



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Police
PREPARED BY:	John A. Jones, Police Chief
DATE PREPARED:	July 7, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Resolution authorizing the Police Division to retain for its use certain unclaimed property in its possession.
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRJ 7-16-21</i>

DISCUSSION:

Certain items currently in the possession of the Division of Police are of use to the City of Oxford. These items have no evidentiary use and have been forfeited by the owner per court order, are unclaimed by the owner, or have no known owner. Therefore, it is the request of the Chief of Police that these items be released to the City of Oxford for use in general business.

A list of the items being recommended for City use is attached.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE OXFORD DIVISION OF POLICE TO RETAIN FOR USE BY THE MUNICIPALITY CERTAIN UNCLAIMED PROPERTY IN ITS POSSESSION.

WHEREAS, pursuant to Oxford Codified Ordinances Section 127.11, the Division of Police having possession of certain unclaimed property set forth in Exhibit 'A', attached hereto and incorporated herein, requests the retention and use of said items for municipal purposes.

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

SECTION 1: Council, having reviewed the items listed, finds it would be beneficial to the City to retain this unclaimed property and authorizes the City's retention and use of said items.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Memo

To: John A. Jones, Chief of Police
From: Perry M. Gordon, Properties Custodian 91
Subject: Conversion of Unclaimed Property for Use by City of Oxford
Date: 04 June 2021

The items on the attached spreadsheet are in the possession of the Oxford Police Division. There are no known owners and no one has come forward to claim them. These particular items are of value by various units of the City, and I recommend that we convert them to City use through a resolution of Oxford City Council.

16-p-02060001	Corona razor tooth saw	16-1392	Ledermeier	transfer to Streets/Maintenance
20-p-01420002	Estwing 10# sledgehammer--unknown owner	20-0378	Wagers	transfer to Streets/Maintenance
20-p-01420001	Tool bar (36")--unknown owner	20-0378	Wagers	transfer to Streets/Maintenance
20-p-01990002	Bolt cutters	20-0572	Thrasher	transfer to Streets/Maintenance
19-p-00700002	Storm Cat portable generator (damaged starter cord)	n/r	Lindner	transfer to Streets/Maintenance



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	June 18, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Accepting the Annexation of 22.014 Acres
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 7-16-21</i>

DISCUSSION:

This is the final legislation necessary to annex 22.014 acres of land (3 parcels) off of Brookville Road bordering the Oxford Community Park and Autumn Drive. The annexation petition was filed with the Butler County Commissioners on March 12, 2021. An Expedited Type II process was utilized for this annexation. The City Manager served as the statutory agent for the petitioners. After the property is annexed to the City, the current Township zoning will continue (A-1 Agricultural) until it is rezoned by the City.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM DOUGLAS R. ELLIOTT, JR. FOR 22.014 ACRES OF LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY OHIO, AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

WHEREAS, on March 12, 2021 Douglas R. Elliott, Jr., Agent for the petitioners, filed a petition with the Board of County Commissioners of Butler County, Ohio, to obtain annexation to the City of Oxford, Butler County, Ohio, territories consisting of 22.014 acres of land contiguous to the City of Oxford and the existing corporation line of the Township of Oxford, Ohio. Said petition was filed with the consent of all parties utilizing the annexation procedure set forth in Section 709.023 of the Ohio Revised Code.

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

SECTION 1: The Board of County Commissioners did, by Resolution No.21-05-00647 adopted on May 17, 2021, approve the annexation of the proposed territory to the City of Oxford as hereinafter described. Such approval was subject to the terms and conditions contained in the Statement of Services Resolution No. 7269 a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of Oxford City Council who received the same on or about May 19, 2021.

SECTION 3: A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and the papers relating to all proceedings heretofore with the County Commissioners, are all on file with the Clerk of the City of Oxford and have been for sixty days.

SECTION 4: The proposed annexation, as applied for in the petition of the owners of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Ohio, of certain territory adjacent thereto as hereinafter described, be and the same is hereby accepted and deemed annexed to the City of Oxford, subject to all the terms and conditions provided herein and contained within the Statement of Services Resolution No. 7269 attached hereto and incorporated herein as Exhibit "A". The territory to be annexed is more particularly described in Exhibits "B" and "C," attached hereto and incorporated herein.

SECTION 5: The Clerk of the City of Oxford be and is hereby authorized and directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying this petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners of Butler County, Ohio, related thereto, and certified as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, one copy to the County Engineer, and one copy to the Ohio Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things as required by law.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 7269

A RESOLUTION ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF OXFORD, OHIO WILL PROVIDE TO THE TERRITORY PROPOSED TO BE ANNEXED TO THE CITY OF OXFORD, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, OHIO, AS PROVIDED BY OHIO REVISED CODE SECTION 709.023(C).

WHEREAS, a petition for annexation has been filed with the Board of County Commissioners of Butler County, Ohio of 22.014 acres of land in Oxford Township, Butler County, Ohio; and

WHEREAS, Oxford Codified Ordinance Section 921.39 E. states in part "The property or properties served by the extension of a municipal utility shall be required to annex into the City upon the official request of the City".

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

SECTION 1: Council, having received the notification of a petition for annexation from Gregory B. Smith, Rebecca A. Smith, and Cassandra K. McCartney for 22.014 acres of land in the Township of Oxford, Butler County, Ohio hereby accepts said petition.

SECTION 2: Council hereby adopts this resolution indicating what services the City will provide to the land to be annexed to the City in accordance with Ohio Revised Code Section 709.023(C).

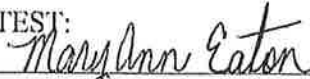
SECTION 3: The City of Oxford, Ohio hereby states that it will provide, upon the finalization of the annexation, the following services to the Territory: law enforcement, recreation programming, maintenance of any and all public streets and alleyways, keeping the same open, in repair and free from nuisance, and professional planning staff; which said services shall be available immediately or as required thereafter upon finalization of the annexation. In addition, the facilitation of public utility services which include potable water, sanitary and storm sewerage, solid waste collection and disposal, street lighting and fire inspection, fire protection, paramedic and ambulance services, and any and all other services provided to or made available to the citizens of the City of Oxford, Ohio, as appropriate shall be available as the Territory is developed and such services become appropriate. Extension of all public utility services shall be subject to such regulations, conditions and fees as the City deems appropriate.

SECTION 4: The Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners of Butler County, Ohio.

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


MAYOR

ADOPTED: March 16, 2021

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Date: February 16, 2021
Description: 22.014 Acres
Annexation
Location: Oxford Township
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River and being 22.014 acres of land in Part of Lot #5 located in Section 28, Town 5, Range 1 East, Oxford Township, Butler County, Ohio and being the lands of Gregory B. and Rebecca A. Smith (11.000 Acres) as recorded in Official Record 8165, Page 1895 and the lands of Rebecca A. Smith and Cassandra K. McCartney (5.103 Acres and 5.911 Acres) as recorded in Official Record 8325, Page 282 of the Butler County, Ohio Recorder's Office and being further described as follows;

Beginning at the southeast corner of Lot #3436 and being the lands of City of Oxford (113.663 Acres) as recorded in Official Record 6270, Page 477 of the Butler County, Ohio Recorder's Office and being the northeast corner of said lands of Rebecca A. Smith and Cassandra K. McCartney (5.911 Acres) and being on the westerly boundary of Muskopf Farms as recorded in Plat Envelope 3272, Pages A-B. of the Butler County, Ohio Recorder's Office and being the **True Point of Beginning**;

thence, leaving the southeast corner of said Lot #3436 and with the westerly boundary of said Muskopf Farms, South 02° 01' 10" West, 643.88 feet to the northerly boundary of the lands of Bowling Estates, Ltd. (78.327 Acres) as recorded in Official Record 6017, Page 154 of the Butler County, Ohio Recorder's Office;

thence, leaving the westerly boundary of said Muskopf Farms and with the northerly boundary of said Bowling Estates, Ltd. (78.327 Acres), South 82° 47' 40" West, 100.94 feet;

thence, continuing with the northerly boundary extended of said lands of Bowling Estates, Ltd. and with the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) as recorded in Official Record 6017, Page 148 of the Butler County, Ohio Recorder's Office, South 85° 23' 40" West, 1134.29 feet;

thence, continuing with the northerly boundary of said lands of Bowling Estates, Ltd. (1.525 Acres), South 84° 36' 40" West, 99.18 feet to the southeast corner of the lands of Michael H. and Jeanne M. Glaser (11.000 Acres) as recorded in Official Record 8033, Page 540 of the Butler County, Ohio Recorder's Office;

thence, leaving the northerly boundary of Bowling Estates, Ltd. (1.525 Acres) and with the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres), North 02° 27' 40" East, 804.70 feet to the southerly boundary of said Lot #3436;

thence, leaving the easterly boundary of said lands of Michael H. and Jeanne M. Glaser (11.000 Acres) and with the southerly boundary of said Lot #3436, South 87° 56' 20" East, 1978.00 feet to the **True Point of Beginning**, containing 958,945 square feet or 22.014 acres, more or less and being subject to all easements, legal highways, restrictions and rights-of-way of record.

6900 Tylersville Road, Suite A 110 South College Ave, Suite 101 1404 Race Street, Suite 204
Mason, OH 45040 Oxford, OH 45056 Cincinnati, OH 45202
513-336-6600 513-623-4270 513-834-6151

<http://www.bayerbecker.com>





Based on Reading:
ASSUMED MERIDIAN



SURVEY REFERENCES:

PLAT ENVELOPE 3272 PAGES A-B
SURVEY VOLUME 24, PAGE 147
SURVEY VOLUME 25, PAGE 229
SURVEY VOLUME 28, PAGE 219
SURVEY VOLUME 30, PAGE 115
SURVEY VOLUME 30, PAGE 116
SURVEY VOLUME 30, PAGE 117
SURVEY VOLUME 34, PAGE 181
SURVEY VOLUME 35, PAGE 112
SURVEY VOLUME 37, PAGE 23
SURVEY VOLUME 38, PAGE 170
SURVEY VOLUME 42, PAGE 42
SURVEY VOLUME 47, PAGE 187
SURVEY VOLUME 53, PAGE 34

① OWNERSHIP REFERENCE
INFORMATION (SEE SHEET 2)

THIS ANNEXATION PLAT IS BASED
UPON DEEDS OF RECORD AND
OTHER SOURCE DOCUMENTS.
THIS PLAT IS NOT THE RESULT
OF A FIELD BOUNDARY SURVEY.

AREA SUMMARY (PER DEED)
PARCEL #13610-031-000-012 - 11.000 ACRES (DEED)
PARCEL #13610-031-000-021 - 5.103 ACRES (DEED)
PARCEL #13610-031-000-020 - 5.911 ACRES (DEED)

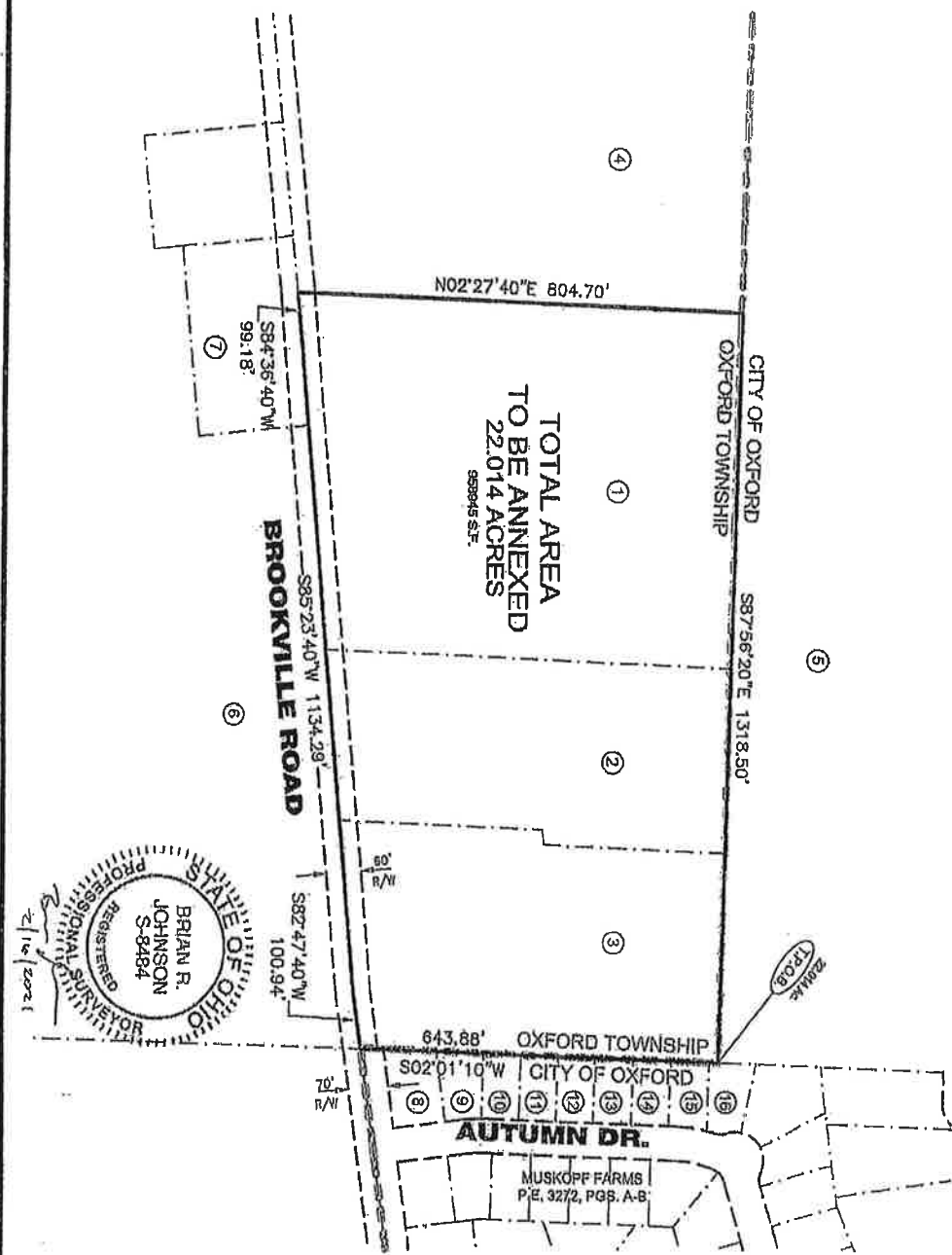


EXHIBIT "C"

22.014 ACRES

GREGORY B. AND REBECCA A. SMITH (11.000 ACRES) AND
REBECCA A. SMITH AND CASSANDRA K. MCCARTNEY (5.103 ACRES AND 5.911 ACRES)
PART OF LOT #5 OF THE MIAMI UNIVERSITY LANDS
SECTION 28, TOWN 5, RANGE 1 EAST
CONGRESS LANDS WEST OF THE MIAMI RIVER
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

ANNEXATION PLAT



110 S. College Avenue, Suite 101
Oxford, OH 45056 - 513.623.4270

Drawing:	20-0233 AX
SHEET	1/2
Drawn by:	DDS
Checked by:	BRJ
Issue Date:	02-16-21



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Doug Elliott
DATE PREPARED:	July 12, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Hotel & Convention Tax
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	
CITY MANAGER/DEPT HEAD APPROVAL:	Approve <i>DRE 7-16-21</i>

DISCUSSION:

City Council has discussed the need to expand the City's Convention and Hotel Tax to include Short-Term Rentals or Transient Lodging. The City began a registration requirement in 2019 for Short-Term Rentals. The Business Regulation Code was updated in 2020 to account for Short-Term Rentals or Transient Lodging. A Short-Term Rental or Transient Lodging is defined as a dwelling unit or portion thereof where sleeping accommodations are offered for compensation to transient users occupying a room or rooms for a period of less than thirty (30) days duration. The attached Ordinance expands the city's Hotel and Convention Tax to include Short-Term Rentals or Transient Lodging. The amount of the excise tax is 6% which includes a 3% Convention Tax and a 3% Hotel Tax. The proposed disposition of the Convention Tax at 3% will go to Enjoy Oxford (Oxford's Visitors and Convention Bureau) and the Hotel Tax at 3% to the City's Housing Trust Fund. The tax will be effective January 1, 2022 in order to provide sufficient time to publicize this new tax requirement.

ORDINANCE NO.

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 183, ENTITLED "HOTEL AND CONVENTION TAX," AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 183, ENTITLED "HOTEL, SHORT-TERM RENTAL AND CONVENTION TAX".

WHEREAS, Chapter 5739 of the Ohio Revised Code grants municipal corporations the authority to levy lodging excise taxes; and

WHEREAS, the City of Oxford, Ohio enacted Oxford Codified Ordinance Chapter 183, entitled "Hotel and Convention Tax," to implement a lodging excise tax on persons engaged in the business of owning, operating, or managing a hotel equal to three percent (3.00%) of the transactions by which hotel accommodations are furnished to transient guests; and

WHEREAS, Oxford Codified Ordinance Chapter 183, entitled "Hotel and Convention Tax," implements a lodging excise tax on "hotels," which are defined as places where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of such guests; and

WHEREAS, Ohio Revised Code Section 5739.01(M) defines "hotel" as "every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodations of such guests, whether the rooms are in one or several structures ..."; and

WHEREAS, Ohio Revised Code Section 5739.091, allows municipal corporations to define "hotel" to include "establishments in which fewer than five rooms are used for the accommodations of guests" for the purpose of levying a lodging excise tax; and

WHEREAS, City Council has determined that it wishes to levy a lodging excise tax in the amount of three percent (3.00%) on establishments at which fewer than five rooms are used for the accommodation of guests, defined as "short-term rentals"; and

WHEREAS, City Council has determined that it would be in the best interest of the City of Oxford, Ohio to repeal Chapter 183 and enact a new Chapter 183 entitled "Hotel, Short-Term Rental and Convention Tax" of the Codified Ordinances of the City of Oxford, Ohio in order to levy a lodging excise tax of 3.00% on hotels and short-term rentals, in order to provide additional funds to the City.

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

SECTION 1: Chapter 183 of the Codified Ordinances of the City of Oxford, Ohio, entitled "Hotel and Convention Tax," regulates the City of Oxford's ability to levy a lodging excise tax equal to three percent (3.00%) on persons engaged in the business of owning, operating, or managing a hotel, defined as an establishment where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of guests.

SECTION 2: City Council wishes to amend Chapter 183 to allow for the levy of a lodging excise tax equal to three percent (3.00%) to include establishments at which fewer than five rooms are used for the accommodation of guests, which shall be defined as “short-term rentals.”

SECTION 3: Current Chapter 183 of the Codified Ordinances of the City of Oxford, Ohio, entitled Hotel and Convention Tax,” is hereby repealed and new Chapter 183 is adopted to read as set forth in Exhibit A, which is attached hereto and incorporated herein, with additions **bolded** and deletions ~~struck through~~.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Exhibit A

CHAPTER 183 HOTEL, **SHORT-TERM RENTAL** AND CONVENTION TAX

183.01 DEFINITIONS.

For the purpose of this chapter the following definitions for certain terms or words used herein shall be used in the interpretation of the provisions of this chapter. Words used in the present tense shall include the future tense, the singular number shall include the plural and the plural shall include the singular. The word "shall" or "will" is mandatory and the word "may" is permissive. Any other words used and not defined herein shall be construed as having the commonly-accepted meaning defined in a standard dictionary.

(a) "Guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(b) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which five or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures.

(c) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations and combinations of individuals in any form.

(d) "Transient guests" means the same as guests defined herein.

