



Agenda

Oxford City Council

Court House

TUESDAY, AUGUST 7, 2018

EXECUTIVE SESSION

7:00 p.m.

1. Roll Call. Kate Rousmaniere, Mayor; Steve Dana, Vice-Mayor; Chantel Raghu; Glenn Ellerbe; Mike Smith; David Prytherch; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Appointments to Boards and Commissions.
- B. Public Comments.

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

4. Consent Agenda.

- A. Minutes of the July 17, 2018 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the July 17, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the July 10, 2018 Planning Commission Meeting. (Sam Perry, Interim Community Development Director)



Report

- D. Report regarding the July 12, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

- E. Report regarding the July 18, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Interim Community Development Director)



Report

- F. A Resolution authorizing the City Manager to enter into an agreement with Canon Solutions America for a 60-month lease of a Canon ImageRunner Advance C5260i II Color Copier through state contract pricing. (Kim Newton, Assistant to the City Manager)



Staff Report/Resolution

- G. A Resolution declaring certain City property no longer needed for municipal purposes as surplus and authorizing the sale of said items to the highest bidder utilizing GovDeals, Inc. The proceeds thereof shall be deposited in the Fire/EMS Fund. (John Detherage, Fire Chief)



Staff Report/Resolution

- H. A Resolution authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)



Staff Report/Resolution

5. Resolutions.

- 1. A Resolution accepting the donation of \$11,000.00 from the Oxford Community Foundation to be utilized for the necessary repairs to the Black Covered Bridge. (Joe Newlin, Finance Director)



Staff Report/Resolution

- 2. A Resolution authorizing the City Manager to enter into a pre-annexation agreement with the Knolls of Oxford, Oxford, Ohio, for land in the Township of Oxford, Butler County, Ohio, subject to the conditions stipulated in the pre-annexation agreement. (Sam Perry, Interim Community Development Director)



Staff Report/Resolution

- 3. A Resolution authorizing the City Manager to accept the Ohio Attorney General's Office Drug Use Prevention Grant in the amount of \$12,361.70 for the 2018-2019 academic year to assist with the compensation of the City's School Resource Officers and with Drug Use Prevention Programs conducted in the schools. (John Jones, Police Chief)



Staff Report/Resolution

- 4. A Resolution authorizing the School Resource Officer Program Agreement between the Talawanda City School District and the City of Oxford and authorizing the City Manager to sign the agreement on behalf of the City. (John Jones, Police Chief)



Staff Report/Resolution

- 5. A Resolution of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 funds in the amount of \$151,800.00 to be used for the design and installation of a traffic control system at the intersection of Chestnut Street and College Avenue. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances.

- A. First Reading.

1. An Ordinance Approving A Conditional Use Permit To Allow A Private Home-Based Music School In A R1A (Single-Family Low-Density Residential) District Located At 104 McKee Avenue, Oxford, Ohio With Conditions. (Sam Perry, Interim Community Development Director)



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit To Allow A Lodging Service In The UP (Uptown) District Located At 117 West Church Street Oxford, Ohio With Conditions. (Sam Perry, Interim Community Development Director)



Staff Report/Resolution

3. An Ordinance Approving A Conditional Use Permit To Allow The Expansion Of A Religious Student And Community Center For The Hillel Foundation In A RO (Residential/Office) District Located At 11 East Walnut Street Oxford, Ohio With Conditions. (Sam Perry, Interim Community Development Director)



Staff Report/Ordinance

4. An Ordinance Accepting The Recommendation Of The Planning Commission To Deny A Zoning Map Amendment Application To Rezone The Property Located At 4 North College Avenue From RO (Residential/Office) District To UP (Uptown) District. (Sam Perry, Interim Community Development Director)



Staff Report/Ordinance

B. Second Reading.

1.

An Ordinance Accepting The Recommendation Of The Planning Commission To Deny A Zoning Map Amendment Application To Rezone The Property Located At 5111 Morning Sun Road From OI (Office And Light Industrial) District To R2MS (Single And Two Family Mile Square Residential) District. (Sam Perry, Interim Community Development Director)



Staff Report/Ordinance



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit For The Addition Of A Drive-Through Window At The LaRosa's Restaurant Located At 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District. (Sam Perry, Interim Community Development Director)



Staff Report/Ordinance

3. An Ordinance Repealing City Of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Civil Service, And Adopting New City Of Oxford Administrative Code Title Five, Administrative, Chapter 145 Entitled Personnel. (Candi Fyffe, Human Resources Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

The comments expressed by individual members of Council or City staff during this

portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

1. Remarks from City Council and City Staff.

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

THUR- Aug 9 Recreation Board Meeting 4:00 p.m. Senior Center

MON-Aug 13 Public Arts Commission of Oxford Meeting 4:00 p.m. Municipal Building

TUES- Aug 14 Facility Naming Review Committee Meeting 4:00 p.m. Municipal Building

WED-Aug 15 Board of Zoning Appeals Meeting 6:30 p.m.

THUR- Aug 16 Police Community Relations and Review Commission Meeting 7:00 p.m.

MON-Aug 20 City Council CIP Work Session 7:30 p.m.

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

MON-Sept 3 Holiday - City Offices Closed

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

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

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

THUR- Sept 6 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

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

THUR- Sept 13 Civil Rights Commission Meeting 4:00 p.m. Lane Library

MON-Sept 17 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

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

WED-Sept 19 Board of Zoning Appeals Meeting 6:30 p.m.

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

8. Adjourn.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

July 9, 2018

Date Prepared:

PC-2018-12, Zoning Map Amendment, 5111 Morning Sun Road, Office-Light Industrial (OI) District, to Single- and Two- Family Residential (R2-MS) District, Scott Webb, Applicant/Agent

Recommendation: Denial

Discussion: On behalf of H&P Properties (Shane Coffman), Mr. Webb requested a recommendation of map amendment approval for a vacant parcel of land on the north side of Oxford. The parcel is approximately 1 acre. The surrounding corridor of Morning Sun Road (extension of North Main Street) is also zoned OI ((Office and Light Industrial) District. The amendment would remove the parcel from the OI District and add it to the adjacent R2-MS (Single- and Two-Family Mile-Square Residential) District, to the west. Notices were mailed to surrounding property owners, advertised in the newspaper and a sign was placed on the property prior to the June 12 hearing. The Commission held a hearing and discussed the case. The applicant and a real estate broker spoke documenting the past development difficulties. The Commission had difficulty in linking the past development challenges to the four decision criteria. Only one of the four criteria is required for an approval. The Commission voted 6-1 to recommend denial of the map amendment to City Council.

Approved By:

Department Head: *acting SP*

City Attorney:

City Manager: *AK*

7/9/18

7/13/18

DRE 8/3/18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY A ZONING MAP AMENDMENT APPLICATION TO REZONE THE PROPERTY LOCATED AT 5111 MORNING SUN ROAD FROM OI (OFFICE AND LIGHT INDUSTRIAL) DISTRICT TO R2MS (SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL) DISTRICT.

WHEREAS: the Planning Commission held a public hearing on June 12, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a Zoning Map Amendment, to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District; and

WHEREAS, after public hearing and deliberation, the Planning Commission recommended to deny the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further denies the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

MAYOR

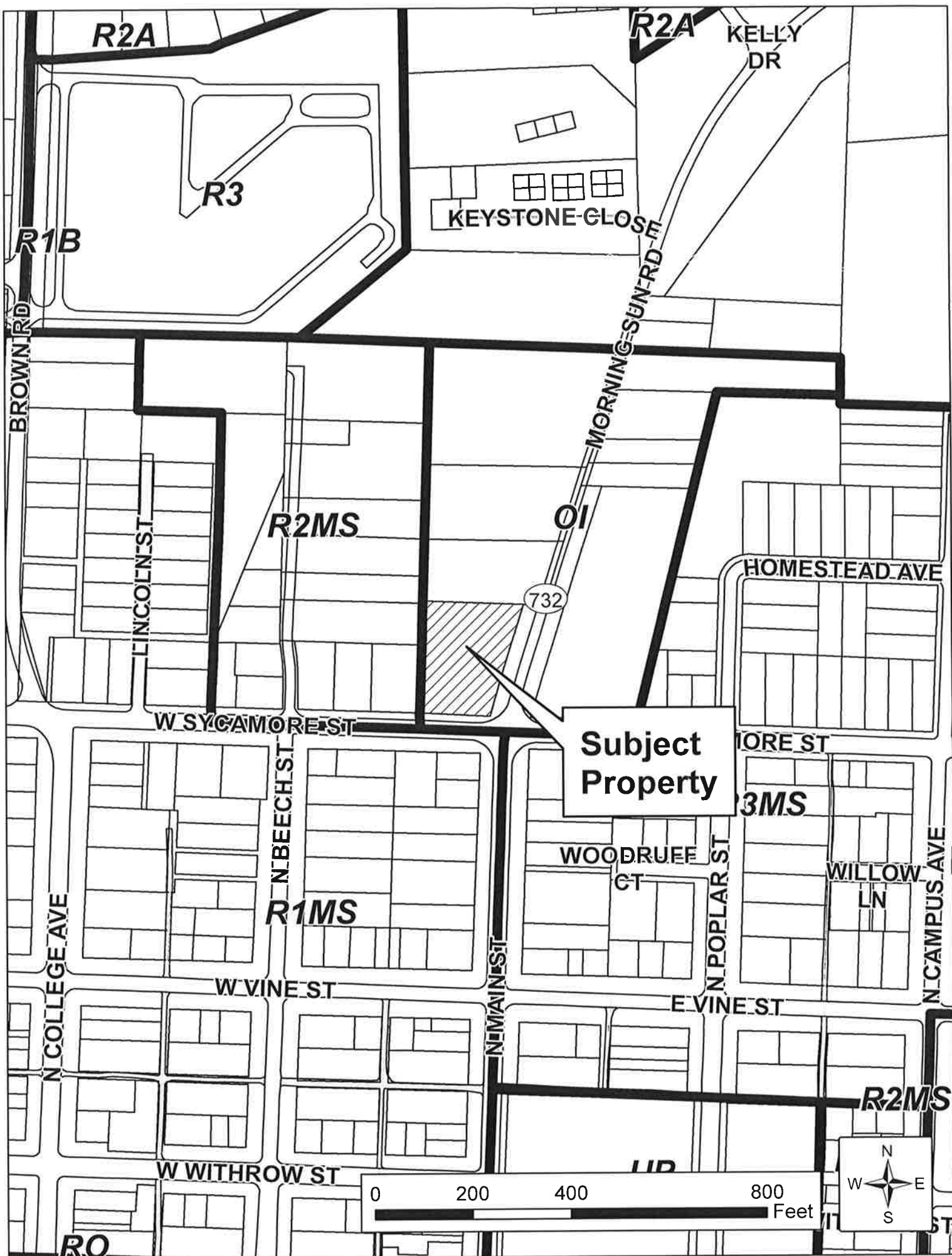
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-12

Date – June 12, 2018

APPLICATION

Applicant:	Architect Scott Webb
Action Request:	Zoning Map Amendment from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential)
Location:	5111 Morning Sun Road
Acreage:	1 Acre
Owner:	H&P Properties (Shane Coffman)
Current Use:	Vacant/Agricultural/Wooded
Surrounding Land Uses:	Professional Office
Comp Plan Designation:	Developed Area/Neighborhood General 3

DESCRIPTION

This is a map amendment request for a 1 acre parcel at the intersection of Morning Sun Road and Sycamore Street. The parcel is vacant and partially wooded.

The request is to amend the zoning map for this parcel from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential). There is R2MS zoned land to the west and R1MS land to the south, across Sycamore Street. Across the street to the east is OI land, where a hotel is located.

Mr. Webb has provided a letter regarding the map amendment decision standards.

Below is the staff analysis:

SITE BACKGROUND

The farmhouse formerly on this lot was removed around 2005-07, leaving the lot currently vacant of development. The property has changed hands twice in the past 10 years but no development has resulted. City staff has reviewed at least two different development proposals, one including only this lot, one including other lots. Neither resulted in development. The lot is sloping with the general (pre-developed) topography of the area. The lot appears deceptively small from the roadway because the rear half is steeply sloping and wooded. Up to three two-family lots could be created by-right if the rezoning were granted. If the zoning remains OI, the existing dimensional requirements nearly prohibit a development without some type of variance or Planned Development approval.

COMPREHENSIVE PLAN

The comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as already developed on the Conservation and Development Map 3.6. This appears to be because it was included in with the surrounding area unless the former house was considered a “developed” condition at the time. The Character Area Map 3.7 labels the land as part of Neighborhood General 3, which is the 2,300 acre residential area outside of the Mile Square.

Although the Comp Plan does not provide specific guidance, it does provide general guidance through the Land Use Principles found on pages 3.8 to 3.12. Some pertinent excerpts of those principles are included below. *Italics are staff comments.*

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.
Utilizing land already within urbanized areas rather than sprawl is a common theme throughout the Comp Plan. This particular parcel is a vacant parcel and likely has all utilities available to the property; therefore it is a good candidate for development that does not require substantial expenditure.

Future growth at the edge of the city will preserve open space, protect the area’s rural character, and be consistent with the other principles.

- New growth on the edge of the community will not compromise the rural landscape or the community’s small town character.

Determining that there is a transition is not an issue, but determining where the transition should happen is difficult. Sycamore street is a natural boundary where the existing urban form changes from larger lot development to smaller residential lots. This is a result of the Mile Square boundary. Rezoning a parcel to residential on the north side of Sycamore street would likely result in an alteration to this natural boundary in the near future.

Streets will create an attractive public realm.

- Roads in rural areas will complement the character of rural areas (i.e., width, setbacks, landscaping buffers).

The street is the gateway into the community. The streetscape north of Sycamore street is currently more rural in nature than south of Sycamore Street. There are no curbs, the buildings are set back farther and there are fewer curb cuts. Although a Planned Development that maintains this character is possible with a R2MS zoning, it is not a guarantee.

Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.

- Bike paths and walking paths will be integrated into new development and areas undergoing redevelopment

A sidewalk was recently installed along this property in order to provide access to the Oxford Area Trail. Any Rezoning or redevelopment of this land should be done sensitively to avoid creating conflicts or safety issues that do not already exist.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	Returned with no comments
Econ. Dev.	No comments returned
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached:

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

As stated by the applicant, the OI zoning was formally established by Oxford City Council in 2003. This was not an error. An error would be something that was made due to a technical problem in the recording of the line on the map. This same boundary line was clearly known and advertised the same before the hearing as it was after the publication.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

Citing principles of economic development and infill development, an argument can be made for allowing a map amendment for whichever zoning district would permit development the soonest. However, those principles should not be cited in a vacuum. Other principles that protect the character of the area are equally important.

- C. There has been a substantial change in area conditions that necessitated the amendment.

The staff interpretation of this decision criteria is that the substantial change is referring to the time period since the adoption of the Comp Plan. The physical conditions of the area have not changed; the same buildings and roads that surround this lot are the same ones that existed in 2008. However, the enrollment at Miami University has increased, new student residential development has occurred in the community and Miami itself has been in the process of implementing their Housing Master Plan.

It should be noted that the past few years have also brought significant investments from health care entities into the community. In addition to TriHealth, Oxford also has regional providers: Mercy, Primary Health and Kettering facilities. There may be potential for expanded offices in the community but it is of course unclear if this particular property would benefit from the recent health care additions in the community.

- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Vacant R2MS land is likely non-existent in Oxford, however, categorically speaking more land has been rezoned from non-residential to residential since the time of the Comp Plan. This includes the 37 acres for The Annex on Southpointe Parkway.

Much of the recent land loss from the R2MS district has been an upzoning to R3MS, which includes nearly identical development rights. Therefore this may not be considered an actual decrease.

The Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls.

RECOMMENDATION

It should be noted that at least two attempts for development have been made, which document at least some difficulty. It should also be noted that although substantial effort has been made to protect rural to urban transitions in the Comp Plan, this specific gateway was not called out as an area of concern. Perhaps because of its nearly developed condition with the exception of this one lot.

If the Planning Commission deliberates through the decision criteria, this staff report and any new facts presented will provide an ample record in order for a well-founded recommendation to be forwarded to the City Council. The decision of whether to approve or deny the map amendment request from OI to

R2MS for this 1 acre parcel at 5111 Morning Sun Road should be solely focused on the findings of the four decision criteria.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Planner

DATE: June 7, 2018

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

Map Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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:

5-10-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department, Engineering Division, Police Department, Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: 5-9-18

 VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

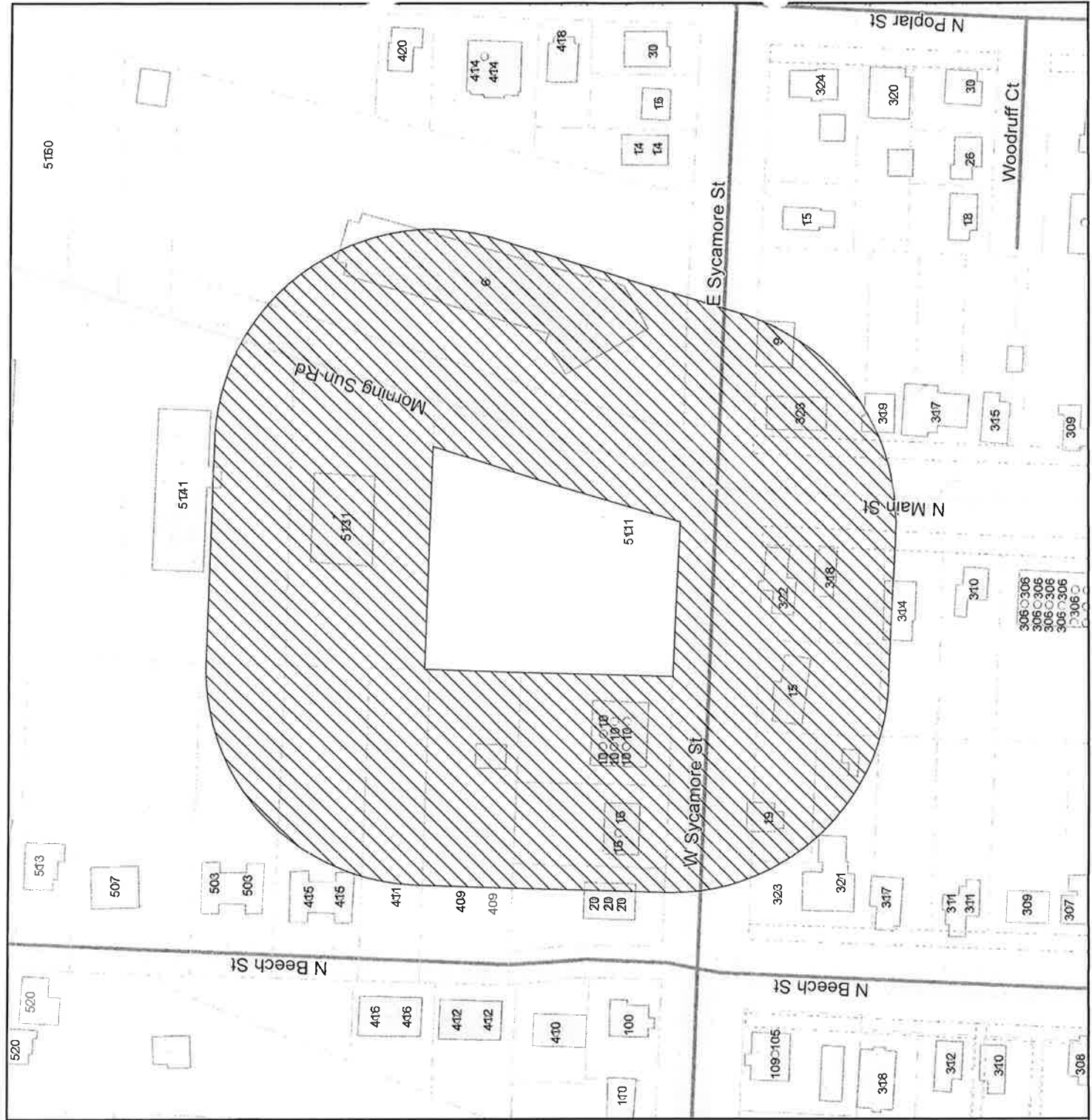
Drawings reviewed by: _____



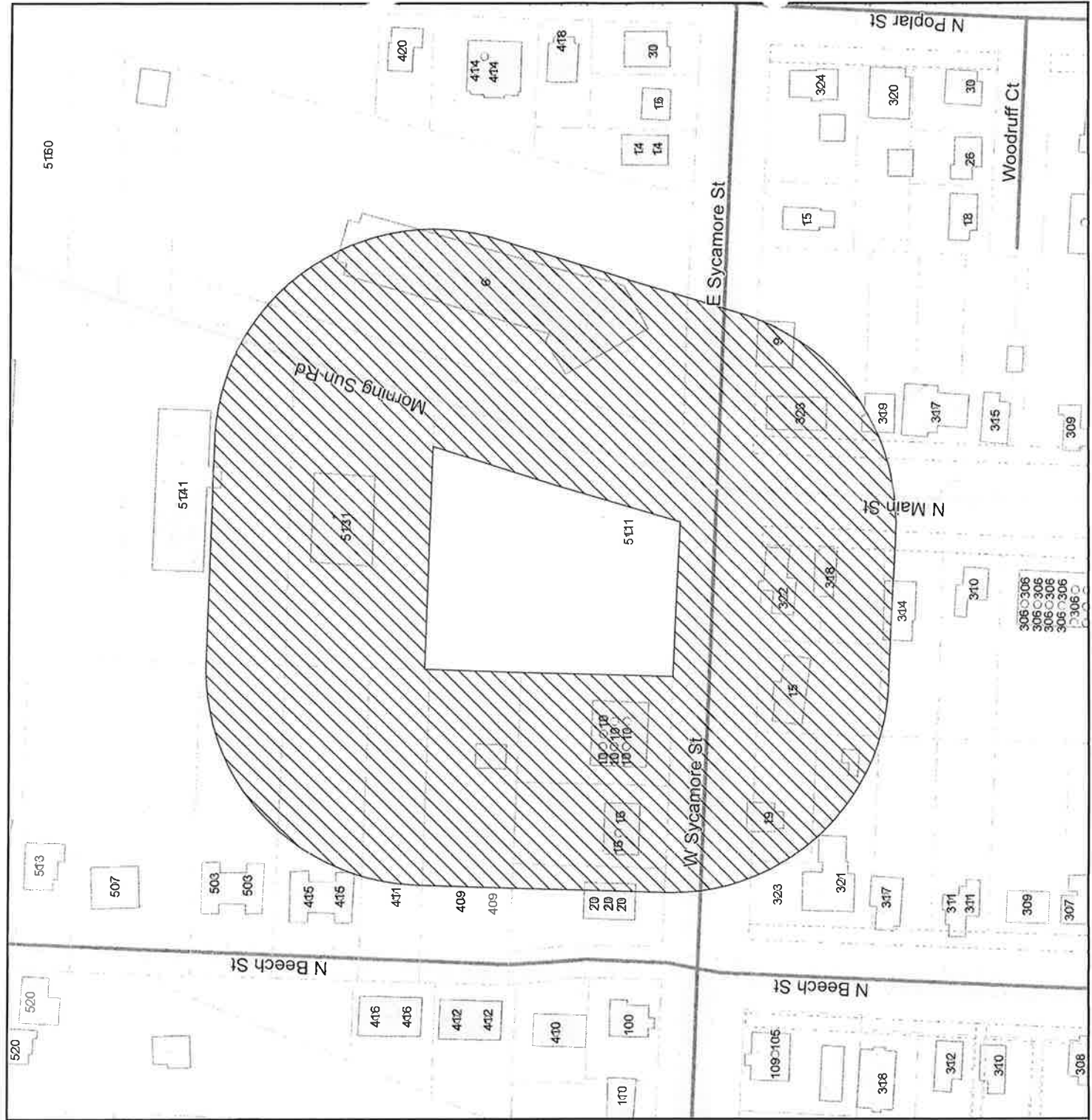
Date: _____

5/17/18

John A. Jones
PRINTED NAME



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**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Tony Miller
(Print)
Address: 4721 Riggs Rd
Oxford OH 45056
Telephone: Home: 513-532-7565 Work: _____

COMMENT:

*I would like to see this parcel remain
Office Industrial.*

*This is a prime business location with-in the
city. I'd like to see more business created on the
north side of town. This lot is the first thing you
see entering town & the last thing leaving town.*

*The city needs to think about creating jobs
through promoting businesses to locate in town.
protect this parcel, don't change the*

map. Don't create another south 27
Taylor
Signature _____ Date 6-10-18



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Rick Metz & Jackie

(Print)
Address: 310 & 314 N. Main

Box 154 B.G. 43402

Telephone: Home: 419-3527872 Work: _____

COMMENT: SAM —

It's OK with us!


Signature

6/11/18
Date

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Planning Commission & City Council regarding a proposed Zoning Map Amendment at 5111 Morning Sun Road

Thank you,

Signed:


Shane Coffman, H & P Properties, Inc.

4/26/18
Date:



Internal Use Only:	
Case No.	PC-2018-12
Date Filed	4/27/18

Zoning Map Amendment Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

Email Address scott@scottwebbarchitect.com

Location and Lot Information

Location * 5111 Morning Sun Road

General Description of Proposed Amendment * Request for a change in Zoning Designation for a single 1.25 area parcel

Current Zoning * OI (Office Industrial)

Proposed Zone(s) * R2MS Single and Two-Family Mile Square Residential

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


4/27/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

May 23, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to Decision Standards on the Application.

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

A. There is an error on the official Zoning Map or in the delineations between districts.

Prior to the 2003 Map Amendment, the property was Zoned R4A, Suburban Multiple Dwelling. In 2003, despite being surrounded by residential development, the zoning was changed to OI, Office Industrial, with Planning Commission predicting a future Medical Office use, and eliminating most other opportunities for the property owner.

B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

The Comprehensive Plan refers to this area generally as part of the "*Neighborhood 3*" area on the **Character Map**, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the **Conservation and Development Map** considers this location as a developed area it was also identified as a "*Weak Place*", presumably due to the lack of interest in developing it over the years. "Weak Places" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the **Land Use chapter**; *Objective 4* suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor.

Objective 2 suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

C. There has been substantial change in the area conditions that necessitates the amendment.

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

A zoning change in this area will provide a more compatible use for the neighborhood than an Office Industrial, commercial use.

As the property resides in the Mile Square Charter Amendment area and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

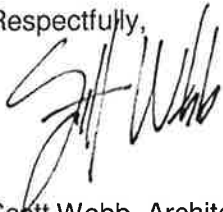
D. There is legitimate need for additional land area in the zoning district that will be expanded

Planning Commission spent over a year looking for additional density in the Mile Square, particularly in the North quadrant of the Mile Square, adjacent to the University and their parking areas.

With no interest in a commercial use for the property and Planning Commission's expressed need for additional residential development adjacent to campus, the Map Amendment would allow the development of a vacant parcel, and take pressure off of other neighborhoods in the City.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

April 27, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to questions posed on the Application.

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

A. *What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?*

The Comprehensive Plan refers to this area generally as part of the "Neighborhood 3" area on the Character Map, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the Conservation and Development Map considers this location as a developed area it was also identified as a "Weak Place", presumably due to the lack of interest in developing it over the years. "Weak Places" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the Land Use chapter;

Objective 4 suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor.

Objective 2 suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

B. *How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.*

A zoning change in this area will affect the properties in the neighborhood, by providing a more compatible use than an Office Industrial, commercial one. As the property resides in the Mile Square Charter Amendment area, and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

- C. *How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?*

Public facilities will not be affected, since this is an infill development, all public facilities are available at this location. At over an acre a plan development application will likely follow, ensuring comprehensive design of the site addressing storm water, etc.

- D. *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).*

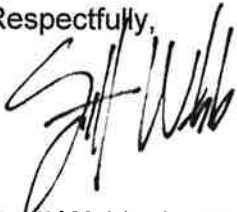
Comprehensive design of the site through a Planned Development application will address all mitigating factors, and will be designed in cooperation with Planning Commission through this process.

- E. *Why is the current zoning classification of the property no longer appropriate?*

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect

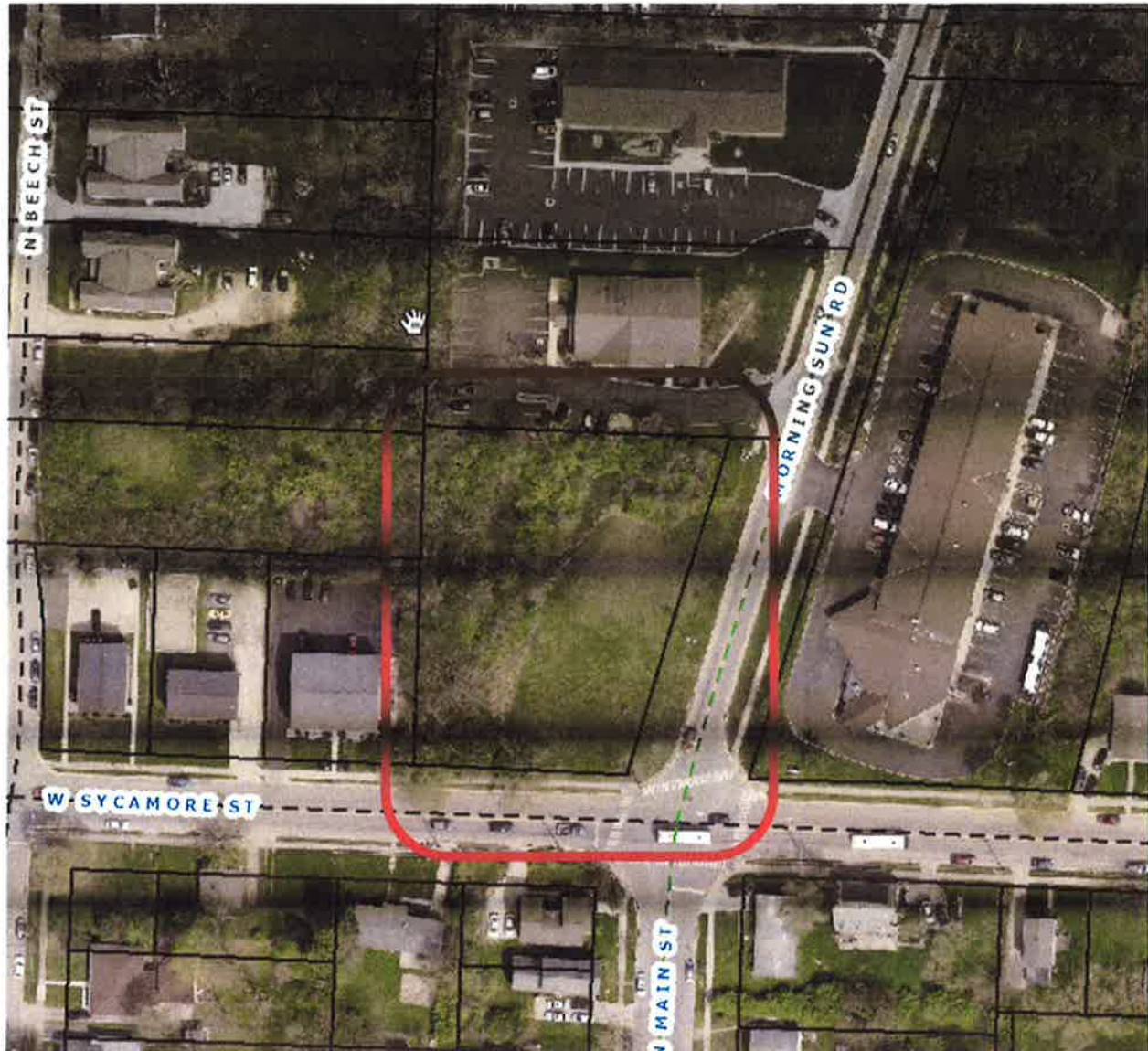
Zoning Area Map Showing Adjacent Zoning



Enlarged Zoning Area Map Showing Adjacent Zoning



Aerial Photograph Showing Adjacent Development



A Work Session of the Oxford City Council was called to order by Vice Mayor, Steve Dana on Tuesday, June 17, 2018 at 7:00 p.m. Council members present were Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard. Mayor Rousmaniere was excused.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; Joe Newlin, Finance Director; John Jones, Police Chief; John Detherage, Fire Chief; Candi Fyffe, Human Resources Director; Casey Wooddell, Parks and Recreation Director; Sam Perry, Planner/Interim Director; Steve McHugh, Law Director and Mary Ann Eaton, Clerk of Council.

Mindy Muller of Community Development Professionals and Diane Ruther-Vierling from the Family Resource Center were also in attendance.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Ellerbe seconded. The motion carried 6-0-0.

PURPOSE

The purpose of the Work Session was for Council to discuss the "Oxford Cottage Community" concept.

BACKGROUND

Mr. Elliott noted he, Mayor Rousmaniere and Mr. Kyger met with Leah Flynn with the Oxford Community Foundation, Diane Ruther-Vierling of the Family Resource Center, and Mindy Muller of Community Development Professionals on Tuesday, June 19, 2018 to discuss an Oxford Cottage Community proposal. Mr. Elliott advised the proposal includes construction of 12 cottages on a ½ to 1 acre parcel in the City. Mr. Elliott noted the Cottage Community would target a mixed population of persons needing affordable housing including displaced families and low income senior citizens. Mr. Elliott advised the cottages are self contained housing units of 392 square feet that can sleep up to six people. Mr. Elliott noted several sites were discussed and advised the ideal site would be donated by the City and located on the BCRTA bus route. Mr. Elliott advised they came up with a .84 acre parcel owned by the City on US 27 S. and he was proposing that the City lease the property to the Family Resource Center for this project for one dollar per year for 20 years. Mr. Elliott suggested a Special Meeting could take place next week for Council to vote on this matter since the grant application deadline was August 1, 2018.

PRESENTATION

Ms. Mindy Muller, Community Development Professionals, advised her company focused on community problem areas including the lack of affordable housing. Ms. Muller noted they had worked with Serve City in Hamilton, Ohio on several affordable housing initiatives.

Ms. Muller advised the proposed project would be a pilot project and would consist of a Planned Development of 12 cottages built on foundations and each cottage would be 392 square feet. Ms. Muller noted the cottages would pass HUD standards and all utilities would be included. Ms. Muller advised the Family Resource Center would manage the project. Ms. Muller noted the estimated cost to build the project was \$681,750 and discussed the various funding methods as outlined on page 1 of the Work Session agenda packet noting it needed to be 100% debt free. Ms. Muller advised the requested in-kind contributions from the City included the donated property and fee waivers for taps/permitting/zoning, etc. Ms. Muller noted to file the grant application by August 1, 2018 she needed to demonstrate that she had a lease and site control.

Ms. Diane Ruther-Vierling, Family Resource Center, advised the Family Resource Center assisted 76 families last year with housing needs and they would exceed that number this year.

Ms. Southard inquired how the Family Resource Center would determine which families/persons would be given the opportunity to live there. Ms. Ruther-Vierling advised there would be a stringent application process which would include background checks and drug testing.

Mr. Prytherch noted concern with the density on the parcel and noted the parcel on US 27 S was not close in proximity to where some of the needed services were located such as the Food Pantry and the Family Resource Center. Mr. Elliott noted staff had also discussed the possibility of using a portion of the Merry Day Park on College Corner Pike. Mr. Prytherch advised there was a process which had to be followed for any development and suggested a Memo of Understanding might be in order.

Mr. Ellerbe noted he liked the idea but did not want to set a precedent or create unintended consequences.

Ms. Muller advised she needed a Resolution of Council or a signed lease to proceed with the grant application.

The consensus of Council was to hold a Special Meeting on Tuesday, July 24, 2018 to consider enabling legislation for the project.

ADJOURN

Ms. Southard moved to adjourn at 7:30 p.m. Mr. Smith seconded. The motion carried 6-0-0.

A regular meeting of the Oxford City Council was called to order by Vice Mayor, Steve Dana on Tuesday, July 17, 2018 at 7:30 p.m. Those members present were Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard. Mayor Rousmaniere was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Sam Perry, Interim Community Development Director; Mr. Casey Wooddell, Parks and Recreation Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Vice Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Smith moved to approve the agenda. Mr. Ellerbe seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION

'PHI DELTA THETA WEEK'

Vice Mayor Dana read the Proclamation and presented it to members of the fraternity who thanked Vice Mayor Dana and Council members for the Proclamation. A member of the fraternity advised that the Kleberg Emerging Leaders Institute which will occur August 4-7 this year brings approximately 1,000 members from across the nation to Oxford annually.

PUBLIC COMMENTS

Ms. Sherry House, 720 Erin Drive, advised she emailed Mayor Rousmaniere about some problems she has experienced in her neighborhood which she felt were safety issues. Ms. House noted she felt the instances were not handled properly. Ms. House described some problems she has had with her next door neighbor's pit-bull being aggressive, getting loose from its yard and growling and barking at her and at others. Mr. House noted she asked the neighbor to put the dog away one day when she was having company and the neighbor refused so she called OPD. Ms. House advised an Animal Control employee and a Police Officer responded and told her to call immediately if this happened again and the neighbor would be cited. Ms. House noted a Police Report was not made. Ms. House advised she found out the neighbor married a sex offender who was not registered in Oxford and she called the Butler County Sheriff's Office who responded and took the man to jail. Ms. House continued with more examples of problems with the dog and reiterated that she didn't feel OPD handled the situations properly. Ms. House noted her neighbor did not have an adequate fence for the dog and does not always tether it and advised she emailed Councilors an email stream with photos. Ms. House noted Mayor Rousmaniere asked her to contact Chief Jones which she did although he was on vacation so she met with him today. Ms. House advised Chief Jones indicated that OPD tries to encourage residents to voluntarily comply with the regulations for animals and he did not feel a citation was necessary at this time.

