



## **Agenda**

### **Oxford City Council**

#### **Court House**

**TUESDAY, AUGUST 7, 2012**

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### **EXECUTIVE SESSION**

**7:15 P.M.**

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; Kevin McKeehan; Bob Blackburn; Kate Rousmaniere; John Harman; Steve Snyder

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

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### **REGULAR MEETING**

**7:30 P.M.**

### **PLEDGE OF ALLEGIANCE**

2. Approval of Agenda.

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

- A. Request for use of park - Guy Moore.
- B. Presentation - Sharefest Oxford - Carol Michael.
- C. Appointments to Boards and Commissions.
- D. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the July 17, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the July 10, 2012 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- C. Report regarding the July 11, 2012 Historic and Architectural Preservation Commission Meeting. (Jung Han Chen, Community Development Director)



Report

- D. Report regarding the July 11, 2012 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- E. Report regarding the July 18, 2012 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- F. Report regarding the July 25, 2012 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

- G. A Resolution authorizing the Police Chief and Finance Director to dispose of contraband no longer needed as evidence in accordance with Oxford Codified Ordinance Section 127.11. (Bob Holzworth, Police Chief)



Staff Report/Resolution

5. Resolutions.

1. A Resolution authorizing the City Manager to amend the loan agreement between the City of Oxford and Moon Cooperative Services, Inc. with conditions. (Alan Kyger, Community Development Director).



Staff Report/Resolution

2. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with Ram Construction Services for improvements to the Municipal Parking Garage as set forth in Exhibit "A" attached hereto at a cost of \$244,925.00 plus a contingency amount of ten percent (10%) of the contract price or \$24,492.50 for a total cost not to exceed 269,417.50. (Mike Dreisbach, Service Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading

1. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 40.113 Acres Of Land On Kehr Road, Oxford, Ohio (Oxford Parcel H4000132000015) And Rezoning The Property From A-1 (Township Zoning) To City of Oxford Agricultural Open Space (AOS) Zoning District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 237.51 Acres Of Land On Oxford Trenton Road, Oxford, Ohio (Oxford Parcels H3610027000008, H3610027000009 and H3510027000007) And Rezoning The Property From A-1 (Township Zoning) To City Of Oxford Miami University (MU) Zoning District. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

3. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 74.42 Acres Of Land On Oxford Trenton Road, Oxford, Ohio (Oxford parcel H3610027000005) And Rezoning The Property From B-PUD (Township Zoning) To City Of Oxford Office & Light Industrial (OI) Zoning District. (Jung-Han Chen, Community Development Director).



Staff Report/Ordinance

4. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 47.069 Acres Of Land Known As Yager Stadium And Surrounding Areas (Parcel H3510026000031, Being Part Of Lot #4 And Parcel H3510026000031, Being Part Of Lot #5 When Annexed Into The City Of Oxford And Now Known As Consolidated Parcel H4100009000004) And Rezoning

The Property From A-1 (Township Zoning) To City Of Oxford Miami University (MU) Zoning District. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

5. An Ordinance Changing The Name Of "Wooster Court" in the Campus Commons Subdivision to "Wooster Place" And Directing The Clerk To Forward A Certified Copy Of This Ordinance To The County Engineer For The Appropriate Change On The Subdivision Plat. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

6. An Ordinance Repealing Current Oxford Property Maintenance Code Section 309.2, Agent Required, And Adopting New Section 309.2, Agent Required. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

7. An Ordinance Amending Ordinance No. 3159. Supplemental Budget Ordinance Number 3 To Make Supplemental Appropriations For Fiscal Year 2012. (Joe Newlin, Finance Director)



Staff Report/Ordinance

B. Second Reading

1. An Ordinance Approving A Conditional Use Permit For A Fast Food Restaurant With A Drive-Through In The General Business District At 321 W. Spring Street With One Condition. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

1. Discussion - Disorderly House Legislation - A recommendation from the Housing Advisory Commission. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, the Oxford City Council, or the City staff.
2. Remarks from City Council and City Staff.

B. Future Meetings.

TUES - Aug 14 Planning Commission Work Session 6:30 p.m.

TUES - Aug 14 Planning Commission Meeting 7:30 p.m.

WED - Aug 15 Board of Zoning Appeals Meeting 7:30 p.m.

MON - Aug 20 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES - Aug 21 City Council CIP Work Session 6:30 p.m.

TUES - Aug 21 City Council Meeting 7:30 p.m.

WED - Aug 22 Civil Service Commission Meeting 7:00 p.m.

FRI - Aug 24 Community Improvement Corporation Meeting 12:00 p.m. LCNB

FRI - Aug 24 Student Community Relations Commission Meeting 3:45 p.m. LCNB

MON - Sept 3 Holiday - City Offices Closed

TUES - Sept 4 City Council Meeting 7:30 p.m.

WED - Sept 5 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

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

FRI - Sept 7 Student Community Relations Commission Meeting 3:45 p.m. LCNB

TUES - Sept 11 Planning Commission Meeting 7:30 p.m.

THUR - Sept 13 Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center

TUES - Sept 18 City Council Meeting 7:30 p.m.

WED - Sept 19 Board of Zoning Appeals Meeting 7:30 p.m.

THUR - Sept 20 Recreation Board Meeting 4:00 p.m. Senior Citizens Center

FRI - Sept 21 Student Community Relations Commission Meeting 3:45 p.m. LCNB

WED - Sept 26 Civil Service Commission Meeting 7:00 p.m.

FRI - Sept 28 Community Improvement Corporation Meeting 12:00 p.m. LCNB

8. Adjourn.

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, July 17, 2012 at 7:15 p.m. Those members present were Ken Bogard, Bob Blackburn, Kevin McKeehan, and Kate Rousmaniere. John Harman and Steve Snyder were excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Ms. Gail Brahier, Parks and Recreation Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

### **ADJOURN TO EXECUTIVE SESSION**

Mr. Blackburn moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22 (G) 3 for the purpose of discussing pending litigation. Mr. McKeehan seconded. The motion passed by the following roll call:

AYE: Mr. Blackburn, Mr. Bogard, Mr. McKeehan, Ms. Rousmaniere, Mr. Keebler (5)

NAY: None (0)

ABS: None (0)

### **RETURN FROM EXECUTIVE SESSION**

Mr. Blackburn moved to return from Executive Session at 7:28 p.m. Ms. Rousmaniere seconded. The motion passed 5-0-0.

### **PLEDGE OF ALLEGIANCE**

Mayor Keebler requested the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mr. Bogard moved to approve the agenda. Mr. McKeehan seconded. The motion passed 5-0-0.

### **PUBLIC PARTICIPATION**

### **RECOGNITION**

### **PRUS CONSTRUCTION**

Mr. Dreisbach advised in November of 2011 staff recommended to Council that High Street be rebuilt between Main Street and Poplar Street. Mr. Dreisbach noted Prus Construction was the lowest bidder for the project and the reference checks with neighboring communities were exceptional. Mr. Dreisbach advised this work was going to impact the Uptown businesses greatly and Council chose to add 2% to the contract for an accelerated completion date of July 15, 2012. Mr. Dreisbach noted the City had a great experience with Prus Construction and their sub-contractor Decorative Paving did an outstanding job. Mr. Dreisbach advised the project was substantially complete three weeks ahead of the accelerated deadline.

Mr. Dreisbach noted Prus Construction had a real concern for the Uptown businesses and wanted to do a good job and get the project done quickly. Mr. Dreisbach recognized Mr. Dennis Potts from Prus Construction who was in attendance and thanked him for a job well done.

**Mr. Dennis Potts**, thanked Council for the opportunity to do what Prus Construction did the best which was concrete work. Mr. Potts noted Prus Construction worked all over the United States and they were honored to be awarded this project and hoped to come back for an upcoming project. Mr. Potts advised it was a pleasure working with Mr. Dreisbach and all of City staff. Mr. Potts noted the Prus family was unable to be in attendance but sent their thanks for the recognition.

Mayor Keebler noted this was the first time he could remember recognizing a contractor and noted it was well deserved. Mayor Keebler advised this was the third block of work to be performed on High Street and the City had seen good contractors, however; this was a great one. Mayor Keebler noted organization was the key to any project and this project was truly organized which said a lot for the individual superintendent as well as the company. Mayor Keebler advised the contractor got the project done three weeks ahead of the accelerated schedule and opened the road part by part so people could park in front of businesses as quickly as possible. Mayor Keebler noted he had heard very good comments about the project from Uptown merchants.

### **PROCLAMATION** **'PHI DELTA THETA WEEK'**

Mayor Keebler read the Proclamation and presented it to Mr. Andrew Cole and Mr. Luke Benfield.

**Mr. Luke Benfield**, Director of Education, noted it was an honor to call Oxford 'home' and be in Oxford with Miami University. Mr. Benfield advised Phi Delta Theta had a great history with the City and the school with regard to their Emerging Leaders Institute and noted approximately 500 undergraduate and alumni members would be in town the first week in August. Mr. Benfield advised Phi Delta Theta was looking forward to hosting the conference again and thanked Council for their support. Mr. Benfield noted they would do everything in their power to ensure their men upheld their reputation of being upstanding gentlemen.

### **PRESENTATION** **OXFORD SENIORS**

**Mr. Gene Willeke**, 1007 Cedar Drive, provided a PowerPoint Presentation entitled 'Reducing Obstacles to Aging in Place in Oxford'. Mr. Willeke discussed senior demographics in the greater Oxford area and the concept of creating a Naturally Occurring Retirement Community (NORC) or Village in Oxford. Mr. Willeke noted for the past year Oxford Seniors had actively explored what was being done in other communities to help people remain in their homes, and what could be done in Oxford. Mr. Willeke noted in the Spring semester they were assisted by students from the Scripps Gerontology program in conducting interviews and creating focus groups with people who had retired or were planning to retire soon. Mr. Willeke noted this summer a graduate student was working on a business plan and another student was creating a vetted list of handymen and other service providers.

Mr. Willeke discussed the differences between NORCs and Villages, what each of them did, and their categories of service. Mr. Willeke advised the Ohio Department of Aging was very interested in bringing more NORCs/Villages into existence as quickly as possible, and was expected to issue a request for proposals soon to help them get off the ground. Mr. Willeke noted Oxford stood a good chance of being a recipient of those funds which could enable the operation of a NORC/Village within about a year. Mr. Willeke discussed the need for public transportation within Oxford and outside Oxford and the need for additional housing units in Oxford suitable for seniors at all price levels for sale and for rent. Mr. Willeke noted Oxford Seniors would like to support the City in its effort to have Butler County RTA provide bus service for Miami University and the City, would like to encourage a housing survey to better define what was needed, and they would like the City to express its desire to make Oxford a retirement destination.

Ms. Rousmaniere inquired how a City declared that it was a retirement destination. Mr. Willeke noted it would be a generally stated goal incorporating that Council was receptive to it and would encourage it. Mr. Willeke advised it would also encourage those involved with the possibility of creating a NORC/Village to proceed.

Mr. Bogard advised he saw this as a way to market Oxford as a retirement community and noted research indicated that Oxford was the number 2 or 3 most desirable place in Ohio to retire. Mr. Bogard advised developers and City staff would be needed to get housing in place as there was land available.

Mayor Keebler noted there were a lot of things to think about and it would be interesting to see how some of the ideas presented tonight would progress.

### **PUBLIC COMMENTS**

**Mr. Larry Rankin**, 610 French Drive, noted he was a retired Accounting Professor. Mr. Rankin advised he read with interest the preliminary 2013 budget that Mr. Newlin presented to Council. Mr. Rankin noted he felt it was a bit gloomy with stagnant property tax receipts being predicted in 2013, reductions in state aid and the loss of estate tax distributions beginning on or after 2013. Mr. Rankin advised the revenues were very flat and it seemed Council was really going to have to go after expenditure items. Mr. Rankin noted if he were in Council's position he would especially scrutinize salaries and wages and personnel benefits. Mr. Rankin suggested perhaps it was time to eliminate longevity bonus pay. Mr. Rankin inquired if all employees could pay more toward pension and healthcare benefits and noted healthcare costs were being predicted to increase by 5 to 8 percent. Mr. Rankin advised he did not think it was the role of City government to fund not for profit charitable organizations with the exception of the Oxford Senior Citizens Center. Mr. Rankin wished Council well in the upcoming budget process noting it was going to be challenging.

**Ms. Prue Dana**, 6314 Fairfield Road, referred to the presentation made by Mr. Willeke and noted she felt it was a very exciting proposal for Oxford. Ms. Dana advised young adults had poured resources into the development of the Uptown and Stewart Square areas over the last 10-15 years. Ms. Dana noted creating a senior emphasis would give Oxford diversity in its population. Ms. Dana advised she was interested in transportation and housing and the Oxford League of Women Voters had a position on both issues.

Ms. Dana noted the League of Women Voters did a housing study about eight years ago which needed to be updated and the league would cooperate in that effort. Ms. Dana thanked Council for considering the proposal and noted she saw it as a very exciting venture.

### **CONSENT AGENDA**

Mayor Keebler requested removal of item C. (Resolution) and item F. (Resolution).

### **MINUTES**

Minutes of the June 14, 2012 City Council Strategic Planning Retreat. (Mary Ann Eaton, Clerk of Council)

Minutes of the June 19, 2012 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

### **RESOLUTION** **NOISE ABATEMENT**

A Resolution No. 4686 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, September 7, 2012, from 8:00 p.m. to 12:00 a.m. on the patio at the Shriver Center on Miami's campus for the annual party on the patio sponsored by Miami Entertainment. (Mary Ann Eaton, Clerk of Council)

### **RESOLUTION** **CELL PHONE DONATION**

A Resolution No. 4687 declaring 42 unclaimed cell phones not needed for any municipal purpose as surplus property and authorizing their donation to the 911 Cell Phone Bank. (Bob Holzworth, Police Chief)

Mr. Bogard moved to approve items A., B., D., and E. of the consent agenda. Mr. Blackburn seconded. The motion passed 5-0-0.

### **RESOLUTION** **NOISE ABATEMENT**

A Resolution authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Friday, August 17, 2012 from 8:00 p.m. to 12:00 a.m. at Yager Stadium for a Campus Activities Council sponsored concert. (Mary Ann Eaton, Clerk of Council)

Mayor Keebler advised it was brought to his attention that the noise abatement request should be for Saturday, August 18, 2012.

Ms. Rousmaniere moved to amend the request for Saturday, August 18, 2012. Mr. Blackburn seconded. The motion passed 5-0-0.

Mr. McKeehan inquired if the Welcome Back concert was always held at Yager Stadium.

Mayor Keebler advised it had been held in various places but usually on a Friday night.

Ms. Rousmaniere moved to adopt Resolution No. 4688 as amended. Mr. Blackburn seconded. The motion passed 5-0-0.

**RESOLUTION**  
**ONLINE AUCTION**

A Resolution declaring a 1976 model American LaFrance Fire Engine as surplus City property no longer needed for any municipal purpose and authorizing its sale to the highest bidder utilizing Penton Equipment Auction Service of Seven Fields, PA. at no cost to the City. (John Detherage, Fire Chief)

Mayor Keebler advised he looked on the Penton Equipment Auction Service's website today and they had 2 fire trucks listed for sale in the entire United States. Mayor Keebler noted Gov Deals, Inc. had 24 and suggested the language be amended to read in part 'and authorizing its sale to the highest bidder utilizing an online auction service to be selected by the City Manager' and deleting the words 'at no cost to the City'. Mr. McHugh advised the statute in the Ohio Revised Code required municipalities to be specific in what they were doing. Mr. Elliott suggested adding the use of Gov Deals, Inc. along with Penton Equipment Auction Service and Mr. McHugh advised that would be fine.

Mr. Blackburn moved to amend all sections of the Resolution to read 'A Resolution declaring a 1976 model American LaFrance Fire Engine as surplus City property no longer needed for any municipal service and authorizing its sale to the highest bidder utilizing Penton Equipment Auction Service of Seven Fields, PA. or Gov Deals, Inc. at no cost to the City.' Ms. Rousmaniere seconded. The motion passed 5-0-0.

Mr. Blackburn moved to adopt Resolution No. 4689 as amended. Ms. Rousmaniere seconded. The motion passed 5-0-0.

**RESOLUTIONS**

**RESOLUTION**  
**TAX UNIFORMITY**

A Resolution No. 4690 declaring support for the Greater Dayton Mayors and Managers Association's proposal for municipal income tax uniformity. (Doug Elliott, City Manager)

Mr. Elliott advised the House Ways & Means Committee had been holding meetings regarding Ohio's Municipal Income Tax Code and the City was following the reform efforts very closely. Mr. Elliott noted the reform efforts were focused on centralized collection which they did not seem to be discussing right now and uniformity. Mr. Elliott noted the City received a copy from the Greater Dayton Mayors and Managers Association of recommendations they authored which were revenue neutral for the City of Oxford to consider. Mr. Elliott advised he and Mr. Newlin reviewed the recommendations and discussed them with the Regional Income Tax Agency and he and Mr. Newlin recommend that Council adopt the proposed Resolution which states that the City of Oxford supports the recommendations.

Mr. Elliott noted his hope that by working with other Mayors and Managers the proactive effort would result in a better chance of assuring that any state legislative changes would be revenue neutral. Mr. Elliott advised as he stated before with the loss of estate tax revenue and the reduction in local government funding the municipal income tax for the City was playing a much larger role in the General Fund revenue. Mr. Elliott noted staff understood the need for uniformity in the municipal income tax code and he recommended that Council adopt the proposed Resolution.

Mr. Bogard referred to the recommendations in Attachment "A" (pages 32-53 of the agenda) and inquired if the Greater Dayton Mayors and Managers missed any categories and Mr. Elliott advised he felt they were very complete. Mr. Bogard inquired if similar efforts were taking place in other parts of Ohio and Mr. Elliott advised various accounting groups and the Ohio Chamber were involved.

Mayor Keebler advised he read the recommendations and felt most of them were revenue neutral and most of them followed the City of Oxford's current practice except for dates. Mayor Keebler noted for companies that did business in multiple cities, income tax was an accounting nightmare and uniformity was needed. Mayor Keebler advised the proposed dates would follow the federal dates and he felt it was a good approach to come forward proactively.

Mr. McKeehan moved to adopt Resolution No. 4690. Mr. Blackburn seconded. The motion passed 5-0-0.

**RESOLUTION**  
**CURB, GUTTER &**  
**SIDEWALK ASSESSMENTS**

A Resolution No. 4691 determining the total cost of the assessment by lot, authorizing the list of assessments by lot to be filed with the Clerk of City Council and ordering the same be opened for public inspection and authorizing the Clerk of Council to publish notice in a newspaper of general circulation that the list of assessments by lot is available for public inspection. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in February Council passed a Resolution declaring the necessity for 36 parcel owners to improve curb, gutter, sidewalk or driveway aprons. Mr. Dreisbach noted since that time 24 parcel owners completed the work on their own leaving only 12 for the City to intervene on. Mr. Dreisbach advised the work was complete and the actual costs were shown on exhibit "A" (page 57 of the agenda). Mr. Dreisbach noted staff was asking Council's permission for the Clerk to publish the actual costs and once that time period was over the assessing Ordinance would come before Council to assess the costs to the parcel owner's taxes.

Mayor Keebler advised he was glad to see that so many parcel owners did the improvements on their own.

Ms. Rousmaniere moved to adopt Resolution No. 4691. Mr. McKeehan seconded. The motion passed 5-0-0.

**ORDINANCE**  
**FIRST READING**

**ORDINANCE**  
**CONDITIONAL USE PERMIT**

An Ordinance Approving A Conditional Use Permit For A Fast Food Restaurant With A Drive-Through In The General Business District At 321 W. Spring Street With One Condition. (Jung-Han Chen, Community Development Director)

Mr. McKeehan recused himself from the discussion.

Mr. Chen advised this was a reuse of a former bank with a drive-through. Mr. Chen noted the applicant wished to open a soft serve ice-cream facility and only use one of the two drive-through lanes. Mr. Chen advised the applicant wished to place benches and tables throughout the site to encourage patrons to enjoy their purchase on site. Mr. Chen advised the Planning Commission wanted to see a substantial barrier placed in front of the 2<sup>nd</sup> drive-through lane to eliminate any vehicular and pedestrian conflicts and recommended it be made a condition of Council approving the conditional use permit. Mr. Chen noted the Planning Commission held a public hearing on this matter last Tuesday and voted 6-0-0 to recommend approval of the request with the one condition.

Mayor Keebler advised the request was discussed thoroughly at the Planning Commission meeting and a lot of things they suggested had already been done. Mayor Keebler noted a conditional use permit was granted previously when the facility was a bank. Mayor Keebler advised the second reading for this request would take place at the next meeting.

**ORDINANCE**  
**SECOND READING**

**ORDINANCE**  
**CODE UPDATE**

An Ordinance No. 3176 To Approve Current Replacement Pages To The Oxford Codified Ordinances. (Mary Ann Eaton, Clerk of Council)

Mayor Keebler noted the Code Update was an administrative exercise and was adopted each year.

Ms. Rousmaniere moved to adopt Ordinance No. 3176. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Blackburn, Mr. Bogard, Mr. McKeehan, Mr. Keebler (5)

NAY: None (0)

ABS: None (0)

## **ANNOUNCEMENTS**

Mr. Elliott advised he enjoyed Mr. Willeke's presentation regarding 'Reducing Obstacles to Aging in Place in Oxford' and noted it was very informative and thoughtful. Mr. Elliott reminded everyone that retirement income was not subject to local income tax and noted the City should be careful not to attract tax exempt retirement communities. Mr. Elliott noted he felt Oxford had an advantage in attracting retirees due to the 'Miami Mergers'. Mr. Elliott noted he, Mr. Chen and Chief Holzworth met with the Director of the Butler County Regional Transit Authority (BCRTA) to discuss their proposed merger with Miami University Metro. Mr. Elliott advised the City saw the need for public transportation as there were a lot of individuals in Oxford without transportation. Mr. Elliott noted he was hopeful that proposal would be accepted and service could begin in 2014.

Mr. Elliott discussed the Ohio EPA's Annual Sewer and Water Rate Survey and noted the City of Oxford's annual sewer rate was 5.6% less than the statewide average and the annual water rate was 25.8% lower than the statewide average for 2010. Mr. Elliott advised the City had not raised water rates since 2009 and the sewer rate had not been raised since 1997.

Mr. Elliott advised a meeting was scheduled for July, 2012 with the Oxford Township Trustees to begin negotiations for a new Fire/EMS contract.

Mr. Dreisbach advised a lot of street improvements were taking place and should be complete by early next week.

Mr. Bogard congratulated Ms. Brahier and her staff for the outstanding July 4<sup>th</sup> activities which took place at the Community Park. Mr. Bogard noted he received many positive comments on the new venue.

Mr. Bogard thanked Duke Energy for their efforts in keeping Oxford cooler than some of the neighboring communities during the recent power outages. Mr. Elliott noted the installation of Smart Meters allowed Duke Energy to receive feedback from individual customers which helped them pinpoint problems with certain circuits.

Ms. Rousmaniere advised the Planning Commission heard a presentation last week regarding a bicycle and pedestrian plan developed by a Miami University Graduate student. Ms. Rousmaniere noted the proposal would expand internal transportation networks and link-up and coordinate with Miami's transportation proposals for bicycle and pedestrian plans. Ms. Rousmaniere advised in light of the Oxford Seniors presentation this evening she felt it was an interesting way to think about the community and how to improve the ways different kinds of people can move about the community in different kinds of ways. Ms. Rousmaniere noted the Planning Commission would discuss the proposal over the next few months and encouraged those interested to participate.

Ms. Rousmaniere noted 4 members of the community were involved in a 6 week online certificate program sponsored by the International Town Gown Association. Ms. Rousmaniere advised the participants were Bobbe Burke, Miami University, Monica Ways, Miami University, Jung-Han Chen, City of Oxford, and herself from the City of Oxford.

Ms. Rousmaniere noted the program was designed for the participants to learn about best practices in Town Gown relations, how to share resources; develop new resources and other collaborative activities. Ms. Rousmaniere thanked the City and Miami University for their support of this initiative.

Mr. Blackburn noted 5 of the 7 Council members were members of Oxford Seniors.

Mr. Blackburn referred to comments by Mr. Rankin earlier this evening regarding the City's finances and noted the City had been very conscientious in the budgeting process. Mr. Blackburn noted a lot of the issues raised by Mr. Rankin had already been addressed. Mr. Blackburn advised Mr. Elliott and Mr. Newlin ran a 'pretty tight ship' and thanked Mr. Rankin for his concern.

### **ADJOURN**

Mr. Bogard moved to adjourn at 8:41 p.m. Mr. McKeehan seconded. The motion passed 5-0-0.