(e) **"Short-term rental" means any establishment offering at least one but less than five rooms for the accommodation of guests, which is rented for a fee for less than thirty (30) consecutive days, whether such rooms are in one or several structures.**

183.02 AMOUNT OF CONVENTION TAX.

Every person engaged in the business of owning, operating or managing a hotel **or short-term rental** as defined in this chapter shall pay to the City an excise tax equal to three percent (3%) of the transactions by which hotel **or short-term rental** accommodations are furnished to transient guests.

183.03 DISPOSITION OF CONVENTION TAX FUNDS.

(a) Calculation of Disposition of Funds:

(1) The Finance Director shall prepare a yearly estimate, used in the preparation of the annual budget, of three percent (3%) convention tax funds to be received by the City pursuant to Oxford Codified Ordinance Section 183.02.

(2) The City shall distribute 100% of the convention tax funds received in a calendar year to Enjoy Oxford.

(b) Council may authorize the City Manager to enter into a written contract, on behalf of the City, with one or more convention and visitors' bureaus operating within Butler County, Ohio, that provides for the City's contribution of funds to such bureaus subject to the conditions contained within the contract.

(c) All interest earned on the convention tax funds collected pursuant to Section 183.02 shall be retained by the City and deposited in the general fund.

(d) Notwithstanding any other provision of this section, the City shall fully comply with the minimum State of Ohio convention tax requirements.

183.04 AMOUNT OF HOTEL AND SHORT-TERM RENTAL TAX.

(a) Every person engaged in the business of owning, operating, or managing a hotel **or short-term rental** as defined in this chapter shall pay to the City a tax equal to three percent (3%) of the transactions by which hotel **or short-term rental** accommodations are furnished to transient guests.

(b) The tax imposed in this section shall be in addition to the tax imposed in Section 183.02 (Convention Tax).

183.05 DISPOSITION OF HOTEL AND SHORT-TERM RENTAL TAX FUNDS.

All of the hotel tax funds received from hotels by the City pursuant to Section 183.04 shall be deposited in the **City's General Fund**. **The 3% hotel tax funds received from short-term rentals shall be deposited in the City's Housing Trust Fund.**

183.06 REPORTS REQUIRED.

The owner, operator or manager of a hotel **or short-term rental** shall make true and accurate reports to the Finance Director on forms prescribed by the Finance Director, giving such information as may be necessary to determine the amounts to which the tax applies for all gross daily rental receipts for each one-month period.

183.07 PAYMENT BY GUESTS.

The taxes imposed hereby shall be collected by the owner, operator or manager of the hotel **or short-term rental** from the paying guests and shown as a tax charge on the bill for occupancy of the rooms. The owner, operator or manager is liable to the City for such taxes whether or not they are actually collected from the paying guest. Such taxes shall be paid to the Finance Department of the City of Oxford on or before the fifteenth day of the month following the month in which the taxes accrued and the report required by Section 183.06 hereof shall accompany such payment.

183.08 EXAMINATION OF BOOKS, RECORDS AND AUDITING PROCEDURES.

(a) The Finance Director or authorized representative shall have the right at all reasonable times during business hours to make such examinations and inspections of books and records of the hotel **or short-term rental** as may be necessary to determine the correctness of the required reports and the taxes paid. The right of the Finance Director or authorized representative to inspect, audit and make copies of books and records of the hotel **or short-term rental** shall include, but not be limited to, the following: books of accounts, daily cash receipt records and hotel **or short-term rental** registration forms.

(b) The Finance Director shall further have the right to order a special purpose audit of the hotel **or short-term rental** books and records upon determining there exists the lesser of a three percent (3%) or one hundred dollars (\$100.00) underpayment of the hotel **or short-term rental** tax. The cost of the special purpose audit shall be assessed and paid for by the hotel **or short-term rental**. Any deficiency in payment shall be deemed a nonpayment and shall be immediately paid by the hotel **or short-term rental** and shall further be subject to penalty for nonpayment as provided in Section 183.10.

183.09 UNLAWFUL TO PROHIBIT INSPECTION.

It shall be unlawful for any hotel **or short-term rental** through its owner, operator or manager to prohibit or hinder the Finance Director or authorized representative from making any examination or audit as authorized by Section 183.08 hereof.

183.10 PENALTY FOR NONPAYMENT.

For each and every month, or part thereof, any tax provided for under this Chapter shall remain unpaid after the fifteenth or next business day of the month during which the same becomes payable, there shall be added to such tax as a penalty ten percent (10%) of the amount of such tax for the first month, or part thereof, that the amount is unpaid, and for each and every month thereafter one percent (1%) of the amount of such tax shall be added until the same is paid in full. In no case shall the total penalty provided herein exceed one hundred percent (100%) of the tax due and these penalties shall not preclude criminal prosecution for violation of this Chapter. Criminal prosecution for violation of any of the provisions of this chapter shall not release or discharge the owner, operator or manager of a hotel **or short-term rental** from civil liability for full payment of any and all tax or penalties due.

183.11 ADDITIONAL RULES AND REGULATIONS.

The Finance Director is authorized to issue and promulgate additional written rules and regulations to assist in the administration and enforcement of this chapter and comply with the same provided that they have received written copies thereof at least thirty days prior to the effective date of such rules and regulations.

183.12 DETERMINATION OF CONTRIBUTIONS.

Council shall have the sole power, authority and discretion to determine the extent and nature of contributions to convention and visitors bureaus and to determine which convention and visitors bureaus shall receive contributions and these determinations shall thereafter be administered by and through the City Manager and the Finance Director. The City may elect to maintain and operate a convention and visitors bureau as part of City government. The tax funds so collected in Section 183.04 shall be placed in the General Fund.

183.13 EXEMPTION.

(a) The owner, operator or manager of a hotel **or short-term rental** shall be exempt from collections of the taxes imposed by this Chapter, provided the payor of the hotel room charge **or short-term rental room charge** is an exempt organization under Section 501(C) of the Internal Revenue Code and the payor provides proof of exemption by providing either an IRS ruling or determination letter under Internal Revenue Regulation Section 1.508-1(a)(4), proof of exemption as a subordinate organization exempted under a group exemption notice of the parent organization as provided by Internal Revenue Regulation Section 1.508-1(a)(3), or a letter from an authorized official of the payor which attests to the organization's exempt status under Internal Revenue Regulation Section 1.508-1(a)(4).

(b) The owner, operator or manager of a hotel **or short-term rental** shall make true and accurate reports to the Finance Director on forms prescribed by the Finance Director providing proof of exemption and such other information as requested by the Finance Director for each one month period.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Police
PREPARED BY:	John A. Jones, Chief of Police
DATE PREPARED:	June 28, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Resolution – Residential Permit Parking on Arrowhead Drive
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 7-16-21</i>

DISCUSSION:

Residents who live in the block between 1021 Arrowhead Drive and 1040 Arrowhead Drive have requested the City implement a Residential Permit Parking area, requiring a RPP permit to park in that block, twenty-four (24) hours a day, seven (7) days a week. A proper petition was submitted and occupancy studies conducted by the OPD Parking Unit. Per the ordinance, 50% occupancy was the baseline threshold for RPP consideration. The average occupancy of the area on the dates surveyed was 81%, exceeding the threshold.

A public hearing was held on June 7, 2021 by the Oxford Parking & Transportation Advisory Board. One resident spoke in favor of adopting the RPP area. No public opposition was heard. OPTAB recommended that City Council adopt the RPP area as requested by the petitioners.

RESOLUTION NO.

A RESOLUTION ESTABLISHING 1021 TO 1040 ARROWHEAD DRIVE AS A RESIDENTIAL PERMITTED PARKING ZONE, TWENTY-FOUR (24) HOURS A DAY, SEVEN (7) DAYS A WEEK.

WHEREAS, Council hereby finds in accordance with the requirements of Oxford Codified Ordinance Chapter 355 entitled Residential Parking Permits, a petition duly signed and executed by residents comprising more than 51% of the residential living units in the area proposed for designation was duly submitted to the City Manager; and

WHEREAS, Council finds as a result of the submission of the petition proposing designation of a Residential Permitted Parking Zone a public hearing was scheduled; and

WHEREAS, Council further finds that on July 11, 2021, a notice of a public hearing was published in the *Journal News*. Said notice being at least 10 days prior to the hearing to be held on July 20, 2021. It is further found that the notice clearly stated the purpose of the hearing, and the location and boundaries tentatively considered for the proposed Residential Permitted Parking Zone. Those residents residing within the area were hand delivered notification of the Public Hearing. Council further finds this process complies with Oxford Codified Ordinance Section 355.04 entitled Designation Process; and

WHEREAS, as a result of the public hearing by the Oxford Parking & Transportation Advisory Board, and the request by petition, the City Manager and the Oxford Parking & Transportation Advisory Board recommend approval of the Residential Permitted Parking Zone based on the following evidence:

- (1) The petition was valid and showed support for the designation.
- (2) Surveys were conducted which showed at times more than 50% of the on street parking spaces in the proposed area were occupied.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Oxford Parking & Transportation Advisory Board and finds in accordance with Oxford Codified Ordinance Section 355.06 that the standards for designation of Residential Permitted Parking Zone have been met for 1021 to 1040 Arrowhead Drive.

SECTION 2: Council by this Resolution hereby designates 1021 to 1040 Arrowhead Drive as a Residential Permitted Parking Zone twenty-four (24) hours a day, seven (7) days a week. Council further orders that resident motor vehicles shall display a valid parking permit entitling them to stand or be parked without limitation by parking time restrictions established by this Resolution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

City of Oxford Residential Permit Parking Petition

Please list all residential living units in the area requested. Please contact all residents possible in the area requested.

Date (when petition is submitted to City):

5/3/2021

Permit Parking Hours REQUESTED (Check One):

- ☐ Monday through Friday, 8 am to 6 pm
- ☐ Monday through Friday, 8 am to 6 pm and NO Overnight (2 am to 6 am)
- ☐ Monday through Friday, NO Overnight (2 am to 6 am)
- ☒ Twenty-four (24) hours, Seven (7) days a week
- ☐ Remove Residential Permit Parking designation
- ☐ Other (specify time and day range):

Residential Area (See DEFINITIONS)

PAGE for description criteria:

Arrowhead Drive extending from 1021 to 1040 Arrowhead Drive

Area Resident Petition Information (one signature per address or residential living unit. Please choose one person to sign (individual must appear on the property tax assessment or lease).

Please PRINT LEGIBLY then sign under printed name. Designate YES for RPP or NO against RPP. If the petition is for removal of the RPP, designate YES for the removal of the RPP or NO against the removal of the RPP.

NAME	ADDRESS	TELEPHONE	EMAIL	YES	NO	SIGNATURE
Shana Rosenberg	1036 Arrowhead Dr.	513-280-0365	shana.rosenberg@gmail.com	☒	☐	<i>Shana Rosenberg</i>
DAVID C. SABO	1032 ARROWHEAD DRIVE	513-523-2833	super sabo 1@yahoo.com	☒	☐	<i>David C. Sabo</i>
Taylor Vaack	1039 Arrowhead Dr.	513-537-7877	VaackTLG@midwestern.edu	☒	☐	<i>Taylor Vaack</i>

ADDITIONAL PAGES FOR
CITY OF OXFORD RESIDENTIAL PARKING PERMIT PETITION (COPY AS NECESSARY)

NAME	ADDRESS	TELEPHONE	EMAIL	YES	NO	SIGNATURE
Cam Gallucci	1035 Arrowhead Dr	614 715 4355	cgallucci99@gmail.com	X		Cam Gallucci
Alex Acona	1024 Arrowhead Dr	(513) 461-5288	aconaace@micromindedu	X		Alex Acona
Angela Vampel	1028 Arrowhead Dr	(937) 2395630	member23@gmail.com	X		Angela Vampel
Joseph Lucareo	1023 Arrowhead Dr.	(630) 810-0205	joeph.2 lucareo@fbus.org	X		Joe Lucareo
Terron Gray	1031 Arrowhead Dr	(513) 518-6363	tygray2018@gmail.com	X		Terron Gray
Jack Tyrl	1027 Arrowhead Dr.	413-429-2097	jtyrlj@micromindedu	X		Jack Tyrl
Molly Murphy	1021 Arrowhead Dr.	281-686-9129	mmolly289@gmail.com	X		Molly Murphy



STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Kim Newton
DATE PREPARED:	July 13, 2021
COUNCIL MEETING DATE:	July, 20, 2021
AGENDA TITLE:	Pitney Bowes Postage Equipment Lease
BUDGETED AMOUNT:	\$18,000
ACCOUNT CODE:	370.510.52411
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Jh</i> <i>DRE 7-16-21</i>

DISCUSSION:

The attached Resolution authorizes the City Manager to enter into an agreement with Pitney Bowes for a 60-month lease at \$300.14 per month (via State Contract #800547) for new postage equipment and meter rental beginning in August 2021. The City currently leases a postage machine from Pitney Bowes, which will expire in August 2021. Our current lease with Pitney Bowes is \$303.00 per month.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PITNEY BOWES FOR A 60-MONTH LEASE FOR NEW POSTAGE EQUIPMENT AND METER RENTAL THROUGH STATE CONTRACT PRICING.

WHEREAS, the City Manager having reviewed information submitted for replacement postage equipment and meter rental hereby recommends the current Pitney Bowes postage equipment be replaced with new Pitney Bowes postage equipment; and

WHEREAS, the City Manager recommends the City enter into a 60-month lease with Pitney Bowes through State Contract pricing at a cost of \$300.14 per month.

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

SECTION 3: Council having reviewed the City Manager's recommendation hereby authorizes the City Manager to enter into an agreement with Pitney Bowes for a 60-month lease of the postage equipment and meter rental through State Contract pricing at a cost of \$300.14 per month.

SECTION 4: Funds have been appropriated in an amount in excess of the annual cost authorized.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Agreement Number

Your Business Information

Full Legal Name of Lessee / DBA Name of Lessee

Tax ID # (FEIN/TIN)

CITY OF OXFORD

Sold-To: Address

15 S College Ave, Oxford, OH, 45056-1754, US

Sold-To: Contact Name

Kim Newton

Sold-To: Contact Phone #

(513) 524-5211

Sold-To: Account #

0012541800

Bill-To: Address

15 S College Ave, Oxford, OH, 45056-1754, US

Bill-To: Contact Name

Kim Newton

Bill-To: Contact Phone #

(513) 524-5211

Bill-To: Account #

0012541800

Bill-To: Email

knewton@cityoffoxford.org

Ship-To: Address

15 S College Ave, Oxford, OH, 45056-1754, US

Ship-To: Contact Name

Kim Newton

Ship-To: Contact Phone #

(513) 524-5211

Ship-To: Account #

0012541800

PO #

Quote Expiration Date

2021-08-16

Your Business Needs

Qty	Item	Business Solution Description
1	SENDPROPSERIES	SendPro P Series
1	1FWW	10lb Interfaced Weighing Feature
1	4W00	Connect+ /SendPro P Series Meter
1	APA2	100 Dept Analytics
1	APKE	SendPro P Receiving Feature
1	APKF	SendPro P Shipping Feature Access
1	APSB	Connect+ 160 LPM Speed
1	AZBA	SendPro P1000 Series
1	AZBE	SendPro P Series Mono Print Module
1	CAAB1	Basic Cost Accounting for PSeries
1	M9SS	Mailstream IntelliLink Services 2
1	ME1C	Meter Equipment - P Series, LV
1	MSD1	10in Color Touch Display
1	MW90007	SendPro P Series Drop Stacker

1	MW96000	Weighing Platform
1	NV10	InView TMR Web Acct Bundle Single only
1	NV90	InView Subscription
1	NV90KIT	InView Welcome Kit
1	NV99	InView MMS Base Software
1	NV99KIT	InView Welcome Kit
1	PTJ1	SendPro Online
1	PTJN	Single User Access
1	PTJR	50 User Access with Hardware or Meter
1	PTK1	Web Browser Integration
1	PTK3	SendPro P Series Meter Integration
1	SJM5	SoftGuard for Sendpro P2000 Basic/500W
1	STDSLA	Standard SLA-Equipment Service Agreement (for SendPro P Series)
1	T6CS	Receiving - Standard

Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 300.14	\$ 900.42

*Does not include any applicable sales, use, or property taxes which will be billed separately.

- () Tax Exempt Certificate Attached
() Tax Exempt Certificate Not Required
() Purchase Power® transaction fees included
(X) Purchase Power® transaction fees extra

Sales Information

Davinder Heslin	davinder.heslin@pb.com	
Account Rep Name	Email Address	PBGFS Acceptance

This Quotation is for budgeting and planning purposes only and is not legally binding. The supply of any goods or services is subject to a separate written order which will be issued by Pitney Bowes and will be subject to the terms and conditions incorporated therein.



The City of Oxford
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Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	7/13/2021
COUNCIL MEETING DATE:	7/20/2021
AGENDA TITLE:	Supplemental Budget Ordinance
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval <i>DRE 7-16-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	<i>[Signature]</i> 7/13/21

DISCUSSION:

Issue 1

To make adjustment to budget appropriations for the repair of a City traffic signal control boxes at OCP & Mary Day from the unencumbered balance

Action Needed:

Revenue Side

Street Fund (122)	11,679.00
-------------------	-----------

Expense Side

Street Fund (122)	11,679.00
-------------------	-----------

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



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Issue 2

To make adjustment to transfer remaining funds back to the General Fund
from the unencumbered balance

Action Needed:

Revenue Side

General Fund (110)	50.24
--------------------	-------

Expense Side

Small Business Loan Fund (427)	50.24
--------------------------------	-------

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

Total Net Effect on Fund Balance/(s) Increase/(Decrease)	-
---	---

Breakdown by Fund

General Fund (110)	50.24
Street Fund (122)	-
Small Business Loan Fund (427)	(50.24)

Net Effect on Fund Balance/(s) Increase/(Decrease)	-
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ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3600. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2021.

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

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

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

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

Street Fund 122	11,679.00
-----------------	-----------

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

Street Fund 122	11,679.00
Small Business Loan Fund 427	50.24

SECTION 4: The following transfer(s) be executed:

Transfer from:

Small Business Loan Fund 427	50.24
------------------------------	-------

Transfer to:

General Fund	50.24
--------------	-------

SECTION 5: The following increase/(decrease)in revenues be made:

General Fund	50.24
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SECTION 6: In all other respects, Ordinance No. 3600 shall remain in full force and effect.

SECTION 7: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)



STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Kim Newton
DATE PREPARED:	July 13, 2021
COUNCIL MEETING DATE:	July, 20, 2021
AGENDA TITLE:	Canon Copier Lease Agreement
BUDGETED AMOUNT:	\$22,000
ACCOUNT CODE:	General, Water & Sewer Funds
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>JCN</i> <i>DRE 7-16-21</i>

DISCUSSION:

Our current 60 month copier lease expires in August 2021. The Canon imagePRESS C165 Color Copier from Canon Solutions America will replace our current Canon IR Advance C7270 color copier.

The current lease for the Canon IR C7270 copier is \$685 per month, which includes 15,000 B&W copies and 2250 color copies per month with a maintenance (overage) agreement of \$0.0073 per B&W copies and \$0.055 per color copies. (Note: We are currently averaging approximately 7,000 B&W copies and 4800 color copies per month.) The average monthly payment is **currently \$820.69 per month.**

A new 60 month lease for the Canon image PRESS C165 would be \$631.00 per month, which includes 10,000 B&W copies and 5000 color copies per month with a maintenance (overage) agreement of \$0.0059 per B&W copies and \$0.0378 per color copies. The total average monthly payment for the lease and maintenance would be approximately **\$631 per month** for an average savings of **\$189.69 per month.**

Please note, this copier (Canon & Canon Solutions America) falls under the Ohio State Term Schedule (State Contract pricing), schedule number 800901.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CANON SOLUTIONS AMERICA FOR A 60-MONTH LEASE OF A CANON IMAGEPRESS C165 COLOR COPIER THROUGH STATE CONTRACT PRICING.