Ms. House noted according to Ohio ordinances it looked like an unregistered dog can be taken away or the owners can be fined for having an unregistered dog.

Vice Mayor Dana asked Ms. House to make her remarks pertinent to looking for a solution.

Ms. House advised she did not know the solution and she was concerned about safety especially with regard to her daughter. Ms. House noted Chief Jones suggested her daughter carry pepper spray which was fine in the summer but she could not carry pepper spray to school and can't carry pepper spray off the school bus to walk home. Ms. House indicated she was told they had to wait until someone got bit and she doesn't want anyone to get hurt. Ms. House referred to the male sex offender and advised he lived near a school bus stop and noted it would be nice to do things in the community to keep people safe and she really didn't know what the answer was.

Chief Jones advised he met with Ms. House today to hear her concerns noting some of her concerns were with OPD personnel and he was looking into that. Chief Jones advised there were two separate issues, one concerning a person who was a sex offender in the neighborhood who had not registered. Chief Jones noted Ms. House contacted SORN (Sex Offender Registration and Notification Unit) and State Parole Agents arrested the person and he was in prison. Chief Jones advised at some point he will be out of prison and OPD would have to make sure he was in compliance with the law. Chief Jones noted he understood Ms. House's concerns regarding the dog and advised Ohio law dictates when a person can and can not be cited. Chief Jones advised OPD did try to obtain voluntary compliance with the law. Chief Jones noted when OPD learns of an unregistered dog they give the dog owner information on how to register the dog and then do a follow up to make sure its been done and in this case it has been done. Chief Jones advised by law a Police Officer has to witness a dog running at large in order to issue the minor misdemeanor citation. Chief Jones advised OPD was working to rectify the situations Ms. House has brought to his attention.

Vice Mayor Dana noted Council sympathized with Ms. House's situation and encouraged her to continue working with OPD noting he was sure she would get results.

Ms. Raghu as a veterinarian advised in her experience pit-bulls were sweet dogs and many times the owners were the problem with respect aggressive pit-bulls.

Mr. Calvin Conrad, Westgate Drive, noted he has watched the development of the new Burger King restaurant on College Corner Pike and observed two things he felt were incorrect. Mr. Conrad advised he sent an email to Mr. Elliott who responded to one of them and Mr. Elliott sent the other one to another person to answer. Mr. Conrad advised there were currently at least 5 places on College Corner Pike that serve food and each of them has a restriction of 2 signs. Mr. Conrad reported there were 4 signs at the Burger King and inquired why the City was discriminating against the other 5 establishments.

Mr. Perry advised the Burger King project was developed under a Conditional Use Permit due to the drive-through aspect. Mr. Perry noted a standard restaurant typically has more signs than the Oxford Sign Code will allow. Mr. Perry advised the Oxford Sign Regulations are quite restrictive and permit one wall sign that faces the public right-of-way and one ground sign. Mr. Perry noted Burger King requested signs that were larger and requested more signs than what the code allows.

Mr. Perry advised during the review process they asked for relief from the Oxford Sign Code to have larger and more signs. Mr. Perry noted they were permitted to have 3 wall signs instead of 4 and they were required to reduce the size they requested. Mr. Perry advised the monument sign was requested to be larger in square footage and taller in height than what was allowed and they were required to reduce that in size as well. Mr. Perry noted under the Conditional Use Permit regulations it was typical to grant waivers. Mr. Perry advised the recommendations for signage came from the Planning Commission and were adopted by Council.

Mr. Conrad noted he found it very difficult to understand why Wendy's apparently has two signs and Burger King has 4.

Mr. Ellerbe inquired if a commercial entity could go before the Board of Zoning Appeals if they wanted to increase their signage and Mr. Perry advised yes.

Mr. Andy Rice, Vine Street, advised he was in attendance as a member of Citizens Climate Lobby. Mr. Rice noted he had the honor of representing his district in Washington D.C. several weeks ago and attended an inspiring event where a group of nonpartisan citizens from around the country were advocating for Pricing Carbon. Mr. Rice advised Pricing Carbon was a fee and dividend policy not a tax so it could be \$15 per ton on carbon the first year and increasing by \$10 per year after that. Mr. Rice noted the City of Oberlin recently submitted a Resolution to their congressional representative supporting a Carbon Fee and Dividend Policy. Mr. Rice advised he felt this could be tried in Oxford and offered to submit a template Resolution for Council to consider. Mr. Rice noted the average citizen in Butler County would benefit economically from this policy and advised high carbon users would not benefit.

Vice Mayor Dana advised he supported the idea and asked Mr. Rice to present a draft Resolution to Council in the near future.

Mr. Prytherch noted steps were taken locally and Council expressed the City's intent at times to the elected officials regarding policy at the state and federal level.

CONSENT AGENDA

MINUTES

Minutes of the June 19, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the June 6, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Report regarding the June 12, 2018 Planning Commission Meeting. (Sam Perry, Planner/Interim Director)

Report regarding the June 20, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Planner/Interim Director)

Report regarding the June 21, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)

Ms. Southard moved to approve the Consent Agenda. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION **NOISE ABATEMENT** **REQUEST**

A Resolution No. 6098 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Saturday, September 22, 2018 from 7:00 a.m. until 11:00 p.m. at Yager Stadium and on the lawn at Millett Hall for the 2018 Bands of America Regional Championship at Oxford event. (Doug Elliott, City Manager)

Mr. Elliott advised the Noise Abatement request was for a High School Marching Band competition at Yager Stadium and on the lawn at Millett Hall on Miami University's campus. Mr. Elliott noted the original request was to begin the event at 5:30 a.m. and he amended that to 7:00 a.m. Mr. Elliott advised the Noise Abatement would be from 7:00 a.m. to 11:00 p.m. and recommended Council's approval of the proposed Resolution.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Mr. Ellerbe inquired if the event would be held at the north or south end of Millett Hall noting there was some resistance from a citizen the last time this event took place. Mr. Elliott advised it would take place on the south lawn and noted this was a different event from the Drum Competition that has used Millett Hall property.

Mr. Ellerbe moved to adopt Resolution No. 6098. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTION **NOISE ABATEMENT** **REQUEST**

A Resolution No. 6099 authorizing a temporary abatement of the Noise Ordinance No. 2550, Section 509.09, on Wednesday, July 25, 2018 through Friday, July 27, 2018 from 9:00 a.m. until 11:30 p.m. at the Oxford Municipal Pool for the Butler County Swim Team Championships event. (Casey Wooddell, Parks and Recreation Director)

Mr. Wooddell noted the request for a Noise Abatement was a precautionary measure. Mr. Wooddell advised this event was held every 7 years in Oxford noting the location rotated and each team participating in the Butler County swim program took turns hosting the event.

Mr. Wooddell noted hundreds of people would be inside and outside of the pool gates and a PA system would be used capable of sending announcements out to the entire area.

Mr. Wooddell advised the noise could get louder compared to what the residential neighbors are used to. Mr. Wooddell noted he wanted to ensure if noise complaints were made that the 2 day event could continue.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Ms. Southard noted the next time this event takes place in Oxford it will be at the new aquatic center.

Mr. Ellerbe inquired if the event was Wednesday, July, 26 through Friday, July 27. Mr. Wooddell advised it was a two day event and Friday was a rain date if necessary.

Mr. Ellerbe moved to adopt Resolution No.6099. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
CR ARCHITECTURE + DESIGN
CONTRACT

A Resolution No. 7000 authorizing the City Manager and the Finance Director to increase the compensation limit on the City's contract with Cole + Russell Architects, DBA CR Architecture + Design from \$378,400.00 to a new maximum limit of \$447,900.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in June of 2016 Council authorized the contract with CR Architects for the design specifications and construction administration of both building projects, the former Lane Library (new Municipal Building) and the former Municipal Building which will be solely used by the Police Division. Mr. Dreisbach noted Council authorized a maximum contract of \$378,400. Mr. Dreisbach advised some unforeseen conditions at the Lane building necessitated an extension in the contract with the general contractor Kramer Feldman. Mr. Dreisbach advised the City granted extensions through April 2, 2018 and the City moved into the building on May 21, 2018. Mr. Dreisbach noted the City was entitled to liquidated damages from the contractor because of the delays and not completing the contract in a timely fashion. Mr. Dreisbach advised the delays caused extra expense to the City and to the architect. Mr. Dreisbach noted additional funds are needed for CR Architects to allow for the additional construction administration and site inspections for the projects. Mr. Dreisbach asked for Council's approval to increase the limit on the contract with CR Architects and advised additional appropriations were not necessary as funds would be used to compensate CR Architects that are not being paid to the general contractor due to the liquidated damages. Mr. Dreisbach noted the City was still holding \$610,000 on the Kramer Feldman contract.

Mr. Prytherch inquired what the process was for liquidated damages. Mr. Dreisbach advised when the contract with Kramer Feldman is finally closed there will be a negotiated settlement. Mr. Dreisbach noted all of the change orders will be discussed and they will discuss the liquidated damages that the City has faced and those will be deducted from the final payout to the contractor.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Mr. Smith referred to the staff report on page 27 of Council's packet and inquired if staff was concerned that Kramer Feldman may not finish the project at the new Municipal Building and Mr. Dreisbach advised no. Mr. Dreisbach noted the project was late and much of the reason was due to unforeseen circumstances with the condition of the building.

Mr. Ellerbe moved to adopt Resolution No. 7000. Mr. Smith seconded. The motion passed 6-0-0.

RESOLUTION
PAB RULES AND REGS

A Resolution No. 7001 adopting the Classified Service Procedures and Personnel Appeals Board Rules and Regulations. (Candi Fyffe, Human Resources Director)

Mr. Fyffe advised staff was seeking approval of a set of Classified Service Procedures and Personnel Appeals Board Rules and Regulations noting in November of 2017 the voters moved to revise the City of Oxford Charter. Mr. Fyffe advised part of the revisions were to abolish the Civil Service Commission and replace it with the Personnel Appeals Board. Ms. Fyffe noted in lieu of that a new set of Rules needed to be created to provide guidance for the Personnel Appeals Board as reflected in Exhibit "A".

Vice Mayor Dana advised he met with Mr. Dreisbach last week to review the Council Agenda and Mr. Dreisbach explained that this item advances efficiency and makes hiring easier. Ms. Fyffe noted making hiring more efficient was not having Civil Service in place. Ms. Fyffe advised this was an advanced method of hiring and still being a competitive and merit based hiring system. Ms. Fyffe noted the proposed Rules facilitate the change to the Charter in making things more efficient.

Ms. Raghu inquired what was cut out of the process. Ms. Fyffe advised the Civil Service Commission was composed of 5 individuals and when a classified position became available she would take them a list of steps including advertisements, where the ad would be placed, how staff would screen applicants, what the requirements were for the job, etc. Ms. Fyffe noted the Civil Service Commission would "rubber stamp" the protocol. Ms. Fyffe advised the Civil Service Commission also had to approve an Eligibility List once the applicants were tested and the tests were graded before any hiring could take place which could delay hiring for two to three months. Ms. Fyffe noted those steps were eliminated now. Ms. Fyffe advised the oversight remains in place with the Personnel Appeals Board.

Mr. Elliott advised the City still hired based on the merit system for appointments and promotions. Mr. Elliott noted Ms. Fyffe does not have to go to Civil Service for approval of the hiring protocol, the test or take an Eligibility List to them for approval. Mr. Elliott noted a lot of cities have transitioned to utilizing a Personnel Appeals Board verses a Civil Service Commission.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Mr. Ellerbe inquired who validated the equal opportunity component of the hiring process. Ms. Fyffe advised if there was no diversity in the applications it was because the City didn't receive that response. Ms. Fyffe noted a wide net was cast with respect to a recent Director position and the diversity was there. Ms. Fyffe advised she can definitely demonstrate that there was a good faith effort in trying to cast a wide net with respect to advertising.

Mr. Prytherch advised he appreciated the work that has gone into this transition and noted he liked to see the Boards and Commission doing meaningful work and not "rubber stamping" anything.

Ms. Southard advised the Charter Review Commission met several times last year and looked at all of these issues and noted this simply brings Chapter 145 into compliance with the Charter revisions and what the voters voted on.

Ms. Raghu inquired which positions were classified positions and which were non-classified. Ms. Fyffe advised they were all listed on Exhibit "A" which was provided with Council's packet.

Mr. Smith moved to adopt Resolution No. 7001. Mr. Ellerbe seconded. The motion passed 6-0-0.

ORDINANCES
FIRST READING

ORDINANCE
NEW CHAPTER 145

An Ordinance Repealing City Of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Civil Service, And Adopting New City Of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel. (Candi Fyffe, Human Resources Director)

Ms. Fyffe advised this was the actual revision to Codified Ordinance Chapter 145, changing it from Civil Service to Personnel. Ms. Fyffe referred to pages 37-41 of Council's packet which shows the Charter revisions.

Vice Mayor Dana inquired if there were any comments from the public or from Council and there were none.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit For The Addition Of A Drive-Through Window At The LaRosa's restaurant Located At 21 Lynn Avenue Oxford, Ohio 45056 In The General Business District. (Sam Perry, Planner/Interim Director)

Mr. Perry advised this request was from Mr. Joel Engelhard to add a drive through window to the existing LaRosa's restaurant.

Mr. Perry noted the Planning Commission recommended approval as submitted by the applicant. Mr. Perry advised the delivery door would be converted to a pick-up window behind the building. Mr. Perry displayed a site plan submitted by Architect Robert Wendel and noted this was only a pick-up window and no ordering would be done in the pick-up lane. Mr. Perry advised the Planning Commission felt there would be no issues caused by the pick-up service that are not already there. Mr. Perry discussed signage and new striping which included a pedestrian refuge area noting that was an improvement to the property. Mr. Perry advised deliveries to surrounding businesses and refuse pick-up would be scheduled for a time that does not conflict with the pick-up window operation. Mr. Perry offered to answer any questions.

Mr. Joel Engelhard, Oxford LaRosa's, noted he appreciated Council's time this evening in considering the request for a Conditional Use Permit application. Mr. Engelhard offered to answer any questions.

Mr. Prytherch noted he felt the design works well because all of the concerns are addressed by the way the building is situated. Mr. Prytherch inquired if Mr. Engelhard imagines having queuing around both sides of the building and Mr. Engelhard advised no.

Ms. Southard noted LaRosa's has been a wonderful partner to the City and to the community and they have been very good citizens. Vice Mayor Dana agreed.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

ORDINANCE **ZONING MAP AMENDMENT**

An Ordinance Accepting The Recommendation Of The Planning Commission To Deny A Zoning Map Amendment Application To Rezone The Property Located At 5111 Morning Sun Road From OI (Office and Light Industrial) District To R2MS (Single and Two Family Mile Square) District. (Sam Perry, Planner/ Interim Director)

Mr. Perry noted the proposed request was a zoning map amendment to expand development rights for a single property. Mr. Perry displayed a slide showing the property in question and advised it was a one acre vacant lot on the corner of Morning Sun Road and Sycamore Street. Mr. Perry noted the property had been vacant for a number of years and advised there was a farmhouse on it 15 years ago. Mr. Perry noted the Planning Commission reviewed the request according to the decision standards in the Zoning Code for zoning map amendments to determine if it was an appropriate time to change the zoning map and expand the residential district. Mr. Perry displayed a photo of the area noting the property in question was surrounded by a hotel and several professional offices. Mr. Perry advised the property in question was challenging to develop under the current zoning primarily due to the setback requirements and noted staff knew of at least two attempts to develop the property into a professional office which did not move forward. Mr. Perry advised the Board of Zoning Appeals had received no requests to waive the setback requirements for the property in question.

Mr. Perry referred to the decision standards as presented on page 67 of Council's packet and advised the Planning Commission discussed them at length and noted meeting only one of the four criteria is required for a recommendation to approve the request. Mr. Perry noted the Planning Commission had a difficult time determining how past issues with difficulty in developing related to any of the decision standards and recommended the request be denied. Mr. Perry offered to answer any questions.

Mr. Scott Webb, Applicant, noted the Planning Commission was not in favor of the proposed amendment and he and his client believed they may have overlooked a few things or may have acted in error. Mr. Webb advised he would like Council's consideration specifically on the decision standards the Planning Commission used. Mr. Webb noted he felt the 2003 grand zoning map amendment was aspirational as it looked toward what Council hoped might happen in these areas rather than what is actually happening in the area or what the market might encourage. Mr. Webb advised prior to 2003 the area in question was considered a residential area and in 2003 it was changed to an OI use making the Best Western non-conforming at the time which made it difficult to do the last addition there. Mr. Webb displayed a slide and advised there was existing multifamily adjacent to the property in question and medical offices to the north. Mr. Webb noted the property in question currently remains underdeveloped and it is surrounded by a variety of uses. Mr. Webb advised the proposed amendment would make the property in question contiguous to other R2 properties and it would not be considered spot zoning. Mr. Webb noted OI zoning was cumbersome to the development of the property in question as it limits the uses to professional businesses, government and medical offices, no retail sales to the general public, no storage of goods for sale, scientific, engineering research and experimental testing. Mr. Webb advised OI required 50 foot setbacks and in this case on 3 sides of the property. Mr. Webb noted the 4,000 square foot lot becomes 1,200 square foot of buildable area and getting relief from the Board of Zoning Appeals was not guaranteed especially for new construction due to the Duncan Standards. Mr. Webb advised he and his client were requesting the property in question be rezoned to R2MS noting it was a decent sized parcel by Mile Square standards and if it were changed to R2MS zoning it would be allowed to have 1 two family structure on it. Mr. Webb noted if the property was divided in half there could be 2 residential structures built on it. Mr. Webb advised if the property in question was rezoned any development whether a subdivision or planned development would require recommendations by the Planning Commission and Council approval. Mr. Webb noted he did not feel the Planning Commission gave fair opportunity to decision standard 2 regarding conforming more closely with the Comprehensive Plan. Mr. Webb advised undeveloped sites were a priority and utilities and infrastructure were in place for the property in question. Mr. Webb noted developing undeveloped property inside the City core takes pressure off of the perimeter and he felt there were lots of reasons to encourage development in this location. Mr. Webb advised in 15 years there had been no presentations and no active projects that made it to the Planning Commission or BZA because there was simply no interest due to the zoning. Mr. Webb addressed decision standards 3 and 4 and in conclusion advised he felt the request to rezone the property in question encourages economic development, it improves the neighborhood through infill development of a site that has been vacant for 15 years, it meets 3 of the 4 decision standards and number 2 in particular because it results in an area that more closely conforms to the goals of the Comprehensive Plan.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Mr. Prytherch inquired if Mr. Webb considered the Neighborhood Business District which has not yet been applied to a map amendment as a way to solve the problem as opposed to R2MS. Mr. Webb advised his client has owned the property in question for a number of years and has entertained any option that would come to him and there has not been any interest as a commercial property or neighborhood business. Mr. Webb advised he and his client discussed the Neighborhood Business District and noted Johnny's Deli across the street provides some neighborhood services and reduces some car trips and they felt the property in question was not a place that needed to be duplicated. Mr. Prytherch advised he understood the difficulties associated with the OI zoning noting whether or not they've exhausted all other options in terms of a variance for example some aspects of this site, its topography, its shape might present a reasonable case well made for a variance. Mr. Prytherch advised Council needed to be careful when rezoning and especially on corner lots because those are best designed for community uses and gateways. Mr. Prytherch noted he would love to see the site developed and would like to see it generate something other than just housing. Mr. Webb noted his client has not been to the Board of Zoning Appeals because no one has been interested in developing the property or had a project that could go to the Board of Zoning Appeals in 15 years. Mr. Webb reiterated he felt the development of the property was hampered by its current zoning.

Mr. Ellerbe noted he wished this was mixed use and advised he felt that would solve the problem immediately. Mr. Ellerbe noted R2 was not mixed use and it was tough to say yes to this request. Mr. Ellerbe advised if the request came back with something that matched the mixed use model he would say yes immediately.

Ms. Southard advised there was not much OI zoning in the City and she felt Council should think very hard before changing the zoning. Ms. Southard noted the zoning decisions were not made lightly and the Planning Commission considered this request long and hard. Ms. Southard referred to Mr. Webb's comments and advised the Planning Commission did not make a mistake with their recommendation. Ms. Southard noted Council also had to be cognizant of spot zoning.

Vice Mayor Dana asked Mr. Webb to repeat his comments about this request not being spot zoning. Mr. Webb displayed a map of the area and explained the property in question was contiguous to other residentially zoned properties.

Mr. McHugh encouraged Council to consider the 4 decision standards for map amendments rather than be too concerned about spot zoning.

Vice Mayor Dana asked Mr. Webb to address Decision Standard 2. The proposed amendment will make the map conform more closely with the Comprehensive Plan. Mr. Webb challenged Council to find anything in the Comprehensive Plan that says Council wants this to be an OI corridor. Mr. Webb noted the Comprehensive Plan shows this neighborhood as residential.

Mr. Prytherch advised the Comprehensive Plan was a complex document and noted Council can always support infill development. Mr. Prytherch noted he felt there was not a clear signal from the Comp Plan that this property should be one thing or another so he felt there has to be clear public welfare justification prior to any rezoning..

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3475 Amending Ordinance No. 3449. Supplemental Budget Ordinance No. 4 To Make Supplemental Appropriations For Fiscal Year 2018. (Joe Newlin, Finance Director)

Mr. Newlin addressed the proposed Supplemental Budget as presented on pages 85-86 of Council's packet and offered to answer any questions.

Vice Mayor Dana inquired if there were any comments from the public or from Council and there were none.

Mr. Ellerbe moved to adopt Ordinance No. 3475. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
CREATING A NEW FUND

An Ordinance No. 3476 Approving The Creation Of A New Fund For The 2019 Operating Budget to Provide For Aquatic Center Debt Service And Declaring An Emergency. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance will create the fund for the debt service payment for the new aquatic center once the anticipation notes are rolled over into bonds. Mr. Newlin noted it would also provide the fund to transfer excess proceeds. Mr. Newlin advised the emergency language was necessary for moving the money from any excess proceeds in 30 days.

Vice Mayor Dana inquired if there were any comments from the public and there were none.

Vice Mayor Dana noted he felt this provided good oversight of the funds and it was a very wise move.

Ms. Southard moved to adopt Ordinance No. 3476 as an emergency. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the City contracts with the Regional Income Tax Agency (RITA) to administer the City income tax noting RITA administered income tax for over 200 communities. Mr. Elliott advised he felt this was a very effective and efficient way of collecting and administering the City's income tax. Mr. Elliott noted in 2017 RITA collected 9.9 million dollars with an administrative cost of \$124,518 which represents approximately 1.25% of the City's collection total. Mr. Elliott advised the City had an agreement with RITA that calls for a 3% retainage and the City received a refund of \$172,614 this year. Mr. Elliott advised the State of Ohio was looking to collect it at a rate of 2%.

Mr. Elliott advised the original date he had in mind for the CIP Work Session conflicted with other meetings and noted he would explore other dates and send them to Councilors.

Vice Mayor Dana inquired how to make a bike sharing program happen in the City and inquired if the City could re-engage Spin or another bike sharing company. Mr. Elliott advised Spin decided not to follow through on their agreement with the City to launch a pilot program on August 10th with 75 bikes. Mr. Elliott noted Spin was focused now on promoting their electric scooter program which generates \$20 in revenue per day compared to \$1 for a bicycle. Mr. Elliott advised Spin would only follow through with the bike share program if the City agreed to allow the same amount of scooters. Mr. Elliott noted Council had not discussed including scooters in the program and he felt it was an unreasonable request from Spin. Mr. Elliott advised he was open to the idea of electric scooters although he felt some regulations and a permitting process would need to be developed for them. Mr. Elliott noted Mr. Kyger had been in contact with Lime Bike and they seemed to be more interested in scooter programs as well. Ms. Raghu inquired if Kyle Rowe from Spin could be invited back to the City of Oxford to discuss the scooter program and Mr. Elliott advised yes. Ms. Raghu advised scooters were very popular and in the interest of trying to take cars off of the road noting she didn't understand why scooter parking would be any different than bike parking. Ms. Raghu advised she would be interested in Spin coming back to Oxford to provide Council with more information. Mr. Ellerbe noted he had been part of the process for a long time as a member of the Student Community Relations Commission and he would like to see some sort of rentable transportation that is not car based in Oxford for multi-model transportation. Mr. Ellerbe advised he polled some of the constituents in town and was surprised with some of the responses he received. Mr. Elliott noted we have an aging population in Oxford and many of those individuals want to have personal transportation but may not have the physical fortitude to ride a bike. Mr. Ellerbe advised the electric scooters will allow them the personal transportation without the physical exertion. Mr. Ellerbe noted he felt sure the City could negotiate with Spin to not have a full fleet of scooters as a pilot program and then adjust accordingly and develop legislation based on some empirical evidence.

Mr. Prytherch advised a lot of time and energy was invested in this process and he felt discussions needed to resume. Mr. Prytherch noted scooters were coming and they were part of the future. Mr. Elliott noted he felt Miami University officials needed to be included in the discussions. Mr. Elliott suggested developing a RFP and give exclusive rights to one company. Mr. Elliott advised he would extend a message to Mr. Rowe at Spin that Council would like to have more discussions with him. Mr. Ellerbe advised he would not limit the discussions to just Spin noting if Lime Bike or others showed interest and they have a stumbling point with the scooter issue we could let them know we are becoming more amenable to those. Mr. Ellerbe noted the companies should be informed that we will probably be developing a RFP after some of the pilots. Ms. Southard agreed with Mr. Ellerbe. Vice Mayor Dana noted he felt Council had a plan to go ahead with planning a bike sharing pilot program.

Mr. Dreisbach updated Council on the renovations being done at the former Municipal Building to convert it to a Police Station. Mr. Dreisbach commended Chief Jones and his staff for working under trying conditions to occupy the building while it's being renovated. Mr. Dreisbach advised demolition was nearly complete on that phase of the project and the framers will be starting very soon. Mr. Dreisbach noted his hope was to have the police staff moved into the north part of the building by January.

Mr. Dreisbach advised the asphalt contractor will be in town starting tomorrow and will begin by milling the old asphalt and preparing the base for resurfacing. Mr. Dreisbach noted Barret Paving will start in the Arrowhead/Chestnut area tomorrow and advised there was already some traffic delays with Miami University's project at Patterson and Chestnut and encouraged people to avoid that area if possible. Mr. Dreisbach advised traffic will be maintained but there will be significant delays while base repairs are made on Chestnut Street on Saturday. Mr. Dreisbach advised when the paving contract was first awarded the need for a super sized sidewalk on the north side of Sycamore Street was discussed and noted that was not feasible for the City to construct. Mr. Dreisbach noted the original plan did not call for bike lanes on Sycamore Street and Council asked staff to look at that to see if anything else could be done. Mr. Dreisbach advised if Council desires bike lanes on Sycamore staff's recommendation was to install a dedicated bike lane on the north side of Sycamore and there would be no parking on that side of the street. Mr. Dreisbach noted parking would be retained on the south side of Sycamore and there would be marked sharrows. Mr. Dreisbach advised if that was a solution Council desires there would be a cost of \$20,000 and a supplemental appropriation would be needed to fund it. Mr. Dreisbach noted he hoped to get guidance from Council and the City Manager on how they wished to proceed.

Mr. Prytherch inquired how much it would cost if Council decided later that they wanted bike lanes and the roadway would have to be milled and striped. Mr. Dreisbach advised it would cost several thousand additional dollars and it would leave a scarred pavement and noted now would be the time to act. Mr. Dreisbach apologized for the 11th hour and noted this was not in the transportation plan. Mr. Prytherch advised it was in the Pedestrian/Bicycle Safety element of the Comprehensive Plan but it was not part of what was put out to bid.

Mr. Ellerbe noted there was no way the parking on Sycamore Street should be compromised and he felt it would cause far more harm than good. Mr. Ellerbe advised he felt it should wait until Council can lay the groundwork for the north side widened sidewalk and construct it like the bicycle plan suggested.

Mr. Prytherch inquired what the likelihood was that a 10 foot sidewalk can be constructed on the north side of Sycamore. Mr. Dreisbach noted it boiled down to money and right-of-way would need to be acquired which was expensive. Mr. Dreisbach advised if property owners were not willing parties to it there would be litigation which is expensive. Mr. Dreisbach noted the construction was feasible although acquiring the land will be expensive.

Mr. Prytherch noted two years ago Council could have built up to this but Council did not do that. Mr. Prytherch advised he would love to see an eight foot sidewalk there and that was why the Planning Commission came up with that plan and he personally did not see Council getting there.

Mr. Ellerbe noted he considered it a lot like the OATS trail noting he felt Council will get there it was just a function of money. Mr. Ellerbe reiterated that he did not want to compromise the parking on Sycamore Street. Mr. Ellerbe noted a plan was in place and council needed develop or save the funds for it and along the way acquire the rights-of-way until there was enough land to do the construction in one phase.

Ms. Raghu inquired if many people parked on the south side of Sycamore Street. Mr. Prytherch advised he did an occupancy count the last weekend before finals week and the entire street was at about 50% occupancy and 100% occupancy in the blocks closest to Millett Hall. Mr. Prytherch noted he felt consolidating parking on one side of Sycamore Street accommodates the demand for parking that currently exists.

Mr. Ellerbe noted the Capital Improvement Plan Work Session would take place soon and funding for the sidewalk project can be discussed then.

Ms. Southard advised Mr. Dreisbach proposed a very good solution to a problem that has been raised and she thought it was a good idea to do it now.

Mr. Dreisbach noted the Community Development Department applied for Safe Routes to School funding which could be a way to help fund the oversized sidewalk due to its proximity to Kramer Elementary School.

Mr. Elliott reminded Council that the contractor would be in town soon and staff needed to know if a bike lane should be planned for the north side of Sycamore Street.

Mr. Prytherch noted Sycamore Street was wide enough for bike lanes both ways and advised he sent a sketch to staff and Council showing how to accomplish that and still keep parking. Mr. Dreisbach advised the City Engineer had safety concerns with that design. Mr. Ellerbe advised he was not going to be the City Councilor that votes to remove parking on Sycamore Street as it would anger property owners and tenants. Mr. Ellerbe noted he would rather wait, widen the sidewalk once the right-of-way is acquired and take the time to do it the right way. Ms. Raghu noted parking would only be removed on one side and Mr. Ellerbe noted it did not matter. Mr. Prytherch advised trade-offs were necessary to be more bike friendly. Mr. Smith agreed with Mr. Ellerbe and noted there hadn't been enough input from the residents and if parking was removed at the 11th hour and the residents don't have the opportunity to weigh in on it Council will get shelled. Vice Mayor Dana agreed.

Mr. Smith noted most of the units on the north side of Sycamore were rentals which means the owners will argue with the City over the price of property acquisition but he felt they would ultimately be ok with it. Mr. Ellerbe noted it would be a dollar issue more than a permission issue. Mr. Elliott advised some of the houses will need to be acquired as well. Mr. Prytherch noted the Planning Commission didn't develop the plan 5 years ago to be discussed at the 11th hour and the options were to add the bike lane now make a 5 year plan to do the improvements off street and be committed to that.

Mr. Chris Skoglund, 211 Ryan Drive, referred to the discussion earlier about bike sharing and the trend for scooters and inquired if bikes were what Council was looking at in terms of bike lanes or was it going to be another means of transportation. Mr. Skoglund inquired if scooters would be allowed in the bike lanes. Mr. Skoglund noted he felt the plan for bike lanes was admirable 5 years ago when it was developed and encouraged Council to reconsider it based on what they see under current trends and the modes of transportation being used.

Ms. Raghu inquired how much time Council had to make a decision on the bike lane for Sycamore Street and Mr. Dreisbach advised 2-3 weeks. Ms. Raghu inquired if Council was meeting next week.

Mr. Elliott advised he would recommend not allowing scooters on the sidewalks.

Mr. Prytherch noted the long term solution was dedicated infrastructure for the different modes, pedestrians, bikes, scooters and cars and over the long term those things would have to be separated out.

Vice Mayor Dana advised it was crucial to engage members of the community.

Ms. Southard referred to Council's Special Meeting next week and inquired if this issue could be placed on that agenda and Mr. Elliott advised yes. Mr. Ellerbe noted he would not want that discussion at a Special Meeting because this was a major issue involving a major east west thoroughfare in town. Mr. Ellerbe noted there were two issues at hand and inquired if the striping would be done now or if Council wanted to wait and build the infrastructure. Mr. Ellerbe advised Council needed to start looking forward at how to manage personal non-automobile or motorcycle transportation. Mr. Ellerbe noted those were two separate discussions that needed to be had as a City. Ms. Raghu inquired if Council could discuss the striping next week. Mr. Ellerbe reiterated he would not vote to remove half of the parking on Sycamore Street. Mr. McHugh advised Oxford Codified Ordinance Chapter 373 contains regulations for bicycle riding, rollerblading and skateboard riding. Mr. Ellerbe noted he felt Council needed to sort out the Ordinances first to have the legal framework in which to put the actual the infrastructure onto. Mr. Ellerbe suggested considering a Resolution at the next meeting to stripe the bike lane on the north side of Sycamore Street and it can be voted up or down. Mr. Newlin advised a Supplemental Budget would also be needed to fund the striping which would be by Ordinance. Mr. Elliott recommended scheduling a Work Session before the end of the year or at the first of the year and review the Bike and Pedestrian Plan street by street having a cost estimate for each item so staff has guidance as to how much paving can be done after the bike and pedestrian improvements. Mr. Dreisbach suggested at the Special Meeting next week perhaps Council and staff can clarify the Bike and Pedestrian Plan because he felt they might not be talking about the diagrams.

Mr. Dreisbach noted as he recalled the 0-10 year plan did not call for bike lanes on Sycamore Street, it called for an oversized sidewalk on the north side of the roadway and staff has not designed it or bid it because it was not called for in the plan. Mr. Dreisbach advised staff came to Council this evening with an amended proposal noting he sensed Council's frustration but staff was responding to Council's request.

Mr. Prytherch noted the conversation can be continued at the Special Meeting next week and the bike lane proposal on Sycamore Street can go one way or the other.

Mr. Perry updated Council on the last HAPC Meeting and the last Planning Commission Meeting.

Ms. Raghu referred to the CIP Work Session and inquired if that involved looking at the overall budget. Mr. Elliott advised the CIP was the Capital Improvement Plan which is equipment and projects which is then rolled into the Operating Budget. Ms. Raghu inquired if there were other Work Sessions to review the Budget as a whole and Mr. Elliott advised yes. Ms. Raghu noted she felt this was relevant to what Council was talking about with how people would feel about where they want to put their values, where they want to put their money because she felt essentially that is what the budget is, an expression of the people's values. Ms. Raghu advised she felt even with the jargon used and the timing of meeting on Tuesday evenings is not very assessable to most people. Ms. Raghu thanked Ms. House for coming to speak to Council this evening. Ms. Raghu advised she was out of town last weekend and attended a meeting with local politicians discussing best practices around the country. Ms. Raghu noted one of the topics was how to make the budget more assessable to people since it is their money. Ms. Raghu advised some municipalities held budget meetings at different times of the day on different days and sometimes at a coffee shop or other public places using pie charts instead of jargon to explain the budget. Ms. Raghu noted she would be excited to share some of what she learned to try to make Oxford's budget assessable to citizens who are unable to attend the meetings.

Mr. Ellerbe referred to the "Tiny House" project discussed at the Work Session this evening and noted he was fairly positive there would be density issues. Mr. Ellerbe advised he felt if Council allowed a project like that to move forward there might be some unintended consequences. Mr. Ellerbe noted he felt this would be a perfect opportunity to create some set-aside on that particular property to accommodate low income housing. Mr. Ellerbe advised he was involved with the Affordable Housing Study and affordable housing wasn't exactly what most people think it is. Mr. Ellerbe noted set aside or overlay districts should be considered as well when this is discussed at the Special Meeting.

Ms. Southard noted the new Municipal Building was a wonderful place to have meetings and she felt City staff was pleased to be able to work in such a positive environment that is more conducive to working. Ms. Southard advised she felt those funds were very well spent and the former Lane Library is a great Municipal Building now.

Ms. Southard advised she felt the Uptown murals were a great addition to the City noting a group of people met with Jessica Greene to select the murals from the submissions that were made. Ms. Southard noted Mr. Greene has another idea and the Public Arts Commission of Oxford will meet with her in the near future.

Ms. Southard advised the Facility Naming Review Committee met to discuss naming the new aquatic center which was an extremely exciting project. Ms. Southard noted she was looking forward to a groundbreaking ceremony in August.

Ms. Southard advised the Historic and Architectural Preservation Commission held a Work Session recently. Ms. Southard noted there were vacancies on the commission and encouraged anyone interested in serving to apply. Ms. Southard advised this was a very important commission for preserving the historic character of the City as well as promoting development.

Ms. Southard congratulated the City Manager and his family on the birth of his first grandchild.

Mr. Prytherch sent regards from Oxford's Sister City, Differdange Luxembourg noting while he visited there recently they gave him a gift celebrating the one year anniversary of the twining of Oxford and Differdange. Mr. Prytherch advised Miami University's Dolibois European Center was sending the art piece to him and he hoped to have it by the next regular Council meeting to formally present it.