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

**Account Code No. #:**

Jung-Han Chen  
**Prepared By**

**Budgeted Amount:**

July 24, 2012  
**Date Prepared**

**PLANNING COMMISSION MEETING REPORT – July 10, 2012**

**Communication:**

Staff updated the Planning Commission about the progress the Subcommittee on Nonconformities had made in making recommendations to modify the current R-3 Development Regulations. This information will be presented to the Planning Commission during the work session and regular meeting in August.

A joint work session between the Planning Commission, Environmental Commission and the Parking and Transportation Advisory Board took place before this meeting to hear a presentation on the Oxford Bike/Pedestrian Plan, presented by Ms. Anna Dragovich, an IES Graduate Student.

**ADM-PC-02-2012** Lot Consolidation, 607 W. Chestnut Street, Lot 1672 and Part Lot 1671, Juanita King, Applicant

**ADM-PC-03-2012** Lot Consolidation, 508 S. College Avenue, Old Part Lot 22 and New Lot 3799, Rice Management, Applicant

**Public Hearing:**

**PC-04-2012 CONDITIONAL USE, 321 W. Spring Street**, to establish a drive-in/drive-through fast food restaurant in a GB (General Business) District, **Allen Ansorg, Applicant**

The applicant is seeking to reuse a formal bank with a drive-in/drive-through restaurant and minimal changes to the exterior of the building. There will be outdoor seating throughout the site to provide a family-type atmosphere/eating experience for the community.

The discussion was centered on how to minimize potential conflicts between automobile and pedestrian traffic. The applicant provided testimony on various ways to protect pedestrians while encouraging vehicle traffic.

After the public hearing, the Commission voted 6-0-0 to recommend approval of this conditional use permit, subject to a sufficient barrier to be placed in front of the second drive-through lane.

**PC-05-2012 ZONING MAP AMENDMENT**, to amend the zoning designation of a property, approximately 40.113 acres of land, being parcel #H4000132000015 with frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District, **Nancy and Bill Colwell, Applicants**

This request is to change the zoning classification from Township A1 to City of Oxford Agricultural Open Space (AOS) District. The property was annexed into the City in 2008 with the idea that the owners were working with Neighborhood Housing Services in Hamilton to pursue funding from the State of Ohio to build affordable housing. The idea was if funding was approved and then the development plan along with the zoning change would move forward. Unfortunately, the application was not approved and the owner did not receive any proposals to develop the site.

Many neighbors from the Silverleaf Subdivision came to the meeting voicing their concerns about the drainage issue caused from this property. Their concerns were that during heavy rain pools of water would form in their backyards, apparently from this property. Additionally, some neighbors have had to install additional sump pumps to drain water from their yards. The Planning Commission sympathized with their concerns and felt that this issue must be addressed when the site is being developed. The request to reclassify the zoning district was not the right venue to address the drainage issue.

After the public hearing, the Commission voted 6-0-0 to recommend approval of this request to change the zoning of this property from Township A1 to the City of Oxford's Agricultural Open Space (AOS) District.

**PC-06-2012 ZONING MAP AMENDMENT**, to amend the zoning designations of certain properties, approximately 304.7 acres of land, along SR 73, being parcel #H3610027000005, parcel #H3610027000008, parcel #H3610027000009 and parcel #H3510027000007 from Oxford Township B-PUD and A1 to City of Oxford Office and Light Industrial (OI) District and Miami University (MU) District, **City of Oxford, Applicant**

These properties were annexed into the City in 2012 and need to have the City's zoning classification to reflect the desire of developing a tech park on the parcel #H3610027000005. Prior to being annexed into the City, the owner entered into a Pre-Annexation Agreement to seek municipal services/utilities. The proposed zoning needs to be consistent with the current zoning to reflect the requirement of this agreement as well.

After the public hearing, the Commission voted 6-0-0 to recommend approval of this request to change the zoning of these properties from Township A-1 and B-PUD to City of Oxford MU and OI Districts.

**PC-07-2012 ZONING MAP AMENDMENT**, to amend the zoning designation of a property, approximately 47.069 acres of land, generally known as Yager Stadium and surrounding areas, parcel #H3510026000031, being part of lot #4 and parcel #H3510026000031, being part of lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District, **City of Oxford, Applicant**

These properties were annexed into the City in 2010 and need to have City's zoning classification assigned to them. Since the properties were annexed into the City in 2010, the parcel number has been changed combining these two parcels into parcel #H4100009000004.

After the public hearing, the Commission voted 6-0-0 to recommend approval of this request to change the zoning classification from the Township A1 to City of Oxford MU (University) District.

**Other Business:**

There was no other business at this time.

**Next Meeting:**

The next Planning Commission meeting is scheduled on August 14, 2012. A work session will also take place prior to the regular meeting, starting at 6:30 p.m. at the Courthouse.

**Approved BY:**

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

| Initial | Date    |
|---------|---------|
| JHC     | 7/27/12 |
| DRB     | 8/3/12  |

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Sam Perry  
**Prepared By**

**Account Code No. #:**

July 26, 2012  
**Date Prepared**

**Budgeted Amount:**

**HAPC MEETING REPORT – July 11, 2012**

**Requests for Review:**

**HAPC-08-2012 10 E. Walnut, Buffalo Wild Wings**, installation of awnings and wall plaque signs, **Buffalo Wild Wings, Brian Dubbs, Applicant, Agent**

The applicant requested seven tri-color awnings over existing windows and two round wall plaque signs. This is part of a corporate remodel for the restaurant. The HAPC approved the round wall plaque signs. The HAPC approved three acceptable options different than the proposed awnings plans:

- Seven bi-color black and gray awnings, with a revised gray “wing” pattern.
- Seven single-color black awnings
- Two tri-color awnings, as proposed, one on each façade

**HAPC-09-2012 35 E. Church Street, LaPinata Mexican Grill & Bar**, paint choice for an exterior wall, **Juan Mata, Applicant, Agent**

The applicant erroneously painted a small portion of the west façade without HAPC approval. The applicant covered the paint with a neutral light beige color. The HAPC approved the color.

**New Business:**

Valerie Elliott of the Smith Library of Regional History requested that the HAPC recommend to the Planning Commission that the Langstroth Cottage, at 303 South Patterson Avenue, be included in the adjacent Western College for Women Historic District. The house was home to former Oxford resident Lorenzo Langstroth, who developed the moveable frame bee hive system, which is common worldwide now. The home has been a national landmark since 1976 but has not yet been included in a local historic district. The HAPC accepted the suggestion and the staff will therefore be sending a zoning map amendment application to the Planning Commission for consideration.

**Work Session:**

The HAPC approved marker applications for four properties: Lewis Place, Stanton-Bonham House, a Sears/Roebuck home and David Swing House No. 2. A press release will be coming out soon with more details and to announce the annual ceremony to be held on September 27<sup>th</sup> from 5-7 p.m. in the Oxford Community Arts Center.

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

*JHC 17/24/12*  
*[Signature] 8/3/12*

# CITY OF OXFORD

## STAFF SUMMARY REPORT

### Report to the City Manager

**Council Meeting of:** August 7, 2012

Service Department  
**Originating Department**

**Account Code #:** N/A

David Treleven  
**Prepared By**

**Budgeted Amount:** N/A

July 16, 2012  
**Date Prepared**

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Agenda Title:</b> | Environmental Commission Meeting of July 11, 2012 |
|----------------------|---------------------------------------------------|

|                        |                              |
|------------------------|------------------------------|
| <b>Recommendation:</b> | For Review and Consideration |
|------------------------|------------------------------|

#### Discussion:

Environmental Commission members present at the Wednesday, July 11, 2012 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Ted Wong; Ms. Kelly Church, Mr. Kevin Armitage, and Mr. Vince Hand. A quorum was present. Also in attendance was Ms. Sandy Woy-Hazleton.

Minutes from the June 6, 2012 Commission meeting was unanimously accepted as presented.

Ms. Sandy Woy-Hazleton informed the Commissioners that in January 2013, the Oxford League of Women Voters intends to hold a consensus meeting to determine public interest in requesting Oxford's City Council to investigate and/or offer electrical and natural gas energy aggregation to community residents.

Commissioners reviewed the previous evening's (July 10, 2012) joint work session of the Environmental and Planning Commissions, and the Parking Advisory Transportation Board regarding a proposed bike and pedestrian alternative transportation plan. A subsequent presentation by Ms. Anna Dragovich, a graduate student with Miami University's (MU's) Institute for the Environment and Sustainability (IES), detailed the proposed alternative transportation plan for MU and the Oxford community, and was also included in the review. In general, it was felt that the plan was feasible, and it was noted that even those who spoke in negative terms about the plan did so with concrete terms (rather than vague generalities). It was perceived that a dialogue could be developed to address the negatives and work on compromises. The extent of MU's proposed development to facilitate the on-campus portion of the bike and pedestrian plan was viewed as a positive feature, perhaps making the actual implementation of the plan a reality. Commissioners noted that utilization of one-way streets throughout the community did not seem to have been given appropriate consideration in the plan. The suggestion was made to amend the subdivision development ordinance for the inclusion of bike lanes during development or re-development. Several Commissioners expressed the opinion that it was important to have some aspect of the alternative transportation plan implemented in the near-to-immediate future, and to keep the public informed and involved in developments associated with the plan.

(Continued)

|                     |                  |           |                |
|---------------------|------------------|-----------|----------------|
| <b>Approved By:</b> | Department Head: | Initial   | Date           |
|                     | City Manager:    | <u>MB</u> | <u>7/16/12</u> |

Councilor Kate Rousmaniere informed the Commission that a sub-committee had been formed to investigate revising R3 zoning to encourage the re-development of existing, older apartment complex-style housing. Some of the older complexes have reportedly up to 90% lot coverage. Current regulations limit lot coverage to 30%, which is perceived as being a disincentive to re-develop the existing complexes. The proposed encouragement for re-development of the existing complexes comes in the form of increased lot coverage for including sustainable features in the design/re-development, such as permeable pavements, green roofs, covered, protected bicycle storage locations, etc. The proposed maximum lot coverage would be 70%, assuming the developer takes advantage of all possible sustainable features. Commissioners suggested incorporation of the Leadership in Energy and Environmental Design (LEED) rating system to determine levels of coverage incentives.

Ms. Kelly Church informed the Commissioners that the review of existing Oxford codified ordinances to identify potential regulatory barriers to storm water management improvements through best management practices (BMPs) was a larger project than had been envisioned. However, the IES public service project completed in 2009 on Low Impact Development (LID), where the graduate students performing the service project had identified some of the then-existing codified ordinances that were perceived as potentially blocking LID (including storm water BMPs) from being implemented in Oxford, had proved to be beneficial. Ms. Church intends to meet with Oxford's Community Development Director to assist Ms. Church in identifying where some BMP features are beyond Oxford's control (for example, the Ohio Department of Transportation reportedly prohibits the use of permeable pavements in association with its roadways). Ms. Church intends to have a prepared summary of the regulatory barriers to storm water BMPs by the August 1, 2012 meeting. Mr. Vincent Hand offered assistance in the preparation of the summary.

City Staff updated the Commissioners on recent developments with the urban forest. The Ohio Department of Natural Resources had offered Oxford \$3,178 as a matching reimbursement grant for the removal of Ash trees and canopy restoration. The grant was associated with a 2011 program (that Oxford had successfully participated in) to permit municipalities some grant funding to prepare for the Emerald Ash Borer (EAB). Staff estimated the total \$6,356 should allow for the removal of approximately eight Ash trees. As Oxford had planted replacement trees during the 2011 grant program, no additional trees were required to be planted. Oxford incorporated the Ash tree removal grant into the 2012 Tree Maintenance Project. A total of 29 street trees (including 12 Ash trees) that are dead or in declining health are to be removed by a contractor as part of the Project. With the completion of the 2012 Tree Maintenance Project, the urban forestry appropriation should have sufficient funds remaining for the planting of 11-12 trees yet this fall. The total number of trees planted during 2012 is projected to be 50-51. In response to the ongoing drought, Oxford has purchased an additional 130 twenty-gallon watering bags for the recently planted trees along College Corner Pike. Twenty seven water bags have been placed on newly-planted trees in the Uptown area, and some sixty water bags are in use at the Oxford Community Park. The Talawanda School District purchased watering bags for the 52 street trees along the publically-owned section of University Park Boulevard by the new high school. Oxford has agreed to fill these 52 watering bags as part of the weekly watering regime. With the identification of the EAB presence in the southwestern portion of town, a cost estimate for the removal of 300 public Ash trees (and their subsequent replacement with non-EAB host species), and the maintenance pesticide treatment (systemic soil soaking) of 130 Ash trees had been prepared by Staff. The projected cost estimate over the next five years to address the EAB infestation and associated Ash tree die-off, including replacement tree plantings and on-going pesticide treatments, is estimated to be approximately \$385,000.

The Commission adjourned at 8:45 p.m. The next regularly scheduled meeting of the Environmental Commission is on Wednesday, August 1, 2012 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By**

**Budgeted Amount:**

July 24, 2012  
**Date Prepared**

|                      |                                                               |
|----------------------|---------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>Board of Zoning Appeals Meeting Report – July 18, 2012</b> |
|----------------------|---------------------------------------------------------------|

|                        |            |
|------------------------|------------|
| <b>Recommendation:</b> | <b>N/A</b> |
|------------------------|------------|

**Adjudication Hearings:**

**BZA-06-2012 Vine Street, Parcel #H4100006000035**, variance to Section 1141.03(b) to allow a principle entrance upon an alley and 1143.03(c)(3)(D)(3) front yard lot coverage, **Dave and Pamela Kellems, Applicants (tabled June 20, 2012)**

This case was tabled from the June regular meeting due to conflicting information discovered in the site plans submitted by the applicants. The applicants re-submitted a correct site plan on July 1, 2012. Based on the site plan received, staff conducted more research on the property to discover that there was an approved lot consolidation application filed by the previous owner in 1991. The Law Director outlined the relevant information to the Board and determined that this lot consolidation application was valid. Therefore, this vacant parcel was not a stand-alone parcel, but combined with the parcel where the building stands.

Based on this information, the applicant decided to withdraw their application from consideration. The Board voted 5-0-0 to allow the applicant to withdraw the request without further deliberation.

**BZA-07-2012 15 S. Beech Street**, Variance to Section 1143.10(c)(3)(B)(1), Gross Floor Area Ratio and, Variance to Section 1143.10(c)(3)(B)(1)(b), Residential Floor Area permitted in the Uptown (UP) District, **Scott Webb, Applicant, Agent**

The Applicant is seeking a variance to allow for a larger building and more residential area than the code allows. The applicant indicated that it was his oversight and the designed building would house fewer occupants than the maximum allowable density to provide more room for the occupants. The applicant also indicated that he could develop a new design to meet the standards, but felt the current design provided higher safety standards and more living space for the occupants.

After consideration and weighing the facts, circumstances and Decision Standards, the Board voted 4-1-0 to approve the requested variance.

**New Business:**  
None

**Old Business:**  
None

The next BZA meeting will be on August 18, 2012 at the Oxford Courthouse.

**Approved By:**

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

| Initial | Date    |
|---------|---------|
| JHC     | 7/27/12 |
| AK      | 8/3/12  |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

**Report to the City Manager**

Human Resources

**Originating Department**

**Council Meeting Of:** August 7, 2012

Donna Heck

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

**Prepared By**

**Budgeted Amount:** N/A

July 30, 2012

**Date Prepared**

**Agenda Title:** Report regarding the July 25, 2012 Civil Service Commission Meeting.

**Recommendation:**

**Discussion:** The Civil Service Commission held a regular meeting on Wednesday, July 25, 2012 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey, Karen Martino, Mike Pavloff and James Burchyett.

Donna Heck, Human Resource Director, and Kim Newton, Recording Secretary were in attendance for the City. Vicki Brunn was in attendance for the Talawanda School District. Ms. Brunn replaced Dr. Eagle as Talawanda's Human Resource Director and this was her first meeting with the Commission.

The new member, James Burchyett, was sworn in.

The Commission reviewed and approved a revised job description for Cafeteria Worker for Talawanda Schools.

The Commission also reviewed and approved a revised Cafeteria Worker Examination for Talawanda Schools.

The Commission also approved the Career Progression and Advancement of Shirley Miller from a Service Worker I in Streets and Maintenance to a Service Worker II and requested staff send a congratulatory letter to Ms. Miller from the Commission.

The next regular meeting is scheduled for Wednesday, August 22, 2012.

**Approved By:**

**Department Head:**

**City Attorney:**

**City Manager:**

**Initial Date**

[Signature] 7/30/12

[Signature] 8/3/12

[Signature] 8/3/12

# CITY OF OXFORD

## STAFF SUMMARY REPORT

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

*Police*

**Originating Department**

Council Meeting Of: August 7, 2012

*Robert Holzworth*

Account Code No. #: N/A

**Prepared By**

Budgeted Amount: N/A

**July 23, 2012**

**Date Prepared**

**Agenda Title:** Resolution to destroy items held by the Oxford Police Department that have no evidentiary or monetary value.

**Recommendation: Approve**

**Discussion:** The attached list of property is being held by the Division of Police. The list consists of items including but not limited to alcoholic beverages, drug paraphernalia, evidentiary kits and other items confiscated as a result of usual and customary police activities. No item listed is necessary for evidentiary use nor is it of monetary value to be auctioned by the City of Oxford.

The Chief of Police requests authorization to specify a date at which time, in the presence of the Finance Director and Property Officer, the items listed may be correctly disposed of.

**Approved By:**

**Department Head:**

**City Attorney:**

**City Manager:**

**Initial Date**

*[Signature]* 7/23/2012

*[Signature]* 8/3/12

**RESOLUTION NO.**

A RESOLUTION AUTHORIZING THE POLICE CHIEF AND FINANCE DIRECTOR TO DISPOSE OF CONTRABAND NO LONGER NEEDED AS EVIDENCE IN ACCORDANCE WITH OXFORD CODIFIED ORDINANCE SECTION 127.11.

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

SECTION 1: The Police Chief in the presence of the Finance Director is hereby authorized pursuant to Oxford Codified Ordinance Section 127.11 to dispose of the contraband set forth on Exhibit "A" attached hereto and incorporated herein by reference, consisting of alcoholic beverages and other items confiscated as a result of usual and customary police activities and for which there is no value to the City in retaining the same.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

# Memo

**To:** Chief Holzworth  
**From:** Property Technician Mike O'Leary  
**Subject:** Property to be Destroyed  
**Date:** 07/16/2012

Sir,

All of the following properties are no longer needed for purposes of evidence and those items turned in as found property have not been claimed and have no value. All attempts to contact owners were made when applicable. We request authorization to destroy these items.

# Exhibit "A"

|           |                                  |            |
|-----------|----------------------------------|------------|
| 15921     | hair and 2 swabs                 | 201100427  |
| 15921-002 | swabs                            | 201100427  |
| 15921-004 | fingerprint cards                | 201100427  |
| 16296     | 7 rocks                          | 201101064  |
| 15906     | drug paraphernalia               | 201100413  |
| 15943     | case of Natural Light            | 201100461  |
| 15964     | Power Aid with sample            | 201100494  |
| 16013     | fake Kentucky license            | 201100541  |
| 16223     | one-hitter pipe                  | 201100963  |
| 16303     | Natural Light can w/sample       | 201101108  |
| 16303-001 | fake Pennsylvania license        | 201101108  |
| 16304     | can of Natural Light             | 201101106  |
| 16304-001 | can of Bud Light                 | 201101106  |
| 16317     | Ohio driver's license (replaced) |            |
| 16453     | 3 cans natural Light             | 201101299  |
| 16521     | pipe with residue                | 201101367  |
| 16540     | bloody wrist band                | 201101413  |
| 16554     | fake Pennsylvania license        | 201101410  |
| 16669     | cooler with alcohol              | 201101573  |
| 16807     | Natural Light with sample        | 201101797  |
| 16807-001 | fake Pa driver's license         | 201101797  |
| 14909-004 | Arizona tea can                  | 201001196  |
| 15022     | suspected meth                   | 201001328  |
| 15022-001 | lighter and small knife          | 201001328  |
| 15195     | plastic cup with sample          | 201001551  |
| 15195-001 | plastic cup with sample          | 201001551  |
| 15319     | Dallas Cowboy hat                | 201001745  |
| 15429     | pill bottle                      | 201001895  |
| 15561     | drug paraphernalia               | 201002096  |
| 15564     | ID cards                         | 201002097  |
| 15564-001 | screwdriver                      | 201002097  |
| 15564-002 | empty cigarette pack             | 201002097  |
| 15564-003 | hair spray                       | 201002097  |
| 15564-004 | 2 syringe tops & tape            | 201002097  |
| 16069     | Jay Z CD                         | 201100640  |
| 16069-001 | receipt from McDonalds           | 201100640  |
| 16338-002 | blue shirt pair of Nike shoes    | 201101129  |
| 16338-003 | small money clip                 | 201101129  |
| 16719     | sexual assault kit               | 201101690  |
| 16988     | fake Illinois driver's license   | 201200131  |
| 16989     | fake Montana driver's license    | 201200129  |
| 17044     | baggie of marijuana              | 201200211  |
| 17044-001 | drug paraphernalia               | 201200211  |
| 17149     | 18 cans of Coors Light           | 2012 05474 |
| 17171     | black T shirt                    | 201200417  |
| 17209     | Budweiser can with sample        | 201200439  |

|           |                                       |           |
|-----------|---------------------------------------|-----------|
| 17211     | fake ID'S & Grunwell emails           | 2012 11   |
| 15414     | blood and hair smaples                | 201001918 |
| 15443     | Memorex radio and player              | 20100189  |
| 15512     | plastic wrap with unknown residue     | 201002039 |
| 15512-001 | baggie with marijuana                 | 201002039 |
| 15512-003 | cigarettes and lighter                | 201002039 |
| 15529-001 | set of brass knuckles                 | 201002065 |
| 15670     | documents                             | 201100119 |
| 15670-001 | drug paraphernalia                    | 201100119 |
| 15670-002 | multi-colored marijuana pipe          | 201100119 |
| 15688     | plastic cup with sample               | 201100154 |
| 15711     | counterfeit \$20.00 bill              | 201100182 |
| 15711-001 | pill bottle with marijuana            | 201100182 |
| 15711-002 | marijuana and rolling papers          | 201100182 |
| 15711-003 | drug paraphernalia                    | 201100182 |
| 15711-004 | jar containing marijuana              | 201100182 |
| 15711-005 | Ohio driver's license                 | 201100182 |
| 15711-006 | black and green pipe                  | 201100182 |
| 15711-007 | drug paraphernalia                    | 201100182 |
| 15711-008 | jar with marijuana                    | 201100182 |
| 15711-009 | 4 lorazepam pills                     | 201100182 |
| 15736     | 6 alcohol containers                  | 201100219 |
| 15736-001 | drug paraphernalia                    | 201100219 |
| 15939     | baggie with marijuana                 | 201100460 |
| 16029     | drug paraphernalia                    | 201100583 |
| 16029-001 | drug paraphernalia                    | 201100583 |
| 16029-002 | drug paraphernalia                    | 201100583 |
| 16050     | open can of natural light with sample | 201100627 |
| 16139     | yellow bag                            | 201100820 |
| 16139-001 | drugs                                 | 201100820 |
| 16139-002 | drug paraphernalia                    | 201100820 |
| 16194     | large piece of broken glass           | 201100907 |
| 16196     | set of keys                           |           |
| 16225     | 10 Bud Lights & 1 bottle Jagermeister | 201100964 |
| 16324     | 2 open bottles of Bud Light w/sample  | 201101145 |
| 16325     | open can of Natural Light with sample | 201101126 |
| 16328     | 2 cups with sample                    | 201101109 |
| 16386     | fake New Jersey driver's license      | 201101195 |
| 16387     | Natural Light with sample             | 201101189 |
| 16388     | bottle of Raspberry beer              | 201101203 |
| 16389     | fake Ohio driver's license            | 201101208 |
| 16389-001 | drug paraphernalia                    |           |
| 16244     | 2 fake Pa. driver's license           | 201101007 |
| 16544     | Miami ID card ( replaced )            | 2011 ?    |
| 16632     | Fake Indiana driver's license         | 201101528 |
| 17059     | cup with sample                       | 201200252 |

