

**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

Agenda Title:	Street Renaming: Wooster Court to Wooster Place
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Recommendation:	Approval
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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.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>12/30/12</u>
	City Manager:	<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

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 ⁽¹⁾⁽²⁾⁽³⁾

Year	Effort	Estimates
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
	Year One	\$201,500
2013	(a) 4 th Level – Replace Control Joint Sealant.....	\$10,000
	(b) 4 th Level – Replace Crack Sealant.....	\$10,000
	(c) 4 th Level – Install Cove Sealant at Perimeter Curbs.....	\$5,000
	(d) 4 th Level – Install Traffic Bearing Membrane on Slab.....	\$70,000
	(e) 4 th Level – Repair Concrete Topping Slab	\$4,000
	(f) 4 th 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 & 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
	Year Two	\$151,500

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

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

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: July 17, 2012

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

July 11, 2012
Date Prepared:

Agenda Title:	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
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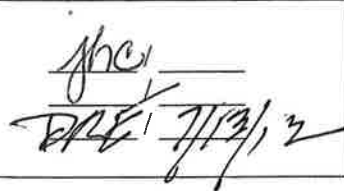
Recommendation: Approval with Condition

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.

Approved By:	Department Head:	
	City Attorney:	
	City Manager:	

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

<u>Report Date</u>	July 17, 2012
<u>Case Number</u>	PC-04-2012
<u>Applicant Information</u>	Allen Ansorg, Applicant, Agent
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To Establish a Drive-In/Drive-Through Fast Food Restaurant in a GB (General Business) District
<u>Public Hearing Information</u>	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.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit with one condition.
<u>Commission Findings and Conclusions</u>	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.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated June 12, 2012 2. Interoffice Review Transmittal Sheets 3. Property Notifications Map 4. Citizen Review and Comment Form 5. Letter of Agency 6. Conditional Use Permit Application Dated April 26, 2012 7. Site Plan 8. Photographs

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

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

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

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

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

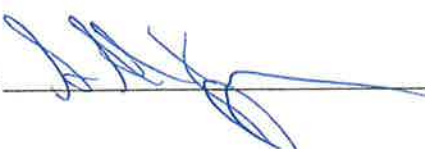
 X Review Revisions Other

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

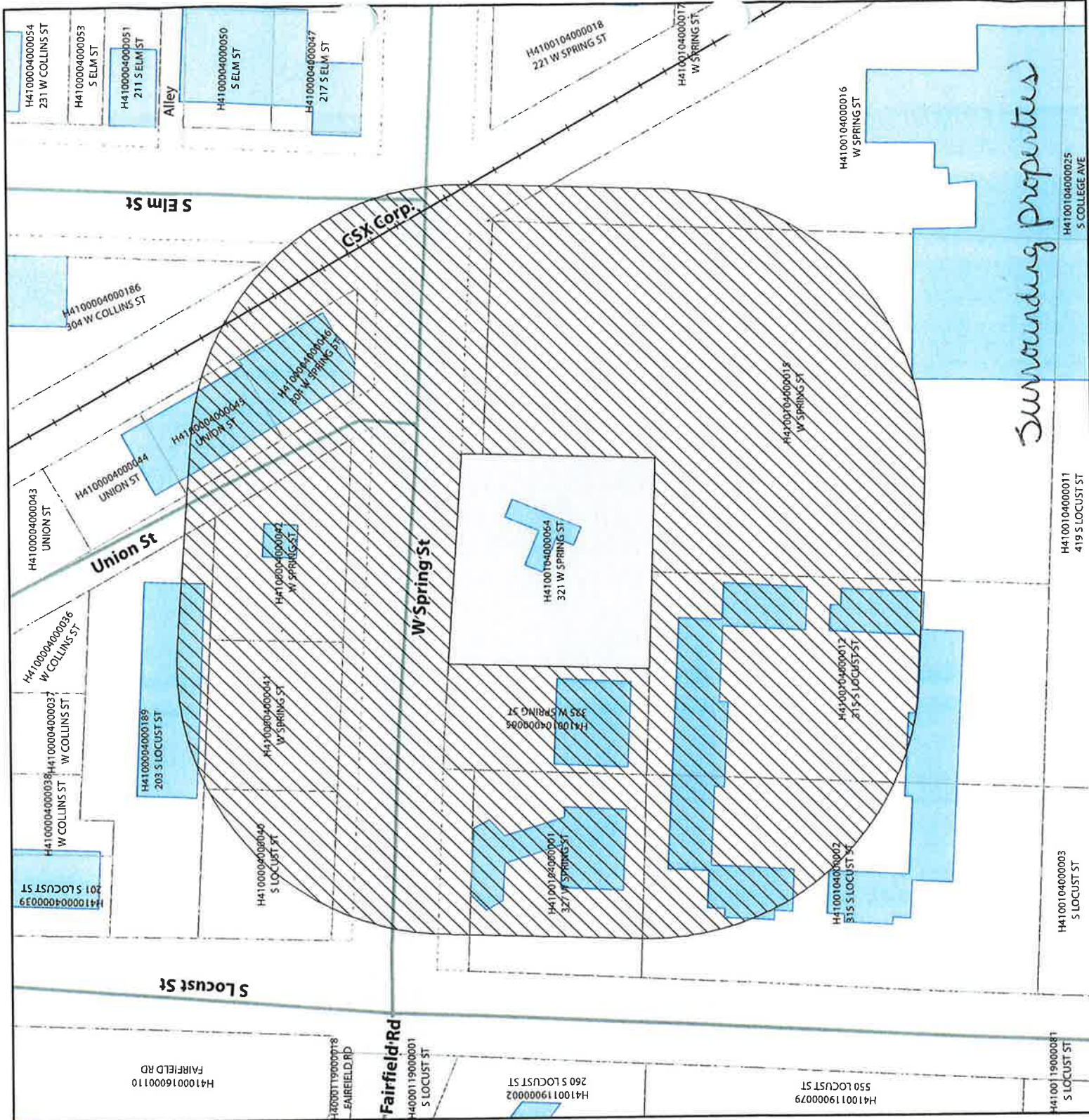
-  321 West Spring Street
-  200 Ft. Buffer
-  Oxford Corporation Limit
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