Vice Mayor Dana advised regardless of the bumps that may be encountered by the Oxford Cottage Community he was thrilled that it is coming and he hoped it will be a great success. Vice Mayor Dana advised he felt it would meet a need as he knew the population in Oxford well having served on the Board for the Family Resource Center for many years.

Vice Mayor Dana advised he felt it would help Oxford to launch a Bike Sharing Program and he looked forward to working on it. Vice Mayor Dana noted he appreciated the cooperation of the City Manager to that end.

ADJOURN

Mr. Ellerbe moved to adjourn at 10:09 p.m. Mr. Smith seconded. The motion passed 6-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared

Agenda Title: Planning Commission Meeting Report- July 10, 2018
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PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, Jon Sanford, Applicant (Tabled, 6/12/2018)

This case came about as a home based music lessons business that expanded beyond the limits of a permitted-by-right home occupation. The owner/occupant/applicant opted to pursue a conditional use for a school rather than re-locate the business or reduce it to a home occupation. There was originally 6 non-resident teachers which has now been reduced to 2 at any given time. The number of teachers seems to be a controlling factor of any potential neighborhood impacts. There was extensive feedback from the neighborhood at the June meeting, followed by emails. For July 10, the applicant had a two page letter revised plan and there were no new public comments; therefore, the case was recommended for approval as revised.

After the removing of the case from the table, the Commission heard from staff and the applicant. There were no new public comments. The Commission voted 5-0 to recommend approval of the request with the following conditions: 1. That, customer parking will not be allowed on McKee Avenue. 2. That, no more than two non-resident instructors are permitted at one time

PC-2018-13, CONDITIONAL USE, 117 W. Church Street, to allow for a lodging service without food service or owner occupancy, Kristine and David Winkler, Owners, Applicants

This case came about as an effort by the owners to find a use for their building that would help to preserve it for future generations. The goal being to become an income-producing property. This 1911 Neo-Classical style building was previously a professional office and a residential rental. The property is zoned Uptown which does not permit residential use on the ground floor.

Oxford Zoning Code contains a rarely used provision in nearly every zoning district for a conditional use for a Bed and Breakfast. The provision requires on-site management and a meal for guests. Staff directed the owners to the option of seeking the conditional use with requested waivers. The proposal would be for guests to use an internet-based reservation service. The owners do not occupy the home and would not be providing on-site management or a meal.

The Commission held a hearing. Based on the decision criteria, the Commission voted 5-0 to recommend approval of the conditional use request with the following waivers to be granted: 1. On-site management not required, 2. No meal required.

PC-2018-14, CONDITIONAL USE, 22 S. Beech Street, Mesler Auto Body, to allow for a new mixed use building with a proposed hotel, **Scott Webb, Applicant, Agent**

Architect Scott Webb requested a conditional use for a single-level hotel within a proposed new four story building at the corner of Walnut and Beech Streets. If the ground level space were intended for a retail tenant, the Planning Commission would not review this case. However, the conditional use process presents an opportunity for a more public process to influence the outcome. The discussion and decision was directed to the hotel aspect due to the fact that the project would not otherwise require a special approval. Additional floor area ratio was also requested in the form of a waiver within the conditional use process.

The site is currently an automotive service (Mesler Auto) with an apartment above the commercial space. The proposal presented on behalf of Stewart Developers LLC is for a new four-story building to replace the current automotive service/parking lot. A 12-unit hotel would use the ground floor as an extension of The Elms Hotel, which is located one block to the east. There was considerable discussion regarding the potential impact on parking demand and design of the building and sidewalk. A representative of the Bethel A.M.E., neighboring church spoke about the impact of development on their property. Mr. Webb updated the Commission that the exterior design was only conceptual and that he was willing to accept the case being tabled and they would come back next month with more detail. The Commission tabled the case.

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office) District to UP (Uptown) District, **Scott Webb, Applicant, Agent**

This building and property was recently vacated by the bank that relocated to Stewart Square. The 1965 mid-20th century modern building is considered historic in the 2018 inventory. The proposed map amendment would extend the Uptown Zoning District west of College Ave for this one parcel; making way for increased development potential. The Commission held a hearty discussion on this topic, including public comments. Ultimately, the Commission did not find that any of the four decision criteria warranted expanding the Uptown zoning district west of College Avenue to include this parcel. The reality of the current site usage is that any new user other than a bank is not permitted to use the nonconforming use drive-through. Auto-oriented uses are prohibited in *both* RO and UP. Conditional use is not an option. However, the re-use potential is not listed as one of the decision criteria.

The Commission heard from staff, applicant and public. Based on the decision criteria, the Commission voted 5-0 to recommend denial of the map amendment.

PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, **Craig Moyer, The Architectural Group, Applicant, Agent**

The Hillel Foundation has strong ties to the Miami University community and seeks to broaden their community outreach using their facility. A total interior and exterior renovation is planned. The exterior changes were approved by HAPC. This project would nearly double their building square footage and also increase their lot coverage. Increasing from 5,000 to 9,000 gross square feet. Their current 1973 facility is considered a non-contributing building in the Uptown Historic District and cannot be expanded without a conditional use for a place of worship from City Council. The applicant design team offered pervious pavement at the hearing to offset the increased lot and building coverage. The case was recommended to Council for approval with the requested waivers of lot coverage, building coverage, side setback and front setback.

The Commission held a hearing; based on the decision criteria, the Commission voted 5-0 to recommend approval of the conditional use request with the following waivers to be granted: lot coverage, building coverage, side yard setbacks, front yard setbacks.

PC-2018-02, ZONING CODE TEXT AMENDMENT, to amend Chapter 1141.01 Accessory Regulations, adding 1141.01(a)(5) Short Term Rentals, **City of Oxford, Applicant**

Staff and Commission have been discussing modernizing the Oxford Zoning Code for Airbnb for two years. This was a slightly tweaked version that came out of a subcommittee of the Planning Commission earlier this year. Implementation will be challenging but the time has come. It is a popular side income stream for homeowners and an added convenience for visitors desiring to stay local. Thanks to former Planning chair Robert Bell and former member Peter McCarthy who spent much of their volunteer time researching, editing and discussing it with other members. The consensus of the Commission was that more work needs to be done to further study whether the staff-proposed limit in overlay districts is justifiable. Case tabled again, more subcommittee work next week. Shana volunteered to lead the new subcommittee to move this forward.

Approved By:

Department Head: Interim SP, 8-2-18

City Manager: DRE, 8-3-18

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: August 7, 2018

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: August 1, 2018

Agenda Title: Oxford Recreation Board Meeting, 7/12/18

Recommendation: Approve

Attendance: Present: Ken Bogard (Chair), Edna Southard (Council Rep), Craig Bennett

Not Present: Wes Cole, Kevin Ackley, Holli Morrish

Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary

Discussion:

Board Chair Mr. Bogard opened the meeting of the Oxford Recreation Board on Thursday, July 12, 2018 at the Oxford Senior Center at 4:00pm.

Report from Recreation Director: Casey Wooddell provided the Parks and Recreation Report. This report included information about the Freedom Festival events on July 2nd and 3rd. City Parade on July 2nd, followed by Music Festival event and City Event/Celebration on July 3rd at Oxford Community Park. Mr. Wooddell also discussed the new parking charge at OCP for 2018, and how it was implemented and the revenue it produced.

New Business:

Fundraising – Mr. Wooddell is working with Ms. Leah Flynn to create a pamphlet and marketing materials to begin fundraising for the new aquatic center. This will include items such as tables, benches, umbrellas, scholarships, shade trees, touchpads and pavers. Mr. Wooddell also noted the swim team has been asked to cover the costs of new starting blocks, backstroke flags and stanchion poles, with an approximate cost of \$20,000. Mr. Wooddell added the City is providing the swim team with a storage closet, 8 lane competition pool and lane lines.

Initial target date for fundraising materials was August 1st, but that's being pushed back due to lack of finalized materials and images to provide within the brochures. New target date is September 1.

PUBLIC INFORMATION SESSION - Mr. Wooddell discussed the idea of a public information session once the contract is finalized with Wilcon and the design drawings are complete. It was suggested this could possibly happen at the End of Season pool party in September. More information to come on this topic.

GROUND-BREAKING - Additionally, a ceremonial ground-breaking event was discussed. Board decided on Tuesday, August 7th just before the City Council Meeting. Mr. Wooddell will send out invites to the appropriate groups and individuals.

Next meeting: Thursday, August 9th – 4pm

Meeting Adjourned: 5:01pm.

Approved By:

Initial Date

Department Head: CDW \ 8/1/2018

City Manager:

DRE \ 8/3/18

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

August 2, 2018
Date Prepared

Agenda Title: Board of Zoning Appeals Meeting Report – July 18, 2018
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Adjudication Hearings

BZA-2018-15, 406 E. Withrow, variances to Section 1151.05(b) signage size and number of, **Tommy Reed, Atlantic Signs, Appellant/Agent**

On behalf of Crossroads Outpost, Tommy Reed requested variances for: wall sign 28 square feet instead of 12, additional hanging sign from the patio roof structure. Non-residential land uses in residential districts are permitted one 12 square foot sign, either ground or wall. Crossroads requested 3 signs. The 12 sf ground sign was previously permitted but not installed.

The BZA deliberated the case and at the request of the applicant, tabled. The applicant planned to bring back designs for less square footage rather than have the case denied.

The next regular BZA meeting will be at 6:30 p.m. on Wednesday, August 15, 2018 at 118 West High Street.

Approved By:

Department Head: *Interim* *SP* ^{Initial} *8-2-18* ^{Date}

City Manager:

DRE *8-3-18*

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager
Original Department

Council Meeting Of: 8/7/2018

Account Code No. #: MIS Printing
&
Reproduction

Kim Newton
Prepared By

Budgeted Amount: 22,700

7/20/2013

Date Prepared

Agenda Title:	Lease Agreement for Canon ImageRunner Advance C5260i II Color Copier
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Recommendation:	Approve
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Discussion: The Canon ImageRunner Advance C5260i II Color Copier from Canon Solutions America will replace our current ImageRunner Advance C5255 color copier, in which the lease expires in October.

The current lease for the Canon IR5255 copier is \$310 per month and the average maintenance cost is approximately \$260 per month, which includes overage costs at \$0.00866 per B&W copies and \$0.05324 for color copies. The average monthly payment is **currently \$570 per month**. (Note: we are currently averaging approximately 9,200 B&W and 3,400 color copies per month.)

A new 60 month lease for the Canon IR5560 would be \$472.00 per month, which includes 10,000 B&W copies and 3500 color copies per month with a maintenance (overage) agreement of \$0.0044 per B&W copies and \$0.0392 per color copies. The total average monthly payment for the lease and maintenance would be approximately **\$472 per month** for an average savings of \$98 per month.

Please note, this copier (Canon) and vendor (Canon Solutions America) falls under the Ohio State Term Schedule (State Contract pricing), schedule #800088, as well as the National IPA Cooperative Contract #CP-002-13, with whom we are a member.

Approved By:	Initial	Date
	Department Head:	<u> / </u>
	City Attorney:	<u> / </u>
	City Manager	<u>DRE 8-3-18</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CANON SOLUTIONS AMERICA FOR A 60-MONTH LEASE OF A CANON IMAGERUNNER ADVANCE C5260I II COLOR COPIER THROUGH STATE CONTRACT PRICING.

WHEREAS, the City Manager has reviewed information submitted for the replacement of the existing copier equipment and has recommended that the current copier equipment be replaced with the Canon ImageRunner Advance C5260i II color copier; and

WHEREAS, the City Manager recommends that the City enter into a 60-month lease with Canon Solutions America for the Canon ImageRunner Advance C5260i II color copier through State Contract pricing at a monthly cost of \$ 472.00 with overage costs of \$ 0.0044 per black and white copies and \$ 0.0392 per color copies. It is anticipated that this lease agreement would result in an average savings of \$ 98.00 per month.

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

SECTION 1: Council having reviewed the City Manager's recommendation, hereby authorizes the City Manager to enter into an Agreement with Canon Solutions America for a 60-month lease of the Canon ImageRunner Advance C5260i II color copier.

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

New Canon Proposal for the City of Oxford



Current Situation

Proposed Situation

Model:	IR ADV. C5255	Model:	IR ADV. C5560i II
Speed:	55 pages per minute	Speed:	60 pages per minute
Lease Expiration:	10/27/2018	Lease Expiration:	NEW Agreement
Monthly Lease Payment:	\$ 310.00	Monthly Lease Payment:	\$ 472.00
Monthly Maintenance Payment:	\$0.00	Monthly Maintenance Payment:	Included
B&W CPC:	0.00866	B&W CPC:	0.0044
Color CPC:	0.05324	Color CPC:	0.0392
B&W Allowance:	0	B&W Allowance:	10,000
Color Allowance:	0	Color Allowance:	3,500
B&W Volume:	9,157	B&W Volume:	9,157
Color Volume:	3,401	Color Volume:	3,401
B&W Overage Cost:	\$ 79.30	B&W Overage Cost:	\$ -
Color Overage Cost:	\$ 181.07	Color Overage Cost:	\$ -
Total Monthly Cost:	\$ 570.37	Total Monthly Cost:	\$ 472.00

Notes:

* Equipment Configuration on the New Machine is identical to the Current Machine
(Paper Desk Unit, Booklet Finisher, Hole Punch, Fax)



City Manager & Service / Engineering

IR ADV C5560i II

Full Color MFP

60 Pages Per Minute

New Proposal Advantages

Several New Product Enhancements

New Machine is 5 pages per minute Faster

New 5 Year Lease would begin

Provides 1 Payment for Everything, 1 Invoice

Better B&W Rate

Better Color Rate

No more overages. Allowance covers the volume.
No more overages. Allowance covers the volume.

Monthly Cost Reduction of \$98.37

Additional Advantages

Get out of your Current Lease Agreement 3 Months Early

Service is Fixed for Term of the Contract

1-Click for 11" x 17" and Larger

Late Payment / Late Fee Exemption

Net 30 Day Payment Terms

No Documentation Fee

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire

Originating Department

Council Meeting Of: July 17, 2018

Account Code No. #: N/A

John Detherage

Prepared By

Budgeted Amount: N/A

June 20, 2018

Date Prepared

Agenda Title: A Resolution authorizing the on-line auction sale of miscellaneous equipment that is surplus to the Fire Department

Recommendation: Adopt the Resolution.

Discussion: This resolution is for disposal of the following items that are surplus to the operation of the fire department. The auction will be conducted on GovDeals.com. Items to be auctioned off include:

- (1) 1 Hydraulic hose reel with hose
- (2) 2 Gas powered fans
- (3) 1 Table
- (4) 1 Dishwasher
- (5) Pallet of various hose
- (6) Portable water tank
- (7) Various spare tires and wheels from former vehicles
- (8) 2 Plans cabinets
- (9) Various emergency warning lights and equipment
- (10) Wooden organizer cabinet
- (11) Various EMS bags

Approved By:

Department Head:

City Manager:

Initial Date

_____\

DRE 18-3-18

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING THE SALE OF SAID ITEMS TO THE HIGHEST BIDDER UTILIZING GOVDEALS, INC. THE PROCEEDS THEREOF SHALL BE DEPOSITED IN THE FIRE/EMS FUND.

WHEREAS, the City Manager and the Fire Chief report that the items set forth on Exhibit "A" attached hereto belonging to the City are no longer needed for municipal purposes and should be declared surplus; and

WHEREAS, the City Manager and the Fire Chief recommend that the items set forth on Exhibit "A" attached hereto be disposed of by sale to the highest bidder utilizing GovDeals, Inc.

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

SECTION 1: Council hereby finds and determines that the items set forth on Exhibit "A" attached hereto are no longer needed for municipal purposes and are hereby declared to be surplus. Accordingly, the City Manager or his designee is hereby authorized to dispose of said property through GovDeals, Inc. and the proceeds thereof shall be deposited in the Fire/EMS Fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

- (1) ONE HYDRAULIC HOSE REEL WITH HOSE
- (2) TWO GAS POWERED FANS
- (3) ONE TABLE
- (4) ONE DISHWASHER
- (5) PALLET OF VARIOUS HOSE
- (6) PORTABLE WATER TANK
- (7) VARIOUS SPARE TIRES AND WHEELS
- (8) TWO PLANS CABINETS
- (9) VARIOUS EMERGENCY WARNING LIGHTS AND EQUIPMENT
- (10) WOODEN ORGANIZER CABINET
- (11) VARIOUS EMS BAGS

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 7, 2018

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 27, 2018

Date Prepared

Agenda Title: Resolution to sell junk/abandoned motor vehicles to the highest bidder.

Recommendation: Adopt the resolution

Discussion: Pursuant to Oxford City Code and in accordance with ORC 4513.62, the Division of Police requests that City Council approves the sale of salvage/junk/abandoned motor vehicles described in the attached Exhibit A to the highest bidder and that the proceeds from such sale be placed in the General Fund.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

DRK \ *8-3-18*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED, JUNK AND/OR ABANDONED MOTOR VEHICLES.

WHEREAS, the Police Chief recommends that unclaimed motor vehicles ordered into storage pursuant to Section 4513.62 of the Ohio Revised Code be sold to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The motor vehicles to be sold are listed on Exhibit "A" attached hereto and incorporated herein by reference.

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

SECTION 1: City Council hereby accepts the recommendation of the Police Chief and authorizes the sale of the salvaged, junk and/or abandoned motor vehicles listed on Exhibit "A" to a motor vehicle salvage dealer or scrap metal processing facility at the highest obtainable salvage price. The proceeds thereof shall be placed in the General Fund.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT "A"

The following vehicles are currently being stored at the OPD impound lot and are unclaimed by the owner after due notice. OPD has obtained salvage titles for the below vehicles and we are requesting they be sold to a salvage dealer.



- 1. 2004 Honda CRV (Blue)**
VIN#: JHLRD78864C059317



- 2. 2006 Chrysler Town & Country (maroon)**
VIN#: 2A8GP54L46R918286



3. 1995 Plymouth Grand Voyager (maroon)
VIN#: 1P4GH44R8SX526521



4. 2003 Honda Odyssey (Gray)
VIN#: 5FNRL18983B136860



5. 2000 Ford Focus (black)
VIN#: 1FAFP343XYW300011



6. 1988 Pontiac 6000 LE (blue)
VIN#: 1G2AG51W7JT258164



7. 2003 Ford Taurus (gray)
VIN#: 1FAHP55U33G121131



8. 2000 Mitsubishi Eclipse (silver)
VIN#: 4A3AC54L9YE124647



9. 1995 Chevy Astro Van (Maroon)
VIN#: 1GBDM19W4SB252249

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance Department
Originating Department

Council Meeting Of: August 7, 2018

Account Code No. #: _____

Joe Newlin
Prepared By

Budgeted Amount: _____

July 27, 2018
Date Prepared

Agenda Title: Donation for Oxford Area Trails

Recommendation: Approve

Discussion:

Staff is requesting Council to approve the donation of \$11,000 from the Oxford Community Foundation. These are funds left over from the fund raising effort for the construction of the OAT's first phase. The donation will go towards the Black Covered Bridge repairs.

Approved By:

Department Head:
City Manager:

Initial Date

DRE 8-3-18

RESOLUTION NO.

A RESOLUTION ACCEPTING THE DONATION OF \$11,000.00 FROM THE OXFORD COMMUNITY FOUNDATION TO BE UTILIZED FOR THE NECESSARY REPAIRS TO THE BLACK COVERED BRIDGE.

WHEREAS, the grantor, the Oxford Community Foundation, has offered to give, and the City is desirous of accepting, funds remaining from a fund raising effort for the construction of the Oxford Area Trails Phase I project; and

WHEREAS, the City Manager and the Finance Director recommend acceptance of the donation of \$11,000.00 from the Oxford Community Foundation to be utilized for the necessary repairs to the Black Covered Bridge.

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

SECTION 1: Council has determined that the City would benefit from accepting the donation of \$11,000.00 from the Oxford Community Foundation to be utilized for the necessary repairs to the Black Covered Bridge.

SECTION 2: City Council hereby accepts the donation of \$11,000.00 from the Oxford Community Foundation to be utilized for the necessary repairs to the Black Covered Bridge.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared:

Resolution authorizing the City Manager to enter into a Pre-Annexation Agreement with The Knolls of Oxford regarding 1 acre of land.

Recommendation: Approval

Discussion:

The Knolls of Oxford, approximately 40 acres was originally annexed into the City and approved as a Planned Development in 1997 and 98. Final development phases have been for two-family buildings on a private street called White Tail Run. The Knolls would like to build three more two-family buildings, two of which are located on a one acre tract of land currently outside the city limits. Oxford Code Section 921 requires annexation for new water and sewer service. Local engineering firm Bayer & Becker approached the city about annexation for this one acre tract. Staff provided a pre-annexation agreement for signature, which is attached. Also attached is a map of the subject area. Bayer & Becker has agreed to provide an annexation plat for the City Manager.

If the agreement is signed, the City Manager will move forward with a petition to Butler County as well as begin assisting The Knolls with building and zoning permits for construction. The R1A zoning map and Planned Development Overlay would also be amended to be consistent with the existing Knolls area.

As part of standard process, the City did reach out to surrounding property owners to gauge interest and did not find any additional interested parties at this time.

Approved By:

Department Head: *Intaim SP* / *8-2-18*

City Manager: *DRE* / *8-3-18*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE KNOLLS OF OXFORD, OXFORD, OHIO, FOR LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY OHIO, TO BE ANNEXED INTO THE CITY OF OXFORD, BUTLER COUNTY, OHIO, SUBJECT TO THE CONDITIONS STIPULATED IN THE PRE-ANNEXATION AGREEMENT.

WHEREAS, the Petitioner is owner of one parcel adjoining the City, parcel number H3610021000046, totaling 0.98 acres which is a land-locked property between private street Whitetail Run and 6694 Fairfield Road; and

WHEREAS, the property is located within Oxford Township, Butler County, Ohio; and

WHEREAS, the City and the Petitioner desire to annex the property into the City under certain conditions.

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

SECTION 1: Council hereby approves the Pre-Annexation Agreement and authorizes the City Manager to sign the same in substantially the same form as the agreement attached hereto as Exhibit "A" and incorporated herein.

SECTION 2: Council finds that the annexation of the property in accordance with the terms of the Pre-Annexation Agreement is in the best interest of the City and would promote the health, safety and welfare of the citizens and hereby approves the same.

SECTION 3: The City Manager is hereby directed to execute the Pre-Annexation Agreement on behalf of the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE
PREPARED BY: LAW (STAFF)

Pre-Annexation Agreement

Knolls of Oxford, Oxford, Ohio; 45056, ("Petitioner") and the City of Oxford ("City") have entered into this Pre-Annexation Agreement ("Agreement") this 17th day of July, 2018.

WHEREAS, Petitioner is owner of (1) parcel adjoining the City, parcel number H3610021000046, totaling 0.98 acres, to be collectively referred to as the "Property", a land-locked parcel between private street Whitetail Run and 6694 Fairfield Road; and

WHEREAS, the Property is located within Oxford Township ("Township"); and

WHEREAS, Petitioner and the City would like to annex the Property to the City under certain conditions; and

WHEREAS, the City and Petitioner would like to agree in advance on the conditions of such annexation;

NOW THEREFORE, the City and Petitioner hereby enter into this Agreement on the terms and conditions stated below for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. Petitioner agrees to sign an annexation petition for the Property to annex it to the City after the execution of this Agreement.
2. The City recognizes that once the annexation has been approved by the Butler County Commissioners and is placed before City Council by the clerk at the next regular meeting of City Council following sixty days from the receipt of the approval of the annexation by the county commissioners, the City has 120 days to accept or reject the annexation.
3. Upon annexation of the property to the City the Petitioner shall be eligible to take all steps required to extend City water and sewer and other services to the Property subject to City rules and regulations.
4. The City will make every effort possible to respond to building and zoning permit applications and to avoid any unnecessary delays in processing said permit applications while waiting for annexation procedures.
5. All other sections of the Oxford Code of Ordinances are enforceable as applicable.
6. This Agreement shall be binding on the parties hereto and their successors and assigns.
7. This Agreement shall only be amended in writing by each party.
8. This Agreement is intended to be severable. If part of the Agreement is deemed unenforceable, the remainder shall be enforced to the extent necessary to accomplish the purpose of Petitioner to develop the Property or allow it to de-annex the Property.

IN WITNESS WHEREOF, the City and Petitioner have executed this Agreement as the date first written above.

CITY OF OXFORD, OHIO

Douglas R. Elliott, Jr., City Manager

OWNERS NAME:

Knolls of Oxford

By: *Timothy P. McGowan*

Tim McGowan, V.P. of Operations



NOTES:

- | | |
|-------------------------------|---------|
| Drawing:
18-0070 CONCEPT A | 1"=100' |
| Scale | |
| Drawn by: | MAR |
| Checked By: | |
| Issue Date: | 5 11 18 |

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 7, 2018

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 29, 2018

Date Prepared

Agenda Title: Resolution authorizing the acceptance of the Drug Use Prevention Grant in the amount of \$12,361.70.

Recommendation: Adopt the Resolution.

Discussion: The Talawanda City School District and the Oxford Police Department have agreed to place a police officer at the Talawanda Middle School in the position of School Resource Officer (SRO). The Drug Use Prevention Grant is an ongoing program that enables law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of school resource officers who conduct drug use prevention programs in public schools. Oxford Police Department applied for the grant and was awarded \$12,361.70 for the 2018-2019 academic year. This resolution authorizes the acceptance of the grant.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JA \ 7-17-18

DRL \ 8-3-18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE OHIO ATTORNEY GENERAL'S OFFICE DRUG USE PREVENTION GRANT IN THE AMOUNT OF \$12,361.70 FOR THE 2018-2019 ACADEMIC YEAR TO ASSIST WITH THE COMPENSATION OF THE CITY'S SCHOOL RESOURCE OFFICERS AND WITH DRUG USE PREVENTION PROGRAMS CONDUCTED IN THE SCHOOLS.

WHEREAS, the drug use prevention grant is an ongoing program that enables law enforcement agencies to establish and implement drug abuse resistance education programs in public schools; and

WHEREAS, grants awarded to law enforcement agencies shall be utilized by the agencies to pay for not more than fifty percent of the salaries of School Resource Officers who conduct drug use prevention programs in public schools; and

WHEREAS, the City Manager and the Police Chief recommend the City Manager be authorized to accept the Ohio Attorney General's Office Drug Use Prevention grant in the amount of \$12,361.70 for the 2018-2019 academic year to assist with the compensation of the City's School Resource Officers and with Drug Use Prevention Programs conducted in the schools.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and hereby authorizes the City Manager to accept the Ohio Attorney General's Office Drug Use Prevention grant in the amount of \$12,361.70 for the 2018-2019 academic year to assist with the compensation of the City's School Resource Officers and with Drug Use Prevention Programs conducted in the schools.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

2018–2019 Drug Use Prevention Grant Program Award Acceptance

This award acceptance contains the terms and conditions of the 2018-2019 Drug Use Prevention Grant received by your agency. The Chief or Sheriff must review and sign this document prior to submission.

Grant payments cannot be processed until a signed award acceptance has been received.

AWARD ACCEPTANCE IS DUE BY SEPTEMBER 15, 2018

**Ohio Attorney General's Office
Finance Section**

• 30 East Broad St, 15th Floor • Columbus, Ohio 43215 • PHONE: (614) 466-6963 •
Email: DrugUsePrevention@OhioAttorneyGeneral.gov

INSTRUCTIONS

- The Chief or Sheriff must sign the following Award Acceptance and comply with the terms and conditions listed below.
- Grant award payments cannot be disbursed before this signed Award Acceptance has been submitted.
- Please contact Attorney General's Finance Section at (614) 466-6963 or via e-mail at DrugUsePrevention@OhioAttorneyGeneral.gov with any questions regarding the Drug Use Prevention Grant.

Please upload the completed form at Ohio Attorney General's Office - Drug Use Prevention Grant Management System (DUP GMS)

AWARD ACCEPTENCE IS DUE BY SEPTEMBER 15, 2017

AGENCY INFORMATION

Recipient Organization: Oxford Police Department

Award Amount: \$12,361.70

Award Period: 9/1/2018 to 8/31/2019

ACCEPTANCE

The Recipient Organization agrees as follows:

I. **Funding Purpose and Recapture of Funds.** In accordance with the terms hereof, the Recipient Organization (the "Recipient") agrees to expend certain funds to pay up to Fifty Percent (50%) of the salaries of law enforcement personnel who conduct drug abuse resistance education programs in Ohio public schools in accordance with Ohio Revised Code ("R.C.") 4511.191(F)(4). The Recipient agrees that it will be liable to repay any Funds spent in a manner inconsistent with this Agreement or the stated purpose as determined by the Ohio Attorney General (the "Attorney General"). This Award Acceptance may only be modified in a writing signed by the Attorney General and the Recipient.

II. **Limitations on Use of Funds.** Funds received under the Drug Use Prevention Grant Program ("Funds") will not be used for any political campaign or governmental lobbying in a partisan manner. Funds must be used during the Award Period as stated above.

III. **Disbursement of Funds.** Direct payments will be made by Electronic Funds Transfers to Recipients that have submitted an Authorization Agreement for Direct Deposit of EFT Payments form to the Attorney General. Otherwise, payment will be made by check from the Office of Budget and Management. For all awards, 50% of the funds will be disbursed at the beginning of the Award Period and 50% will be disbursed at the midpoint of the Award Period. Disbursements are contingent upon the timely submission and approval of all required program and financial reports and requirements set forth in Paragraph XI below. Unexpended funds must be returned to the Attorney General's Office with the final report.

IV. **Reimbursement for DARE Material.** The Attorney General will reimburse the Recipient for DARE Workbooks and OTC/RX Pamphlets ("DARE Material") purchased for use in public schools. In order to be reimbursed, a copy of the invoice for the DARE Material must be submitted by October 31, 2017 via e-mail to DrugUsePrevention@OhioAttorneyGeneral.gov.

V. **Ethics/Conflict of Interest.** The Recipient, by signature on this Award Acceptance, certifies that it has reviewed and understands the Ohio ethics and conflict of interest laws, and will take no action inconsistent with those laws.

VI. **Non-Discrimination.** Pursuant to R.C. 125.111 and the Attorney General's policy, Recipient agrees that Recipient and any person acting on behalf of Recipient shall not discriminate, by reason of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry against any citizen of this state in the employment of any person qualified and available to perform the work described herein. Recipient further agrees that Recipient and any person acting on behalf of Recipient shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work described herein on account of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

VII. Campaign Contribution Limits. The Recipient hereby certifies that neither Recipient nor any of Recipient's partners, officers, directors or shareholders, if any, nor the spouses of any such person, have made contributions in excess of the limitations specified in R.C. 3517.13.

VIII. Compliance with Law. The Recipient, in expending the Funds, agrees to comply with all applicable federal, state and local laws, rules, regulations and ordinances.

IX. Authority to Bind Parties. The person signing this Award Acceptance on behalf of Recipient is legally authorized to obligate the Recipient.

X. Certification of Funds. It is expressly understood and agreed by Recipient that none of the rights, duties, and obligations described herein shall be binding until all relevant statutory provisions of the Ohio Revised Code, including, but not limited to, R.C. 126.07, have been complied with, and until such time as all necessary funds are available or encumbered and, when required, such expenditure of funds is approved by the Controlling Board of the State of Ohio, or in the event that grant funds are used, until such time that the Attorney General gives Recipient written notice that such funds have been made available to the Attorney General by the Attorney General's funding source.

XI. Reporting Requirement. Recipient shall submit two reports, one mid-year report and one final report at the end of the Award Period listed above describing the use of the Funds during the project period and the outcome received from the expenditure of the Funds. The 2018-2019 Mid-Year report is due March 31, 2019. The 2018-2019 Final report is due October 14, 2019. These reports shall be submitted via upload to Ohio Attorney General's Office - DUP GMS.

XII. Time of Performance. Notwithstanding the foregoing, this Award Acceptance shall expire when the obligations set forth herein are complete.

IN WITNESS WHEREOF, the Recipient has caused this Award Acceptance to be executed by its authorized officers.

DRUG USE PREVENTION GRANT RECIPIENT

Chief/Sheriff Printed Name: _____ Title: _____

Chief/Sheriff Signature: _____ Date: _____

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: August 7, 2018

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

July 17, 2018

Date Prepared

Agenda Title: Resolution authorizing the City Manager to enter into an agreement with the Talawanda City School District to provide two School Resource Officers for the 2018-2019 school year.

Recommendation: Approve

Discussion: The Talawanda City School District and the Oxford Police Department have agreed to assign two police officers to the position of School Resource Officer (SRO) for the Talawanda District. The SROs would work forty (40) hours per week and the Talawanda School District agrees to reimburse the City of Oxford for forty (40) hours worked by the officers at a rate of \$24.00 per hour.

The SROs will be primarily assigned to the Talawanda Middle School and Talawanda High School. Butler County Sheriff Deputies will be assigned at the three elementary schools. The SROs will work with the Talawanda Staff to create positive interactions with students, to implement programming, and to promote a safe haven for teaching and learning. The SROs will work to deter incidents of crime and violence to protect students, staff, and visitors at the Talawanda Schools located within the City of Oxford.

The agreement was approved by the Talawanda City School Board at the July 16, 2018 meeting.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAG \ 7-17-18

DRE \ 8-3-18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT BETWEEN THE TALAWANDA CITY SCHOOL DISTRICT AND THE CITY OF OXFORD AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, the Talawanda City School District and the Oxford Police Division have agreed that two police officers should be assigned to the position of School Resource Officer (SRO) for the Talawanda City School District; and

WHEREAS, the City Manager and the Police Chief recommend Council authorize the City Manager to sign on behalf of the City, the proposed Agreement attached hereto as Exhibit "A" with the Talawanda City School District for the services of two "School Resource Officers". The Talawanda City School District shall reimburse the City for each hour the School Resource Officers work at a rate of \$24.00 per hour for the 2018-2019 school year not to exceed 185 days.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Police Chief and finds that the Agreement to provide two School Resource Officers in the Talawanda City School District will benefit the community and authorizes the City Manager to sign the agreement on behalf of the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Talawanda School Resource Officer Contract

This contract is made by and between the City of Oxford Division of Police, Ohio, hereinafter referred to as "the City," and Talawanda City School District, Butler County, Ohio, hereinafter referred to as "Talawanda Schools."

WITNESSETH:

WHEREAS, the City and Talawanda Schools desire to provide, under the management and supervision of the City, two School Resource Officers for the duration of the 2018-2019 school year;

NOW THEREFORE, be it agreed by and between the City of Oxford, Butler County, Ohio and the Talawanda Schools, Butler County, Ohio, as follows:

1. The City will provide two School Resource Officers ("SRO") for eight (8) hours per day, five (5) days a week, when school is in session, for the 2018-2019 school year. These hours and the SRO's days off might change as the need dictates. The SROs will patrol exclusively at the Talawanda High School, Talawanda Middle School, Kramer Elementary School, and any other school owned property located in the City of Oxford to keep the peace, protect the property and perform other necessary police functions at Talawanda Schools.
2. The City agrees to provide and pay the SROs' salary and employment benefits in accordance with the applicable labor agreements, salary schedules and employment practices of the City. The SROs shall be subject to all other personnel policies and practices of the City except as such policies or practices may have to be modified to comply with terms and conditions of this Agreement.
3. The City, in its sole discretion, shall have the power and authority to hire, assign, discharge and discipline the SROs.
4. The City shall be responsible for providing Workers Compensation, Unemployment Compensation and Police Professional Liability insurance for the SROs.
5. In the event the SRO is absent from work, the SRO shall notify both his/her supervisor with the City and the principal of the school to which the SRO is assigned. In the event the SRO is absent due to illness, injury or disability for a period in excess of ten (10) consecutive work days, the City agrees to meet with Talawanda Schools to discuss a change in this Agreement and/or assign a substitute SRO to assume and perform the duties of the SRO who is absent from work.
6. The City will provide a suitable patrol vehicle for use by the SROs and the parties agree that the assignment of any patrol vehicle will be at the sole discretion of the City.
7. Expenses of the SROs shall be borne between the agreeing parties as follows:

- a. Talawanda Schools agrees to reimburse the City for each hour the SROs work at a rate of \$24.00 per hour for the 2018-2019 school year, not to exceed 185 days. The current costs for this service with two SROs is estimated to be \$67,584 and shall be billed monthly. Said parties invoiced shall make checks payable to the City of Oxford, and shall be mailed to the City of Oxford Finance Department, 15 S. College Ave, Oxford, OH 45056. The City agrees to provide officer time sheets for hours worked at Talawanda Schools as part of the monthly invoicing process.
 - b. Any and all overtime worked by SROs at Talawanda Schools at the request of the Talawanda Schools shall be paid by Talawanda Schools to the City in the following month. The overtime rate shall be \$35.00 per hour. The invoice for overtime will be prepared by the City and listed separately on the monthly invoice.
8. The City will, from the annual appropriation of the City, pay all expenses necessary for the operation of the SRO's contract herein, other than those expenses listed and contained in this contract, which are to be paid by Talawanda Schools.
9. The SROs and his/her equipment will at all times be under the direct supervision of the City and subject to the rules, regulations and policies of the City, the State of Ohio and the United States Government.
10. It is mutually agreed upon between the City and Talawanda Schools that the assigned SROs will be used to cope with the needs of Talawanda Schools regarding criminal activity and to help foster education increasing student's knowledge and respect for the law and the function of law enforcement agencies. The SROs assigned by the City and Police shall have full authority to carry out the duties as a sworn police officer at any school facility within the school district.
11. It is mutually agreed upon between the City and Talawanda Schools that the SROs will be used most effectively to cope with the needs of Talawanda Schools regarding crime, detail, and service needed statistics.
12. This agreement may be terminated by either party by the service of written notice of cancellation upon the other party at least thirty (30) days prior to the termination date of the contract period.

