes, the use can be allowed as a conditional use.*

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

*Yes*

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

*Yes*

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

*Yes*

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

*None expected.*

**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.**

*No excessive nuisance conditions expected.*

**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.**

*No additional accessory uses expected.*

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

*Opportunity for comment has been provided to Police, Fire and Service Department.*

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

*Opportunity for comment has been provided to Police, Fire and Service Department.*

**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.**

*No new construction is proposed.*

**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.**

*Opportunity for comment has been provided to Police, Fire and Service Department. A pull-off alongside the existing drive may reduce any potential negative impact to the public street.*

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

*No features for protection are known.*

**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.**

*Yes, as stated by applicant.*

**Below is an excerpt of Oxford Zoning Code Section 1149.02 Parking and Site Access:**

(a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current parking and site access regulations for the entire use and structure and site. Any nonconforming uses, structures or sites shall follow the provisions in Chapter 1137.

Regarding subsection A, above, the proposal is considered a change to the use which requires existing parking to meet current design requirements such as access, aisles and setbacks. **Those that are not met will be considered waived (see attachment) if a recommendation of approval is forwarded.** A list of the parking-related code topics, along with others is below:

- *The parking is hard surface, sufficient number of stalls and not in the required front yard setback.*
- *There is no perimeter curbing around the parking lot.*
- *The parking is fully in the rear, as partially required by GB code.*
- *Security lighting level is unknown because a photometric plan was not provided. However, three operational security lights do exist around the rear parking perimeter. Security lighting in the front is recommended.*
- *No bicycle parking is provided*
- *No dedicated sidewalk from the street to the building entry is provided, as required by GB code.*
- *The property is two tracts which should be consolidated into one in order to avoid the need for easements and prevent setback nonconformance.*

#### **ANALYSIS**

The proposed daycare at this property is permitted conditionally by Oxford Zoning Code and presents the Commission with an opportunity to recommend a viable use for this long vacant property. There would be very little, if any nuisance to adjacent properties, based upon existing conditions. Staff has expressed some concerns to the applicant regarding the safety of children walking through or along the edge of the rear parking lot during drop off. Based upon the applicant's experience at two other sites, they have ensured City staff that they will implement a robust safety plan that does not require modifying the parking lot design.

#### **RECOMMENDATION**

Based upon the zoning code review within and the above analysis, if the Planning Commission finds the proposal to meet the general and site specific requirements, it can forward a recommendation of approval to the City Council with the following potential conditions:

1. Lot consolidation application submittal prior to building permit issuance and plat recordation prior to issuance of final certificate of occupancy.
2. Installation of security lighting in the front of the facility.

Staff recommends forwarding a recommendation of approval to City Council with the above conditions.

**SUBMITTED BY:**

A handwritten signature in cursive script, reading "Sam Perry", with a long horizontal flourish extending to the right.

---

Sam Perry, AICP  
Planner

DATE: June 6, 2017

## ATTACHMENT

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

(1) Burden of proof.

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

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

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

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. **In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.**

City of Oxford  
Inter-Office Review Transmittal Sheet



Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

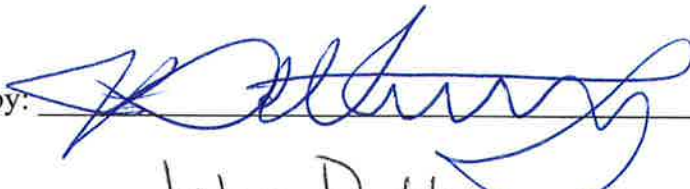
  X   Review            Revisions            Other

Please return no later than: **June 5, 2017** 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:

  
John Detherage  
PRINTED NAME

Date:

5-11-17

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

  X   Review            Revisions            Other

Please return no later than: **June 5, 2017** 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 5-11-17*

Drawings reviewed by:   *H. Popescu*   Date:   5-11-17  

  VICTOR POPESCU    
PRINTED NAME



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE  
City Engineer

RE: PC - 2017-14  
Conditional Use - Kid Camp Learning LLC  
5500 College Corner Pike

DATE: May 11, 2017

---

The following are comments from the Engineering Division.

- Although it is stated that the Play Area will be fenced, we must point out that the facility is adjacent to a ditch that carries storm water under USR 27 from the west to the east by way of a 72 inch culvert.
- A steep slope, leading to the ditch on the south side of the property, poses danger, not only to adults, but to children, as well. It is recommended that consideration be given to installing a fence along the ditch.

If there are questions, please contact the Engineering Division.

PRINTED NAME

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: May 9, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

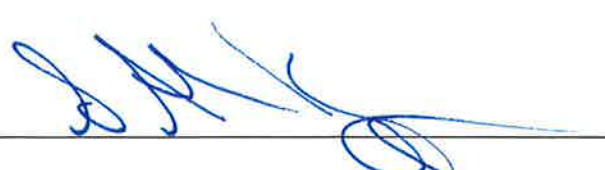
PC-2017-14, CONDITIONAL USE, 5500 College Corner Pike, to allow for a daycare in the GB (General Business) District, Kid Camp Learning LLC, Phil Young, Applicant/Agent

  X   Review            Revisions            Other

Please return no later than: **June 5, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned w/comments without/comments

IN MY OPINION THERE IS THE NEED FOR  
ORGANIZED DAY-CARE IN OXFORD AND  
THIS LOCATION HAS PLENTY OF INDOOR +  
OUTDOOR AREA.

Drawings reviewed by: 

Date: 6-6-17

G. ALAN KYCHEN  
PRINTED NAME

"In my opinion there is the need for organized daycare in Oxford and this location has plenty of indoor and outdoor area."



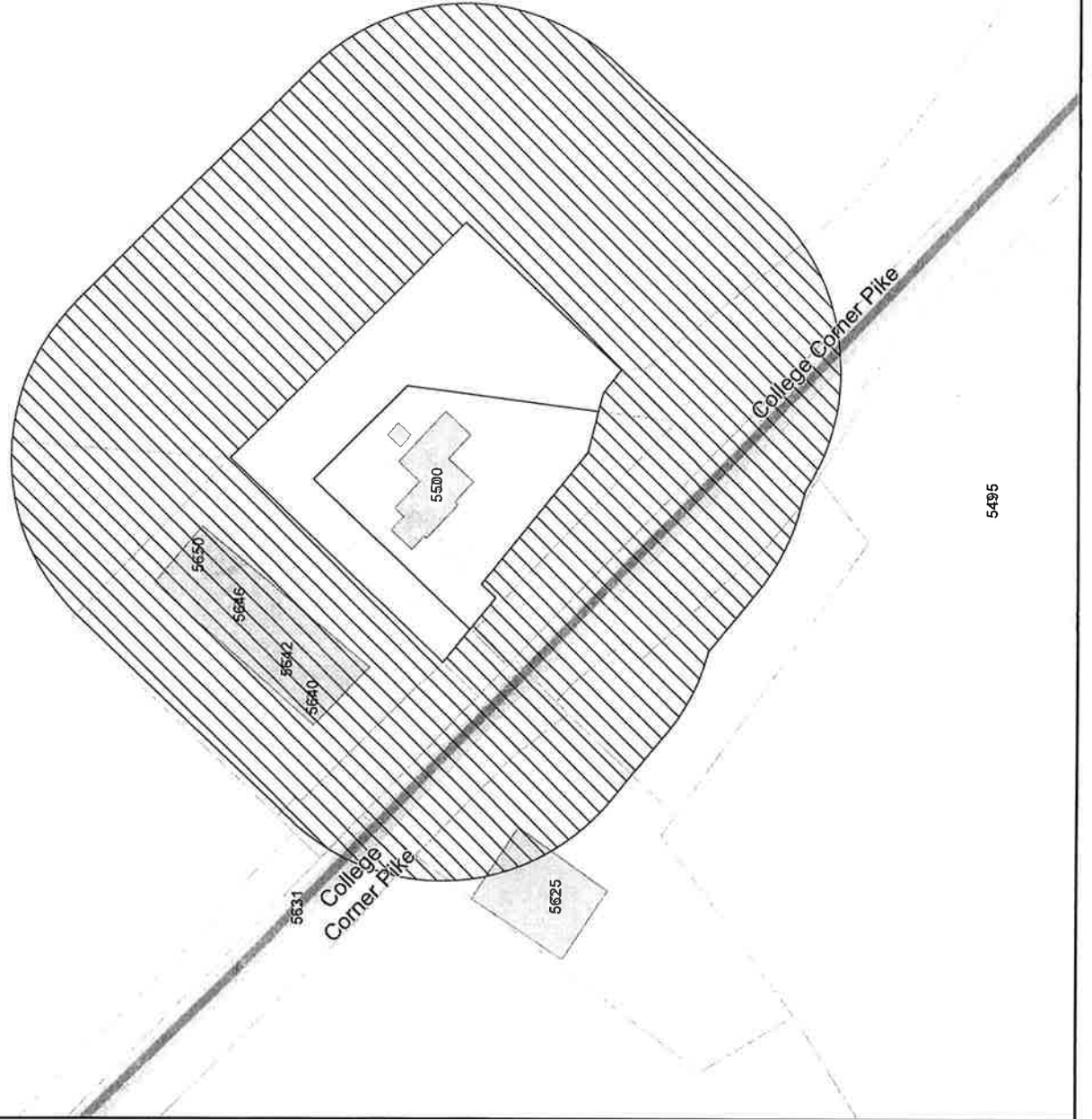
## PC-2017-14 Surrounding Property Owners Notifications Map

### Legend

-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 150 feet



Prepared on Tuesday, May 23, 2017

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

## Letter of Agency

To whom it may concern:

Please be advised that Phil Young has permission to represent our interest with the City of Oxford Board of Planning Commission and City Council, and act on our behalf regarding a conditional use for the proposed daycare located at 5500 College Corner Pike, Oxford, Ohio 45056.

Thank you,

Signed

  
Argeri Lagos, Zeus Apartment Buildings Inc.

3.31.2022  
Date



Internal Use Only:

Case No.

Date Filed

 PC-2017-14  
 4/4/17

## Conditional Use Permit Application

### Applicant Information

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

Name \* Kid Camp Learning LLC

Mailing Address \* 2520 Ross Millville Rd

City, State & Zip Code \* Hamilton, OH 45013

Telephone Number(s) \* 513 760 6222

Email Address Kidcamplearning@gmail.com

### Owner Information

Name \* Zeus Apartment Buildings Inc.

Mailing Address \* 750 Shrine Rd.

City, State & Zip Code \* Springfield, OH 45504

Telephone Number(s) \* 937-925-3670

Email Address \_\_\_\_\_

### Location and Lot Information

Location of Property \* 5500 college corner Pk

Legal Description \* Parcel H-4100028000001 AND H-4100028000008

Zoning District \* GB

Total Area \* 1.0595 → Check One \* Acres ☒ Square Feet ☐

Existing Use Description \* Business - Retail - Act Store

Proposed Use Description \* Daycare

### Submission Requirements and Documentation

From Section 1147.02(a)<sup>1</sup>.

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

A. Application Fee.

B. Description of Use and Site.

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

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

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

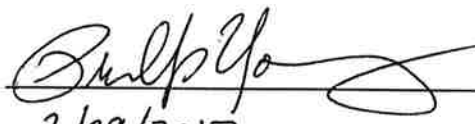
## Fees & Receipt

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

## Sign and Date

Applicant Signature \*

Date \*

  
3/29/2017

## Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

## For Staff Use Only

Fee Paid Date \*

4/4/17

Receipt Number \*

14334

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

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

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

Re: Application for Conditional Use  
Proposed Daycare  
5500 College Corner Pike  
Parcel H4100028000001

March 28, 2017

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 proposed daycare located at 5500 College Corner Pike in the GB Zoning District.

The attached proposal has been prepared for and with assistance from the following:

Property owners:  
Zeus Apartment Buildings Inc  
750 Shrine Rd  
Springfield, Oh 45504

Applicant:  
Kid Camp Learning LLC  
2520 Ross Millville Rd  
Hamilton, Oh 45013

Architect:  
Richard Drake  
35 Rockridge Rd Suite D  
Englewood Oh, 45322

- 1) Thirteen Individual packets containing one copy of each of the following items:
  - a. Conditional Use Application
  - b. List of property owners within 200 feet of the site
  - c. Site Plan
  - d. Existing pictures of the site
  - e. Letter of Agency
- A. Application Fee is attached
- B. Description of Use and site.
  1. Applicant- Kid Camp Learning LLC 2520 Ross Millville Rd Hamilton Ohio 45013

Owner- Zeus Apartment Buildings Inc 750 Shrine Rd Springfield Oh 45504

2. Letter of Agency is attached
3. The site is located on the following parcels H-4100028000001 and H-4100028000008
4. The property has been vacant for 3 years but the most recent use was Business- Retail- Art Store
5. The property is situated in the GB Zoning District
6. A description of proposed use:
  - a. A description of operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Kid Camp Learning primarily operates daycare/child care facilities in Butler County, Ohio under the Young Leaders Learning Center brand. This proposed facility will be the third location for Kid Camp Learning providing high quality state licensed education based child care services to children beginning at 6 weeks of age. The owner of Kid Camp Learning (Tiffany Young) has over 15 years' experience instilling the love of education in children. She currently holds a Master's of Education degree from Miami University in Oxford. Kid Camp Learning expects to provide service to 81 children. Outdoor play will occur in a fenced area located on the property away from traffic as required by the Ohio Department of Job and Family Services. Outdoor play areas are regulated by ODJFS and are required to be 50 sq ft per child at play. Noise levels will be minimal and will not negatively affect the existing or future properties near the proposed site. 14 parking spaces will be provided to adequately meet the parking requirement for daycare facilities in the City of Oxford (1 space for every 6 children served).  $81\text{children}/6 = 13.5$  parking spaces needed. Adequate barriers (stop blocks & mental barriers) will be provided to protect children during drop off.

- b. The hours of operation.

Hours of operation will be Mon-Fri 6am to 6pm. Outdoor play will occur in designated areas between the hours of 10am and 5pm weather permitting.

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 the existing area uses and if there will be any interaction between the proposed use and existing uses.

The use of the property will change from general business to educational daycare. This use is different from the existing uses but does not conflict with any of the existing uses of the adjacent properties. The property is located adjacent to a retail strip center on one side and an empty lot on the other. Limited interaction may occur between the proposed use and existing use solely by customer exposure. The proposed use will not take away from business abilities of the existing uses.

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

The existing building exterior and site will remain unchanged any updates to paint or cosmetic improvements will be designed to fit into the existing neighborhood.

- 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 any operations that create potential nuisances. Existing exterior lighting (3 parking lot street lamps) will remain. No new exterior lighting will be installed.

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

The proposed daycare will not have a negative effect on adjacent land.

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

The site has sat vacant for many years and previously was used as an art studio/retail shop. The daycare will serve the child care needs not being provided by the existing child care providers in the City of Oxford. The location is more appropriate for the use because it is located along a well-travelled business route just outside of the main strip making it easily accessible to residents in need of child care.

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

The daycare will serve children and families in the Oxford area. There is currently a need for high quality child care in this area as the area is currently underserved based on existing population numbers, currently leaving families with limited options.

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

Potential concerns for daycares per section 1147.03(21) of the Zoning Code:

- i. Location and adequacy of the planned outdoor play area

The location of the outdoor fenced play area will be located in the rear of the building in a grass area as generally shown on the site plan. The proposed fenced outdoor play area is 2400 square feet. Per ODJFS standards 50 sq ft of play area must be provided for each child at play. 2400 square feet will allow up to 48 children to play at the same time in the play area but under normal operation children will be restricted to under 24 children in the play area at one time to provide exceptional safety viewing capability by staff.