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

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) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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

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.


Signature of Applicant


Printed Name

Date: 4/23/12

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.

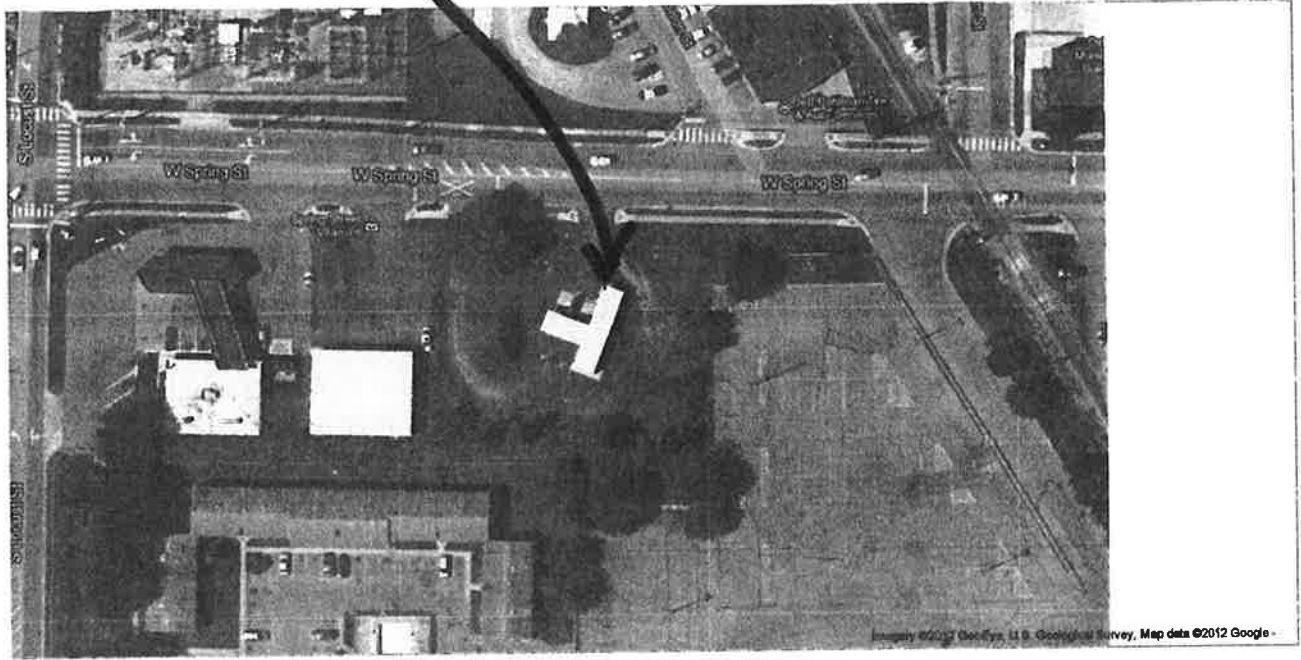
Submitted by:

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

*Mobile #: 405-3282
Home #: 524-3026
Email: allen@springstreettreats.com
Website: www.springstreettreats.com*