CITY:

TALAWANDA SCHOOLS:

Douglas R. Elliott, Jr.
City Manager

Mark Butterfield District
President, Talawanda Board of Education

Kelly Spivey
Superintendent, Talawanda City School District

Mike Davis
Treasurer, Talawanda City School District

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: August 7, 2018

Account Code #: N/A

Budgeted Amount: N/A

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

July 27, 2018

Date Prepared

Agenda Title: Traffic Control Signal – Intersection of Chestnut St. and College Ave – Application for Ohio Public Works Commission - Issue One Funding.

Recommendation: Approve

Discussion: The City has recently completed installation of traffic control signals on Chestnut St. at the intersections with Patterson Ave., Campus Ave., and Main St. An additional signal is warranted at the intersection of Chestnut St. with College Ave.

Ohio Public Works Commission - Issue One funds, administered by the Butler County Engineer's Office, are available to local governments for projects that improve safety. The City of Oxford, through an application process, has the opportunity to receive Issue One funds to be used for installation of a traffic control signal at the intersection of Chestnut St. with College Ave. Total project costs are estimated to be approximately \$220,000. The City may be eligible to receive approximately \$151,800 from the Commission (69%). The City would be required to provide approximately \$68,200 as the local match to completely fund the project. The local funding would be required in FY 2019 as we would contract for the work in December of 2019 for construction in the summer of 2020.

The cost sharing ratio for this project is approximately 69% OPWC and 31% City. Construction would be timed to try to minimize impact on area residents, BCRTA operations, and school bus transportation for Talawanda School District.

The City's application for funding, should Council approve the project, will include the following project schedule with **construction in 2020**:

Project Engineering	October 2018 through October 2019
Bid Advertising and Award	October 2019 – November 2019
Construction	May 2020 through August 2020

It is Staff's recommendation that Council authorize the City Manager to apply for and sign all documents necessary to receive a grant from the Ohio Public Works Commission for the design and installation of a traffic control system at the intersection of Chestnut St. with College Ave.

Approved By:

Department Head:

Initial Date

MBD \ 7/27/18

City Manager:

DRE \ 8-3-18

RESOLUTION NO.

A RESOLUTION OF COUNCIL SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR OHIO PUBLIC WORKS COMMISSION ISSUE 1 FUNDS IN THE AMOUNT OF \$151,800.00 TO BE USED FOR THE DESIGN AND INSTALLATION OF A TRAFFIC CONTROL SYSTEM AT THE INTERSECTION OF CHESTNUT STREET AND COLLEGE AVENUE.

WHEREAS, Ohio Public Works Commission Issue One Funds, administered by the Butler County Engineer's Office, are available to local governments for safety improvement projects; and

WHEREAS, the City recently completed installation of traffic control signals on Chestnut Street at the intersections with Patterson Avenue, Campus Avenue and Main Street. An additional signal is warranted at the intersection of Chestnut Street and College Avenue; and

WHEREAS, the City Manager and the Service Director recommend Council authorize the City Manager to apply for and sign all documents necessary to receive a grant from the Ohio Public Works Commission for the design and installation of a traffic control system at the intersection of Chestnut Street and College Avenue.

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

SECTION 1: Council, having determined the installation of a traffic control system at the intersection of Chestnut Street and College Avenue to be beneficial to the City, hereby supports the use of grant funds to assist with the cost.

SECTION 2: Council hereby authorizes the City Manager to submit a grant application to the Ohio Public Works Commission requesting Issue 1 funds for the design and installation of a traffic control system at the intersection of Chestnut Street and College Avenue.

SECTION 3: The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared:

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based music school in an R1A Zoning District, Jon Sanford, Applicant

Recommendation: Approval with conditions

Discussion:

This case came about as a home based music lessons business that expanded beyond the limits of a permitted-by-right home occupation. The owner/occupant/applicant opted to pursue a conditional use for a school rather than re-locate the business or reduce it to a home occupation. There was originally 6 non-resident teachers which has now been reduced to 2 at any given time. The number of teachers seems to be a controlling factor of any potential neighborhood impacts. There was extensive feedback from the neighborhood at the June meeting, followed by emails. For July 10, the applicant had a two page letter revised plan and there were no new public comments; therefore, the case was recommended for approval as revised. There has been recent communication between neighbors and the applicant that may result in additional conditions requested. These were not reviewed by the Planning Commission.

After the removing the case from the table on July 10, the Commission heard from staff and the applicant. There were no new public comments. The Commission voted 5-0 to recommend approval of the request with the following conditions:

1. That, customer parking will not be allowed on McKee Avenue.
2. That, no more than two non-resident instructors are permitted at one time

Approved By:

Department Head: *Intaim SP* / 8-2-18

City Manager:

DRE / 8-3-18

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE HOME-BASED MUSIC SCHOOL IN A R1A (SINGLE-FAMILY LOW-DENSITY RESIDENTIAL) DISTRICT LOCATED AT 104 MCKEE AVENUE OXFORD, OHIO WITH CONDITIONS.

WHEREAS, the Planning Commission held public hearings on June 12, 2018 and on July 10, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Jon Sanford, Applicant, for a conditional use permit to allow a Private Home-Based Music School in a R1A (Single-Family Low-Density Residential) District located at 104 McKee Avenue in the City of Oxford, Ohio; and

WHEREAS, the Planning Commission, after two public hearings and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a Private Home-Based Music School in a R1A (Single-Family Low-Density Residential) District located at 104 McKee Avenue in the City of Oxford, Ohio with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a Private Home-Based Music School in a R1A (Single-Family Low-Density Residential) District located at 104 McKee Avenue Oxford, Ohio with the following conditions:

1. Customer parking shall not be permitted on McKee Avenue.
2. No more than two non-resident instructors shall be permitted on site at one time.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Memo



To: Planning Commission
From: Sam Perry, Community Development
Date: 7/5/2018
Re: 104 McKee Ave music lessons, PC 2018-10

Since the time of the June 12 hearing on this case:

- Staff met with Oxford Police Department to discuss some of the safety concerns raised. The department looked at the area at different times of day.
- The June 12 meeting minutes are only complete for this case. See attached. June and July minutes will be provided at the August meeting.
- We received four email messages from members of the neighborhood. All of those have been forwarded to owner/applicant Mr. Jon Sanford. Mr. Sanford has reached out to neighbors again and also researched other options. Staff has had good collaboration with Mr. Sanford.
- Mr. Sanford has submitted the attached written proposal to the Commission to reduce the impact of the business primarily by limiting the number of non-resident teachers from 7 to 2. The number of client visits per week would likely still exceed 10, which would require the conditional use process, rather than the permitted home occupation. A permitted home occupation would mean that Mr. Sanford could withdraw his conditional use application.
- The Commission can remove the case from the table and continue discussion or re-open the hearing to take any new information. All other previous findings and information for the case will be contained in the June agenda/packet. A recommendation of the conditional use for music school in a residential district should be forwarded to City Council. The recommendation based upon written findings of fact can be for:
 - Approval with conditions or
 - Denial

June 28, 2018

Dear Mr. Perry,

After learning about the concerns from a number of neighbors at the public hearing on June 12, 2018, I'd like to present a number of significant changes to my original Conditional Use Application which I believe will satisfy the desires of the community and neighborhood. These changes will require a significant amount of sacrifices made by me, the teachers of Oxford Music Academy, as well as the students and families who are currently enrolled in the school. Ultimately, it's my goal to continue to attract teachers to this community who otherwise wouldn't be teaching in Oxford to offer the best services at a price that residents can afford.

After the last hearing, I took immediate action to search for potential locations that could house the entire music school. Comments were made at the last hearing which made me think the Oxford Community Arts Center might be an easy solution. I met with the executive director the very next day and was disappointed to find out that things haven't changed since the last time I contacted them over a year ago. I was told that the spaces weren't conducive for music studios because of issues with sound. Noise complaints are already being made by other renters about the two music studios that are already in operation without adding the 7 teachers that are affiliated with Oxford Music Academy to the mix. Even if there wasn't a noise issue, they simply don't have the space available to house Oxford Music Academy.

Additionally, I enquired about a number of other available commercial spaces in town. None of them were at a price that would be feasible for a school of this size to afford without making a significant increase to the tuition families pay. Raising the rates would make it difficult for many in the community to continue music lessons.

I've also looked into space at the Fitton Arts Center in Hamilton. They only have a total of two studio spaces which are already in use by other instructors. This would have been a last resort because it would be a challenge for many in this community to regularly travel that distance each week for lessons.

Finally, I've contacted a number of churches in the area after learning that there are music studios in other communities that operate out of churches at a cost less than the traditional commercial space. Several are beginning the process to request approval by their boards and committees. These churches would not have the space to house the entirety of Oxford Music Academy, but might be of assistance by housing a portion of our instructors to help with my revised plan.

The first part of my revised plan is to eliminate the third teaching space from my home that was added after the first instructors were hired about a year and a half ago. This would just leave the two rooms that I originally had when I was only teaching by myself – which is the room with the semi-concert grand piano and the digital piano lab on the opposite side of the home.

This one change alone would reduce the total number of vehicles, teachers, and students that are present at any given time as well as significantly reduce the number of potential students throughout the course of the entire week.

I'm proposing that I would continue to offer my own Accelerated Piano Group Program and Traditional Private Piano Lessons out of my home. Even though I hope to relocate the violin, voice and guitar lessons, it's not as easy as it might seem to relocate the other piano teachers as well. Even though many churches do have pianos, many are not at a quality suitable for professional lessons. Even if they were, they are often in spaces that are already used for weekly rehearsals or meetings. It took a lot of work and loans to acquire the instruments we currently have and we would not be in a position to provide additional instruments of the same quality to the each piano teacher if they were forced to teach in different locations. These instruments are something we're currently able to share which benefit both the teachers and students from the community.

Because of these reasons, I'm requesting to have up to two non-resident instructors teaching out of my home – one to assist in the accelerated group classes and the other to offer private piano lessons. With the potential of a church hosting 1 or 2 studio spaces, it would hopefully be possible for me to relocate the violin, guitar, and voice lessons. Additionally, it would be much easier for me to implement a buffer zone between group classes. I would no longer be able to coordinate schedules for multiple students in the same family learning multiple instruments at the same time, which unfortunately is a loss and inconvenience to the families enrolled in the school.

These changes would produce a large cut in the number of teachers, students and parents present at one time. One of the major issues presented at the previous hearing was the danger to pedestrians when vehicles park on McKee Avenue. This change would completely eliminate the need for any parking on McKee. Another concern was a congested cul-de-sac on Tenney Court. However, anybody coming for the group piano class would be able to park on my driveway which holds at least 4 vehicles. These vehicles wouldn't have a need to even enter the cul-de-sac. This reduction would perhaps only require a maximum of 1-2 cars parked on Tenney Court, if any at all.

Some were concerned about reckless drivers coming into the neighborhood. Although I'm sure that could still happen whether this conditional use was permitted or not, the studio contract would remind our students about simple traffic rules to obey such as speed limits, U-turns, stop signs, or inappropriate parking. I would ask parents, students and neighbors to report any violations to me – not that I'd be taking on the role of law enforcement – but to let any offenders know that future offenses would be grounds for dismissal from the studio so that the poor actions of one client don't ruin the opportunities we provide to the rest of the community.

I'm confident that these changes will satisfy the desires of the neighborhood, as they address the major concerns that have been brought up to me. These changes come with me, our teachers, our students and parents making a significant amount of sacrifice in order to continue to offer our services to the community, so I hope it will be seen as a fair compromise when considering conditional use approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Sanford". The signature is stylized with a large, bold "J" and "S".

Jon Sanford

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-10

Date – June 12, 2018

APPLICATION

Applicant:	Jon Sanford
Location:	104 McKee Avenue
Owner:	Jon Sanford
Action Request:	Conditional Use Permit for Private Music School
Current Use:	Single Family Residence with Private Music School
Zoning:	R1A (Single Family Low Density Residential District)
Surrounding Land Uses:	Single Family Residential

GENERAL DESCRIPTION

Jon Sanford currently operates a private music lesson home-based business at 104 McKee Ave. McKee Ave is in a single-family neighborhood on the south side of Oxford. The business currently exceeds the limits of the home occupation provisions of Oxford Zoning Code, but it is not large enough to justify moving to a commercial location. Therefore, Mr. Sanford seeks approval from the City to retain his business as it currently operates. Mr. Sanford owns and occupies the home as his own residence. No changes have been made to the home for this use.

ZONING CODE BACKGROUND

While the home occupation code of 1141.01(c)5 is very specific(as noted below) in what is permitted by right, the conditional use concerns of a private school are comparably, very broad. This leaves the City latitude in determining if this use is a good fit in the neighborhood. This background information also helps to establish the basis for why the conditional use is the only option for Mr. Sanford that does not involve downsizing, closing or relocating. The below limits of the Home Occupation **do not have to be followed** if a conditional use is approved.

Client visits: Home occupation code limits the number of “business visitors” per week to 10. The current weekly visitors to this use is approximately 100.

Employees: Home occupation code limits the number of non-resident employees to 2, with only 1 being allowed to be present at a time. There are times when both are present.

Percent of home: Home occupation code limits the use to 25% of the home. This use exceeds 25%

Overlapping clients: Home occupation code prohibits overlapping client visits. There are currently overlapping client visits.

Traffic: Home occupation code states that the use “should not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.” The use generates more traffic and parking than the surrounding neighborhood.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a notice sign was placed in front of the property. As a result of the City’s mailing one letter of support was received from an adjacent owner. 31 letters of support were provided by Mr. Sanford from his clientele.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development

Departments. The following comments have been received:

Police:	No comment returned
Fire:	No comment returned
Engineering:	No comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Below is an excerpt from Oxford Zoning Code Section 1147.03, Use-Specific Regulations with staff comments in ***bold/italic***. The code below is the same code used for conditional use review of new public elementary, middle and high schools.

(40) Schools

A. Potential Concerns

1. Adequate lot size to permit future expansions – *n/a*
2. Bus and van storage - *n/a*
3. Access to streets that can handle traffic generated by the use – *n/a*
4. Design of vehicle management area – *n/a*
5. Location of outdoor facilities such as ball fields and band practice areas – *n/a*
6. Proximity to incompatible uses (establishments serving alcohol) - *none*

B. Regulations

1. Parking spaces shall not be located in a yard adjacent to a residential zoning district – *clients park on street*
2. Structure shall be setback a minimum of 30 feet from a residential zoning district – *structure is an existing home*

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

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

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

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

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

Yes it is possible. However, as noted in Section 1147.02(c)2:

Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

Since this use is already in operation it makes it somewhat simple for the City to determine if this is a good fit or not. If so, the current parameters could be placed as conditions in order to safeguard the neighborhood from any nuisance that could occur from increased traffic, parking or hours of operation.

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

Yes

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

Yes

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

None expected.

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

No excessive nuisance conditions expected.

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

No additional accessory uses expected

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

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

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

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

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

No changes for the home exterior are planned.

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

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

Mr. Sanford states that clientele only park on one side of McKee Avenue. The should be made a condition for safety purposes because this property is on a curved part of McKee Ave.

Staff recommends a condition that Mr. Sanford require a specified buffer time between clients so that the number of simultaneous parking is minimized. It would be difficult for clientele to park on Tenney Court certain times of the year because there are no public sidewalks on this part of McKee Ave.

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

No construction is proposed.

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.

Staff is not aware of any licenses required.

RECOMMENDATION

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

Given that the use is already in operation and no concerns have been received from the neighborhood, staff recommends approval, with the following conditions (to be discussed):

1. Limited to X number of cars on the street in front of 104 McKee (three?)
2. No cars parked on other side of the street associated with this business
3. Remain an owner-occupied home
4. Non-resident employees limited to 2
5. Buffer of X number of minutes between clients

SUBMITTED BY:

A handwritten signature in cursive script that reads "Sam Perry". The signature is written in black ink and extends horizontally to the right.

Sam Perry, AICP
Planner

DATE: June 3, 2018

ATTACHMENT

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

(1) Burden of proof.

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

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

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

(d) Action by Planning Commission.

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

City of Oxford
Inter-Office Review Transmittal Sheet



Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, **Jon Sanford, Applicant**

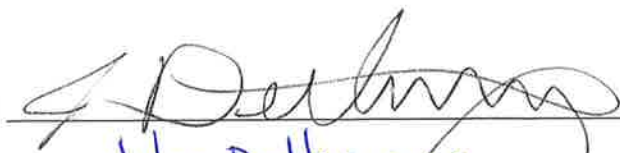
 X Review Revisions Other

Please return no later than: **June 1, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Detherage
PRINTED NAME

Date:

5-10-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, **Jon Sanford, Applicant**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: 5-9-18

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, **Jon Sanford, Applicant**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: _____

5/17/18

John A. Jones

PRINTED NAME



PC-2018-10 Surrounding Property Owners Notifications Map

Legend

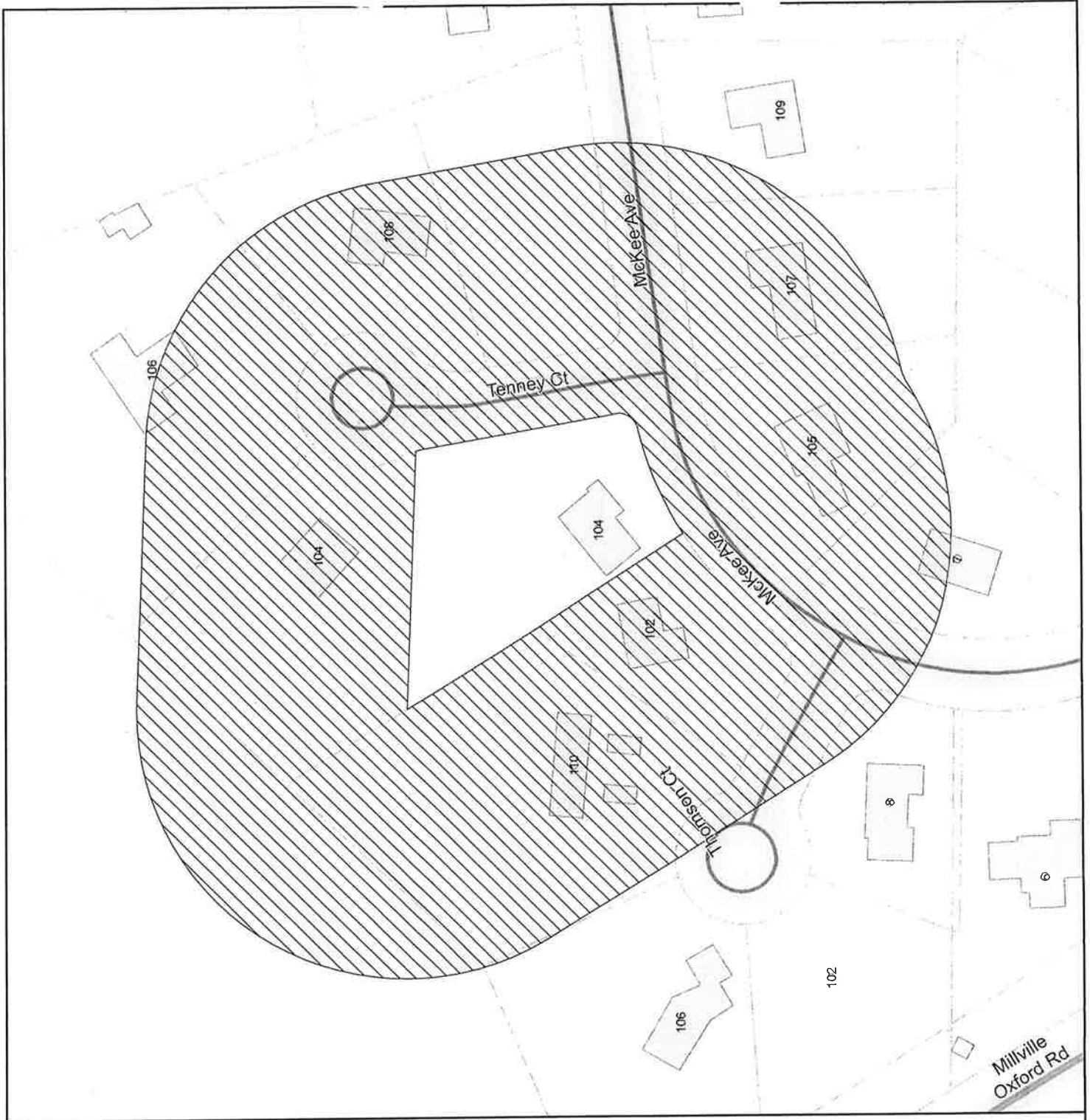
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Friday, May 25, 2018

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.





Internal Use Only:	
Case No.	PC-2018-10
Date Filed	4/27/18

Conditional Use Permit Application

Applicant Information

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

Name * Jon Sanford

Mailing Address * 104 McKee Ave

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * (513) 377-8188

Email Address jonsanford620@gmail.com

Owner Information

Name * Jon Sanford

Mailing Address * 104 McKee Ave

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * (513) 377-8188

Email Address jonsanford620@gmail.com

Location and Lot Information

Location of Property * 104 McKee Ave Oxford, OH 45056

Legal Description * Lot #950, Parcel # H4100-111-000-013

Zoning District * R1A

Total Area * .567 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Single Family Dwelling

Proposed Use Description * Private Home-Based Music School

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

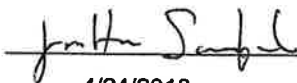
- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

4/24/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

4/27/18

Receipt Number *

200029

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

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

April 25, 2018

Mr. Jung Han Chen
Community Development Director
City of Oxford
101 East High Street
Oxford, OH 45056

Re: Oxford Music Academy Conditional Use Submittal

Dear Mr. Chen:

Enclosed please find thirteen complete sets of the Conditional Use Permit Application regarding Oxford Music Academy's approval to continue as a home-based business at 104 McKee Avenue. Specifically, the application materials provided include:

- Executed Conditional Use Permit Application
- Check in the amount of \$410.00 made payable to the City of Oxford for the application fee
- Description of the Proposed Use and Site (follows)
- Listing of all property owners within 200 feet of all property lines
- Interior floor plans showing the use of space inside the home
- Site Plan
- Exterior Photographs (a substitute for the elevation plan)
- Photographs of current surroundings
- Letters of support from current community members

Description of Use and Site:

- 1) Applicant and Owner
 - Jon Sanford
 - 104 McKee Ave
 - Oxford, OH 45056
 - (513) 377-8188
- 2) If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf
 - The applicant is the owner
- 3) Legal Description of the Site: Lot #950, Parcel # H4100-111-000-013
- 4) Description of existing uses of the site:
 - The site is currently used as a single family dwelling with a home-based business.
- 5) The zoning district in which the site is located: R1A
- 6) A description of the proposed use.
 - A description of operations, including types of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles
 - The proposed home-based business will offer private and group music lessons. It provides lessons on a weekly basis to approximately 60 families and 10 adult students. No business related deliveries or service vehicles would be present.
 - Hours of Operation
 - Regular teaching hours occur on weekdays in the late afternoon/evening as well as on weekends. Lessons are never taught after 9:00pm.

- 7) A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
- How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - The home would continue to function as a single-family dwelling for the majority of the time. Lessons are predominantly taught during the relatively small window of time each day that children aren't in school. Dedicated areas inside the home would be used to operate the home-based business.
 - How any existing structures, proposed structures, and the site design relate to adjacent structures and sites
 - The physical appearance of the existing structure will not change.
 - If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - The proposed home-based business will not involve any operations that create potential nuisances. As a single family dwelling, there are no shared walls between other neighbors so the sound created from music instruments is not an issue.
 - How any potential negative effects on adjacent land will be mitigated.
 - The proposed home-based business will not have any negative effects on adjacent land.
- 8) A statement about why the location proposed is more appropriate for the use than other locations.
- It is a long held tradition that music lessons be given in a home. Without any conditional-use approval, the current zoning regulations would prevent a home-studio teacher from being able to make a living doing their profession in Oxford.
 - Affording the cost to have a music school out of a commercial location in Oxford is unfeasible. The vast majority of clients are children. There is only a relatively small window of time between when a child gets home from school and gets ready for bed. Paying for the 24/7 use of a commercial space would be impractical considering how little it would be used. Even though students are encouraged to take lessons year-round, several need to take breaks over the summer which would make a commercial space even more impractical during the summer months.
 - Additionally, the majority of commercial locations available in the area would have adjoining walls with other businesses. Sound could be a nuisance to the neighboring businesses which isn't an issue where it's currently located being detached from any neighbors.
 - Even though commercial music schools do exist in other communities, these communities are large enough to support music schools that serve well over 500-1,000 students with 30 or more teachers. Considering Oxford's size in comparison to the nearby cities and suburbs, it's unrealistic to think a music school that large could exist in this community.
- 9) A statement of necessity or desirability of the proposed use to the neighborhood or community
- In addition to the inherent pleasure of making music, research shows that music lessons provide students countless benefits in non-music areas as well, including increased academic performance, higher IQ's, improved memory, better problem solving skills, social and emotional benefits, etc.
 - By partnering with other independent music teachers, resources such as instruments, teaching space, and a music library can be shared among them, encouraging other teachers to bring their skills and services to members of this community. This is particularly helpful for new teachers in the community wanting to start a career as well as those teachers who teach instruments that are relatively less popular. Without sharing

resources in a setting like Oxford Music Academy, it would be very difficult to attract new music teachers to this community.

- Parents love the convenience that a local music school can offer. A broad range of offerings allows students and family members with multiple interests to have different lessons at the same time and place, saving them valuable time and energy.
- The proposed use would create a “safe-house” for other neighbors – a place where children would know somebody was home after school in the afternoon/evenings, providing them a safe place to go if needed.
- See attached letters of support from current community members showing their desire of the proposed use to the neighborhood and community.

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

- Adequate lot size to permit future expansion
 - There would be no future expansions done to the exterior of the home.
- Bus and van storage.
 - There would be no busses or vans transporting students to music lessons.
- Access to streets that can handle traffic generated by the use.
 - Clients arrive either one at a time or in small groups. This would not have any major impact to the surrounding streets.
- Design of vehicle management area.
 - Most parents drop off their children and leave for the duration of the lesson. However, especially since the property is on a corner lot, there would be sufficient room for everybody to park on either Tenney Court or McKee Ave in front of the property and only on the same side as the property. Considering the width of the streets, this would still allow for any traffic on McKee Avenue and Tenney Court to safely flow in both directions.
- Location of outdoor facilities such as ball fields and band practices areas.
 - No outdoor facilities would be necessary.
- Proximity to incompatible uses (establishments serving alcohol).
 - No incompatible uses are in close proximity.

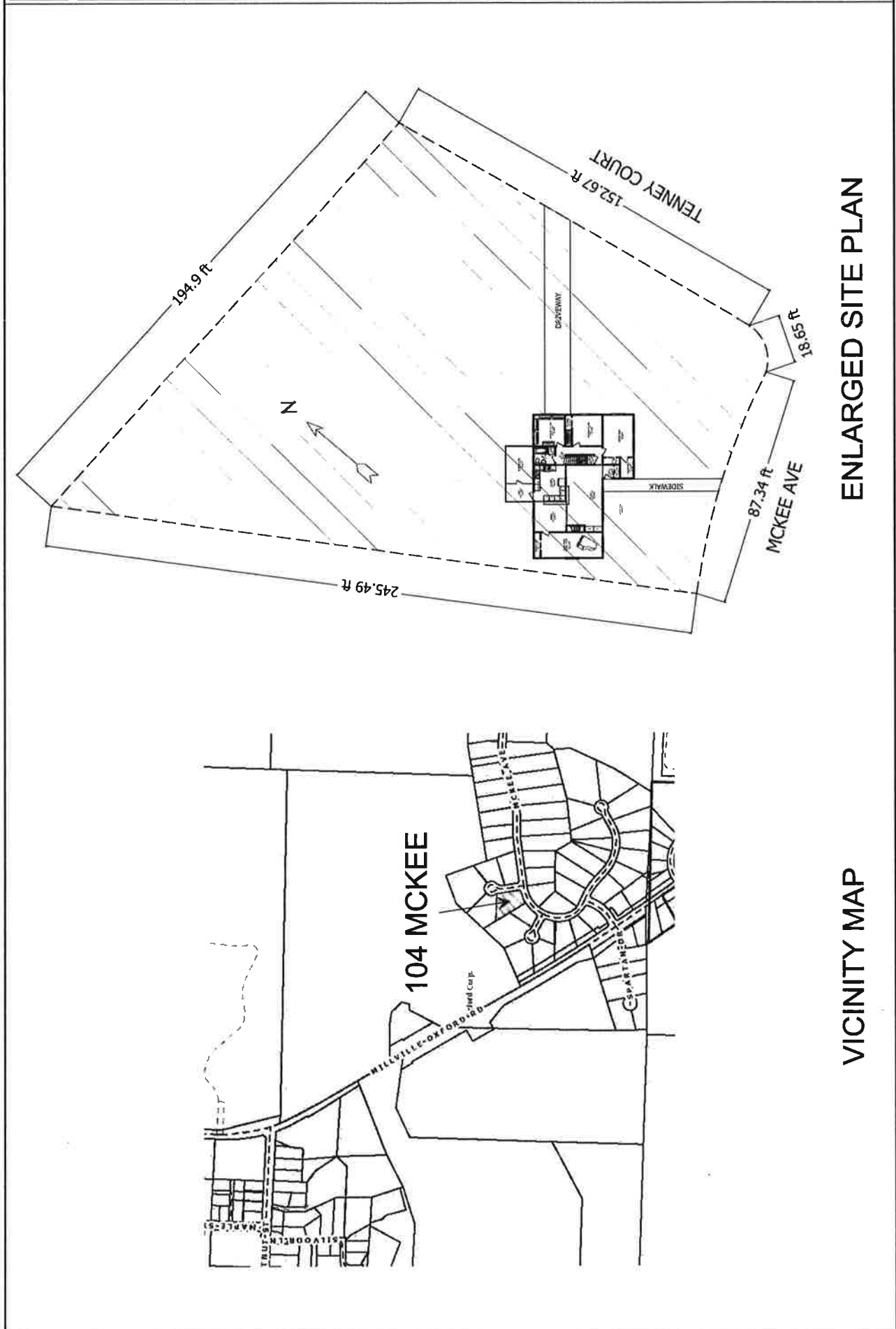
Please place this item on the June 12th Planning Commission Meeting agenda.

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

Sincerely,



Jon Sanford, MM, NCTM
(513) 377-8188
jonsanford620@gmail.com

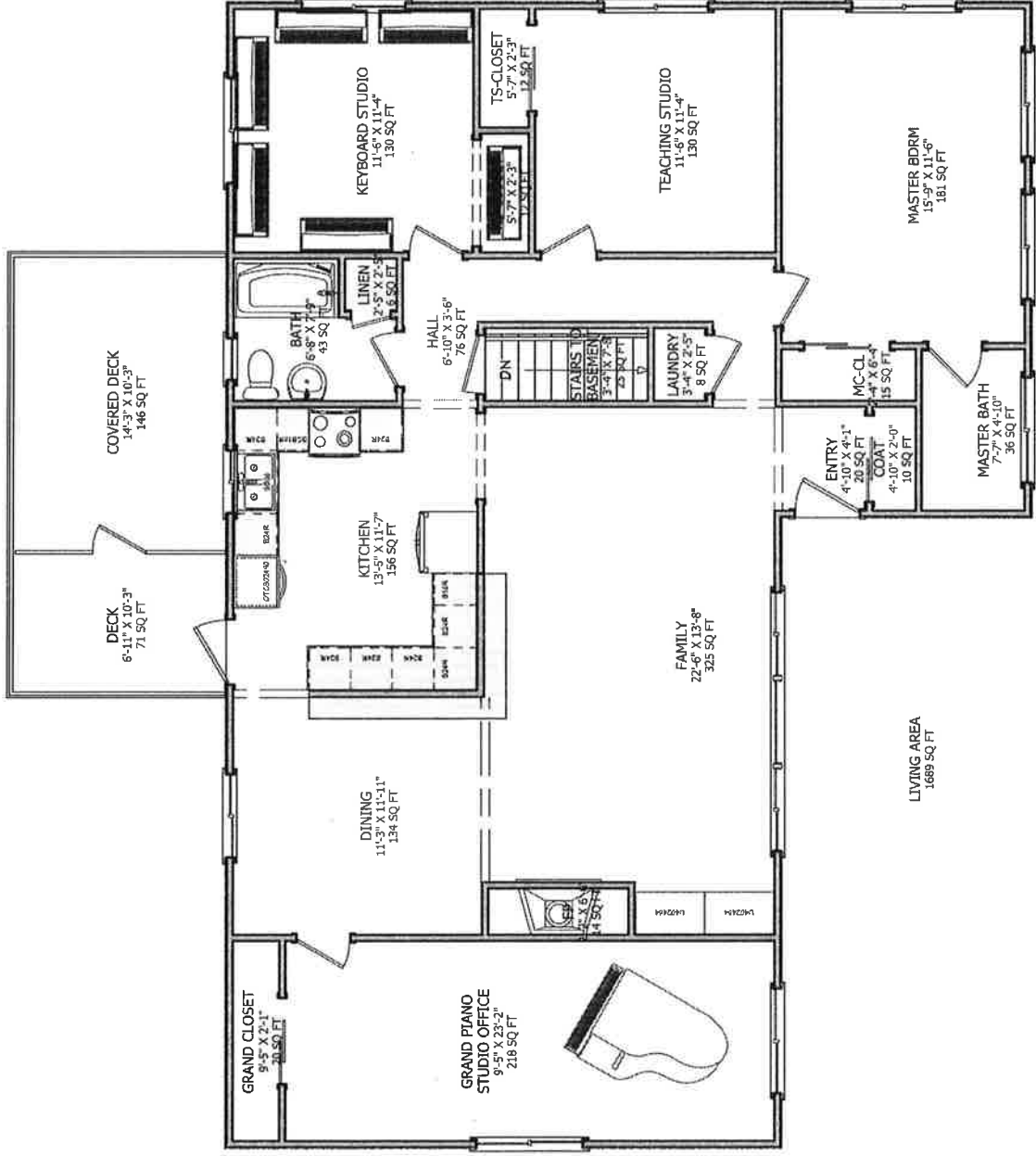




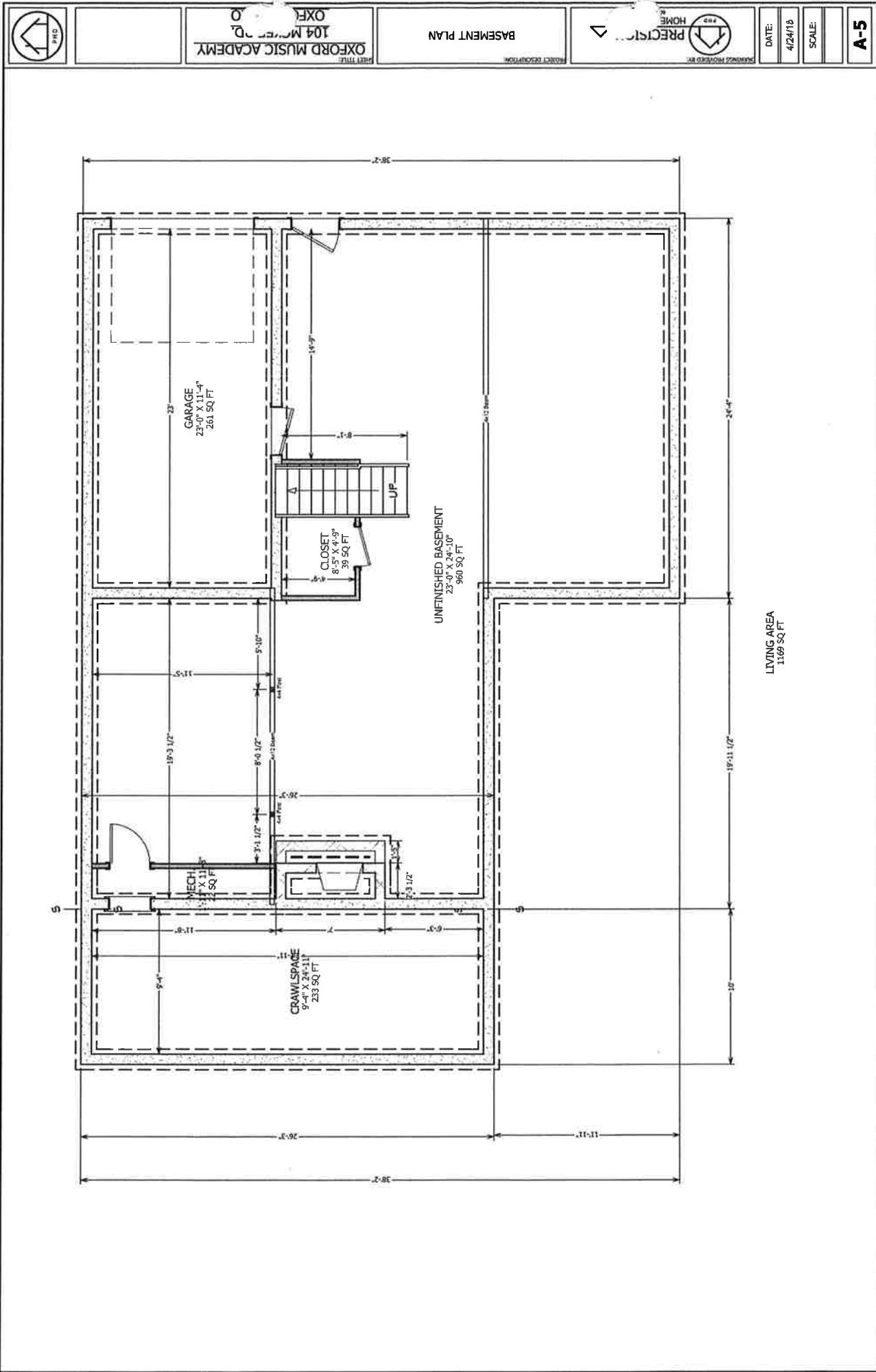
1) View of south side of house (substitution for elevation plan)



2) View from east side of house (substitution for Elevation Plan)

[illegible]

STUDIO ONLY		
ROOM TYPE	ROOM NAME	AREA, INTERIOR (SQ. FT.)
STUDIO	REINBOARD STUDIO	130
STUDIO	EDWARD CLOSET	20
STUDIO	GRAND PIANO STUDIO OFFICE	218
STUDIO	SS-CLOSET	12
STUDIO	TEACHING STUDIO	130
STUDIO	115-CLOSET	12
STUDIO	STUDIO 5	572



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared:

PC-2018-13, CONDITIONAL USE, 117 W. Church Street, to allow for a lodging service without food service or owner occupancy, Kristine and David Winkler, Owners, Applicants

Recommendation: Approval with waivers

Discussion:

This case came about as an effort by the owners to find a use for their building that would help to preserve it for future generations. The goal being to become an income-producing property. This 1911 Neo-Classical style building was previously a professional office and a residential rental. The property is zoned Uptown which does not permit residential use on the ground floor.