- ii. Noise

Noise will be virtually undetectable during normal operation and will not negatively affect surrounding properties. A limited amount of noise may be detectable during outside play times but will not be excessive or disruptive to surrounding properties.

iii. Adequate drop of facilities

Drop off will occur between the hours of 6am and 9am. Adequate staff will be provided to assist during drop off times. Parents will park and walk children into the building. A visual safety path will be provided to ensure parking lot safety.

iv. Regulations- Use of outdoor play areas shall be limited to between the hours of 8am and 8pm daylight hours only.

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

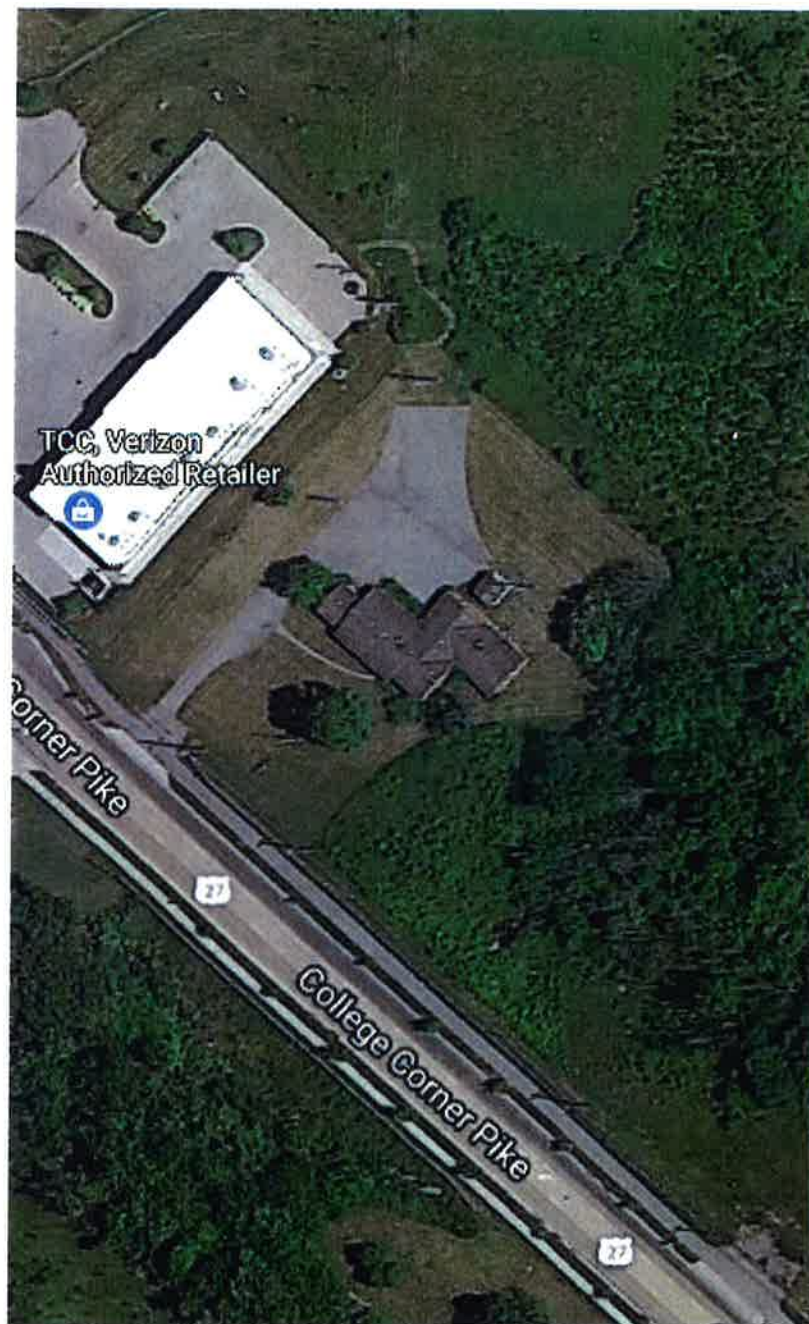
Please place this item on the next available commission meeting agenda.

Should you have any questions or need additional information please do not hesitate to contact us.

Sincerely,

Phil Young  
Kid Camp Learning LLC.  
2520 Ross Millville Rd  
Hamilton, Ohio 45013  
Cell-513.304.5668  
Office-513.760.6222  
Email-kidcamplearning@gmail.com  
Web-youngleaderslearningcenter.com

## Site Picture #1



## Site Picture #2



EXISTING SIGN TO  
BE REMOVED. NEW  
SIGN TO BE  
ERECTED



- SIGN NOTES:
1. LOCATE SIGN AS SHOWN ON DRAWING SHEET.
  2. SIGN TO BE OF A STANDARD REFLECTIVE ALUMINUM MATERIAL.
  3. HANDICAP SIGN TO BE AS SHOWN OR AS REQUIRED BY LOCAL CODE. HANDICAP SIGN MUST CONTAIN THE DESIGNATION "VAN ACCESSIBLE".
  4. FASTEN SIGN TO 2" STEEL PIPE AS REQUIRED AND SET INTO 12" ROUND CONCRETE 24" DEEP.
  5. BOTTOM OF THE SIGN TO BE 60" FROM FINISHED SURFACE OF THE PARKING SPACE.

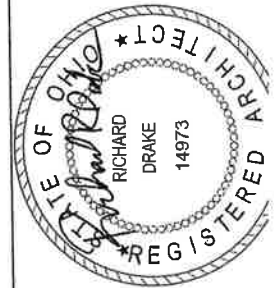
## NEW ADA PARKING SIGN

SCALE: NOT TO SCALE



## NEW SIGN DETAIL

SCALE:  $\frac{1}{4}" = 1' - 0"$



**DRAKE**  
architecture

ARCHITECTURE | DESIGN

ENTER

## NOTES:

LANDSCAPE NOTE: ALL EXISTING LANDSCAPING TO REMAIN.

SIGNAGE NOTE: 1 NEW ADA VAN ACCESSIBLE PARKING SIGN TO BE INSTALLED IN BACK OF BUILDING. EXISTING SIGN TO BE REMOVED AND REPLACED WITH A NEW DOUBLE POST SIGN AS SHOWN ABOVE. ZONING VARIANCE IS REQUESTED WITH THE CONDITIONAL USE PROCESS TO EXCEED THE 6' MAX SIGN HEIGHT ZONING CODE 1151.05(3)b.ii PERMANENT SIGNS. VARIANCE IS REQUESTED DUE TO AN EXISTING WOODEN FENCE LOCATED IN THE RIGHT OF WAY THAT OBSTRUCTS THE VIEW OF SHORTER SIGNS FROM THE STREET.

PARKING CALCULATIONS: PER CITY OF OXFORD ZONING DEPARTMENT, 1 PARKING SPACE REQUIRED PER 6 CHILDREN SERVED AT DAYCARE FACILITY.

81 CHILDREN SERVED AT THE DAYCARE FACILITY = 14 PARKING SPACES REQUIRED.

14 PARKING SPACES PROVIDED

PROPOSED TENANT FINISH FOR:

YOUNG LEADERS LEARNING CENTER  
5500 COLLEGE CORNER PIKE

SHE  
NO

DATE: 3,

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Manager

**Originating Department**

**Council Meeting Of:** June 20, 2017

Doug Elliott

**Account Code No. #:** N/A

**Prepared By**

**Budgeted Amount:** N/A

June 15, 2016

**Date Prepared**

**Agenda Title:** An Ordinance Repealing Ordinance No. 3388 Adopted December 20, 2016 And Adopting A New Ordinance Providing For The Submission To The Electorate Of Amendments To The Charter Of The City Of Oxford, Ohio, And To Place The Same On The Ballot At The General Election, November 7, 2017 And Declaring An Emergency.

**Recommendation:** Adopt the Ordinance.

The City Attorney received a call from the Butler County Board of Elections attorney stating the City's proposed Charter Amendments for the upcoming general election was submitted too early. The County's attorney referenced Sections 8 and 9 of Article 18 of the Ohio Constitution which states, "...the legislative authority of the municipality must pass an ordinance directing the board of elections to submit the amendment to the electors at the next regular municipal election, if one occurs during the 60 to 120 days after the ordinance's passage...". Because Council passed the proposed Charter Amendments Ordinance on December 20, 2016, well before the 120 day deadline, the proposed amendments will need to be refiled with the Board of Elections, which requires repealing the original Ordinance and passing new legislation. The new Ordinance will receive two readings, one on June 20<sup>th</sup> and one on July 18<sup>th</sup>. The Ordinance will need to be adopted as an Emergency on July 18<sup>th</sup> to be filed with the Board of Elections on or before August 9, 2017.

The Oxford City Charter was adopted by the voters in 1960. It adopted the Council-Manager form of government. One of the provisions of the Charter (Section 10.05) is for the City Council to appoint a Charter Review Commission every 10 years. City Council appointed five members in 2016. The members are Steve Dana, Edna Southard, Richard Keebler, Steve Snyder and Corey Watt. The Commission members were assisted by Doug Elliott, Steve McHugh, Mary Ann Eaton and Kim Newton. The Charter Review Commission met 5 times to discuss, propose, and review recommended changes to the Oxford City Charter. The recommended changes are shown on Exhibit "A" attached to this report. The recommended changes will require adoption of a City Ordinance by City Council.

Those changes will be placed on the ballot and voted on by the electors of Oxford. The proposed changes approved by City Council will appear on the general election ballot in November 2017.

Approved By:

|                  | Initial | Date    |
|------------------|---------|---------|
| Department Head: |         |         |
| City Manager:    | DRE     | 6/16/17 |

## **ORDINANCE NO.**

AN ORDINANCE REPEALING ORDINANCE NO. 3388 ADOPTED DECEMBER 20, 2016 AND ADOPTING A NEW ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF OXFORD, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 7, 2017 AND DECLARING AN EMERGENCY.

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

SECTION I: Council hereby repeals Ordinance No. 3388 and Council, having reviewed the report and recommendation submitted by the Charter Review Commission, determines that amendments to the Charter should be submitted to the electors of the City.

SECTION II: Article XVIII, Section 9 of the Ohio Constitution and Section 10.04 of the Charter provide that amendments to the Charter may be submitted to the electors of the municipality by a vote of at least five (5) of the members of Council.

SECTION III: The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 7<sup>th</sup> day of November, 2017, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION IV: The ballot language shall read as follows:

"Shall the Charter of the City of Oxford, Ohio be amended by:

1. removing Section 2.13 regarding police and fire personnel not being required to deliver agendas and other mail;
2. removing Section 2.14 regarding Westgate Drive being maintained as a cul-de-sac;
3. revising Section 3.02 to provide that ordinances should be introduced in the form required for final adoption and to update the language of the enacting clause of an ordinance;
4. revising Section 3.04 to provide that ordinances passed by Council should be published by placing the ordinance on the City's website and in not less than three of the most public places in the City for a period of not less than ten days and further providing that failing to publish as stated does not invalidate any ordinance;
5. revising Section 3.06 to remove the requirement that six copies of all model or standard codes adopted by Council be available in the office of the Clerk of Council,

to remove the requirement that additional copies be available for sale, and to provide that one copy of all model or standard codes adopted by Council be available for viewing at the City offices;

6. adding Section 5.03 to provide that Council has the authority to adopt personnel ordinances or rules and regulations which, if in conflict with the laws of the State of Ohio, prevail; to provide that all appointments and promotions of City employees shall be made based on merit; to provide the exempt and classified positions of the City; to provide that the City Manager shall provide the rules for merit and fitness as the basis for appointment and promotion; to provide that the City Manager shall make appointments for all positions in the classified service based on a competitive examination and on other qualifications and that appointments should be made from a list of the five candidates who ranked highest on the eligibility list; to provide that the City Manager shall make promotions for all positions in the classified service based on competitive examination and other qualifications and that promotional examinations may be restricted to current employees or may be opened to other qualified candidates; to provide that promotions shall be made from a list of the three candidates who ranked highest on the eligibility list; to provide that no officer or employee in the classified service can be demoted or removed except for cause and after a hearing and that Council will provide for enforcement by ordinance and appeals will be to the Personnel Appeals Board; and to provide that the appointment of a new employee shall not be deemed complete until a probationary period of twelve months has elapsed and not to exceed eighteen months for sworn officers and that a probationary employee can be discharged at any time during the probationary period upon the recommendation of the department head with the approval of the City Manager;
7. revising section 5.06 to provide that Council appoints a Director of Finance for an indefinite term, that the Director of Finance is the fiscal officer of the City and is responsible for the accounting, collecting, and disbursing of public funds, that the Director of Finance countersigns all bonds and notes issued by the City, and that the Director of Finance will perform other functions as assigned by ordinance and the City Manager;
8. revising Article VIII to remove the reference to Civil Service Commission and insert reference to Personnel Appeals Board;
9. revising Section 8.01 to provide that there shall be a Personnel Appeals Board consisting of three qualified electors of the City who are appointed by Council for a three year term, that Council will fill vacancies by appointment for the unexpired term, that each member cannot be a candidate for any other public office or be an employee of the City, and that the City and the Personnel Appeals Board do not have jurisdiction over and are not obligated to perform any duties with regard to the employees of the Talwanda City School District;

10. revising Section 8.02 to provide that the Personnel Appeals Board serves without compensation, hears appeals from any nonexempt employee or applicant who has successfully completed a probationary period, has the power to subpoena witnesses and require the production of documents, that all decisions of the Board are final, and that the Board has the power to hear and determine appeals of disciplinary actions, suspensions, demotions, or removals of employees if not resolved upon a hearing and determination by the City Manager;
11. revising Section 8.09 to remove reference to Civil Service Commission and insert reference to Personnel Appeals Board;
12. removing Section 9.07 regarding watchers and challengers for regularly nominated candidates;
13. removing Section 9.08 regarding election of candidates;
14. removing Section 10.01 regarding the oath of office for officers and employees;
15. revising Section 11.01 to provide that the City is the legal successor of the Village of Oxford and therefore has title to all property owned by its predecessor and that adoption and amendments to the Charter do not impair rights vested in the City nor discharge liability previously incurred by the City;
16. removing Section 11.02 regarding continuation of ordinances;
17. removing Section 11.03 regarding continuation of officers after adoption of the Charter;
18. removing Section 11.04 regarding continuation of employees after adoption of the Charter;
19. removing Section 11.05 regarding the transferring of public records and property upon termination of tenure of office or employment for officers and employees;
20. removing Section 11.06 regarding continuation of contracts and public improvements after the adoption of the Charter;
21. removing Section 11.07 regarding pending actions and proceedings that were in place at the time of the adoption of the Charter
22. removing Section 11.08 regarding when the Charter took effect when it was adopted.

SECTION V. A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

SECTION VI. Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Oxford, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

SECTION VII. The Clerk of Council shall certify this Ordinance to the Butler County Board of Elections by 4:00 p.m. on August 9, 2017.

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

SECTION IX. This Ordinance constitutes an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford for the reason that it is necessary to timely submit the proposed Charter Amendments to the Board of Elections for placement on the ballot for the general election to be held on November 7, 2017, in compliance with the Ohio Constitution and the City Charter, and provided it receives the affirmative vote of at least five (5) members of Council, it shall take effect and be in force immediately upon its adoption.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

# **EXHIBIT "A"**

## **CHARTER OF THE CITY OF OXFORD, OHIO**

### **PREAMBLE**

We, the people of the City of Oxford, Butler County, Ohio in order to secure for ourselves the benefits of local self-government under the constitution of the State of Ohio, do ordain and establish this Charter for the government of the Municipality of Oxford.