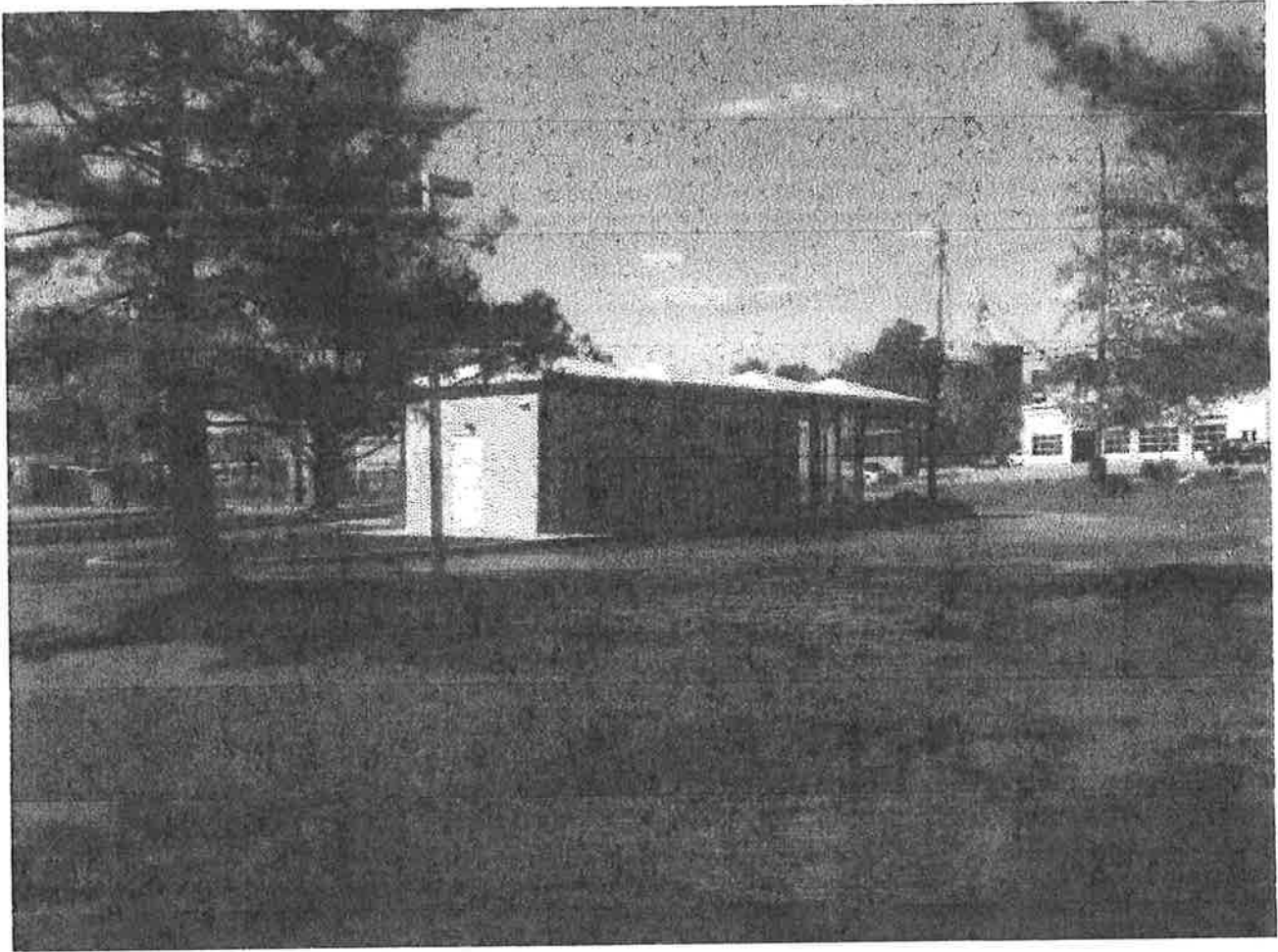
*Home Address:
6462 Contreras Rd.
Oxford, OH 45056*