WHEREAS, the City Manager has reviewed information submitted for the replacement of the existing copier equipment and has recommended that the current copier equipment be replaced with the Canon imagePRESS C165 color copier; and

WHEREAS, the City Manager recommends that the City enter into a 60-month lease with Canon Solutions America for the Canon imagePRESS C165 color copier through State Contract pricing at a monthly cost of \$ 631.00 with overage costs of \$ 0.0059 per black and white copies and \$ 0.0378 per color copies. It is anticipated that this lease agreement would result in an average savings of \$ 189.69 per month.

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

SECTION 1: Council having reviewed the City Manager's recommendation hereby authorizes the City Manager to enter into an Agreement with Canon Solutions America for a 60-month lease of the Canon IMAGEpress C165 color copier.

SECTION 2: Funds have been appropriated in an amount in excess of the annual cost authorized.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

CURRENT SITUATION



Equipment List	Location	Lease Payment	Maintenance Payment	B&W Allowance	Color Allowance	B&W Volume	Color Volume	B&W CPC	Color CPC	B&W Usage	Color Usage
		Per Month	Per Month	Per Month	Per Month	Overages	Overages	Overages	Overages	Costs	Cost
1 IRADV7270	Main Office	\$ 685.00	Inc.	15,000	2,250	0	2,467	0.0073	0.055	\$ -	\$ 135.69
Total:		\$ 685.00	\$ -	15,000	2,250	0	2,467	-	-	\$ -	\$ 135.69

Avg. Volume: 6,831 B&W / 4,717 Color

CURRENT TOTAL MONTHLY COST

\$ 820.69

PROPOSED SITUATION

Equipment List	Location	Lease Payment	Maintenance Payment	B&W Allowance	Color Allowance	B&W Volume	Color Volume	B&W CPC	Color CPC	B&W Usage	Color Usage
		Per Month	Per Month	Per Month	Per Month	Per Month	Per Month	Overages	Overages	Costs	Cost
1 Canon ImagePRESS C165	Main Office	\$ 631.00	Inc.	10,000	5,000	0	0	0.0059	0.0378	\$ -	\$ -
Total:		\$ 631.00	\$ -	10,000	5,000	0	0	-	-	\$ -	\$ -

60 Month Lease

NEW TOTAL MONTHLY COST

\$ 631.00

Monthly Cost Savings:

\$ 189.69

* Proposed Pricing Includes Delivery, Installation, Connectivity, & Training II

* Monthly Maintenance Agreement Includes On-Site Service, Parts, Labor, & Toner.

* Maintenance is FIXED for the term of the Contract. No Escalators or Increases.

* Maintenance Includes 10,000 B&W and 5,000 Color per month / 30,000 B&W and 15,000 Color per quarter

* Current Lease Agreement will be terminated. Current Equipment will be returned to the leasing company.

Canon
CANON SOLUTIONS AMERICA

Office of the Mayor

Proclamation

Whereas: Chief John McCandless was hired as the Chief of Police for the Miami University Police Department in 2004 and has served this community for the past seventeen years; and

WHEREAS, prior to MUPD, he served with Michigan law enforcement agencies for twenty-three years from 1981-2004, which gives him forty years overall of law enforcement service; and

WHEREAS, Chief McCandless has worked closely with the Oxford Division of Police during his tenure to ensure the safety of the community, and worked to further communication amongst the two agencies; and

WHEREAS, Chief McCandless also served in the capacity of President of the Butler County Chiefs of Police Association during his time in Oxford working to build collaborative partnerships across all of the agencies in Butler County; and

WHEREAS, Chief John McCandless will retire from the Miami University Police Department on July 31, 2021.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby proclaim Saturday, July 31, 2021 as:

"CHIEF JOHN MCCANDLESS DAY"

in the City of Oxford and Council commends him for his service and vision as Miami University's Chief of Police, working closely with the Oxford Division of Police for the past seventeen years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 20th day of July, 2021.

MICHAEL SMITH, MAYOR





The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	David Treleaven, Environmental Specialist
DATE PREPARED:	July 8, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	July 7, 2021 Environmental Commission Meeting Summary
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 7-16-21 WBA 7/9/21

Environmental Commission members in attendance at the Wednesday, July 7, 2021 meeting were: Chair, Mr. Jon Ralinovsky; Vice-Chair and City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Mr. Jason Bracken, Mr. Andor Kiss, Mr. Steven Elliott, and Ms. Heather Barrett. A quorum was present. Mr. Justin Fain had previously notified the Commission that he would not be present at the evening's meeting. Ms. Madison Scott, the climate and sustainability intern with the City of Oxford, was also in attendance.

Mr. Elliott moved for approval of the minutes from the June 2, 2021 Environmental Commission meeting; Mr. Bracken seconded. The minutes were unanimously approved as presented.

Discussion:

Staff introduced Ms. Heather Barrett to the Commissioners. Ms. Barrett had recently been appointed to the Environmental Commission by City Council.

Mr. Ralinovsky presented the three questions to potentially be included in the Comprehensive Plan revision's public survey. The questions had been prepared by Ms. Raghu, Mr. Kiss, and Mr. Ralinovsky. The questions were:

- 1) How do you feel about the balance of greenspace and the type/amount of development in the Oxford area?



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- 2) What additional measures should Oxford pursue to change the composition (and/or reduce the volume) of its waste stream?
- 3) What additional energy usage strategies should the Oxford pursue in terms of sustainability?

Commissioners indicated that they agreed with the topics and the presentation of the questions, and believed they would potentially provide good guidance for the Commission's future efforts. Mr. Ralinovsky moved for approval of the questions; Mr. Elliott seconded. The Commissioners unanimously voted to approve the questions for inclusion in the Comprehensive Plan's public survey. Mr. Ralinovsky will provide the questions, along with the previously approved description of the Commission's duties, responsibilities, and recent accomplishments to Ms. Jessica Greene, Oxford's Assistant City Manager.

Stream setback areas of undeveloped land adjacent to waterways were discussed. Utilizing generalized concepts from the Ohio Department of Natural Resources' "Rainwater and Land Development" Manual and specifics from the Warren County Building and Zoning Department's Code ("Overlay Districts"), it was proposed that the stream set back distances be based upon a waterway's watershed drainage area. Oxford is located within the Acton Lake Dam – Four Mile Creek sub-watershed, which has an area of approximately 41.5 square miles. The proposed stream setback areas for consideration are:

- One hundred (100) feet on either side of all waterways draining an area equal to or greater than twenty (20) square miles;
- Seventy five (75) feet on either side of all waterways draining an area equal to or greater than one-half (0.5) square mile or three hundred twenty (320) acres; and
- Fifty (50) feet on either side of all waterways draining an area less than one-half (0.5) square mile or three hundred twenty (320) acres.

Additionally, Warren County incorporates the extent of the one hundred (100) year floodplain (as defined by the Federal Emergency Management Agency) into the distance of the stream setback; i.e., if the 100-year floodplain extends beyond the specified setback distance, the distance will be increased to encompass the boundary of the 100-year floodplain. Both the Ohio Department of Natural Resources' "Rainwater and Land Development" Manual and Warren County's Code also specifically reference potential inclusion of wetlands into the setback distances. The amount of distances involved are based upon the quality category of the wetland, as determined by the OEPA's Ohio Rapid Assessment Method. Commissioners were in general agreement with this approach. For the August 4, 2021 Environmental Commission meeting, Mr. Kiss is to research the areas of the various watersheds within Oxford. Mr. Ralinovsky and Staff are to review the above-referenced documents and Oxford's Codified Ordinances to determine what terms to be used and determine the definitions that will be needed.



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Oxford, OH 45056

Ms. Raghu informed the Commission that the installation of roof-mounted solar panels on seven residences and one church in Oxford by PRO Lighting, Inc. had encountered a delay. The start of the installs are now tentatively scheduled for the week of July 12 – 16, 2021. Completion of the installations is anticipated by mid-August, 2021.

Staff informed the Commission that five proposals had been received by Oxford for the solar array development at the closed landfill. Presently, Oxford personnel are in the process of evaluating the proposals for the solar array development.

Staff updated the Commission on the monthly emission monitoring event of the landfill's 23 passive gas vents for June. At approximately 125 metric tons (MT) total carbon dioxide equivalent (CO₂e) for the entire landfill, June's monthly total value was below the average value of approximately 145 MT since October, 2020. Six of the 23 passive vents contribute approximately 78% to the total CO₂e emissions to date, with one vent (gas vent #23) contributing almost a third of the total CO₂e values by itself. The fluctuations in the total monthly CO₂e values (ranging from 23.7 MT to 291.7 MT) suggests that the landfill emissions are not particularly steady over time, and that continued monitoring will likely be necessary to determine an accurate estimate of the landfill's CO₂e emissions. Staff has also started to note the temperature of each vent's emissions. Since March 2021, there has been a marked increase in the emissions' temperature, but not necessarily a corresponding increase in the total CO₂e values.

Staff provided a summary of the on-going residential food scraps drop-off program. Since the program started in April 2019 and through July 1, 2021 (117 weeks), approximately 84,250 pounds (42.1 tons) of food scraps have been collected for composting. This is approximately 720 pounds per week on average, with the program's expense coming to \$0.31 per pound. For 2021, a total of just under 20,600 pounds has been collected in 25 weeks, with a weekly average of just over 820 pounds, and a program's expense of \$0.28 per pound.

Commissioners concluded discussions at 7:45 p.m. The next regularly scheduled monthly Environmental Commission meeting is tentatively scheduled for 7:00 p.m. on August 4, 2021, in the Municipal Building's first floor conference room.



The City of Oxford
(513) 524-5200
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Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Police
PREPARED BY:	John A. Jones, Police Chief
DATE PREPARED:	July 7, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Resolution authorizing unclaimed bicycles held by the Division of Police to be sold at public auction.
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 7-16-21</i>

DISCUSSION:

The bicycles on the attached spreadsheet are in possession of the Police Division. These bicycles were either found property or they were seized during a criminal investigation. Reasonable efforts have been made to identify owners and notify owners to claim their property. These bicycles have gone unclaimed and are not of use to the City. It is the recommendation of the Police Chief that these bicycles be sold at public auction, to include internet auction, to the highest bidder for cash. The proceeds from the auction will be placed in the general fund of the City.

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE CITY'S POSSESSION NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AS SURPLUS AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER BY PUBLIC OR INTERNET AUCTION.

WHEREAS, pursuant to Oxford Codified Ordinance Section 127.11, the items (bicycles) set forth in Exhibit "A" attached hereto and incorporated herein, are hereby declared surplus and no longer needed for any municipal purpose, and the same may be sold at auction.

THE COUNCIL OF THE CITY OF OXFORD, PHOP, HEREBY RESOLVES THAT

SECTION 1: Council hereby authorizes the sale of certain items (bicycles) as set forth in Exhibit "A" attached hereto by public or internet auction to the highest bidder with proceeds thereof deposited in the General Fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Memo

To: John A. Jones, Chief of Police
From: Perry M. Gordon, Properties Custodian *P.M.G.*
Subject: Auction of Unclaimed Property (bicycles) by City of Oxford
Date: 04 June 2021

I currently have thirty-one (31) unclaimed bicycles in storage at impound. There are no known owners and no one has come forward to claim them. I recommend through a resolution of Oxford City Council that we sell the bicycles at public online auction via GovDeals and the proceeds collected by the City.

Additional bicycles (approximately four) are "On Hold," pending the expiration of the ninety-day holding and claim period, in accordance with ORC section 737.29. At the end of their individual 90-day holding period, I recommend that we add each to the GovDeals auction.

Thank you.

EXHIBIT "A"

IMPOUNDED BICYCLE AUCTION INVENTORY FOR GovDeals.com

GovDeals Asset # or Impound Group Letter	MAKE	MODEL	FRAME COLOR(S)	GEARS F/R	SERIAL NUMBER	LETTERING COLOR/DECALS/FEATURES (e.g., bottle rack, fenders, cargo rack, chain guard,	DAMAGE/CONDITION missing parts, frame/rim/gear damage) (e.g., torn/missing seat, broken cables	OVERALL CONDITION	RPT. # or TAG #	IMPOUND DATE
--	------	-------	----------------	-----------	---------------	--	--	-------------------	-----------------	--------------

Bike tags #1-74 sold on GovDeals January 2018; #75-137, June 2019; #605-621, July/August 2020; #638>> sell in sets of two or three

Begin Asset #638	MGP	Shredder	white	1x1	G21266501	children's frame; blue lettering/detail		fair	n/a	08/05/20
	Nest	Girl Track	purple	1x1	DJIB115969	children's frame, white handlebars	rusted/broken front brake and chain	fair/poor	n/a	08/05/20
639	Schwinn	Wayfarer	black	1x6	SNXDS15113614	low/med wear on tires		fair	n/a	08/05/20
	Roadmaster	Granite Peak	gray	3x6	SNFSD17B4699	front fork shocks, low tire wear	broken chain, brakes rusted shut	fair/poor	n/a	08/05/20
	Huffy	Cranbrook	black	1x1	SNHTC17M04596	women's frame, pink rims, saddle seat	rusted chain	fair/poor	n/a	08/05/20
640	Rallye	Glitter	pink	1x1	SNHBC16H29847	children's frame, white tires, pink rims	rusted chain	fair	n/a	08/05/20
	Trek	FX1	silver	3x7	WTUJ17C2148N	blue lettering, LED lights	wear on tires, torn seat	good	n/a	08/20/20
641	Leader	721	black	1x1	PI14310985	front brakes	no seat	good	n/a	05/10/20
	Mongoose	100	blue	1x1	SNFSD18BD8144		no seat	fair	20-0949	09/03/20
642	Nishiki	unk	purple over original black	3x7	partial ***11060046**	blue rims, front shocks, bottle rack	homemade paint covering	fair	20-0949	09/03/20
	Schwinn	AL Comp	white	3x7	S8113WM286354	gray/green detailing on frame, disc brakes		good	20-0949	09/03/20
643	Magna	Glacier Point	green/blue	2x5	98TD626895			good	20-0949	09/03/20
644	Giant	Tough Road	blue	3x8	GS61537	neon green detailing		new/VG	20-0949	09/03/20
645	Trek	800 Sport	Black/red	3x7	TBI-044503943315	red detailing	torn seat, rust on frame	poor	20-0668	07/02/20
646	Fuji	Tahoe	blue	3x6	F3104210	bottle rack, saddle seat	rusted rims, worn handles, no kickstand	fair/poor	20-0557	09/13/20
	Kent	KVR 2600 Series	black	3x7	GS160632074	blue velvet seat, red rims, rear reflector lights		good	20-0572	09/13/20
647	Kona	Blast	copper	3x8	F00AK0611	lime green detailing, bottle rack, Ford sticker on frame	some rust/scratches; no kickstand	fair	20-1132	09/15/20
	Giant	Escape	black	3x8	CA2D392	rear rack, straight handlebars, reflector lights	loose wheel; rusty chain, no kickstand	good	n/a	09/15/20
648	Kent	Terra 2.5	silver	3x6	G1703010574	chain guard, blue detailing, white front suspension fork	ripped seat	good	n/a	09/20/20
649	Unknown (Trek?)	Unknown	original red	3x8	WTU214C0615A	blue/pink/white graffiti	worn grips; no kickstand; self-painted	fair/poor	n/a	09/25/20
	Mongoose	27 Fire Switchback	blue	3x8	CM168532061	green/black accent		poor	n/a	09/30/20
	Pacific	PXC	pink	3x6	SNFSD10AA4972	saddle seat, white front suspension fork	front wheel off; rust on frame	poor	20-137174	08/29/20
650	Trek	Marlin	black	3x7	WTU032C0849L	orange lettering/detailing		good	19-1309	03/15/21
651	Trek	Single Track Series 820	black	3x7	WTU348C50015G	white lettering, bottle rack, front suspension shocks	worn tires	good		03/15/21
652	Hyper	Shocker	black	3x6	HDM15L05166	white/red detailing, front shocks, suspension frame	bent front rim, worn tires, rusty gears/chain	fair/poor		03/15/21
	Trek	7100 Multi-track	blue/silver	3x7	WTU332C1619B	Touring tires, bottle rack	damaged brake cables	fair		03/12/21
653	Murray	Mt. Climber	purple/fuchsia	2x5	6-9777x92-051496	women's frame, saddle seat	rusty frame, no rear brakes, worn tires	poor		03/12/21
	Roadmaster	Granite Peak	blue	3x6	SNFSD16EFW6872	women's frame, white front suspension forks	rusty chain	fair	20-0596	05/30/20
654	Pacific	Vortex	maroon/black	3x7	P491308	bottle rack, front suspension fork, low tire wear	damaged front brake	good		10/31/20
657	Raleigh	Evo 3.0	light blue	3x7	U11K25078	bottle rack, front suspension fork, moderate tire wear	rusty chain	good		05/21/21

A regular meeting of the Oxford City Council was called to order by Mayor, Mike Smith on Tuesday, June 15, 2021 at 7:00 p.m. Members present were William Snavelly, Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu and Edna Southard.

Staff members present were Doug Elliott, City Manager, Jessica Greene, Assistant City Manager, Joe Newlin, Finance Director, John Jones, Police Chief, John Detherage, Fire Chief, Casey Wooddell, Parks and Recreation Director, Zachary Moore, Planner; Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

Mr. Snavelly moved to adjourn to Executive Session immediately pursuant to Ohio Revise Code Section 121.22(G)(1) for the purpose of discussing appointments to Boards and Commissions. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Ms. Southard moved to adjourn from Executive Session at 7:38 p.m. Mr. Snavelly seconded. The motion passed 7-0-0.

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Ms. Southard Seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION

“RICK PARKER DAY”

Mayor Smith read the Proclamation and presented it to Mr. Rick Parker.

Mr. Rick Parker, noted he was humbled to receive the Proclamation and advised he has had so much help along the way. Mr. Parker noted the City of Oxford was the best partner anyone could have when doing a development such as the credit union on College Corner Pike and again when the new Lynn Avenue facility was built. Mr. Parker thanked the Board of Directors of the Credit Union, his staff and all of those who had a role in the success of the Miami University Community Federal Credit Union.

PROCLAMATION

“PAMALA COLLINS DAY”

Mayor Smith read the Proclamation and presented it to Ms. Pam Collins.

Ms. Pam Collins, thanked Mayor Smith and City Council for the Proclamation noting it was humbling. Ms. Collins advised when she first came to Oxford she talked to Dr. Ellen Burke about all the dreams she had and all the places she wanted to go and Dr. Burke responded by saying why would you want to be anywhere but Oxford, Ohio. Ms. Collins noted that was 1978 and she was still in Oxford today and totally gets why Dr. Burke said what she said. Ms. Collins advised this community provides the fertile soil for great things to happen and she was so glad to have played a small part. Ms. Collins thanked everyone for their support.

SWEARING-IN **OFFICER BROOKE HARTWIG**

Chief Jones noted tonight we had the pleasure of welcoming a new member to the Division of Police. Chief Jones recognized members of OPD who received awards or were sworn-in at OPD over the past 16 months since doing them virtually did not seem to be an option. Chief Jones introduced Officer Brooke Hartwig noting she was joined by her parents this evening George and Diane Hartwig, her boyfriend Wes, and other members of her family and church. Chief Jones provided a recap of Officer Hartwig's training and background.