### **ARTICLE I INCORPORATION, FORM OF GOVERNMENT, POWERS**

#### **SECTION 1.01 INCORPORATION.**

The present municipality, as its limits are now or may hereafter be established, shall be and continue to be a municipal corporation of the State of Ohio in perpetuity, under the name of the City of Oxford. Each provision of this Charter shall apply with equal force to this municipality.

#### **SECTION 1.02 POWERS.**

Except as prohibited by the constitution of this state or restricted by this Charter, the City of Oxford shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers in this Charter shall not be deemed to be exclusive. No act of the municipality shall be invalid or limited by reason of failure to enumerate a particular power in this Charter. The municipality shall have and may exercise any and all powers, either expressed or implied, which it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

#### **SECTION 1.03 MANNER OF EXERCISING POWERS.**

All powers of the corporation shall be vested in an elected Council which shall enact local ordinances and resolutions, adopt budgets, determine general policies and appoint a City Manager, who shall see that the policies and legislation adopted by the Council are enforced. All powers of the corporation shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or by general law.

#### **SECTION 1.04 FORM OF GOVERNMENT.**

The form of government provided under this charter shall be known as the Council-Manager Plan.

## ARTICLE II

### THE COUNCIL

#### SECTION 2.01 NUMBER, SELECTION AND TERM.

The City Council shall consist of seven members, elected at large, for four year overlapping terms. Except as provided in Section 2.03, all members of Council shall be elected to a full term of office. All elections of Council members shall be on a non-partisan ballot.

#### SECTION 2.02 QUALIFICATIONS.

Any qualified elector who has lived in the municipality for one year prior to filing a petition of candidacy shall be eligible to serve as a member of Council, when elected as hereinafter provided.

The Council shall be the judge of the election and qualifications of its own members. The seat of any member may be declared vacant by resolution of Council, five (5) members concurring.

Council shall declare vacant a seat of any member for the following reasons:

1. One who persistently fails to abide by the rules of Council.
2. One who is absent without justifiable excuses for three (3) consecutive regular meetings.
3. One who shall cease to be a qualified elector and resident of the municipality as required by the Charter unless special circumstances have been approved by five (5) members of Council concurring.
4. One who enters upon the performance of the duties of an incompatible public office.
5. One who shall hold any appointed office or employment with the municipality for which compensation is authorized.
6. One who shall violate any expressed provisions of this Charter.
7. One who shall be convicted of a crime involving moral turpitude or any felony.
8. One who shall be convicted of any other provision of the State laws as applicable to public officials for which the penalty includes forfeiture of office.

### **SECTION 2.03     VACANCIES, FILLING OF.**

Vacancies in the office of Council members shall be filled within thirty (30) days by vote of a majority of the remaining members of Council, by the selection of a qualified elector who has resided in the municipality for at least one year immediately preceding such appointment. If Council fails to make this selection within thirty (30) days, the Mayor shall make the appointment. Such person so chosen shall serve until the next regular City Council election, occurring not less than 100 days after selection. At such election, a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

### **SECTION 2.04     TERM OF OFFICE.**

The term of office of Council members shall begin on the third Monday following the regular City Council election. City Council election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. No member of Council shall serve more than two consecutive terms.

### **SECTION 2.05     SALARY.**

The salary of Council members, other than the Mayor, shall be at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take effect during the term of a Council member in office at the time the ordinance is adopted.

### **SECTION 2.06     ORGANIZATION AND MEETINGS.**

Following each municipal election Council shall meet within five days after the beginning of the term of office of the newly-elected members of Council for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and a Vice-Mayor and may transact such other business as may come before it. Thereafter, regular or special meetings shall be held as prescribed in the Council rules, and regular meetings shall occur not less frequently than once each month. All meetings of Council and its Boards and Commissions shall be open to the public except Executive Sessions as provided for by Ohio statute. A majority of the members elected shall constitute a quorum at all meetings.

### **SECTION 2.07     MAYOR AND VICE-MAYOR.**

The Council shall select biennially from among its own members one to serve as Mayor and one as Vice-Mayor for a term of two years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall exercise no administrative authority. The Mayor shall be the ceremonial head of the municipality, but shall exercise no administrative authority. The Vice-Mayor shall

preside over the meetings of the Council when the Mayor is absent and shall perform such other duties as may be assigned by Ordinance.

#### **SECTION 2.08     SALARY OF MAYOR.**

The Mayor shall be paid a salary at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take place during the term of the Mayor in office at the time the ordinance is adopted.

#### **SECTION 2.09     CLERK OF COUNCIL.**

There shall be a Clerk of Council, elected by vote of majority of the members of Council from outside its membership, to serve until a successor is chosen and enters upon the duties of the Clerk's office. The Clerk may be appointed to serve full time or part time and the Council may assign the duties of the Clerk of Council to any employee of the Municipality as an additional duty. The Clerk shall give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter or by ordinance.

#### **SECTION 2.10     RULES AND JOURNAL.**

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter, and shall keep a journal of its proceedings which shall be a public record.

#### **SECTION 2.11     POWERS OF THE COUNCIL.**

Among other powers the Council shall have authority to:

(1) Adopt ordinances and resolutions on any subject within the scope of its powers and to provide penalties for the violation thereof;

(2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;

(3) Adopt and modify the master plan and official map of the municipality;

(4) Regulate the use of private real estate in the municipality by establishing zones, limiting the uses in each zone and limiting the height of buildings and the intensity of land use. Structures containing more than three dwelling units, as defined within the most current edition of the Ohio Building Code, are prohibited within the incorporated area as described:

Situated in the City of Oxford, Butler County, State of Ohio, bounded and described as follows: Beginning at the intersection of Chestnut Street and Patterson Avenue; thence northwardly with the centerline of Patterson Avenue to a point, which was the 1976 North Corporate line; thence with the 1976 North Corporate line to a point in the centerline of Brown Road; thence southwardly with the centerline of Brown Road to a point in the centerline of Sycamore Street; thence westwardly with the centerline of Sycamore Street to a point in the centerline of Locust Street; thence with the centerline of Locust Street southwardly to a point in the intersection of the centerline of Chestnut Street and Locust Street; thence with the centerline of Chestnut Street eastwardly to the place of beginning; excepting the following area described as beginning at the intersection of Church Street and College Avenue; thence southwardly with the centerline of College Avenue to a point in the intersection of the centerline of Walnut Street and College Avenue; thence eastwardly with the centerline of Walnut Street; thence northwardly with the centerline of Campus Avenue to a point in the intersection of the centerline of Church Street; thence westwardly with the centerline of Church Street to the point of beginning.

This prohibition shall not apply to existing structures containing more than three dwelling units which shall be permitted to continue as nonconforming as long as said use is continued, but the same shall prohibit the future construction or establishment of structures containing more than three dwelling units;

(5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;

(6) Enact a comprehensive building code;

(7) Authorize the levy of taxes and the issuance of bonds as provided in this Charter;

(8) Adopt an annual appropriation ordinance based upon the annual budget;

(9) Appoint and remove the City Manager, establish the Manager's salary and appoint an acting City Manager when necessary;

(10) Appoint and remove the Director of Finance and establish such Director's salary;

(11) Appoint and remove the Director of Law and establish such Director's salary;

(12) Inquire into the conduct of any municipal officer or employee in the performance of public functions of such officer or employee;

(13) Make investigations of any office, department or agency of the municipality;

(14) Grant public utility franchises by vote of 2/3 of the members of Council;

(15) Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;

(16) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;

(17) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearings or investigation.

(18) Council shall have the power to appeal the decisions of its boards and commissions on an affirmative vote of five (5) members of Council.

#### **SECTION 2.12 UTILITY USERS LIABLE FOR OWN USES AND NOT FOR OTHERS.**

Tenants and property owners shall be liable only for their own utility use unless they have made an agreement between themselves to the contrary. New tenants and new property owners shall not be liable for the utility services provided to other prior tenants or owners or provided to other existing tenants unless they have made an agreement between themselves to the contrary.

#### ~~SECTION 2.13 — POLICE AND FIRE PROTECTION.~~

~~Police and fire personnel shall not be required to deliver agendas of Council meetings, or other ordinary mail, of the City except in situations of a true emergency need and when regular methods of communication are inadequate. Both shall perform such duties as are provided by the laws of the State of Ohio and the Ordinances of this City.~~

#### ~~SECTION 2.14 — PUBLIC SAFETY AND PROPERTY RIGHTS.~~

~~To preserve and protect the public safety, and the rights of property owners, and to preserve the neighborhood and quality of life, Westgate Drive shall continue to be maintained as a cul-de-sac as it has been for over 100 years and Westgate Drive shall not be extended beyond the presently paved portion thereof which paved portion does not extend beyond the northern boundary of lots 1294 / 1257-006.~~

### **ARTICLE III ORDINANCES AND RESOLUTIONS**

#### **SECTION 3.01 ACTION OF COUNCIL.**

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally by ordinance in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

### **SECTION 3.02      ENACTMENT OF ORDINANCES.**

~~Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows: 'Be it ordained by the Council of the City of Oxford, Ohio.'~~ **Each proposed ordinance shall be introduced in writing by a member of the Council and in the form required for final adoption. The enacting clause shall be "The Council of the City of Oxford, Ohio, hereby ordains that..."** Prior to introduction, a written copy of each proposed ordinance shall be provided to all members of Council and any member of the public requesting a copy. The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only which shall be stated clearly in the title. No ordinance shall be passed without the concurrences of a majority of all members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of 3/4 of all members elected to Council for passage. Ordinance shall be read by title only on two different days before they may be enacted. Council on motion adopted may require the second reading of a proposed ordinance in full. However, if an emergency is declared as hereinafter provided, or if by 3/4 vote of all members elected to Council, the reading by title on two different days is dispensed with, in which cases such ordinances may be read one time by title only and passed on the day of such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

### **SECTION 3.03      EFFECTIVE DATE.**

Ordinances providing for appropriations for current expenses of the municipality, or for public improvements petitioned for the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect 30 days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than 30 days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance

granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

#### **SECTION 3.04 PUBLICATION OF ORDINANCES.**

~~A summary of each ordinance must be published on adoption, in a newspaper of general circulation in the City of Oxford. The summary shall be prepared by the Clerk of Council, approved by the Law Director, and shall describe the ordinance in brief and general terms. Resolutions shall not be published, unless the Clerk of Council is directed to do so by Council. The complete text of all ordinances and resolutions shall be made available at the office of the Clerk of Council.~~

All ordinances passed by the Council shall be published except as otherwise required by law, as used in this Section "published" shall mean to post copies thereof, or a summary of such adopted legislation, on the City's website and in not less than three of the most public places in the City, as determined by the Council for a period of not less than ten days and to take such other actions as provided by Council. ~~It also includes posting on the City's website.~~ Failure to publish as required by this Section shall not invalidate any ordinance.

#### **SECTION 3.05 INITIATIVE AND REFERENDUM.**

The initiative and referendum powers, reserved to the people under the Ohio Constitution, shall be exercised in the manner provided by the Ohio Constitution, the laws of the State of Ohio and this Charter, except: that any initiative or referendum petition filed with the Auditor of the City of Oxford shall contain the signatures of not less than ten percent of the voters who voted at the preceding election for the office of Governor; that when a petition having the required number of signatures is filed with the City Auditor, it shall be held in the Auditor's office for a period of 15 days before certification of the text of the proposed ordinance is made to the Board of Elections; that the committee designated by the petitioners to file said petition shall consist of five members. In all other respects, the procedure with reference to initiative and referendum petitions shall be the same as that provided by the Constitution, laws of the State of Ohio and this Charter. Whenever the Council is required to pass more than one ordinance to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance to be passed and not to any subsequent ordinance in the series relating thereto. Resolutions are not subject to referendum.

#### **SECTION 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.**

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilating, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by

reference to the date and source of the code without reproducing the same in full in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the City, shall not be required. ~~One copy of all such adopted codes shall be available for viewing at City offices. However, at least six copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council.~~

#### **ARTICLE IV CITY MANAGER**

##### **SECTION 4.01 APPOINTMENT OF CITY MANAGER.**

The Council shall appoint, by majority vote of all members elected thereto, an officer to the City who shall have the title of City Manager. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, as judged by the adequacy of training and experience. At the time of appointment the City Manager need not be a resident of the city or state, but during tenure of office the City Manager shall reside in the municipality. No council member shall be eligible for appointment as City Manager during the term for which elected, or for two years thereafter.

##### **SECTION 4.02 CITY MANAGER'S DUTIES.**

The City Manager shall be the chief executive and administrative officer of the municipality. The City Manager shall be responsible to the Council for proper administration of all affairs of the municipality, and to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

(1) See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;

(2) Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;

(3) Insure the preparation of the tax budget and annual budget, submit them to Council for approval and administer the appropriations made by the Council;

(4) Prepare and submit monthly reports to the Council. Insure the preparation and submission to Council and the public annually, not later than March 31, a complete report on the finances and administrative activities of the municipality for the preceding year; which report shall be deemed to satisfy the requirements of Section 117.19, Revised Code of Ohio. Such annual report shall be published and distributed in the manner provided by ordinance;

(5) Formulate and arrange contract, franchises and agreements subject to the approval of Council. Sign as the official signatory of the City all legal documents on behalf of the City including, but not limited to all contracts, bonds and notes on behalf of the City;

(6) Attend all meetings of Council unless otherwise directed by Council, and shall have the right to take part in the discussion of all matters coming before Council in such meetings, but shall have no vote;

(7) Serve as an ex-officio member (without vote) of all boards and commissions authorized under this Charter, except the Civil Service Commission;

(8) Delegate to subordinate officers and employees of the municipality any duties conferred upon the Manager by this Charter or by action of Council and hold them responsible for the faithful discharge of such duties;

(9) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

#### **SECTION 4.03 ABSENCE OR DISABILITY OF CITY MANAGER.**

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform the duties of the City Manager during the temporary absence or disability of the City Manager. If such designation has not been made, and the City Manager is unable to perform such duties or to make such designation, the Mayor on an emergency basis may appoint an acting City Manager until the next Council meeting. Council may thereafter appoint any qualified administrative officer of the municipality to perform the duties of the City Manager until the City Manager shall return or the disability ceases.

#### **SECTION 4.04 REMOVAL OF THE CITY MANAGER.**

The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a majority vote of all members elected thereto. At least 30 days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of the request, before the full Council. After such public hearing, if one is requested, and after full consideration, the Council may adopt a final resolution of removal. The Council may, at the time the preliminary resolution is passed, suspend the Manager from duty and designate an acting Manager but shall cause forthwith the payment of any salary due the Manager to the date of suspension of the Manager. Unless such suspension and removal is for misconduct of the Manager involving moral turpitude, the Manager shall be paid a salary for the period of suspension and 30 days following the removal from

office. In the case of voluntary resignation of the Manager, the Council and the Manager shall agree upon the effective date of the resignation.

#### **SECTION 4.05 CONTRACT WITH THE CITY MANAGER.**

Council shall have the right to negotiate and authorize the Mayor to sign on behalf of Council a contract of employment with the City Manager setting forth the terms of employment and separation from employment for the City Manager as deemed to be appropriate by Council. No term established herein shall establish an expectation of continued employment except as provided in the contract.

#### **SECTION 4.06 RELATIONS BETWEEN COUNCIL AND MANAGER.**

Except for the purpose of inquiry or investigation, the members of Council shall deal with the administrative employees of the municipality solely through the City Manager. No member of the Council shall interfere in the appointment or removal of officers or employees subordinate to the City Manager. In the event any member of Council is found by the Council to have violated this section, Council shall declare that seat vacant.