Oxford Zoning Code contains a rarely used provision in nearly every zoning district for a conditional use for a Bed and Breakfast. The provision requires on-site management and a meal for guests. Staff directed the owners to the option of seeking the conditional use with requested waivers. The proposal would be for guests to use an internet-based reservation service. The owners do not occupy the home and would not be providing on-site management or a meal.

The Commission held a hearing on July 10. Based on the decision criteria, the Commission voted 5-0 to recommend approval of the conditional use request with the following waivers to be granted:

1. On-site management not required
2. No meal required

Approved By:

Department Head: *Interim SP / 8-2-18*

City Manager:

DRE / 8-3-18

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A LODGING SERVICE IN THE UP (UPTOWN) DISTRICT LOCATED AT 117 WEST CHURCH STREET OXFORD, OHIO WITH CONDITIONS.

WHEREAS, the Planning Commission held a public hearing on July 10, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Kristine and David Winkler, Applicants, for a conditional use permit to allow a lodging Service in the UP (Uptown) District located at 117 West Church Street in the City of Oxford, Ohio; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a Lodging Service in the UP (Uptown) District located at 117 West Church Street Oxford, Ohio with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a Lodging Service in the UP (Uptown) District located at 117 West Church Street Oxford, Ohio with the following conditions:

1. The onsite management regulation for Bed & Breakfast shall be waived.
2. The food service regulation for Bed & Breakfast shall be waived.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-13

Date –July 10, 2018

APPLICATION

Applicant:	Kristine and David Winkler
Location:	117 West Church Street
Owner:	Kristine and David Winkler
Action Request:	Conditional Use Permit Application for a lodging service in the Uptown District
Current Use:	Professional Office
Zoning:	UP (Uptown)
Surrounding Existing Land Uses:	Mixed-Use Residential, Institutional, Retail

GENERAL DESCRIPTION

The owners of the existing two-story historic home located at 117 West Church Street are requesting a conditional use for a lodging service in the Uptown District. The property was formerly a residential rental before becoming a professional office for the past several years. This district provides for a lodging service under the traditional bed and breakfast model which includes on-site management as well as a meal. The Winklers are requesting permission to convert the use of the property without the on-site management and meal being provided.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners, a notice was posted on the property and in the newspaper. No comments were received in response to these notices.

AGENCY REVIEWS

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

Police:	Comment returned
Fire:	No comment returned
Engineering:	No comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) **Burden of Proof.**

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

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

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

1147.03(b)(4)

- (4) Bed & Breakfast.
 - A. Potential Concerns.
 - 1. Appropriate number of rooms for the neighborhood in which it is proposed.
 - 2. Location of separate entrances.
 - B. Regulations.
 - 1. No more than 8 rooms for rent in any structure.
 - 2. Owner or manager must live in the structure.

3. At least one meal must be provided to guests on site.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. It is specifically listed.

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

Yes, the proposed use can satisfy the general intent of the Zoning Code, one of which is to protect areas from the harmful encroachment of incompatible uses. (Chapter 1123)

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

*One of the objectives of the Comp Plan is to preserve historic properties. (Section 4.5)
Allowing feasible adaptive re-uses for existing buildings meets this objective.*

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

The site size needs for the use are a result of the building size related to maximum number of transient occupants. There is on-street and off-street parking adjacent to the building.

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

None anticipated.

- 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.**

Not applicable.

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

No unrelated accessory uses are being proposed.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

- 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 building is existing. No significant changes to the building are proposed. A 3-stall parking area is accessed by the north/south alley.

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

The site is accessed by foot from the front sidewalk or by car from the side parking.

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

There is no proposed construction. The existing building is considered historic and is in the Uptown Historic District.

- 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.**

The proposed use is considered a change of use by zoning and building codes. The owners plan to apply for a change of use permit from the Oxford Building Official after the conditional use hearing.

1147.03(b)(4)

(4) Bed & Breakfast.

A. Potential Concerns.

1. Appropriate number of rooms for the neighborhood in which it is proposed.
The neighborhood is a mixed-use area between low density housing and core uptown commercial and institutional services. Four overnight rooms for a use such as this is an appropriate number for the immediate area.
2. Location of separate entrances.
The Building Official will review the floor plan for compliance with this requirement. This review is coordinated with the Oxford Fire Department.

B. Regulations.

1. No more than 8 rooms for rent in any structure.
The proposed number is four.
2. Owner or manager must live in the structure.
The owners are requesting a waiver from this requirement. The owners live locally.
3. At least one meal must be provided to guests on site.
The owners are requesting a waiver from this requirement.

RECOMMENDATION:

Staff recommends that the conditional use be granted with the two waivers requested. Because this is considered a change of use by Ohio Building Code, life safety compliance reviews will be conducted without the need for additional conditions placed by the Planning Commission or City Council.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: July 3, 2018

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: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-13, CONDITIONAL USE, 117 W. Church Street, to allow for a lodging service without food service or owner occupancy, Kristine and David Winkler, Owners, Applicants

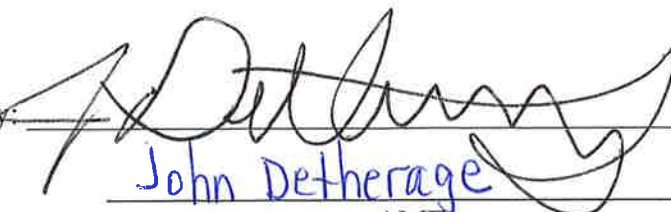
 X Review Revisions Other

Please return no later than: **July 2, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments

without/comments

Drawings reviewed by:


John Detherage
PRINTED NAME

Date:

6-8-18

PRINTED NAME



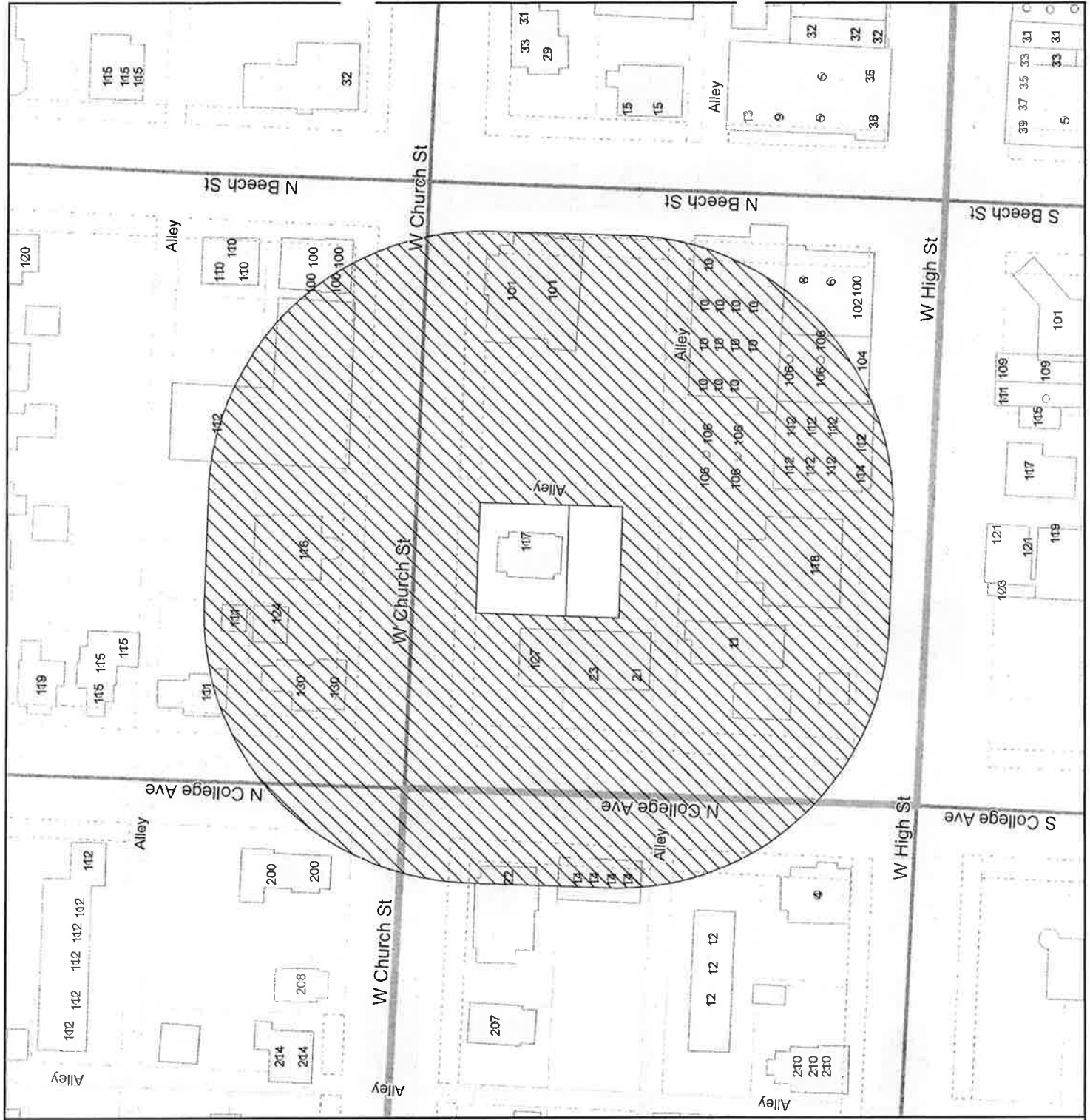
PC-2018-13 **Surrounding** **Property Owners** **Notifications Map**

Legend

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



1 inch = 100 feet



Prepared on Monday, June 25, 2018
 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.



Internal Use Only:

Case No.

PC-2018-13

Date Filed

5/21/18

Conditional Use Permit Application

Applicant Information

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

Name * Kristine and David Winkler

Mailing Address * PO Box 53

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-255-0949

Email Address Kris.almamaterdesigns@gmail.com

Owner Information

Name * Kristine and David Winkler

Mailing Address * PO Box 53

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-255-0949

Email Address Kris.almamaterdesigns@gmail.com

Location and Lot Information

Location of Property * 117 West Church Street

Legal Description * H41000080000181 and 182

Zoning District * UP

Total Area * .232 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * office space

Proposed Use Description * lodging service without food service or owner occupancy

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

5/21/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

5/21/18

Receipt Number *

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

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

Conditional Use Permit Application

A) Application Fee \$410.00 To City of Oxford or CC

B) Description of Use and Site

- a. Kristine and David Winkler, PO Box 53, Oxford, Ohio 45056 (513)255-0949
- b. NA
- c. H41000080000181 and 182
- d. The site is currently being used as office space
- e. Zoning District is UP
- f. The proposed use is for a lodging service/Bed NO Breakfast without owner occupancy or food service
 - i. We are proposing a Lodging Service for 117 West Church Street. This would include 4 bedrooms, 2 full and one half baths, living room, dining room, off street parking, two porches, and back patio. The entire home would be rented to Oxford visitors. We would require a 2/two night minimum and the renter would have to be 25/twenty-five years or older to rent. Price/night would range from \$300-1000, depending on needs of the guests. This too is subject to change. We would not be selling any goods, at this time. We would accommodate Miami visitors, Oxford visitors, parents, business people and other travelers who would value our setting, location and accommodations. Ideally we hope to be occupied all weekends and sporadically during the week. With a two night minimum stay/reservation, that would be a maximum of three reservations/week OR one, if the client rents the entire house for a week. Since beds are such a premium in Oxford, we could alleviate a lot of the stress put on the existing hotels. There would not be any deliveries to the house. Service vehicles would be as needed-electrician, cleaning service plumber, contractor, etc They would park in the off street parking on the side of the house; therefore, not taking up any valuable street parking.
 - ii. The hours of operation would be check in after 4:00 PM and check out at noon-subject to change
- g. We believe a lodging service at 117 West Church Street would add to the ever changing atmosphere of the UP District. We are surrounded by countless student rentals, an office building and the courthouse. With the addition of the mixed use growth in the UP District, the need to preserve this home is vital. Putting it in the hands of students, is not the most advantageous way to serve Oxford or the home's integrity. Allowing a change in use would give Oxford a much needed elegant and unique lodging experience. It will also enhance the

visitor's time in Oxford, since they can walk to Miami's campus, sporting events, uptown restaurants, churches and parks. This would allow them to explore the shops, spend money and not worry about finding a parking spot or driving after dinner and cocktails. We will be reaching out to businesses about partnering with us on discount coupons for the uptown shops and restaurants. A win win for everyone.

- i. The lodging service would be different from the current use. It is now office space. There would be no interaction with my current business and the lodging house.
 - ii. There would be no changes to the existing site.
 - iii. There will not be any issue with listed concerns.
 - iv. There won't be negative effects on adjacent land, since no changes are being proposed to the structure or the land.
- h. Oxford needs beds. It's clear during Miami events, there are not enough beds in Oxford to accommodate visitors. By adding space, we would keep those families spending money in Oxford-coffee shops, boutiques, ice cream, gas, restaurants, etc. More tax dollars going to the city and happy parents and students. As for the location, I believe we are the only non-student rental on our block. If given the opportunity to transform 117 West Church Street into a destination location, we would significantly add to the Oxford economy. Plus, offering a much needed gathering venue would be in the best interest of the community. There are limited opportunities to stay in a home uptown, unless you are bunking with your child. Plus, there aren't any other lodging options on this side of town in the uptown district. We would not be offering food service and ask that on site occupancy of owner be waived.

In today's exploding BNB market, the ability to offer lodging in a beautifully maintained and decorated home in uptown Oxford, would be unique and sought after. For the guests to feel welcome and at home in our space, having the owner present can be awkward and would hinder the guests to entertain their children, business clients or family members freely. We will not allow parties but assume gatherings will take place while parents are visiting their children. To have us on site, the guests' experience will more than likely be negative. Plus, it would take away a room for guests, which would be less tax dollars to the city. Our wish is to create a welcoming atmosphere with strict rules and regulations. Allowing guests to feel at home and at ease while enjoying Oxford and all it has to offer, is our goal.

- i. See Above statement

- j. I do not foresee any issues with offering more beds, more tax dollars, and a non-student rental to the city.
- k. Land Owners within 200 feet
 - i. Robert Blackburn Trustee-4363 Kehr Road, Oxford, Ohio 45056
 - 1. Property 127 West Church Street
 - ii. Terry Dudley-6744 Contreras Road
 - 1. Property 101 West Church Street
 - iii. Hoelzer/Hoelzer Rentals-116 East High Street
 - 1. Property 116 West Church Street
 - iv. Red Brick Rentals-21 N Poplar Street
 - 1. Property-124-130 West Church Street
 - 2. Property-10 North Beech
 - v. Allan Kyger-101 East High Street
 - 1. New building attached to Phan Shin-address unknown
 - vi. City of Oxford Court House-108 West High Street

C) Site Plan

- a. Please see Plat of Survey-submitted

D) There are no proposed changes to the structure

E) Please see photos

Dear Sam and Planning Commission,

As Dave and I contemplated selling 117 West Church Street, we struggled knowing that whomever bought it would more than likely turn it into a student rental. We just couldn't stomach the thought of that happening. When we rented it to Miami students, we had a relationship with one family. They had four children go to Miami. We rented only to them and kept them abreast of any issues. It was a wonderful relationship which allowed us to keep the house in rare form. We were lucky.

After starting my collegiate fabric business in 2011, I knew I wanted to relocate to 117 West Church. What a glorious spot in which to work, each and every day. After my business partner and I dissolved AMD in 2017, the house became too much for me. The space was too big for one person, and I knew it couldn't stay as is.

With the explosion of the Air BNB business and the ability for travelers to find you via the internet, we wanted to see what we could do. After a lot of research, we want to give the lodging service a shot. Rather than abandoning 117, we are more than willing to outlay funds to see if the permit change is even possible. The Plat Survey, the application fees, the time and energy it has taken to get to this point has been worth it.

The potential is tremendous. Not only would we be happy to keep the home in our hands, but we would be thrilled with the opportunity to add to the character of Oxford. Imagine a home in uptown Oxford that offers a homelike atmosphere to weary business travelers. Imagine Miami families and students ordering pizza and sitting on the front porch. Imagine wedding parties staying here the night before they are married in Oxford. Imagine the possibilities.

We would welcome an opportunity to help grow the Oxford economy. We would like to partner with local businesses and the university. We would like to offer an elegant, unique, experience to visitors and have them coming back time and time again. We would be willing to host charity events for local businesses, during the off season. The possibilities are endless.

We ask that you grant us the permit change so that we can keep 117 West Church out of the student rental market, allow us to add to the charm of Oxford, allow us to happily add to the Oxford economy, allow us to offer a unique lodging experience and finally allow us an opportunity to make 117 West Church Street a destination for Oxford visitors for years to come.

Thank you,

Kristine and David Winkler

Plat of Survey/Lot Combination

Part Lot #117, Part Lot #118 & 16.5' of Vacated W Church Street
New Lot # 3927

City of Oxford, Butler County, Ohio.

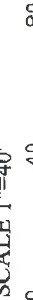
For: Winkler David & Kristine M.

Deed Bk: 8995 Pg: 1613

Address: 117 W Church Street

Date: 5/3/2018

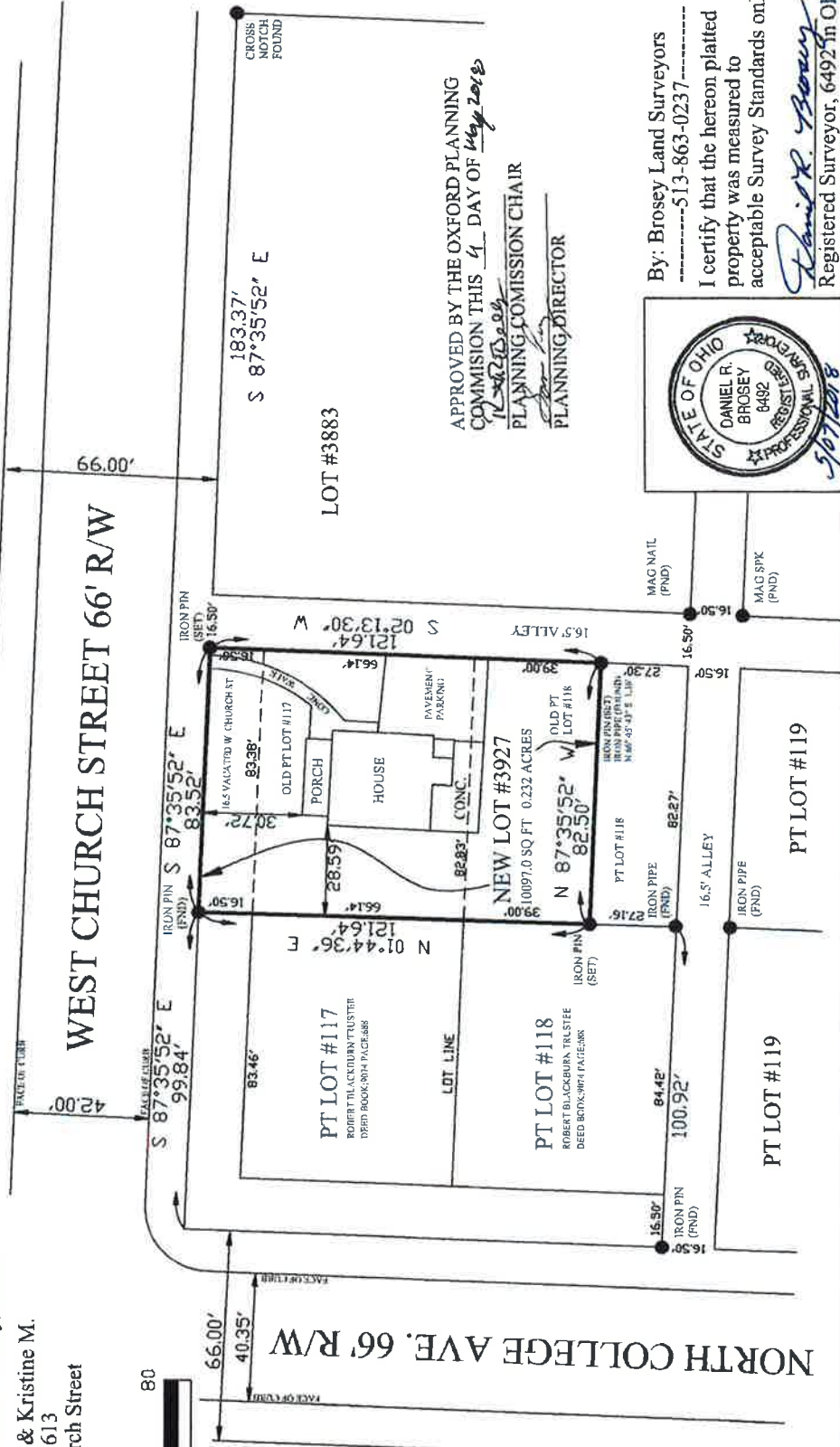
SCALE 1"=40'



NEW LOT #3927 COVERAGES & CALCULATIONS

CONCRETE WALKS & PAD	HOUSE	PAVEMENT	TOTAL LOT COVERAGE
362.2 SQ. FT.	TOTAL 1255.3 SQ. FT.	TOTAL 675.0 SQ. FT.	1255.3 SQ. FT. HOUSE
148.1 SQ. FT.	TOTAL 611.5 SQ. FT.	1089.2 SQ. FT.	1255.3 SQ. FT. PAVEMENT
10097.0 SQ. FT.	0.1243 X 100 = 12.43%	10817 X 100 = 8.17%	25.66% TOTAL LOT COVERAGE
0.8665 X 100 = 86.65%			

"Note" This plat made in
pursuant to section 5713.16 of
the Ohio Revised Code.



Bearings shown hereon
are based on State Plane
Coordinates (Ohio South
Zone) May 2018



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared:

PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, Craig Moyer, The Architectural Group, Applicant, Agent

Recommendation: Approval with waivers

Discussion:

The Hillel Foundation has strong ties to the Miami University community and seeks to broaden their community outreach using their facility. A total interior and exterior renovation is planned. The exterior changes were approved by HAPC. This project would nearly double their building square footage and also increase their lot coverage. They would go from 5,000 to 9,000 gross square feet. Their current 1973 facility is considered a non-contributing building in the Uptown Historic District and cannot be expanded without a conditional use for a place of worship from City Council. The applicant design team offered pervious pavement at the hearing to offset the increased lot and building coverage. The case was recommended to Council for approval with the requested waivers of lot coverage, building coverage, side setback and front setback.

The Commission held a hearing on July 10. Based on the decision criteria, the Commission voted 5-0 to recommend approval of the conditional use request with the following waivers to be granted: Reduce front yard from 20 to 10 feet for ramp; Reduce sideyards from 7.5 to 5 and 7 feet for expansion; increase lot coverage from 50 to 75% - over the 35% permitted and building coverage from 28 to 45% - over the 25% permitted.

Approved By:

Department Head: *Interim JP* / *8-2-18*

City Manager:

DRE / *8-3-18*

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE EXPANSION OF A RELIGIOUS STUDENT AND COMMUNITY CENTER FOR THE HILLEL FOUNDATION IN A RO (RESIDENTIAL/OFFICE) DISTRICT LOCATED AT 11 EAST WALNUT STREET OXFORD, OHIO WITH CONDITIONS.

WHEREAS, the Planning Commission held a public hearing on July 10, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Craig Moyer, Applicant, Architect, for a conditional use permit to allow the expansion of a Religious Student and Community Center for the Hillel Foundation in a RO (Residential/Office) District located at 11 East Walnut Street Oxford, Ohio with conditions; and

WHEREAS, the Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow the expansion of a Religious Student and Community Center for the Hillel Foundation in a RO (Residential/Office) District located at 11 East Walnut Street Oxford, Ohio with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow the expansion of a Religious Student and Community Center for the Hillel Foundation in a RO (Residential/Office) District located at 11 East Walnut Street Oxford, Ohio with the following conditions:

1. The Front Yard Setback requirement shall be reduced from 20 feet to 10 feet.
2. The Side Yard Setback requirement shall be reduced from 7.5 feet on the west side to 5 feet and from 7.5 feet on the east side to 7 feet.
3. The Lot Coverage requirement shall be increased from 50% to 75%.
4. The Building Coverage requirement shall be increased from 28% to 45%.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-16

Date –July 10, 2018

APPLICATION

Applicant:	Craig Moyer (The Architectural Group)
Location:	11 East Walnut Street
Owner:	B’Nai B’Rith Hillel Foundation Inc (Marcy Miller, Director)
Action Request:	Conditional Use Permit Application for a place of worship and non-profit office in the RO (Residential Office) district
Current Use:	Student center place of worship and non-profit office
Zoning:	RO (Residential Office)
Surrounding Existing Land Uses:	Place of worship, hotel, restaurant, single, two and multi-family res.

GENERAL DESCRIPTION

The Hillel Foundation at Miami University has operated the off-campus student center at 11 East Walnut Street in the current building since 1973. On behalf of the Foundation, Architect Craig Moyer is requesting a conditional use to expand the center under the provisions for ‘place of worship’ and ‘non-profit office’ in the RO district. The proposal is to utilize the existing building with major renovations to the front façade, rear addition and exterior design treatments to open up the building to the community. The rear addition would nearly double the square footage to accommodate current needs and future plans of the Foundation. The conditional use review offers an opportunity for a public process to determine compliance and cohesion with city policies in the form of a recommendation to City Council. The Certificate of Appropriateness was granted by HAPC in June. A concept review was presented to Planning in April.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners, a notice was posted on the property and in the newspaper. No comments were received in response to these notices.

AGENCY REVIEWS

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

Police:	No comment returned
Fire:	No comment returned
Engineering:	No comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) **Burden of Proof.**

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning

Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

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

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

(d) Action by Planning Commission.

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

1147.03(b)(15)

(15) Churches, Libraries, Community and Recreation Centers.

- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Location and screening of outdoor recreation areas.
 - 3. Bus or van storage.

4. Lighting.
 5. Parking and traffic impact.
- B. Regulations.
1. None.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. The use is a combination of two categories permitted as conditional uses: Places of worship and offices for non-profit organizations.

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

Yes, the proposed use can satisfy the general intent of the Zoning Code, one of which is to promote and protect the health, safety and general welfare of the people of Oxford. (Chapter 1123) There are, however, numerical conflicts with the Zoning Code, which will need to be discussed: Lot coverage, front and side yard setbacks, in order to determine if the conflicts are appropriate in this particular context.

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

One of the objectives of the 2008 Comp Plan is to preserve and enhance historic resources in the Mile Square and Uptown. (Section 4.5) A strategy within that objective is to guide new construction and renovation of buildings. The building is currently non-contributing with regard to its exterior design. The renovated building would be contributing to the Uptown Historic District.

An additional focus of the Comp Plan has been to maintain development within existing urbanized areas rather than at the perimeter of the City. This application represents a desire of the foundation to remain in close proximity to the community and its user base.

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

The facility is increasing in square footage, which seems counterintuitive to its impact on the surrounding neighborhood. Particularly with parking demand. However, many of the targeted users could arrive on foot, as part of the Miami University community.

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

None anticipated.

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.

None anticipated.

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

No unrelated accessory uses are being proposed.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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 exterior design has been approved by the Historic and Architectural Preservation Commission because of its location within the Uptown Historic District of Oxford.

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.

Vehicular access is provided directly from the rear east/west alley. There would likely be additional parking demand because of the increased gathering space or future additional staff. Hillel should develop an operational plan for how to meet any increased parking demand without negatively impacting the surrounding neighbors that have their own off-street parking provisions.

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

The existing 1973 building is considered non-contributing in the 2018 Uptown Historic District Inventory. The renovated building would be contributing. Therefore there is no loss expected.

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.

The project has not yet been submitted for building permit application review until after the conditional use process has moved forward. Staff does not expect any permit or license issues with an experience architecture firm working on the project.

1147.03(b)(15)

(15) Churches, Libraries, Community and Recreation Centers.

A. Potential Concerns

1. Adequate lot size to permit future expansion.
This place of worship is existing therefore lot selection is pre-determined.
2. Location and screening of outdoor recreation areas.
The basketball court is in the rear only visible from the alleys.
3. Bus or van storage.
None expected.
4. Lighting.
Any exterior lighting is required to comply with zoning code requirements for glare and fixture height.
5. Parking and traffic impact.
The location is walkable from other local destinations; however, some parking from attendees outside the Miami community may occur. As stated earlier, the Foundation should plan for this as part of the expansion. Discussions with neighboring owners and the city should occur. There is not a city-required parking standard for the use or the expansion.

There is not a specific set of potential concerns for a non-profit office expansion beyond 2,500 square feet. The current square footage is 5,000 square feet, increasing to 9,000 which is not all used for office activities. Therefore, this is a hybrid of the two categorical uses.

Zoning Code Analysis:

Front Yard Setback:

The front yard setback requirement for the RO district is 20 feet. There is a new accessible ramp proposed which encroaches into the front yard 10 feet. A six foot encroachment is permitted, therefore, the additional four feet would have to be permitted as a waiver recommended by this Commission.

Side Yard Setback:

The side yard setback requirement for the RO district is 7.5 feet. The existing building is 5 feet from the side lot line rather than the required 7.5 feet. Any expansion is required to comply with the setback. The proposed rear addition is 7 feet along the alley and 5 feet along the west property line. Therefore, the side yards for both sides would need waivers recommended by this Commission.

Lot Coverages:

The total lot coverage is currently 50%. The proposed lot coverage with the rear addition and other features is 75%. The code required total lot coverage limit is 35% which has already been exceeded by current conditions.

The front yard lot coverage is around 10%. The proposed front yard lot coverage with the front ramp entrance addition is around 50%. The code required front yard coverage limit is 5%.

Therefore, both lot coverages would need waivers recommended by this Commission.

Height: compliant

Rear yard setback: compliant

RECOMMENDATION:

This application represents a strong effort by Hillel to be a neighborhood and community partner in the way it grows to fit current needs. A majority of the HAPC believed the exterior design was sensitive and appropriate to the area. The aspect of the increased total lot coverage may need further review in order to be consistent with other similar projects where mitigation was required. The Commission or Council is not duty-bound to grant waivers of Zoning Code without deliberation and a full understanding of any negative impacts that may occur.

Staff does not have any major concerns with the front yard lot coverage or front and side yard encroachments. Any safety concerns that may arise from side setback encroachments are typically handled by the Building Code review, which has yet to occur.

If the total lot coverage is resolved through deliberation, staff recommends that the Commission forward a recommendation of approval with any waivers or conditions in writing to City Council. Commission options:

- Recommend approval/with conditions and waivers
- Recommend denial with written findings of fact or
- Table the case

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: July 5, 2018

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: June 5, 2018

To: **Fire Department** Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, Craig Moyer, The Architectural Group, Applicant, Agent

☒ X Review ☐ Revisions ☐ Other

Please return no later than: **July 2, 2018** 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:



PRINTED NAME

Date:

6-11-18



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department
FROM: Victor Popescu, P.E.
RE: PC-2018-16
Conditional Use – Hillel Foundation
11 E. Walnut St.

DATE: July 10, 2018

The Engineering Division offers the following comments.

- The proposed project substantially increases the impervious surface. Thus, it is recommended that a Stormwater Management Plan be submitted.
- Fire protection (i.e. fire hydrants, FDC) shall be determined by the Fire Chief.
- Due to the limited size of the facility, a traffic impact study would not be necessary.
- The existing public utilities (sanitary sewer, storm sewer, and water) are to be evaluated for their capability to adequately server the proposed development.

PRINTED NAME

PRINTED NAME



PC-2018-16 Surrounding Property Owners Notifications Map

Legend

 Subject Parcels

 200 Ft. Buffer

 Oxford Corp. Limit

 Address Point

 Parcel

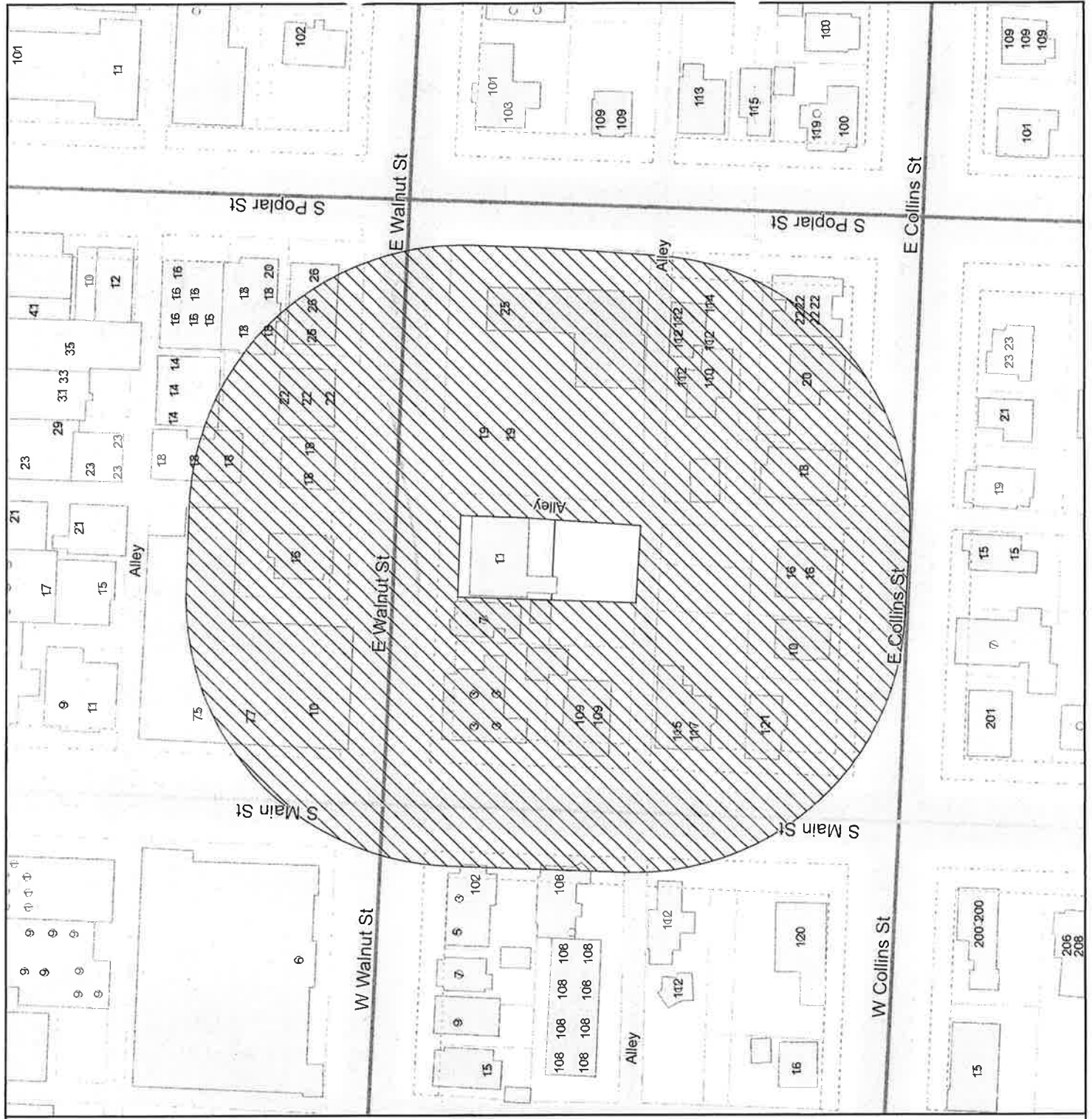
 16.5' Vacated ROW

 Building Footprint

 Paved Roadway



1 inch = 100 feet



Prepared on Monday, June 25, 2018

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.