|            |                                  |            |
|------------|----------------------------------|------------|
| 17100      | 2 cups with sample               | 201200312  |
| 17465      | drug paraphernalia               | 2012 ?     |
| 15994      | 2 1.75 liters of Korski Vodka    | 201100544  |
| 16071      | crack pipe                       | 201100674  |
| 16071-001  | blue Bic lighter                 | 201100674  |
| 16290      | milk jug of gasoline             | 2011 ?     |
| 16384      | 3 cans of Natural Light          | 201101188  |
| 16385      | plastic jug w/sample             | 2011 ?     |
| 16420      | Crossman air pistol              | 201101258  |
| 16509      | FSU baseball cap                 | 2011 ?     |
| 16561      | 2 broken car parts               | 201101413  |
| 166001     | Bud Light bottle with sample     | 2011 ?     |
| 166001-001 | Bud Light bottle with sample     | 2011 ?     |
| 16631      | fake Pa, driver's license        | 201101525  |
| 16879      | "Peace" necklace                 | 2011 ?     |
| 16880      | red lighter                      | 201101921  |
| 16888      | pot grinder                      | 201101918  |
| 16888-001  | butterfly knife                  | 201101918  |
| 16981      | bamboo pipe                      | 201200145  |
| 17525      | bottle of Buspirone              | 2012 ?     |
| 14905      | broken cell phone                | 201001196  |
| 14905-001  | empty cloth purse                | 201001196  |
| 16314      | 2 stolen license plates          | 201101135  |
| 16377      | drug paraphernalia               | 201101212  |
| 16465      | glass bong and glass pipe        | 2011 ?     |
| 16774      | marijuana pipe and pill bottle   | 201101769  |
| 16925      | pill bottle and 1 note           | 201200039  |
| 17174      | outdated SRT drugs               | 2012 ?     |
| 17521      | metal canister w/2 unknown pills | 201200965  |
| 15396      | Pa. license and 2 wrist bands    | 2010001862 |
| 15396-002  | note w/ Eric S. Studt on it      | 2010001862 |
| 15776      | drug paraphernalia               | 201100273  |
| 15816      | fake Indiana driver's license    | 201100316  |
| 16070      | envelope with marijuana          | 2011 ?     |
| 16100-001  | blood covered clothes            | 201100737  |
| 16100-002  | blood stained bandage            | 201100737  |
| 16201      | 2 white unknown pills            | 201100921  |
| 16300      | fake Ohio driver's license       | 201101102  |
| 16323      | Natural Light can w/sample       | 201101122  |
| 16354      | bottle of Mt. Dew                | 201101174  |
| 16354-001  | brown flip flop                  | 201101174  |
| 16493      | fake Arizona driver's license    | 201101324  |
| 16513      | Steel Reserve can w/sample       | 2011 ?     |
| 16514      | Four Loko can with sample        | 2011 ?     |
| 16555      | Bud Light bottle with sample     | 201101402  |
| 16815      | unclaimed wallet                 | 2011 ?     |

|              |                                          |                  |
|--------------|------------------------------------------|------------------|
| 16907        | 2 Ohio driver's license                  | 201200012        |
| 16287        | baggie of marijuana                      | 201101071        |
| 16287-001    | baggie of marijuana                      | 201101071        |
| 16297        | fake Ohio driver's license               | 201101096        |
| 16297-001    | fake Ohio driver's license               | 201101096        |
| 16297-002    | Miami ID card (replaced)                 | 201101096        |
| 16341        | Ohio driver's license                    | 2011 ?           |
| 16347        | Natural Light can with sample            | 201101140        |
| 16348        | Natural Light can w/sample               | 201101138        |
| 16430        | fake Maine driver's license              | 201101260        |
| 16457        | tube w/grainy white substance & pill     | 201101309        |
| 16458        | drug paraphernalia                       | 2011 ?           |
| 16459        | Natural Light can w/sample               | 201101280        |
| 16460        | Natural Light can with sample            | 201101283        |
| 16460-001    | fake Illinois driver's license           | 201101283        |
| 16564        | fake <u>Wisconsin driver's license</u>   | <u>201101434</u> |
| <u>16603</u> | <u>marijuana pipe</u>                    | <u>201101496</u> |
| 16649        | large style bottle rockets               | 201101527        |
| 16642        | "Smooth" rolling papers                  | 201101545        |
| 16642-001    | 2 sealed bottles Southern Comfort        | 201101545        |
| 16642-002    | homemade bong                            | 201101545        |
| 16642-003    | small metal bowl                         | 201101545        |
| 16643-001    | small empty glass jar                    | 201101545        |
| 16723        | 2 fake Florida driver's licenses         | 201101625        |
| 16947        | fake South Carolina driver's license     | 201200078        |
| 17256        | Natural Light bottle with sample         | 201200466        |
| 17256-001    | fake Illinois driver's license           | 201200466        |
| 17257        | Champagne glass with sample              | 201200476        |
| 17366        | Bud Light bottle with sample             | 2012 ?           |
| 16063        | drug paraphernalia                       | 201100664        |
| 16081        | drug paraphernalia                       | 201100701        |
| 16081-001    | 15 oval blue pills                       | 201100701        |
| 16096        | drug paraphernalia                       | 201100731        |
| 16151-003    | drug paraphernalia                       | 201100851        |
| 16406        | Bud Light 16oz can                       | 201101234        |
| 16406-002    | bottle with 7 unknown pills              | 201101234        |
| 16452        | fake Pennsylvania driver's license       | 201101274        |
| 16491        | 2 bottles of pills                       | 201101322        |
| 16491-001    | drug paraphernalia                       | 201101322        |
| 16491-002    | drug paraphernalia                       | 201101322        |
| 16498        | home made bong                           | 201101328        |
| 16550        | drug paraphernalia                       | 201101394        |
| 16550-001    | drug paraphernalia                       | 201101394        |
| 16606        | wooden one hitter                        | 201101508        |
| 16767        | wrapper w/ 2 blue pills & 2 orange pills | 201101735        |
| 16767-001    | bottle w/ 3 blue pills & 1 orange pill   | 201101735        |

|           |                                    |           |
|-----------|------------------------------------|-----------|
| 17047     | cup with sample                    | 201200241 |
| 17055     | plastic cup with sample            | 201200250 |
| 17056     | fake New Jersey license            | 201200250 |
| 17057     | plastic cup with sample            | 201200254 |
| 17065     | ID (replaced)                      | 201200251 |
| 17065-001 | cup with sample                    | 201200251 |
| 17065-002 | cup with sample                    | 201200251 |
| 17086     | cup with sample                    | 201200296 |
| 17092     | pitcher with sample                | 201200303 |
| 17096     | cup with sample                    | 201200306 |
| 17101     | cup with sample                    | 201200311 |
| 17324-001 | Paraliment cigarettes & butt       | 201200638 |
| 17324-002 | multi colored pipe                 | 201200638 |
| 15837     | 60 cans of beer                    | 201100330 |
| 15917     | empty bottle of Vodka              | 201100366 |
| 16288     | set of keys                        |           |
| 16315     | Natural Light can w/sample         | 201101139 |
| 16399     | aluminum foil with Meth            | 201101175 |
| 16399-001 | white capsule of Meth              | 201101175 |
| 16476     | 12 pack natural Light Beer         | 201101294 |
| 16478     | bottle of Smirnoff Citrus          | 201101296 |
| 16479     | 12 pack Natural Light beer         | 201101293 |
| 16566     | target                             | 201101277 |
| 16689     | bud light bottle with sample       | 201101524 |
| 16883     | hand written note                  | 201101925 |
| 16883-001 | piece of brown unknown substance   | 201101925 |
| 16967     | photocopy of license & SSN card    | 2011 ?    |
| 16047     | Milwaukee's Best w/ sample         | 2011 ?    |
| 16080     | drug paraphernalia                 | 201100702 |
| 16573     | Busch Light can with sample        | 201101455 |
| 16824     | Sexual Assault Kit                 | 201101854 |
| 17225     | spiced rum bottle with sample      | 201200472 |
| 14139     | 6 baggies of marijuana             | 201000010 |
| 15111     | fake Ohio driver's license         | 201001455 |
| 15111-001 | yellow bar wristband               | 201001455 |
| 15111-002 | fake Ohio driver's license         | 201001455 |
| 15993     | marijuana in clear plastic baggies | 201100539 |
| 15993-001 | set of finger scales               | 201100539 |
| 16056     | sexual assault kit                 | 201100656 |
| 16248     | can of Miller Lite with sample     | 201100 ?  |
| 16249     | red pill crusher                   | 201101004 |
| 16321     | Milwaukee's Best w/sample          | 201100 ?  |
| 16322     | plastic cup with sample            | 201101127 |
| 16422     | Natural Light can with sample      | 201101254 |
| 16423     | plastic cup with sample            | 201101244 |
| 16454     | bottle of Tequila with sample      | 201100 ?  |

|           |                                       |           |
|-----------|---------------------------------------|-----------|
| 16500     | fake Florida driver's license         | 201101330 |
| 16551     | marijuana in paper receipt            | 201101400 |
| 16551-001 | digital scales                        | 201101400 |
| 16575-001 | 22 oz. can Budweiser w/sample         | 201101443 |
| 16665-001 | baggie with marijuana                 | 201101572 |
| 16667     | Captain Morgan Rum & Vodka            | 201101580 |
| 16692     | Fake Ohio driver's license            | 201101621 |
| 16692-001 | Ohio driver's license                 | 201101621 |
| 16692-002 | Ohio driver's license                 | 201101621 |
| 16920     | brass pipe and grinder                | 201200029 |
| 16921     | baggie of marijuana                   | 201200036 |
| 16921-001 | glass marijuana pipe                  | 201200036 |
| 17010     | fake Indiana driver's license         | 201200176 |
| 17112     | cup with sample                       | 201200319 |
| 17321     | Bud Light bottle with sample          | 2012 ?    |
| 14792     | "slap jack"                           | 201000992 |
| 15150     | Ohio driver's license                 | 2010 ?    |
| 15574     | fake Wisconsin driver's license       | 2011 ?    |
| 15665     | fake Missouri driver's license        | 201100127 |
| 16219     | silver pocket knife                   | 2011 ?    |
| 16294     | fake Ohio driver's license            | 201101088 |
| 16294-001 | fake California driver's license      | 201101088 |
| 16330     | Natural Light can with sample         | 201101125 |
| 16330-001 | fake Pennsylvania license             | 201101125 |
| 16330-002 | Ohio driver's license and credit card | 201101125 |
| 16335     | bag of marijuana                      | 201101148 |
| 16335-001 | 2 New York driver's license           | 201101148 |
| 16335-002 | fake Maryland driver's license        | 201101148 |
| 16335-003 | New York ID card                      | 201101148 |
| 16416     | Ohio driver's license                 | 2011 ?    |
| 16633     | Four Loco with sample                 | 201101535 |
| 16633-001 | Busch Light can with sample           | 201101535 |
| 16825     | grinder with residue                  | 201101823 |
| 16825-001 | wooden tinder box                     | 201101823 |
| 16940     | baggie of marijuana                   | 201200073 |
| 16940-001 | glass marijuana pipe                  | 201200073 |
| 16940-002 | rolling papers                        | 201200073 |
| 16940-003 | plastic bag with marijuana            | 201200073 |
| 16942     | tinder box with marijuana & pipe      | 201200069 |
| 16942-001 | bag with car parts                    | 201200069 |
| 17273     | fake Wisconsin driver's license       | 201200519 |
| 17273-001 | fake Connecticut driver's license     | 201200519 |
| 17440-001 | ½ unknown blue pill                   | 20120081  |
| 16933     | fake Ohio driver's license            | 201200049 |
| 16941     | 2 baggies of marijuana                | 2012 ?    |
| 16962     | baggie with marijuana                 | 201200113 |

|           |                                       |           |
|-----------|---------------------------------------|-----------|
| 16962-001 | marijuana pipe with residue           | 201200113 |
| 16962-002 | container w/ synthetic marijuana      | 201200113 |
| 16962-003 | glass pipe with residue               | 201200113 |
| 16962-004 | rolling papers                        | 201200113 |
| 17036     | burnt marijuana joint                 | 2012 ?    |
| 17081-001 | small baggie of marijuana             | 2012 ?    |
| 17146     | half smoked marijuana joint           | 2012 ?    |
| 17212     | plastic cup with sample               | 2012 ?    |
| 17222     | baggie of marijuana                   | 2012 ?    |
| 17231     | plastic cup with sample               | 2012 ?    |
| 17262     | "Good Morning Sun" poster             | 201200529 |
| 17262-001 | "Indian Commandments" poster          | 201200529 |
| 17262-002 | "Peace Wall"                          | 201200529 |
| 17265     | Svedka Vodka with sample              | 2012 ?    |
| 17267     | cup with sample                       | 2012 ?    |
| 17268     | baggie of marijuana                   | 201200533 |
| 17305     | cup with sample                       | 2012 ?    |
| 15888     | receipt from Wal-Mart                 | 201100369 |
| 16121     | bottle of Vodka                       | 201100796 |
| 16131     | 6 bottles of alcohol                  | 201100796 |
| 16432     | 2 Bud Light Bottles w/samples         | 201101255 |
| 17035-001 | 2 air soft guns                       | 201200231 |
| 17274     | 3 pipes with residue                  | 201200525 |
| 17274-001 | blue grinder                          | 201200525 |
| 17274-002 | butane device w/residue               | 201200525 |
| 17274-003 | baggie with marijuana                 | 201200525 |
| 17274-004 | rolling papers                        | 201200525 |
| 17274-005 | digital scale                         | 201200525 |
| 15009     | Bud Light beer can with sample        | 2010 ?    |
| 15374     | Ohio driver's license                 | 201001815 |
| 15374-001 | Receipt for \$20.00 gasoline          | 201001815 |
| 15927     | marijuana cigarette                   | 201100446 |
| 15985     | open bottle of Landshark beer         | 201100535 |
| 16023     | Ohio driver's license & wristband     | 201100566 |
| 16023-001 | fake Pennsylvania driver's license    | 201100566 |
| 16342     | Natural Light can w/sample            | 201101130 |
| 16343     | Natural Light can w/sample            | 201101130 |
| 16344     | Natural Light can w/sample            | 201101124 |
| 16345     | fake New York driver's license        | 201101124 |
| 16345-001 | 2 fake New York driver's license      | 201101124 |
| 16396     | Ga. Driver's license                  | 201101173 |
| 16431     | opened can of Labatt Blue with sample | 201101263 |
| 16455     | open bottle Heineken beer             | 201101300 |
| 16520     | Bud Light bottle w/sample             | 2011 ?    |
| 16589     | drug paraphernalia                    | 201101478 |
| 16589-001 | drug paraphernalia                    | 201101478 |

|           |                                  |           |
|-----------|----------------------------------|-----------|
| 16589-002 | drug paraphernalia               | 201101478 |
| 16589-003 | drug paraphernalia               | 201101478 |
| 16607     | Percocet pills                   | 201101512 |
| 16607-001 | Diazepam pills                   | 201101512 |
| 16728     | Ohio license plate               | 2011 ?    |
| 16736     | Kamchatka Vodka w/sample         | 201101707 |
| 16763     | black bag with pill bottles      | 2011 ?    |
| 16851     | School folder                    | 201101889 |
| 17359     | Natural Light can with sample    | 201200674 |
| 17127     | suspended license                | 2012 ?    |
| 17188-001 | fake Arizona driver's license    | 201200445 |
| 17233     | fake Ohio driver's license       | 201200482 |
| 17233-001 | Killians beer bottle with sample | 20120048  |
| 17254     | Bud Light bottle with sample     | 2012 ?    |
| 17258     | blue bar wrist band              | 201200520 |
| 17263     | cup with sample                  | 201200518 |
| 17293     | 3 Natural Light cans with sample | 2012 ?    |
| 17304     | drug paraphernalia               | 201200578 |
| 17426     | Bud Light bottle with sample     | 2012 ?    |
| 17427     | Bud Light bottle with sample     | 2012 ?    |
| 17469     | unknown powder & piece of paper  | 2012 ?    |
| 14941     | bottle Bud Light beer            | 2010 ?    |
| 14996     | Miami ID card                    | 201001342 |
| 15455     | small baggie of marijuana        | 201201948 |
| 15587     | bloody clothing                  | 201002115 |
| 16025     | Ohio driver's license            | 201100579 |
| 16035     | 2 baggies marijuana              | 201100611 |
| 16035-001 | baggie w/white unknown residue   | 201100611 |
| 16035-002 | drug paraphernalia               | 201100611 |
| 16035-003 | drug paraphernalia               | 201100611 |
| 16035-004 | drug paraphernalia               | 201100611 |
| 16035-005 | drug paraphernalia               | 201100611 |
| 16035-006 | drug paraphernalia               | 201100611 |
| 16054     | baggie of marijuana              | 2011 ?    |
| 16075     | Maryland driver's license        | 201100687 |
| 16148     | alcohol sample "Mai Tai "        | 201100844 |
| 16280     | Chase Credit Card (Replaced)     | 201101040 |
| 16280-001 | unknown white pill               | 201101040 |
| 16311     | bottle of Popov Vodka            | 201101123 |
| 16378     | Keystone can s/sample            | 2011 ?    |
| 16379     | plastic cup with sample          | 201101206 |
| 16381     | Bud Light bottle with sample     | 201101191 |
| 16382     | Skyy Vodka                       | 201101192 |
| 16382-001 | Miami ID card                    | 201101192 |
| 16424     | 4-LoCo can with sample           | 201101249 |
| 16424-001 | 2 Natural Light cans             | 201101249 |

|           |                                    |           |
|-----------|------------------------------------|-----------|
| 16425     | clear plastic cup with sample      | 2011 ?    |
| 16426     | Natural Light can w/sample         | 2011 ?    |
| 16427     | Bus Select can w/sample            | 2011 ?    |
| 16428     | Natural Light can w/sample         | 201101242 |
| 16429     | Natural Light can w/sample         | 201101242 |
| 16438     | 5/3 debit card                     | 2011 ?    |
| 16484     | case of Natural Light beer         | 201101282 |
| 16487     | fake Pennsylvania driver's license | 201101286 |
| 16488     | unknown pills                      | 201101304 |
| 16488-001 | Ohio driver's license              | 201101304 |
| 16489     | plastic cup with sample            | 2011 ?    |
| 16578     | pipe with residue                  | 201101450 |
| 16578-001 | baggie of marijuana                | 201101450 |
| 16705     | 2 plastic buckets                  | 201101634 |
| 16714     | fake Pa. driver's license          | 201101675 |
| 17159     | 3 Natural Light beer cans w/sample | 201200363 |
| 16405     | Chevy car key                      |           |
| 16405-001 | 1 house key                        |           |
| 16511     | 1 house key                        |           |
| 16691     | alcohol tube of mixed drink        | 201101633 |
| 16859     | 2 jackets                          | 201101890 |
| 15423     | orange liter and straw             | 201001888 |
| 15423-001 | small light bulb                   | 201001888 |
| 15423-002 | suspect material                   | 201001888 |
| 15058     | fake Texas driver's license        | 201001403 |
| 15442     | blooded jeans & sweatshirt         | 20100192  |
| 1551      | sexual assault kit                 | 201002035 |
| 1551-001  | tampon                             | 201002035 |
| 15671     | 30 pack Natural Light              | 201100139 |
| 15671-001 | can of Natural Light               | 201100139 |
| 15671-002 | bottle of Budweiser                | 201100139 |
| 15671-003 | fake Florida driver's license      | 201100139 |
| 15793     | plastic cup with sample            | 201100278 |
| 15887     | fake Ohio license                  | 201100385 |
| 16011     | 8" knife                           | 201100558 |
| 16115     | glass pipe with residue            | 201100768 |
| 16115-001 | glass pipe with residue            | 201100768 |
| 16115-002 | glass jar with marijuana           | 201100768 |
| 16239     | 3 house keys                       | 201100981 |
| 16240     | set of keys                        |           |
| 16275     | 30 pack Busch Light                | 201101053 |
| 16275     | torn green shirt                   | 201101053 |
| 16293     | fake Ohio license                  | 2011 ?    |
| 16295     | fake Indiana license               | 201101090 |
| 16310     | fake Pennsylvania license          | 201101142 |
| 16310-001 | Natural Light can with sample      | 201101142 |

|           |                                   |           |
|-----------|-----------------------------------|-----------|
| 16310-002 | Natural Light can with sample     | 201101142 |
| 16312     | fake Ohio driver's license        | 201101150 |
| 16326     | Natural Light can w/sample        | 201101107 |
| 16327     | fake Pennsylvania license         | 201101111 |
| 16327-001 | plastic cup with sample           | 201101111 |
| 16329     | Natural Light can with sample     | 201101105 |
| 16329-001 | Natural Light can with sample     | 201101105 |
| 16374     | Natural Light can with sample     | 201101190 |
| 16375     | open Budweiser w/sample           | 2011 ?    |
| 16383     | plastic cup with sample           | 201101202 |
| 16401     | fake Pa, driver's license         | 201101226 |
| 16499     | fake Ohio driver's license        | 201101335 |
| 16546     | Ohio driver's license             | 201101411 |
| 16546-001 | red bar wrist band                | 201101411 |
| 16547     | fake Kentucky license             | 2011 ?    |
| 16577     | Bud Light bottle w/sample         | 201101444 |
| 16727     | glass pipe with residue           | 201101679 |
| 16727-001 | baggie of marijuana               | 201101679 |
| 16611     | fake California driver's license  | 201101515 |
| 16811     | blue water bong                   | 2011 ?    |
| 16828-001 | pink wrist band                   | 201101825 |
| 16829     | jar with marijuana and pipe       | 2011 ?    |
| 17023     | unclaimed Ohio license            | 2012 ?    |
| 17061     | plastic cup with sample           | 201200253 |
| 17089     | suspended Ohio license            | 2012 ?    |
| 17098     | plastic cup with sample           | 201200310 |
| 17099     | plastic cup with sample           | 201200313 |
| 17223     | plastic cup with sample           | 2012 ?    |
| 17272     | fake Arizona driver's license     | 201200528 |
| 15592     | empty Southern Comfort bottle     | 201100018 |
| 16052     | Bud Light beer can with sample    | 201100628 |
| 16052-001 | 2 burnt marijuana cigarettes      | 201100628 |
| 16052-002 | green pill wrapped in plastic     | 201100628 |
| 16133     | marijuana pipe with residue       | 201100789 |
| 16133-001 | aluminum container w/white powder | 201100789 |
| 16133-002 | drug paraphernalia                | 201100789 |
| 16133-003 | drug paraphernalia                | 201100789 |
| 16133-004 | metal container with residue      | 201100789 |
| 16133-005 | 2 clear containers                | 201100789 |
| 16133-006 | MDMA test kit                     | 201100789 |
| 16495     | baggie of marijuana               | 2011 ?    |
| 16495-001 | marijuana cigarette               | 2011 ?    |
| 16919     | marijuana cigarette               | 2011 ?    |
| 17266     | bule bottle with sample           | 2012 ?    |
| 17338     | baggie with marijuana             | 2012 ?    |
| 17338-001 | glass jar with marijuana          | 2012 ?    |

|       |                                     |
|-------|-------------------------------------|
| 16203 | red binder                          |
| 16208 | Ohio Direction Card                 |
| 16210 | pair of glasses ( broken )          |
| 16243 | 2 Lexus car keys                    |
| 16273 | Chase debit card                    |
| 16285 | expired Ohio driver's license       |
| 16301 | multi-colored photo album           |
| 16340 | Miami land yard with 2 keys         |
| 16393 | US Bank Visa card                   |
| 16404 | 4 keys on keychain                  |
| 16418 | CITI Mastercard                     |
| 16435 | 2 house keys                        |
| 16462 | Ohio driver's license (replaced)    |
| 16482 | 4 keys and 1 Honda car key          |
| 16492 | Florida driver's license (replaced) |
| 16512 | Key Bank Mastercard (replaced)      |
| 16519 | Visa Check card                     |
| 16537 | Chase Visa card                     |
| 16553 | military ID                         |
| 16571 | Ohio driver's license               |
| 16610 | black wallet                        |
| 16628 | house key                           |
| 16644 | Ohio license plate ( replaced )     |
| 16662 | Huntington Visa card                |
| 16663 | 5/3 <sup>rd</sup> Mastercard        |
| 16674 | military ID                         |
| 16685 | plastic specialty key               |
| 16688 | Visa gift card                      |
| 16696 | Miami ID card                       |
| 16700 | Miami ID card                       |
| 16712 | Miami ID card                       |
| 16713 | Ohio driver's license               |
| 16731 | Miami ID card                       |
| 16758 | wallet                              |
| 16762 | Ohio driver's license               |
| 16772 | Ohio driver's license               |
| 16773 | key ring with keys                  |
| 16790 | Jeep key and Sentry safe key        |
| 16802 | 3 keys on key ring                  |
| 16803 | First Financial card                |
| 16822 | Key Bank                            |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the August 7, 2012  
City Council Meeting

Prepared by: G. Alan Kyger  
Date Prepared: July 31, 2012

**Agenda Title:** MOON Co-Op Revolving Loan Modification

**Recommendation:** Approval with conditions.

MOON Co-Op is requesting a modification to their existing Revolving Loan Fund (RLF) loan. The purpose of this request is to assist MOON's operational working capital, by reducing the monthly loan repayment obligation for up to 12 months.

MOON Co-op entered into a 5 year, \$245,000 RLF agreement with the City of Oxford on May 6, 2011. MOON Market opened in November of 2011.

During the RLF application review, one of the strong points in the application was the proposed large amount of working capital MOON intended to have on hand at opening. This high level of working capital was to assist in carrying the business during the start up process.