### **ARTICLE V ADMINISTRATIVE DEPARTMENTS**

#### **SECTION 5.01 CREATION OF DEPARTMENTS.**

The administrative functions of the City shall be carried on by a Department of Finance, and Department of Law and such other departments as may be created by ordinance, after consultation with the City Manager.

#### **SECTION 5.02 DEPARTMENT HEADS.**

Each City department shall be headed by a full-time or part-time director. With the exception of the Departments of Finance and Law, the City Manager shall appoint all department heads. The heads of the Departments of Finance and Law shall be appointed by the Council, in accordance with the provisions of this Charter. Each department head shall be an administrative officer of the City. Two or more departments may be headed by the same person and the City Manager may serve as the director of one or more departments in addition to the duties as Manager, when approved by Council.

#### **SECTION 5.03 PERSONNEL**

The Council shall have the authority to adopt personnel ordinances or personnel rules and regulations which modify, supplement, or supersede

the laws of the State of Ohio and which, in the case of conflict, shall prevail over the laws of the State of Ohio.

All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

Exempt Positions:

- (1) All elected officers.
- (2) The Clerk of Council.
- (3) The City Manager.
- (4) ~~The Secretaries and~~ Assistants to the City Manager
- (5) The Directors of the departments.
- (6) ~~The Secretaries and~~ Assistants to the Directors.
- (7) Chief of Police.
- (8) Fire Chief.
- (9) Members of boards and commissions appointed by Council.
- (10) Unskilled labor, as defined by ~~Civil Service Commission~~ Council.
- (11) Temporary employees of exceptional professional or scientific qualifications engaged as consultants for special work by the City.
- (12) Seasonal and part-time employees.

Classified Service: The classified service shall comprise all positions not specifically included in this Charter in the unclassified service as exempt positions.

The City Manager shall provide rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel

Appointments for all positions in the classified service shall be made by the City Manager based on a competitive examination and on the basis of experience, character, and conduct. Appointments shall be made from a list of the five candidates ranked highest on the eligibility list for that position, provided five candidates qualify to be placed on the list.

Promotions for all positions in the classified service shall be made by the City Manager based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations may be restricted to current employees or the City Manager may open the exam to qualified candidates from outside the City service.

Promotion appointments shall be made from a list of the three candidates ranked highest on the eligibility list for that position, provided three candidates qualify to be placed on the list.

No officer or employee in the classified service shall be demoted or removed except for cause and after a hearing, and the Council shall provide by ordinance for the enforcement of this provision and also for appeals to the ~~Civil Service Commission~~ Personnel Appeals Board for suspensions, demotions and removals by the City Manager.

An original appointment of a new employee shall not be deemed complete until a period of probation not to exceed twelve months has elapsed; except that in the police department ~~division~~ said probationary period for sworn officers, shall not exceed eighteen months. Such probationary employee may be discharged at any time within the said probationary period, upon recommendation of the head of the department in which said probationer is employed, with the approval of the City Manager.

#### **SECTION 5.04      EMPLOYEE HANDBOOK.**

An employee Handbook shall be distributed among all divisions of the City. Pending adoption of revisions to the Employee Handbook by Council, the City Manager may establish temporary provisions of the Employee Handbook.

Subject to the provisions of this Charter, and after consultations with the City Manager, the Council shall approve and adopt an Employee Handbook, which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit and determine the employee procedures to be followed. Amendments to, and revisions of, the Employee Handbook shall be made by Council only after consultation with the City Manager. Where the Employee Handbook is silent, the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the Employee Handbook shall supersede those of state law in cases of conflict.

#### **SECTION 5.05      DEPARTMENT OF LAW.**

The Director of the Department of Law shall be known as the City Attorney. The City Attorney shall be an attorney-at-law, admitted to practice law in the State of Ohio, and in good provisional standing. The City Attorney shall perform such duties as may be assigned to the office of the City Solicitor by law, as well as those imposed by the Charter and City Ordinance. The City Attorney shall be appointed by Council for an indefinite term of office.

#### **SECTION 5.06      DEPARTMENT OF FINANCE.**

~~The Department of Finance shall perform those functions customarily performed by the Auditor and the Treasurer under the general laws of Ohio. The Director of the Department of Finance shall be assigned the~~

~~title of City Auditor. The City Auditor shall be appointed by Council for an indefinite term of office. The City Auditor shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds and control over disbursements. The City Auditor shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.~~

*The Council shall appoint a Director of Finance for an indefinite term of office. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.*

## **ARTICLE VI TAXATION AND BORROWING**

### **SECTION 6.01    LEVYING TAXES.**

The Council shall have the power to levy taxes, without a vote of the electors, for the current operating expenses and other lawful municipal purposes, in the manner provided by the constitution and general laws of Ohio, subject to the limitations provided therein.

The authority of the Council to submit additional levies to a vote of the people under authority of the constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision contained in this Charter.

### **SECTION 6.02    SUBMISSION OF EXTRA LEVY TO VOTE.**

The Council may at any time prior to the 15th day of September in any year declare by resolution, adopted by a vote of 2/3 of all the members thereof, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate amount for the necessary requirement of the City for current operating expenses, and other expenses payable from the general fund of the City, and such permanent improvements and equipment as shall have an estimated useful life of five years or more, and that it is necessary to levy taxes in excess of such limitation, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional rate which it is necessary to levy, the purpose or purposes thereof, the number of years during which such rate shall be in effect and the date of the proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five days thereafter to the election authorities, who shall place such question

upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall, for a period not in excess of that prescribed in such resolution, make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

#### **SECTION 6.03      POWER TO INCUR DEBT.**

The Council may, by ordinance, issue general obligation bonds to an amount not exceeding that authorized by the general laws of Ohio, now in effect or hereafter enacted, for any purpose for which bond issues are authorized by state law. Issuance of general obligation bonds beyond the limitations imposed on Council by state law and the state constitution, shall be dependent upon the approval of such issuance by the voters, as provided by law. Mortgage revenue bonds, special assessment bonds and all other notes or bonds exempted by statute shall not be included in calculating the net debt.

#### **SECTION 6.04      MORTGAGE REVENUE BONDS.**

The Council may, by ordinance, issue mortgage revenue bonds for any purpose and in any total amount authorized by the state constitution or laws of Ohio.

#### **SECTION 6.05      SPECIAL ASSESSMENTS.**

Special assessments may be levied by Council to pay any part of the cost of any public work or improvement authorized by ordinance. Such assessments shall be made and levied in accordance with the provisions and subject to the limitations prescribed in the Revised Code of the State of Ohio.

#### **SECTION 6.06      TAX ANTICIPATION NOTES.**

The Council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued.

#### **SECTION 6.07      EMERGENCY BORROWING.**

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by the Ohio Revised Code.

#### **SECTION 6.08      PROCEDURE IN BOND ISSUES.**

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

## **ARTICLE VII FINANCE**

### **SECTION 7.01 ANNUAL TAX BUDGET.**

In the form and at the time required by law, the City Manager shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, at such time as the City Manager shall determine, the City Manager shall obtain from the head of each department or agency of the City plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall gather data from all departments and supply the City Manager with estimates of available revenue. From these data, the City Manager shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them to the County Budget Commission in the form required by law.

### **SECTION 7.02 PREPARATION OF ANNUAL CITY BUDGET.**

The City Manager shall prepare and submit to the Council each year a budget estimating the total contemplated work program and expenditures from each fund during the ensuing fiscal year. Expenditures shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Council may request the City Manager prepare a five (5) year planning budget. Such budget shall serve as the basis for the annual appropriation ordinance.

### **SECTION 7.03 OTHER PROCEDURES.**

In all other respects the procedure for the preparation, advertising, hearing and adoption of the budget and the appropriation of municipal funds shall be governed by the general laws of the State of Ohio pertaining to such matters. Amendment to the annual appropriation ordinance shall be governed by the general laws of the State of Ohio pertaining to such matters.

### **SECTION 7.04 FISCAL YEAR.**

The fiscal year of the City shall be the calendar year, beginning January 1 and ending December 31 each year.

### **SECTION 7.05 CAPITAL IMPROVEMENT RESERVE FUND.**

Council may create and maintain a Capital Improvement Reserve Fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law.

The unencumbered balance remains in the general fund of the municipality at the end of any fiscal year may also be transferred. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus or other property, or to construct buildings, structures, roads and other property or public improvements, needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond and interest retirement fund.

**ARTICLE VIII**  
**BOARDS AND COMMISSIONS**  
~~**CIVIL SERVICE COMMISSION**~~

**PERSONNEL APPEALS BOARD**

**SECTION 8.01 PERSONNEL APPEALS BOARD**

There shall be a Personnel Appeals Board consisting of three qualified electors of the City who shall be appointed by the Council for three year terms. Council shall fill vacancies by appointment for the unexpired term. Each member shall neither hold nor be a candidate for any other public office nor be employed by the City.

The City and the Personnel Appeals Board shall have no jurisdiction over, nor be obligated to perform any duties with regard to employees of the Talawanda City School District.

**SECTION 8.02 POWERS AND DUTIES**

The Board shall have the power to hear and determine appeals of disciplinary actions, suspensions, demotions or removal of City nonexempt employees if such matters are not resolved upon a hearing and determination by the City Manager.

The Board shall serve without compensation and shall hear appeals from any nonexempt employee who has successfully completed a probationary period, or applicant for non-exempt position who has successfully completed a probationary period, upon such issues as may be subject to appeal as defined by rules established pursuant to this section. The board shall have the power to subpoena witnesses and require the production of records. The decision of the Board shall be final.

**PLANNING COMMISSION**

**SECTION 8.03 PLANNING COMMISSION.**

There shall be a City Planning Commission consisting of seven members, two of whom shall be members of Council, elected by Council for a term

of one year; and five citizen members, appointed by Council from among the qualified electors of the city. The five citizen members shall serve five year overlapping terms of office. Citizen members of the Planning Commission shall hold no other incompatible public office.

#### **SECTION 8.04     POWERS AND DUTIES.**

The Planning Commission may act as the Platting Commission of the municipality. As such, it shall provide for planning, zoning and regulations covering platting of all lands which are subject to control by the municipality, and shall cause an official map of such territories to be made. The Commission shall carry out the comprehensive plan and make such investigations, reports and recommendations relating to planning and the physical development of the City as it finds necessary and desirable.

#### **BOARD OF ZONING APPEALS**

#### **SECTION 8.05     BOARD OF ZONING APPEALS.**

There shall be a Board of Zoning Appeals consisting of five electors of the city, appointed by Council to serve for a term of three years. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. No resolution overruling an action under or interpretation of the zoning ordinance by any administrative officer of the City shall be adopted except by the affirmative vote of three members of this board.

#### **SECTION 8.06     POWERS AND DUTIES.**

The board shall have the power to hear and determine appeals from refusal of building permits and to permit exceptions to and variations from the zoning regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners. The standards in all instances to be applied by the board shall be established by ordinance of Council.

#### **RECREATION BOARD**

#### **SECTION 8.07     RECREATION BOARD.**

There shall be a Recreation Board appointed by Council consisting of five members. Appointments shall be made for a three-year term of office. The Recreation Board shall recommend to Council future plans and development of playgrounds, parks and recreational facilities and programs for the City. The Recreation Director shall be appointed by the City Manager.

#### **OTHER BOARDS**

#### **SECTION 8.08     OTHER BOARDS AND COMMISSIONS.**

In addition to the foregoing boards and commissions, Council may create and abolish such other advisory boards, commissions and committees as may be deemed necessary.

#### **SECTION 8.09     CITY MANAGER EX-OFFICIO MEMBER.**

The City Manager or designee shall be an ex-officio member without vote of all boards and commissions created by or under authority of this Charter, except the Personnel Appeals Board.

#### **SECTION 8.10     REMOVAL FROM OFFICE.**

Council shall declare vacant an appointed official's office by a majority vote of all members of Council for any of the following reasons.

1.    One who is absent without justifiable excuses for three (3) consecutive regular meetings.
2.    One who shall be convicted of a crime involving moral turpitude or any felony.
3.    One who shall be convicted of any other provision of the state laws as applicable to public officials for which the penalty includes forfeiture of office.

### **ARTICLE IX NOMINATIONS AND ELECTIONS**

#### **SECTION 9.01     MUNICIPAL ELECTIONS.**

The regular municipal election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

#### **SECTION 9.02     CONDUCT OF ELECTIONS.**

Both regular and special municipal elections shall be conducted by the Board of Elections of Butler County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the state election law shall be followed.

#### **SECTION 9.03     NOMINATIONS.**

No primary election shall be held for the nomination of candidates for the Council. Nominations for the office of Council member shall be made by petition signed by not less than 50 nor more than 100 electors of the

City. Petitions shall be the standard forms for the nomination of individual nonpartisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in accordance with the current laws of the State of Ohio. An elector may sign only as many petitions as there are Council members to be elected at the municipal election for which the nominations are made.

#### **SECTION 9.04 ACCEPTANCE AND VERIFICATION.**

The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law.

#### **SECTION 9.05 BALLOTS.**

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law.

#### **SECTION 9.06 WRITE-INS.**

Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election shall space be provided on the ballot for the writing in at the election of the names of additional persons.

#### ~~SECTION 9.07 WATCHERS AND CHALLENGERS.~~

~~At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections at least ten days before the election, to appoint one person and one alternate to represent such candidate as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and an alternate to represent such candidate as watcher and challenger during the canvas of votes at the Board of Elections.~~

#### ~~SECTION 9.08 ELECTION.~~

~~The candidates for member of Council at the regular municipal election, equal in number to the places to be filled on Council, who received the highest number of votes shall be declared elected.~~

#### ~~SECTION 9.09-07 RECALL.~~

Members of Council may be removed from office before the expiration of their term by the qualified voters of the city. The procedure for such recall shall be that provided in the Ohio Revised Code.

**ARTICLE X  
GENERAL PROVISIONS**

~~**SECTION 10.01 OATH OF OFFICE.**~~

~~Every officer and employee of the City shall, before entering upon public duties, take and subscribe to the following oath or affirmation which shall be filed and kept in the office of the Clerk of Council:~~

~~I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this city, and will faithfully discharge the duties of \_\_\_\_\_ upon which I am about to enter.~~

**SECTION 10.01 OFFICIAL BONDS.**

All officers and employees of the City whose duties require them to handle municipal and other public money or property shall furnish a corporate surety bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the City. All such bonds shall be filed with the Clerk of Council.

**SECTION 10.02 PERSONAL INTEREST.**

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office.

Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

**SECTION 10.03 REMOVAL FROM OFFICE; DISQUALIFICATION.**

Whenever, in this Charter certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the Ohio Revised Code.

**SECTION 10.04 AMENDMENTS TO THE CHARTER.**

This Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the municipality and approved by a majority of those voting on the question of its adoption.

Such amendment may be initiated by either a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the voters who voted at the preceding election for the office of Governor.

At the first meeting of the Council in January 1996 and every ten (10) years thereafter, Council shall appoint a commission of not less than five (5), nor more than nine (9) electors of the municipality, to include one (1) but no more than two (2) current City Council members. It shall be the duty of the commission to review the existing Charter and make such recommendations for revision as it may see fit. The City Solicitor shall provide advice and counsel as needed by the Commission.

The Commission shall submit its written report to Council at an open meeting not later than December 31 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

#### **SECTION 10.05 SEVERABILITY CLAUSE.**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion of such invalidity could have been known at the time of its original adoption.