Law Director Conard performed the "Swearing-In" of Officer Hartwig and Chief Jones pinned her badge on her uniform.

Officer Hartwig thanked the City of Oxford for this opportunity noting she looked forward to serving the community.

APPOINTMENTS TO BOARDS & COMMISSIONS

Mr. Snavely moved to make the following appointments to Boards and Commissions: Rebecca Howard and Brian Revalee to the Civil rights Commission, Heather Barrett to the Environmental Commission, Nicola Rodrigues and Jock Pitts to the Housing Advisory Commission, Mary Butterfield to the McCullough Hyde Board of Trustees, Lee Fisher to the Oxford Parking and Transportation advisory Board, Phil Russo to the Personnel Appeals Board, Egon Kraan Larry Nadler and LaTricia Hillman to the Police Community Relations and Review Commission, Craig Bennett, Wes Cole and Holi Morrish to the Recreation Board, and Marilyn Elzey to the Student Community Relations Commission. Ms. Southard seconded. The motion passed 7-0-0.

PRESENTATION **WATER SOFTENING ALTERNATIVE ANALYSIS**

Mr. Dreisbach advised Matthew Smith and Brian Hickman of Strand Associates were professional engineers in attendance this evening noting they assisted the City with the evaluation of the Water Treatment Plant specifically looking at the pros and cons of various water softening techniques. Mr. Dreisbach noted the City receives very few water quality complaints although the one most common was the hardness of the water. Mr. Dreisbach advised Strand and Associates were asked to evaluate four softening alternatives, complete a corrosion control study to determine the impact of softening on the lead and copper rule compliance and to review technical alternatives for other ancillary concerns at the Water Treatment Plant.

Mr. Dreisbach turned the presentation over to Mr. Smith and Mr. Hickman who provided a detailed PowerPoint on this study and answered questions from Council. An additional potential alternative would be to purchase water from the City of Hamilton and Mr. Elliott advised at the next meeting a Resolution would be on the agenda to authorize Strand Associates to perform a feasibility study to procure and transport potable water from the City of Hamilton as a fifth option for water softening improvements. (to read the presentation please go to the City's homepage at www.cityofoxford.org and click on "Water Softening Alternative Analysis" or go to Oxford on Demand and click on the June 15, 2021 meeting to view the video)

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

Minutes of the June 1, 2021 City Council Work Session. (Mary Ann Eaton, Clerk of Council)

Minutes of the June 1, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the May 11, Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the May 12, 2021 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the June 2, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the June 8, 2021 Planning Commission Meeting. (Sam Perry, Community Development Director)

Report regarding the June 9, 2021 Historic & Architectural Preservation Commission Meeting. (Sam Perry, Community Development Director)

A Resolution No. 7308 accepting the bid and authorizing the City Manager to enter into an agreement with Southwestern Ohio Services, LLC to complete Phase II of the TRI Pickleball & Tennis Court replacement project at a cost of \$21,202.00 plus a contingency in the amount of \$3,798.00 for a total cost not to exceed \$25,000.00. (Casey Wooddell, Parks and Recreation Director)

Mr. Snavelly moved to approve the consent agenda. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION **SALE OF REAL PROPERTY**

A Resolution No. 7309 authorizing the City Manager to sell less than half of an acre of surplus real property. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on page 34 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mr. Snavelly moved to adopt Resolution No. 7309. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION **BAYER & BECKER AGREEMENT**

A Resolution No. 7310 authorizing the City Manager to amend the existing professional services agreement with Bayer & Becker, Inc. for updating the Oxford Area Trails route planning and cost estimations for the "Northwestern Arc" portion of the City at a cost not to exceed \$56,000.00. (Sam Perry, Community Development Director)

Mr. Moore advised he was in attendance representing Sam Perry, Community Development Director and the Community Development Department on the proposed Resolution. Mr. Moore noted the City was currently under contract with Bayer & Becker to perform route planning and public engagement services for the Northwestern Arc portion of the OATS trail, which will connect the Community Park with the Black Covered Bridge closing in the loop around the City. Mr. Moore advised the proposed Resolution would authorize the City Manager to amend the professional services agreement with Bayer & Becker increasing the total amount for services rendered from \$42,662 plus a 15% contingency to \$56,000. Mr. Moore noted the increase would allow staff to rely more on the consultant to collect public feedback on the project.

There were no comments from the public.

Mayor Smith noted all of Council was in support of this project.

Mr. Snavelly moved to adopt Resolution No. 7310. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH
EVUNITED

A Resolution No. 7311 authorizing the City Manager to enter into an agreement with EVUnited for the purchase and installation of a dual port electric vehicle charging station in the City's parking garage at state contract pricing at a cost of \$25,508.50 plus a ten percent (10%) contingency in the amount of \$2,550.85 for a total cost not to exceed \$28,059.35. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City was awarded \$15,000 from the Ohio EPA for the purpose of installing Level 2 electric vehicle chargers within the City. Mr. Dreisbach noted the OEPA anticipates letting an application for Level 3 chargers out later this year or early next year, which the City will apply for. Mr. Dreisbach advised staff has identified an appropriate location for the charger in the Municipal Garage. Mr. Dreisbach noted once the charger is operational staff will come back to Council with a recommended rate structure for the use of the charger. Mr. Dreisbach offered to answer any questions.

There were no comments from the public.

Mr. Ellerbe inquired what the fee would be for the parking space if someone parked there but did not use the charger. Mr. Dreisbach offered to address the issue within the annual Fee Ordinance.

Mr. Snavely moved to adopt Resolution No. 7311. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCE
FIRST READING
2022 TAX BUDGET

An Ordinance Authorizing The Tax Budget For The Year 2022 And Directing That The Same Be Transmitted To The Butler County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 49-50 of Council's packet and offered to answer any questions. Mr. Newlin noted a Public Hearing on the Tax Budget would take place at the next meeting on July 6, 2021.

There were no comments from the public.

Mr. Prytherch inquired how the actual budget would align with Council's strategic priorities and how the process might be different from previous years.

Mr. Elliott advised staff would follow the statutory framework and also address Council's priorities. Mr. Elliott referred to the American Rescue Plan funding and noted staff would bring back ideas and have further discussion with Council on how to utilize those funds.

ORDINANCE
SECOND READING
CONDITIONAL USE PERMIT

An Ordinance No. 3623 Approving A Conditional Use Permit Application To Allow A Restaurant And Place Of Worship To Be Located At 22 N. College Avenue Oxford, Ohio 45056 With Conditions. (Sam Perry, Community Development Director)

Mr. Moore noted this was the second reading of the proposed Ordinance to allow a Place of Worship as a Conditional Use at 22 N. College Avenue, which is the former "Alexander House". Mr. Moore advised Mr. Tom Ellis who is Pastor of the Calvary Church was the applicant for the request and was present this evening. Mr. Moore noted there were no updates to share since the First Reading of the proposed Ordinance on June 1, 2021.

Mr. Ellis thanked Council for their consideration.

There were no comments from the public.

Mr. Prytherch thanked Mr. Ellis for taking the initiative for a project that fits the Zoning Code noting he was happy to see an adaptive reuse of the historic structure.

Mr. Snavelly moved to adopt Ordinance No. 3623. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised a photo-op and sign dedication for "Mike Davis Way" took place today with members of the Facility Naming Committee, Chrystal Davis and her sister. Mr. Elliott noted the sign would be installed by the end of the week.

Mr. Elliott advised the City's first mobile vaccination clinic was scheduled in partnership with McCullough Hyde Memorial Hospital/TriHealth. Mr. Elliott noted the event would take place at the Bethel AME church on S. Beech Street.

Ms. Raghu noted she would send an email sharing an article about what the Strand Associates had done for the City of Dubuque and encouraged everyone to read it to see what else Oxford can do for renewable energy.

Ms. Southard encouraged everyone to attend the Freedom Festival on July 3rd. Ms. Southard encouraged everyone to have a safe 4th of July weekend.

Mr. Bracken encouraged anyone who has not to get vaccinated.

Mr. Prytherch agreed with Mr. Bracken noting we were not "out of the woods" yet entirely.

Mayor Smith reminded everyone of Freedom Fest on July 3 from 5-10 p.m. with fireworks at 10:00 p.m.

ADJOURN

Mr. Snavelly moved to adjourn at 9:56 p.m. Ms. Southard seconded. The motion passed 7-0-0.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	July 12, 2021
COUNCIL MEETING DATE:	July 20, 2021
AGENDA TITLE:	Zoning Map Amendment – PC-2021-20 Brookville Road – 22.014 acres of land
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve <i>DRE 7-16-21</i>
CITY MANAGER/DEPT HEAD APPROVAL:	

DISCUSSION:

Please see the attached memo prepared for the July Planning Commission meeting.

On July 13, 2021 the Planning Commission held a hearing, reviewed the case and recommended approval 7-0-0.



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Sam Perry, AICP
Director

DATE: July 8, 2021

RE: **PC-2021-20, Brookville Road Zoning Map Amendment, 22 Acres**

The subject property is in the process of being annexed to be included in the Oxford Corporate Limits. The property is located on the north side of Brookville Road between Autumn Drive and the Oxford Community Park entrance. City Council and Butler County Commissioners have reviewed the annexation petition from owners Becki Smith and Cassie McCartney. Planning Commission reviewed a concept for residential development on April 13, 2021 from Etta Reed of Bayer Becker and Todd Hall Homes. City Council will review the annexation again on July 20.

Staff is requesting that the Planning Commission recommend the R-1B zoning designation so that City zoning can be set during annexation. R-1B is Single Family Medium Density Residential. The district purpose statement is: "...to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development."

The current Oxford Township Zoning is A-1 Agricultural. A-1 zoning could technically stay in place if the City does not set a zoning designation; but it would not allow any substantial residential density to meet current demands. Township A-1 could potentially allow agricultural uses that have nuisance concerns. A third option could be to set the City zoning as AOS Agricultural Open Space, which is intended to be a holding zone or to intentional agricultural uses.

Map Amendment Decision Standards from Oxford Code Section 1135.02(c)(1):

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

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Staff makes the following findings related to Standard C:

- 1. The Comprehensive Plan was adopted in 2008.
- 2. The availability of non-student residential building lots has decreased since 2008.

Staff makes the following findings related to Standard D:

- 1. Vacant residentially zoned land exists within the Oxford Corporate Limits.
- 2. The proposed 22 acre annexation and zoning map amendment to R-1B is adjacent to existing public infrastructure and involves willing sellers and a developer.
- 3. 22 acres of R-1B land would allow up to 128 dwelling units (not accounting for any other design or topographic limitations).
- 4. The details of the proposed development cannot be directly considered in the map amendment process.
- 5. The process for development review details would be a Planned Development or Preliminary Subdivision, both of which would go through the Planning Commission at a later date.

Staff recommends that Planning Commission recommend to City Council the R1B zoning map amendment to City Council for the subject 22 Acres located at 6610 Brookville Road.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 22.014 ACRES OF LAND LOCATED AT 6600 BROOKVILLE ROAD, OXFORD, OHIO, AND REZONING THE PROPERTY FROM OXFORD TOWNSHIP A-1 (ARGRICULTURAL) DISTRICT TO CITY OF OXFORD R-1B (SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT.

WHEREAS, in accordance with Section 1135 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 13, 2021, on the application of Sam Perry, Community Development Director on behalf of Becki Smith and Cassie McCartney, owners, for a Zoning Map Amendment for 22.014 acres of land located at 6600 Brookville Road, Oxford, Ohio, rezoning the property from Oxford Township A-1 (Agricultural) District to City of Oxford R-1B (Single-Family Medium Density Residential) District.

WHEREAS, the Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, and found that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was the most appropriate use of the property in question; and

WHEREAS, the Planning Commission found the request does comply with the Decision Standard requirements of Oxford Codified Ordinance Chapter 1135.

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

SECTION 1: Council hereby accepts the recommendation of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning 22.014 acres of land located at 6600 Brookville Road, Oxford, Ohio, rezoning the property from Oxford Township A-1 (Agricultural) District to City of Oxford R-1B (Single-Family Medium Density Residential) District.

SECTION 2: Council hereby grants the rezoning request to R-1B (Single-Family Medium Density Residential) District as requested by the Applicant, incorporating the application and documents submitted by the Applicant as a term and condition of the granting of this Rezoning Request.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Statement against the rezoning of 6610 Brookville Road
(Case No: PC-2-21-20)

My name is Michael Glaser and my family lives on the west side of 6610 Brookville Road at 6788 Brookville Road and we are against the rezoning of the adjacent property for the following reasons;

1. Increased traffic caused by the new development will place additional stress on the intersection of Chestnut Street and the Oxford-Reily Road that will require the addition of a traffic light and potentially turn lanes to mitigate.
2. The planned community will probably require an additional traffic light at one of the exits to the community in order to allow traffic to safely access Brookville Road since the current speed limit is 55 MPH on that section of the road.
3. Light pollution, which has already increased on the west side of Oxford due to the lights from the pool in the city park, will increase again to the detriment of all current property owners.

If the city really wants to do the right thing, they should consider purchasing the property themselves and adding it to the city park.

Sincerely,
M.H. Glaser

**Internal Use Only:**

Case No. _____

Date Filed _____

Zoning Map Amendment Application

Applicant Information

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

Name *

Sam Perry, City of Oxford Community Development Director

Mailing Address *

15 S. College Ave.

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number(s) *

513-524-5204

Email Address

sperry@cityofoxford.org

Location and Lot Information

Location *

6600 Brookville Road

General Description
of Proposed Amendment *

Set preliminary zoning for proposed annexation to R1B

Current Zoning *

Oxford Township A-1

Proposed Zone(s) *

City of Oxford R1B

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

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](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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

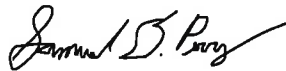
- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Fees & Receipt

The required fee is \$250.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

5/28/2021

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 documentation as attachments and a check for fee and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

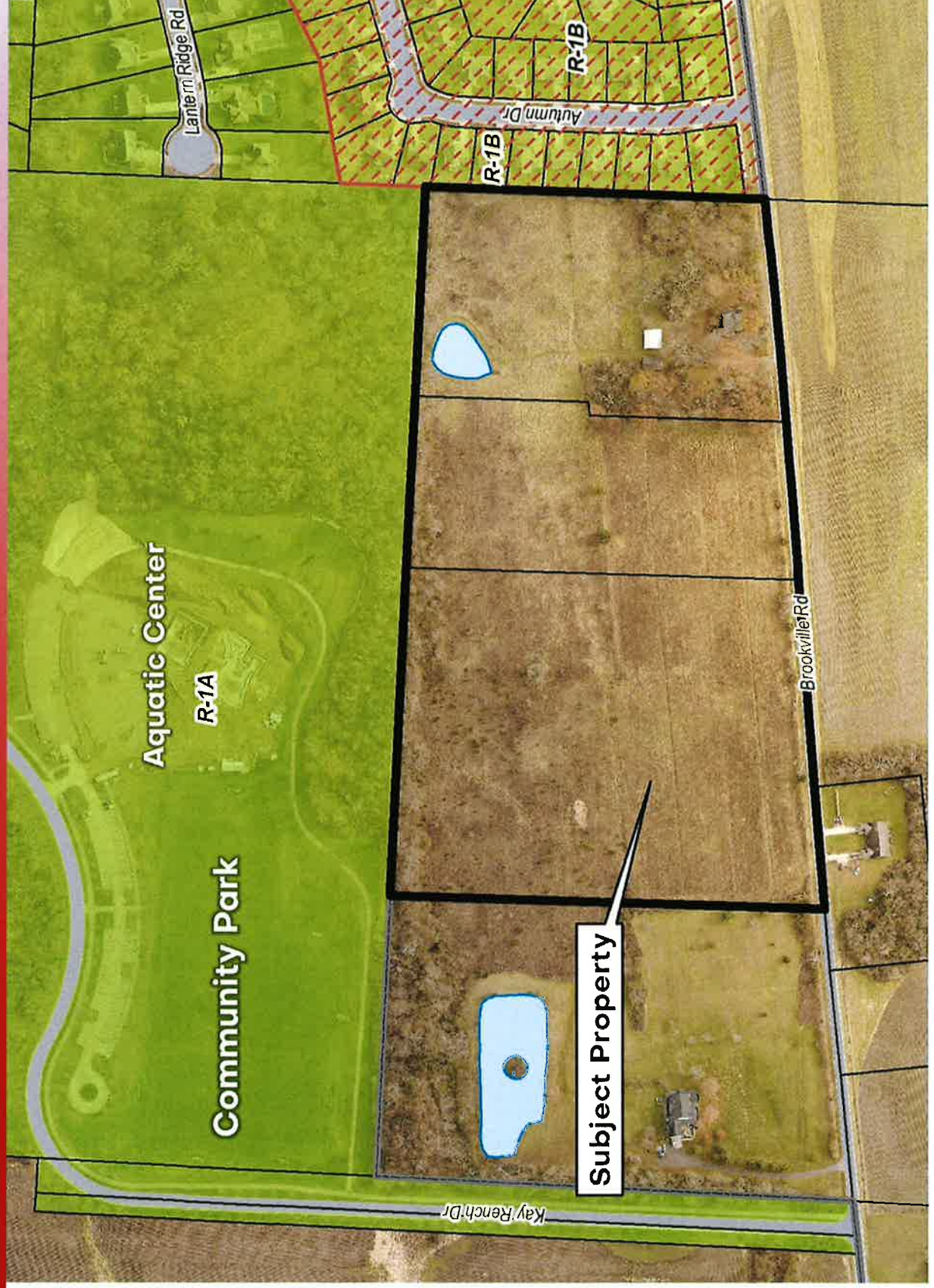
Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the 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).**