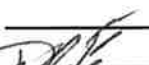
Unfortunately, due to a longer and more expensive build out of the store front, MOON opened later than planned and with far less available working capital.

On April 9<sup>th</sup> 2012 the City first meet with MOON representatives to begin discussing MOON's long term & short term needs. On April 24<sup>th</sup> MOON officially requested a loan modification. Given the importance of this request, on April 30<sup>th</sup> the City Manager granted MOON immediate assistance, while allowing MOON and the Oxford CIC, time to negotiate a loan modification.

During May the Oxford CIC Loan Review Committee met with MOON representatives on the loan modifications. On May 25<sup>th</sup> the full CIC Board approved the recommendations you have before you.

This loan modification extends the loan one year. The year extension is retroactive to May 2012 and will allow MOON to make interest only loan payments to April 2013. In May of 2013 the loan returns to its original repayment schedule.

**Reviewed By:**

|                  | Initial                                                                               | Date    |
|------------------|---------------------------------------------------------------------------------------|---------|
| Department Head: |  | 7-31-12 |
| City Attorney:   |  |         |
| City Manager:    |  | 8/3/12  |

## **RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE LOAN AGREEMENT BETWEEN THE CITY OF OXFORD AND MOON COOPERATIVE SERVICES, INC. WITH CONDITIONS.**

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

SECTION 1: A Request was made by the borrower, Moon Cooperative Services, Inc. to amend the loan agreement with the City of Oxford to extend the promissory note from five (5) years to six (6) years and to allow interest only payments for a period of twelve (12) months.

SECTION 2: Council finds that the Oxford Community Improvement Corporation met on May 25, 2012 to consider amending the loan agreement between the City of Oxford and Moon Cooperative Services, Inc. to extend the promissory note from five (5) years to six (6) years and to allow interest only payments for a period of twelve (12) months.

SECTION 3: The Oxford Community Improvement Corporation, after due deliberation, did recommend the loan be amended to extend the promissory note from five (5) years to six (6) years and to allow interest only payments for a period of twelve (12) months with the following conditions:

- a. The borrower shall provide monthly financial and bank statements to the City of Oxford.
- b. The CIC Board and the City of Oxford shall have the option to request resumption of the principal portion of the promissory note at any time within the 12 month period provided the monthly financial statements demonstrate the resumption is financially viable.

SECTION 4: Council hereby accepts and approves the recommendation of the Oxford Community Improvement Corporation and authorizes the City Manager to enter into an addendum agreement between the City of Oxford and Moon Cooperative Services, Inc. to extend the promissory note from five (5) years to six (6) years and to allow interest only payments for a period of twelve (12) months with conditions:

- a. The borrower shall provide monthly financial and bank statements to the City of Oxford.
- b. The CIC Board and the City of Oxford shall have the option to request resumption of the principal portion of the promissory note at any time within the 12 month period provided the monthly financial statements demonstrate the resumption is financially viable.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

### **LOAN MODIFICATION AGREEMENT**

**THIS LOAN DOCUMENT MODIFICATION AGREEMENT** (this "**Agreement**") is executed this \_\_\_\_ day of July, 2012, by and between **MOON COOPERATIVE SERVICES, INC.**, an Ohio non profit corporation (the "**Borrower**"), with an address at 516 South Locust Street, Oxford, OH 45056 and the **CITY OF OXFORD**, an Ohio municipal corporation (the "**Lender**") with an address at 101 E. High Street, Oxford, OH 45056.

### **BACKGROUND**

A. The Lender is the owner and holder of a certain promissory note dated May 6, 2011, in the original principal amount of Two Hundred Forty-Five Thousand and 00/100 Dollars (\$245,000.00) (the "**Note**"), executed and delivered by the Borrower to the Lender.

B. On the date hereof, the Borrower has executed and delivered to the Lender an amended and restated note (the "**Restated Note**"), pursuant to which the Note was amended and completely restated to evidence the Loan.

C. The Note is secured, *inter alia*, by: (i) the lien of a certain Financing Statement, executed and recorded in the Office of the Ohio Secretary of State (the "**SOS**") on May 20, 2011, constituting a first priority lien on, and granting a security interest on and in, the equipment and other improvements thereon, situate in Butler County, State of Ohio (the "**Premises**"), as more particularly described on attached Exhibit A, which is made a part of this Agreement (the Financing Statement is hereinafter called the "**UCC Financing Statement**"). The Note and Loan Agreement, as amended by the Amendment and restated by the Restated Note, the Financing Statement, the Loan Agreement, as amended by this Agreement, and all other security agreements, pledge agreements, collateral assignments, and other agreements, instruments, certificates and documents executed and delivered in connection with the Loan, some or all of which are more fully described on attached Exhibit B, which is made a part of this Agreement, are as amended from time to time, collectively the "**Loan Documents**").

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained and intending to be legally bound hereby, the parties hereto agree as follows:

1. The Loan Documents are amended as set forth in Exhibit B. Any and all references to any Loan Document(s) in any other Loan Document shall be deemed to refer to the Loan Documents as amended by this Agreement. This Agreement is deemed incorporated into the Loan Documents. Any initially capitalized terms used in this Agreement without definition shall have the meanings assigned to those terms in the Loan Documents. To the extent that any term or provision of this Agreement is or may be inconsistent with any term or provision in the Loan Documents, the terms and provisions of this Agreement shall control.

2. The Borrower hereby agrees that the Loan Documents and the Premises shall secure, in addition to the performance of all of the Borrower's and the Borrower's Obligations under the Restated Note, the Loan Documents and the other Loan Documents, payment of the Obligations evidenced by the Restated Note.

3. The Borrower hereby certifies that: (a) all of its representations and warranties in the Loan Documents are, except as may otherwise be stated in this Agreement: (i) true and correct as of the date of this Agreement, (ii) ratified and confirmed without condition as if made anew, and (iii) incorporated into this Agreement by reference, (b) no Event of Default or event which, with the passage of time or the giving of notice or both, would constitute an Event of Default, exists under the Loan Documents which will not be cured by the execution and effectiveness of this Agreement, (c) no consent, approval, order or authorization of, or registration or filing with, any third party is required in connection with the execution, delivery and carrying out of this Agreement or, if required, has been obtained.

4. The Borrower hereby confirms that the Loan Documents, as modified by this Agreement, shall continue as collateral for the Loan unimpaired and in full force and effect, and shall cover and secure all of the Borrower's existing and future Obligations to the Lender, as modified by the Amendment.

5. This Agreement may be signed in any number of counterpart copies and by the parties to this Agreement on separate counterparts, but all such copies shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this Agreement by facsimile transmission shall be effective as delivery of a manually executed counterpart. Any party so executing this Agreement by facsimile transmission shall promptly deliver a manually executed counterpart, provided that any failure to do so shall not affect the validity of the counterpart executed by facsimile transmission.

6. This Agreement will be binding upon and inure to the benefit of the Lender and its respective heirs, executors, administrators, successors and assigns.

7. This Agreement has been delivered to and accepted by the Lender and will be deemed to be made in this State.

8. Except as amended hereby, the terms and provisions of the Loan Documents remain unchanged, are and shall remain in full force and effect unless and until modified or amended in writing in accordance with their terms, and are hereby ratified and confirmed. Except as expressly provided herein, this Agreement shall not constitute an amendment, waiver, consent or release with respect to any provision of any Loan Document, a waiver of any default or Event of Default under any Loan Document, or a waiver or release of any of the Lender's rights and remedies (all of which are hereby reserved). **The Borrower expressly ratifies and confirms the confession of judgment and waiver of jury trial provisions contained in the Loan Documents.**

**WITNESS** the due execution hereof as a document under seal, as of the date first written above.

**MOON COOPERATIVE SERVICES, INC.,**  
an Ohio non profit corporation

**CITY OF OXFORD, an Ohio municipal**  
corporation

---

**BY: ROBERT BELL, JR.**  
Its: Vice President

---

**BY: DOUGLAS R. ELLIOT, JR.**  
Its: City Manager

STATE OF OHIO                    )  
                                          ) **SS:**  
COUNTY OF BUTLER            )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of July, 2012, before me, the subscriber, a Notary Public in and for said County and State, personally came **ROBERT BELL, JR.**, the Vice President of **MOON COOPERATIVE SERVICES, INC.**, an Ohio non profit corporation, the corporation which executed the foregoing instrument, who acknowledged that he did sign said instrument as such officer on behalf of said corporation and by authority of the Board of Directors; that said instrument was signed as his free act and deed individually, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
Notary Public

STATE OF OHIO                    )  
                                          ) **SS:**  
COUNTY OF BUTLER            )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of July, 2012, before me, the subscriber, a Notary Public in and for said County and State, personally came **DOUGLAS R. ELLIOT, JR.**, the City Manager of the **CITY OF OXFORD, an Ohio municipal corporation**, the corporation which executed the foregoing instrument, who acknowledged that he did sign said instrument as such officer on behalf of said City and by authority of the City; that said instrument was signed as his free act and deed individually, and the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**

**[UCC Financing Statement]**

## UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Stephen M. McHugh  
1 South Main St., Suite 1590  
Dayton, OH 45402

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

OR

1a. ORGANIZATION'S NAME

MOON Cooperative Services, Inc.

1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

516 South Locust Street

CITY

Oxford

STATE

OH

POSTAL CODE

45056

COUNTRY

USA

ADD'L INFO RE  
ORGANIZATION  
DEBTOR

1d. TYPE OF ORGANIZATION

corporation

1e. JURISDICTION OF ORGANIZATION

Ohio

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

OR

2a. ORGANIZATION'S NAME

2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

2c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

ADD'L INFO RE  
ORGANIZATION  
DEBTOR

2d. TYPE OF ORGANIZATION

2e. JURISDICTION OF ORGANIZATION

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

OR

3a. ORGANIZATION'S NAME

CITY OF OXFORD, OHIO

3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

3c. MAILING ADDRESS

101 E. High Street

CITY

Oxford

STATE

OH

POSTAL CODE

45056

COUNTRY

USA

4. This FINANCING STATEMENT covers the following collateral:

All of debtor's assets contained on Exhibit "A", attached hereto.

5. ALTERNATIVE DESIGNATION (if applicable):

☐ LESSEE/LESSOR

☐ CONSIGNEE/CONSIGNOR

☐ BAILEE/BAILOR

☐ SELLER/BUYER

☐ AG. LIEN

☐ NON-UCC FILING

6. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL

☐ ESTATE RECORDS. Attach Addendum

[if applicable]

7. Check to REQUEST SEARCH REPORT(S) on Debtor(s)

[optional] [ADDITIONAL FEE]

☐ All Debtors

☐ Debtor 1

☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

FILING OFFICE COPY — (FORM UCC1) (REV. 01/11/08)

## UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS CAREFULLY

### 9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

|    |                            |            |                     |
|----|----------------------------|------------|---------------------|
| OR | 9a. ORGANIZATION'S NAME    |            |                     |
|    | 9b. INDIVIDUAL'S LAST NAME | FIRST NAME | MIDDLE NAME, SUFFIX |

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

### 11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (11a or 11b) - do not abbreviate or combine names

OR

|                             |            |             |        |
|-----------------------------|------------|-------------|--------|
| 11a. ORGANIZATION'S NAME    |            |             |        |
| 11b. INDIVIDUAL'S LAST NAME | FIRST NAME | MIDDLE NAME | SUFFIX |

11c. MAILING ADDRESS

|      |       |             |         |
|------|-------|-------------|---------|
| CITY | STATE | POSTAL CODE | COUNTRY |
|------|-------|-------------|---------|

|                                         |                           |                                   |  |
|-----------------------------------------|---------------------------|-----------------------------------|--|
| ADD'L INFO RE<br>ORGANIZATION<br>DEBTOR | 11d. TYPE OF ORGANIZATION | 11e. JURISDICTION OF ORGANIZATION |  |
|                                         |                           |                                   |  |

### 12. ☐ ADDITIONAL SECURED PARTY'S ☐ or ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)

|                             |            |             |        |
|-----------------------------|------------|-------------|--------|
| 12a. ORGANIZATION'S NAME    |            |             |        |
| 12b. INDIVIDUAL'S LAST NAME | FIRST NAME | MIDDLE NAME | SUFFIX |

12c. MAILING ADDRESS

|      |       |             |         |
|------|-------|-------------|---------|
| CITY | STATE | POSTAL CODE | COUNTRY |
|------|-------|-------------|---------|

### 13. This FINANCING STATEMENT covers

- ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a  
☐ fixture filing.

14. Description of real estate:

15. Name and address of a RECORD OWNER of above-described real estate  
(if Debtor does not have a record interest):

### 16. Additional collateral description:

### 17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or  
☐ Decedent's Estate

### 18. Check only if applicable and check only one box.

- ☐ Debtor is a TRANSMITTING UTILITY  
☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years  
☐ Filed in connection with a Public-Finance Transaction — effective 30 years

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 01/11/08)

## UCC FINANCING STATEMENT ADDITIONAL PARTY

FOLLOW INSTRUCTIONS CAREFULLY

|                                                                          |                             |            |                    |                                               |  |  |  |
|--------------------------------------------------------------------------|-----------------------------|------------|--------------------|-----------------------------------------------|--|--|--|
| 19. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT       |                             |            |                    | THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY |  |  |  |
| NAME OF PARTY AUTHORIZING THIS AMENDMENT (name as item 9 Amendment form) |                             |            |                    |                                               |  |  |  |
| OR                                                                       | 19a. ORGANIZATION'S NAME    |            |                    |                                               |  |  |  |
|                                                                          | 19b. INDIVIDUAL'S LAST NAME | FIRST NAME | MIDDLE NAME SUFFIX |                                               |  |  |  |
| 20. MISC MISCELLANEOUS                                                   |                             |            |                    |                                               |  |  |  |

21. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (21a or 21b) - do not abbreviate or combine names

|                                   |                             |                           |                                   |             |             |
|-----------------------------------|-----------------------------|---------------------------|-----------------------------------|-------------|-------------|
| 21a. ORGANIZATION'S NAME          |                             |                           |                                   |             |             |
| OR                                | 21b. INDIVIDUAL'S LAST NAME |                           | FIRST NAME                        | MIDDLE NAME | SUFFIX      |
|                                   | 21c. MAILING ADDRESS        |                           | CITY                              | STATE       | POSTAL CODE |
| ADD'L INFO RE ORGANIZATION DEBTOR |                             | 21d. TYPE OF ORGANIZATION | 21e. JURISDICTION OF ORGANIZATION |             |             |

22. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (22a or 22b) - do not abbreviate or combine names

|                                   |                             |                           |                                   |             |             |
|-----------------------------------|-----------------------------|---------------------------|-----------------------------------|-------------|-------------|
| 22a. ORGANIZATION'S NAME          |                             |                           |                                   |             |             |
| OR                                | 22b. INDIVIDUAL'S LAST NAME |                           | FIRST NAME                        | MIDDLE NAME | SUFFIX      |
|                                   | 22c. MAILING ADDRESS        |                           | CITY                              | STATE       | POSTAL CODE |
| ADD'L INFO RE ORGANIZATION DEBTOR |                             | 22d. TYPE OF ORGANIZATION | 22e. JURISDICTION OF ORGANIZATION |             |             |

23. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (23a or 23b) - do not abbreviate or combine names

|                                   |                             |                           |                                   |             |             |
|-----------------------------------|-----------------------------|---------------------------|-----------------------------------|-------------|-------------|
| 23a. ORGANIZATION'S NAME          |                             |                           |                                   |             |             |
| OR                                | 23b. INDIVIDUAL'S LAST NAME |                           | FIRST NAME                        | MIDDLE NAME | SUFFIX      |
|                                   | 23c. MAILING ADDRESS        |                           | CITY                              | STATE       | POSTAL CODE |
| ADD'L INFO RE ORGANIZATION DEBTOR |                             | 23d. TYPE OF ORGANIZATION | 23e. JURISDICTION OF ORGANIZATION |             |             |

24. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - insert only one secured party name (24a or 24b)

|                          |                             |  |            |             |             |
|--------------------------|-----------------------------|--|------------|-------------|-------------|
| 24a. ORGANIZATION'S NAME |                             |  |            |             |             |
| OR                       | 24b. INDIVIDUAL'S LAST NAME |  | FIRST NAME | MIDDLE NAME | SUFFIX      |
|                          | 24c. MAILING ADDRESS        |  | CITY       | STATE       | POSTAL CODE |

25. ADDITIONAL SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE) - insert only one secured party name (25a or 25b)

|                          |                             |  |            |             |             |
|--------------------------|-----------------------------|--|------------|-------------|-------------|
| 25a. ORGANIZATION'S NAME |                             |  |            |             |             |
| OR                       | 25b. INDIVIDUAL'S LAST NAME |  | FIRST NAME | MIDDLE NAME | SUFFIX      |
|                          | 25c. MAILING ADDRESS        |  | CITY       | STATE       | POSTAL CODE |

**EXHIBIT B**

**LOAN DOCUMENTS MODIFICATION AGREEMENT**

1. From and after the date of this Agreement, all references in the Loan Documents to the Note and the indebtedness evidenced thereby shall mean and refer to the Restated Note, and the indebtedness evidenced thereby.

2. The Note and Loan Agreement is hereby amended as follows:

A) "Note" shall mean that certain Promissory Note dated May 6, 2011, as same has been amended and restated by that certain Amended and Restated Term Note executed July \_\_\_\_, 2012. As of July \_\_\_\_, 2012, Agreement is amended from a five (5) year term to a six (6) year term under the Restated Note.

B) The extra twelve (12) months of payments are to be "Interest Only" payments, beginning with the payment of May 2012 and ending with the payment due for April, 2013.

C) The **CITY OF OXFORD** ("Lender") is now to receive the monthly financials of **MOON COOPERATIVE SERVICES, INC.**, ("Borrower") to be delivered to the Lender by the last day of each month.

D) The Lender can request the Loan to be resumed at an earlier time, if the Borrower's monthly financials provided to the Lender demonstrate that Borrower is financially solid to resume said Loan.

**WITNESS** the due execution hereof as a document under seal, as of the date first written above.

**MOON COOPERATIVE SERVICES, INC.,**  
an Ohio non profit corporation

**CITY OF OXFORD, an Ohio municipal**  
**corporation**

\_\_\_\_\_  
**BY: ROBERT BELL, JR.**  
**Its: Vice President**

\_\_\_\_\_  
**BY: DOUGLAS R. ELLIOT, JR.**  
**Its: City Manager**

STATE OF OHIO                    )  
                                          ) **SS:**  
COUNTY OF BUTLER            )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of July, 2012, before me, the subscriber, a Notary Public in and for said County and State, personally came **ROBERT BELL, JR.**, the Vice President of **MOON COOPERATIVE SERVICES, INC.**, an Ohio non profit corporation, the corporation which executed the foregoing instrument, who acknowledged that he did sign said instrument as such officer on behalf of said corporation and by authority of the Board of Directors; that said instrument was signed as his free act and deed individually, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
Notary Public

STATE OF OHIO                     )  
                                              ) **SS:**  
COUNTY OF BUTLER             )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of July, 2012, before me, the subscriber, a Notary Public in and for said County and State, personally came **DOUGLAS R. ELLIOT, JR.**, the City Manager of the **CITY OF OXFORD**, an Ohio municipal corporation, the corporation which executed the foregoing instrument, who acknowledged that he did sign said instrument as such officer on behalf of said City and by authority of the City; that said instrument was signed as his free act and deed individually, and the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year first above written.

\_\_\_\_\_  
Notary Public

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: August 7, 2012

Account Code #: 142.711.50602

Budgeted Amount: \$120,000

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

July 20, 2012

Date Prepared

**Agenda Title: Contract for Improvements and Repairs to Municipal Parking Garage**

**Recommendation: Approve**

**Discussion:** The 2012 capital budget includes \$120,000 for the evaluation and repair of the Walnut Street parking garage. The City hired THP Limited Inc. (THP) of Cincinnati to perform an assessment of the parking garage's condition as well as to recommend a restoration plan for the 10 year old facility. The plan proposed improvements over a five year period with an expected cost of \$625,000. The City accepted the report from THP and began preparing specifications and drawings for repairs based on years one and two of the plan. These repairs include installing supplemental steel beams and supports in critical areas, concrete repairs, caulking and sealing of joints & cracks, stair tower maintenance, and the installation of a waterproof membrane on deck four of the structure. This membrane is critical to control the infiltration of water through the decking and onto the third deck of the garage. The five year plan from THP is attached to this report as Exhibit "A".

The City advertised for bids on June 29 and July 6, 2012 to perform the recommended work. The bid was structured with a base bid to include concrete plank repairs, installation of steel reinforcing members in critical areas, sealing and caulking, and various other concrete work. The bid was also structured with four alternates: Alternate One includes a waterproof membrane on deck four and additional drainage and concrete repairs. Alternate Two includes masonry wall and mortar repairs. Alternate Three includes stair tower improvements including new tread replacements, membrane sealing and conduit repairs. Alternate Four includes reinforcement of side wall panels in the structure.

Bids were opened publicly on July 18, 2012 and read aloud beginning at 10:00 AM. Three companies provided bids with the following results:

| <u>Bidder</u>                 | <u>Base Bid</u> | <u>Alt. 1</u> | <u>Alt. 2</u> | <u>Alt. 3</u> | <u>Alt. 4</u> | <u>Total</u> |
|-------------------------------|-----------------|---------------|---------------|---------------|---------------|--------------|
| Ram Construction Services     | 121,089         | 74,891        | 3,890         | 38,665        | 6,390         | 244,925      |
| Lithko Restoration            | 146,845         | 105,500       | 8,105         | 58,100        | 12,200        | 330,750      |
| Stuctural System Repair Group | 151,000         | 114,099       | 5,499         | 65,200        | 13,200        | 348,998      |

The City has not had direct experience with the low bidder, Ram Construction Services. However, THP has worked with them previously and found their work to be acceptable. Reference checks showed no reason to disallow the lowest bidder for this project. An analysis of the bids indicates the pricing provided by Ram Construction is approximately 31% below our estimate of probable costs. Based on this fact, Staff is recommending a contract be awarded to Ram Construction for the base bid and all alternates.

It is Staff's recommendation that the City Council authorize the City Manager to enter into an agreement with Ram Construction Services for an amount of \$244,925. Staff is also requesting a ten percent contingency for this project in the amount of \$24,492.50. Therefore, the total contract not to exceed amount would be **\$269,417.50**. As this total exceeds the current budget, Staff will also seek Council approval for a supplemental appropriation.

**Approved By:**

Department Head:

City Manager:

Initial

Date

MB

7/20/12

DA

8/3/12

## RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RAM CONSTRUCTION SERVICES FOR IMPROVEMENTS TO THE MUNICIPAL PARKING GARAGE AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AT A COST OF \$244,925.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$24,492.50 FOR A TOTAL COST NOT TO EXCEED \$269,417.50.

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

SECTION 1: The City advertised for bids in the *Oxford Press* and *Hamilton Journal* on June 29, 2012 and July 6, 2012. Three (3) sealed bids were opened and publicly read on July 18, 2012. The lowest bid was provided by Ram Construction Services in the amount of \$244,925.00.

SECTION 2: The City Manager and Service Director recommend Council accept the bid of Ram Construction Services as the lowest and best bid for improvements to the Municipal Parking Garage as set forth in Exhibit "A" attached hereto at a cost of \$244,925.00 plus a contingency amount of ten percent (10%) of the contract price or \$24,492.50 for a total cost not to exceed \$269,417.50.

SECTION 3: Council accepts the recommendation of the City Manager and Service Director and accepts the bid of Ram Construction Services for improvements to the Municipal Parking Garage as set forth in Exhibit "A" attached hereto at a cost of \$244,925.00 plus a contingency amount of ten percent (10%) of the contract price or \$24,492.50 for a total cost not to exceed \$269,417.50.

SECTION 4: Council further authorizes the City Manager to enter into a contract with Ram Construction Services for improvements to the Municipal Parking Garage as set forth in Exhibit "A" attached hereto at a cost of \$244,925.00 plus a contingency amount of ten percent (10%) of the contract price or \$24,492.50 for a total cost not to exceed \$269,417.50.