### **ARTICLE XI TRANSITIONAL PROVISIONS**

#### **SECTION 11.01 ~~FISCAL~~ SUCCESSION AND VESTED RIGHT.**

The City of Oxford, under this Charter, is hereby declared to be the legal successor of the Village of Oxford, under the general laws of the State of Ohio; and as such it has title to all property, real, personal, and mixed, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. Adoption of the Charter or any amendments of it shall not impair rights vested in the City nor discharge any liability previously incurred by the City.

~~The City of Oxford under this Charter is hereby declared to be the only legal successor of the City of Oxford under the general law and as such the City has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of~~

~~action. The City also is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.~~

#### ~~SECTION 11.02 CONTINUATION OF ORDINANCES.~~

~~All ordinances of the City in effect at the time of adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.~~

#### ~~SECTION 11.03 CONTINUATION OF OFFICERS.~~

~~All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.~~

#### ~~SECTION 11.04 CONTINUANCE OF EMPLOYEES.~~

~~Every employee of the City government when this Charter takes effect shall be retained in such employment and shall thereafter be subject in all respects to the provisions of this Charter.~~

#### ~~SECTION 11.05 TRANSFER OF RECORDS AND PROPERTY.~~

~~All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors, upon termination of tenure of office or employment.~~

#### ~~SECTION 11.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.~~

~~All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.~~

#### ~~SECTION 11.07 PENDING ACTIONS AND PROCEEDINGS.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.~~

#### ~~SECTION 11.08 WHEN CHARTER TAKES EFFECT.~~

~~This Charter shall be voted upon at the general election held November~~

~~5, 2013, and will take effect on adoption if approved by the voters.~~

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** July 18, 2017

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

June 28, 2017  
**Date Prepared:**

**PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estate, 23.28 acres, R-1A District, Bryan Price, Red Brick LLC, Applicant**

**Recommendation: Approval with Conditions**

**Discussion:**

The applicant is seeking a Final Planned Development approval to develop this 23 acre tract of land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. The developer has planned arts and crafts style architecture.

Any planned development project needs to go through a two-step process; a preliminary plan and a final plan, although the process can be concurrent for small, single-phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and City Council approval. The Preliminary Planned Development was approved in 2016 with conditions. This is the final phase of the Planned Development that went before the Planning Commission and now is before Council for approval based on the recommendations from the Planning Commission.

There are general decision standards that the Planning Commission and City Council shall follow in reviewing preliminary and final planned development applications. For the final planned development, additional standards are added:

- a. The final planned development shall substantially conform to the preliminary plan.
- b. Any substantial changes from the preliminary plan improve the plan or were requested by the Planning Commission or Council as a part of the preliminary plan approval process.
- c. If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

The Planning Commission reviewed this application and deliberated their considerations at two separate meetings. On June 9, the Commission discussed at length this project and made a recommendation to Council for approval of this Final Planned Development with conditions as follows:

1. That, any revisions to the Homeowners Association or By-Laws information as requested by City Staff is consistent with City codes;
2. That, any revisions to wetland and conservation easement information as requested by City Staff is consistent with City codes;

3. That, sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with the Final Planned Development Plan;
4. That, Outlot lettering/numbering be consistent on the Final Plan and Construction Plans and a statement will be added to the plat that no homes are to be built on the five Outlots;
5. That, Final Plan approval be valid for five years. Phase One, including all infrastructure and homes, shall be completed within five years. A Final Plan extension may be requested per City code;
6. That, the plans be revised to reflect the street and sidewalk improvements of the stub right-of-way between Lots 9 and 10;
7. That, if all lots are not built at the end of each Phase, the remaining sidewalks will be completed at the time of completion of that Phase or within five years, whichever is sooner;
8. That, Phase One shall be the south end of the property;
9. That, the Typical Lot Plan be revised to reflect compliance with a 35% maximum lot coverage.

Approved By:

**Department Head:**

**City Attorney:**

**City Manager:**

*JHC*, 7/5/17  
*DRE*, 7/13/17

## **ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.28 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT 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 13, 2017 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Final Planned Development to be located on 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code, substantially conforms to the approved preliminary plan and meets the nine (9) conditions set forth for Preliminary Plan approval and recommended approval of the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for 23.28 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are incorporated herein and made a part of this approval with the following conditions:

1. Any revisions to the Homeowners Association or By-Laws information as requested by City staff shall be consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by City staff shall be consistent with City codes.
3. Sidewalk connections to existing sidewalks shall be adjusted on construction plans to be consistent with the Final Planned Development plan.
4. Outlot lettering/numbering shall be consistent on the Final Plan and construction plans and a statement shall be added to the plat that no homes shall be built on the 5 outlots.
5. Final Plan approval shall be valid for 5 years. Phase One, including all infrastructure and homes, shall be completed within 5 years. A Final Plan extension may be requested per City code.
6. The plans shall be revised to reflect the street and sidewalk improvements of the right-of-way between Lots 9 and 10.
7. If all lots are not built at the end of each Phase, the remaining sidewalks shall be completed at the time of completion of that Phase or within 5 years, whichever is sooner.
8. Phase One shall be the south end of the property.

9. The typical lot plan shall be revised to reflect compliance with 35% maximum lot coverage.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

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

**Report Date** July 18, 2017

**Case Number** PC-2017-06

**Applicant Information** Bryan Price, Red Brick LLC

**Requested Action** Final Planned Development

**Summary of Request** This is a Final Planned Development to develop 23 acres of vacant land into 50 single-family homes.

**Public Hearing Information** A Public Hearing took place at 118 W. High Street on May 9, 2017 (Tabled) and June 13, 2017. A Preliminary Development was approved by City Council August 2, 2016, Ordinance 3359. A Public Hearing notice was published in the Journal News on May 14, 2017. Courtesy notices were mailed to adjacent property owners on May 23, 2017. Multiple signage was posted at the site on June 6, 2017

**Commission Action** The Planning Commission voted 4-1-0 recommending approval with numerous conditions.

**Commission Findings and Conclusions** The Planning Commission reviewed this final development quite extensively. Surrounding property owners spoke at each Planning Commission meeting. Concerns expressed were water runoff, first phase choice, open space, stub street development, sidewalk completion, lot size, lot coverage, stub street ownership. The Planning Commission recommended nine conditions.

**Exhibits Submitted to the Commission**

1. Staff Reports Dated May 2, 2017 and June 8, 2017
2. Wetland Conservation Drawings and Language
3. City Engineer Memorandum Dated June 1, 2017
4. Interoffice Review Transmittal Sheets
5. Surrounding Property Owner Notifications Map
6. Letter of Agency
7. Preliminary Development Ordinance #3359
8. Planned Development Application
9. Traffic Evaluation

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**

**Planning Commission**

**Case # PC-2017-06**

**Date – June 13, 2017**  
**Tabled from May 9, 2017**

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**APPLICATION**

|                                 |                                                                                                                        |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Applicant:                      | Bryan Price, Red Brick Development LLC                                                                                 |
| Location:                       | 23 vacant acres, Olde Farm Road / Country Club Drive                                                                   |
| Owner:                          | Strait Gate Homes LLC                                                                                                  |
| Action Request:                 | <b>Recommendation for Final Planned Development</b> – To forward a recommendation to City Council regarding Final Plan |
| Current Use:                    | Vacant Agricultural                                                                                                    |
| Surrounding Existing Land Uses: | Single-Family Residential and Agricultural                                                                             |

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**DESCRIPTION**

As follow-up from the tabled case May 9, 2017, Staff is providing herein a brief report including: Timeline, New Information, Brief Analysis and Recommendation. Additional reference to the May 9 Staff report is recommended. The applicant's request is to receive a recommendation of approval for the Final Planned Development for Red Brick Estates. If approved by City Council this constitutes zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family home lots. The land is located between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The subject land was annexed by Oxford in the 1960s. The land is zoned R1A (Single-Family Low Density) and abuts R1B (Single-Family Medium Density) to the west.

**TIMELINE**

|                 |                                                                 |
|-----------------|-----------------------------------------------------------------|
| June 14, 2016:  | Planning Commission Preliminary Plan Recommendation of Approval |
| August 2, 2016: | City Council Preliminary Plan Approval                          |
| May 9, 2017:    | Planning Commission Final Plan Review: Tabled                   |

**NEW INFORMATION**

1. The City has a signed agreement with the owner to purchase the underlying land of the existing stub street to be named Grace Lane. (not attached)
2. The homeowner association documents have been received and reviewed by Staff. (attached)
3. The conservation easement document has been received and reviewed by Staff. (attached)
4. The City Engineer has provided an additional written statement regarding the storm water management plan. (attached)

**ANALYSIS**

1. The maximum lot coverage of individual lots is proposed to exceed the limit of 35% by 5%. This constitutes a potential waiver request.
2. The HOA documents have been reviewed by the Staff but no requests for revision have been received at this time.
3. The Wetland and Conservation Easement documents have been reviewed by Staff but no requests for revision have been received at this time.

4. There are three sidewalk connections that need to be revised to improve the user experience by avoiding alignment offsets.
5. There are differences in the numbering/lettering of the Outlots that needs resolved for consistency purposes. There is no statement on the drawings regarding the prohibition of homes on the Outlots.
6. The Final Plan approval is by default only valid for 1 year. This would require all of the infrastructure to be built and homes to be permitted and under construction within one year from City Council approval. The applicant is requesting the Final Plan be valid for 5 years which would still permit future extension requests.
7. The applicant is proposing dedicating street right of way for a street stub to the vacant land to the west without a plan to actually improve (pavement and sidewalks) the stub. The City Manager is planning to recommend to City Council that this approval be conditioned upon the plan being revised to include street improvements of the stub right of way.

**Based upon Oxford Zoning Code Section 1145.06(c), the proposed Final Plan substantially conforms to the Preliminary Plan approved by Oxford City Council by Ordinance #3359 approved on August 2, 2016.**

#### **RECOMMENDATION**

Based upon the staff's findings and analysis above, a recommendation of approval of the proposal as submitted can be forwarded based upon the following potential conditions:

1. Any revisions to home owner association or by-law information as requested by Staff consistent with City codes.
2. Any revisions to wetland and conservation easement information as requested by Staff consistent with City codes.
3. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
4. Outlot lettering/numbering be consistent on Final Plan and Construction Plans and a statement be added to the plat that no homes are to be built on the 5 Outlots
5. Final Plan approval be valid for five years.
6. Improvement of the stub right of way between lots 9 and 10.

SUBMITTED

BY:



Sam Perry, AICP, Planner

DATE: June 8, 2017

**City of Oxford**  
*Community Development Department*  
**STAFF REPORT**

**Planning Commission**

**Case # PC-2017-06**

**Date – May 9, 2017**

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**APPLICATION**

|                                 |                                                                                                                        |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Applicant:                      | Bryan Price, Red Brick Development LLC                                                                                 |
| Location:                       | 23 vacant acres, Olde Farm Road / Country Club Drive                                                                   |
| Owner:                          | Strait Gate Homes LLC                                                                                                  |
| Action Request:                 | <b>Recommendation for Final Planned Development</b> – To forward a recommendation to City Council regarding Final Plan |
| Current Use:                    | Vacant Agricultural                                                                                                    |
| Surrounding Existing Land Uses: | Single-Family Residential and Agricultural                                                                             |

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**DESCRIPTION**

Following a Preliminary Plan review at Planning Commission on June 14, 2016 and a City Council review and approval on August 2, 2016, the applicant is now requesting approval of the Final Plan. The intent is to receive zoning and subdivision approval to develop 23 acres of vacant land into 50 single-family homes between Olde Farm Road and Country Club Drive, north and west of Heritage Subdivision. Heritage Subdivision is accessed by Contreras Road. The Planned Development purpose statement from Oxford Code Section 1145.01 is:

To incorporate land uses and development patterns that are intended to permit and encourage creative and flexible land development that is not permitted by-right under the administrative regulations of underlying zoning districts. The planned development is particularly well suited to address two distinct goals of the Comprehensive Plan: to provide for environmentally sensitive and cohesive developments that are an attractive alternative to traditional subdivision and infill development that fully utilizes available land and existing utility resources where they already exist.

The process of the Planned Development requires Planning Commission review and recommendation to be forwarded to City Council. Since the Final Plan review is well before the two year expiration of the Preliminary Plan, this review is the correct next step for the applicant to move forward. The applicant and applicant's consultant, Bayer Becker, have reviewed and responded to the City Council approval ordinance #3359 in preparation for this review.

**SITE HISTORY BACKGROUND**

The land proposed for development is a vacant and undeveloped agricultural tract approximately 500 feet wide and 2,200 feet long, parallel to Country Club Drive. In the 1970s a phase of Heritage Subdivision was proposed, but it never moved forward. As noted above, Oxford City Council approved the Red Brick Estates Preliminary Planned Development on August 2, 2016. Due to the lot configuration the applicant chose the Planned Development process route rather than the conventional Subdivision route. The Planned Development allows more flexibility in dimensional standards but requires more open green space reservation than the minimum yard setback distances of conventional subdivisions. Either route would require wetland preservation due to federal land disturbance permitting requirements.

## **DECISION STANDARDS**

The Planning Commission and City Council must review a request for a planned development approval based upon Section 1145.06 of Oxford Zoning Code. Because it is a subdivision by definition it must also follow the Subdivision Code Section 1101 with the exception of the dimensional regulations of the underlying zoning district.

### **1145.06 PLANNING COMMISSION AND COUNCIL REVIEW**

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards. All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **Yes**
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **N/A**
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. **Yes**
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. **Yes**
- (5) The size and shape of the site are sufficient for the proposed planned development. **Yes**
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **No**
- (7) 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. **No**
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **Yes**
- (9) 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. **Yes, based upon departmental review**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes, based on departmental review**
- (11) 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. **Yes**

- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **Yes**
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **No, based upon City Council approval and information available**

### **PURPOSE STATEMENTS**

Below are purpose statements from both applicable sections of the Zoning Code:

**R-1A Underlying Zoning: Section 1143.01(a) Purpose:** This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

### **Planned Development Common Goals from Section 1145.01(a)**

- (1) Planned developments share these common goals:
- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code. -- **Preserving vegetative buffering not required by conventional subdivision.**
  - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision -- **Open space and architectural standards exceed subdivision.**
  - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings -- **Lacks the City Council required street connection location. Also lacks a plan for improvement of said connection.**
  - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site -- **Reduced side yard setbacks and lot widths / Good utilization.**
  - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development -- **Incomplete at this time.**
  - F. Be functional within a time period that helps ensure a viable development -- **To be built in two phases, however Final Plan approval is only valid for one year, which could be less than the overall build-out plan. Extensions of the Final Plan approval or other regulatory adjustment may be necessary**
- (2) Infill (already within corporate limits) development also satisfies the following goals:
- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access. -- **Likely yes, because of linear tract configuration**
  - B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available. -- **Yes**
  - C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford. -- **Yes, Land currently in corporate limits.**

### **DESIGN REQUIREMENTS**

Below are the design requirements for Planned Developments:

#### **Section 1145.12**

- (a) Arrangement. The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area. – **The lot layout has shifted somewhat due to increased wetland area and an additional street stub right of way abutting vacant land to the west. The number of buildable lots remain at 50.**

(b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.

(c) Land Use.

- (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
  - A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes. -  
-- **Single-family arts and crafts architectural style homes are proposed.**
  - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
  - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:
    1. No signs that are visible from outside of the development.
    2. No direct vehicular access to a public thoroughfare.
    3. No less than 95 percent of the total land area shall be devoted to residential land uses.
    4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
  - A. Any land use permitted in the underlying zoning district.
  - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
  - A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
  - A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
  - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.