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

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

Site Location



Location Map

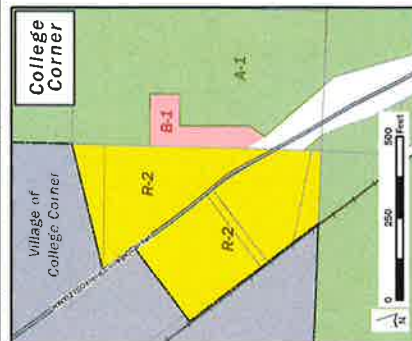
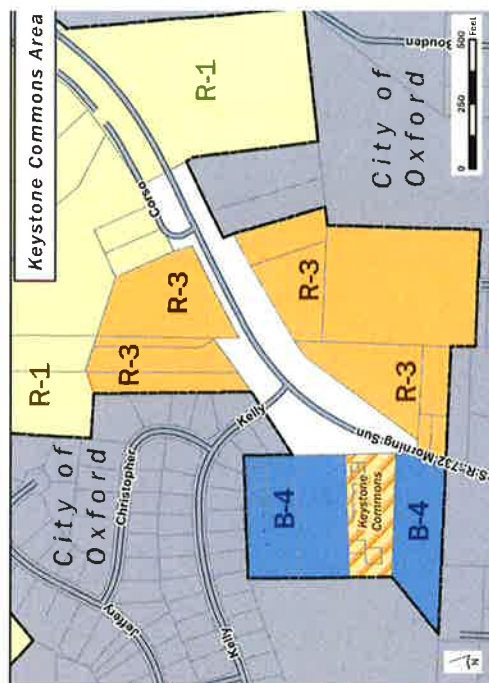
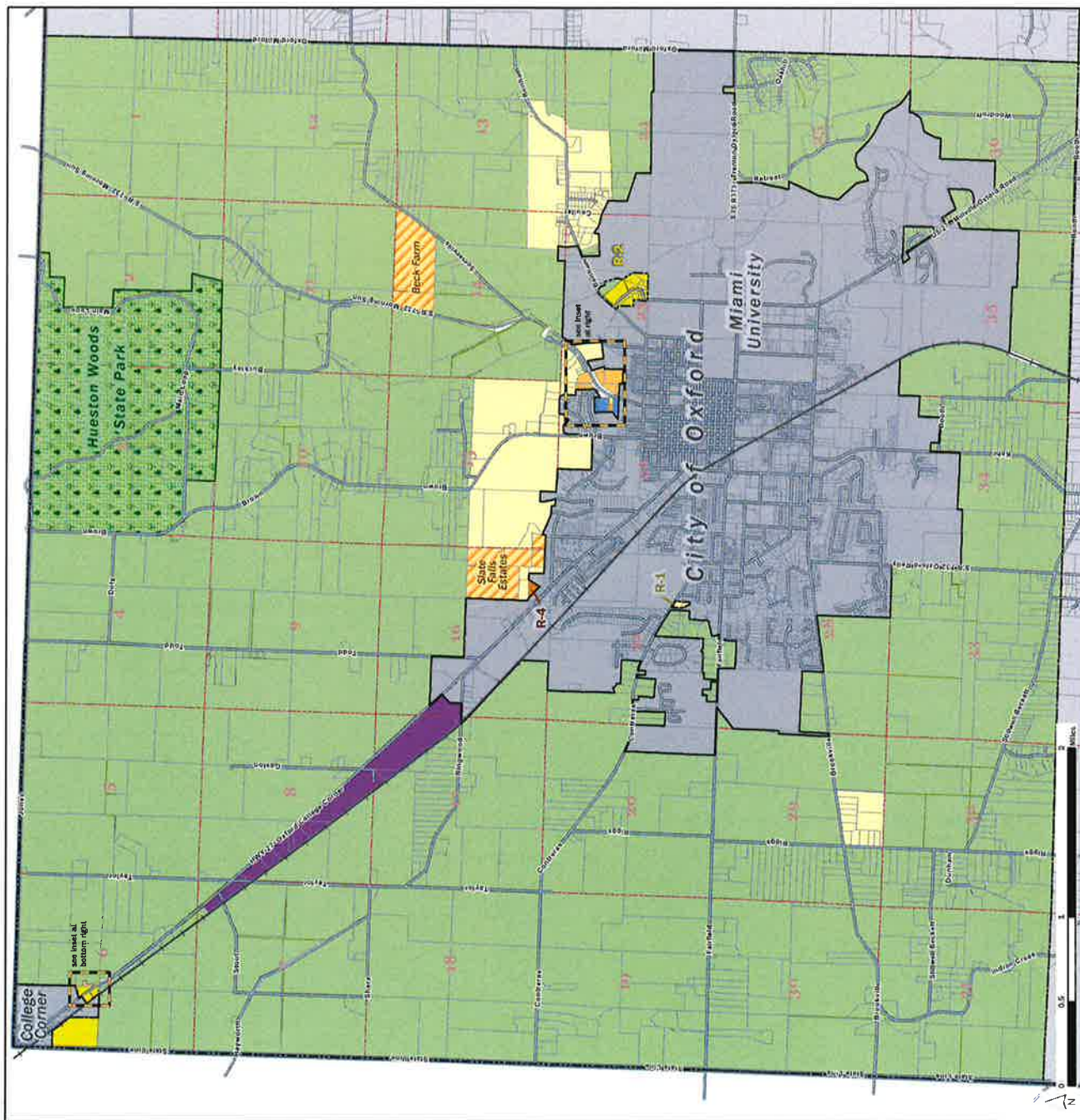


Oxford Township Zoning Map

BUTLER COUNTY, OHIO

Zoning Districts

- A-1 Agricultural
- B-1 Neighborhood Business
- B-2 Community Business
- B-3 General Business
- B-4 Office
- M-2 General Industrial
- R-1 Suburban Residence
- R-2 Single-Family Residence
- R-3 One- and Two-Family Residence
- R-4 Multiple-Family Residence
- R-PUD Residential PUD
- State Park



Zoning Data
Current as of
May 13, 2015



Butler County
Department of Development
Planning Division
Butler County Administration Center
100 High St., Fairbury, Ohio 43011

Map Date: 5/13/2015



Base of Bearing:
ASSUMED MERIDIAN



SURVEY REFERENCES:

PLAT ENVELOPE 3272 PAGES A-B
SURVEY VOLUME 24, PAGE 147
SURVEY VOLUME 26, PAGE 229
SURVEY VOLUME 28, PAGE 219
SURVEY VOLUME 30, PAGE 115
SURVEY VOLUME 30, PAGE 116
SURVEY VOLUME 30, PAGE 117
SURVEY VOLUME 34, PAGE 181
SURVEY VOLUME 35, PAGE 112
SURVEY VOLUME 37, PAGE 23
SURVEY VOLUME 38, PAGE 170
SURVEY VOLUME 42, PAGE 42
SURVEY VOLUME 47, PAGE 187
SURVEY VOLUME 53, PAGE 34

① OWNERSHIP REFERENCE
INFORMATION (SEE SHEET 2)

THIS ANNEXATION PLAT IS BASED
UPON DEEDS OF RECORD AND
OTHER SOURCE DOCUMENTS.
THIS PLAT IS NOT THE RESULT
OF A FIELD BOUNDARY SURVEY.

AREA SUMMARY (PER DEED)

PARCEL #H3610-031-000-012 - 11.000 ACRES (DEED)

PARCEL #H3610-031-000-021 - 5.103 ACRES (DEED)

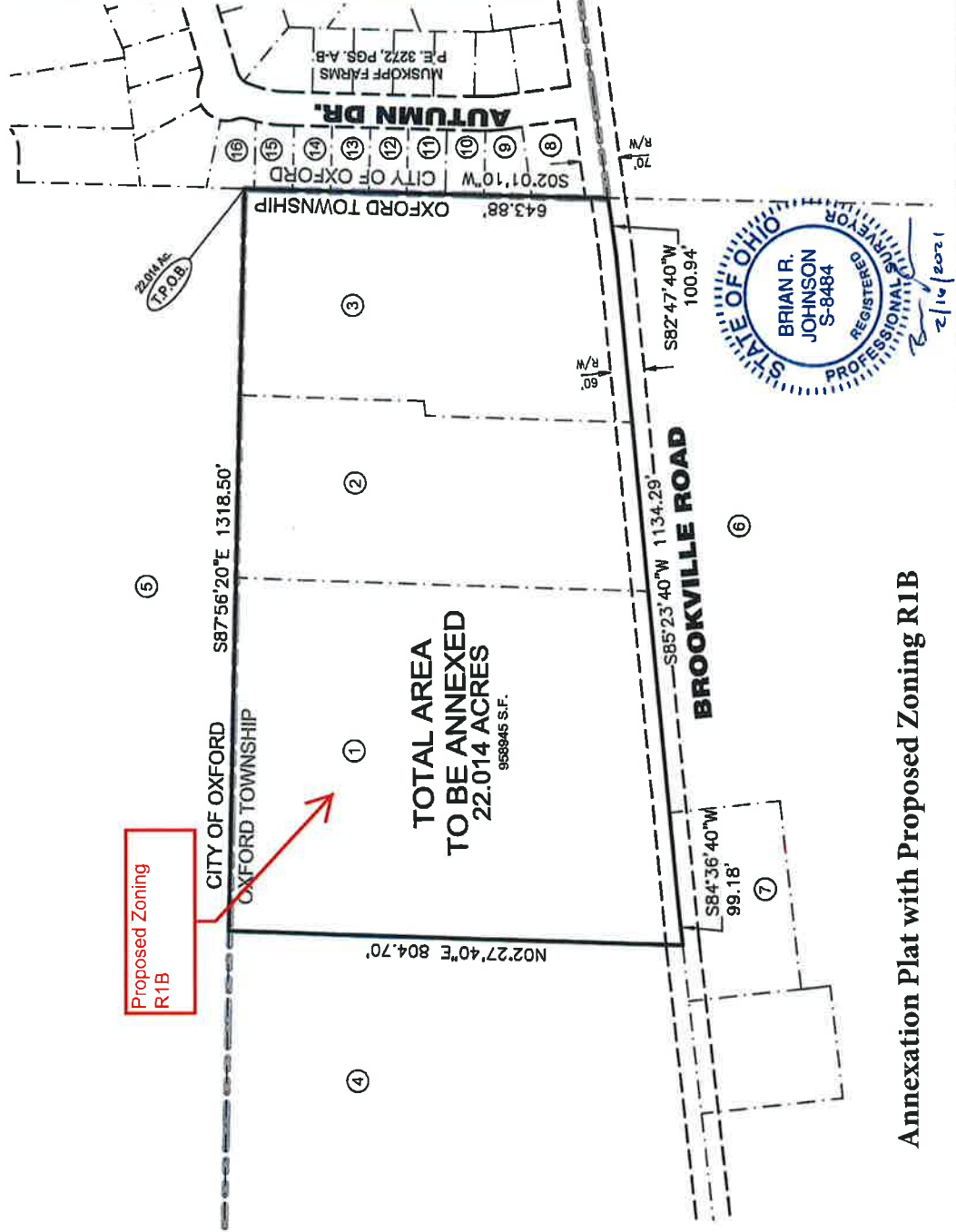
PARCEL #H3610-031-000-020 - 5.911 ACRES (DEED)



110 S. College Avenue, Suite 101
Oxford, OH 45056 - 513.523.4270

22.014 ACRES
GREGORY B. AND REBECCA A. SMITH (1.000 ACRES) AND
REBECCA A. SMITH AND CASSANDRA K. MCCARTNEY (5.103 ACRES AND 5.911 ACRES)
PART OF LOT #5 OF THE MIAMI UNIVERSITY LANDS
SECTION 28, TOWN 6, RANGE 1 EAST
CONGRESS LANDS WEST OF THE MIAMI RIVER
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO
ANNEXATION PLAT

Drawing: 20-0233 AX
SHEET 1/2
Drawn by: DDS
Checked By: BRJ
Issue Date: 02-16-21



Annexation Plat with Proposed Zoning R1B

**TOTAL AREA
TO BE ANNEXED**
22.014 ACRES
958945 S.F.

OWNERSHIP INFORMATION

- ① PART OF LOT #5
GREGORY B. AND REBECCA A. SMITH
O.R. 8155, PG. 1895 (11.000 ACRES DEED)
PARCEL #H3610-031-000-012
- ② PART OF LOT #5
REBECCA A. SMITH AND CASSANDRA K. MCCARTNEY
O.R. 8325, PG. 282 (5.103 ACRES DEED)
PARCEL #H3610-031-000-021
- ③ PART OF LOT #5
REBECCA A. SMITH AND CASSANDRA K. MCCARTNEY
O.R. 8325, PG. 282 (5.911 ACRES DEED)
PARCEL #H3610-031-000-020
- ④ PART OF LOT #5
MICHAEL H. AND JEANNE M. GLASER
O.R. 8033, PG. 540 (11.000 ACRES DEED)
PARCEL #H3610-031-000-015
- ⑤ LOT #3436
CITY OF OXFORD
O.R. 6270, PAGE 477 (113.663 ACRES DEED)
PARCEL #H4000-141-000-001
- ⑥ PART OF LOT #5
BOWLING ESTATES, LTD.
O.R. 6017, PAGE 154 (78.327 ACRES DEED)
PARCEL #H3510-031-000-013
- ⑦ PART OF LOT #5
BOWLING ESTATES, LTD.
O.R. 6017, PAGE 148 (1.525 ACRES DEED)
PARCEL #H3510-031-000-017
- ⑧ LOT #3300
RICHARD C. AND JILL S. PAGE
O.R. 8610, PAGE 1182 (0.283 ACRES PLAT)
PARCEL #H4100-135-000-054
- ⑨ LOT #3301
KEVIN M. AND CHANDRA H. ACKLEY
O.R. 8002, PAGE 269 (0.202 ACRES PLAT)
PARCEL #H4100-135-000-055
- ⑩ LOT #3302
PERRY M. GORDON AND KATHERINE P. STOSS
O.R. 7341, PAGE 2141 (0.180 ACRES PLAT)
PARCEL #H4100-135-000-056
- ⑪ LOT #3303
SINA ESTEKY AND MAHYA RAHIMIAN MASHHADI
O.R. 9039, PAGE 577 (0.180 ACRES PLAT)
PARCEL #H4100-135-000-057
- ⑫ LOT #3304
EGON O. KRAAN
O.R. 8224, PAGE 1469 (0.180 ACRES PLAT)
PARCEL #H4100-135-000-058
- ⑬ LOT #3305
JOHN MAINGI AND MARY C. HENRY
O.R. 7119, PAGE 1956 (0.180 ACRES PLAT)
PARCEL #H4100-135-000-059
- ⑭ LOT #3306
TARA LYNN AND RICHARD ALUN HOPPE
O.R. 9034, PAGE 1409 (0.180 ACRES PLAT)
PARCEL #H4100-135-000-060
- ⑮ LOT #3307
HUGH M. AND JENNIFER L. CRADDOCK
O.R. 9444, PAGE 1075 (0.182 ACRES PLAT)
PARCEL #H4100-135-000-061
- ⑯ LOT #3308
BEVERLY ABSHIRE TRUSTEE OF THE
BEVERLY ABSHIRE TRUST
O.R. 8701, PAGE 182 (0.206 ACRES PLAT)
PARCEL #H4100-135-000-062

22.014 ACRES

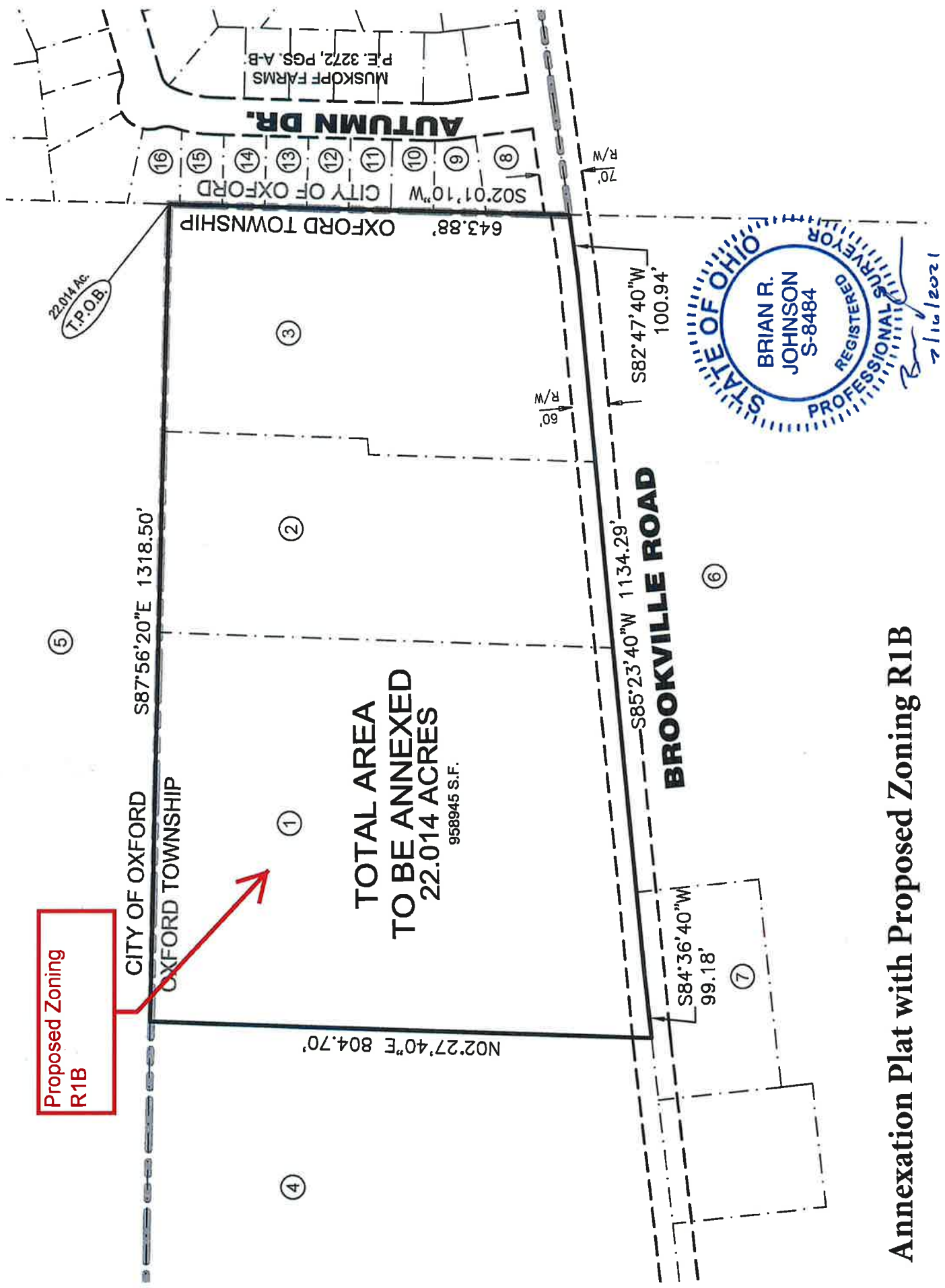
GREGORY B. AND REBECCA A. SMITH (11.000 ACRES) AND
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PART OF LOT #5 OF THE MIAMI UNIVERSITY LANDS
SECTION 28, TOWN 5, RANGE 1 EAST
CONGRESS LANDS WEST OF THE MIAMI RIVER
OXFORD TOWNSHIP, BUTLER COUNTY, OHIO

ANNEXATION PLAT



Drawing:	20-0233.AX
SHEET	2/2
Drawn by:	DDS
Checked By:	BRJ
Issue Date:	02-16-21

Proposed Zoning
R1B



Annexation Plat with Proposed Zoning R1B



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	June 14, 2021
COUNCIL MEETING DATE:	July 6, 2021
AGENDA TITLE:	PC-2021-15, 22 S. Beech, CONDITIONAL USE, 4-story mixed use building including 12-room hotel annex, residential dwelling units, and rooftop restaurant, Scott Webb, Architect, Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 7-2-21</i>

Proposal Summary:

Architect Scott Webb is requesting Conditional Use approval for a proposed 4-story mixed use building located at 22 S Beech Street in the UP Uptown District. The site is the former location of Mesler Auto Body, which would be demolished to make way for new construction. There are two reasons why a Conditional Use approval is necessary in this case: (1) to approve the hotel aspect of the project, comprising a total of 12 rooms on the first floor with a below-grade 12-space parking garage serving the use; and (2) to increase the allowable floor area on the lot from 21,048 square feet to 23,551 square feet in order to accommodate additional commercial space (this represents an increase in floor area ratio (FAR) from the max of 3, to a resulting total of 3.36).

Background:

The nature of the request is essentially a repeat of what was previously considered by Planning Commission and Council in 2018. The HAPC approved a COA for the project in May 2019. A Building Permit application was submitted in September 2019 and went through two rounds of review with applicable departments but was not ultimately approved, as the project became stalled due to the pandemic. Since that time, the COA and Conditional Use deadlines lapsed in May and October of 2020 respectively, necessitating new approvals in order for the project to move forward. The HAPC granted a new COA to the applicant at its May 2021 meeting.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

Planning Commission Recommendation:

On June 8, the Oxford Planning Commission held a virtual hearing and reviewed the case and the decision standards. The proposed building and uses were found to be appropriate for the given location. A large portion of the discussion revolved around the design of the below-grade parking garage. Staff had recommended eliminating 1 of the 12 parking spaces due to maneuverability and safety concerns in proximity to an egress doorway, as well as providing a way for vehicles to simultaneously enter and exit the garage by either widening the ramp from West Walnut Street or providing a second ramp similar to the City parking garage configuration. The Planning Commission felt having one ramp wide enough for one vehicle was sufficient for the amount of parking provided, and voted 7-0-0 to recommend approval of the application subject to a single condition:

1. Parking Space #1 shall be designed and striped as a compact space to maintain 1-2 feet of space from the west wall of the garage.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A SINGLE LEVEL HOTEL USE WITHIN A NEW FOUR STORY BUILDING AND GRANTING THE REQUESTED ADDITIONAL 2,500 SQUARE FEET OF FLOOR AREA IN THE UP (UPTOWN) DISTRICT TO BE LOCATED AT 22 SOUTH BEECH STREET WITH ONE CONDITION.