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

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL  
INTRODUCED BY: RICHARD KEEBLER  
PREPARED BY: LAW(STAFF)

**Walnut Street Garage – City of Oxford, Ohio**  
**Preliminary Proposed 5 Year Garage Restoration Plan** <sup>(1)(2)(3)</sup>

| <b>Year</b> | <b>Effort</b>                                                             | <b>Estimates</b> |
|-------------|---------------------------------------------------------------------------|------------------|
| 2012        | (a) Exterior Façade Panels – Repair Steel Angle Kickers .....             | \$60,000         |
|             | (b) Exterior Façade Panels – Install Bottom Plate Supports .....          | \$30,000         |
|             | (c) Install Ramp Concrete Beam Supplemental Supports.....                 | \$75,000         |
|             | (d) Repair Precast Hollow-Core Planks Reinforcement .....                 | \$30,000         |
|             | (e) Exterior Façade Panels – Reset Loose Cap Stones .....                 | \$1,500          |
|             | (f) Install Pedestrian Guardrail at West Elevation .....                  | \$5,000          |
|             | <b>Year One .....</b>                                                     | <b>\$201,500</b> |
| 2013        | (a) 4 <sup>th</sup> Level – Replace Control Joint Sealant.....            | \$10,000         |
|             | (b) 4 <sup>th</sup> Level – Replace Crack Sealant.....                    | \$10,000         |
|             | (c) 4 <sup>th</sup> Level – Install Cove Sealant at Perimeter Curbs.....  | \$5,000          |
|             | (d) 4 <sup>th</sup> Level – Install Traffic Bearing Membrane on Slab..... | \$70,000         |
|             | (e) 4 <sup>th</sup> Level – Repair Concrete Topping Slab .....            | \$4,000          |
|             | (f) 4 <sup>th</sup> Level – Install Supplemental Area Drains .....        | \$5,000          |
|             | (g) All Ramps – Install Curb at Interior of Ramps .....                   | \$6,000          |
|             | (h) NE Stair Tower – Replace Stair Treads.....                            | \$15,000         |
|             | (i) NE Stair Tower – Repaint Steel Framing .....                          | \$12,500         |
|             | (j) NE Stair Tower – Rout and Seal Cracks &<br>Install Cove Sealant.....  | \$5,000          |
|             | (k) NE Stair Tower – Install Water Repellent on CMU Walls.....            | \$5,000          |
|             | (l) SW Stair Tower – Replace Stair Treads.....                            | \$4,000          |
|             | <b>Year Two .....</b>                                                     | <b>\$151,500</b> |

| <b>Year</b> | <b>Effort</b>                                                              | <b>Estimates</b> |
|-------------|----------------------------------------------------------------------------|------------------|
| 2014        | (a) 3 <sup>rd</sup> Level – Replace Control Joint Sealant .....            | \$7,500          |
|             | (b) 3 <sup>rd</sup> Level – Rout and Seal Cracks .....                     | \$1,500          |
|             | (c) 3 <sup>rd</sup> Level – Install Cove Sealant at Perimeter Curbs .....  | \$5,000          |
|             | (d) 3 <sup>rd</sup> Level – Install Traffic Bearing Membrane on Slab.....  | \$75,000         |
|             | (e) 3 <sup>rd</sup> Level – Repair Concrete Topping Slabs.....             | \$2,000          |
|             | (f) SW Stair Tower – Repaint Steel Framing .....                           | \$12,500         |
|             | (g) SW Stair Tower – Rout and Seal Cracks and<br>Install Cove Sealant..... | \$5,000          |
|             | (h) SW Stair Tower – Install Water Repellent on CMU Walls....              | \$5,000          |
|             | (i) Miscellaneous Repairs <sup>(4)</sup> .....                             | \$5,000          |
|             | <b>Year Three .....</b>                                                    | <b>\$118,500</b> |
| 2015        | (a) 2 <sup>nd</sup> Level – Replace Control Joint Sealant .....            | \$7,500          |
|             | (b) 2 <sup>nd</sup> Level – Rout and Seal Cracks.....                      | \$1,500          |
|             | (c) 2 <sup>nd</sup> Level – Install Cove Sealant at Perimeter Curbs .....  | \$5,000          |
|             | (d) 2 <sup>nd</sup> Level – Install Traffic Bearing Membrane on Slab ..... | \$80,000         |
|             | (e) 2 <sup>nd</sup> Level – Concrete Topping Slab Repairs .....            | \$2,000          |
|             | (f) Miscellaneous Repairs <sup>(4)</sup> .....                             | \$10,000         |
|             | <b>Year Four .....</b>                                                     | <b>\$106,000</b> |
| 2016        | (a) Exterior Façade Panels – Replace Brick Sealant Joints .....            | \$7,500          |
|             | (b) All Levels – Repaint Steel Guard System at<br>Center of Garage .....   | \$20,000         |

|     |                                                        |                 |
|-----|--------------------------------------------------------|-----------------|
| (c) | Exterior Façade Panels – Replace Mortar Joints         |                 |
|     | Between Cap Stones .....                               | \$5,000         |
| (d) | 1 <sup>st</sup> Level – Repair Rotated Wall .....      | \$2,500         |
| (e) | 1 <sup>st</sup> Level – Replace Bollards at Exit ..... | \$2,500         |
| (f) | Miscellaneous Repairs <sup>(4)</sup> .....             | \$10,000        |
|     | <b>Year Five .....</b>                                 | <b>\$47,500</b> |

**5 YEAR TOTAL RECOMMENDED BUDGETED COSTS .....\$625,000**

- Notes:** (1) Probable costs include an assumed 3% adjustment for inflation beyond 2012.  
(2) Probable costs do not include allowances for A/E fees.  
(3) Budget and review do not include allowance for electrical systems, lighting, and mechanical systems of the garage.  
(4) Garage routine maintenance includes work related to slab-on-grade concrete pot hole repairs, routing and sealing miscellaneous cracks, exterior façade maintenance repairs, miscellaneous crack slab repairs, supplemental drains, and other similar work items.

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

July 13, 2012  
**Date Prepared:**

|                      |                                                                                                                                                                                                                                                                                 |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>PC-05-2012 Zoning Map Amendment – To Amend the Zoning Designation of a Property, Approximately 40.113 Acres of Land, being Parcel#H4000132000015 with Frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District</b> |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

**Discussion:**

The Planning Commission held a Public Hearing for this zoning map amendment for this Parcel that was annexed into the City in 2008; however, the zoning designation was never changed from Township zoning to the City's zoning classification.

The zoning classification of a newly annexed territory cannot be changed until the legislative body of a municipality has gone through the zoning map amendment to designate a new zoning classification to the territory; otherwise, the property shall continue to carry Township zoning. In order to eliminate any confusion, the change of the zoning classification from a Township classification to a municipal one needs to happen in a reasonable time.

City Council created an Agricultural Open Space District in 2011 in order to allow agricultural uses to be continued in the Corporate Limits. This property has been used for agricultural purposes for quite some time. There is no immediate development pressure for this site and is ideal for the Agricultural Open Space District classification. The owner maintains that should an opportunity become available that he would develop the site.

Many neighbors from the Silverleaf Subdivision attended the Planning Commission meeting and raised their concern about drainage issues for this site. Unfortunately, this is a zoning change and drainage is not relevant to the request. However, the Commission sympathized with the neighbors and will review the drainage issue when the site development proposal comes forward in the future.

After the Hearing, the Commission voted 6-0-0 to recommend the zoning change of this property from Oxford Township A1 to City of Oxford Agricultural Open Space District.

**Approved By:**

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



## **ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 40.113 ACRES OF LAND ON KEHR ROAD, OXFORD, OHIO, (OXFORD PARCEL H4000132000015) AND REZONING THE PROPERTY FROM A-1 (TOWNSHIP ZONING) TO CITY OF OXFORD AGRICULTURAL OPEN SPACE (AOS) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 10, 2012, at 7:30 p.m. on Nancy and Bill Colwell's application for a Zoning Map Amendment for 40.113 acres of land on Kehr Road, Oxford, Ohio, (Oxford Parcel H4000132000015) attached hereto and incorporated herein as Exhibit "A" and requesting the rezoning of the property from A-1 (Township Zoning) to City of Oxford Agricultural Open Space (AOS) Zoning District.

SECTION 2: The Oxford Planning Commission, after the public hearing and 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 zoning classification of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, rezoning 40.113 acres of land on Kehr Road, Oxford, Ohio, (Oxford Parcel H4000132000015) attached hereto and incorporated herein as Exhibit "A" and rezoning the property from A-1 (Township Zoning) to City of Oxford Agricultural Open Space (AOS) Zoning District.

SECTION 4: Council hereby grants the rezoning of the property 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 and orders that the official zoning map be amended.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

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

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

|                                                    |                                                                                                                                                                                                                                                              |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 27, 2012                                                                                                                                                                                                                                                |
| <b><u>Case Number</u></b>                          | PC-05-2012                                                                                                                                                                                                                                                   |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                    |
| <b><u>Requested Action</u></b>                     | Zoning Map Amendment                                                                                                                                                                                                                                         |
| <b><u>Summary of Request</u></b>                   | Zoning Map Amendment to Amend the Zoning Designation of a Property, Approximately 40.113 Acres of Land, being Parcel #H4000132000015 with Frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District |
| <b><u>Public Hearing Information</u></b>           | On July 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on May 11, 2012. Public Hearing notices were mailed out to surrounding properties on May 17, 2012 and June 20, 2012.           |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 6-0-0 recommending approval to City Council.                                                                                                                                                                                   |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.                                                                                                         |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated May 9, 2012</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated April 25, 2012</li><li>4. Location Map</li></ol>                            |

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

**Planning Commission**

**Case # PC-05-2012**

**Date – June 12, 2012**

---

**APPLICATION**

|                 |                                                                                                                                                                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant:      | Bill and Nancy Colwell                                                                                                                                                                                                                                       |
| Action Request: | Zone Map Amendment to amend the zoning designation of a property, approximately 40.113 acres of land, being parcel # H4000132000015 with frontage on Kehr and Booth Roads, from Oxford Township A-1 to City of Oxford Agricultural Open Space (AOS) District |
| Address:        |                                                                                                                                                                                                                                                              |
| Parcels:        | H4000132000015                                                                                                                                                                                                                                               |

---

**DESCRIPTION**

In 2008, City Council approved the annexation petition of this tract of land into the City Limits, Ordinance #4386. The property owners at that time worked with Neighborhood Housing Services in Hamilton to pursue funding from the State of Ohio to build affordable housing. The hope was that if the funding was approved, then the development plan along with zoning change would move forward. Unfortunately, the application was not awarded any funding. No other action has taken place with the property owner to move forward with any development or to change the zoning designation of this parcel. The zoning designation of this tract remained as A-1 Township until an official action was taken by City Council to change the zoning designation to Agricultural Open Space (AOS) District.

Please refer to the attached map for the location of this parcel.

**SURROUNDING NEIGHBORHOOD**

The municipal zoning in the vicinity of this site is Single Family Medium Density Residential District (R1B) to the north and west; Township A-1 to the south and east.

**COMPREHENSIVE PLAN**

Land Use Principles

6. Future growth at the edge of the City will preserve open space, protect the area's rural character, and be consistent with other principles.
10. Environmentally sensitive and sustainable practices will be encouraged in future developments.

**AGENCY COMMENTS**

|                      |                          |
|----------------------|--------------------------|
| Fire                 | Returned without comment |
| Police               | No comments returned     |
| Engineering          | Returned without comment |
| Economic Development | Returned without comment |

## **PUBLIC COMMENT FORMS**

Comments attached.

## **STAFF ANALYSIS**

Given that the site does not have any development plans at this point, and the use of the land has been agriculture/crop harvesting, the zoning of this tract of land should be maintained as low intensity as possible. Recently, City Council adopted an ordinance creating a new zoning district- Agricultural Open Space (AOS) District- to allow such types of land use to continue within the City limits. The owners of the land can still develop the site in the future and amend the zoning designation if and when there is a viable development plan for this tract of land.

## **RECOMMENDATION**

Not Applicable.

---

SUBMITTED

BY:

  
Jung-Han Chen  
Community Development Director

DATE: May 9, 2012

✓

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-05-2012 ZONING MAP AMENDMENT** to amend the zoning designation of a property, approximately 40.113 acres of land, being Parcel # H4000132000015 with frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District, **Nancy and Bill Colwell, Applicants**

  X   Review             Revisions             Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by:



John Detherage, Fire Chief

Date: 5-18-12

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-05-2012 ZONING MAP AMENDMENT** to amend the zoning designation of a property, approximately 40.113 acres of land, being Parcel # H4000132000015 with frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District, **Nancy and Bill Colwell, Applicants**

  X   Review             Revisions             Other

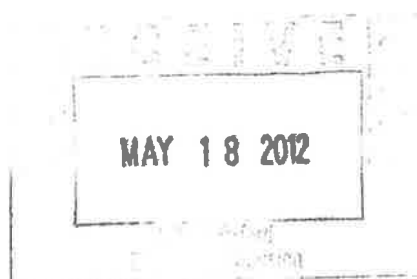
Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned:    w/comments    without/comments

Drawings reviewed by: *V. Popescu*  
Victor Popescu, City Engineer

Date: 5-22-12



City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

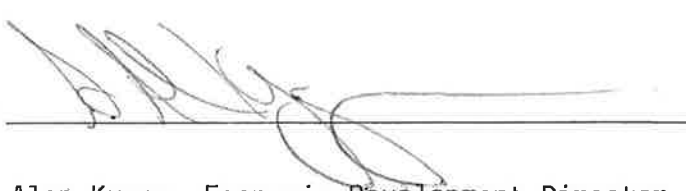
**PC-05-2012 ZONING MAP AMENDMENT** to amend the zoning designation of a property, approximately 40.113 acres of land, being Parcel # H4000132000015 with frontage on Kehr and Booth Roads, from Oxford Township A1 to City of Oxford Agricultural Open Space (AOS) District, **Nancy and Bill Colwell, Applicants**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned: w/comments without/comments

Drawings reviewed by: 

Date: 6-4-2012

Alan Kyger, Economic Development Director

Case No.: PC-05-2012  
Date Filed: 4/25/12

**Zoning Map Amendment Application**  
City of Oxford, Ohio

6/12/12 mtg

**REQUIRED INFORMATION**

Name of Applicant: Bill D & Nancy S

(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address: 2530 Regina Place

Hamilton Ohio 45013

Telephone Number(s): 513 895-1475

Email Address: colwellnancy@yahoo.com

Location of Property: Kehr & Booth

(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)

Legal Description: Lot 3732

Lot 3732

Total Area: 40.1

Acres / Square Feet (circle one)

40

Existing Use of Property: Ag.

Current Zoning: A-1

Proposed Zone(s): Agricultural Open Space

AOS

Proposed Use:

**SUBMISSION REQUIREMENTS**

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website ([www.butlercountyoio.org/auditor](http://www.butlercountyoio.org/auditor)) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. \*Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT: Nancy S Colwell

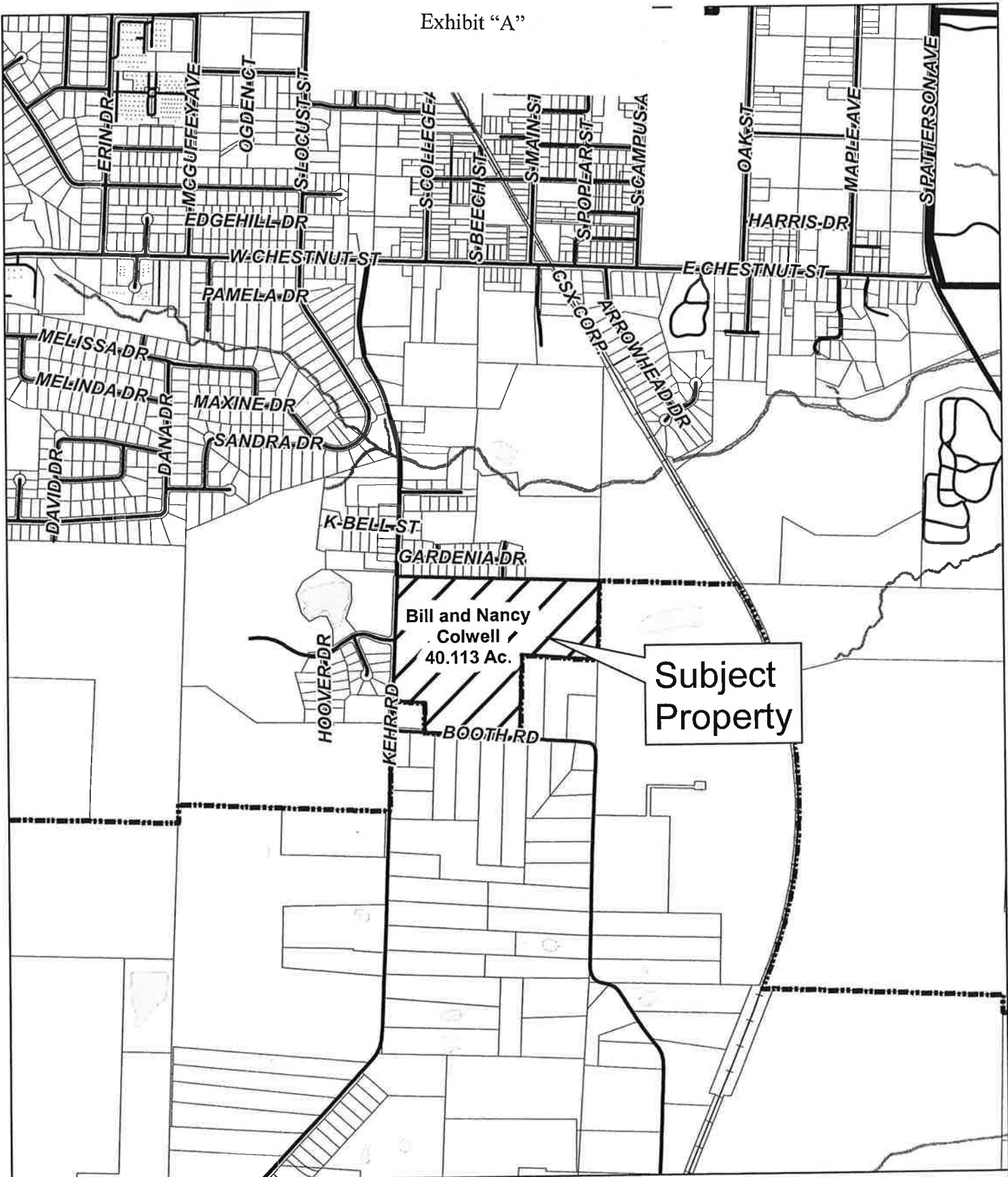
Date: 4-25-2012

PRINTED NAME: Bill D & Nancy S Colwell

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number: 17571

Exhibit "A"



## Location Map

### Colwell Rezoning



Map created by the City of Oxford  
Community Development Department May 15, 2012

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

July 23, 2012  
**Date Prepared:**

**Agenda Title:** PC-06-2012 ZONING MAP AMENDMENT To Amend the Zoning Designations of Certain Property, Approximately 304.7 Acres of Land along SR 73, being Parcel #H3610027000008, Parcel #H3610027000009, Parcel #H3510027000007 and Parcel #H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts

**Recommendation:** Approval

**Discussion:**

The Planning Commission held a Public Hearing for this zoning map amendment for the above Parcels that were annexed into the City in 2012 with the passage of Ordinance #3170. This legislation is to replace the Oxford Township zoning classifications on these properties with City of Oxford's zoning classifications.

Parcel #H3610027000005, owned by Joann Pelly Means, is currently zoned B-PUD. This parcel went through the County Zoning Map Amendment in 2007 from A1 to B-PUD in order to facilitate a proposed tech park development. Due to the scope of the proposed development, municipal services/utilities were critical for the marketing of the project. Additionally, the site received the State of Ohio Job Ready Site Grant and the need for municipal services was even more essential. This tech park site cannot be annexed unless all parcels between the site and the existing corporate boundary are annexed; therefore, University land was also part of the annexation proceedings. A Pre-Annexation Agreement was also entered into stipulating that the City's zoning of the site should be consistent with Township zoning.

Parcel #H3610027000008, Parcel #H3610027000009 and Parcel #H3510027000007 are owned by Miami University. Their current zoning classification is A1.

After the Public Hearing, the Commission voted 6-0-0 to recommend the new zoning classifications for Parcel #H3610027000005 be replaced with City of Oxford zoning, Office and Light Industrial (OI) District and Parcels #H3610027000008, #H3610027000009 and #H3510027000007 Miami University (MU) District.

\*\*\* The attached Ordinance will provide for the MU zoning only \*\*\*

**Approved By:**

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

*JHC 7/27/12*  
*DHC 8/3/12*

## **ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 237.51 ACRES OF LAND ON OXFORD TRENTON ROAD, OXFORD, OHIO (OXFORD PARCELS H3610027000008, H3610027000009 AND H3510027000007) AND REZONING THE PROPERTY FROM A-1 (TOWNSHIP ZONING) TO CITY OF OXFORD MIAMI UNIVERSITY (MU) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 10, 2012, at 7:30 p.m. on the City of Oxford's application for a Zoning Map Amendment for three parcels of land on Oxford Trenton Road, Oxford, Ohio (Oxford parcels H3610027000008, H3610027000009 and H3510027000007) a map of which is attached hereto and incorporated herein as Exhibit "A" and requesting the rezoning of the property from A-1 (Township Zoning) to City of Oxford Miami University (MU) Zoning District.

SECTION 2: The Oxford Planning Commission, after the public hearing and 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 zoning classification of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, rezoning 237.51 acres of land on Oxford Trenton Road, Oxford, Ohio (Oxford parcels H3610027000008, H3610027000009 and H3510027000007) a map of which is attached hereto and incorporated herein as Exhibit "A" and rezoning the property from A-1 (Township Zoning) to City of Oxford Miami University (MU) Zoning District.

SECTION 4: Council hereby grants the rezoning of the property 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 and orders that the official zoning map be amended.

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

---

MAYOR

ADOPTED:  
ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# **Certification of Action**

## **Oxford Planning Commission**

### **Recommendation to City Council**

|                                                    |                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 27, 2012                                                                                                                                                                                                                                                                                                                         |
| <b><u>Case Number</u></b>                          | PC-06-2012                                                                                                                                                                                                                                                                                                                            |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                                                             |
| <b><u>Requested Action</u></b>                     | Zoning Map Amendment                                                                                                                                                                                                                                                                                                                  |
| <b><u>Summary of Request</u></b>                   | To amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel #H3610027000009, Parcel #H3510027000007 and Parcel #H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts. |
| <b><u>Public Hearing Information</u></b>           | On July 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on May 11, 2012. Public Hearing notices were mailed out to surrounding properties on May 17, 2012 and June 20, 2012.                                                                                    |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 6-0-0 recommending approval to City Council.                                                                                                                                                                                                                                                            |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.                                                                                                                                                                                  |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated May 30, 2012</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated April 27, 2012</li><li>4. May 2009 Aerial Photography</li></ol>                                                                                     |

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

**Planning Commission**

**Case # PC-06-2012**

**Date – June 12, 2012**

---

**APPLICATION**

Applicant:

City of Oxford

Action Request:

Zoning Map Amendment to amend the zoning designation of certain property, approximately 304.704 acres of land along SR 73, being parcel # H3610027000008, Parcel #H3610027000009, Parcel # H3510027000007 and Parcel #H3610027000005 from Oxford Township A-1 and B-PUD to City of Oxford Miami University (MU) District and Office and Light Industrial (OI) District.

Address:

Parcels:

H3610027000008, H3610027000009, H3510027000007 and H3610027000005

---

**DESCRIPTION**

There are four parcels included in this application; three are owned by Miami University and one is owned by Joanne Pelly Means. The parcel owned by Ms. Means was the subject of a County zoning map amendment in 2007 from A-1 to B-PUD in order to facilitate a proposed tech park development. Due to the scope of the proposed development, municipal services/utilities are critical for the marketing of the project. Additionally, the site has received the State of Ohio Job Ready Site Grant for the proposed development which further triggered the need for adequate services. A representative for Ms. Means worked with the City to enter into a pre-annexation agreement to outline each party's duties and responsibilities. In that agreement, it stipulated that the zoning of the site should be consistent with County zoning.

However, the site could not be singularly annexed into the City unless all parcels between the site and the existing corporate boundary were annexed. Therefore, this annexation request that was approved by City Council in 2012 with the passage of Ordinance # 3170, include Miami-owned properties. Additionally, the utility provider for the rural part of the County would not be able to supply all the needed utilities for the development as the owner had envisioned.

The parcel, #3610027000005, owned by Joanne Pelly Means, is currently zoned B-PUD and the Miami University parcels are zoned A-1, based on the County Land Use classifications.

Please refer to the attached map for the location of these parcels.

**SURROUNDING NEIGHBORHOOD**

The municipal zoning in the vicinity of this site is "MU" Miami University to the west; County A-1 to the north, south and east.

## **COMPREHENSIVE PLAN**

### Land Use Principle

4. Future growth at the edge of the city will preserve open space, protect the area's rural character, and be consistent with other principles
6. New commercial and light industrial development will be developed with pedestrian amenities and green spaces.

Economic Development Objective: Improve the residents work force through new employment services

ED 3.2 Continue to work with the CIC and Miami University to development economic strategies especially related to research and development.