(d) Residential Density. Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density. -- **Although the lots are smaller, the overall residential density of the proposed development is less than R-1A Zoning District requirements because of the substantial open space areas.**

(e) Dimensional Regulations.

- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
- (2) Front setbacks shall be limited as in the underlying zoning district.
- (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
  - A. Residential zoning district – 25 feet. -- **In compliance**
  - B. Commercial zoning district – 25 feet.
  - C. Industrial zoning district – 50 feet.

(f) Open Space.

- (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

- (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. **No detailed lot build-outs presented at this time.**
- (g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
- (1) Natural vegetation shall be maintained. -- **The 100 foot buffer around mapped wetlands poses a conflict with building lots 47-50 making them un-buildable. The applicant requests a waiver from the buffer requirement and is planning to present a mitigation plan from Kilbane Environmental to the Planning Commission. Staff recommends review of the mitigation plans as well as a conservation easement to restrict inappropriate usage of the rear yard setback areas of lots 47-50.**
  - (2) No structures shall be built or improvements made, except as follows:
    - A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
    - B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
    - C. Any improvements approved in a final plan.
    - D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.
- (h) Landscaping and Screening.
- (1) A planned development shall satisfy all landscaping elements required by other sections of this Code. – **Street trees are proposed per subdivision requirements.**
  - (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound. **The plan does not give any details on the drawing about what actual vegetation currently exists and how it will be preserved. All that is shown are bubbled areas. The application states that the tree line along the east property line will be maintained but there is no detail on the construction plans. The grading of Basin B (Open Space Outlot C) is within the buffer; therefore some plantings may be required.**
  - (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.
- (i) Access and Mobility.
- (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road. N/A
  - (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre. N/A
  - (3) Adequate pedestrian connectivity shall be provided to and through a planned development. **Five foot wide sidewalks on both sides of the street are proposed within the development. Three sidewalk connections on the construction plans need to be adjusted because of tree lawn variation between developments. There is no sidewalk along the portion of Country Club Drive between Old Farm Road and Contreras Road (Off-site). The 2007 Oxford Area Trail Study shows a connection to this property through Open Space Outlot E.**
- (j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground. **The street lighting plan has not been completed by the utility company yet.**
- (k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter. – **The Planning Commission and City Council specified that the street stub to the vacant land west be aligned with Grace Lane. The applicant decided to locate it offset to reduce through traffic.**

## **COMMENT FORMS**

All property owners within 200 feet have been notified by letter, multiple signs have been posted on the property and a notice has been placed in the newspaper. Additionally, the developer conducted their own informational outreach.

## **AGENCY REVIEWS**

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

|                      |                                                |
|----------------------|------------------------------------------------|
| Police:              | Returned without comment                       |
| Fire:                | Returned without comment                       |
| Service/Engineering: | Returned with comment re: drainage and traffic |
| Econ. Dev.           | Not returned                                   |

## **ANALYSIS**

### **Necessity and Layout**

The proposed planned development meets the requirements for dwelling unit density, setbacks and open space. There are less than 20 traditional subdivision lots that are vacant in the City of Oxford; indicating demand for additional lots for development. The proposed lots do not meet the R1A lot size or setback requirements; therefore a Planned Development is an appropriate process, as long as the purpose and intent goals are met for Planned Development design. The applicant has submitted a letter indicating that the Neighborhood Conservation Overlay District will be in place for this entire development.

### **Justification for Planned Development**

The development balances the smaller lots uncharacteristic of R1A with five acres of proposed open space dispersed throughout the development. Additionally, some existing vegetation and wetland is planned to be conserved. Additional information about the mapped wetland areas is needed in order to justify the lack of buffering. The open space definitions in Subdivision and Planned Development Sections require active or passive recreation. Labels have been added; the developer plans to mow the land. A statement should be added to the layout notes that no homes are to be built on the Outlots. Section 1101.411-412 requires that the maintenance of the improvements in the common areas be properly accounted for, such as in the form of a home owner association. The documents are incomplete at this time.

### **Utilities**

City staff does not find any concerns with utility infrastructure capacity and preliminary design to serve this site as indicated by the City Engineer's review.

### **Connectivity**

An adjustment in the location of the proposed stub right of way is required based upon the preliminary approval ordinance. Additionally, it is recommended that the stub be paved as part of the project.

### **Streets**

The City is in the process of resolving the right of way issue with the connection to Grace Lane.

### **Financial Security**

Performance bonding for the public improvements for during and after the development will be required by the City as part of the final approval, per standard procedure.

## **RECOMMENDATION**

Based upon the staff's findings and analysis above, a recommendation of approval can be forwarded based upon the following conditions:

1. Relocation and paving of the stub right of way
2. Satisfactory wetland buffering mitigation and conservation easement along lots 47-50
3. A statement be added to the plat that no homes to be built on the 5 Outlots

4. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions be completed, reviewed and approved by the City Law Director prior to recording of Final Plan, Record Plat or commencement of construction.
5. Sidewalk connections to existing sidewalks be adjusted on construction plans to be consistent with Final PD Plan
6. Outlot lettering/numbering be consistent on Final Plan and Construction Plans
7. 25' vegetative buffer preservation detail or plantings where removal occurs.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", written over a horizontal line.

Sam Perry, AICP, Planner

DATE: May 2, 2017

Suggested language to be placed on the Final Plan and Record Plat:

**Conservation Easement Area –**

As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Easement Area, the owners of lots 47-50 hereby imposes and agrees to comply with the following activity and use limitations on the Covenant Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.

**Wetland/Conservation Easement Area –**

As part of the conditions set forth by Oxford City Council to Red Brick Estates LLC and given the conservation values of the Wetland/Conservation Easement Area, the owner of open space lot A hereby imposes and agrees to comply with the following activity and use limitations on the Wetland/Conservation Easement Area:

- a. **Construction** – The placement or construction of any manmade modifications such as buildings, structures, or fences on the easement area, other than construction activities that are authorized by the mitigation plan approved by the Ohio EPA are prohibited.
- b. **Dumping** – waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated within the easement area.
- c. **Cutting and other Control of Vegetation** – Any cutting of trees, ground cover, or vegetation or destroying by means of herbicides or pesticides on the Wetland/Conservation Easement Area is prohibited, other than the removal or control of invasive and noxious species and control activities that are authorized by the mitigation plan approved by Ohio EPA.
- d. **Water Courses** – Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the easement area other than as part of activities that are authorized by the mitigation plan approved by the Ohio EPA.



BE INSERTED)



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.  
City Engineer

RE: PC-2017-06  
Final Planned Development – Red Brick Estates

DATE: June 1, 2017

---

At request of Sam Perry, Planner, the Engineering Division is addressing the storm water issues related to the proposed development.

Form the initial stages of the proposed development, property owners on Country Club Drive and Old Farm Road have expressed concerns that the storm water draining from the proposed development would adversely affect their respective property and its value. Their concerns were heard, and taken into consideration when the stormwater management plan for the Red Brick Estates Development was designed by the Consultant, and reviewed by the Engineering Division.

Most of the expressed concerns were related to existing conditions.

- First, it must be stated that Country Club Drive and Old Farm Road was developed prior to City of Oxford's Stormwater Regulations.
- Second, the existing stormwater sewers that serve the area are limited in their presence, and not in their capacity to serve the existing area.
- Third, one can observe the topography of the developed area as being rather flat. The individual lots are flat, and in some cases, the lots are below the roadway elevation. As I stated in previous presentations to this body, the home builders were careless by not setting the home foundations at a higher elevation, and grading the lots, so as to provide a way for the storwater to reach the gutters along the streets.
- Forth, City Staff has cleaned the subject storwater sewer system, and the Oxford Country Club has replaced a deteriorated culvert on their property that

was obstructing the stormwater discharge downstream. The stated actions did improve the stormwater discharge issue.

The Stormwater Management Plan for the Red Brick Estates Development was designed to the latest standards. The Development will have two (2) detention ponds, which are designed to take in the stormwater from the Development and timely release it into the existing stormwater sewer system.

As stated by the Consultant, at the last Planning Commission meeting, the ditches are to direct and empty the accumulated stormwater into the detention ponds, which will discharge into the existing storm system.

The detention ponds were design in excess of the needed capacity, due to size restrictions presented by the existing storm system. Thus, the detention ponds discharge will be slowed, so as not to overburden the existing storm sewer, and possibly create flood issues within the Red Brick Development, and the existing Developments.

In extreme, and I must emphasize the word extreme, any overflow will be by surface down Grace Lane, toward the Oxford County Club.

In closing, I must state that this writer met with the Consultant and discussed the stormwater management plan in detail.

This writer finds the plan meets the present stormwater management specifications and BMP's for the subject development.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

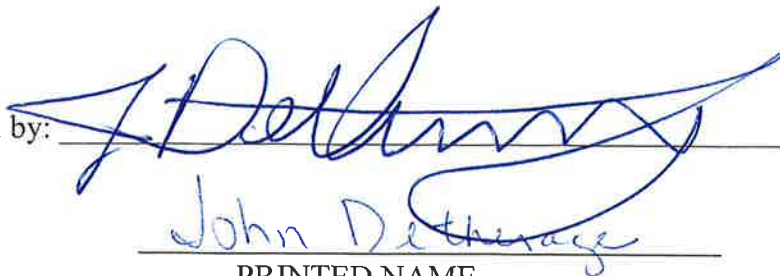
PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, Red Brick LLC Applicant

  X   Review            Revisions            Other

Please return no later than: **April 21, 2017** 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:

  
John Detherage  
PRINTED NAME

Date:

4-6-17

City of Oxford  
Inter-Office Review Transmittal Sheet

**Date:** April 4, 2017

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

**From:** Community Development Department

**PC-2017-06, FINAL PLANNED DEVELOPMENT**, Red Brick Estates, 23.28 acres, R-1A District, **Red Brick LLC Applicant**

  X   Review            Revisions            Other

Please return no later than: **April 21, 2017** 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 4-14-17.*

Drawings reviewed by: \_\_\_\_\_

*V. Popescu*

Date: \_\_\_\_\_

*4-14-17*

*VICTOR POPESCU*

PRINTED NAME



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.  
City Engineer

RE: PC-2017-06  
Final Planned Development – Red Brick Estates

DATE: April 14, 2017

---

The following comments are in addition to the comments stated in the May 16, 2016 memo. (attached)

### Plan Sheet 1/10

- Refer to General Notes
  - Note 3.  
Re-write the note. The note, as written, is not clear.
  - Note 6.  
Correct the concrete class, to agree with the ODOT class.
- Refer to Utility Notes
  - Note 8.  
“Labels” should read “Lengths”.
  - Note 23.  
Correct note to read “... Class 53, 350 PSI”.
  - Note 24.  
Add “... 350 PSI.”
- Refer to Typical Cross Section
  - Change tree lawn width to read 7' – 6”.
- Curb ramp details
  - Use ODOT Standard BP-7.1 (dated 7-18-14).

- Delete "Roadway Restoration Standard". Use City Standards.

**Plan Sheets 3/10 & 4/10**

- Refer to Note 3.
  - Change water service to read 1" (City Standard).

**Plan Sheets 8/10**

- Use current City Standards 10, 67, 68, and 78.
- Delete City Standard 65.

**Plan Sheets 9/10**

- Use current City Standards 11, 16, 22, and 73.

If there are questions, please contact the Engineering Division.



## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, PE  
City Engineer

RE: PC - 2016-11  
Preliminary Planned Development  
Red Brick Development

DATE: May 16, 2016

---

The following are comments from the Engineering Division.

- The final design must include a "sump line", located in back of the curb. The down spouts and foundation sump drains shall be connected to the "sump line", which will discharge the storm water into catch basins.
- The Traffic Evaluation, submitted with this proposed development has been reviewed and found to be acceptable, as is. The additional traffic created by the subject proposed development will not significantly increase the existing traffic volume within the existing neighborhood. It should be noted that the traffic volume on Contreras Road in the vicinity of Olde Farm Road has decrease from 2013 to 2015 (2,328 AADT vs 2,100 AADT).

If there are questions, please contact the Engineering Division.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: April 4, 2017

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, Red Brick LLC Applicant

  X   Review            Revisions            Other

Please return no later than: **April 21, 2017** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: \_\_\_\_\_



Date: \_\_\_\_\_

4/14/17

JOHN A. JONES

PRINTED NAME



# PC-2017-06

## Surrounding Property Owners Notifications Map

### Legend

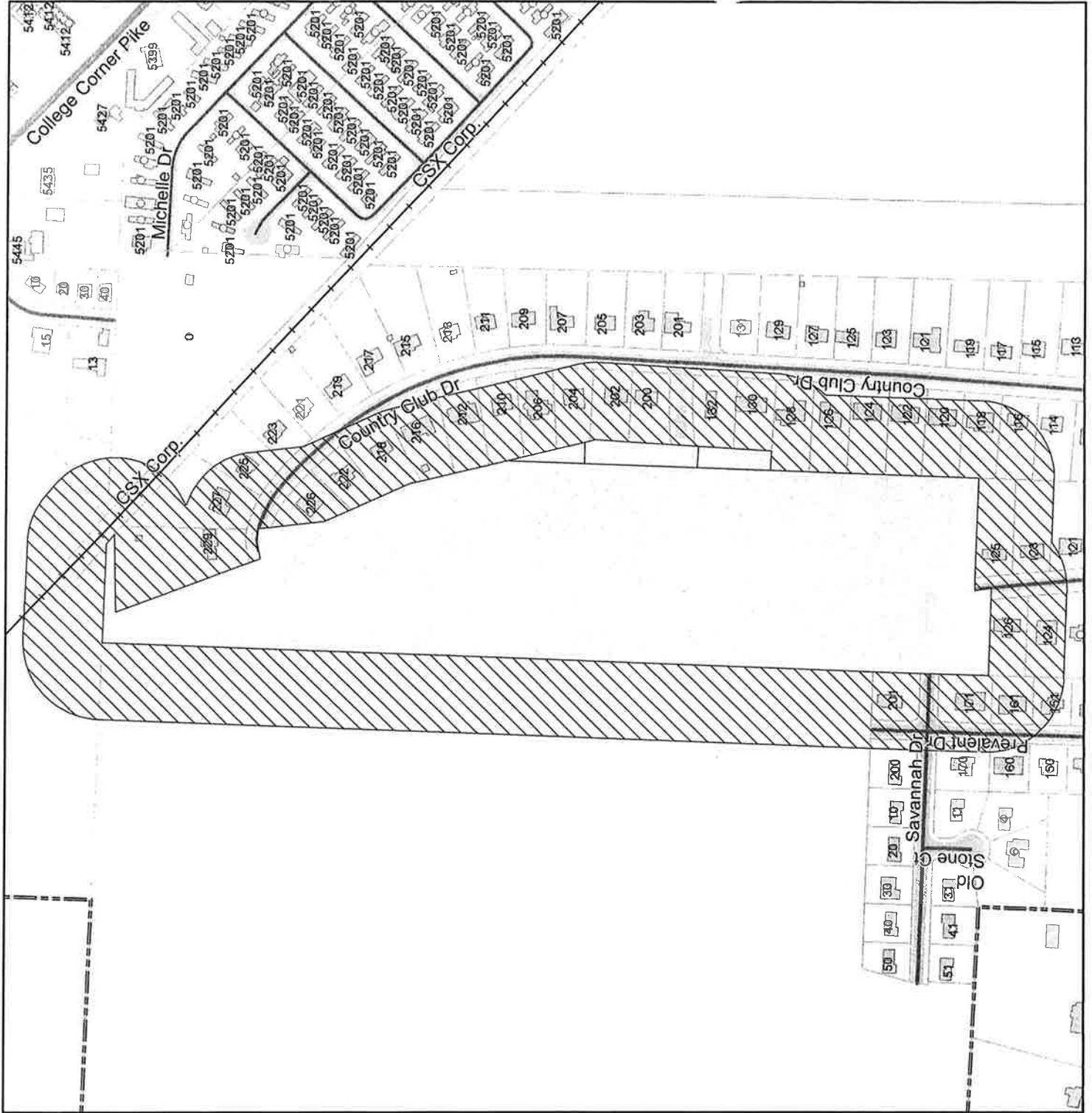
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 350 feet

Prepared on Tuesday, April 18, 2017

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



## **ORDINANCE NO. 3359**

AN ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT TO BE LOCATED ON 23.189 ACRES OF VACANT LAND BETWEEN OLDE FARM ROAD AND COUNTRY CLUB DRIVE TO ALLOW A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT 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 14, 2016 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Red Brick Development LLC, Applicant, Agent, for approval of a Preliminary Planned Development to be located on 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development.