AGENT AUTHORIZATION

April 12, 2018

To the Historic & Architectural Preservation Commission,

Please be advised that The Architectural Group, Inc. has permission to represent our interest with the City of Oxford and act on our behalf for the Historic and Architectural Planning Commission hearing 05/02/2018 regarding the Hillel Foundation Renovation at our property located at 15 E. Walnut St., Oxford, Ohio 45056

Thank-you,

A handwritten signature in cursive script that reads "Marcia Miller".

Marcia Miller
Executive Director

Hillel Foundation at Miami University, Arthur Beerman Center
11 E. Walnut Street * Oxford, OH 45056 * Phone: (513) 523-5190 * Fax: (513) 524-3342
admin@muhillel.org * marcym@muhillel.org * www.muhillel.org



Supported by Donations made to the
Ohio Valley Hillel Consortium





Internal Use Only:

Case No.

PC-2018-16

Date Filed

5/25/18

Conditional Use Permit Application

Applicant Information

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

Name * CRAIG MOYER

Mailing Address * 135 N. MAIN ST.

City, State & Zip Code * DAYTON, OHIO 45402

Telephone Number(s) * 937-223-2500

Email Address MOYERC@TAGUIT.COM

Owner Information

Name * B'NAI B'RITH HILLEL FOUNDATION INC

Mailing Address * 11 E WALNUT ST

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-523-5190

Email Address marcym@muhillel.org

Location and Lot Information

Location of Property * 11 E WALNUT ST

Legal Description * 61 E61.5 & PT VAC ST CONS W/106

Zoning District * RO

Total Area * 10141 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * RELIGIOUS STUDENT & COMMUNITY CENTER FOR HILLEL FOUNDATION

Proposed Use Description * RELIGIOUS STUDENT & COMMUNITY CENTER FOR HILLEL FOUNDATION

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *


5/24/18

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

Receipt Number *

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

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



135 north main street
dayton, oh 45402-1730
tel 937.223.2500
fax 937.223.0888
www.taguit.com

1721727May 25, 2018

Conditional Use Application
City of Oxford
101 E. High St.
Oxford, OH 45056

TAG COMMISSION NO.: 1727

RE: Conditional Use Application

Hillel Foundation Renovation
11 E. Walnut St.
Oxford, OH 45056

Dear City of Oxford Planning Commission,

We are pleased to submit these documents to you in support for the renovation of the Hillel Student Center at Miami University. We hope that this application, and the documentation contained within can aid and assist you in making your decision in support of our project. We look forward to your review and welcome any commentary from the Planning Commission or the Community at large.

The written, detailed description and responses to the questions in the Conditional Use Permit are as follows, written in bold.

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

Please see attached Condition Use Permit Application for the name(s), mailing addresses and telephone numbers of the applicant and property owner.

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

Please see the attached Agent Authorization Letter dated 4/12/2018.

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

**Parcel Number: H4100003000101; 61 E61.5 & PT VAC ST CONS W/106
Parcel Number: H4000003000106; 62 E 61 ½**

A lot consolidation is desired.

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

The existing site serves community and religious functions open to all residents of Oxford and the Miami University community.

5. *The zoning district in which the site is located.*

The zoning district is RO.

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

The Hillel Center serves a number of community, educational, and religious functions for the Miami University community and the Community of Oxford as well. Community functions on site include: spaces for meetings and gatherings, public dining and meal preparation, as well as community outreach. Educational functions include spaces for student meetings and lectures, a library, and computer equipment for student use. Religious functions include spaces for large gatherings, private consultation rooms, facilities for religious services and facilities to prepare Kosher meals.

B. The hours of operation

The facility is open seven days a week 10AM-6PM and most evenings with the exception of Thursday evenings.

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

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

The existing use will remain unchanged. The new use will be essentially the same as it exists today.

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

This shiplap banding serves a few purposes: first, it reflects the current character of surrounding residential buildings (see attached photographs for an example). Since the existing building does not have a traditional base, shaft and capital, this modification rectifies this problem by defining a capital condition in the language of the surrounding context. Second, the shiplap banding ties the distinct forms of the existing building and the new addition as well as the clerestory together and adds cohesion to an otherwise monolithic configuration. Third, the banding softens the monolithic character of the existing building in form and materiality (rather than underscoring the existing cold, metallic mansard which is out of place in this neighborhood) by introducing some familiarity and warmth.

The increased amount of glazing on the north façade of the building also reflects the surrounding character from the perspective of the neighboring Episcopal Church's new addition which contains a large amount of glazing. It is important in the overall design of the building that the Oxford Community and University functions and activities taking place on the inside of the building are visible and expressed to the Community of Oxford.

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

The use will remain unchanged and introduction of excessive noise, lighting, odor, et cetera is unlikely. We will be adding a trash enclosure, so the improvements will further mitigate existing externalities.

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

Provisions for a new trash enclosure are included in the scope of work.

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

For over twenty years the Hillel Foundation has existed in the Oxford Community, with its contributions increasingly being felt by the Miami University, the Community, and the Hillel Foundation itself. Currently, the existing building obstructs Hillel's ability to functionally meet current and future needs. The existing facility is within one-block of Miami University, which is extremely important for proximity to the student body. Additionally, the facility is located directly adjacent to the uptown district, the heart of the Community of Oxford, which is of equal importance and relevance to the operations of the Center.

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

The Hillel Center has been operating in Oxford for over twenty years, providing gathering and organizing spaces for the students of Miami University but also the Community of Oxford at large. With the renovation and addition of the existing facility, these services will be expanded and enhanced. Currently, religious services can be limited at the existing facility because of its size. It is the intent of the project to not only increase the services available to the community and the students but also be able to service the growing religious needs of the community and the students.

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

Please see the attached document with the mailing addresses of neighboring properties.

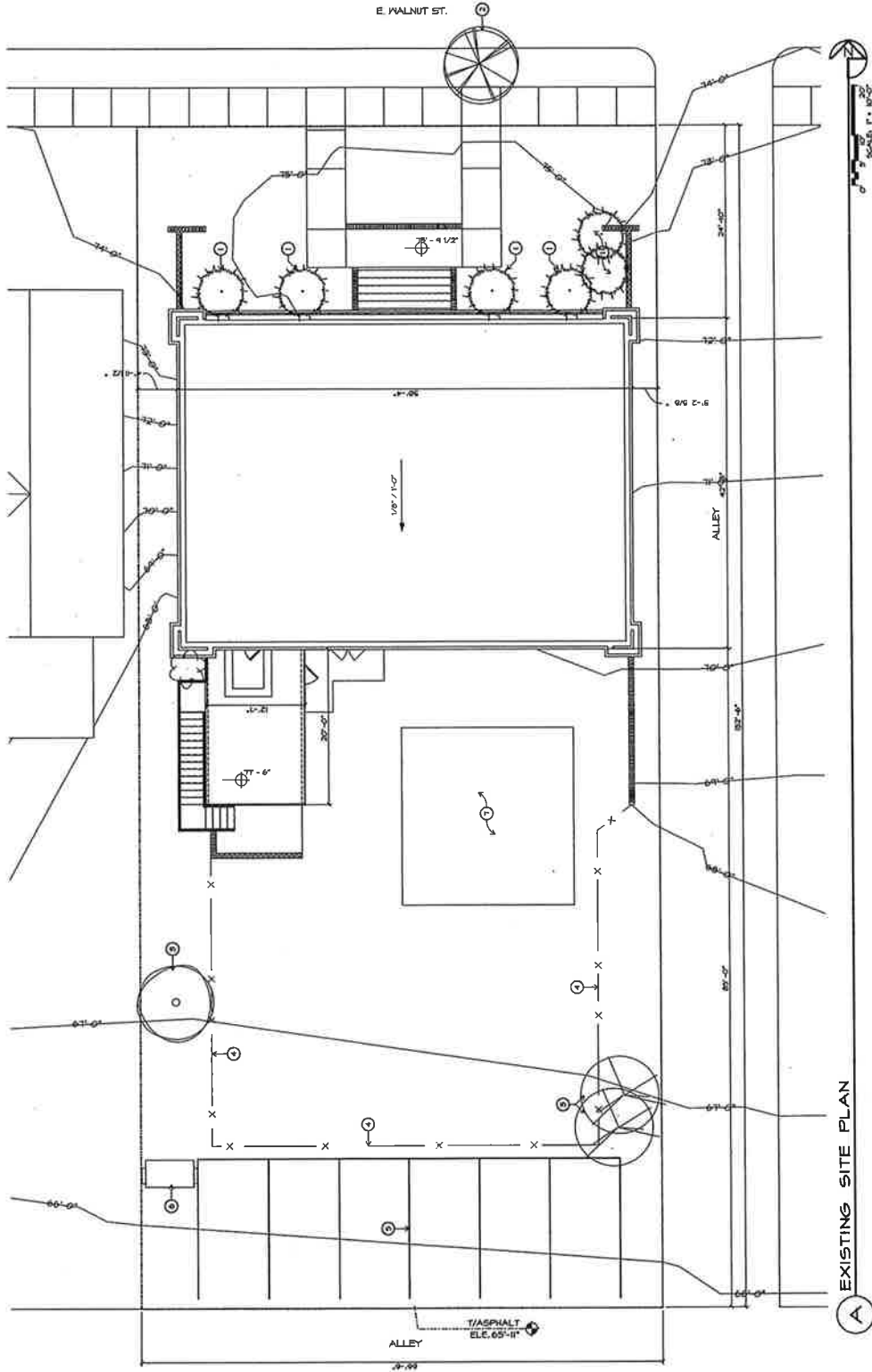
Thank you for reviewing our documents and we look forward to any commentary or questions that may arise!

Respectfully,

Craig E. Moyer
Senior Project Manager

SHEET NOTES:

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE REMOVED
- EXISTING PARKING STRIPES
- EXISTING DRIVE CONVALENT
- EXISTING CONCRETE PAD



EXISTING SITE PLAN

A

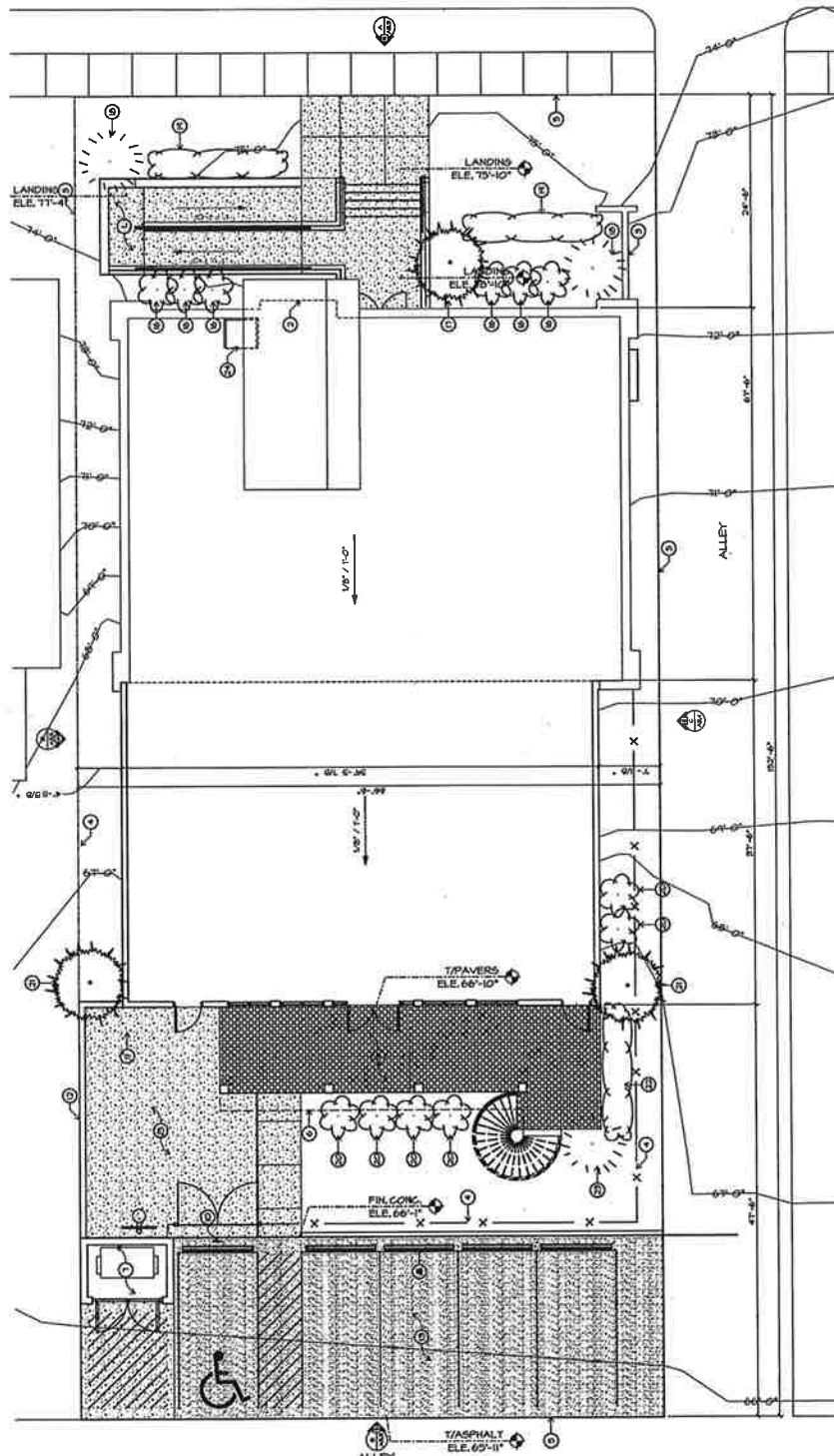
ZONING INFORMATION TABLE

	EXISTING	PROPOSED	% CHANGE FROM EXISTING
FRONT YARD DEPTH	24'-6"	24'-6"	0%
REAR YARD DEPTH	65'-0"	65'-0"	0%
SIDE YARD DEPTH	11'-0"	11'-0"	0%
FRONT YARD SETBACK	23'-4"	23'-4"	0%
REAR YARD SETBACK	13'-0"	13'-0"	0%
PARKING COVERAGE	1,200 SF	1,200 SF	0%
HARDSCAPE COVERAGE (TOTL)	1,200 SF	1,200 SF	0%
ADA RAMP COVERAGE	NA	447 SF	NA
WALK COVERAGE	447 SF	447 SF	0%
COURT COVERAGE	506 SF	506 SF	0%
PATIO COVERAGE	248 SF	248 SF	0%
ROOF COVERAGE	411 SF	411 SF	0%
SCREENED PORCH COVERAGE	506 SF	506 SF	0%
BUILDING LOT COVERAGE	2,008 SF	2,008 SF	0%
TOTAL LOT AREA	10,141 SF	10,141 SF	0%
680/255 SQUARE FOOTAGE	5,006 SF	5,006 SF	0%

O NEW WORK NOTES:

- NEW ADA ACCESSIBLE RAMP
- USE OF CONCRETE BELOW ROOF
- EXISTING BRICK RETAINING WALL TO REMAIN
- NEW FENCING
- PROPERTY LINE
- POUCH OVERHEAD
- NEW GARAGE ENCLOSURE
- NEW PRECAST CONCRETE PIERL STOPS
- NEW ACCESSIBLE PARKING SPACE WITH ASLE
- ADA SHAMING
- NEW POLE MOUNTED BASKETBALL HOOP
- LOH RETAINING WALL
- NEW ASPHALT
- NEW BRICK PAVERS
- NEW CONCRETE

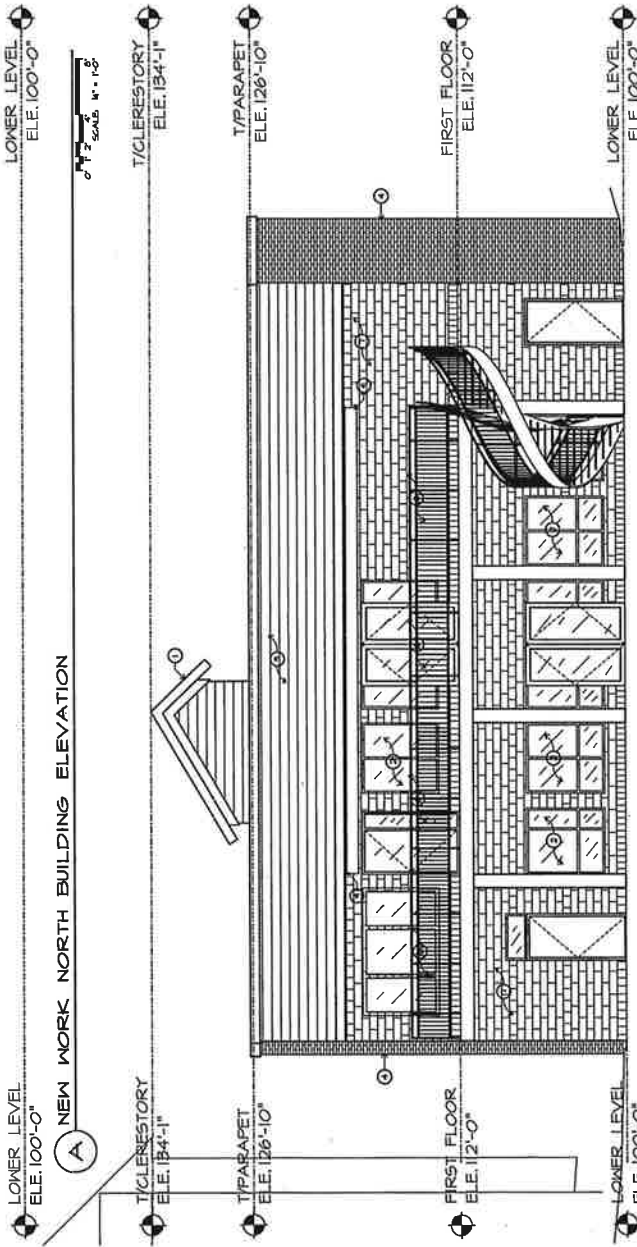
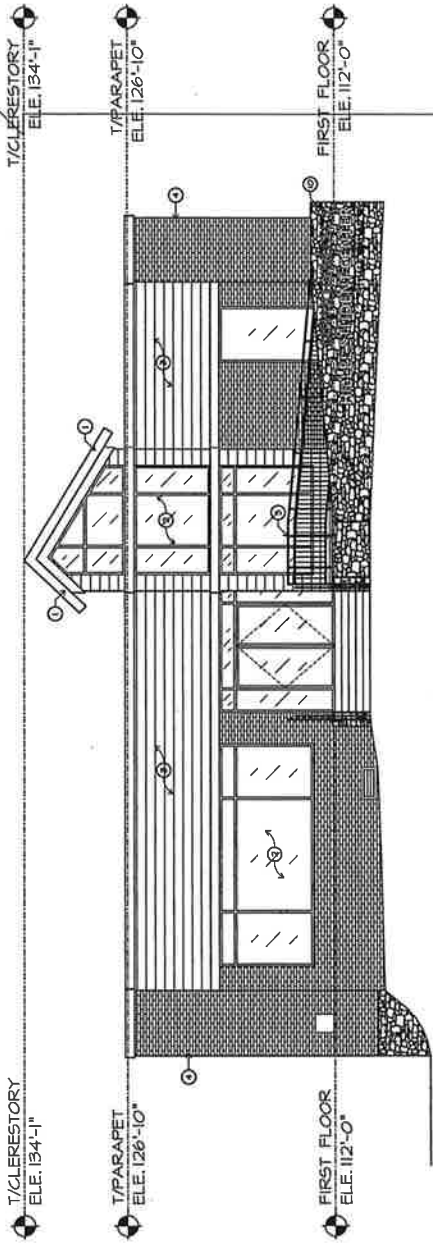
- PLANE CANALS, SERIES 810-07 MATURE HEIGHT
- BURNING BUSH, SERIES 810-07 MATURE HEIGHT
- WITCH HAZEL, SERIES 810-07 MATURE HEIGHT
- HARDENED FERN, 210-07 MATURE HEIGHT
- FLORISSING RASPBERRY, SERIES 810-07
- INTERESTING SERIES 810-07 MATURE HEIGHT
- CANDIDA WILD RITE GRASS 810-07 MATURE HEIGHT
- SHOEBERT SERIES 810-07 MATURE HEIGHT
- ROOF ACCESS MATCH



NEW WORK SITE PLAN

A

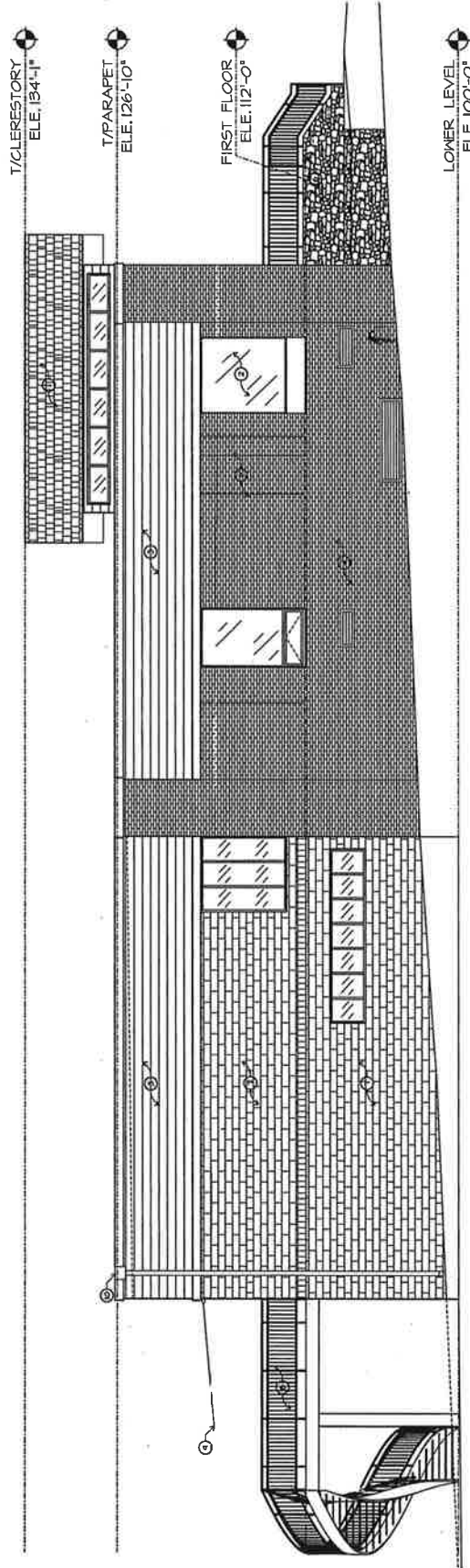
- O NEW WORK NOTES:**
1. NEW ROOF CLERESTORY
 2. NEW GLAZED GATEWAY HALL
 3. SHIP-LAP SIDING
 4. REPAINTED EXISTING BRICK FACADE
 5. NEW METAL GUARDRAIL
 6. JESSAULEY STONE HALL
 7. METALLIC GLAZED BRICK
 8. METAL GUARDRAIL & HANDRAIL
 9. ROUGH CANOPY STATION
 10. FRONT-ILLUMINATED METAL BELOW SIGNAGE



B NEW WORK SOUTH BUILDING ELEVATION

NEW WORK NOTES:

1. NEW ROOF GLAZEMENT
2. STRUCTURAL GLASS PROJECTING INDOOR
3. SHELLAP 5000G
4. REPAINTED EXISTING BRICK FACADE
5. REPAINTED BRICK WALL
6. BRICK/STONE WALL
7. METALLIC GLAZED BRICK
8. METAL GUARDRAIL & HANDRAIL
9. PORCH CANOPY SYSTEM
10. OVERLOOK SCAPES & DOWNPOUT



C NEW WORK EAST BUILDING ELEVATION

0' 12" = 1' 0"

DATE: 05/16/2018

PROJECT: EAST

ELEVATION

SHEET NO.

A3.4

the architectural group
155 north main street
dayton, ohio 45402-1730
tel: 937.233.0888
fax: 937.233.0888
web: www.tagroup.com

HILLIEM MAMUNIVERSITY
11 E. WALNUT ST.
OXFORD, OHIO 45056

CONSTRUCTION NUMBER:
1127
DATE: 05/16/2018

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: August 7, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

July 31, 2018
Date Prepared:

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office) District to UP (Uptown) District, Scott Webb, Applicant, Agent

Recommendation: Denial

Discussion:

This building and property was recently vacated by the bank that relocated to Stewart Square. The 1965 mid-20th century modern building is considered historic in the 2018 inventory. The proposed map amendment would extend the Uptown Zoning District west of College Ave for this one parcel; making way for increased development potential. The Commission held a hearty discussion on this topic, including public comments. Ultimately, the Commission did not find that any of the four decision criteria warranted expanding the Uptown zoning district west of College Avenue to include this parcel. The reality of the current site usage is that any new user other than a bank is not permitted to use the nonconforming use drive-through. Auto-oriented uses are prohibited in *both* RO and UP. Conditional use is not an option. However, the re-use potential is not listed as one of the decision criteria.

The Commission held a hearing on July 10; hearing from staff, applicant and public. Based on the decision criteria, the Commission voted 5-0 to recommend denial of the map amendment.

Approved By:

Department Head: *Interim SP 8-2-18*

City Manager:

DIRE 8-3-18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY A ZONING MAP AMENDMENT APPLICATION TO REZONE THE PROPERTY LOCATED AT 4 NORTH COLLEGE AVENUE FROM RO (RESIDENTIAL OFFICE) DISTRICT TO UP (UPTOWN) DISTRICT.

WHEREAS, the Planning Commission held a public hearing on July 10, 2018 in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a Zoning Map Amendment, to rezone the property located at 4 North College Avenue from RO (Residential Office) District to UP (Uptown) District; and

WHEREAS, after public hearing and deliberation, the Planning Commission recommended to deny the Zoning Map Amendment application to rezone the property located at 4 N. College Avenue from RO (Residential Office) District to UP (Uptown) District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further denies the Zoning Map Amendment application to rezone the property located at 4 North College Avenue from RO (Residential Office) District to UP (Uptown) District.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-15

Date – July 10, 2018

APPLICATION

Applicant:	Architect Scott Webb
Action Request:	Zoning Map Amendment from RO (Residential Office) to UP (Uptown)
Location:	4 North College Ave
Acreage:	0.123 Acre
Owner:	First Merchants Bank (Kevin Scharnowske)
Current Use:	Vacant Bank with parking lot
Surrounding Land Uses:	Gas Station, Community Center, Single and Multi-Family
Comp Plan Designation:	Neighborhood Enhancement/Neighborhood General 1

DESCRIPTION

This is a map amendment request for a 0.123 acre parcel at the intersection of North College Ave and West High Street. The request is proposed by Architect Scott Webb on behalf of First Merchants Bank.

The request is to amend the zoning map for this parcel from RO (Residential Office) to UP (Uptown). The land to the north, south and west is zoned RO, while the land across College Ave is zoned UP. The RO district forms a buffer ring around the UP district, bordered by North and South College Avenue, in this case.

Mr. Webb has provided a letter regarding the map amendment decision standards.

Below is the staff analysis:

SITE BACKGROUND

The 2018 Uptown Historic District Inventory lists the building as being built in 1965 as Columbia Federal Savings and Loan. The building has remained unchanged since. The First Merchants Bank recently relocated to Stewart Square; therefore, the building is vacant. There are no records of denied development applications, such as building permits, variances or conditional uses for the subject property.

COMPREHENSIVE PLAN

The comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as Neighborhood Enhancement Area on the Conservation and Development Map 3.6. The Character Area Map 3.7 labels the land as part of Neighborhood General 1, which is the northern section of the Mile Square.

Although the Comp Plan does not provide specific guidance, it does provide general guidance through the Land Use Principles found on pages 3.8 to 3.12, objectives in Urban Design Chapter 4 and objectives in Housing Chapter 7. Some pertinent excerpts of those principles and objectives are included below. Italics are staff comments.

Infill development and redevelopment of underutilized sites is a priority (Page 3.9)

- Specific sites will be targeted for redevelopment.
 - *The subject site was not targeted for redevelopment in the 2008 Comp Plan. The proposed map amendment would mean that the site would be targeted for redevelopment.*

Streets will create an attractive public realm. (Page 3.11)

- *The 2008 Comp Plan identifies that the streetscape is important to the pedestrian experience and small town character. The streetscape includes building placement. The proposed map amendment would allow up to a four story building without any setback requirement or off-street parking, essentially a western extension of the streetscape that exists one block east of the subject property.*

Preserve and enhance historic resources in the Mile Square including Uptown (Page 4.5)

- Urban Design Strategy 4.1: Support the work of the Historic and Architectural Preservation Commission to preserve historic buildings and resources.
 - *The proposed map amendment would remove the preservation protection of the existing building due to the fact that development rights of the zoning district supersede the historic district guidelines and regulations*

Expand housing options (Page 7.4)

- Housing Strategy 2.5: Incorporate a variety of housing types and prices as part of mixed-use development
 - *The proposed map amendment to Uptown would likely mean a new mixed-use building. This could be an opportunity for a development that offers units at a different price point or marketed to different demographic sectors than has occurred in recent years Uptown*

Provide diverse housing options (Page 7.5)

- Housing Strategy 6.2: Encourage new housing options for young professionals in the Uptown
 - *The proposed map amendment to Uptown would likely mean a multi-story mixed use building with apartments on the upper three levels. This could be an opportunity for a development that offers units intended for permanent residents rather than students.*

AGENCY REVIEWS

Police:	No comments returned
Engineering:	No comments returned
Econ. Dev.	No comments returned
Fire:	No comments returned

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached:

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

As stated by the applicant, the RO zoning was formally established by Oxford City Council in 2003. This was not an error. An error would be something that was made due to a technical problem in the recording of the line on the map. This same boundary line was clearly known and advertised the same before the hearing as it was after the publication.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

The map amendment is for a specific single parcel of land, which will result in increasing the development rights of a single parcel of land. Very little, if any specific guidance can be found for the proposed map amendment. Additionally, the city cannot control the details of a development, only the development rights.

- C. There has been a substantial change in area conditions that necessitated the amendment.

Recent substantial changes since the adoption of the 2008 Comp Plan which may or may not be relevant to the map amendment request:

- *The Uptown Zoning District has experienced several single-parcel redevelopment projects in the past decade.*
- *The former BP gas station site was cleared for future redevelopment, on the southeast corner of this same intersection.*
- *The City's brick street repair/replacement projects for the High Street corridor have been completed.*
- *The Oxford Lane Library has relocated out of this area and been replaced with the Oxford Municipal Building, perhaps shifting the Uptown clientele demographics on the western side of the district.*
- *The Oxford Community Arts Center has grown internally and externally to establish a stronger community presence over the past decade.*

- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

There are vacant and underutilized sites that exist in the Uptown Zoning District, without the need for the proposed expansion. However, it is unknown if there are insurmountable development obstacles with these sites or if they are otherwise not available for development at this time. Sites noted by staff:

- *Aforementioned former BP gas station – 131 W. High Street (0.36 Acres)*
- *Former funeral home site – 101 N. Beech St 70% unutilized (0.6 Acres)*
- *Sideyard to 102 E. Walnut St – Catholic Church lot – (0.11 Acres)*
- *City surface parking lot – “Lot 52” – (0.4 Acres)*

The Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls.

Criteria C or possibly B seem the mostly likely to be cited with any findings of fact, whether from staff, applicant or through the deliberation process. However, if the Commission does not find any of the four, it can forward a recommendation of denial to City Council.

RECOMMENDATION

Based upon staff findings, a recommendation of denial can be forwarded to City Council. However, the deliberation could likely pull out additional information unknown to staff at the time of this report.

SUBMITTED

BY:

A handwritten signature in black ink, reading "Sam Perry" in a cursive script, followed by a horizontal line extending to the right.

Sam Perry, AICP
Planner

DATE: July 5, 2018

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

Map Amendments

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

✓

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

**PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office)
District to UP (Uptown) District, Scott Webb, Applicant, Agent**

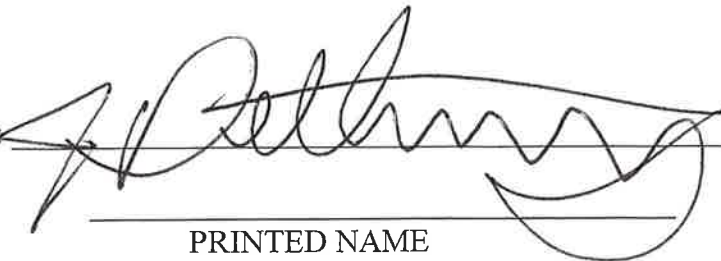
 X Review Revisions Other

Please return no later than: **July 2, 2018** 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:



PRINTED NAME

Date: 6-8-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department **Engineering Division** Police Department Econ Dev Department

From: Community Development Department

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office)
District to UP (Uptown) District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **July 2, 2018** 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:

6-7-18

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division **Police Department** Econ Dev Department

From: Community Development Department

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office) District to UP (Uptown) District, Scott Webb, Applicant, Agent

☒ Review ☐ Revisions ☐ Other

Please return no later than: **July 2, 2018** 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: 6-18-18

John A. Jones, Police Chief
PRINTED NAME



PC-2018-15 Surrounding Property Owners Notifications Map

Legend

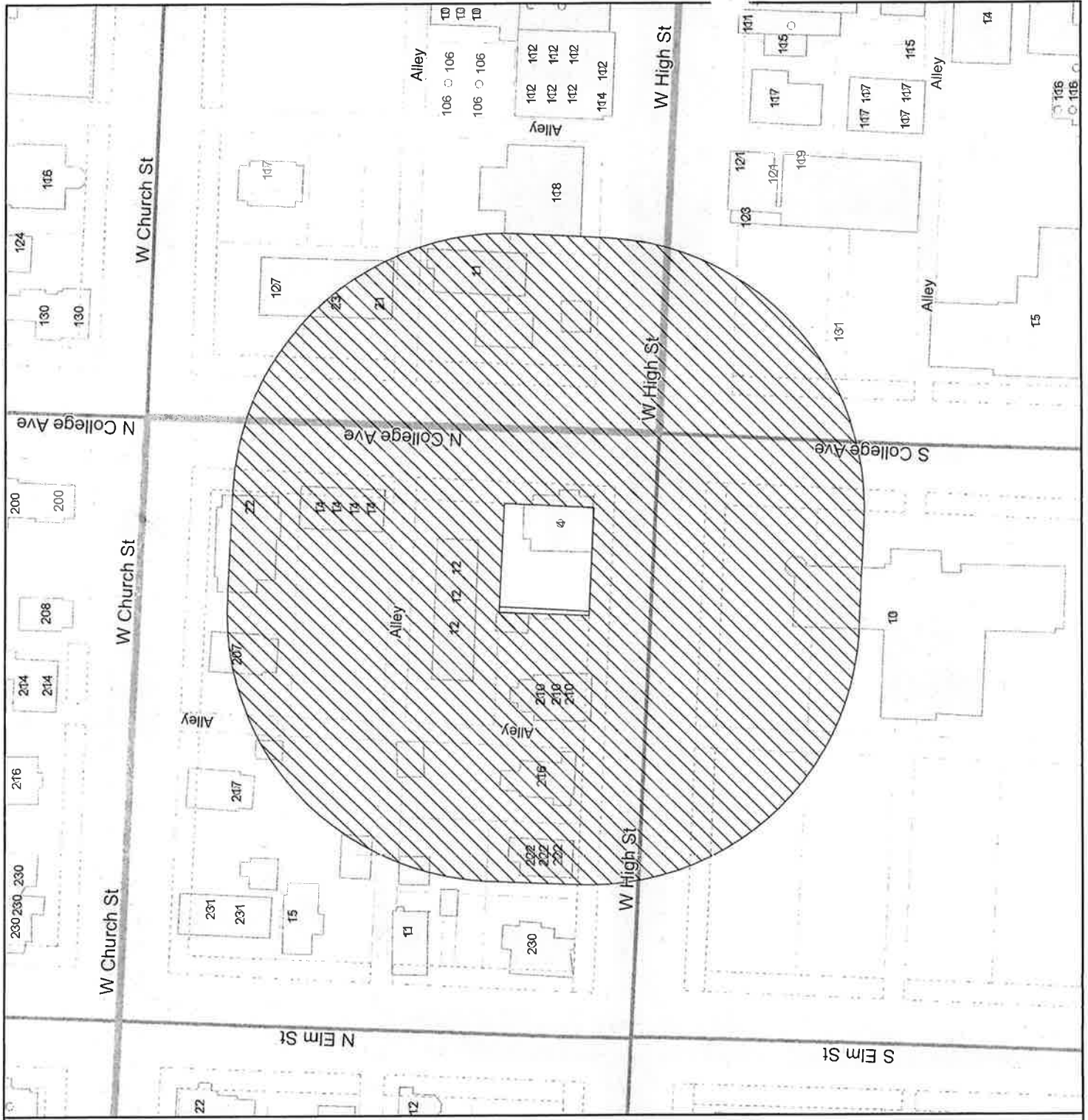
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 100 feet

Prepared on Monday, June 25, 2018

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



LETTER OF AGENCY

May 21, 2018

City of Oxford, et al
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb, Architect, has permission to represent our interest with the City of Oxford, Planning Commission, Board of Zoning Appeals, Historic and Architectural Preservation Committee, and any all other legislative committee counsels, to act on our behalf as relates to the property owned by First Merchants Bank at 4 North College Avenue, Oxford, Ohio.