WHEREAS, the Planning Commission held a virtual public hearing on June 8, 2021 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a conditional use permit to allow a single level hotel use within a new four story building and to allow an additional 2,500 square feet of floor area in the UP (Uptown) District to be located at 22 South Beech Street; and

WHEREAS, the Planning Commission, after a virtual public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a single level hotel use within a new four story building and granting the requested additional 2,500 square feet of floor area in the UP (Uptown) District to be located at 22 South Beech Street with one condition.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a single level hotel use within a new four story building and granting the requested additional 2,500 square feet of floor area in the UP (Uptown) District to be located at 22 South Beech Street with the following condition:

1. Parking space #1 shall be designed and striped as a compact space to maintain 1-2 feet of space from the west wall of the garage.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb, Architect
Location	22 S Beech Street – Parcel ID H4100004000156
Property Owner	Walnut Street Investors LLC, c/o Jim Clawson
Action Request	Conditional Use for a Hotel and Increasing Floor Area Ratio from 3 to 4 due to increased commercial usage (rooftop restaurant)
Current Use	Auto Body Repair Shop (vacant)
Current Zoning	UP Uptown District
Site Area	10,128 square feet (0.233 acres)
Site Frontage	Approx. 122 feet along W Walnut; Approx. 83 feet along S Beech
Surrounding Land Uses	Church to north; Mix of commercial and residential uses in all other directions
Staff Recommendation	Approve , subject to recommended conditions

PROPOSAL SUMMARY

Architect Scott Webb has submitted a Conditional Use application for a hotel use and increased floor area ratio (FAR) at 22 S Beech, formerly the site of Mesler Auto Body. The existing automotive use, now vacant, is non-conforming in the UP Uptown District. Mr. Webb, acting as agent for the owner, is requesting a four-story building consisting of 12 hotel rooms on the first floor, a commercial restaurant space on the fourth floor, and 11 total residential units located on the second, third, and fourth floors. The hotel will be considered an “annex” to the Elms Hotel located a block away at 75 S Main, meaning guests will check-in at the main hotel and then be permitted to drive and park beneath the new building in a below-grade garage, then access their room via an elevator. The 11 residential units are divided between 5 units on the second floor, 5 units on the third floor, and 1 unit on the fourth floor, with a total of 31 bedrooms overall; this information is derived from the latest received Building Permit plans, since the submitted application for the Conditional Use does not contain this information.

The nature of the requested Conditional Uses are essentially a repeat of what was previously considered by Planning Commission and Council in 2018. The application is more or less the same as was presented then, which had received Council approval on September 18, 2018 by Ord. No. 3484. The applicant had also

received COA approval from HAPC on May 8, 2019. A Building Permit application was submitted in September 2019 and went through two rounds of review with applicable departments but was not ultimately approved, as the project became stalled due to the COVID-19 pandemic. The Conditional Use, COA, and original Building Permit have all since expired, thus necessitating new approvals in order for the project to move forward. The HAPC granted a COA to the applicant at its meeting on May 12, 2021.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. As of the writing of this report, no written public comments have been received.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropsenbaker, Assistant to the City Manager	Not Returned
Engineering	Scott Otto, City Engineer	Returned with Comments
- As shown the ramp to enter the parking area does not appear wide enough to accommodate simultaneous entering and exiting vehicles. Vehicles could potentially have to reverse and maneuver in the sidewalk and street. - The dumpster area will need to meet the requirements of Rumpke.		
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Not Returned

COMMENTARY

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

- Hotel Use:** Hotels and motels are a Conditional Use in the UP District, meaning they are potentially allowable so long as the external effects generated can be mitigated to make it more compatible with the surrounding setting. Chapter 1147 provides three distinct concerns to address: (1) proximity to residential; (2) screening from residential; and (3) appropriate street access. Since the proposed use falls within an urbanized area of the City where a mix of commercial and residential uses are already abundant, proximity to residential and screening are less of a concern. Furthermore, the hotel use will be contained to the first floor alone, thus the visual impact will be much less than if all four floors were devoted to hotel usage. The lobby entry area has been appropriately situated on the S Beech Street side of the property, keeping pedestrian circulation closer in proximity to the High

Street business corridor as opposed to the Walnut Street corridor which is more residential and office focused.

- **Increased Floor Area Ratio:** The Oxford Zoning Code defines Floor Area Ratio (FAR) as *the gross floor area of all buildings or structures on a lot divided by the total lot area, excluding any land vacated by Ordinance No. 103 (16 ½ vacated right-of-way)*. Thus, FAR is an important standard which controls the bulk and scale of buildings which can result in a particular district. The UP District provides a maximum FAR of 3, meaning the total floor area of any new structure is limited to 3 times the total lot area exclusive of any vacated right-of-way that may be in front. The vacated right-of-way area on this site totals 3,112 square feet, leaving 7,016 square feet of calculable lot area for the FAR. Multiplying 7,016 by 3 results in a maximum of 21,048 square feet permitted by-right. The Zoning Code further specifies that “additional retail uses above the street level which cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio” should be treated as a separate Conditional Use approval. In the case of this project, the applicant proposes a total floor area of 23,551 square feet, which represents an FAR of roughly 3.36. The Planning Commission can consider the additional square footage because the reason for the increase is due to the additional restaurant space incorporated into the building on the fourth floor, which totals 3,033 square feet. The apparent purpose of allowing such an increase in FAR is to encourage additional commercial uses in the Uptown business area going above and beyond the minimum FAR of 0.7, so long as the residential component is kept within a maximum FAR of 2.
- **Parking:** No off-street parking spaces required for any use in the UP District, per **Section 1149.05(c)(1)**. However, since the original submission in 2018, the applicant has desired to make available at least some dedicated parking for hotel guests. The original proposal showed a total of 8 on-street spaces angled off the north side of W Walnut Street. Since these would have been located in the public right-of-way, the hope was that the spaces could be signed and permitted accordingly so that they would be exclusive to hotel guests. After concerns were raised about the proposed changes to the W Walnut right-of-way and resulting street character, an alternative was proposed to locate parking spaces beneath the structure, made accessible as an underground parking garage with a single access lane off of W Walnut. The parking garage alternative was ultimately approved by City Council at the time. Following the submission of more detailed plans at the Building Permit stage, the Zoning Review uncovered a couple accessibility and safety concerns related to the garage, as summarized below using the *most current* Code section numbers:
 - **Table 1149.04:** Minimum aisle width of **24 feet** for parking spaces oriented at 90 degrees. The applicant’s plan shows an aisle width of 22 feet, 2 feet short of the normal minimum. Staff had previously accepted this width since the City garage has a width of 20 feet, and due more broadly to the previous Conditional Use approving the parking garage as an important element of the proposal.
 - **Section 1149.07(e)(4)(1):** *Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.* Staff had asked for the elimination of Parking Space #1, due to its proximity to the stairwell entrance posing a safety hazard with pedestrians potentially getting struck by vehicles entering or exiting the space. Eliminating the space would not encumber the project with respect to any Code standard, since no off-street spaces are required in the UP District. Furthermore, the resulting number of spaces (11) would still be greater than the original plan which proposed a total of 8 on-street spaces in front. The area, however, could be an ideal location for bicycle parking serving either the hotel rooms or residential units above.

- **Section 1149.07(e)(4)(f):** *Off-street parking and loading areas shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.* This provision also applies to Parking Space #1, since exiting the space would be problematic due to its close proximity to the adjoining wall which could cause a conflict when a vehicle is making a turning motion. Furthermore, if a motorist enters the parking garage to find all spaces full, there would not be enough room to turn around and exit the garage in a forward motion. The City Engineer has also noted the entrance ramp is not wide enough to accommodate simultaneous entering and exiting of vehicles. Zoning staff had previously suggested retaining the single lane/ramp, but adding a gate arm with keep swipe access to better avoid this type of situation. However, the applicant has pointed out difficulties with the grade change, therefore staff is inclined to accept the ramp setup without a gate arm. Because of the difficulty of controlling movement into the garage, it would be prudent to provide a second single lane/ramp as a means of egress from the garage, just as the City parking garage provides.
- **Landscaping:** The HAPC has required a Landscaping Plan to be submitted at the Building Permit stage so that more specific detail is made available as to trees and other plantings which are planned following construction. The applicant's plans submitted at the Conditional Use stage show an assemblage of trees and shrubs along the south and east sides of the building, as well as some screening vegetation along the north side of the building adjoining the Bethel AME Church where hotel room patios are present. All properties within the UP Uptown District are exempt from the provisions of the Tree Ordinance (Chapter 1148), so considerations made to landscaping on the property itself are mainly in regard to improving aesthetics, softening the look of the building, and lessening impact to neighboring properties. It is unclear at this stage whether the large street tree present in the tree lawn along W Walnut Street is to remain, possibly in combination with new street tree plantings.
- **Refuse/Waste Collection and Storage:** The Building Permit review revealed that the garbage enclosure area on the west side of the building needed to be revised to comply with Rumpke's standards, including a minimum 12-foot wide opening. The applicant is currently working through these issues and expects to have them resolved at the time of Building Permit submission.

DECISION CRITERIA

- A. **The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
Yes, a hotel and an increase in FAR for the sake of commercial usage are specifically provided in **Sections 1143.10(b)(2)(B)(4)** and **1143.10(b)(2)(A)(6)** respectively.
- B. **The use and site will satisfy the general intent of the Zoning Code.**
Section 1143.10(a) states that the purpose of the UP Uptown District is to *preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.* Staff believes the proposal at hand satisfies this general intent well, providing a desirable and balanced mix of uses.
- C. **The use and site will be compatible with the general intent of the Comprehensive Plan.**
As shown on Map 3.6 of the Oxford Comprehensive Plan, the property is located in the "Neighborhood Enhancement Area" generally bounded by Elm, Spring, Campus, and Vine Streets but also including another portion in the NE corner of the Mile Square stretching as far north as Homestead Avenue. According to the Plan, development intent in this area is to *stabilize and enhance existing neighborhoods* through continued maintenance and improving property in a way that

reinforces traditional characteristics and commercial features. Staff believes the proposal at hand fulfills the vision expressed in the Comprehensive Plan, helping to redevelop and repurpose a non-conforming and underutilized site in close proximity to the Uptown business corridor.

- D. The use and shape of the site are sufficient for the proposed use.**
The applicant is limited to a finite amount of land area when it comes to developing a new mixed-use building while also accommodating an underground parking feature. Staff believes the parking garage deserves modification for the sake of making it more accessible for guests, as well as more safe for all. This may however come at the cost of one, possibly two, parking spaces.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
Hotel suites facing north and south would have patios, which could potentially pose a noise concern for surrounding uses. The rooftop deck associated with the proposed restaurant space also has the potential for generating noise.
- 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.**
Apart from additional noise resulting from guest/patron activity, staff does not believe the proposed project will pose any of the other concerns cited.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.**
The hotel rooms, as an “annex” to the existing Elms Hotel, are essentially functioning as accessory to the main hotel but will be able to operate in a standalone fashion since hotel support service space is being provided at the garage level (for laundry, room cleaning, etc.). Thus, although linked to another principal use off-site, it should operate function as if it is its own 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.**
Opportunity for comment was provided to Fire, Police, and Service Departments. See comments from City Engineer Scott Otto. Fire returned the application without comment.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
Opportunity for comment was provided to Fire, Police, and Service Departments. See comments from City Engineer Scott Otto. Fire returned the application without comment.
- 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.**
Staff believes the building design is complementary to the surrounding neighborhood and district as a whole. The HAPC has approved the architectural design via the Certificate of Appropriateness (COA) process.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**
The parking ramp could create some conflict for motorists and pedestrians along W Walnut Street, especially if a vehicle has to back up into the street from the parking garage.

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

The existing automotive service building is considered 'non-contributing' in the 2018 Uptown Historic District Inventory. Therefore, its removal would not be considered a loss of a historic feature.

M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from the existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.

There is a fairly large-sized street tree located in the tree lawn along W Walnut Street. It would be ideal to save this tree, though construction of the building may ultimately hinder the ability to save it.

N. 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.

As noted earlier in the report, the application has been through the approval process before and sought permits to begin construction. If the Conditional Use is approved once again, a new Building Permit application will be required.

STAFF RECOMMENDATION

In consideration of the Decision Criteria, staff recommends **approval** of the Conditional Use application subject to the following conditions:

1. The dumpster area shall meet all necessary Rumpke requirements and standards.
2. Parking Space #1, located in the northwestern corner of the underground parking garage, shall be eliminated and not used for vehicular parking.
3. The parking garage design shall be modified to include a way for vehicles to simultaneously enter and exit the garage. This may be accommodated by widening the ramp currently proposed, or adding an additional lane/ramp so that vehicles are provided a way to exit in a forward motion.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: May 30, 2021

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, *Section 1143.10* provides the base zoning standards for the UP Uptown District. *Section 1147.02(c)-(d)* governs the Planning Commission's decision making process on Conditional Uses. *Section 1147.03(b)(27)* provides Conditional Use provisions specific to motels.

1143.10 – UP Uptown District.

(a) Purpose.

The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Apparel and jewelry.
 - 2. Bars and establishments serving alcohol.
 - 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 4. Drugs and pharmaceuticals.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvements products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in.
 - 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.
- C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 - 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 - 3. Barber and beauty shops.
 - 4. Cleaners, including dry cleaning and laundromats.
 - 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 - 6. Offices for nonprofit, charitable, labor, and other service organizations.
 - 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
 - 8. Theaters, not including drive-ins.
 - 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- D. Accessory buildings incidental to the principal use.
- E. Sidewalk uses.

1. This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for the same commercial activity as the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for the same commercial activity as the principal use on the first floor of an immediately adjacent principal structure.
3. A sidewalk use permit application shall include a fee, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
 - a. The use may not result in less than five feet of open and unobstructed public sidewalk adjacent to the sidewalk use; and
 - b. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford shall be named as an additional insured upon such liability policy; and
 - c. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable; and
 - d. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard; and
 - e. All materials shall be lightweight and easily removable; and
 - f. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric; and
 - g. All illumination shall be confined within the perimeter of the use; and
 - h. All partitions shall be transparent 3 feet above the adjacent sidewalk surface.
4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(2) Conditional Uses.

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Retail services:

1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
 2. Banks with drive-through facilities.
 3. Building supplies, garden supplies.
 4. Temporary or outdoor sales of plants and garden supplies.
 5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
 6. Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.
- B. Personal and public services:
1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
 2. Cultural institutions, including libraries, art galleries and museums.
 3. Hotels and motels.
 4. Places of worship.
 5. Funeral homes.
 6. Night clubs, discotheques, and other entertainment facilities.
 7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
 8. Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.
- C. Other uses.
1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
 2. Community-Oriented Residential Social Service Facilities (CORSSF's).
 3. Shared Housing and Congregate Housing for the elderly.
 4. Government owned and/or operated parks and recreation facilities.
 5. Bed & Breakfasts.
 6. Publicly owned and operated neighborhood recreation centers.
 7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 8. Schools: primary, intermediate, and secondary, both public and private.
 9. Hospitals
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- (1) Lot requirements.
- A. Minimum Lot Area:
1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.
- B. Minimum Lot Frontage:
1. 33 feet
- (2) Yard requirements.
- | | |
|------------|---|
| Front Yard | 16.5 feet minimum except * On High Street - at least 70 percent of building must meet the right-of-way line |
| Rear Yard | none except * Adjacent to a residential district 10 feet minimum |
| Side Yard | none except * Adjacent to a residential district 6 feet minimum |
- (3) Structural requirements.
- A. Building height:
- Minimum - 23 feet and a minimum of 2 stories above street grade
- Maximum - 48 feet and 4 stories maximum above street grade.
- B. Gross Floor Area Ratio:
1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)
 - a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:
 - i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.

- ii. Uncovered outdoor areas shall:
 - a. Be associated with the first floor commercial occupant,
 - b. Be located on the property and/or on the public sidewalk, only with a valid sidewalk permit.
 - c. Be computed into the minimum 0.7:1 ratio, but not the overall 3:1 ratio.
 - b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:
 - i. Stairways, hallways, elevators outdoor patios, decks, and balconies, for residential use shall be computed into the maximum 2:1 ratio.
- (4) Maximum Residential Density.
 - A. Occupancy shall be limited to one person per 200 square feet of lot area.

1147.02(c) – Planning Commission Review.

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

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

All Conditional Uses shall satisfy these General Decision Standards.

 - A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) – Action by Planning Commission.

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

1147.03(b)(27) – Motels.

- A. Potential Concerns
 - 1. Proximity to residential.
 - 2. Screening from residential.
 - 3. Appropriate street access.

Location Map

Site Parcel(s)

0 50 100 200 Feet



Site Parcel(s)



Location Map

 Site Parcel(s)

0 50 100 200 Feet





PC-2021-15 Surrounding Property Owners Notifications Map

Legend



Subject Area



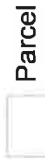
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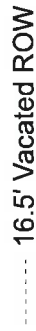
Oxford Corp. Limit



Address Point



Parcel



16.5' Vacated ROW



Building Footprint



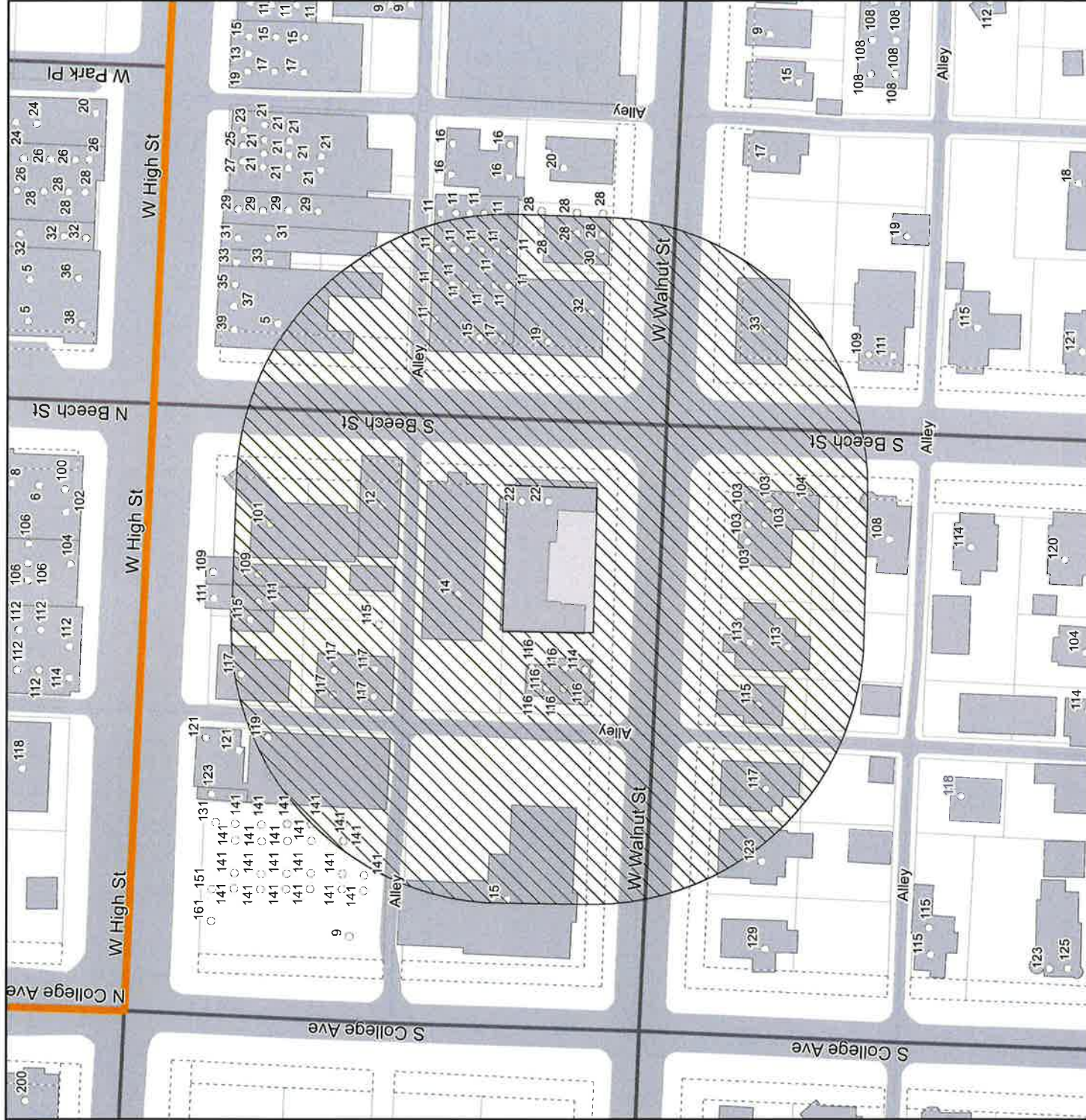
Paved Roadway



1 inch = 100 feet

Prepared on Tuesday, May 18, 2021

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.