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 Planned Development application with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Planned Development application for 23.189 acres of vacant land between Olde Farm Road and Country Club Drive to allow a single-family residential development based on the submittals of the applicant that are attached hereto and incorporated herein by reference as Exhibit "A" and made a part of this approval with the following conditions:

1. Storm water management shall meet or exceed City of Oxford regulations and standard specifications.
2. A stub street right-of-way shall be dedicated at the western terminus of "Grace Lane". Staff and applicant shall work together to identify a replacement lot within the project and shall make a recommendation to modify the open space requirements, if necessary to account for the street right-of-way and lot.
3. Active and passive recreation areas shall be identified and planned.
4. Outlots' name and letter labels shall be given to each lot not intended for development. A statement shall be added to the plat indicating that the front yard setback areas of all outlots shall be mowed as lawn and maintained free of undergrowth.
5. The 100' wetland buffering requirement shall be waived such that the applicant and staff shall work out other acceptable environmental practices to mitigate the reduced wetland buffering.
6. The declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements and restrictions shall be reviewed and approved by the City Law Director with the Final Plan.
7. Details for street lights shall be included with the Final Plan.
8. A typical lot plot plan shall be submitted with the Final Plan.

9. Architectural elevation plans submitted with the Final Plan shall conform to the types and styles presented. Garages shall be added to the drawings and shall be consistent with the development restrictions presented.

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

  
MAYOR

ADOPTED: August 2, 2016

ATTEST:  
  
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)



|                           |            |
|---------------------------|------------|
| <b>Internal Use Only:</b> |            |
| Case No.                  | PC-2017-06 |
| Date Filed                | 3/31/17    |

## Planned Development Application

### Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

### Applicant Information

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

Name \* Red Brick Development, LLC

Mailing Address \* 4676 Somerville Road

City, State & Zip Code \* Oxford, Ohio 45056

Telephone Number \* 513-615-4138 Email Address bryan@straitgatehomes.com

### Owner Information

Name \* Strait Gate Homes, LLC

Mailing Address \* 4676 Somerville Road

City, State & Zip Code \* Oxford, Ohio 45056

Telephone Number \* 513-615-4138 Email Address bryan@straitgatehomes.com

### Engineer/Surveyor Information

Name \* Bayer Becker

Mailing Address \* 110 South College Avenue, Suite 101

City, State & Zip Code \* Oxford, Ohio 45056

Telephone Number \* 513-336-6600 Email Address ettareed@bayerbecker.com

### Location and Lot Information

Name of Subdivision \* Redbrick Estates

Location of Property \* Parcel No.: H4000022000-007,-008,-009,-010

Legal Description \* Lot 1728

Zoning District \* R-1A Total Area \* 23.28 Acres

### Submission Requirements and Documentation

The application requirements (Section 1145.05<sup>1</sup>) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

**Thirteen (13)** complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

## Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)<sup>2</sup> is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

## Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06<sup>1</sup>.

## Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$400.00 plus \$100.00 per acre, plus \$10.00 postage charge.

## Sign and Date

Applicant Signature \*

Date \*



03-06-17

## Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

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

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



## Red Brick Development LLC



4676 Somerville Rd  
Oxford, Ohio 45056  
(513) 523-1212

April 29, 2016

Mr. Sam Perry  
Planner  
City of Oxford  
101 East High Street  
Oxford, Ohio 45056

Re: Red Brick Estates  
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Upon approval of the Preliminary Development Plan and acquisition of the property known as parcels H4000-022-000-007, 008, 009, and 010, Red Brick Development LLC intends to request approval of a Neighborhood Conservation Overlay District to be placed on the Red Brick Estates Development.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,

Bryan Price  
Red Brick Development, LLC



*Where Creativity  
Meets Functionality*

**Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors**

March 30, 2017

Mr. Sam Perry  
Planner  
City of Oxford  
101 East High Street  
Oxford, Ohio 45056

Re: Red Brick Estates  
Final PUD Submittal

Dear Mr. Perry:

Enclosed please find the following items in support of Red Brick Development LLC's Application for Final Planned Development approval for Red Brick Estates to be located at the end of Country Club Drive, Savannah Drive and Olde Farm Road:

- 1) Executed Planned Development Application.
- 2) A check in the amount of \$2,738.17 made payable to the City of Oxford for the application fee.
- 3) Thirteen individual packets containing one (1) copy of each of the following:
  - a. Executed Planned Development Application.
  - b. List of property owners within 200 feet of the site.
  - c. Legal description of the property.
  - d. Construction Plans
  - e. Typical Building Elevations.
  - f. Landscape Plan.
  - g. Photos of the subject site and surrounding area.
  - h. Draft of proposed covenants and restrictions.
  - i. Letter from Red Brick Development LLC regarding intention to request a Neighborhood Conservation District Overlay.
- 4) A CD containing a pdf of the aforementioned items.
- 5) Applicant:

*Red Brick Development LLC  
4676 Somerville Road  
Oxford, Ohio 45056  
513-615-4138*
- 6) Design Professionals:

Engineer, Surveyor & Landscape Architect:  
*Bayer Becker  
110 S. College Ave., Suite 101  
Oxford, OH 45056*

6900 Tylersville Road, Suite A  
Mason, OH 45040  
513-336-6600

110 S. College Ave., Ste 101  
Oxford, OH 45056  
513-523-4270

1404 Race Street, Suite 204  
Cincinnati, OH 45202  
513-834-6151

209 Grandview Drive  
Fort Mitchell, KY 41017  
859-261-1113

<http://www.bayerbecker.com>

513-336-6600

7) Description of use and site:

- a. A legal description of the boundary of the proposed development is enclosed.
- b. The property is currently vacant.
- c. The property is zoned R-PUD, Residential Planned Unit Development.
- d. A description of the proposed planned development:

- i. The number of housing units by size and type proposed within each phase.

*Red Brick Estates will contain a total of 50 single family residential lots to be constructed in 2 phases. The first phase will consist of approximately 19 lots. Lots shall have a minimum lot frontage of 75 feet and contain a minimum 8,250 SF. Front yard setbacks shall be 30 feet, rear yard 25 feet and 7.5 feet for each side yard.*

- ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

*Not applicable.*

- iii. The hours of operation of any nonresidential use.

*Not applicable.*

- 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.

*Phase 1, approximately 19 lots, will consist of the northern portion of the property and will include the extension of County Club Drive. Phase 2, consisting of the remaining lots, will be located at the southern portion of the property and will include the extension of Olde Farm Road, Grace Lane, and Savannah Drive.*

- e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.

- i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.

*The proposed use, single family residential lots, will be compatible with the existing single family lots located to the south and east. Additionally, the property to the west is currently vacant and zoned R-1B for single family medium density residential.*

*Savannah Drive, Olde Farm Road, Country Club Drive and the existing street stub (Grace Lane) will be extended into Red Brick Estates in order to provide connectivity with the existing Heritage and Plantation West Subdivisions. Red Brick Estates will be constructing 5' wide sidewalks along both sides of all streets within Red Brick Estates development, as required by the Subdivision Regulations. Said sidewalks will connect to the existing sidewalk on Olde Farm Road, Savannah Drive, Country Club Drive and the Grace Lane.*

- ii. How any existing structures, proposed structures, and the site design relate adjacent structures and sites.

*The proposed homes to be constructed within Red Brick Estates will be comparable in size and contain similar building materials as the existing homes in the Heritage and Plantation Subdivisions.*

- iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.

*The proposed use, residential, will not involve any operations that create potential nuisances.*

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

*Red Brick Estates will not have a negative effect on adjacent land. The properties to the south and east contain single family residences. While the property to the west, is a vacant field. Railroad tracks currently run to the north of the property. Red Brick Development LLC intends to maintain the existing tree buffer along the east property line of the development.*

- f. A statement about why the location proposed is appropriate for the planned development.

*The subject property is an ideal location for Red Brick Estates for several reasons:*

- 1) *Per the Comprehensive Plan, Red Brick Estates is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
- 2) *The property was zoned appropriately for residential development, R-1A single family low density residential.*
- 3) *Proposed density of the development is 2.15 units/acre. Existing density of the adjacent Heritage and Plantation Subdivisions is 1.66 and 2.46 units/acre, respectively.*
- 4) *The property contains several natural features that will be preserved within common open space.*
- 5) *Red Brick Estates will contain a Neighborhood Conservation Overlay District, similarly to the existing Heritage Subdivision to the east.*
- 6) *The infrastructure is currently in place to support a residential development of this nature.*

- g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

*There is a shortage of available single family residential lots within the City of Oxford for individuals to construct a new home. Red Brick Estates will fulfill this need. Furthermore, the development will contain over 20% open space and maintain the existing tree line along the east property line.*

- h. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

*Public water and sanitary sewer are available to the property. Stormwater detention will be provided in 2 locations within the development. Overall impact from this development on the community is limited as the City has long planned for this area to be incorporated into the City's infrastructure.*

- i. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

*A letter discussing the expected traffic impact of Red Brick Estates, as well as how pedestrian safety will be accommodated was provided with the Preliminary PUD Submission*

- j. The substance of proposed covenants, easements and other restrictions on the land and structures.
  - k. *Enclosed please find a summary of proposed covenants and restrictions for Red Brick Estates.*
- 8) A statement of conformance with the conditions required in the Preliminary PUD Plan.
- 1) *Onsite storm water management, including both the detention design and storm system has been designed to either meet or exceed the City of Oxford design regulations. Calculations for the detention basins and storm system demonstrating compliance have been attached*
  - 2) *The right-of-way for a future stub street will be dedicated to the City of Oxford to provide access to the western property. In order to discourage future traffic from passing through the adjacent Heritage Subdivision, the dedication for the future stub street has been offset from Grace Lane to align with Hope Way.*
  - 3) *Active and Passive recreation areas have been labeled on the Final PUD plan.*
  - 4) *Outlots' name and letter labels have been provided for the open space lots. A note has been added to the Final PUD plan indicating the front yard setback areas of all outlots will be mowed as lawn and maintained free of undergrowth.*
  - 5) *A buffer for the wetland has been provided as shown on the Final PUD plan.*
  - 6) *A copy of the declaration of covenants, home owner association responsibilities, maintenance of common open space and common facilities, easements, and restrictions are included for review.*
  - 7) *Street lighting is currently under design by Duke Energy and will be provided to the City of Oxford upon completion. Duke Energy does not release the final street light design this early in the construction plan review process.*
  - 8) *A typical lot plot plan has been added to the Final PUD plan.*
  - 9) *Architectural Elevation plans are included for your review. Attached garages will be provided with all homes.*

Please place this item on the June 13th Planning Commission Meeting agenda.

Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,



Etta M. Reed, PE

Date: March 27, 2017  
Description: 23.279 Acres  
Part of Lot #1728  
Location: City of Oxford  
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River, Section 21, Town 5, Range 1, Oxford Township and being part of Lot #1728 of the City of Oxford, Butler County and being all of the lands of Strait Gate Homes, LLC, as recorded in Official Record 8909, Page 1092 of the Butler County, Ohio, Recorder's Office and being further described as follows:

Beginning at the northwest corner of Heritage Subdivision #3 as recorded in Plat Envelope 640, Page "C" and on the easterly line of Plantation West Subdivision, Section Two as recorded in Plat Envelope 2619, Page "A" of the Butler County, Ohio, Recorder's Office and being the **True Point of Beginning**;

thence, leaving the northerly line of said Heritage Subdivision #3 and with the easterly line of said Plantation West and with the easterly line of Lot #2794, North 01° 57' 54" East, 2308.92 feet to the south line of Lot #2798;

thence, leaving the easterly line of said Lot #2794 and with the southerly line of said Lot #2798, South 87° 47' 59" East, 93.52 feet to the westerly boundary of Heritage Subdivision #4 as recorded in Plat Envelope 806, Page "D" of the Butler County, Ohio, Recorder's Office;

thence, leaving the southerly line of said Lot #2798 and with the westerly boundary of said Heritage Subdivision #4 for the following six courses:

- 1) South 19° 41' 06" East, 440.68 feet;
- 2) with a curve to the right, having a central angle of 32° 34' 26", a radius of 124.80 feet, an arc length of 70.95 feet, and a chord bearing South 88° 19' 04" East, 70.00 feet;
- 3) South 06° 32' 06" East, 175.00 feet;
- 4) South 23° 41' 06" East, 233.42 feet;
- 5) South 13° 47' 06" East, 225.00 feet;
- 6) South 13° 24' 21" East, 253.74 feet to the northwest corner of Heritage Subdivision #2 as recorded in Plat Envelope 563, Page "B" of the Butler County, Ohio, Recorder's Office;

thence, leaving the westerly boundary of said Heritage Subdivision #4 and with the westerly boundary of said Heritage Subdivision #2 for the following three courses:

- 1) South 03° 11' 54" West, 460.01 feet;
- 2) North 86° 48' 06" West, 53.94 feet;
- 3) South 01° 40' 54" West, 553.53 feet to the northerly boundary of said Heritage Subdivision #3;

6900 Tylersville Road, Suite A  
Mason, OH 45040  
513-336-6600

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513-523-4270

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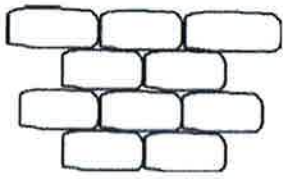
<http://www.bayerbecker.com>

thence, leaving the westerly boundary of said Heritage Subdivision #2 and with the northerly boundary of said Heritage Subdivision #3 for the following three courses:

- 1) North 88° 19' 06" West, 324.91 feet;
- 2) South 04° 56' 06" East, 40.00 feet;
- 3) North 88° 19' 06" West, 200.15 feet to the **True Point of Beginning** containing 1,104,031 square feet or 23.279 acres of land, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

MARCH, 2017

11 June 2017 - 14:38  
 Username: j\2015-0108\CAOCH\15-0108 CAOCH 11



# Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

## PRELIMINARY RESTRICTIONS FOR RED BRICK ESTATES

OXFORD, OHIO

### SECTION 1: LAND USE

No lot in this subdivision shall be used except for residential purposes. No structure shall be erected on any lot except one single-family dwelling house, with a private garage, which must be attached, hereto, for not less than two automobiles but no more than three automobiles.

### SECTION 2: SQUARE FOOTAGE OF STRUCTURE

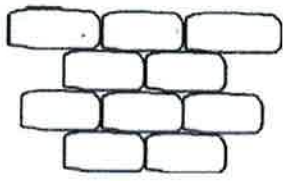
The living space, floor area, exclusive of porches, basements, and garages, of each structure shall not be less than 1,500 square feet for a ranch type home and 2,000 square feet for a two story home.