Thank you.

First Merchants Bank

Signed:



Printed Name:

KEVIN SCHARNOWSKE

Printed Title:

V.P. DIRECTOR OF FACILITIES

Date:



Internal Use Only:

Case No.

PC-2018-15

Date Filed

5/25/18

Zoning Map Amendment Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Location and Lot Information

Location * 4 North College Ave.

General Description of Proposed Amendment * Change of zoning from RO to UP

Current Zoning * RO

Proposed Zone(s) * UP

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

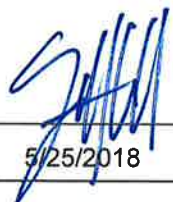
Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *



5/25/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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

Community Development Department
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
4 North College Street
Oxford, Ohio 45056

May 25, 2018

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the Northwest corner of High & College Street. The proposed Zoning Map Amendment will change the affected property from RO (Residential Office) to UP (Uptown District)

The Property at hand represents 0.123 acres (5,326 s.f.) on the northwest corner of North College Ave. and West High Street.

The site is currently occupied by a vacant, small, 1,600 s.f. building, having operated as a branch bank since its erection.

The site provides parallel, one-way traffic for the drive-through and the on-site parking from North College Ave. with (9) non-compliant parking spaces and traffic exiting onto West High Street.

The property is currently zoned RO (Residential Office). At 5,236 s.f., the property is allowed an office and a single residential unit under current zoning.



The small size of the lot and the development regulations of the district render redevelopment of this nearly impossible;

- The existing 1,600 s.f. building already exceeds the lot coverage restriction for buildings, occupying 30% of the lot where 25% is the maximum.
- The 35% overall lot coverage restriction and the parking requirement are in conflict, requiring multiple variances for any redevelopment of the site.

With limited opportunities for redevelopment, the building and parking areas would likely remain, searching for a new tenant.

While the drive-up window might be attractive to other types of businesses, the lack of queuing spaces and the proximity to the intersection would likely be a concern for Planning Commission when considering a drive-through as a **Conditional Use**. The fact that this occurs on US 27 must also be considered.

Proposed Zoning Change to UP (Uptown District)

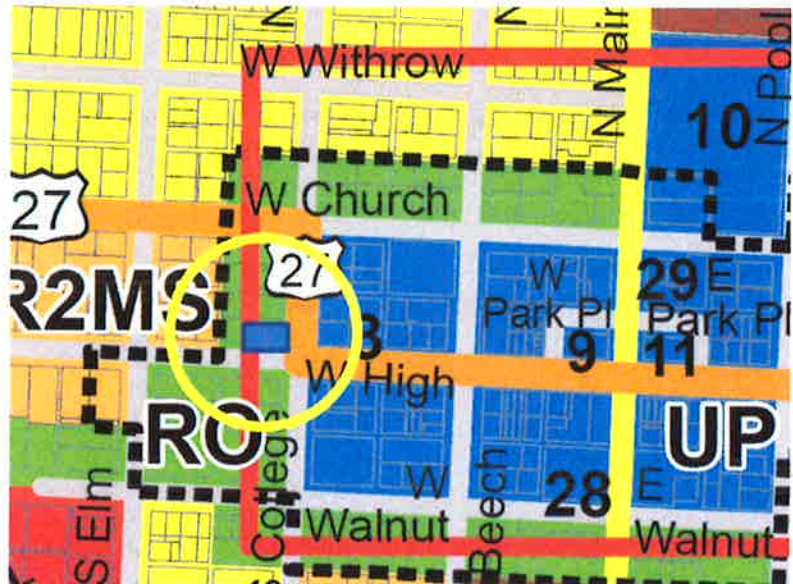
A change in the Zoning designation encourages the redevelopment of the site:

- Eliminates Lot Coverage Restrictions.
- Relieves on-site parking requirements, eliminating curb cuts at the intersection, and returns additional parallel parking along the streets.
- Removes the drive-through and queuing onto US 27, making the intersection safer for vehicles and pedestrians.
- Provides for a historically appropriate, mixed-use building to complement the Uptown Streetscape at an important intersection.
- Anticipates the redevelopment of the former BP site and the extension of the Uptown Business district.

The property at hand is surrounded by a multitude of zoning districts.

The RO District is intended as a buffer between the Uptown District and the residential districts of the Mile Square. As the change in Zoning Districts currently occurs at the Alley an area of RO would remain as a separation between the UP and the R2MS district to the west.

With the large scale historic Community Art Center occupying the corner to the South and the future development of the former BP site, development of a larger scale building than the current zoning allows would provide a visual bookend for the Uptown Business District



A zoning change in this area will affect the properties in the neighborhood, by stretching the Uptown District to follow US 27. With the inevitable redevelopment of the former BP site and the Community Art Center sharing this intersection, a more substantial building would improve the overall area with regard to the streetscape. Elimination of the drive-through will make the intersection safer, and more accommodating to pedestrians.

Statement responding to Decision Standards on the Application.

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

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

Prior to the 2003 Map Amendment, the property was included in the C-3, Urban Business-Commercial District.

In 2003, despite being a commercial business since its construction, the Zoning was changed to RO, Residential Office. The RO District does not include banks in either permitted or conditional uses, making the property a non-conforming use.

Further, the RO Zoning designation requires that business activity shall be conducted wholly within a completely enclosed building, calling into question the existing drive-through.

The current RO zoning also prescribes a 35% max. lot coverage. This standard represents the goals of a transition to a residential, Mile Square building type as is found along Church and Walnut Streets, but not along High Street and US 27.

- B. *The proposed amendment will make the map conform more closely with the Comprehensive Plan.*

In the **Land Use Chapter** of the Comprehensive Plan, the **Conservation and Development Map**, the **Concept Area Matrix** labels this area as a "Neighborhood Enhancement Area", intended for improvements that reflect the traditional neighborhood characteristics and commercial features that exist in this area.

The **Character Area Map** refers to this part of the Mile Square as a "Neighborhood 1" in "Developable Character Area" with specific recommendations to preserve the character, street grid and walkability of this area.

Bordering the "Core" Character Area of the Uptown and located along the US 27 North entrance to this uptown, the lot currently houses an abandoned bank, with few opportunities for reuse. "The Neighborhood 1" Character Area suggests that some Mixed-Use Development can occur in this areas as well.

Objective 3 from the Land Use Chapter encourages us to Continue to Enhance Uptown, supporting more mixed-use developments, sidewalk uses, and higher density where appropriate.

Objectives and Strategies from The Urban Design Section support this as well, in its objective to enhance the beauty and character of Oxford, recommending the modification of existing ordinances to support the development of Mixed-use developments as shown on the aforementioned *Conservation and Development Map* and *Concept Matrix*.

Other **Urban Design Objectives** encourage the promotion of *Neighborhood General Patterns* described in the *Character Area Maps*, and walkability. The removal of the drive-through, curb cuts and parking will improve the walkability and safety of drivers and pedestrians.

It is of contention that the Uptown Core begins at the corner of North College and High Street, where US 27 continues through the High Street Business District. This is an area prime for redevelopment, currently housing poorly placed and/or maintained apartment buildings, and a modest bank with no queuing space for the drive-through.

Redevelopment is not encouraged under the current RO Zoning by the limited size of the lot and the opportunities in the RO district, allowing only a single office and a single apartment at one of the gateway corners to the historic Uptown District.

C. There has been substantial change in the area conditions that necessitates the amendment.

The renaissance of the Up District has created new mixed-use developments and has extended the business district the entire length of High Street. The current designation does not reflect the occupancy of this site, or the vision of the Uptown District in this location as a gateway to the Uptown.

D. There is legitimate need for additional land area in the zoning district that will be expanded

While there are a number of properties in the UP District that are currently vacant and under consideration for redevelopment, economic development lists very few properties as available. The property at hand occupies a significant corner, as a visual bookend and a natural extension of the uptown district.

The existing building, with its drive-through spilling out into the street, has limited reuse potential if it is not returned as a bank. The parking lot is small and hard to maneuver, with less than prescribed turning radii.

The economics simply do not support the removal of the building, with the limits of a single dwelling unit with an office use. With little reuse potential, and limited redevelopment, it is likely the building will remain vacant for the foreseeable future.

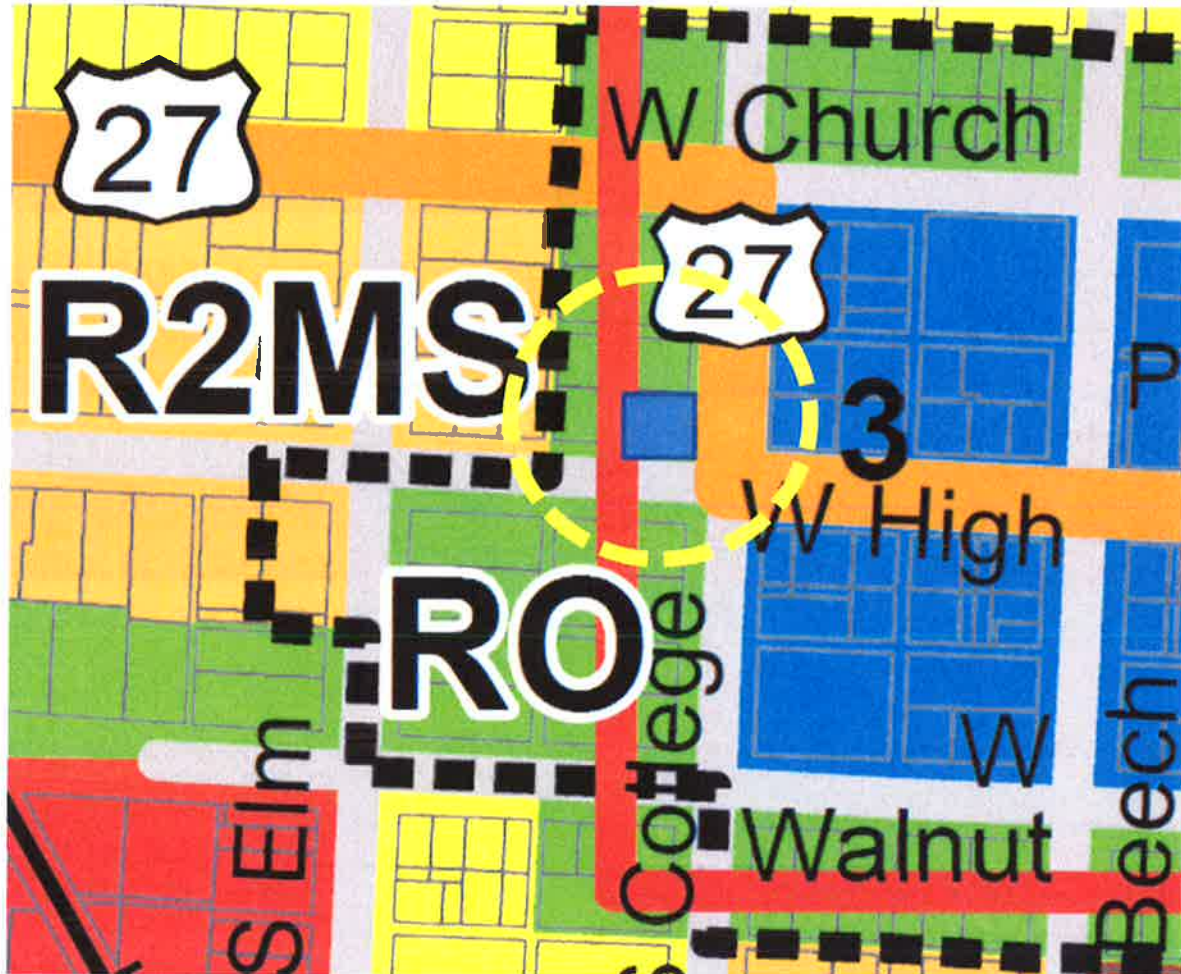
Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect

Zoning Area Map Showing Adjacent Zoning



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

July 9, 2018

Date Prepared:

PC-2018-12, Zoning Map Amendment, 5111 Morning Sun Road, Office-Light Industrial (OI) District, to Single- and Two- Family Residential (R2-MS) District, Scott Webb, Applicant/Agent

Recommendation: Denial

Discussion: On behalf of H&P Properties (Shane Coffman), Mr. Webb requested a recommendation of map amendment approval for a vacant parcel of land on the north side of Oxford. The parcel is approximately 1 acre. The surrounding corridor of Morning Sun Road (extension of North Main Street) is also zoned OI ((Office and Light Industrial) District. The amendment would remove the parcel from the OI District and add it to the adjacent R2-MS (Single- and Two-Family Mile-Square Residential) District, to the west. Notices were mailed to surrounding property owners, advertised in the newspaper and a sign was placed on the property prior to the June 12 hearing. The Commission held a hearing and discussed the case. The applicant and a real estate broker spoke documenting the past development difficulties. The Commission had difficulty in linking the past development challenges to the four decision criteria. Only one of the four criteria is required for an approval. The Commission voted 6-1 to recommend denial of the map amendment to City Council.

Approved By:

Department Head: *acting SP, 7/9/18*
City Attorney:
City Manager: *WJD 7/13/18*

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY A ZONING MAP AMENDMENT APPLICATION TO REZONE THE PROPERTY LOCATED AT 5111 MORNING SUN ROAD FROM OI (OFFICE AND LIGHT INDUSTRIAL) DISTRICT TO R2MS (SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL) DISTRICT.

WHEREAS: the Planning Commission held a public hearing on June 12, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a Zoning Map Amendment, to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District; and

WHEREAS, after public hearing and deliberation, the Planning Commission recommended to deny the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further denies the Zoning Map Amendment application to rezone the property located at 5111 Morning Sun Road from OI (Office and Light Industrial) District to R2MS (Single and Two Family Mile Square Residential) District.

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

MAYOR

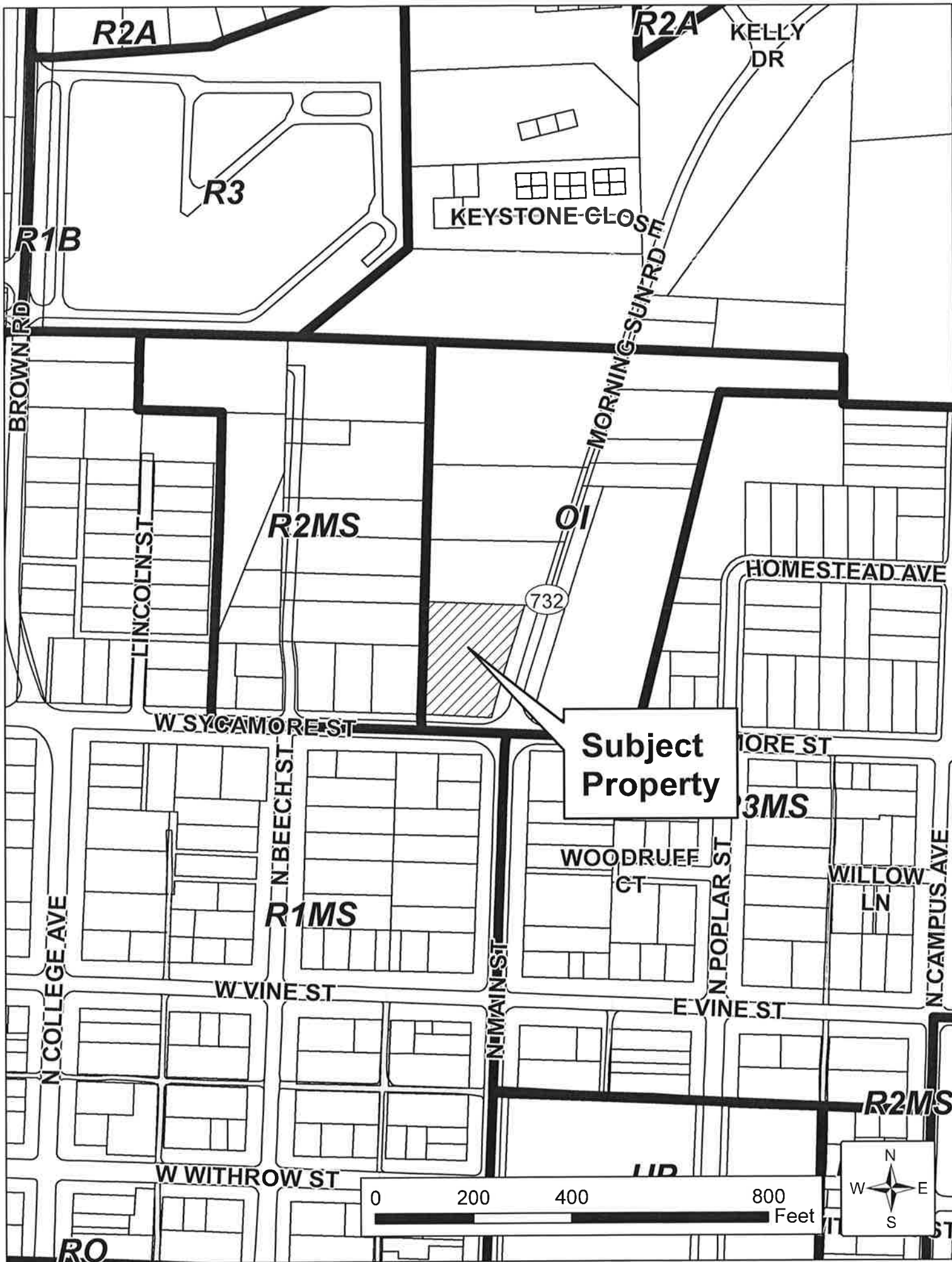
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-12

Date – June 12, 2018

APPLICATION

Applicant:	Architect Scott Webb
Action Request:	Zoning Map Amendment from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential)
Location:	5111 Morning Sun Road
Acreage:	1 Acre
Owner:	H&P Properties (Shane Coffman)
Current Use:	Vacant/Agricultural/Wooded
Surrounding Land Uses:	Professional Office
Comp Plan Designation:	Developed Area/Neighborhood General 3

DESCRIPTION

This is a map amendment request for a 1 acre parcel at the intersection of Morning Sun Road and Sycamore Street. The parcel is vacant and partially wooded.

The request is to amend the zoning map for this parcel from OI (Office and Light Industrial) to R2MS (Single and Two Family Residential). There is R2MS zoned land to the west and R1MS land to the south, across Sycamore Street. Across the street to the east is OI land, where a hotel is located.

Mr. Webb has provided a letter regarding the map amendment decision standards.

Below is the staff analysis:

SITE BACKGROUND

The farmhouse formerly on this lot was removed around 2005-07, leaving the lot currently vacant of development. The property has changed hands twice in the past 10 years but no development has resulted. City staff has reviewed at least two different development proposals, one including only this lot, one including other lots. Neither resulted in development. The lot is sloping with the general (pre-developed) topography of the area. The lot appears deceptively small from the roadway because the rear half is steeply sloping and wooded. Up to three two-family lots could be created by-right if the rezoning were granted. If the zoning remains OI, the existing dimensional requirements nearly prohibit a development without some type of variance or Planned Development approval.

COMPREHENSIVE PLAN

The comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as already developed on the Conservation and Development Map 3.6. This appears to be because it was included in with the surrounding area unless the former house was considered a “developed” condition at the time. The Character Area Map 3.7 labels the land as part of Neighborhood General 3, which is the 2,300 acre residential area outside of the Mile Square.

Although the Comp Plan does not provide specific guidance, it does provide general guidance through the Land Use Principles found on pages 3.8 to 3.12. Some pertinent excerpts of those principles are included below. *Italics are staff comments.*

Infill development and redevelopment of underutilized sites is a priority

- Reuse of vacant and underutilized sites will be encouraged prior to new development.
Utilizing land already within urbanized areas rather than sprawl is a common theme throughout the Comp Plan. This particular parcel is a vacant parcel and likely has all utilities available to the property; therefore it is a good candidate for development that does not require substantial expenditure.

Future growth at the edge of the city will preserve open space, protect the area's rural character, and be consistent with the other principles.

- New growth on the edge of the community will not compromise the rural landscape or the community's small town character.

Determining that there is a transition is not an issue, but determining where the transition should happen is difficult. Sycamore street is a natural boundary where the existing urban form changes from larger lot development to smaller residential lots. This is a result of the Mile Square boundary. Rezoning a parcel to residential on the north side of Sycamore street would likely result in an alteration to this natural boundary in the near future.

Streets will create an attractive public realm.

- Roads in rural areas will complement the character of rural areas (i.e., width, setbacks, landscaping buffers).

The street is the gateway into the community. The streetscape north of Sycamore street is currently more rural in nature than south of Sycamore Street. There are no curbs, the buildings are set back farther and there are fewer curb cuts. Although a Planned Development that maintains this character is possible with a R2MS zoning, it is not a guarantee.

Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.

- Bike paths and walking paths will be integrated into new development and areas undergoing redevelopment

A sidewalk was recently installed along this property in order to provide access to the Oxford Area Trail. Any Rezoning or redevelopment of this land should be done sensitively to avoid creating conflicts or safety issues that do not already exist.

AGENCY REVIEWS

Police:	Returned with no comments
Engineering:	Returned with no comments
Econ. Dev.	No comments returned
Fire:	Returned with no comments

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached:

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

As stated by the applicant, the OI zoning was formally established by Oxford City Council in 2003. This was not an error. An error would be something that was made due to a technical problem in the recording of the line on the map. This same boundary line was clearly known and advertised the same before the hearing as it was after the publication.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

Citing principles of economic development and infill development, an argument can be made for allowing a map amendment for whichever zoning district would permit development the soonest. However, those principles should not be cited in a vacuum. Other principles that protect the character of the area are equally important.

- C. There has been a substantial change in area conditions that necessitated the amendment.

The staff interpretation of this decision criteria is that the substantial change is referring to the time period since the adoption of the Comp Plan. The physical conditions of the area have not changed; the same buildings and roads that surround this lot are the same ones that existed in 2008. However, the enrollment at Miami University has increased, new student residential development has occurred in the community and Miami itself has been in the process of implementing their Housing Master Plan.

It should be noted that the past few years have also brought significant investments from health care entities into the community. In addition to TriHealth, Oxford also has regional providers: Mercy, Primary Health and Kettering facilities. There may be potential for expanded offices in the community but it is of course unclear if this particular property would benefit from the recent health care additions in the community.

- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Vacant R2MS land is likely non-existent in Oxford, however, categorically speaking more land has been rezoned from non-residential to residential since the time of the Comp Plan. This includes the 37 acres for The Annex on Southpointe Parkway.

Much of the recent land loss from the R2MS district has been an upzoning to R3MS, which includes nearly identical development rights. Therefore this may not be considered an actual decrease.

The Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls.

RECOMMENDATION

It should be noted that at least two attempts for development have been made, which document at least some difficulty. It should also be noted that although substantial effort has been made to protect rural to urban transitions in the Comp Plan, this specific gateway was not called out as an area of concern. Perhaps because of its nearly developed condition with the exception of this one lot.

If the Planning Commission deliberates through the decision criteria, this staff report and any new facts presented will provide an ample record in order for a well-founded recommendation to be forwarded to the City Council. The decision of whether to approve or deny the map amendment request from OI to

R2MS for this 1 acre parcel at 5111 Morning Sun Road should be solely focused on the findings of the four decision criteria.

SUBMITTED

BY:

A handwritten signature in cursive script, reading "Sam Perry", followed by a horizontal line extending to the right.

Sam Perry, AICP
Planner

DATE: June 7, 2018

ATTACHMENT

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

Map Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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
PRINTED NAME

Date: _____

5-9-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: 5/17/18

JOHN A. JONES
PRINTED NAME



PC-2018-12

Surrounding Property Owners Notifications Map

Legend

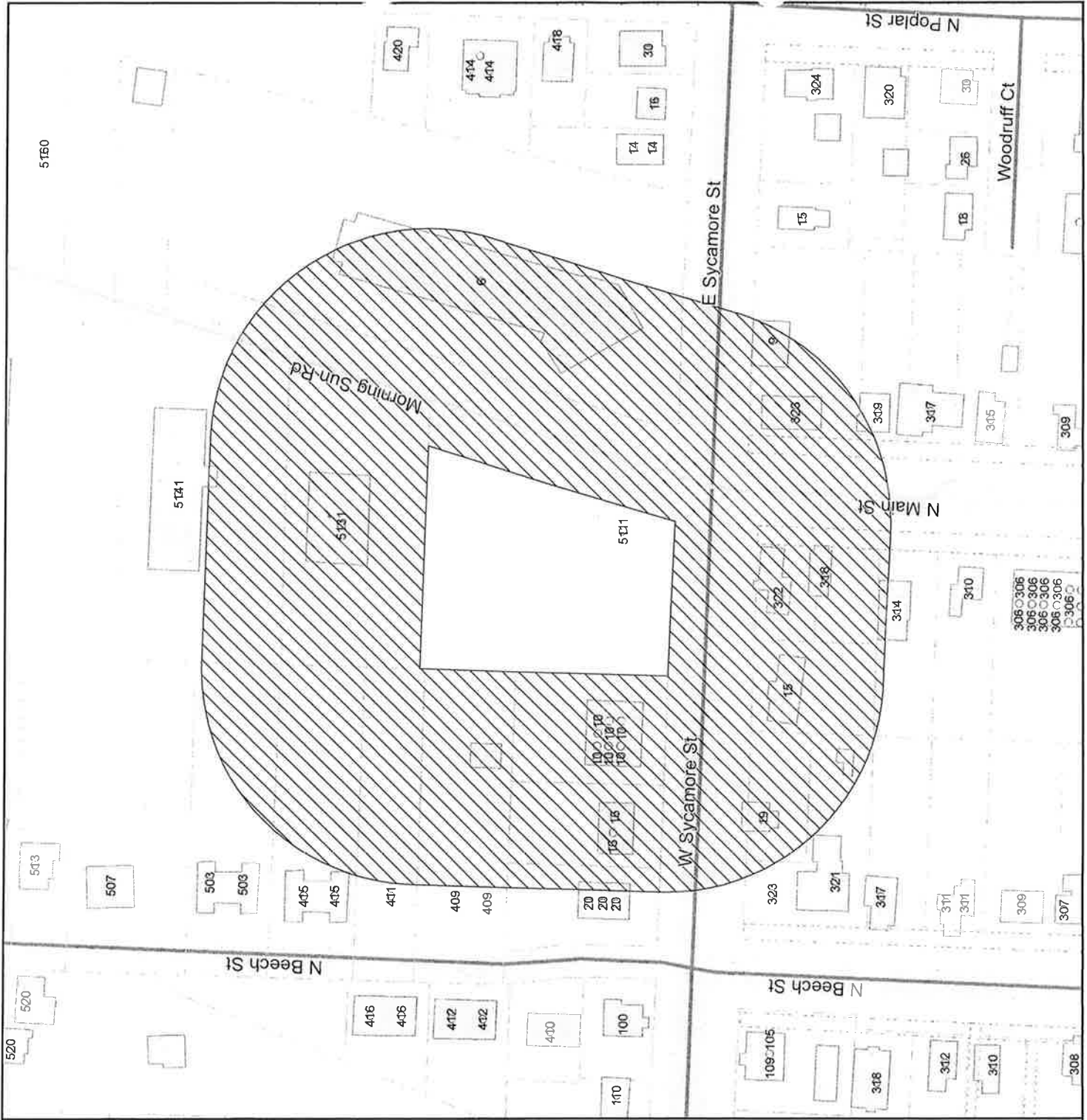
- Subject Parcel
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 125 feet

Prepared on Friday, May 25, 2018

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.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Tony Miller

(Print)

Address:

4721 Riggs Rd
Oxford OH 45056

Telephone:

Home:

513-532-7565

Work:

COMMENT:

*I would like to see this parcel remain
Office Industrial.*

*This is a prime business location with-in the
city. I'd like to see more business created on the
north side of town. This lot is the first thing you
see entering town & the last thing leaving town.*

*The city needs to think about creating jobs
through promoting businesses to locate in town.*

*protect this parcel, don't change the
map. Don't create another south 27*

Signature

Date

Tony Miller

6-10-18



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-12

DATE OF HEARING: June 12, 2018

ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

(Print)

Address:

Rick Metz & Jackie

310 & 314 N. Main

Box 154 B.G. 43402

Telephone:

Home: 419-3527872

Work: _____

COMMENT:

SAM —

It's OK with us!


Signature

6/11/18
Date

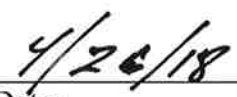
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Board of Planning Commission & City Council regarding a proposed Zoning Map Amendment at 5111 Morning Sun Road

Thank you,

Signed: 
Shane Coffman, H & P Properties, Inc.


Date:



Internal Use Only:

Case No.

PC-2018-12

Date Filed

4/27/18

Zoning Map Amendment Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

Email Address scott@scottwebbarchitect.com

Location and Lot Information

Location * 5111 Morning Sun Road

General Description of Proposed Amendment * Request for a change in Zoning Designation for a single 1.25 area parcel

Current Zoning * OI (Office Industrial)

Proposed Zone(s) * R2MS Single and Two-Family Mile Square Residential

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


 4/27/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

May 23, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to Decision Standards on the Application.

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

A. There is an error on the official Zoning Map or in the delineations between districts.

Prior to the 2003 Map Amendment, the property was Zoned R4A, Suburban Multiple Dwelling. In 2003, despite being surrounded by residential development, the zoning was changed to OI, Office Industrial, with Planning Commission predicting a future Medical Office use, and eliminating most other opportunities for the property owner.

B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

The Comprehensive Plan refers to this area generally as part of the "*Neighborhood 3*" area on the **Character Map**, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the **Conservation and Development Map** considers this location as a developed area it was also identified as a "*Weak Place*", presumably due to the lack of interest in developing it over the years. "*Weak Places*" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the **Land Use chapter**, *Objective 4* suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor.

Objective 2 suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

C. There has been substantial change in the area conditions that necessitates the amendment.

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

A zoning change in this area will provide a more compatible use for the neighborhood than an Office Industrial, commercial use.

As the property resides in the Mile Square Charter Amendment area and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

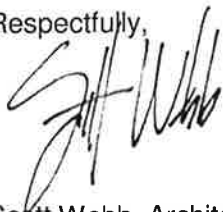
D. There is legitimate need for additional land area in the zoning district that will be expanded

Planning Commission spent over a year looking for additional density in the Mile Square, particularly in the North quadrant of the Mile Square, adjacent to the University and their parking areas.

With no interest in a commercial use for the property and Planning Commission's expressed need for additional residential development adjacent to campus, the Map Amendment would allow the development of a vacant parcel, and take pressure off of other neighborhoods in the City.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue rectangular stamp.

Scott Webb, Architect

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
5111 Morning Sun Road
Oxford, Ohio 45056

April 27, 2018

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Zoning Map Amendment for the property at 5111 Morning Sun Road, at the corner of Sycamore and Morning Sun Road. The proposed Zoning Map Amendment will change the affected property from OI (Office Industrial) to R2MS, Mile Square Single and 2-Family Residential District.

Statement responding to questions posed on the Application.

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

A. *What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?*

The Comprehensive Plan refers to this area generally as part of the "Neighborhood 3" area on the Character Map, described as being on the outskirts of the Mile Square with the lowest residential density, though containing single to multi-family density per the Character Area Matrix. While the Conservation and Development Map considers this location as a developed area it was also identified as a "Weak Place", presumably due to the lack of interest in developing it over the years. "Weak Places" are further described as areas that need improvement, or areas where infill and redevelopment would be appropriate.

There are competing objectives and strategies in the Land Use chapter; *Objective 4* suggesting the need for research, development, and office space, yet further suggesting this should be along the north 27 corridor. *Objective 2* suggests enhancing the neighborhoods in the Mile Square. As this is identified as a residential area, residential infill in this location would develop a site that has been vacant for a couple decades.

B. *How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.*

A zoning change in this area will affect the properties in the neighborhood, by providing a more compatible use than an Office Industrial, commercial one. As the property resides in the Mile Square Charter Amendment area, and would potentially receive a Mile Square Zoning Designation, development would be required to be compatible with the neighboring property in scale and with regard to the Mile Square Design Guidelines.

Development in line with its current Zoning designation would result in higher traffic, parking lots, and commercial buildings.

- C. *How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?*

Public facilities will not be affected, since this is an infill development, all public facilities are available at this location. At over an acre a plan development application will likely follow, ensuring comprehensive design of the site addressing storm water, etc.

- D. *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).*

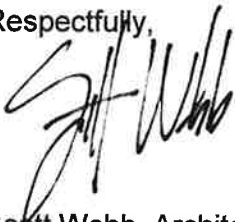
Comprehensive design of the site through a Planned Development application will address all mitigating factors, and will be designed in cooperation with Planning Commission through this process.

- E. *Why is the current zoning classification of the property no longer appropriate?*

The current zoning was likely decided with the development of a variety of medical offices further north along Morning Sun Road. After 15 years and numerous owners, the site has never produced a viable project fitting within the narrow confines of the OI Zoning District. Grading, access from the intersection and parking requirements for commercial uses on small sites has affected the feasibility of such a project.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a horizontal line.

Scott Webb, Architect

Zoning Area Map Showing Adjacent Zoning



Enlarged Zoning Area Map Showing Adjacent Zoning



Aerial Photograph Showing Adjacent Development



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: July 17, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

July 10, 2018

Date Prepared:

PC-2018-11, 21 Lynn Avenue, Conditional Use Permit Application to add a drive-up window to an existing restaurant (LaRosa's), Joel Engelhard, Applicant

Recommendation: Approval

Discussion:

LaRosa's is an existing sit-down restaurant on Lynn Avenue with both a delivery and take-out service. Business owner Joel Engelhard is proposing to add a pick-up window to the existing take-out service. The orders will be placed online or by phone rather than using a kiosk as a typical drive through restaurant would use. There is an existing rear access drive behind the building that can serve as the driveway leading to the pickup window. Architect Robert Wendel is handling the design and building permit. The property is located in a General Business district, which permits drive-throughs as part of businesses. The conditional use process is in place to ensure that any negative impacts to surrounding properties and to the general public are minimized.

Notice was mailed to surrounding property owners, advertised in the newspaper and a sign was placed on the property prior to the June 12 hearing. The Commission held a hearing and discussed the case. The Commission's primary concern was that any existing parking lot circulation issues not be compounded. The architect's design included directional signage. Additionally, Mr. Engelhard will work with existing services using the rear drive so that timing conflicts are minimized. The Commission voted 7-0 to recommend approval of the conditional use, as submitted by Mr. Engelhard. If the Council approves the ordinance, the owner will be able to move forward with the building permit for the project.

Approved By:

Department Head: *aching SP / 7/10/18*

City Attorney:

A. City Manager:

[Signature] 7/13/18

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE ADDITION OF A DRIVE-THROUGH WINDOW AT THE LAROSA'S RESTAURANT LOCATED AT 21 LYNN AVENUE OXFORD, OHIO 45056 IN THE GENERAL BUSINESS DISTRICT.

WHEREAS, Council finds in accordance with Oxford Codified Ordinance Section 1147.02 the City of Oxford Planning Commission held a public hearing on June 12, 2018 for the purpose of considering the request of Joel Engelhard, Applicant, for a conditional use permit for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District; and

WHEREAS, the Planning Commission, after public hearing and discussion, voted and approved a motion recommending approval of the conditional use permit application for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for the addition of a drive through window at the LaRosa's restaurant located at 21 Lynn Avenue Oxford, Ohio 45056 in the General Business District as submitted.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-11

Date –June 12, 2018
Revised for Council-- July 17, 2018

APPLICATION

Applicant:	Joel Engelhard
Location:	21 Lynn Ave
Owner:	Uptown Investments LTD
Action Request:	Conditional Use Permit Application to add a drive-up window to an existing restaurant (LaRosa's)
Current Use:	LaRosa's Restaurant
Zoning:	GB (General Business) District
Surrounding Existing Land Uses:	Restaurants, Offices, Retail

GENERAL DESCRIPTION

The owners of the Oxford LaRosa's are seeking approval to add a drive-up window to their existing restaurant for takeout orders. The orders are placed online or by phone. The drive-up/pick-up window is considered a drive-through and therefore requires the conditional use process to determine if it is a good fit in this location. LaRosa's is located at 21 Lynn Avenue but also has access from South Locust Street near the railroad tracks. The building is shared by two other businesses: Oxford Spirits and Oxford Coffee Co. The proposed window is accessed by entering the rear service drive near Oxford Spirits and South Locust Street. The enclosed site and building plans have been prepared by Architect Robert Wendel.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. One was received from a property owner across South Locust Street. See attached.

AGENCY REVIEWS

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

Police:	No comment returned Returned without comment
Fire:	No comment returned Returned without comment
Engineering:	No comment returned Returned without comment
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) **Burden of Proof.**

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health,

safety, or general welfare of the City or the neighborhood in which it is proposed.

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

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

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

(d) Action by Planning Commission.

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

1147.03(b)(10) Drive-Through Restaurant Facilities

- A. Potential Concerns
 - 1. Design of vehicle management area.
 - 2. Noise from operation (vehicle and loudspeaker).
 - 3. Signs and menu boards.
 - 4. Location and adequacy of dumpsters.

B. Regulations.

1. Drive-through station 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.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. It is specifically listed.

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

Yes, the proposed use can be satisfied by allowing a permitted use business to make changes as long as the changes are not negative to the surroundings.

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

One of the objectives of the Comp Plan is to retain and expand existing businesses. This project serves to fill a desire of the business owner, which could help to expand the business.