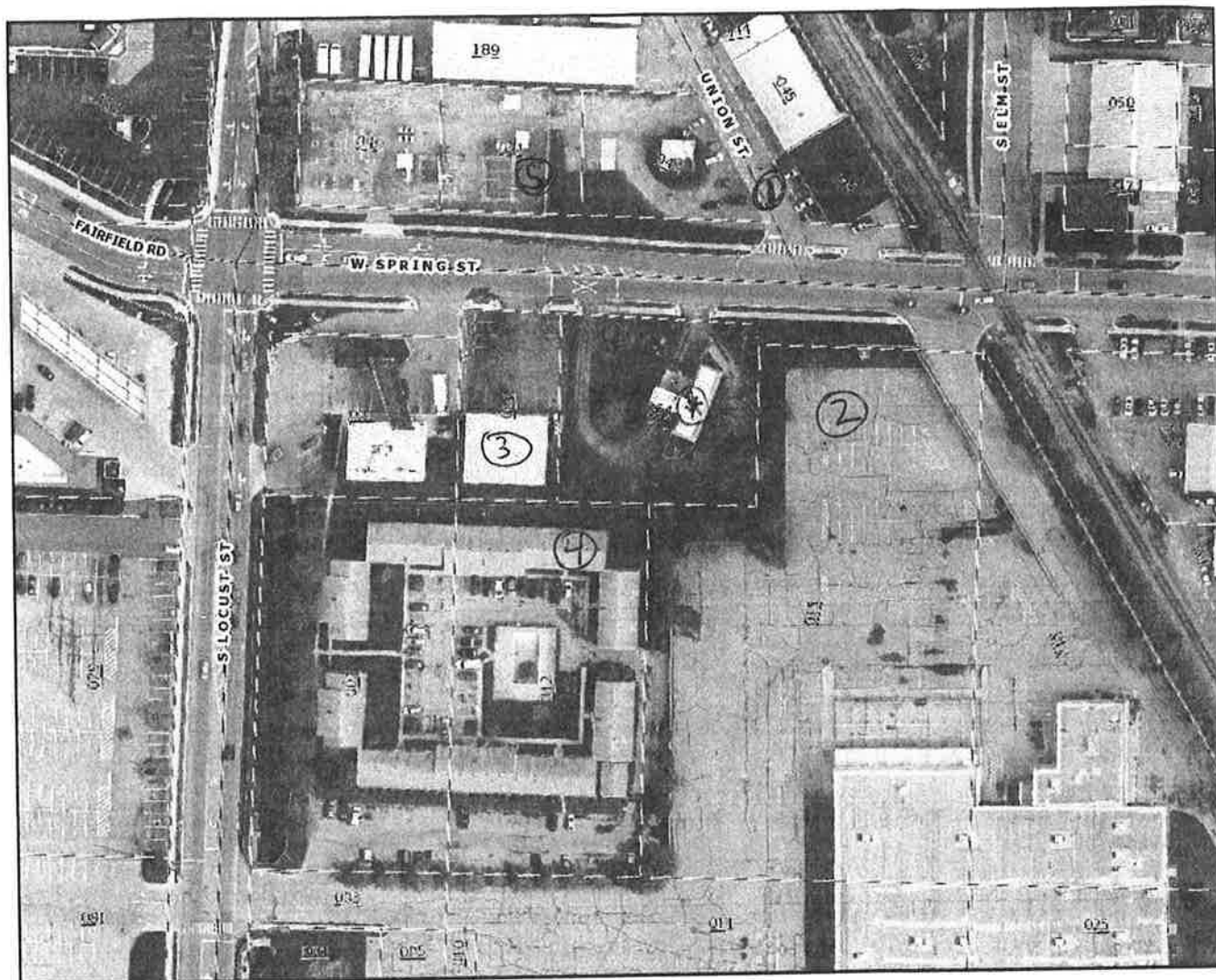












FOR INFORMATION PURPOSE ONLY NOT INTENDED FOR USE AS A SURVEY

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

**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**

<u>Report Date</u>	July 27, 2012
<u>Case Number</u>	PC-06-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	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.
<u>Public Hearing Information</u>	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.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 30, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated April 27, 2012 4. May 2009 Aerial Photography

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 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.

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

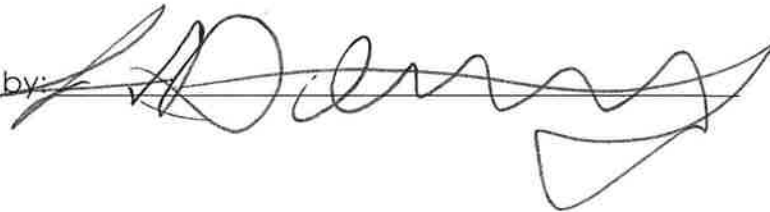
Comments or status update requested by: Lynn Taylor

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**

 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: _____

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:

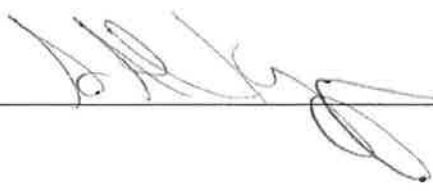
PC-06-2012 ZONING MAP AMENDMENT to amend the zoning designations of certain property, approximately 304.7 acres of land along SR 73, being Parcel # H3610027000008, Parcel # H3610027000009, Parcel # H3510027000007 and Parcel # H3610027000005 from Oxford Township A1 and B-PUD to City of Oxford Miami University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