## **AGENCY COMMENTS**

|                      |                          |
|----------------------|--------------------------|
| Fire                 | Returned without comment |
| Police               | No comments returned     |
| Engineering          | Returned without comment |
| Economic Development | Returned without comment |

## **PUBLIC COMMENT FORMS**

No comments have been received to date.

## **STAFF ANALYSIS**

The annexation of this parcel, #H3610027000005, was based on a pre-annexation agreement as a result of receiving the State of Ohio Job Ready Site Grant for the development of a proposed tech park. In order to facilitate the development at this site, municipal utility services are critically needed and no municipal services can be provided unless all parcels between this site and the existing Corporation boundary are annexed. Additionally, the pre-annexation agreement also stipulated the type of land use the site, parcel # H3610027000005, for the development of the tech park. Therefore, the recommended land use should be consistent with the county approved land use category. The remaining parcels are owned by Miami University and are recommended to be zoned as "MU" Miami University District.

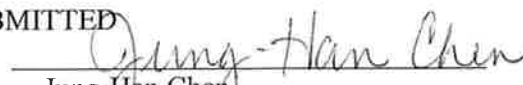
## **RECOMMENDATION**

Not Applicable.

---

SUBMITTED

BY:

  
Jung-Han Chen

Community Development Department

DATE: May 30, 2012

1/28

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

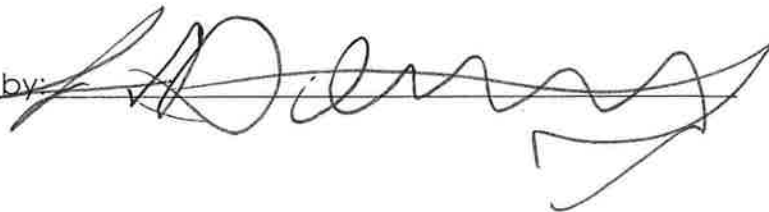
Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 5-18-12

John Detherage, Fire Chief

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 5-22-12

Victor Popescu, City Engineer

MAY 18 2012

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department **Economic Development**

From: Community Development

Drawings are being submitted to you for the following:

**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

  X   Review               Revisions               Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by: 

Date: June 4-2012

Alan Kyger  
Economic Development Director

**Zoning Map Amendment Application**  
City of Oxford, Ohio

**REQUIRED INFORMATION**

Name of Applicant:

City of Oxford  
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St  
Oxford, OH 45056

Telephone Number(s)

524-5204 Email Address \_\_\_\_\_

Location of Property:

(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.) H3510027000007; H3610027000005

Legal Description:

H3610027000008; H3610027000009.

Total Area:

Acres / Square Feet (circle one)

Existing Use of Property:

University Property / Agriculture

Current Zoning:

Township A EB-PUD

Proposed Zone(s):

MU / O1

Proposed Use:

**SUBMISSION REQUIREMENTS**

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website ([www.butlercountyohio.org/auditor](http://www.butlercountyohio.org/auditor)) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. \*Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date:

4/27/12

PRINTED NAME:

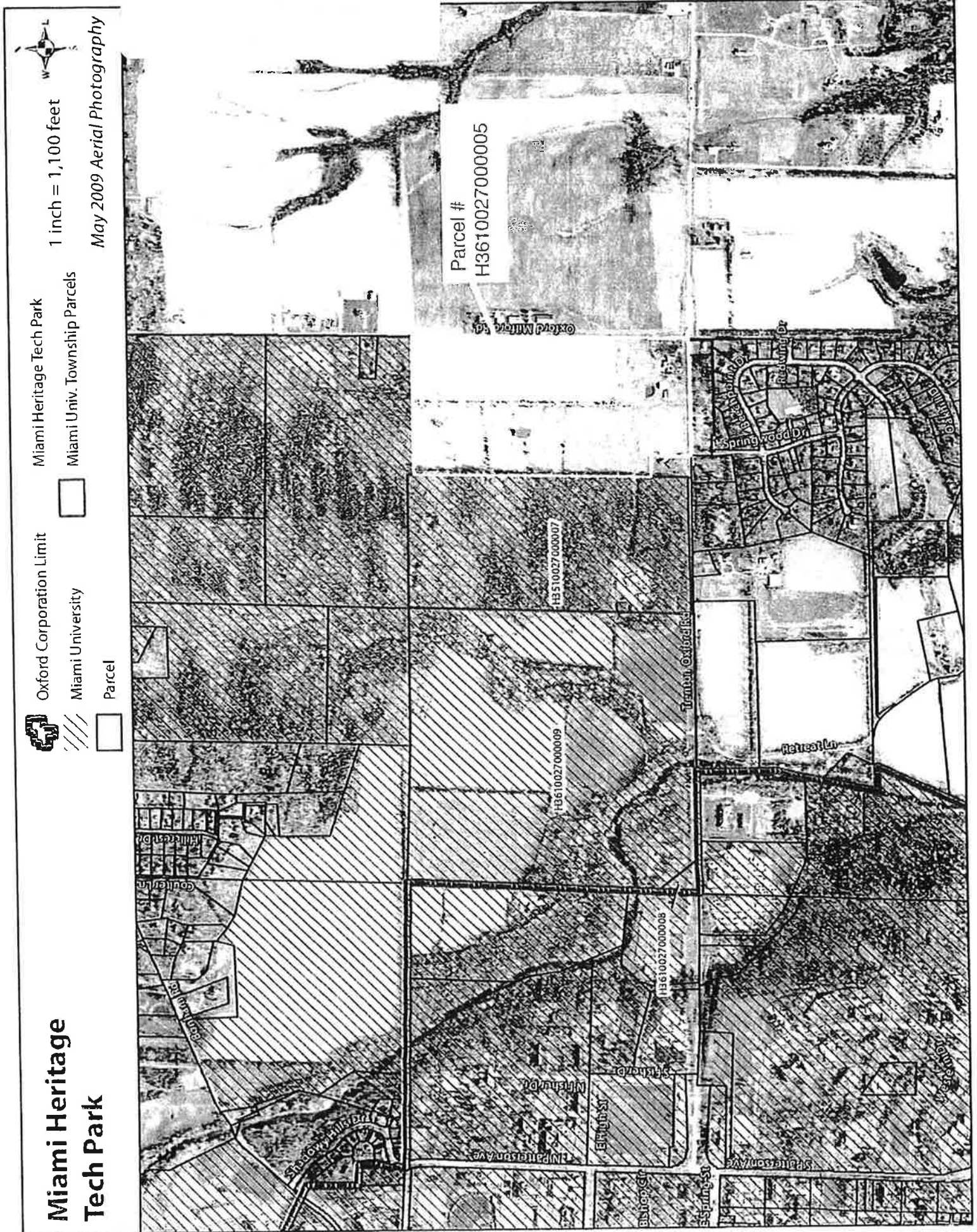
Jung-Han Chen

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA

Exhibit "A"



**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen

**Account Code No. #:**

**Prepared By:**

**Budgeted Amount:**

July 23, 2012  
**Date Prepared:**

**Agenda Title:** PC-06-2012 ZONING MAP AMENDMENT To Amend the Zoning Designations of Certain Property, Approximately 304.7 Acres of Land along SR 73, being Parcel #H3610027000008, Parcel #H3610027000009, Parcel #H3510027000007 and Parcel #H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts

**Recommendation:** Approval

**Discussion:**

The Planning Commission held a Public Hearing for this zoning map amendment for the above Parcels that were annexed into the City in 2012 with the passage of Ordinance #3170. This legislation is to replace the Oxford Township zoning classifications on these properties with City of Oxford's zoning classifications.

Parcel #H3610027000005, owned by Joann Pelly Means, is currently zoned B-PUD. This parcel went through the County Zoning Map Amendment in 2007 from A1 to B-PUD in order to facilitate a proposed tech park development. Due to the scope of the proposed development, municipal services/utilities were critical for the marketing of the project. Additionally, the site received the State of Ohio Job Ready Site Grant and the need for municipal services was even more essential. This tech park site cannot be annexed unless all parcels between the site and the existing corporate boundary are annexed; therefore, University land was also part of the annexation proceedings. A Pre-Annexation Agreement was also entered into stipulating that the City's zoning of the site should be consistent with Township zoning.

Parcel #H3610027000008, Parcel #H3610027000009 and Parcel #H3510027000007 are owned by Miami University. Their current zoning classification is A1.

After the Public Hearing, the Commission voted 6-0-0 to recommend the new zoning classifications for Parcel #H3610027000005 be replaced with City of Oxford zoning, Office and Light Industrial (OI) District and Parcels #H3610027000008, #H3610027000009 and #H3510027000007 Miami University (MU) District.

\*\*\* The attached Ordinance will provide for the OI zoning only \*\*\*

**Approved By:**

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

*JHC 7/27/12*  
*DHC 8/3/12*

## **ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 74.42 ACRES OF LAND ON OXFORD TRENTON ROAD, OXFORD, OHIO (OXFORD PARCEL H3610027000005) AND REZONING THE PROPERTY FROM B-PUD (TOWNSHIP ZONING) TO CITY OF OXFORD OFFICE & LIGHT INDUSTRIAL (OI) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 10, 2012, at 7:30 p.m. on the City of Oxford's application for a Zoning Map Amendment for 74.42 acres of land on Oxford Trenton Road (Oxford parcel H3610027000005) a map of which is attached hereto and incorporated herein as Exhibit "A" and requesting the rezoning of the property from B-PUD (Township Zoning) to City of Oxford Office & Light Industrial (OI) Zoning District.

SECTION 2: The Oxford Planning Commission, after the public hearing and 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 zoning classification of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, rezoning 74.42 acres of land on Oxford Trenton Road, Oxford, Ohio (Oxford parcel H3610027000005) a map of which is attached hereto and incorporated herein as Exhibit "A" and rezoning the property from B-PUD (Township Zoning) to City of Oxford Office & Light Industrial (OI) Zoning District.

SECTION 4: Council hereby grants the rezoning of the property 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 and orders that the official zoning map be amended.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

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

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

|                                                    |                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 27, 2012                                                                                                                                                                                                                                                                                                                         |
| <b><u>Case Number</u></b>                          | PC-06-2012                                                                                                                                                                                                                                                                                                                            |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                                                             |
| <b><u>Requested Action</u></b>                     | Zoning Map Amendment                                                                                                                                                                                                                                                                                                                  |
| <b><u>Summary of Request</u></b>                   | To amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel #H3610027000009, Parcel #H3510027000007 and Parcel #H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts. |
| <b><u>Public Hearing Information</u></b>           | On July 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on May 11, 2012. Public Hearing notices were mailed out to surrounding properties on May 17, 2012 and June 20, 2012.                                                                                    |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 6-0-0 recommending approval to City Council.                                                                                                                                                                                                                                                            |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.                                                                                                                                                                                  |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated May 30, 2012</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated April 27, 2012</li><li>4. May 2009 Aerial Photography</li></ol>                                                                                     |

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

**Planning Commission**

**Case # PC-06-2012**

**Date – June 12, 2012**

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**APPLICATION**

Applicant:

City of Oxford

Action Request:

Zoning Map Amendment to amend the zoning designation of certain property, approximately 304.704 acres of land along SR 73, being parcel # H3610027000008, Parcel #H3610027000009, Parcel # H3510027000007 and Parcel #H3610027000005 from Oxford Township A-1 and B-PUD to City of Oxford Miami University (MU) District and Office and Light Industrial (OI) District.

Address:

Parcels:

H3610027000008, H3610027000009, H3510027000007 and H3610027000005

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**DESCRIPTION**

There are four parcels included in this application; three are owned by Miami University and one is owned by Joanne Pelly Means. The parcel owned by Ms. Means was the subject of a County zoning map amendment in 2007 from A-1 to B-PUD in order to facilitate a proposed tech park development. Due to the scope of the proposed development, municipal services/utilities are critical for the marketing of the project. Additionally, the site has received the State of Ohio Job Ready Site Grant for the proposed development which further triggered the need for adequate services. A representative for Ms. Means worked with the City to enter into a pre-annexation agreement to outline each party's duties and responsibilities. In that agreement, it stipulated that the zoning of the site should be consistent with County zoning.

However, the site could not be singularly annexed into the City unless all parcels between the site and the existing corporate boundary were annexed. Therefore, this annexation request that was approved by City Council in 2012 with the passage of Ordinance # 3170, include Miami-owned properties. Additionally, the utility provider for the rural part of the County would not be able to supply all the needed utilities for the development as the owner had envisioned.

The parcel, #3610027000005, owned by Joanne Pelly Means, is currently zoned B-PUD and the Miami University parcels are zoned A-1, based on the County Land Use classifications.

Please refer to the attached map for the location of these parcels.

**SURROUNDING NEIGHBORHOOD**

The municipal zoning in the vicinity of this site is "MU" Miami University to the west; County A-1 to the north, south and east.

## **COMPREHENSIVE PLAN**

### Land Use Principle

4. Future growth at the edge of the city will preserve open space, protect the area's rural character, and be consistent with other principles
6. New commercial and light industrial development will be developed with pedestrian amenities and green spaces.

Economic Development Objective: Improve the residents work force through new employment services

ED 3.2 Continue to work with the CIC and Miami University to develop economic strategies especially related to research and development.

## **AGENCY COMMENTS**

|                      |                          |
|----------------------|--------------------------|
| Fire                 | Returned without comment |
| Police               | No comments returned     |
| Engineering          | Returned without comment |
| Economic Development | Returned without comment |

## **PUBLIC COMMENT FORMS**

No comments have been received to date.

## **STAFF ANALYSIS**

The annexation of this parcel, #H3610027000005, was based on a pre-annexation agreement as a result of receiving the State of Ohio Job Ready Site Grant for the development of a proposed tech park. In order to facilitate the development at this site, municipal utility services are critically needed and no municipal services can be provided unless all parcels between this site and the existing Corporation boundary are annexed. Additionally, the pre-annexation agreement also stipulated the type of land use the site, parcel # H3610027000005, for the development of the tech park. Therefore, the recommended land use should be consistent with the county approved land use category. The remaining parcels are owned by Miami University and are recommended to be zoned as "MU" Miami University District.

## **RECOMMENDATION**

Not Applicable.

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SUBMITTED

BY:

  
Jung-Han Chen

Community Development Department

DATE: May 30, 2012

1/28

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

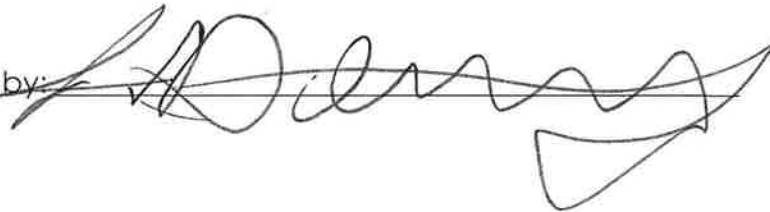
Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 5-18-12

John Detherage, Fire Chief

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department **Engineering Division** Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned: w/comments without/comments

Drawings reviewed by: *A. Popescu*

Date: 5-22-12

Victor Popescu, City Engineer

MAY 18 2012

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department **Economic Development**

From: Community Development

Drawings are being submitted to you for the following:

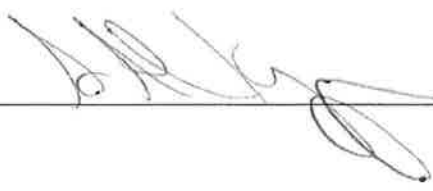
**PC-06-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University (MU) and Office & Light Industrial (OI) Districts, **City of Oxford, Applicant**

  X   Review             Revisions             Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned:    w/comments    without/comments

Drawings reviewed by: 

Date: June 4-2012

Alan Kyger  
Economic Development Director

**Zoning Map Amendment Application**  
City of Oxford, Ohio

**REQUIRED INFORMATION**

Name of Applicant:

City of Oxford  
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St  
Oxford, OH 45056

Telephone Number(s)

524 5204 Email Address \_\_\_\_\_

Location of Property:

(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.) H3510027000007; H3610027000005

Legal Description:

H3610027000008; H3610027000009.

Total Area:

Acres / Square Feet (circle one)

Existing Use of Property:

University Property / Agriculture

Current Zoning:

Township A EB-PUD

Proposed Zone(s):

MU/01

Proposed Use:

\_\_\_\_\_

**SUBMISSION REQUIREMENTS**

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website ([www.butlercountyohio.org/auditor](http://www.butlercountyohio.org/auditor)) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. \*Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date:

4/27/12

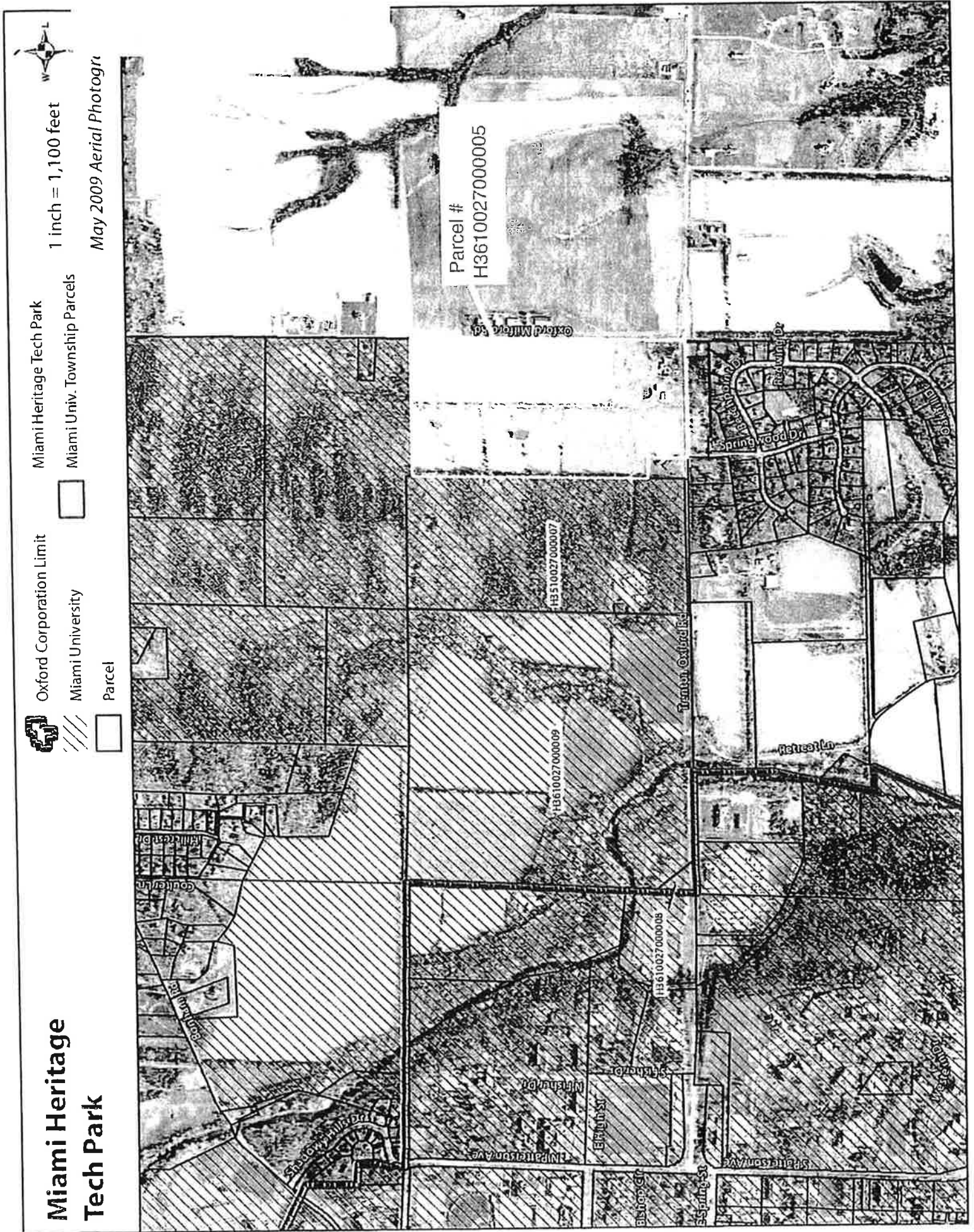
PRINTED NAME:

Jung-Han Chen

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number:

NA



**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

July 23, 2012  
**Date Prepared:**

**Agenda Title:** PC-07-2012 Zoning Map Amendment – To Amend the Zoning Designation of Certain Property, Approximately 47.069 Acres of Land, Generally Known as Yager Stadium and Surrounding Area, being Parcel #H3510026000031, Part of Lot #4 and Parcel #H3510026000031, Part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District.

(After being annexed into the City and combining these two parcels, the new Parcel number is H4100009000004).

**Recommendation: Approval**

**Discussion:**

The Planning Commission held a Public Hearing for this zoning map amendment for these Parcels that were annexed into the City in 2010 with the passage of Ordinance #3134. The purpose of the annexation is to enhance City income tax revenue sources from sites that are contiguous to the City's corporate boundary that may generate additional income stream. This is one of the areas that were identified during City Council's retreat, but would have no impact on other jurisdictions.

These parcels are generally known as Yager Stadium, encompassing the stadium itself and other auxiliary facilities that is part of the University sports complex. This zoning change amendment is merely replacing Oxford Township zoning (A1) with City of Oxford zoning, Miami University (MU) District.

After the Public Hearing, the Commission voted 6-0-0 to recommend the approval of this zoning map amendment from the Township A1 District to the City's University (MU) District for the area in and around Yager Stadium.

**Approved By:**

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

*JHC / 7/27/12*  
*[Signature] 8/3/12*

## **ORDINANCE NO.**

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR 47.069 ACRES OF LAND KNOWN AS YAGER STADIUM AND SURROUNDING AREAS (PARCEL H3510026000031, BEING PART OF LOT #4 AND PARCEL H3510026000031, BEING PART OF LOT #5 WHEN ANNEXED INTO THE CITY OF OXFORD AND NOW KNOWN AS CONSOLIDATED PARCEL H4100009000004) AND REZONING THE PROPERTY FROM A-1 (TOWNSHIP ZONING) TO CITY OF OXFORD MIAMI UNIVERSITY (MU) ZONING DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on July 10, 2012, at 7:30 p.m. on the City of Oxford's application for a Zoning Map Amendment for 47.069 acres of land known as Yager Stadium and surrounding areas (Parcel H3510026000031, being part of Lot #4 and Parcel H3510026000031, being part of Lot #5 when annexed into the City of Oxford and now known as consolidated Parcel H4100009000004) a map of which is attached hereto and incorporated herein as Exhibit "A" and requesting the rezoning of the property from A-1 (Township Zoning) to City of Oxford Miami University (MU) Zoning District.

SECTION 2: The Oxford Planning Commission, after the public hearing and 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 zoning classification of the property in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, rezoning 47.069 acres of land known as Yager Stadium and surrounding areas (Parcel H3510026000031, being part of Lot #4 and Parcel H3510026000031, being part of Lot #5 when annexed into the City of Oxford and now known as consolidated Parcel H4100009000004) a map of which is attached hereto and incorporated herein as Exhibit "A" and rezoning the property from A-1 (Township Zoning) to City of Oxford Miami University (MU) Zoning District.

SECTION 4: Council hereby grants the rezoning of the property 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 and orders that the official zoning map be amended.

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

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

|                                                    |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 27, 2012                                                                                                                                                                                                                                                                                                              |
| <b><u>Case Number</u></b>                          | PC-07-2012                                                                                                                                                                                                                                                                                                                 |
| <b><u>Applicant Information</u></b>                | City of Oxford, Applicant                                                                                                                                                                                                                                                                                                  |
| <b><u>Requested Action</u></b>                     | Zoning Map Amendment                                                                                                                                                                                                                                                                                                       |
| <b><u>Summary of Request</u></b>                   | To amend the zoning designations of certain property, approximately 47.069 acres of land, generally known as Yager Stadium and surrounding area, Parcel #H3510026000031, being part of Lot # 4 and Parcel #H3510026000031, being part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District. |
| <b><u>Public Hearing Information</u></b>           | On July 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on May 11, 2012. Public Hearing notices were mailed out to surrounding properties on May 17, 2012 and June 20, 2012.                                                                         |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 6-0-0 recommending approval to City Council.                                                                                                                                                                                                                                                 |
| <b><u>Commission Findings and Conclusions</u></b>  | The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.                                                                                                                                                                       |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report dated May 30, 2012</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Zoning Code Text Amendment Application dated April 27, 2012</li><li>4. Annexation Plat</li></ol>                                                                                      |

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

**Planning Commission**

**Case # PC-07-2012**

**Date – June 12, 2012**

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**APPLICATION**

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant:      | City of Oxford                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Action Request: | Zone Map Amendment to amend the zoning designation of certain property, approximately 47.069 acres of continuous areas, generally known as Yager Stadium and surrounding area, Parcel #H3510026000031, being part of Lot #4 and Parcel #H3510026000031, being part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District. (The new parcel number, combining these two parcels, after being annexed into the City is H4100009000004) |
| Address:        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Parcels:        | H3510026000031, being part of Lot #4 and H3510026000031, being part of Lot #5 (New parcel number, combining both parcel together and after being annexed, is H4100009000004)                                                                                                                                                                                                                                                                                      |

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**DESCRIPTION**

This is part of City Council's goal to capture City income tax revenue sources from sites that are contiguous to the City's corporate boundary that may generate additional income tax revenue. This is one of the areas that were identified as a potential area for annexation that belonged to Miami University and would not have any impact on Oxford Township financially.