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2021-15
22 S. Beech St. – Conditional Use

DATE: May 6, 2021

The Engineering Division offers the following comments:

- As shown the ramp to enter the parking area does not appear wide enough to accommodate simultaneous entering and exiting vehicles. Vehicles could potentially have to reverse and maneuver in the sidewalk and street.
- The dumpster area will need to meet the requirements of Rumpke.



Internal Use Only:

Case No.

Date Filed

PC-2021-15

4/26/21

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * Walnut Street Investors LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 524-9500

Email Address jim@hoteldevelopment.net

Location and Lot Information

Location of Property * 22 South Beech Street

Legal Description * Parcel # H4100004000156

Zoning District * UP

Total Area * 10,128 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Former Mesler Autobody

Proposed Use Description * Mixed-Use building containing Hotel Annex, Restaurant & Student Housing

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

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

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

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

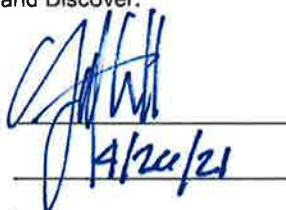
Fees & Receipt

The required fees are \$500.00 plus \$10.00 for postage. You may write a \$510.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *



Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

Receipt Number *

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

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

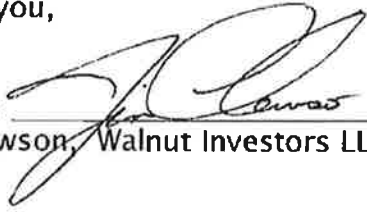
Walnut Street Investors, LLC
125 West Spring Street
Oxford, Ohio 45056
513-524-9500

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's Planning Commission & City Council regarding required conditional uses for a new mixed-use building at 22 South Beech Street.

Thank you,

Signed: 
Jim Clawson, Walnut Investors LLC

4/26/2021
Date:

Sam Perry
Community Development Director
City of Oxford
Municipal Building
15 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Hotel Use & Alternate Parking Arrangement
22 South Beech Street
Parcel H4100004000156

April 23, 2021

Sam,

Please accept this letter as a formal request to restart our Conditional Use process for the previously approved Proposed Hotel Use in the Uptown (UP) District. As before, we would like consideration of a slight increase in commercial space causing the max. permitted gross floor area to exceed the 3:1 ratio.

In accordance with the submission requirements and documentation required by the Conditional Use Application we offer the following:

A. *The application fee has been submitted with this application*

B. *Description of Use and Site.*

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

Property Owners:

Walnut Street Investors LLC
125 South College Avenue
Oxford, Ohio 45056

Architect:

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

Civil Engineer:

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

2. *If the Applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.*

A Letter of Agency is included in this application

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

A survey has been provided with the Building Permit Application.

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

The site has been vacant but was previously occupied by Mesler Auto Body, a family run business that has occupied the site for decades.

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

The site is in the UP, Uptown Zoning District

6. *A description of the proposed use.*

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

The proposed Mixed-Use Building is designed in accordance with the development regulations of the UP Zoning District. The Floor Area Ratio (F.A.R.) provides for a min. commercial use and maximum residential use of each site based on the land area of the property.

The new Mixed-Use building is designed to provide a lobby for the Extended Stay Hotel Suites on the ground floor and elevator access to a 3,033 s.f. rooftop restaurant to meet the requirements of the commercial use. The 2nd, 3rd, and a portion of the 4th floor will provide a variety of dwelling units.

The ground floor will provide (12) individual extended stay hotel suites. These suites will be managed as an annex to the Elms Hotel a block from the site.

Based on the size of the lot and limitations/requirements of the F.A.R., the building may contain as many as (35) residents in apartments.

b. *Hours of operation*

The proposed hours of operation for the rooftop restaurant would be typical for businesses of this type, potentially offering breakfast, lunch, dinner, and nightlife. The hotel suites and apartments are typical for their use.

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

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

The Uptown Area provides a variety of uses as encouraged by the Comprehensive Plan with Mixed-Use buildings, featuring restaurants, retail and entertainment with residential units on the upper floors.

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

The property has been an auto body and repair shop for decades, and includes a paint booth, garage areas, and an apartment. The existing structures are not appropriate in their use, design or scale, and would be demolished to facilitate redevelopment of the site.

The proposed building will be designed in accordance with the F.A.R. of the Zoning District and the guidelines of the Historic District.

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

The proposed building is similar in uses to the uptown district and is not expected to produce nuisance odors, fumes, vibrations, or emissions.

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

The design of the building aligns with the goals of the uptown district, with no particular need for mitigation.

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

Extended Stay Hotel rooms are an underserved market in the City. Hotel development typically requires 75-80 suites on 10 acres of property, forcing them to the perimeter of the City and increasing traffic and parking problems into the Uptown entertainment area.

With the independent Elms Hotel in the Uptown District, a unique opportunity to expand the hotel use with additional suites as an annex to the primary hotel is presented here. Combining the reservations, service, laundry, etc. typically required for a stand-alone hotel into the existing one, requiring less property and duplication of services.

The slope of the site allows a unique opportunity to allow the ground floor hotel suites to be set above the street level to the south, above headlights and pedestrian traffic.

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

Extended Stay Hotel rooms are an underserved market in the City and in the Uptown area in particular as described above.

The Uptown area is becoming saturated with ground floor restaurants. A ground floor hotel use adds consumers and pedestrians to the uptown district. Providing a rooftop restaurant would be a unique and distinguishing, providing some variety in the uptown

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

Based on the potential concerns of Motels itemized in 1147.03(b)(27) we offer the following;

A. *Potential Concerns:*

1. *Proximity to Residential*

The Uptown District is intended as a mix-use area with residential and a variety of commercial uses, generally in the same building.

2. *Screening from Residential*

Screening from residential is not required in this urban setting.

3. *Appropriate Street Access*

Street access is provided for pedestrians along South Beech Street.

An alternate parking concept is included in this application with direct, angled parking from the street.

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

Provided under a separate cover

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

Planning Commission had previously approved each conditional use. The project was postponed through the worldwide pandemic, and approvals lapsed.

- C. *Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand*

Site plans and 3D Concept illustrations are provided

Planning Commission Review

Decision Standards

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

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

Hotels & Motels are considered a Conditional Use in the UP Uptown Zoning District. In the proposed Mixed-Use Building, the Hotel use occupies the ground floor as the required commercial use.

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

The Zoning Code for the Uptown District encourages Mixed-Use Buildings through the Floor Area Ratio (F.A.R.). The building as proposed exceeds the overall building limits by an increase in commercial area and includes covered patios for the hotel guests. This may be approved by conditional use, as the residential is less than allowed.

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

The **Character Area Map** and **Character Area Matrix** refers to this area as the “Core”, reflecting its place as the center of the Mile Square and primary business district emphasizing walkability and describing the area as a center for entertainment uses.

The **Conservation and Development Map** and the **Concept Area Matrix** refer to this area as a “Neighborhood Enhancement Area”, recommending the stabilization of the Mile Square neighborhoods and commercial features to enhance the Uptown

Land Use Objective 3 proposes that we “*Continue to Enhance Uptown*”, encouraging higher density new construction where appropriate to provide new space for business. It further suggests that we support new Mixed-Use developments that combine ground floor retail with upper story office and housing.

The **Economic Development Section** directs us to retain and expand existing businesses. The proposed unique expansion of the Uptown’s only hotel is in line with this objective.

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

Building sizes and shapes are prescribed by the development standards of the Uptown District. The building as proposed meets these guidelines, respecting the goals for redevelopment of underused site in the district.

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

The proposed use will not be disturbing to neighbors, providing compatible transient and rental residences with a unique upper level restaurant.

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

The Hotel Use is compatible with other uses in the district.

- 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 Accessory uses are proposed.

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

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

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

No public expense is anticipated by this project.

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

In addition to the building envelope limitations provided by the Zoning Code, the building was previously approved by the Architectural Preservation Commission insuring that the design is appropriate and compatible and will not change the essential character of the neighborhood

- 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.*

Traffic will be eliminated from the site.

Per 1149.03(j)(1) & (2), all residential and non-residential uses in the UP district are exempt from parking requirements.

Private parking is provided for each hotel suite in a private garage under the building.

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

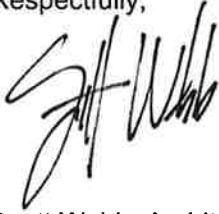
The proposal contained herein is designed to replace an auto body shop and not a natural, or historic feature of major importance.

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

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Scott Webb". The signature is stylized with a large, looping "S" and a cursive "Webb".

Scott Webb, Architect

A second handwritten signature in black ink, identical to the one above, appearing to read "Scott Webb".



Conditional Use Application Proposed Hotel Annex as Ground Floor Commercial New Mixed-Use Building 22 South Beech Street (Former Mesler Auto Body)

Walnut Street Investors LLC
125 West Spring Street
Oxford, Ohio



SCOTT
WEBB
ARCHITECT

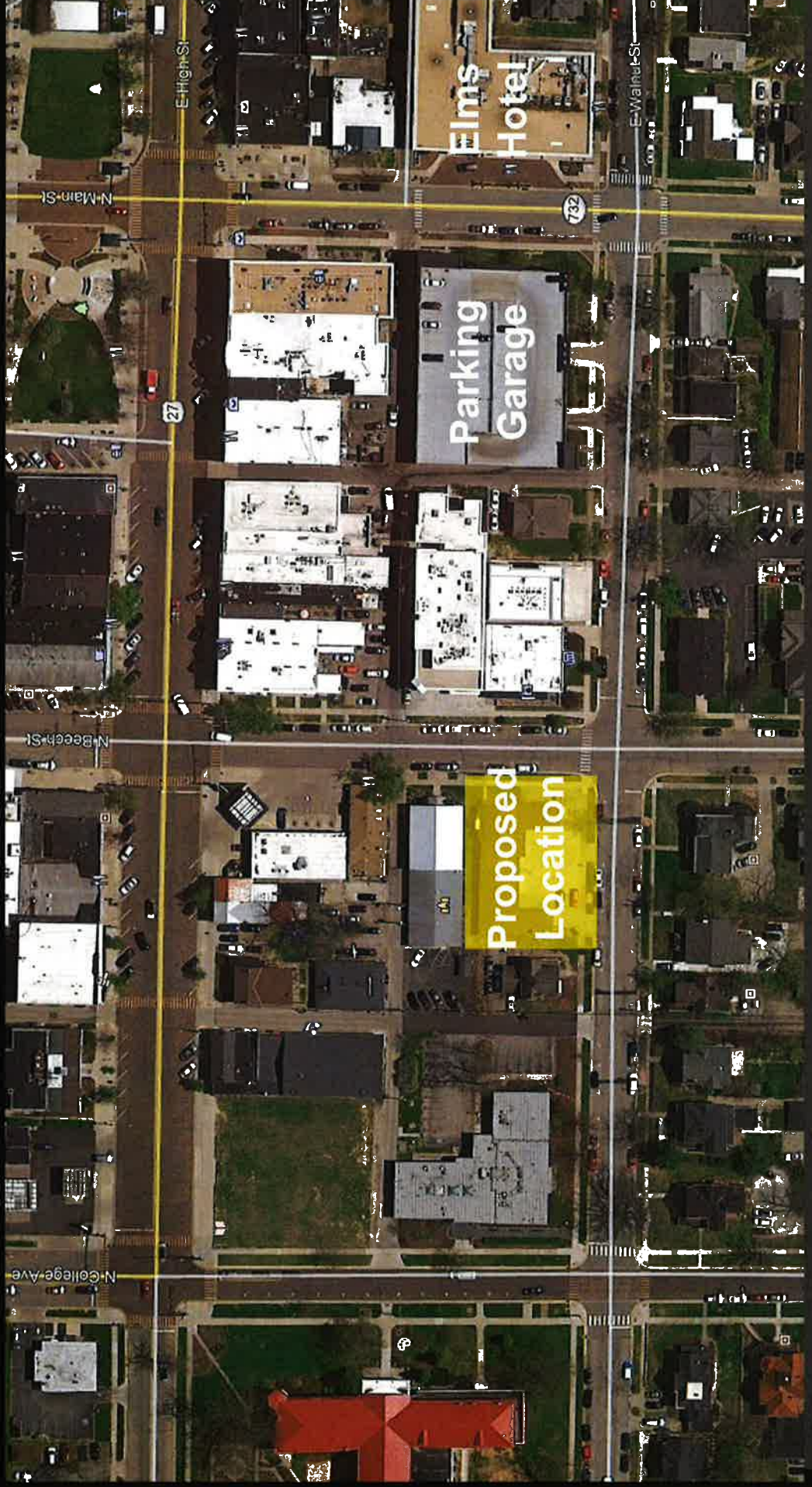
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Location & Context

Zoned UP, the existing property is occupied by a non-conforming use

Proximity & ownership allows this property to be considered for an annex to the Elms Hotel



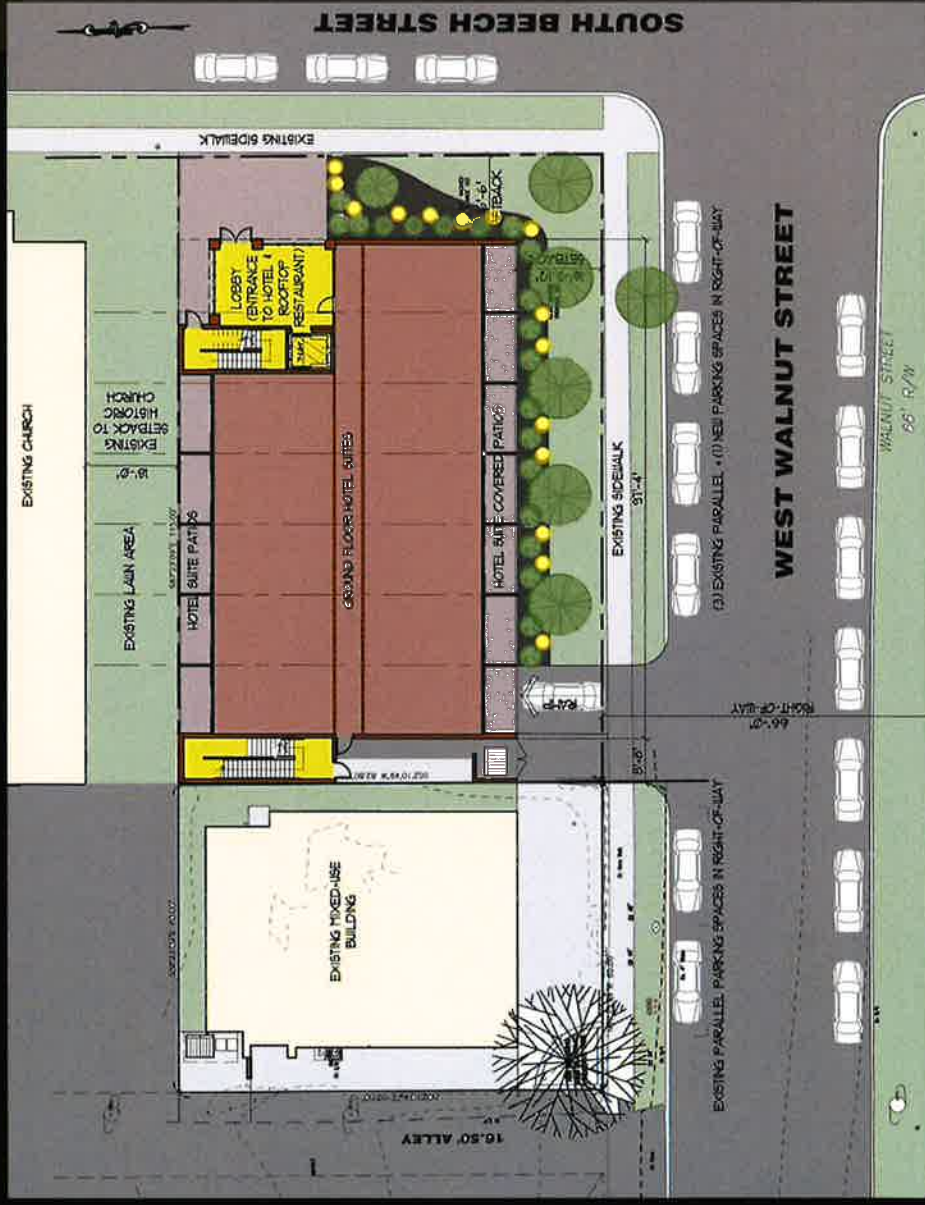
Preliminary Site Plan

The proposed Mixed-Use Building is designed in general accordance with the development regulations of the **UP Zoning District**. The Uptown Area provides a variety of uses as encouraged by the Comprehensive Plan with Mixed-Use buildings, featuring restaurants, retail and entertainment with residential units on the upper floors

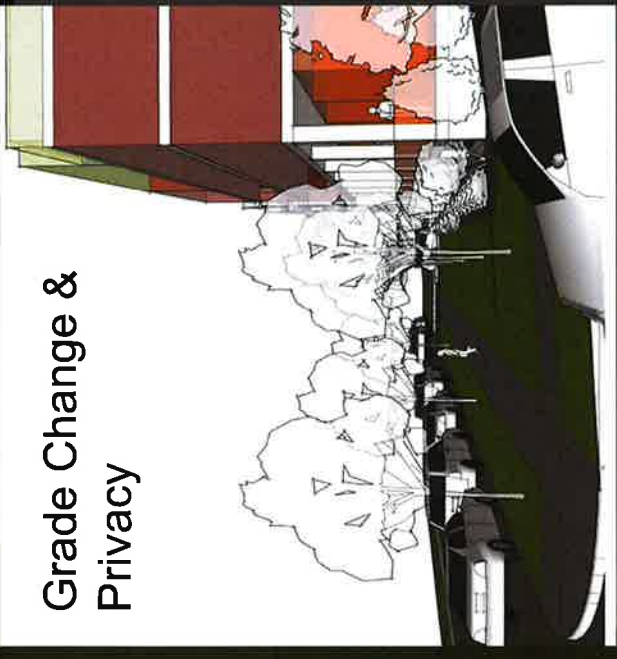
Use Specific Concerns

- Proximity to residential.
- Screening from residential.
- Appropriate street access