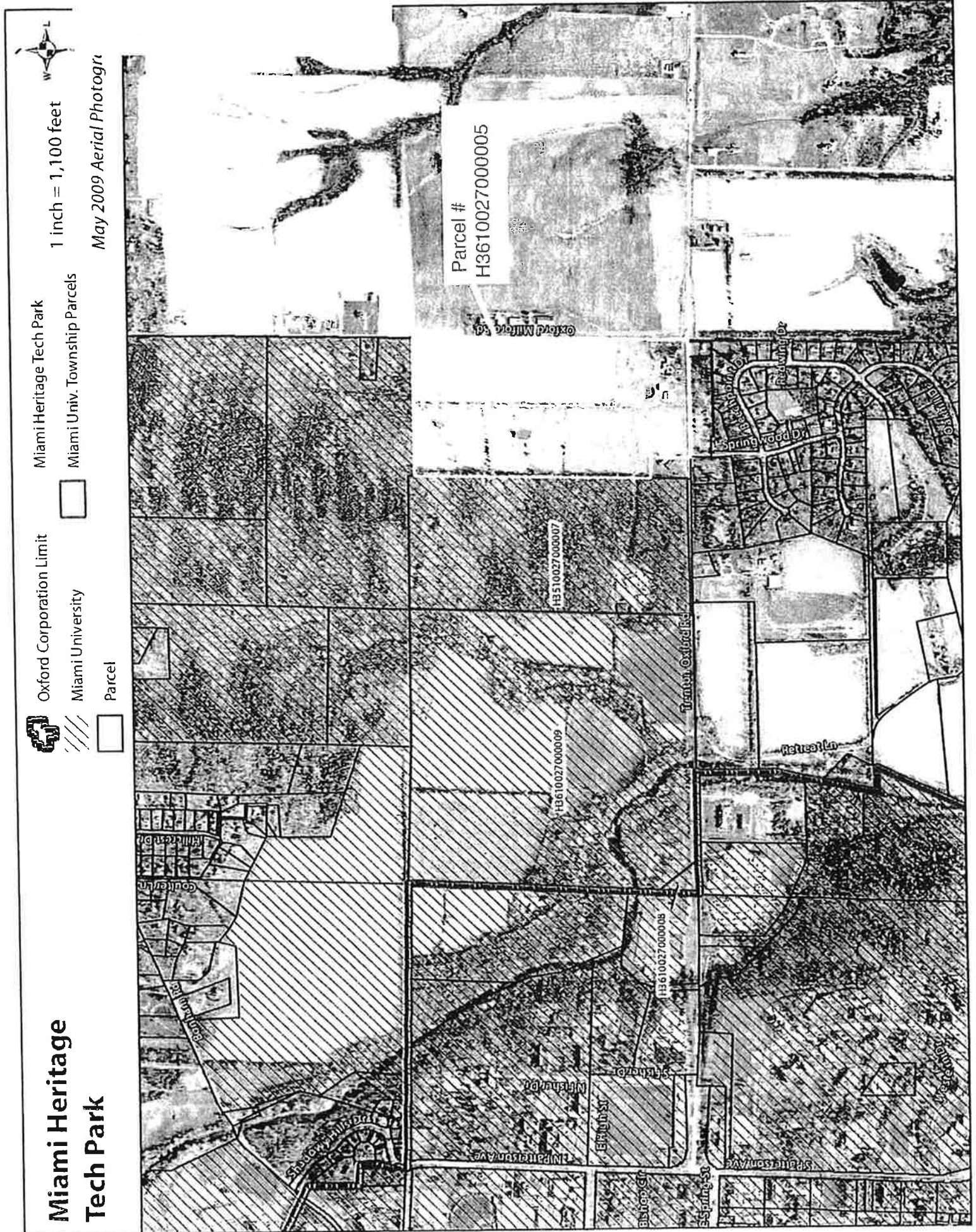
PRINTED NAME:

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

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

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

July 24, 2012
Date Prepared

Agenda Title: **Board of Zoning Appeals Meeting Report – July 18, 2012**

Recommendation: **N/A**

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

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:

Agenda Title:	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
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Recommendation: Approval

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.

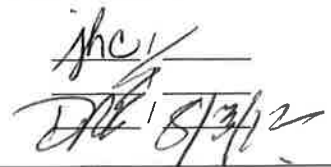
City Council created an Agricultural Open Space District in 2011 in order to allow agricultural uses to be continued in the Corporate Limits. This property has been used for agricultural purposes for quite some time. There is no immediate development pressure for this site and is ideal for the Agricultural 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**

<u>Report Date</u>	July 27, 2012
<u>Case Number</u>	PC-05-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	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
<u>Public Hearing Information</u>	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.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 9, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated April 25, 2012 4. Location Map

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

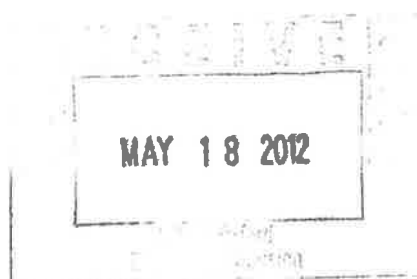
Comments or status update requested by: Lynn Taylor

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**

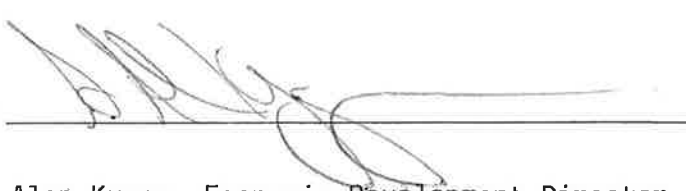
 X Review Revisions Other

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: 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) 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