City Council approved the annexation of these two parcels in November, 2012 with the passage of Ordinance # 3134. The current parcel number of these two parcels, since being annexed into the City and having been combined into one parcel, is H4100009000004.

Please refer to the attached map for the location of these parcels.

**SURROUNDING NEIGHBORHOOD**

The municipal zoning in the vicinity of this site is "MU" Miami University to the west; County A-1 to the north, south and east.

**COMPREHENSIVE PLAN**

Continue to Manage Growth

To maintain the community's small college town character will be preserved and enhanced.

Future growth at the edge of the city will preserve open space; protect the area's rural characters in consideration of township land use.

## **AGENCY COMMENTS**

|                      |                          |
|----------------------|--------------------------|
| Fire                 | Returned without comment |
| Police               | No comments returned     |
| Engineering          | Returned without comment |
| Economic Development | Returned without comment |

## **PUBLIC COMMENT FORMS**

No comments have been received to date.

## **STAFF ANALYSIS**

These parcels are generally known as Yager Stadium, encompassing the stadium itself and other auxiliary facilities that are part of the university sport complex. It is the goal of City Council to capture income tax revenue from sites that are contiguous to the corporate boundary. This is one of the areas identified as eligible to be annexed into the City. This is merely changing the zoning designation from Township zoning to Municipal zoning; no other changes are expected to occur with this map amendment. Therefore, the new zoning will be "MU" Miami University.

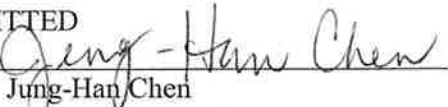
## **RECOMMENDATION**

Not Applicable.

---

SUBMITTED

BY:



Jung-Han Chen

Community Development Department

DATE: May 30, 2012

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

✓

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-07-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 47.069 acres of contiguous areas, generally known as Yager Stadium and surrounding areas, Parcel # H3510026000031, being part of lot # 4 and Parcel # H3510026000031, being part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District, **City of Oxford, Applicant**

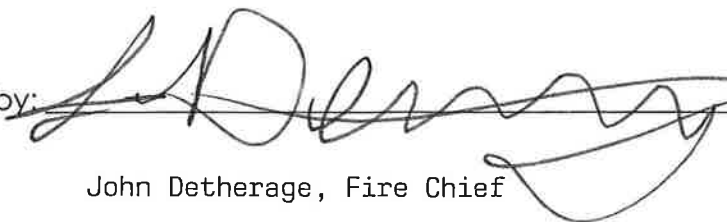
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned: w/comments without/comments

Drawings reviewed by:



John Detherage, Fire Chief

Date: 5-18-12

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department Economic Development  
From: Community Development

Drawings are being submitted to you for the following:

**PC-07-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 47.069 acres of contiguous areas, generally known as Yager Stadium and surrounding areas, Parcel # H3510026000031, being part of lot # 4 and Parcel # H3510026000031, being part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District, **City of Oxford, Applicant**

  X   Review               Revisions               Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....  
Drawings are returned:    w/comments    without/comments

Drawings reviewed by: \_\_\_\_\_



Date: 5-24-12

Victor Popescu, City Engineer

MAY 18 2012

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department ~~Economic Development~~

From: Community Development

Drawings are being submitted to you for the following:

**PC-07-2012 ZONING MAP AMENDMENT** to amend the zoning designations of certain property, approximately 47.069 acres of contiguous areas, generally known as Yager Stadium and surrounding areas, Parcel # H3510026000031, being part of lot # 4 and Parcel # H3510026000031, being part of Lot #5, from Oxford Township A1 to City of Oxford Miami University (MU) District, **City of Oxford, Applicant**

  X   Review             Revisions             Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned:    w/comments    without/comments

Drawings reviewed by: 

Date: June - 4 - 2012

Alan Kyger, Economic Development Director

**Zoning Map Amendment Application**  
City of Oxford, Ohio

2012-PC-07

**REQUIRED INFORMATION**

Name of Applicant: City of Oxford  
(Attach a Letter of Agency if the applicant is not the property owner.)  
Mailing Address: 101 E High St  
Oxford, OH 45056  
Telephone Number(s): 524-5204 Email Address: \_\_\_\_\_  
Location of Property: \_\_\_\_\_  
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)  
Legal Description: H3510026000031, being part of Lot #4 and H3510026000031/  
Total Area: 47.069 Acres / Square Feet (circle one) being part of Lot #5  
Existing Use of Property: MU  
Current Zoning: Township A1  
Proposed Zone(s): MU  
Proposed Use: Miami University

**SUBMISSION REQUIREMENTS**

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of **\$150.00 plus actual postage**, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website ([www.butlercountyohio.org/auditor](http://www.butlercountyohio.org/auditor)) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. \*Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of Community Development, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. Submit materials 45 days prior to the proposed meeting date.

**NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 4/27/12

PRINTED NAME: Jung-Han Chen

**FEE / RECEIPT**

\$150 Fee plus Actual Postage Paid / Receipt Number: NA



**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen  
**Prepared By**

**Account Code No. #:**

**Budgeted Amount:** N/A

July 17, 2012  
**Date Prepared**

|                      |                                                        |
|----------------------|--------------------------------------------------------|
| <b>Agenda Title:</b> | <b>Street Renaming: Wooster Court to Wooster Place</b> |
|----------------------|--------------------------------------------------------|

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

The Final Subdivision of Campus Commons Subdivision Phase II was approved in 2011 and the public improvements (infrastructure improvements) have begun. During the recording of Phase II, Staff discovered that certain street names could create confusion should a request for emergency assistance be made and during government service delivery. The street has not yet been built. To rename the street, the only change needed would be on the recorded plat at the County Recorder's Office.

The recorded final plat shows that the extension of Wooster Place is named Wooster Court. In checking with the City Police Chief and the City Fire Chief regarding correcting the street name from Wooster Court to Wooster Place, they agreed with Staff.

Public safety should be taken into account with this decision. Street names need to be continued across intersecting streets to avoid confusion and to provide logical address numbering for direct first responders to the caller's residence with minimal delay.

|                     |                         |                    |                 |
|---------------------|-------------------------|--------------------|-----------------|
| <b>Approved By:</b> | <b>Department Head:</b> | <b>Initial</b>     | <b>Date</b>     |
|                     | <b>City Attorney:</b>   | <u>JHC</u>         | <u>12/30/12</u> |
|                     | <b>City Manager:</b>    | <u>[Signature]</u> | <u>8/13/12</u>  |

**ORDINANCE NO.**

ORDINANCE CHANGING THE NAME OF "WOOSTER COURT" IN THE CAMPUS COMMONS SUBDIVISION TO "WOOSTER PLACE" AND DIRECTING THE CLERK TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE COUNTY ENGINEER FOR THE APPROPRIATE CHANGE ON THE SUBDIVISION PLAT.

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

Section 1: Council hereby finds extending Wooster Place and naming the extension portion of the street Wooster Court could create confusion for emergency personnel.

SECTION 2: Council hereby without petition pursuant to O.R.C. Section 723.05 orders the change of that certain street in the Campus Commons Subdivision presently designated as "Wooster Court" be hereby changed and officially designated as "Wooster Place".

SECTION 3: The Clerk of Council shall prepare a certified copy of this Ordinance upon its passage and shall forward the same to the office of the County Engineer, requesting that the appropriate change of said street name be entered upon the subdivision plat, and appropriate records.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

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

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# Wooster Place/Court



0 37.5 75 150 Feet



**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 7, 2012

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

July 17, 2012  
**Date Prepared:**

|                      |                                                                                                                                                                       |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>An Ordinance to Repeal Section 309.2 of the Property Maintenance Code and to Adopt a New Section 309.2 of the Property Maintenance Code for the City of Oxford</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

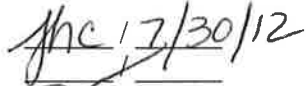
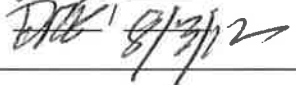
|                                 |
|---------------------------------|
| <b>Recommendation: Approval</b> |
|---------------------------------|

Current Agent regulations stipulate that the designated Agent shall be a resident of Butler County, or a resident of any township in Ohio or Indiana, that adjoins Oxford Township, Butler County, Ohio. The reasoning for the City requiring an Agent is to have a local contact person that can act in a timely and responsive manner in place of the property owner who may reside outside of the immediate area.

Staff has found that the current requirements may be too burdensome and restrictive. In reviewing the requirements from other college towns, it is common to allow for a wider residency area requirement expand into adjoining counties. Given the easy travel from those counties to Oxford, it would not seem to be a difficult adventure for those agents to be in Oxford within a reasonable period of time. The proposed changes would allow for the inclusion of property maintenance companies and apartment complexes that operate business offices in the area.

Additionally, the current regulation does not contain a definition of what constitutes an Agent. It is prudent to generally outline what an Agent is and some general responsibilities of an Agent. However, the specific responsibilities would be determined between the property owner and the Agent-to-be.

Staff is recommending revising the current requirements to widen the territory where the Agent may reside and/or operate a business and to include the definition of Agent as it applies in the rental process.

|                     |                         |                                                                                                                                                                                |
|---------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Approved By:</b> | <b>Department Head:</b> | <br> |
|                     | <b>City Attorney:</b>   |                                                                                                                                                                                |
|                     | <b>City Manager:</b>    |                                                                                                                                                                                |

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REPEALING CURRENT OXFORD PROPERTY MAINTENANCE CODE SECTION 309.2, AGENT REQUIRED, AND ADOPTING NEW SECTION 309.2, AGENT REQUIRED.

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

SECTION 1: Council having received the recommendations from the City Manager and the Community Development Director to repeal the current property maintenance regulations pertaining to rental agents and having reviewed said recommendations hereby agree with said recommendations.

SECTION 2: Council hereby repeals current Oxford Property Maintenance Code Section 309.2, Agent required, and adopts new Section 309.2, Agent required. Additions are in **bold** and deletions are ~~struck through~~ as follows:

**309.2 Agent required.** Every owner of a dwelling not residing on the premises shall appoint and designate an agent to act on his/her behalf. **An owner may act as his/her own agent. The owner** ~~and shall~~ notify the Code Official with the **contact information (mailing address, home, work and cell phone number and email address) of the appointed agent.** ~~telephone number of the appointed agent and~~ The notification shall contain an acceptance of such appointment signed by the designated agent. ~~An individual may act as his/her own agent.~~ The agent required by this section shall be a **permanent** resident of Butler County, Ohio, or ~~a resident of any township, in Ohio or Indiana, that adjoins Oxford Township, Butler County, Ohio.~~ **an adjoining county or an entity operating a permanent office in Butler County, Ohio or an adjoining county. Adjoining counties are Hamilton, Montgomery, Preble and Warren Counties in Ohio, and Dearborn, Franklin and Union Counties in Indiana.**

**Section 309.2.1 Definitions.**

**Agent.** An agent is defined as a responsible person or entity who acts for, or in place of, the owner of a property with the responsibility of providing a healthy and safe environment for the inhabitants by complying with all applicable rules and regulations.

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

\_\_\_\_\_  
MAYOR

ADOPTED:

ATTEST:

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

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance  
\_\_\_\_\_  
Originating Department

Council Meeting Of : 8/7/2012

\_\_\_\_\_  
Joe Newlin

Account Code No. : see below

\_\_\_\_\_  
Prepared By

Budgeted Amount : \_\_\_\_\_

\_\_\_\_\_  
7/30/2012  
Date Prepared

|                      |                                    |
|----------------------|------------------------------------|
| <b>Agenda Title:</b> | <b>2012 Supplemental Budget #3</b> |
|----------------------|------------------------------------|

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

## Issue 1

Received winning bid of \$269,500 for improvements to the City's parking garage as a result of consultants review of the structure, plus \$14,500 construction inspections by consultant

### Action Needed:

#### Revenue Side

|                         |            |                               |
|-------------------------|------------|-------------------------------|
| Parking Improvement 142 | 189,000.00 | Transferred from Parking Fund |
|-------------------------|------------|-------------------------------|

#### Expense Side

|                         |            |                                                       |
|-------------------------|------------|-------------------------------------------------------|
| Parking 130             | 189,000.00 | Transfer to Parking Improvement Fund                  |
| Parking Improvement 142 | 189,000.00 | Increase in appropriation needed to fund improvements |

|                                |              |  |
|--------------------------------|--------------|--|
| Net Effect on Fund Balance/(s) | (189,000.00) |  |
| Increase/(Decrease)            |              |  |

## Issue 2

Donation from Oxford Community Foundation Red Brick and Ivy Fund of \$2,300 need to record revenue along with an offsetting expenditure of \$2,300 for painting project in Uptown Park

### Action Needed:

#### Revenue Side

|             |          |                                           |
|-------------|----------|-------------------------------------------|
| General 110 | 2,300.00 | Donation from Oxford Community Foundation |
|-------------|----------|-------------------------------------------|

#### Expense Side

|             |          |                                           |
|-------------|----------|-------------------------------------------|
| General 110 | 2,300.00 | Appropriation for painting in uptown park |
|-------------|----------|-------------------------------------------|

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

|                                      |              |  |
|--------------------------------------|--------------|--|
| Total Net Effect on Fund Balance/(s) | (189,000.00) |  |
| Increase/(Decrease)                  |              |  |

Breakdown by Fund

|                                                       |              |
|-------------------------------------------------------|--------------|
| General 110                                           | -            |
| Parking 130                                           | (189,000.00) |
| Parking Improvement 142                               | -            |
| Net Effect on Fund Balance/(s)<br>Increase/(Decrease) | (189,000.00) |

Approved By:

Department Head:

City Manager:

Initials

Date

|                                                                                   |   |         |
|-----------------------------------------------------------------------------------|---|---------|
|  | / | 7/25/12 |
|  | / | 8/3/12  |

**ORDINANCE NO.**

AN ORDINANCE AMENDING ORDINANCE NO. 3159. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2012.

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

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

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

|                              |            |
|------------------------------|------------|
| General Fund 110             | 2,300.00   |
| Parking Improvement Fund 142 | 189,000.00 |

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

|                              |            |
|------------------------------|------------|
| General Fund 110             | 2,300.00   |
| Parking Fund 130             | 189,000.00 |
| Parking Improvement Fund 142 | 189,000.00 |

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

|                  |            |
|------------------|------------|
| Transfer from:   |            |
| Parking Fund 130 | 189,000.00 |

|                              |            |
|------------------------------|------------|
| Transfer to:                 |            |
| Parking Improvement Fund 142 | 189,000.00 |

SECTION 5: In all other respects, Ordinance No. 3159 shall remain in full force and effect.

SECTION 6: This ordinance shall take effect immediately upon its adoption.

\_\_\_\_\_  
MAYOR

ADOPTED: \_\_\_\_\_

ATTEST:

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

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** July 17, 2012

Jung-Han Chen  
**Prepared By:**

**Account Code No. #:**

**Budgeted Amount:**

July 11, 2012  
**Date Prepared:**

|                      |                                                                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>PC-04-2012 CONDITIONAL USE - 321 W. Spring Street</b> , to establish a drive-in/drive-through fast food restaurant in a GB (General Business) District, <b>Allen Ansorg, Applicant, Agent</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

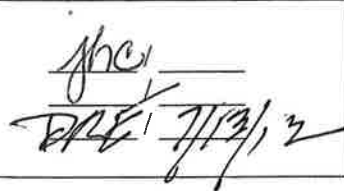
|                                                       |
|-------------------------------------------------------|
| <b>Recommendation:</b> <b>Approval with Condition</b> |
|-------------------------------------------------------|

**Discussion:**

The Planning Commission held a Public Hearing for this Conditional Use Application to establish a drive-in/drive-through in a GB District.

The Applicant is seeking to reuse a former bank with a drive-through as an ice-cream drive-in/drive-through with minimal changes to the exterior of the building. The Applicant also plans to provide an outdoor seating arrangement throughout the site to provide a family atmosphere and a central location for community members. The Applicant also indicated that the planned business hours are between 11:00 a.m. to 9:30 p.m. to accommodate various community activities. The business will be open only ten months of the year and will be closed during the winter months.

Discussion took place regarding pedestrian safety and vehicular movement within the site, specifically the second drive-through lane that will be closed for vehicle access but used for customer seating. The Planning Commission reviewed the Decision Standards and voted 6-0-0 to recommend APPROVAL to City Council with a condition that a sufficient barrier be provided in front of the second drive-through lane to the satisfaction of the Community Development Director.

|                     |                         |                                                                                       |
|---------------------|-------------------------|---------------------------------------------------------------------------------------|
| <b>Approved By:</b> | <b>Department Head:</b> |  |
|                     | <b>City Attorney:</b>   |                                                                                       |
|                     | <b>City Manager:</b>    |                                                                                       |

**ORDINANCE NO.**

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A FAST FOOD RESTAURANT WITH A DRIVE-THROUGH IN THE GENERAL BUSINESS DISTRICT AT 321 W. SPRING STREET WITH ONE CONDITION.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on July 10, 2012 for the purpose of considering the request of Allen Ansorg, Applicant/Agent, for a conditional use permit for a fast food restaurant with a drive-through in the General Business District at 321 W. Spring Street.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application for the fast food restaurant with the following condition:

- a. A substantial barrier shall be installed in front of the western drive-through lane to block vehicular traffic.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a fast food restaurant with a drive-through in the General Business District at 321 W. Spring Street with one condition.

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

---

MAYOR

ADOPTED:

ATTEST:

---

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

|                                                    |                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Report Date</u></b>                          | July 17, 2012                                                                                                                                                                                                                                                                                                                                                    |
| <b><u>Case Number</u></b>                          | PC-04-2012                                                                                                                                                                                                                                                                                                                                                       |
| <b><u>Applicant Information</u></b>                | Allen Ansorg, Applicant, Agent                                                                                                                                                                                                                                                                                                                                   |
| <b><u>Requested Action</u></b>                     | Conditional Use Permit                                                                                                                                                                                                                                                                                                                                           |
| <b><u>Summary of Request</u></b>                   | To Establish a Drive-In/Drive-Through Fast Food Restaurant in a GB (General Business) District                                                                                                                                                                                                                                                                   |
| <b><u>Public Hearing Information</u></b>           | On July 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on May 11, 2012. Courtesy notices were mailed to adjacent property owners on May 17, 2012 and June 20, 2012. The second mailing took place due to having to cancel on short notice the June 12, 2012 Planning Commission meeting.  |
| <b><u>Commission Action</u></b>                    | The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit with one condition.                                                                                                                                                                                                                                                      |
| <b><u>Commission Findings and Conclusions</u></b>  | At the July 10, 2012 Planning Commission meeting, the Commission, after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use with one condition that a sufficient barrier be provided in front of the second driveway to the satisfaction of the Director of Community Development.              |
| <b><u>Exhibits Submitted to the Commission</u></b> | <ol style="list-style-type: none"><li>1. Staff Report Dated June 12, 2012</li><li>2. Interoffice Review Transmittal Sheets</li><li>3. Property Notifications Map</li><li>4. Citizen Review and Comment Form</li><li>5. Letter of Agency</li><li>6. Conditional Use Permit Application Dated April 26, 2012</li><li>7. Site Plan</li><li>8. Photographs</li></ol> |

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

**Planning Commission**

**Case # PC-04-2012**

**Date – June 12, 2012**

---

**APPLICATION**

|                                 |                                                                                                                                    |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Applicants:                     | Allen Ansorg                                                                                                                       |
| Location:                       | 321 W. Spring Street                                                                                                               |
| Owners                          | Daren Redpath/EVR Investment LLC                                                                                                   |
| Action Request:                 | Conditional Use Permit Application to Establish a Drive-In/Drive-Through Fast Food Restaurant in a GB (General Business) District. |
| Current Use:                    | Vacant bank with a drive/through                                                                                                   |
| Current Zoning                  | GB (General Business) District                                                                                                     |
| Surrounding Existing Land Uses: | Vacant commercial site, retail and apartment complex                                                                               |

---

**GENERAL DESCRIPTION**

The Applicant is requesting approval of a Conditional Use Permit to establish a drive-in/drive-through restaurant at a current vacant site, formerly used by a bank. The Applicant intends to use only one drive-thru window for servicing purposes. The second lane will be turned into a shelter for sitting or eating. The Applicant also indicated that minimal modifications were needed to accommodate needed equipment.

**SURROUNDING NEIGHBORHOOD**

The zoning around this site is GB (General Business) District. There is a vacant commercial site to the south and east; retail to the west; an apartment complex to the southwest and a vehicle service/repair shop to the north.

**ZONING CODE REGULATIONS**

***GB General Business District***

1143.12(b)(2) Conditional Uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A Retail Services
- 5. Drive-in and fast-food restaurants.

***Conditional Use***

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

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

**§1143.12(b)(2)(5) GB District Conditional Uses:**

**STAFF FINDINGS:** Drive-through restaurant facility is a Conditional Use.

**§1147.03 Conditional Use: Use Specific Regulations and Potential Concerns:**

(b)(10) Drive-Through Restaurant Facilities

A. Potential Concerns:

1. Design of vehicle management area.
2. Noise from operations (vehicles and loudspeaker).
3. Signs and menu boards.
4. Location and adequacy of dumpsters.

B. Regulations.

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.
2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.
3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

**COMPREHENSIVE PLAN**

The subject property is located in a corridor enhanced area identified in the 2008 Comprehensive Plan. The development intent for this area is to enhance landscaping, signage, and access along the corridor to improve the local image when entering the City; promote and attract new commercial uses, and enhance connectivity and the design of existing uses through public and private investment.

Relevant Land Use Principles that may be applicable to this request.

**3. Infill development and redevelopment of underutilized sites is a priority**

**Objectives: Support the redevelopment of commercial areas along Locust Street**

- LU 5.1. Focus future efforts on infill development and redevelopment of existing sites and not physical of commercial district.
- LU 5.2: Focus future uses on community oriented.
- LU 5.3: Enhance the Zoning Code to provide for increased buffering between commercial and residential uses including screening, noise restrictions, lighting restrictions, trash receptacle screening.
- LU 5.4 Develop additional pedestrian and bicycle linkages along Locust Street.
- LU 5.5 Create architectural and site controls for office, retail and residential uses along Locust Street to guide new development that complements the small

**AGENCY COMMENTS**

|                      |                          |
|----------------------|--------------------------|
| Fire                 | Returned without comment |
| Police               | No comments returned     |
| Engineering          | Returned with comments   |
| Economic Development | Returned with comments   |

**PUBLIC COMMENT FORMS**

None received.

**DECISION CRITERIA**

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

## **STAFF ANALYSIS**

This application is to seek to reuse a former bank with a drive-through as an ice-cream drive-in/drive-through with minimal changes to the exterior of the building. The Applicant also plans to provide an outdoor seating arrangement throughout the site to provide a family-atmosphere and a central location for community members.

The Applicant also indicated that the planned business hours are between 11:00 a.m. to 9:30 p.m. to accommodate various community members. The business will be open only ten months of the year and be closed during winter months.

The site has a pedestrian sidewalk along Spring Street and separate vehicular ingress and egress points to provide a managed traffic movement. The site was designed and built to be automobile-oriented. Additional interior cross-walk markings would be ideal for pedestrians to access from the public sidewalk to the building, without competing with automobiles. The Applicant indicated that "highly visible" signage would be added in strategic locations to help protect pedestrians. The Applicant also indicated that additional crosswalks would be added from the shop to the grassy area in the center of the property.

This would seem to be a good reuse plan for the site and type of business to be located in this particular location. The idea of creating outdoor seating areas to be scattered around the site certainly projects additional ambience, specifically to the community that has a large number of community members walking to various places. The attached site plan shows that most of the picnic tables would be located to the rear of the property to allow patrons to sit and enjoy their food.

One concern is a potential waste management issue. When the business becomes successful, and outdoor seating and vehicles increase, the placement/number of trash containers may need addressed.

## **RECOMMENDATION**

Not Applicable

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SUBMITTED

BY:

  
Jung-Han Chen,  
Community Development Director

DATE:

6/1/12

## ATTACHMENT

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

(1) Burden of proof.

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: **Fire Department** Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-04-2012 CONDITIONAL USE, 321 W. Spring Street, to establish a drive-in/drive-through fast food restaurant in a GB (General Business) District, Allen Ansorg, Applicant, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:

Date: 5-18-12

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

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  X   Review            Revisions            Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned:   w/comments   without/comments

*SEE MEMO DATED 5-24-12.*

Drawings reviewed by: *A. Ansorg* Date: *5-24-12*





## Memo

Service Department  
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.  
City Engineer

RE: PC-04-2012  
321 W. Spring St.; Conditional Use

DATE: May 24, 2012

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The following are our comments.