Written for "Motels", these concerns are not as applicable to more urban, mixed-Use buildings



Grade Change & Privacy



Deliveries for the proposed restaurant will occur from Beech Street during designated hours

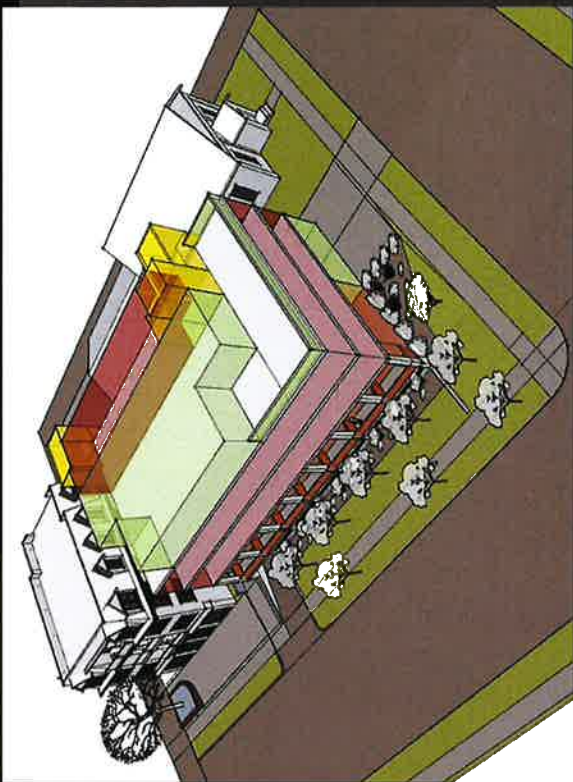
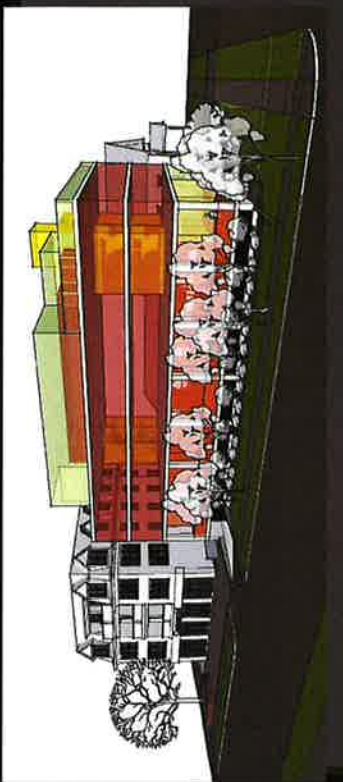
Development Regulations & Additional Commercial Area

Development Regulations

All Dimensional & Occupancy Regulations are based on the Lot Area as follows:

Total Lot Area	10,128 s.f.
Less Vacated Right-of-Way	3,112 s.f.
Calculable Area for F.A.R.	7,016 s.f.

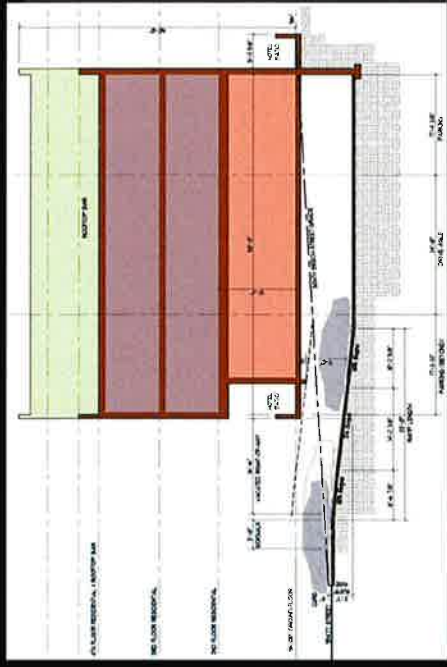
Gross Floor Areas		Commercial	Residential
Ground Floor		5548 s.f.	
Hotel Patios	Covered	620 s.f.	
	Uncovered	407 s.f.	
Second Floor			6,143 s.f.
Third Floor			6,143 s.f.
Fourth Floor		3,033 s.f.	991 s.f.
Shared circulation Space		333 s.f.	333 s.f.
Roof Deck			
TOTALS		9,941 s.f.	13,610 s.f.
Totals		9,941 s.f.	13,610 s.f.
Regulation:		4,911 s.f. Min (0.7 x Calculable Area)	14,032 s.f. Max. 2x Lot Area
Total Building Envelope			23,551 s.f.
Regulation:			21,048 s.f. Max.
Max. Building Envelope per Floor Area Ratio (F.A.R.) (3 x Calculable Area)			Conditional Use for 11.9% increase in max. envelope
Occupancy		35.08 Residents	
(1) Occupant per 200 s.f. calculable area			



The proposed Mixed-Use Building as designed provides more Commercial Area than is typical for the **Floor Area Ratio (F.A.R.) of the UP Zoning District** resulting in 11.9% excess in overall building envelope (half of which is private hotel patios or balconies)

The Additional area is for the **Commercial Area** of the project and is allowed through the **Conditional Use** process

Parking – Below Grade



Staff has requested space #1 to be eliminated & a gate installed to restrict access to the parking.

- Space #1 is no different than any other space
- No gate is necessary as this will not be confused with public parking

While no parking is required for Commercial Uses in the UP District, Planning Commission requested (12) spaces for the hotel use that were provided below the building. This plan also increases the (3) existing on-street spaces to (4)

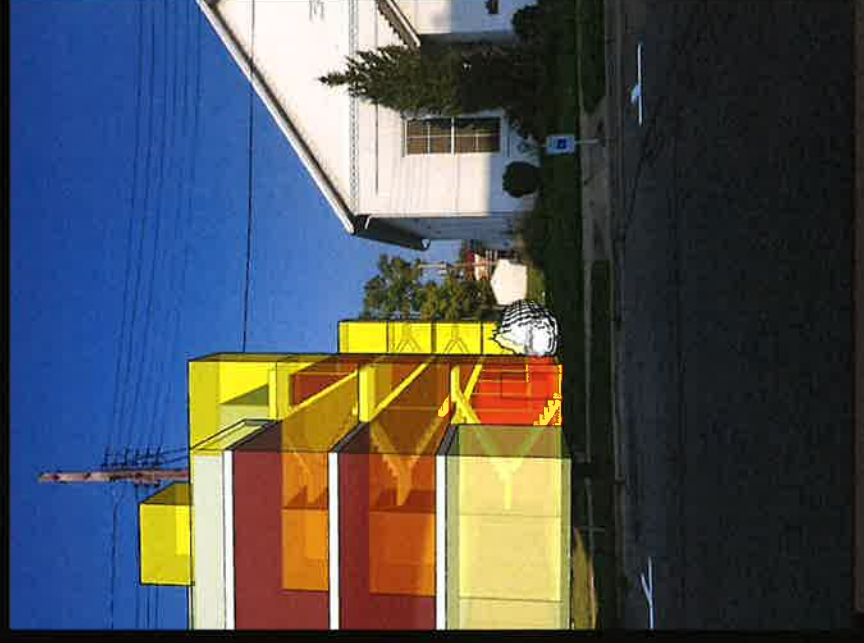
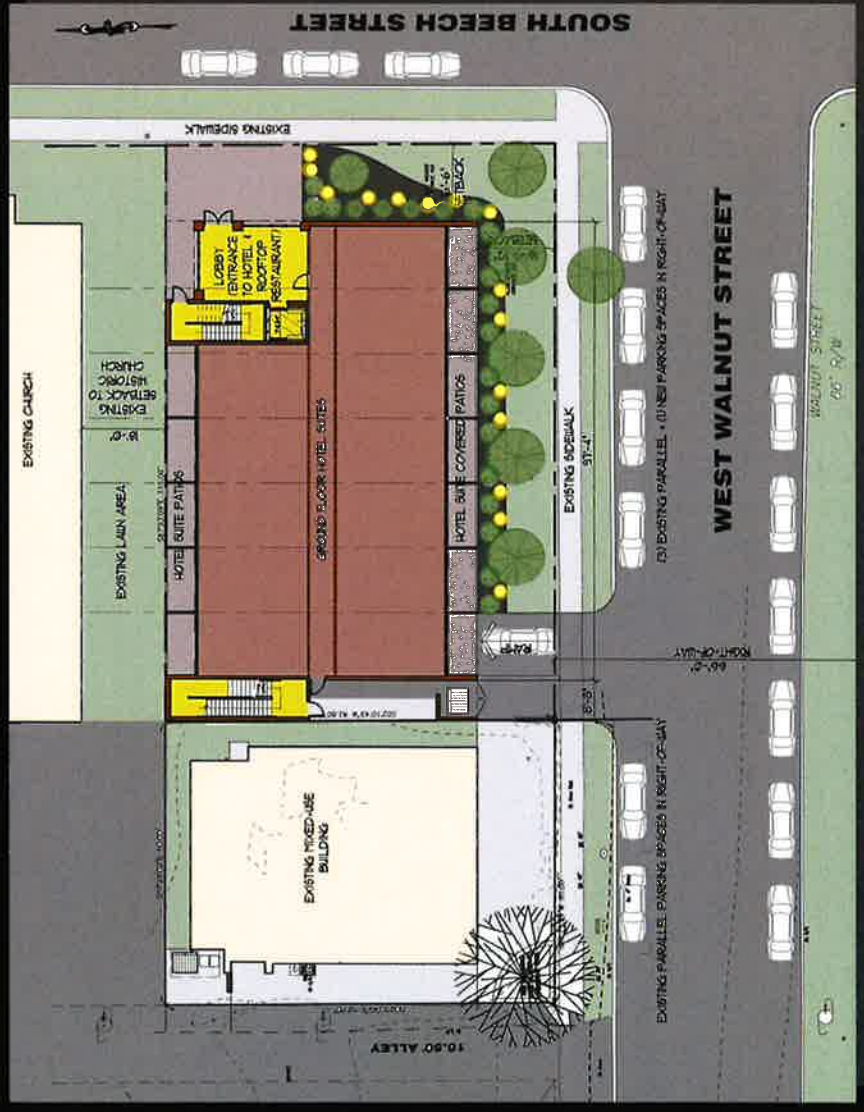
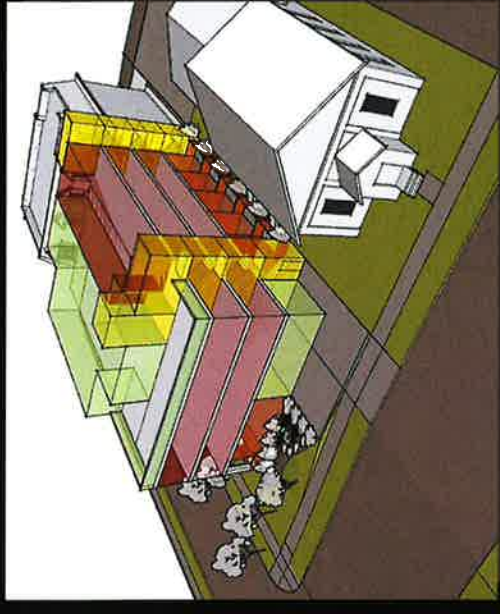
The entrance to the private garage is located as far as possible from the intersection
A trash area has been provided adjacent to the ramp

Adjacent Property

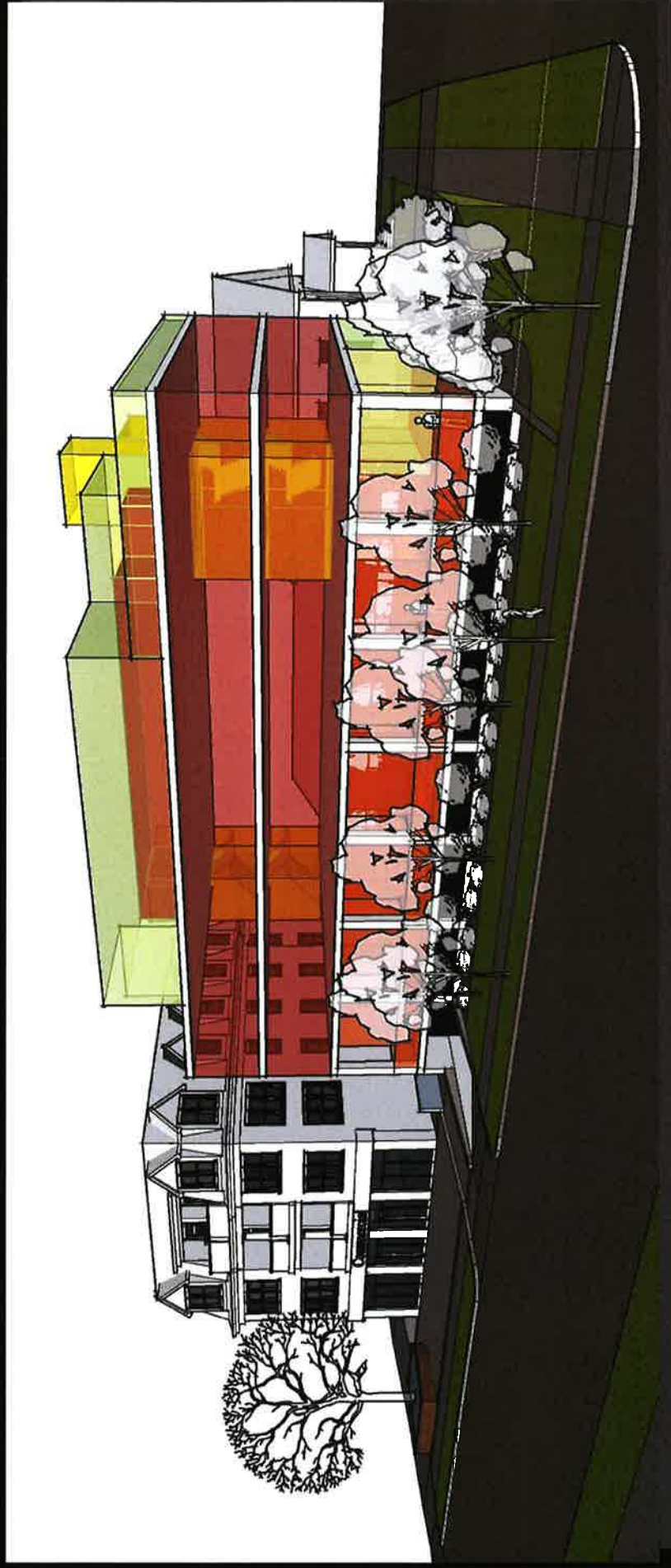
On the North side of the building the Suite Patios face the *Historically protected Bethel A.M.E. Church*

Upper Stories of the Building are set back to allow windows to the upper floor residential units

The Developer will work with the Church to further improve the landscaping of this area to the benefit of both



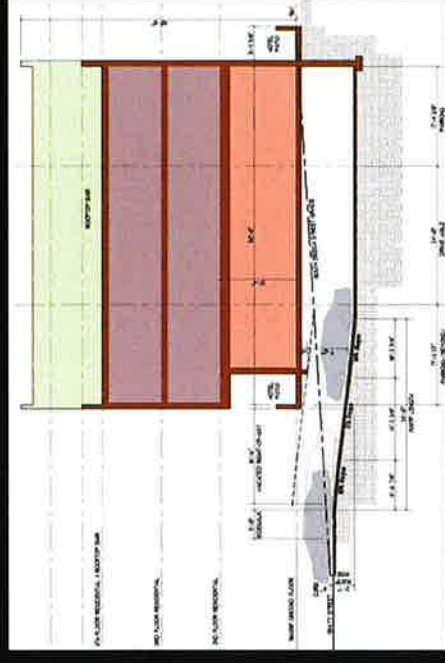
Building Height



The Max. building height is proposed at 48' from the ground floor level

Building Height: The vertical distance from the average elevation of the finished grade along the *front of the building* to the highest point of the coping of a flat roof, or to the deck line of a mansard roof

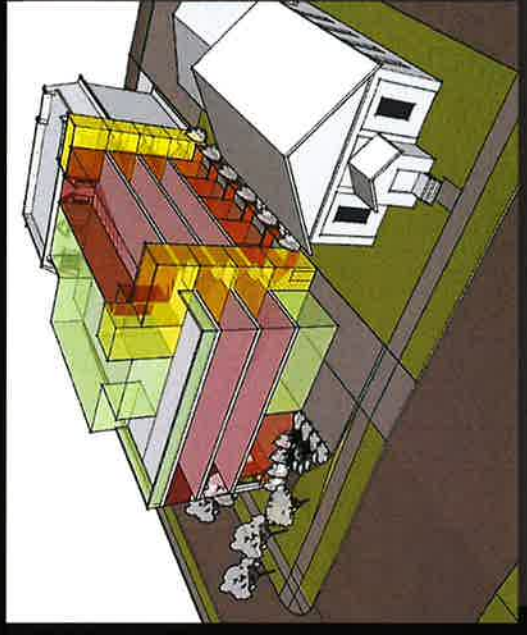
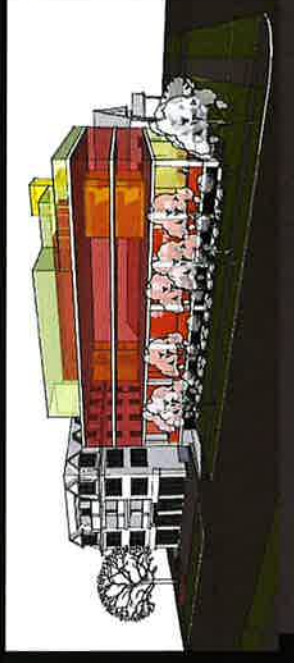
The average height along the *front of the building* along Beech Street is less than 48'



Decision Standards

The Proposed Mixed-Use building with a Hotel and Restaurant meets the Decisions Standards as follows:

- Is allowed in the Zoning District
- **Meets the intent of the Zoning Code** as a Mixed-Use Building
- Is compatible with the goals of the **Comprehensive Plan**, developing an underused site and improving the Uptown Core
- The **size and shape of the lot** supports the proposed use
- **Will not be hazardous or disturbing** to neighbors or involve activities that produce excess noise, smoke, fumes, or traffic
- All uses are independent in a mixed-use building with **no accessory uses**
- The site is designed to be **harmonious to the general character of the neighborhood** and the building will be presented to the **HAPC**
- **Traffic and parking** are designed to minimize the effect on the neighborhood with assigned spaces for hotel guests
- Does not result in a loss of an historic or scenic feature
- All permits can be obtained for the individual uses.



Conclusion

Proposed Conditional Use achieves the following goals:

Encourages Economic Development of the Uptown District, bringing in more visitors to support businesses in the Uptown Core

Visitors directly support *the Visitor's Bureau through additional Hotel Bed Tax funding*

Improves the neighborhood through infill development of an underused site

Provides a unique business opportunity through a rooftop restaurant, not found elsewhere in the City