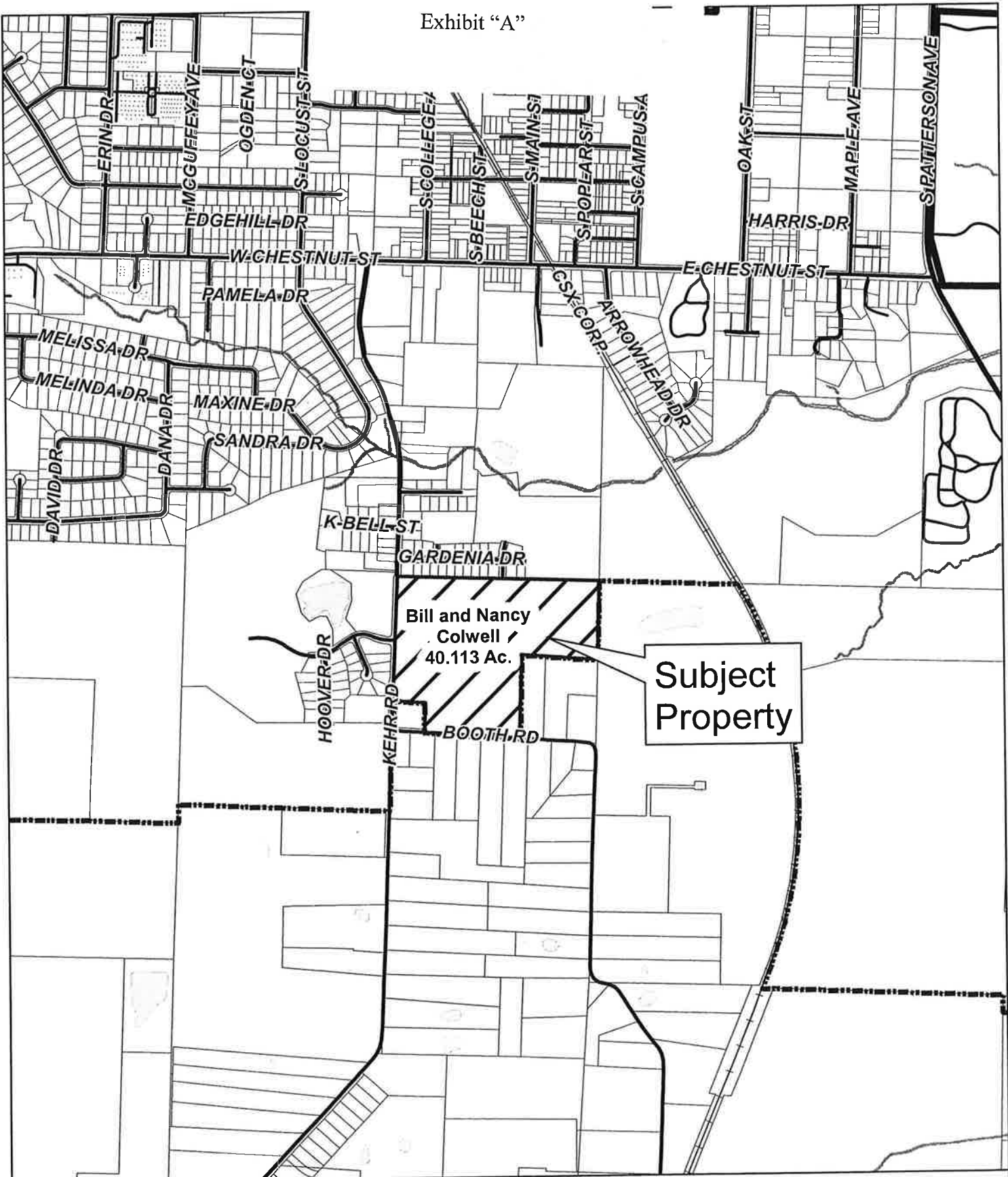
Date: 4-25-2012

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

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]

[Signature] 8/3/12

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Finance

Originating Department

Council Meeting Of : 8/7/2012

Joe Newlin

Prepared By

Account Code No. : see below

7/30/2012

Date Prepared

Budgeted Amount : _____

Agenda Title:	2012 Supplemental Budget #3
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Recommendation:	Approve
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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
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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
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Expense Side

General 110	2,300.00	Appropriation for painting in uptown park
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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) 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: 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 27th 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

Agenda Title:	Environmental Commission Meeting of July 11, 2012
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Recommendation:	For Review and Consideration
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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)

Approved By:	Department Head:	Initial	Date
	City Manager:		<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
Prepared By:

Account Code No. #:

Budgeted Amount:

July 17, 2012
Date Prepared:

Agenda Title:	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
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Recommendation: Approval

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.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 7/30/12
DTC 8/3/12

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 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 #3610027000008, 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

<u>Report Date</u>	July 27, 2012
<u>Case Number</u>	PC-06-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	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.
<u>Public Hearing Information</u>	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.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 30, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated April 27, 2012 4. May 2009 Aerial Photography

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

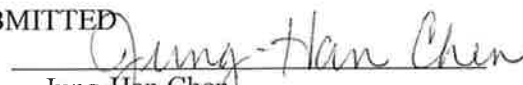
The annexation of this parcel, #H3610027000005, was based on a pre-annexation agreement as a result of receiving the State of Ohio Job Ready Site Grant for the development of a proposed tech park. In order to facilitate the development at this site, municipal utility services are critically needed and 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

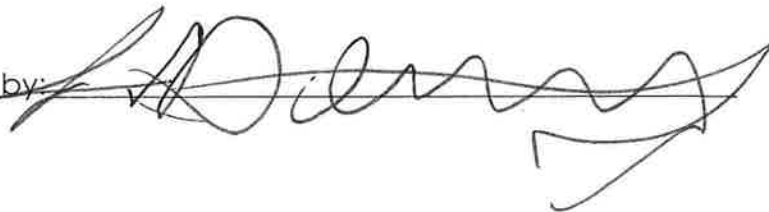
Comments or status update requested by: Lynn Taylor

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**

 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: _____

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 / 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) 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:

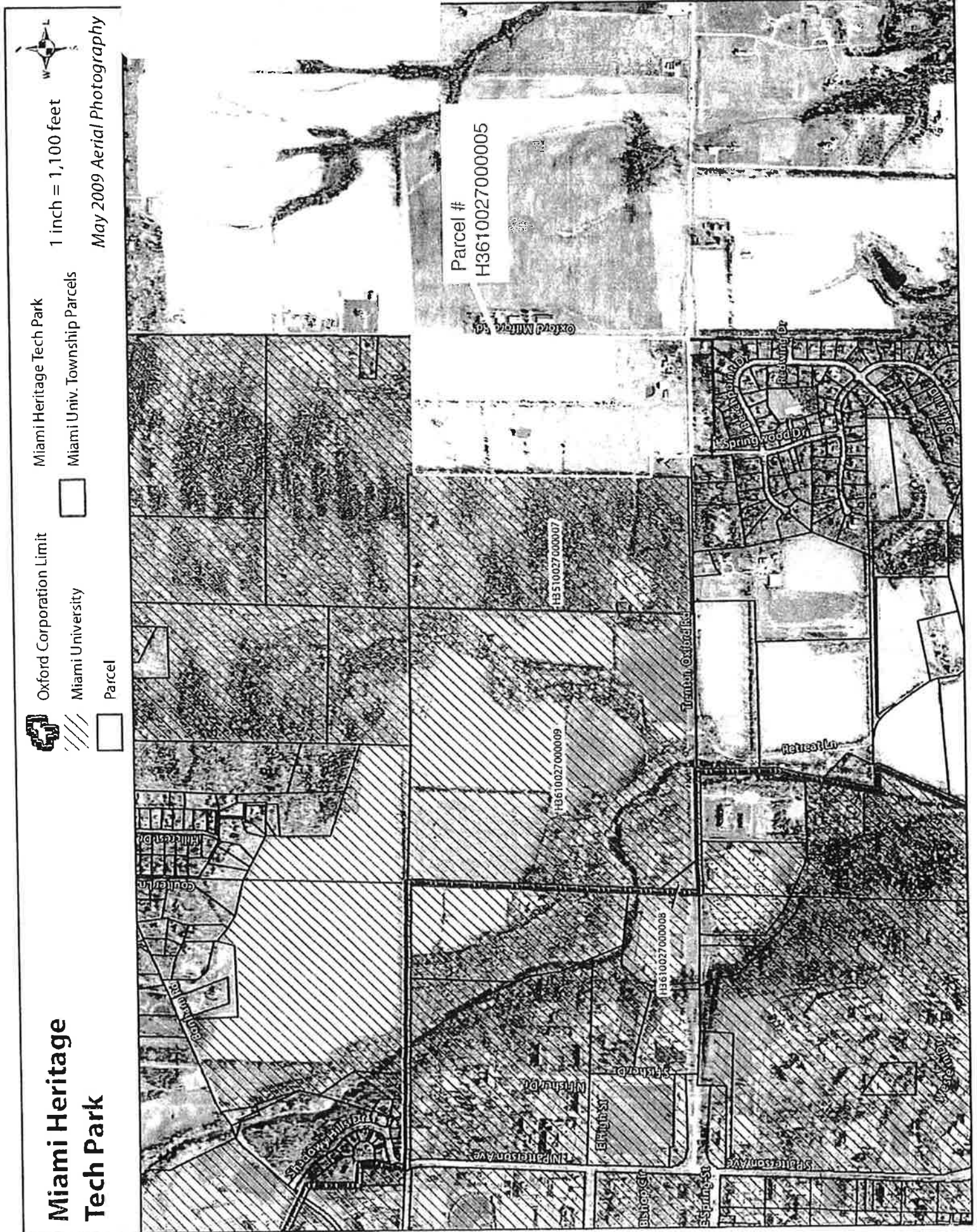
Jung-Han Chen

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
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**

<u>Report Date</u>	July 27, 2012
<u>Case Number</u>	PC-07-2012
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	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.
<u>Public Hearing Information</u>	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.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment approval so that the property will carry a City of Oxford zoning district designation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated May 30, 2012 2. Interoffice Review Transmittal Sheets 3. Zoning Code Text Amendment Application dated April 27, 2012 4. Annexation Plat

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-07-2012

Date – June 12, 2012

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)

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

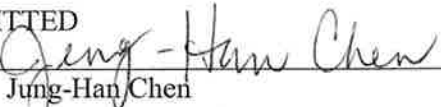
These parcels are generally known as Yager Stadium, encompassing the stadium itself and other auxiliary facilities that are part of the university sport complex. It is the goal of City Council to capture income tax revenue from sites that are contiguous to the corporate boundary. This is one of the areas 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**

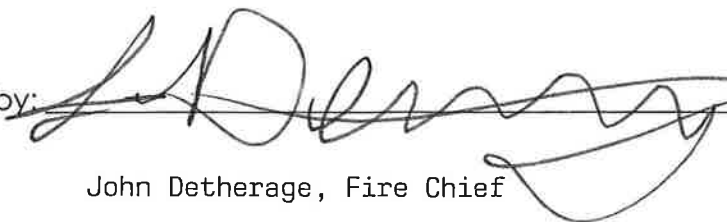
☒ Review ☐ Revisions ☐ Other

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) 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