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

This decision standard may require some explanation from the architect since the site in this case was not originally set up for a drive up window.

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

None anticipated.

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.

Not applicable.

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

No unrelated accessory uses being proposed.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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 building is existing. No significant changes to the building are proposed other than the pick up window.

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

The owner has stated to the City that the take out service is an existing service and also that there is adequate cueing in the drive alley. Additionally a striping and signage plan has been submitted. The owner has also stated to the City that they will work with any service truck or trash truck delivery schedules to minimize congestion through the cueing area.

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

One mature landscape tree is proposed to be removed for a relief lane to be added to the existing drive/alley.

- 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.**

The business is already in operation. A building permit will be required before the construction commences.

1147 03(b)(10) Drive-Through Restaurant Facilities

A. Potential Concerns

1. Design of vehicle management area.

The vehicle management area already exists. Adjustments including striping and signage will be added. If volume for this new service becomes high, staff recommends that cars exit to the adjacent bank lot (with permission).

There are not details on the directional signage size, height and location; therefore, the signage plan details will have to be submitted later for review and will be required to comply with code as part of the building permit review process.

The pedestrian refuge areas are not typical because they are surface painting only and do not connect to walk ways, but they are an improvement over current conditions, which is no refuge at all.

2. Noise from operation (vehicle and loudspeaker).

The adjacent land is a railroad berm and a bank parking lot. There is no order kiosk; therefore additional noise should be minimal.

3. Signs and menu boards.

The only signs will be for vehicular movement. No menu board is planned that staff is aware of.

4. Location and adequacy of dumpsters.

There is an existing dumpster. The need for increased capacity is not expected.

B. Regulations.

1. Drive-through station shall not be located in a yard adjacent to a residential zoning district.

This not a full drive through station; only a pick up window. The nearest

residential district is across the railroad tracks at 325 W. High St.

2. Cue Queue spaces shall not be located in a yard adjacent to a residential zoning district.

Not applicable.

3. Drive-up stations shall be setback a minimum of 50 feet from a residential zoning district.

The pick-up window is 200 feet from the nearest residential district.

RECOMMENDATION:

The conditional use requirement for a drive-through service is primarily intended to mitigate any negative impacts to the surrounding neighborhood that might come from a completely new structure with an order kiosk **and** pick up window. This situation does not fully fit those conditions; however there is no other process in place for a zoning approval. The architect and owners have made concerted efforts to enable a retrofit of this building for this service to work well. There are some decision standards that will require discussion of the Commission, but there are none of major concern to staff at this time.

At this time there appears to be adequate information in order to forward a recommendation of approval to City Council along with any conditions of approval that the Commission deems necessary.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: ~~June 7, 2018~~ July 13, 2018 (Minor correction to Page 1)

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: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, Joel Engelhard, Applicant, Agent

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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:

5-10-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

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PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: 5-9-18

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: May 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **June 1, 2018** 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: _____

5/17/18

John A. Jones

PRINTED NAME



PC-2018-11

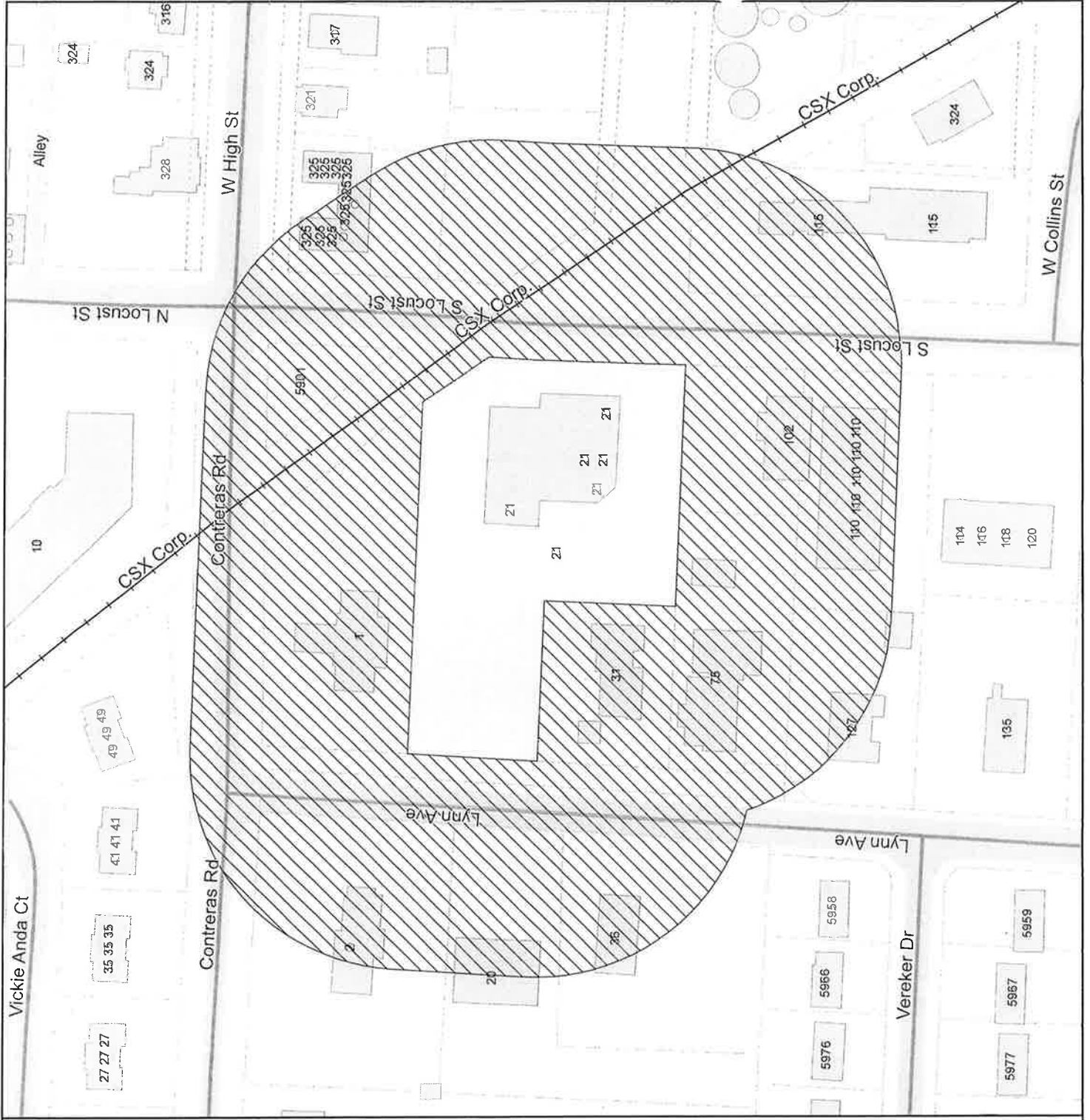
Surrounding Property Owners Notifications Map

Legend

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



1 inch = 125 feet



Prepared on Friday, May 25, 2018

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.



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2018-11

DATE OF HEARING: June 12, 2018

CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, **Joel Engelhard, Applicant, Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Judy Ramsey - Locust Car Wash
(Print)
Address: 115 S. Locust Street
Oxford, OH 45056

Telephone: Home: 513-523-6786 Work: 513-523-0917

COMMENT:

Joel Engelhard has been a great neighbor to our business as well as a great supporter of our Community. I fully support a Drive Through Pick up window. I would personally appreciate the added convenience. Our tenants and customers would also support the addition, in my opinion.

Thanks!

Judy Ramsey, Pres
Signature

5-30-18
Date

Letter of Agency

To Whom It May Concern:

Please be advised that Joel and Melissa Engelhard has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commision hearing regarding the drive through pick up window addition for the property at 21 Lynn Street, Oxford, OH 45056.

Thank you.



Uptown Investments

Date

By: Authorized Member



Internal Use Only:	
Case No.	PC-2018-11
Date Filed	4/27/18

Conditional Use Permit Application

Applicant Information

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

Name * MJ RESTAURANTS / DBA OXFORD LA ROSA'S

Mailing Address * 21 LYNN AVE. SUITE 101

City, State & Zip Code * OXFORD OHIO 45056

Telephone Number(s) * 513-273-2092

Email Address jenquelhard@larosas.com / mcnelhard@larosas.com

Owner Information

Name * UPTOWN INVESTMENTS LLC

Mailing Address * 5020A COLLEGE CORNER PIKE

City, State & Zip Code * OXFORD, OHIO 45056

Telephone Number(s) * 513-205-4174

Email Address dave@hoteldevelopment.net

Location and Lot Information

Location of Property * 21 LYNN AVE SUITE 101

Legal Description * ATTACHED

Zoning District * 425, C

Total Area * NO CHANGE → Check One * Acres ☐ Square Feet ☐

Existing Use Description * RESTAURANT

Proposed Use Description * RESTAURANT

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

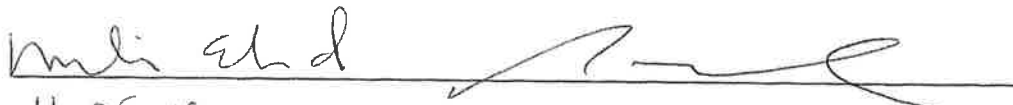
- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

4-25-18

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

4/27/18

Receipt Number *

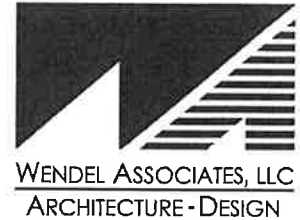
20046

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

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

April 26, 2018

City of Oxford
101 East High Street
Oxford, Ohio 45056



Re: Conditional Use

We are applying for a conditional use for the La Rosa's Restaurant located at 21 Lynn Street. We are answering all questions, as listed under the Submission Requirements and Documentation.

1. Thirteen complete sets of all information shall be submitted with the application.

A. Application fee for \$410 is included.

B. Description of use and site.

1. Applicant: Joel & Melissa Engelhard

4411 Eaton Road
Hamilton, Ohio 45013

Owner: Uptown Investments, LLC
5020a College Corner Pike
Oxford, OH 45056
513-295-4174

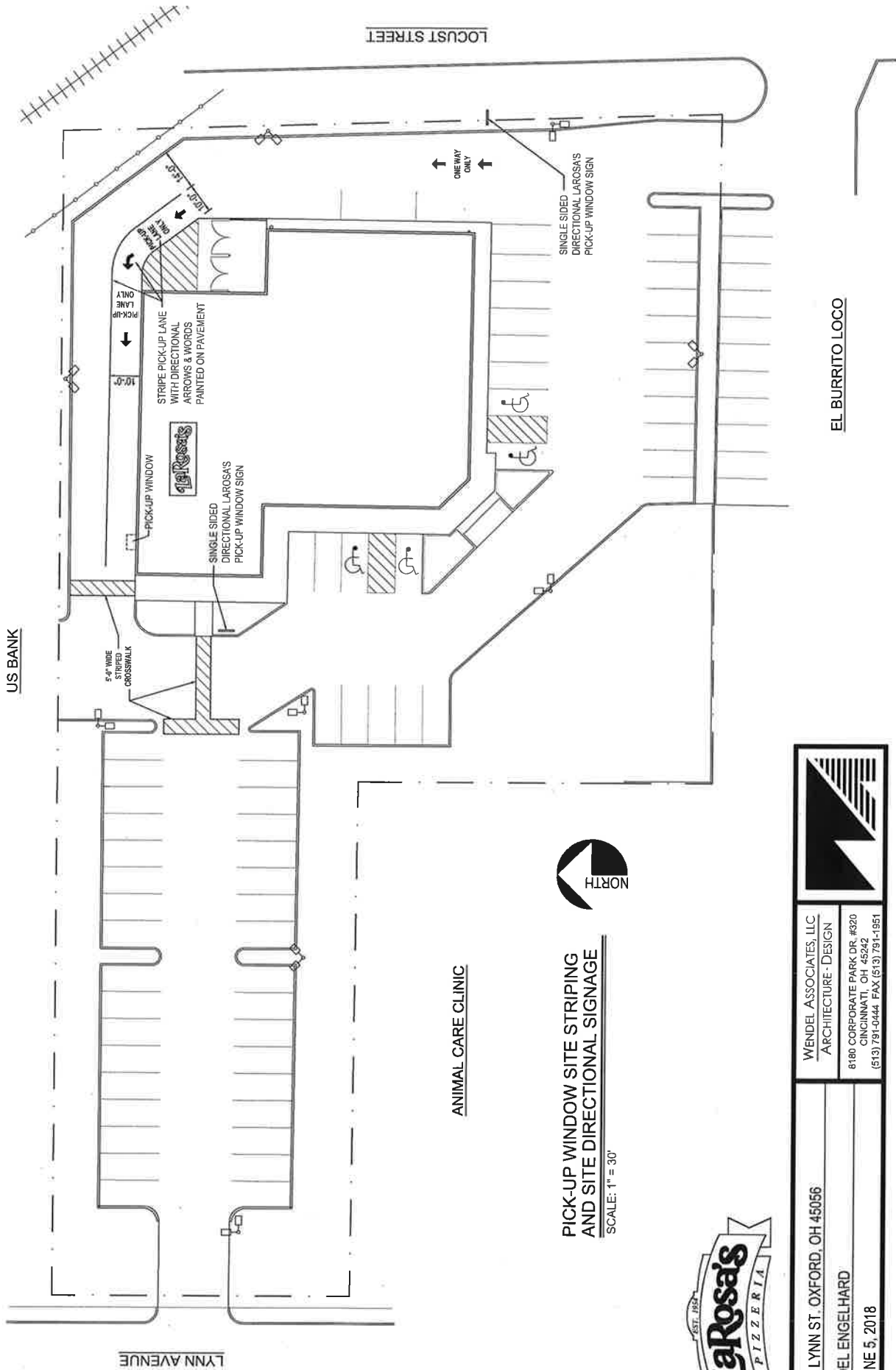
2. A letter from the owner giving the applicant the authority to apply is included.
3. A legal description of the site is attached.
4. The existing use on the site is Restaurant & Retail.
5. The zoning district is 425, C - Neighborhood Shopping Center
6. The site is occupied by a La Rosa's Restaurant and three other spaces. Two retail and a coffee shop. La Rosa's serves 250 – 300 people per day, with daily deliveries. Hours are from 11 am to 10 pm.
7.
 - a. The use is similar to the food service locations near them, except that La Rosa's will be a call ahead and pick up service only.
 - b. The building footprint will remain unchanged.
8. We are not changing anything to add to the daily operations and is really less severe than the surrounding food services.
9. This will help to alleviate parking, as the people who normally would go in for pick-up will not be parking. This adds to available dine in parking and delivery parking spots.
10. N/A
11. The use of land is restaurant, retail and office.

C. The site plan has met all of the requirements listing in this item.

Thank you for your consideration of our proposal. Please let us know if there are any other questions regarding our submittal,

Sincerely,

Robert A. Wendel, RA



EL BURRITO LOCO

ADDRESS	21 LYNN ST. OXFORD, OH 45056
OWNER	JOEL ENGELHARD
DATE	JUNE 5, 2018
WENDEL ASSOCIATES, LLC ARCHITECTURE - DESIGN	
8180 CORPORATE PARK DR. #320 CINCINNATI, OH 45242 (513) 791-0444 FAX (513) 791-1951	



PICK-UP WINDOW SITE STRIPING
AND SITE DIRECTIONAL SIGNAGE

SCALE: 1" = 30'

ANIMAL CARE CLINIC

US BANK

LYNN AVENUE

LOCUST STREET



21 LYNN STREET
OXFORD, OHIO 45056

BUILDING CODE INFORMATION

CODE JURISDICTION _____ BLDG. CODE INFO. _____
- 2017 OHIO BUILDING CODE - OCCUPANCY - A2
- CITY OF OXFORD ZONING - CONSTRUCTION TYPE SB

DRAWING INDEX

SHEET NO.	DRAWING DESCRIPTION
1.1	TITLE SHEET - SITE PLAN
A.1	FLOOR PLAN - ELEVATION - SECTION

WARNING:

ARCHITECTURAL DRAWINGS ARE TYPICALLY DRAWN TO A REPRESENTATIVE SCALE WHICH IS NOTED IN THE TITLE BLOCK. THE DRAWING REPRODUCED HEREIN IS A REPRESENTATION OF THE WORK. DRAWING REPRODUCTION METHODS ARE NOT CONSIDERED PERFECT. HANDWRITING AND EACH SUCCESSIVE COPY OR REPRODUCTION MAY INTRODUCE A SLIGHT DEVIATION FROM THE ORIGINAL. THE ARCHITECT'S SCALE OR DIMENSIONS ARE NOT TO BE USED TO MEASURE ANY PORTION OF ANY DRAWING IN ORDER TO DETERMINE AN EXACT DIMENSION. NUMERICAL DIMENSIONS ARE GIVEN IF THEY ARE NECESSARY. THE ARCHITECT'S SCALE OR DIMENSIONS ARE NOT TO BE USED TO CONTRACT THE ARCHITECT FOR FINAL VERIFICATION. WORK BASED UPON THE ARCHITECT'S SCALE DIMENSIONS MAY BE SUBJECT TO REPAIR OR REPLACEMENT AT THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

NO SUBCONTRACTOR SHOULD BE PROVIDED WITH A PARTIAL SET FOR EITHER BUILDING OR MECHANICAL WORK. THE ARCHITECT'S SCALE OR DIMENSIONS ARE NOT TO BE USED TO DETERMINE FOR THEMSELVES THE INFORMATION AND DOCUMENTATION THEY WISH COPIES OF THERE ARE MANY CROSS-REFERENCES IN A SET OF CONSTRUCTION DOCUMENTS. ONLY HAVING A PARTIAL SET WILL NOT BE ACCEPTED AND EXCUSE FOR DELAYS OR INCOMPLETE WORK.

VICINITY MAP



LA ROSA'S PIZZERIA PICK-UP WINDOW
21 LYNN STREET
OXFORD, OHIO 45056



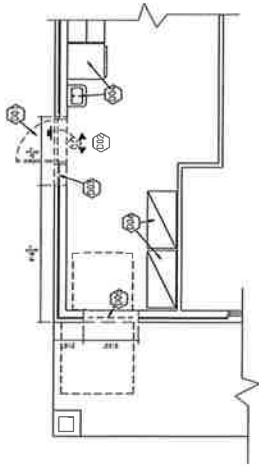
DATE	10/11/2017
PROJECT	LA ROSA'S PIZZERIA PICK-UP WINDOW
ARCHITECT	WENDT ASSOCIATES, LLC
OWNER	LA ROSA'S PIZZERIA
PROJECT NO.	17-001
SHEET NO.	1.1
TOTAL SHEETS	2
DATE	10/11/2017
BY	WENDT ASSOCIATES, LLC
CHECKED	WENDT ASSOCIATES, LLC
APPROVED	WENDT ASSOCIATES, LLC

T.1



WENDT ASSOCIATES, LLC
ARCHITECTURE-DESIGN
1110 CONNOR ROAD, SUITE 200
OXFORD, OHIO 45056
P.O. BOX 1000, OXFORD, OHIO 45056
PHONE: 513.325.1111
FAX: 513.325.1112
WWW.WENDTASSOCIATES.COM

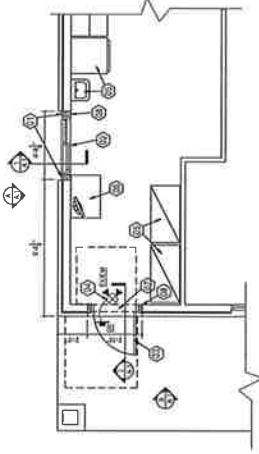




DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

DEMOLITION NOTES

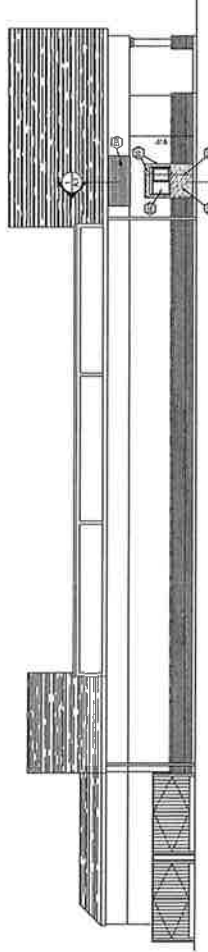
- 001 REMOVE THE EXISTING ALUMINUM DOOR, FRAME AND HARDWARE AND SALVAGE FOR REUSE OR REUSE
- 002 REMOVE THE EXISTING EMERGENCY / EXIT LIGHT FIXTURES
- 003 DEMO EXISTING WALL AND PREP FOR NEW PICKUP WINDOW START AT THE EDGE OF THE EXISTING DOOR LOCATION ALLOWING FOR NEW EDC BEARING
- 004 DEMO EXISTING EXTERIOR WALL FOR RELOCATION OF 3070 DRIVER DELIVERY DOOR



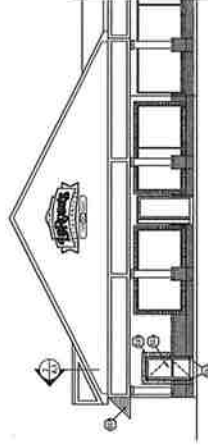
FLOOR PLAN
SCALE: 1/4" = 1'-0"

CONSTRUCTION NOTES

- 01 CONSTRUCT A 48-3/4" W. X 36-3/4" H. 3/4" AFF ROUGH OPNG. FOR NEW PICK-UP WINDOW WITH 204 HEADER & (3) 206 END BRG. RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION.
- 02 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 03 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 04 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 05 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 06 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 07 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.
- 08 RELOCATE EXISTING 3070 DRIVER DELIVERY DOOR TO NEW LOCATION. FRAME & HARDWARE REPLACE ANY DAMAGED OR DETRIMENTED DOOR HARDWARE & ACCESSORIES AS NEEDED.



NORTH ELEVATION - A
SCALE: 1/8" = 1'-0"



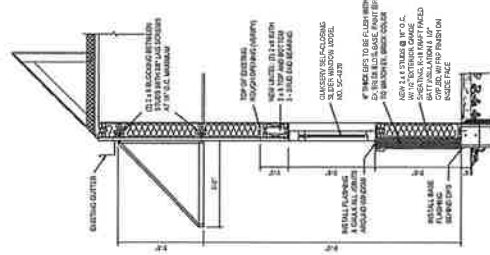
WEST ELEVATION - B
SCALE: 1/8" = 1'-0"

GENERAL CONCRETE NOTES

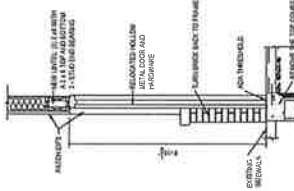
1. MATERIALS:
PORTLAND CEMENT: ASTM C150 TYPE I
FLY ASH: ASTM C618 TYPE F MAXIMUM FLY ASH TO CEMENT RATIO SHALL NOT EXCEED 20% AIR ENTRAINING ADMIXTURE: ASTM C268, HIGH RANGE WATER REDUCING ADMIXTURE: ASTM C494, TYPE GR G APPROPRIATE: NOMINAL REINFORCING: ASTM A63
2. ALL CONCRETE SHALL BE STANDARD WEIGHT 4000 PSI COMPRESSIVE STRENGTH IN 28 DAYS WITH A SLUMP OF 7" AIR CONTENT: 2% FOR INTERIOR AND 3% FOR EXTERIOR CONCRETE AND A W/C RATIO = .45

ELEVATION NOTES

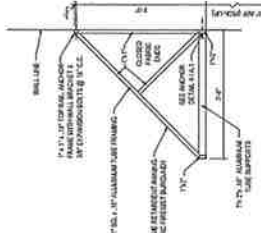
- E01 PATCH & REPAIR EPS AROUND THE NEW PICK-UP WINDOW MATCH EXISTING BRG. CONDITIONS
- E02 NEW PICK-UP WINDOW QUINCY SC-4320-PF
- E03 INDICATED THE EXISTING DOOR TO BE REMOVED
- E04 INSTALL NEW F.E.S. TO MATCH EXISTING BRG. DEPTH
- E05 PATCH & REPAIR EPS AROUND THE RELOCATED DOOR
- E06 RELOCATED 3070 ALUMINUM DRIVER DOOR AND FRAME
- E07 PATCH THE EXISTING BRG. AROUND THE RELOCATED DOOR TO THE EXISTING BRG. COARSE WITH FINISHED EDGES.
- E08 NEW FABRIC AWNING OVER PICK-UP WINDOW. REFER TO SECTION 3.1.1 FOR DETAILS



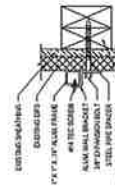
WINDOW WALL SECTION - 1
SCALE: 1/2" = 1'-0"



DOOR WALL SECTION - 2
SCALE: 1/2" = 1'-0"



AWNING SECTION - 3
SCALE: 3/4" = 1'-0"



AWNING ANCHOR DETAIL - 4
SCALE: 3/4" = 1'-0"

LA ROSA'S PIZZERIA PICK-UP WINDOW
21 LYNN STREET
OXFORD, OHIO 45056



ARCHITECTURE DESIGN
WENDEL ASSOCIATES, LLC
410 THOMAS ROAD SUITE 101
OXFORD, OHIO 45056

DATE: APRIL 11, 2017
BY: [Signature]

PROJECT: LA ROSA'S PIZZERIA PICK-UP WINDOW

SCALE: 1/8" = 1'-0"

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BY: [Signature]

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CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: July 17, 2018

Candi Fyffe

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

June 13, 2018

Date Prepared

Agenda Title: Repeal and Adopt An Ordinance Establishing Chapter 145-Personnel of the City of Oxford Administrative Code

Recommendation: Approval

Discussion:

In November 2017, the voters approved moving forward with revisions to the City of Oxford Charter. One of the revisions was the abolishment of the Civil Service Commission. To that end, Chapter 145-Civil Service of the City of Oxford Administrative Code is to be repealed and a new Chapter 145-Personnel will replace said Chapter. Changes to said Chapter 145 are attached and indicated by strikethrough.

Approved By:

Initial Date

Department Head:

City Manager:

cf \ 6/13/18
MSD \ 7/13/18

ORDINANCE NO.

AN ORDINANCE REPEALING CITY OF OXFORD ADMINISTRATIVE CODE TITLE FIVE ADMINISTRATIVE, CHAPTER 145 ENTITLED CIVIL SERVICE, AND ADOPTING NEW CITY OF OXFORD ADMINISTRATIVE CODE TITLE FIVE ADMINISTRATIVE, CHAPTER 145 ENTITLED PERSONNEL.

WHEREAS, pursuant to the approval of the Charter Amendments by the electors of the City of Oxford, the Personnel Appeals Board replaced the Civil Service Commission; and

WHEREAS, the City Manager and the Human Resource Director recommend repealing City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Civil Service, and adopting new City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel.

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION I: Council accepts the recommendation of the City Manager and the Human Resources Director and hereby repeals Oxford Administrative Code Title Five Administrative, Chapter 145 entitled Civil Service, and adopts new City of Oxford Administrative Code Title Five Administrative, Chapter 145 Entitled Personnel as follows:

CHAPTER 145 Personnel

145.01 Scope.

145.02 Administration of personnel program.

145.03 Powers of City Manager.

145.04 Appointments by City Manager.

145.05 Temporary appointments.

145.06 Tenure of employment; removal for cause.

145.07 Suspensions.

145.08 Notice to affected officer or employee; hearing.

145.09 Appeals to the Personnel Appeals Board.

145.10 Hearing upon appeal; conduct and decision.

145.11 Layoffs.

145.12 Transfers and reassignments in the classified service.

145.13 Resignations.

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City.

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the Personnel Appeals Board pursuant to the Charter and the provisions of this chapter not in conflict therewith.

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.
- (b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.
- (c) Recommend to Council changes in the Administrative Code.

145.04 APPOINTMENTS BY CITY MANAGER.

- (a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.
- (b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

145.05 TEMPORARY APPOINTMENTS.

- (a) Whenever there is no person eligible for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position. (b) A temporary appointment shall not continue longer than six months (180 days). A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.
- (c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

- (a) The City Attorney, Clerk of Council and Finance Director shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.
- (b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.
- (c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Section 8.10.
- (d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager.
- (e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause.

145.07 SUSPENSIONS.

Officers and employees in the classified service may be suspended for cause without pay upon recommendation by the division or department head to the City Manager for approval, provided that such suspension does not exceed three working days.

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the Personnel Appeals Board of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or employee that he/she may file a request for hearing before the Personnel Appeals Board within fourteen days from the date of such notice, and the request for hearing shall be in writing.

145.09 APPEALS TO THE PERSONNEL APPEALS BOARD.

If the officer or employee requests a hearing before the Personnel Appeals Board, the Board shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The Board shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the Board. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the Board. A record of proceedings shall be kept by the Board.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The Board in its discretion may hear arguments. The Board shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the Board shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the Board shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The Board shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager.

145.11 LAYOFFS.

(a) Whenever there is a lack of work or lack of funds requiring a reduction in the number of officers or employees of the City in the classified service, the required reduction shall be made in such classes as the appointing authority shall designate. Employees shall be laid off in the inverse order of their relative length and quality of service, as determined by records of merit, efficiency, character, conduct and seniority. Within such affected classes all temporary employees shall be laid off before provisional employees, and the latter before probationary employees and the latter before permanent employees.

(b) The City shall give one work week's notice in writing in cases of layoffs and reductions.

145.12 TRANSFERS AND REASSIGNMENTS IN THE CLASSIFIED SERVICE.

(a) Any employee in the classified service who transfers voluntarily from one division or department to another shall lose seniority in the department or division that the employee is being transferred from and shall begin earning seniority in the new department or division.

(b) Whenever an employee in the classified service is laid off for lack of work or lack of funds, the employee's seniority rights remain only in the department in which the layoff occurs.

(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or re-assignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection.

145.13 RESIGNATIONS.

Any employee wishing to leave City employment in good standing shall file with his appointing authority at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason therefor. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

CHAPTER 145

~~Civil Service~~Personnel

- 145.01** Scope.
- 145.02** Administration of personnel program.
- 145.03** Powers of City Manager.
- 145.04** Appointments by City Manager.
- 145.05** Temporary appointments.
- 145.06** Tenure of employment; removal -for cause.
- 145.07** Suspensions.
- 145.08** Notice to affected officer or employee; hearing.
- 145.09** Appeals to the ~~Civil Service Commission~~Personnel Appeals Board.
- 145.10** Hearing upon appeal; conduct and decision.
- 145.11** Layoffs.
- 145.12** Transfers and reassignments in the classified service.
- 145.13** Resignations.

145.01 SCOPE.

The purpose of this chapter is to establish, insofar as Council has the authority to do so, a personnel program for the City, including the procedures, rules and regulations relating to the appointment, promotion, suspension, demotion, removal and compensation of persons in the administrative service of the City. (~~Ord. 3056. Passed 6-2-09.~~)

145.02 ADMINISTRATION OF PERSONNEL PROGRAM.

The personnel program of the City shall be administered by Council, the City Manager and the ~~Civil Service Commission~~Personnel Appeals Board pursuant to the Charter and the provisions of this chapter not in conflict therewith. (~~Ord. 3056. Passed 6-2-09.~~)

145.03 POWERS OF CITY MANAGER.

The City Manager shall:

- (a) Appoint and promote all officers and employees in the classified service pursuant to the rules and regulations of the ~~Civil Service Commission~~Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

(b) Remove, demote or discipline all officers and employees in the classified service as hereinafter provided.

(c) Recommend to Council changes in the Administrative Code.

~~(Ord. 3056. Passed 6-2-09.)~~

145.04 APPOINTMENTS BY CITY MANAGER.

(a) Appointment of officers and employees in the exempt service, except those to be appointed by Council under the Charter, shall be by the City Manager according to merit, in such manner as he determines.

(b) Appointment of officers in the classified service shall be made by the City Manager in such manner as is provided by ~~the rules and regulations promulgated by the Civil Service Commission.~~ the Classified Service Procedures and Personnel Appeals Board Rules and Regulations.

~~(Ord. 3056. Passed 6-2-09.)~~

145.05 TEMPORARY APPOINTMENTS.

(a) Whenever there is no person eligible ~~under the rules and regulations of the Civil Service~~ for appointment to a particular position, or in case of an emergency, the City Manager may appoint a person temporarily to that position, ~~without regard to the rules of the Commission and with the approval of the Commission.~~

(b) A temporary appointment shall not continue longer than six months (180 days), ~~except as approved by the Commission, during which time the Commission shall establish a list of persons eligible for appointment.~~ A temporary appointee shall not be eligible for regular appointment unless such person has taken the examination and stands high enough on the eligibility list to be considered for an appointment.

(c) The acceptance or refusal of a temporary appointment by an eligible person shall not affect such person's standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. ~~(Ord. 3056. Passed 6-2-09.)~~

145.06 TENURE OF EMPLOYMENT; REMOVAL FOR CAUSE.

(a) The City Attorney, Clerk of Council and ~~City Auditor~~Finance Director shall serve for an indefinite term of office and may be removed at any time by majority vote of all members elected to Council.

(b) The City Manager shall serve for an indefinite term and may be removed at any time in accordance with the provisions of Charter Section 4.04.

(c) Members of boards and commissions shall serve for a definite term and may be removed before the expiration of such term only in accordance with the provisions of Charter Sections ~~10.03 and 10.04~~ 8.10.

(d) Officers and employees in the exempt service who are appointed by the City Manager serve for an indefinite term and may be removed or otherwise disciplined at the discretion of the Manager.

(e) The City Manager shall suspend, demote or dismiss any officer or employee in the classified service only for just and reasonable cause. (~~Ord. 3056. Passed 6-2-09.~~)

145.07 SUSPENSIONS.

Officers and employees in the classified service may be suspended for cause without pay upon recommendation by the division or department head to the City Manager for approval, provided that such suspension does not exceed three working days.

(~~Ord. 3056. Passed 6-2-09.~~)

145.08 NOTICE TO AFFECTED OFFICER OR EMPLOYEE; HEARING.

(a) Whenever an officer or employee in the classified service is suspended for three or fewer days, that employee shall be entitled to a prompt hearing before the City Manager. Such hearing shall afford the employee a statement of charges against him/her and an opportunity to explain or refute those charges.

(b) Whenever an officer or employee in the classified service has been suspended for more than three days, or dismissed, other than at the end of the probationary period, the City Manager shall give that employee written notice containing the specific reasons and factual basis for suspension or dismissal. The employee shall be entitled to a prompt hearing before the City Manager in order to allow the employee an opportunity to explain or refute the reasons for the discipline. Following such a hearing the City Manager shall notify the ~~Civil Service commission~~Personnel Appeals Board of any suspension or dismissal.

(c) Whenever an officer or employee in the classified service has been suspended for more than three days, demoted or dismissed, the City Manager shall cause written notice of such discipline to be given to the affected officer or employee within five days after the effective date of such discipline. The notice shall contain a statement of the substantial reasons for such discipline and shall inform the officer or

employee that he/she may file a request for hearing before the ~~Civil Service commission~~Personnel Appeals Board within fourteen days from the date of such notice, and the request for hearing shall be in writing.

~~(Ord. 3056. Passed 6-2-09.)~~

145.09 APPEALS TO THE ~~CIVIL SERVICE COMMISSION~~PERSONNEL APPEALS BOARD.

If the officer or employee requests a hearing before the ~~Civil Service Commission~~Personnel Appeals Board, the ~~Commission Board~~ shall schedule the hearing within thirty days from the date of such request and shall notify the officer or employee and the City Manager of the time and place appointed for that hearing.

~~(Ord. 3056. Passed 6-2-09.)~~

145.10 HEARING UPON APPEAL; CONDUCT AND DECISION.

(a) The ~~Commission Board~~ shall hear the evidence upon the charges and specifications contained in the notice to the officer or employee and filed with it by the City Manager. No material amendments of or additions to said charges or specifications will be considered by the ~~Commission Board~~. The proceedings shall be as informal as is compatible with the requirements of justice and according to the rules and regulations of the ~~Commission Board~~. A record of proceedings shall be kept by the ~~Commission Board~~.

(b) The City Manager shall present evidence in support of the charges. The appellant or his/her designated representative shall then present evidence. Both sides may then offer rebuttal evidence. The ~~Commission Board~~ in its discretion may hear arguments. The ~~Commission Board~~ shall then move to a decision promptly and may affirm, disaffirm or modify the action of the City Manager. The written decision of the ~~Commission Board~~ shall be final and shall be given promptly to the officer or the employee and to the City Manager.

(c) If either the officer or employee or the City Manager fails to appear at the time fixed for the hearing, the ~~Commission Board~~ shall render judgment after hearing evidence, or based on the charges and specifications described in the notice to the employee. The ~~Commission Board~~ shall then move to a decision promptly. The written decision shall be final and shall be given promptly to the officer or employee and to the City Manager. ~~(Ord. 3056. Passed 6-2-09.)~~

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(b) The City shall give one work week's notice in writing in cases of layoffs and reductions. ~~(Ord. 3056. Passed 6-2-09.)~~

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(c) The City Manager may transfer or reassign employees in the classified service from one department or division to another when at the City Manager's sole discretion such transfer or reassignment is warranted. Such transfers or reassignments shall be to a position in the new department or division whereby the transferee or re-assignee has the same pay and similar duties to the department or division from which the employee is being transferred. The employee shall not lose seniority in the department or division from which they are transferred or reassigned under the conditions of this subsection.

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~~(Ord. 3056. Passed 6-2-09.)~~