### SECTION 3: ARCHITECTURAL CONTROL

Construction is prohibited on any structure, fence, wall, or building until the plans and specifications have been first approved by Bryan D. Price designee. Bryan D. Price or his designee shall have the sole discretion of approving or rejecting all plans as to design, grades, exterior materials, and the location of the building or buildings on the lot. Prior to building permit application, excavation or construction, the lot owner shall deliver to the developer two complete sets of plans and specifications for approval. Within fifteen 15-calendar days, the developer shall notify the owner of approval or disapproval of the plans.

### SECTION 4: START OF CONSTRUCTION

Within one (1) year from the start of construction of a dwelling house upon any lot, said house shall have completed exterior appearance including but not limited to finished walkway, driveway of asphalt or concrete, landscaping, laying of sod or grass seeding, installed gutters and downspouts, installation of all windows and completed exterior painting.



# Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

## SECTION 5: MATERIALS

All homes in the subdivision shall be constructed of not less than a Premium Maintenance Free Vinyl Product approved by Bryan D. Price or designee. Any combination of brick, stone, siding or shakes may be used. Bryan D. Price or his designee reserves the right to waive this restriction on individual request. Waiver must be in writing.

## SECTION 6: VEHICLES

No truck over three-fourths ton capacity shall regularly be parked upon any lot or in any driveway in said subdivision, and only one truck of three-fourth ton or less capacity may be so parked. The parking and/or storage of machinery, equipment, school buses, commercial vehicles other than one pick-up truck is prohibited. No lot shall be used or maintained as a dumping ground for refuse or garbage or for the storage of disabled or junk cars.

## SECTION 7: BOATS AND TRAILERS

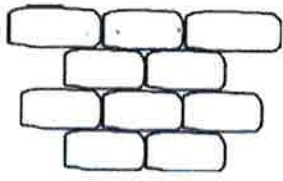
The parking and/or storage of boats, campers, trailers, and other vehicles of similar nature shall not be permitted.

## SECTION 8: ANIMALS

No poultry or other livestock shall be kept on any lot in this subdivision. Each residence shall be permitted ordinary household pets of not more than two (2) dogs and two (2) cats, kept in an enclosure or on a leash. No commercial use or breeding of any animals shall be permitted on any lot in this subdivision.

## SECTION 9: STORAGE BARN

Small storage barns may be used but must not have floor storage space to exceed 120 square feet (10x12). Barns must be built in a professional manner and placed on a temporary foundation. Construction materials may include wood, Brick, or hardboard siding (no metal buildings allowed). Any storage barn built on the lot must be built to the rear of the house.



# Red Brick Development LLC



4676 Somerville Rd

Oxford, Ohio 45056

(513) 523-1212

## SECTION 10: MAILBOXES

No brick mailboxes may be used.

## SECTION 11: FENCES

No materials other than open wood, open metal, or hedge shall be used as a fence and a maximum height of four feet allowed on any lot. Fences shall be permissible only to the rear of the building line of said lots.

## SECTION 12: BUSINESS OR TRADE

No business or trade shall be conducted on any lot, nor shall any lot be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any persons residing in said subdivision.

## SECTION 13: SERVERABILITY

In validation of any one of these covenants by judgement or court order shall in no way affect any of the provisions which shall remain in full force or effect.

## SECTION 14: ENFORCEMENT

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violations or to recover damages.



View from the center of Olde Farm Road looking North.



View from the South property line at Olde Farm Road looking West.



View from the South property line at Olde Farm Road looking East.



View from the South property line at Olde Farm Road looking South.



View from the center of the unnamed stub street looking West.



View of the East property line at the unnamed stub street looking South.



View of the East property line at the unnamed stub street looking North.



View from the East property line at the unnamed stub street looking East.



View from the center of Country Club Drive looking West.



View from the center of Country Club Drive looking North.



View from the center of Country Club Drive looking Southeast.



View from the center of Savannah Drive at the West property line looking North.



View from the center of Savannah Drive at the West property line looking South.



View from the center of Savannah Drive at the West property line looking West.









Where Creativity  
Meets Functionality

**Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors**

April 29, 2016

Mr. Victor Popescu, P.E.  
City of Oxford  
101 East High Street  
Oxford, Ohio 45056

Re: Red Brick Estates Traffic Evaluation – Vehicular and Pedestrian Impacts

Dear Mr. Popescu,

Bayer Becker has completed the following Traffic Evaluation relative to vehicular and pedestrian impacts for Red Brick Estates, a proposed residential development consisting of approximately 26 acres of property located at the end of Savannah Drive, Olde Farm Road, and Country Club Drive in the City of Oxford, Butler County, Ohio.

Trip generation calculations for the proposed development, which includes 50 single-family residential lots, were determined for the weekday average daily traffic (ADT) and for the AM and PM peak hours of adjacent street traffic using the procedures outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition* and the ITE *Trip Generation Manual, 9th Edition, User's Guide and Handbook*. Site trips are presented in the following table and ITE trip generation rate information excerpts are provided by attachment.

| Land Use                       | ITE Code | Size | Units | ADT   |      |       | AM Peak Hour |      |       | PM Peak Hour |      |       |
|--------------------------------|----------|------|-------|-------|------|-------|--------------|------|-------|--------------|------|-------|
|                                |          |      |       | Enter | Exit | Total | Enter        | Exit | Total | Enter        | Exit | Total |
| Single-Family Detached Housing | 210      | 50   | D.U.  | 278   | 277  | 555   | 11           | 34   | 45    | 35           | 21   | 56    |

Olde Farm Road, Country Club Drive, and Savannah Drive are classified as local roadways per the City of Oxford Roadway Alternatives and Classifications map, while Contreras Road is classified as an urban major collector. Based on the Ohio Department of Transportation (ODOT) traffic counts, the 2015 ADT for Contreras Road west of Patrick Drive is 2,100 vehicles per day. Because of the existing low traffic volumes on Contreras Road, the impact of the additional traffic generated by Red Brick Estates will be minimal. The ODOT traffic count data is attached.

In addition to vehicular traffic, the proposed development will accommodate pedestrian circulation via the construction of 5' wide sidewalks on both sides of all proposed roadways in accordance with the City of Oxford Subdivision Regulations. The proposed sidewalks will connect to the existing sidewalks on Savannah Drive, Olde Farm Road, and Country Club Drive, which will enable residents wishing to walk safely to the Oxford Community Park to do so via sidewalks on Savannah Drive to Prevalent Drive to Contreras Road and through the Knolls of Oxford development to the entrance of the park.

Based upon engineering judgment and the minimal amount of vehicular traffic to be generated, the proposed development will have a negligible impact on the operations of Contreras Road. Furthermore, the construction of the proposed sidewalk within Red Brick Estates will provide pedestrians a safe place to walk while also providing a connection to the adjacent subdivisions.

Should you have any questions or need anything further, please do not hesitate to contact us.

Sincerely,

Kathryn M. Dillenburger, P.E.

cc: Bryan Price, Red Brick Development LLC

6900 Tylersville Road, Suite A  
Mason, OH 45040  
513-336-6600

110 South College Ave, Suite 101  
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<http://www.bayerbecker.com>

## Land Use: 210

### Single-Family Detached Housing

#### Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

#### Additional Data

The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

This land use included data from a wide variety of units with different sizes, price ranges, locations and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the late 1960s and the 2000s throughout the United States and Canada.

#### Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435, 550, 552, 579, 598, 601, 603, 611, 614, 637, 711, 735

# Single-Family Detached Housing (210)

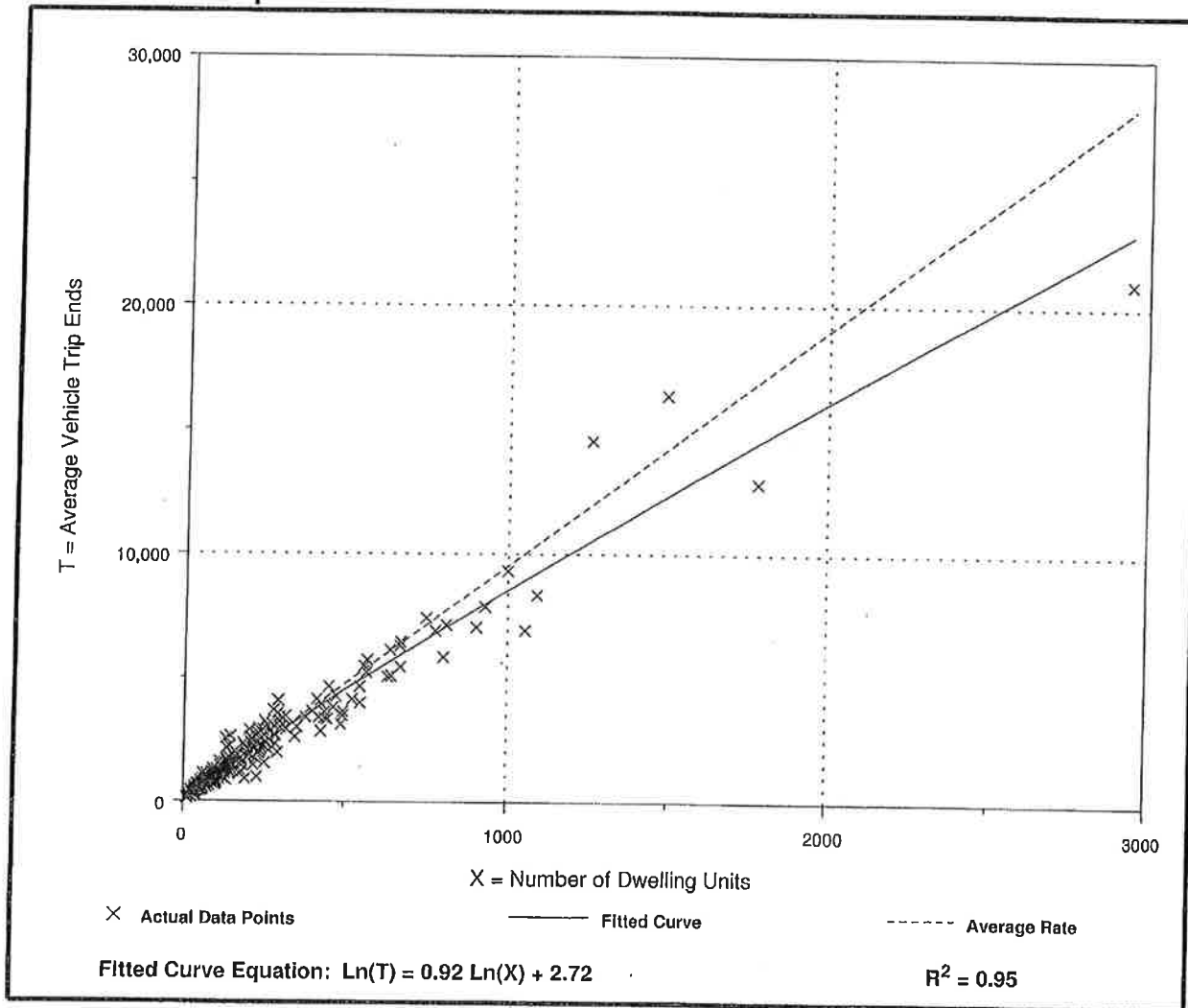
Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Number of Studies: 355  
Avg. Number of Dwelling Units: 198  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 9.52         | 4.31 - 21.85   | 3.70               |

## Data Plot and Equation



# Single-Family Detached Housing (210)

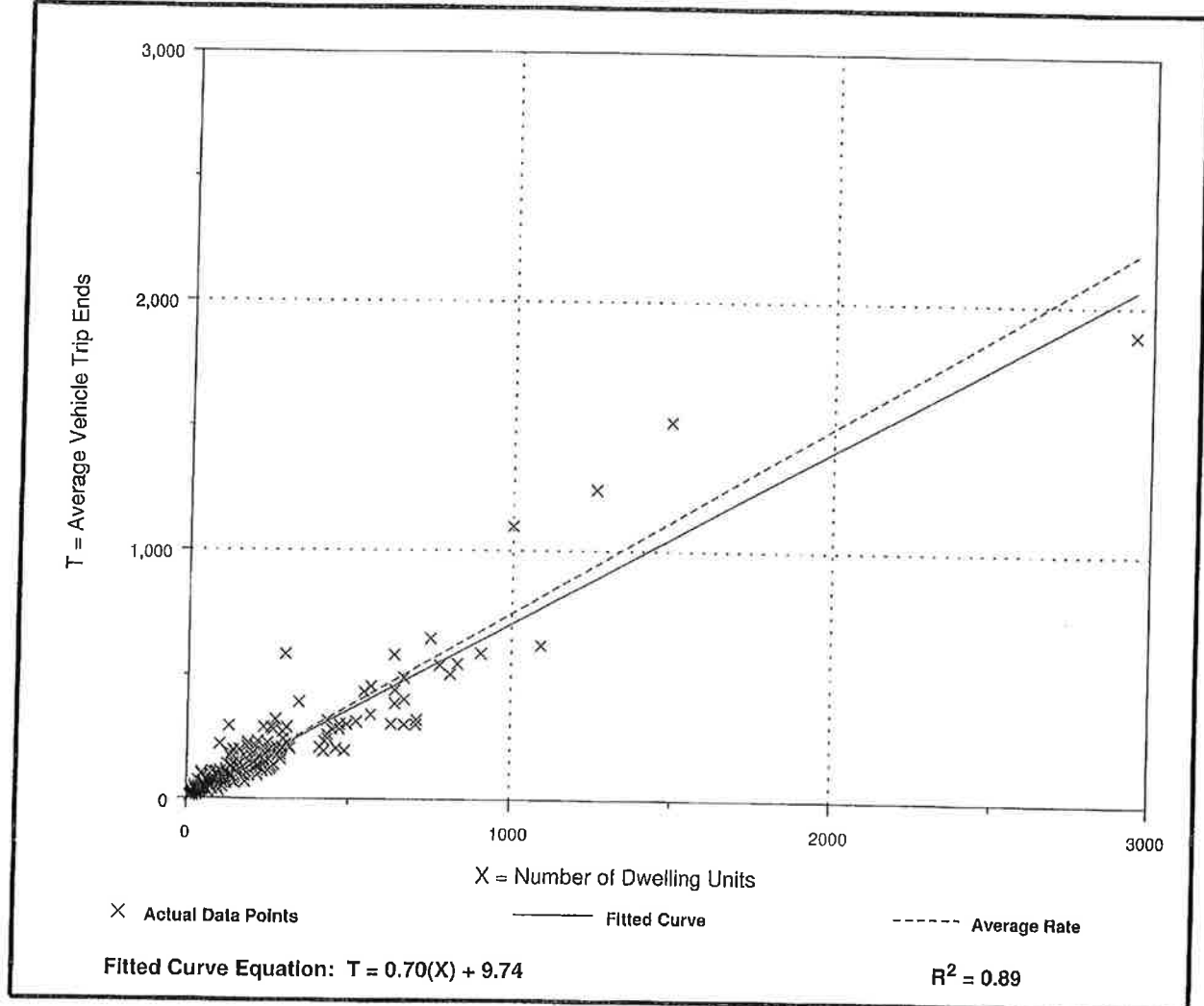
Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 7 and 9 a.m.

Number of Studies: 292  
Avg. Number of Dwelling Units: 194  
Directional Distribution: 25% entering, 75% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.75         | 0.33 - 2.27    | 0.90               |

## Data Plot and Equation



# Single-Family Detached Housing (210)

Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.

Number of Studies: 321  
Avg. Number of Dwelling Units: 207  
Directional Distribution: 63% entering, 37% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.00         | 0.42 - 2.98    | 1.05               |

## Data Plot and Equation