1. This being a commercial establishment (i.e. fast food), a backflow preventer must be part of the proposed establishment.
2. As a fast food establishment, grease will be a concern. A grease trap will be necessary.

City of Oxford  
Inter-Office Review Transmittal Sheet

Date: 5/18/2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

**PC-04-2012** **CONDITIONAL USE, 321 W. Spring Street**, to establish a drive-in/drive-through fast food restaurant in a GB (General Business) District, **Allen Ansorg, Applicant, Agent**

X      Review      \_\_\_\_\_ Revisions      \_\_\_\_\_ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **6/8/2012** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Mr. Ansorg is redeveloping a vacated bank building which had an approved drive through window. As I understand it, the new use will consist of mainly ice cream sales and some food and coffee sales. This would seem to create a fairly low impact use of the drive through facilities. This application seems to be an ideal reuse plan for this site.

Drawings reviewed by: \_\_\_\_\_

Date: 6-4-2012

# PC-04-2012

## Legend

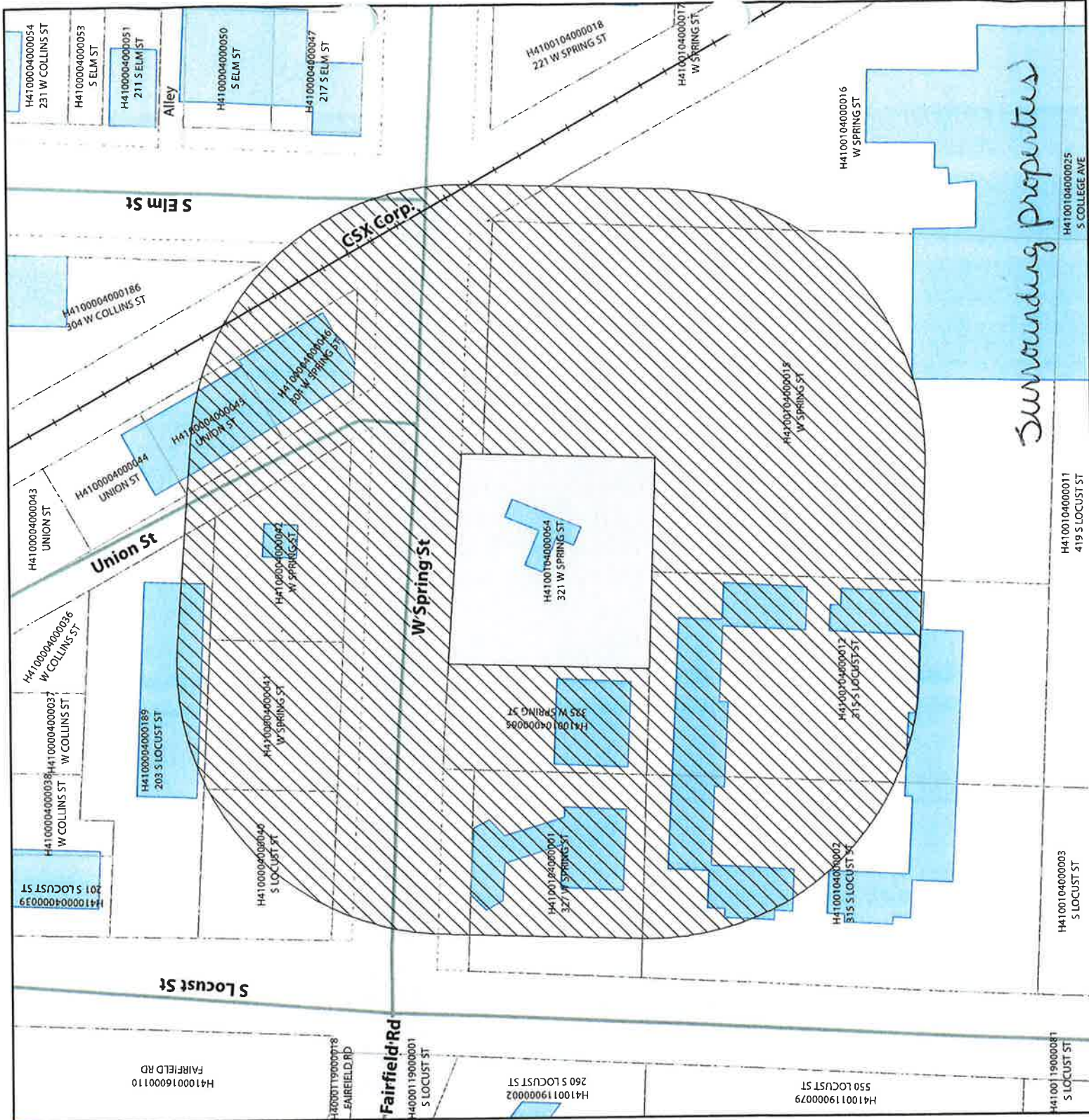
-  321 West Spring Street
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet



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.



*Surrounding Properties*

**From:** Daren Redpath <d\_redpath@msn.com>  
**To:** Allen Ansorg <allenansorg@aol.com>  
**Subject:** Permit Letter  
**Date:** Tue, Apr 24, 2012 11:57 am

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EVR Investments LLC.  
853 S. State Rd. 101  
Liberty, Indiana 47353  
765-458-7414

Allen Ansorg  
Spring Street Treats  
321 W. Spring St.  
Oxford, Ohio 45056

City Of Oxford  
High Street  
Oxford, Ohio 45056

Re: Conditional use permit letter of agency

This applicant is permitted by EVR Investments LLC. to apply for a conditional use permit for a drive through at the property located at 321 W. Spring St., Oxford, Ohio 45056.

Any questions please contact Daren Redpath at 765-458-7414.

Thank you,

Daren Redpath  
Managing Member  
EVR Investments LLC.

**Conditional Use Permit Application**  
City of Oxford, Ohio

6/12/12 intg 7/12

**REQUIRED INFORMATION** (print clearly)

Name of Applicant:

Allen Ansorg

(Attach a letter of agency if the Applicant is not the property owner)

Mailing Address:

6462 Contreras Rd., Oxford, OH 45056

Email Address: allen@springstreettrai

Telephone Number(s): mobile: (513) 405-3282

home: (513) 524-3046

Name of Property Owner (if other than Applicant)

Daren Redpath

Location of Property:

321 W. Spring St., Oxford, OH 45056

Legal Description:

Lot 2685

Zoning District:

GB

Total Area:

0.51

(Acres / Square Feet (circle one))

Existing Use Description:

Property was vacant for about four years

it was formerly a small bank with two drive through lanes

Proposed Use Description:

Spring Street Treats - a home town snack shop

Serving soft serve, hot dogs, soft pretzels and other snacks.

**SUBMISSION REQUIREMENTS**

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

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

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

**Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:**

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

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

**On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. \*Property Owner names will not be included in the agenda packet.**

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

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

**Incomplete applications will not be processed.**

**NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.**

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Signature of Applicant

Allen Ansorg  
Printed Name

Date: 4/23/12

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**FEE / RECEIPT**

\$400 Fee plus Postage Paid / Receipt Number: 17575.32

## Conditional Use Permit Application Narrative Statement

Submitted on April 26, 2012 by Allen Ansorg for

### **Spring Street Treats**

321 West Spring Street, Oxford, OH 45056

How the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. *The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.*** Conditional use applies to 321 W. Spring St. because of the existence of a drive through service window. Spring Street Treats will be a hometown small business that serves soft serve ice cream and other treats for onsite consumption and from our drive through service window. Drive through service is common in the fast food industry and customers expect and will utilize this convenient option. The business location has been vacant for approximately four years and was formerly a bank with two drive through service lanes. Spring Street Treats will only use a single drive through lane that runs directly next to the building. The other extra lane will be converted into a sheltered on premise sitting and eating area.
- B. *The use and site will satisfy the general intent of this Zoning Coda.*** 321 W. Spring St. is located within Oxford's General Business (GB) district and is zoned for restaurant / retail use.
- C. *The use and site will be compatible with the general intent of the Comprehensive Plan.*** The Land Use Chapter of the Comprehensive Plan emphasizes the importance of redeveloping and filling in the vacant and underutilized business sites in Oxford. This has been identified by community member feedback as a priority for the city to aid in its economic growth and overall appearance. The vacant former Wal\*Mart property was specifically named as a "weak place" in the city according to the Comprehensive Plan. 321 W. Spring St. has been vacant for about four years and is located right next to the vacant Wal\*Mart location. Starting Spring Street Treats in this location will create jobs and increase tax revenue for Oxford, both of which will improve the city's fiscal health, as explained in the Comprehensive Plan.
- D. *The size and shape of the site are sufficient for the proposed use.*** The size and shape of 321 W. Spring St. are perfect for the Spring Street Treat business. There is ample parking available on site and in the immediate vicinity. The grassy areas of the property will have benches and tables scattered throughout it for individuals and groups to enjoy their treats. The property is also tree lined which adds to the appeal and appearance of the area.
- E. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*** Spring Street Treats will not present any hazards

to existing or potentially neighboring uses. If concerns arise, I will do my best to mitigate them. There is an apartment complex(Locust South Apartments) neighboring the southern edge of the property. Only a few (I estimate four) of the apartments in the complex have the direct potential to be negatively affected by any possible visual or noise concerns. Multiple mature trees follow the property line between the two properties helping to separate them. These trees help create a visual and sound barrier. Additional barriers (such as trees, bushes or fence) could be added to help further insulate the apartments if needed. The two properties did coexist for many years when 321 W. Spring St. was formerly a bank location. Otherwise, there are not many other neighbors that can be negatively impacted by the business presence. Spring Street Treats is intended to be a benefit to the community. The goal is to bring additional customers to other businesses in the area and provide a fun and safe business to the west side of Oxford. 321 W. Spring St. and the large neighboring former Wal-Mart location have been vacant and unused for many years. Creating Spring Street Treats will bring jobs, tax revenue and an enjoyable experience to Oxford. As part of the General Business District, 321 W. Spring St. is zoned and intended for food service use.

- 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.*** Spring Street Treats will not have or create or operate under any of these conditions. Spring Street Treats is a hometown snack shop offering treats to residents and visitors to Oxford to enjoy in a clean, safe and enjoyable atmosphere. Menu items will include soft serve, hot dogs, side dishes, soft pretzels and Coca-Cola products. A limited selection of unique bulk candy and seasonal retail items will also be available. None of the restaurant equipment used to operate the business will have an open flame, thus reducing the potential for odor, smoke, fumes or personal / property damage due to a possible fire. At a mere 631 square feet, the business is small and efficient. There are exits at the north and south ends of the building. There will be no additional exterior lighting added to the property than currently exists and was in use when the former bank was in operation.
- 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.*** Spring Street Treats has no intention of creating any accessory uses for the business location. We will sell delicious treats to the residents of and visitors to Oxford in a clean, safe and welcoming atmosphere. Currently planned business hours are 11 AM to 9:30 PM. The business likely will operate just ten months of the year and be closed seasonally during the months of January and February annually. It is a seasonal business, so the number of customers will vary throughout the course of the year. I expect to average about 150 customers a day.
- 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.*** Spring Street Treats is accessible directly off of W. Spring St.. There are new, accessible sidewalks in

front of the property. City water, sewer and trash services are currently in use. No dumpster will be used. Two or three waste wheelers provided by Rumpke will be placed on the property. Four large drainage structures are strategically located on the site. Oxford Fire Department is caddy-corner to Spring Street Treats less than 100 yards away. I have informed Oxford Police of the new business and have sent my contact information to Perry Gordon, Business Liaison Officer for the Oxford Police.

- I. *Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.* The existing design of the site will not be changed from its current, original state. I do not foresee development of the site and operation of the use requiring any public expenditure. Improvements have been made and more will be performed to help control vehicular traffic and ensure the safety of visitors. Two crosswalks will be added from the shop to the grassy area in the center of the property. Directional arrows for vehicular traffic will be improved and increased with signage and arrows painted on the roadway to clearly indicate the flow of traffic and require a slow rate of speed on the property. Highly visible signage such as "caution children" and "crosswalk" will be added in strategic locations to help protect pedestrians.
- 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. The existing building will not be structurally altered from its original and current design. The business location is not in a residential zoned area. No additional structures will be constructed on the site. The facility will be well maintained to be clean, safe and welcoming. The building has already been painted inside and out and has been improved dramatically from its former appearance.
- 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.* On site-traffic flow is appropriate and well designed. Upon entering 321 W. Spring St. vehicular traffic can proceed to the east side of the building to park or the west side of the building to access our drive through service window. These two areas merge slowly to exit the property. All traffic flow is clockwise in one direction. Traffic directional flow will be well marked and easily understandable. The eastbound and westbound roadways in front of the business location are very wide. Eastbound vehicular traffic can turn directly into the business entry driveway safely with excellent pedestrian visibility. Vehicles traveling westbound on W. Spring St. can stop in front of the business location safely without impeding westbound traffic flow due to the wide roadway. Deliveries to Spring Street Treats will be minimal as I intend to use just a few vendors. Pedestrian access to the site is safe. A location will be set up for stroller and bicycle parking.
- L. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.* There will be no external construction at

321 W. Spring St. from its current original design and use. No historic features will be negatively impacted.

*M. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use of the proposed location.* Necessary permits and licenses have been or will be obtained as required to properly start and operate the business.

*Submitted by:*

*Allen Ansorg (owner)  
Spring Street Treats  
312 W. Spring St.  
Oxford, OH 45056*

*Mobile #:405-3282*

*Home #: 524-3026*

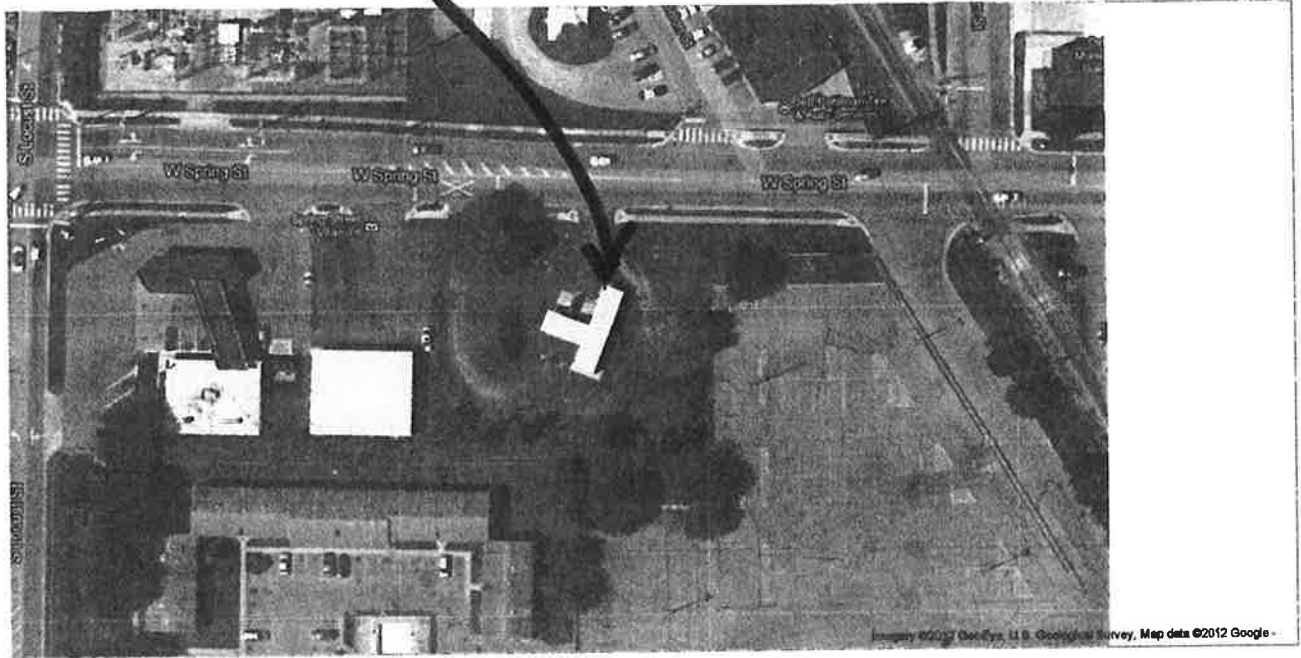
*Email: [allen@springstreettreats.com](mailto:allen@springstreettreats.com)*

*Website: [www.springstreettreats.com](http://www.springstreettreats.com)*

*Home Address:*

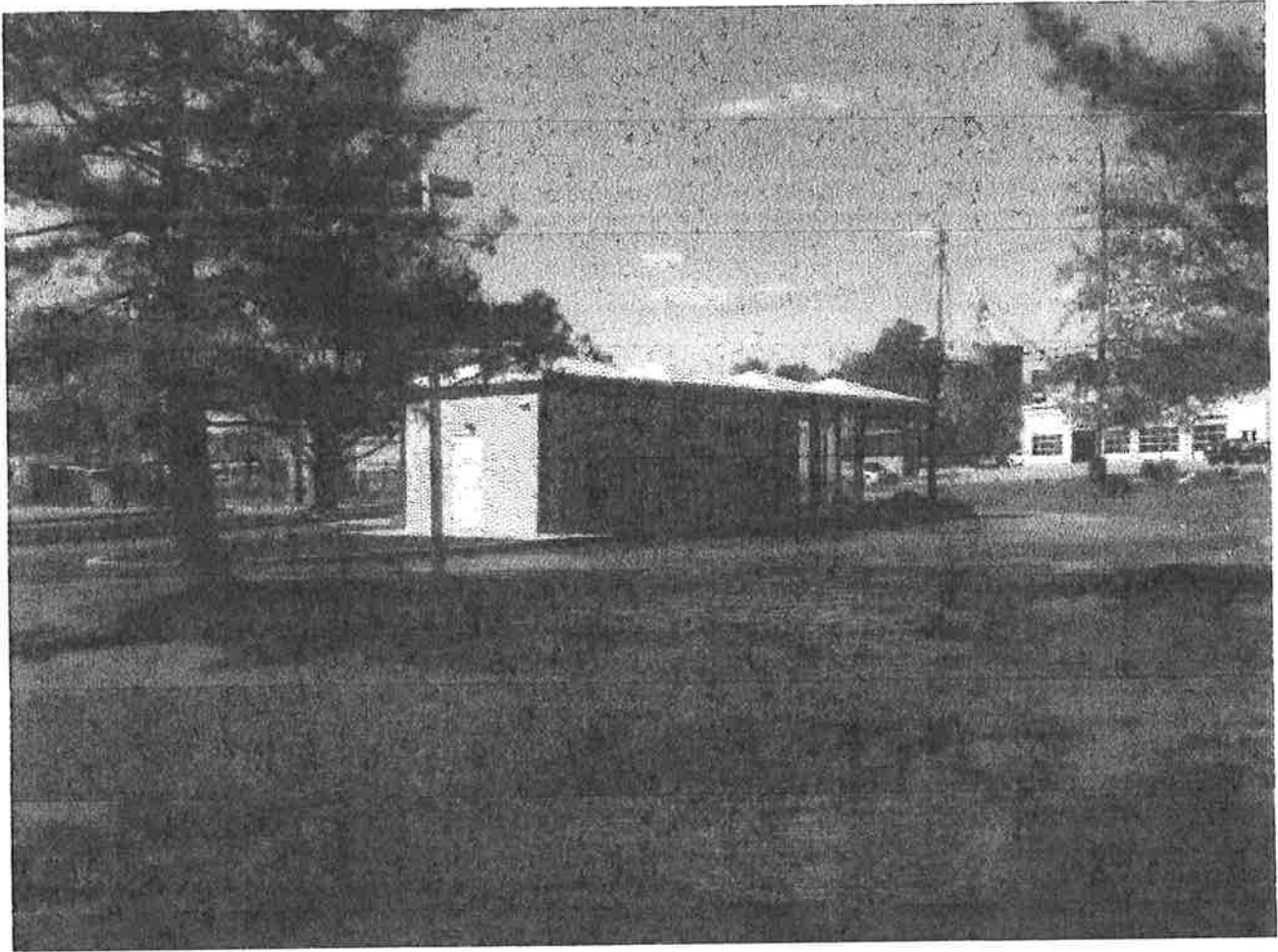
*6462 Contreras Rd.  
Oxford, OH 45056*

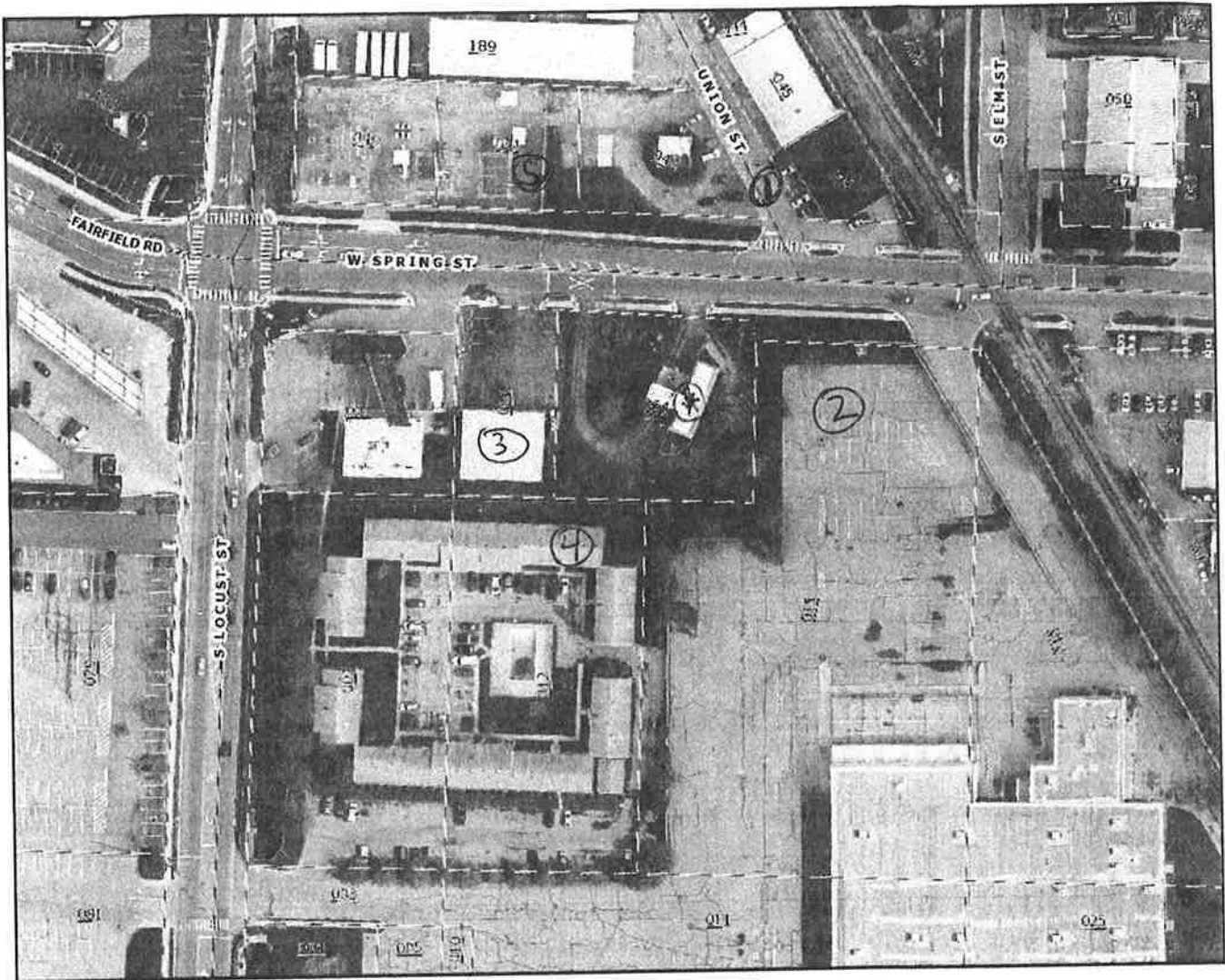












FOR INFORMATION PURPOSE ONLY NOT INTENDED FOR USE AS A SURVEY

Names and addresses of all adjoining property owners within 200 feet of the site.

\* = Spring Street Treats, 321 W. Spring St.

(1), (2) & (3) Properties owned by EVR Investments LLC, 853 S. State Rd.101,  
Liberty, IN 47353

(4) Locust South Apartments, owned by Day Estates LLC, 5273 College Corner Pike,  
Oxford, OH 45056-2061

(5) owned by Duke Energy Ohio Inc, Property Tax Division, 550 S. Tryon St.,  
PO Box 1321, Charlotte, NC 28202