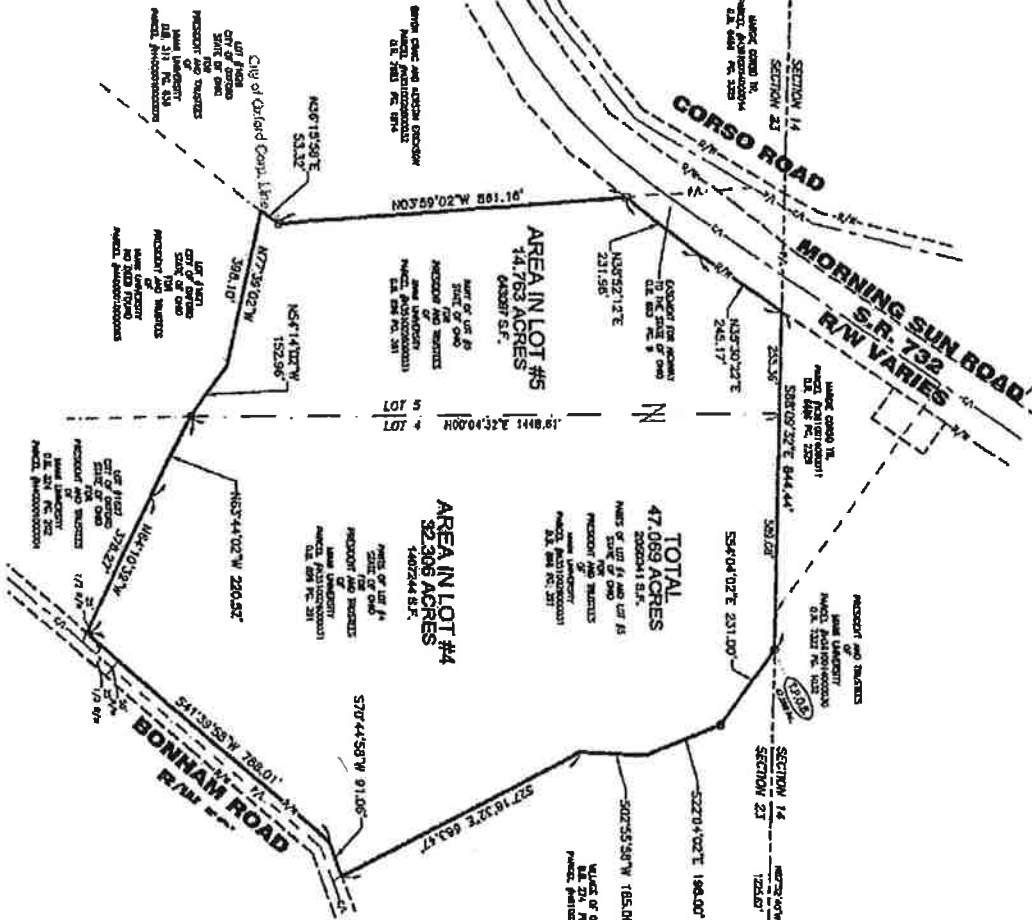
Exhibit "A"

Plot time Oct 23, 2019 - 1:28pm
Drawing name: 10251000000014

SURVEY LEGEND

1. HENRY COUNTY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. ALL WORK PERFORMED IN ACCORDANCE WITH THE VIRGINIA STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO.

DAVID DOUGLAS SMITH PROFESSIONAL SURVEYOR NO.7121 DATE



NOTES

1. Prior David Plot D.S. and P.C. 381
 2. State of Virginia: Ohio (Ohio State)
 3. Documentation used as follows
 4. Measurement is in good condition unless otherwise shown
 5. Lines of occupation, whenever they exist, generally agree with the boundary lines except as shown
 6. No new interpretation will
- A Survey of the property has been recorded in volume 54 page 17 of the Butler County Register's record of Land Surveys.

SURVEY REFERENCES

PLAT OF SURVEY BY NELSON M. CLINTON
DATED APRIL 22, 1947

AREA SUMMARY

PARCELS #4310026000031 PART OF LOT 4 32.306 ACRES
PARCELS #4310026000031 PART OF LOT 5 14.763 ACRES
TOTAL TO BE ANNEXED = 47.069 ACRES



Scale: 1" = 200'
30' 60' 90' 120' 150' 180' 210' 240' 270' 300'

MIAMI UNIVERSITY
SECTION 23, TOWN 5, RANGE 1
PARTS OF LOT #4 AND LOT #5
Oxford Two
Butler County, Ohio
ANNEXATION PLAT

bayer becker
www.bayerbecker.com
318 South College Avenue
Oxford, OH 45056 • 513.523.4290

Item	Revision	Description	Date	Drawn	Chk.
1	1	REVISION	10-25-19	BAU	DOE

1/1

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.

MAYOR

ADOPTED:

ATTEST:

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 rd 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.

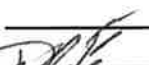
Unfortunately, due to a longer and more expensive build out of the store front, MOON opened later than planned and with far less available working capital.

On April 9th 2012 the City first meet with MOON representatives to begin discussing MOON's long term & short term needs. On April 24th MOON officially requested a loan modification. Given the importance of this request, on April 30th 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 25th 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.

MAYOR

ADOPTED:

ATTEST:

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 ORGANIZATION DEBTOR	11d. TYPE OF ORGANIZATION	11e. JURISDICTION OF ORGANIZATION
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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
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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