



## **Agenda**

### **Oxford City Council**

#### **Court House**

**TUESDAY, AUGUST 21, 2018**

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### **EXECUTIVE SESSION**

**6:30 p.m.**

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

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

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### **REGULAR MEETING**

**7:30 P.M.**

### **PLEDGE OF ALLEGIANCE**

2. Approval of Agenda.

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

- A. Proclamation - "Wil Haygood Day".



Proclamation

- B. Presentation - Solar Power & Light - Brent Boyd.

- C. 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 August 7, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Report regarding the August 1, 2018 Historic and Architectural Preservation Commission Meeting. (Sam Perry, Interim Community Development Director)



Report

- C. Report regarding the August 1, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- D. Report regarding the August 9, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

- E. Report regarding the August 15, 2018 Board of Zoning Appeals Meeting. (Sam Perry, Interim Community Development Director)



Report

5. Resolutions.

1. A Resolution of Council accepting the petition as required by Oxford codified Ordinance Section 1146.03 to establish a neighborhood conservation overlay district for parcels along Erickson Drive, Bull Run Drive, Fairfield Road, Tollgate Drive and Robin Court as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Sam Perry, Interim Community Development Director).



Staff Report/Resolution

2. A Resolution of Council supporting the submission of a grant application for Ohio Public Works Commission Issue 1 funds in the amount of \$276,500.00 to be used for the design and installation of a new utility boring and water main under the Contreras Road rail crossing. (Mike Dreisbach, Service Director).



Staff Report/Resolution

3. A Resolution of the Council of the City of Oxford, Ohio, authorizing the City Manager to establish a pilot program for a Bicycle and E-scooter Sharing System Permit Program. (Doug Elliott, City Manager).



Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1. An Ordinance To Regulate The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford Suring The Period Ending October 4, 2021, And Repealing And Superseding Ordinance Numbers 3298 And 3387, Which, Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director).



Staff Report/Ordinance

B. Second Reading.

1. 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/Ordinance

2. 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

3. 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

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

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.)

MON-Aug 27 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

MON-Sept 3 Holiday - City Offices Closed

TUES- Sept 4 City Council Meeting 7:30 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 Recreation Board Meeting 11:30 a.m. Municipal Building

TUES- Sept 11 Planning Commission Meeting 7:00 p.m.

WED-Sept 12 Historic and Architectural Preservation Commission Meeting 5:00 p.m.

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

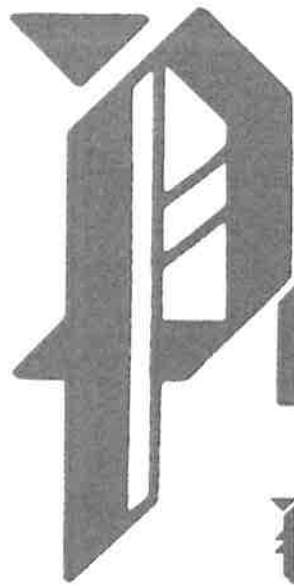
MON-Sept 17 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

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

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

8. Adjourn.





## Office of the Mayor

# Proclamation

### Whereas:

Wil Haygood has served at Miami University in a variety of honorary positions, including his current positions as the Broadway Distinguished Scholar-In Residence in the Department of Media Journalism & Film for which he teaches nonfiction writing and film, with a focus on cultural reporting; and

WHEREAS, Wil Haygood is a proud Ohio native, raised in Columbus, Ohio, graduating from Miami University in 1976, and continually returning to Ohio to teach Miami's classes, deliver lectures, and contribute to other cultural developments for the state, such as, serving as Guest Curator for the multi-media Columbus Museum of Art's 100<sup>th</sup> Anniversary of the Harlem Renaissance, titled "I, Too, Sing America," scheduled to open October 19, 2018 – January 20, 2019; and

WHEREAS, Wil Haygood was a long-time journalist for two of our nation's finest papers – the Boston Globe and the Washington Post, working as both a national writer and foreign correspondent, his *Washington Post* story on White House butler Eugene Allen won multiple awards and was adapted as a book, "The Butler: A Witness to History" which has been translated into 12 languages and served as the base of a prizewinning motion picture "The Butler", for which Haygood served as an associate producer of the film; and

WHEREAS, Wil Haygood has written biographies of Adam Clayton Powell, Jr., Sugar Ray Robinson, Sammy David, Jr., and Thurgood Marshall all of which won literary prizes. He has also written a moving memoir of his family in Columbus, Ohio; and

WHEREAS, Wil Haygood has received a number of national recognitions, fellowships and awards for his reporting and writing, including fellowships from the National Endowment for the humanities and the Guggenheim Memorial Foundation, and awards from National Headliner, the New England Associated Press, the National Association of Black Journalists, and Nonfiction Book of the Year from the Black Caucus of the American Library Association, and was a Pulitzer Prize finalist; and

WHEREAS, Wil Haygood retains a regular presence in the Oxford area, participating in author events for the Lane Public Library and in a public conversation on race in America through the lens of Freedom Summer, a marker year in U.S. civil rights, at the National Underground Railroad Freedom Center in Cincinnati; and

WHEREAS, Wil Haygood's newest book "Tigerland: The Miracle on East Broad Street," which will be out this fall, tells the story of an all black high school's sports teams in Columbus, Ohio in the 1968-69 school year, a turbulent time for race relations, following the assassinations of Martin Luther King Jr. and Robert Kennedy. Despite the tremendous odds, the baseball and basketball teams at this segregated, all black East High School won the state championships the same year, a first for Class AA Ohio. "Tigerland" will serve as the common reading for Miami first year students this fall, 2018, and as a Lane Library Community read book in the spring 2019. Although the book is not published until September, 2019, it will be exclusively premiered for Miami students at Convocation on August 24 where he will speak; and

WHEREAS, Haygood says he is thrilled to have his new book premiered at his alma mater. "It is a book about America. It is a book about history, and race, and politics. Most wonderfully, it is a book about triumph."

NOW, THEREFORE, I, Kate Rousmaniere Mayor of the City of Oxford, Ohio, do hereby proclaim August 24, 2018 as:

#### 'WIL HAYGOOD DAY'

in the City of Oxford and urge all citizens to recognize this occasion and reflect on our mutual commitment to confront inequality, promote efforts for justice, inclusion, civil rights and wide awake activism. urge all citizens to support this most worthwhile effort to raise awareness about human rights and social justice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 21<sup>st</sup> day of August, 2018.

  
KATE ROUSMANIERE, MAYOR



A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, August 7, 2018 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

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. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Ms. Candi Fyffe, Human Resources Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

### **PLEDGE OF ALLEGIANCE**

Mayor Rousmaniere requested the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mr. Ellerbe moved to approve the agenda. Mr. Dana seconded. The motion passed 7-0-0.

### **PUBLIC PARTICIPATION**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Mr. Dana moved to appoint Dan Umbstead to the Civil Rights Commission for a term ending June 30, 2020, Wright Gwyn to the Environmental Commission for a term ending June 30, 2022, Scott Straker to the Housing Advisory Commission for a term ending June 30, 2021 and Chad Smith to the Historic and Architectural Preservation Commission for a term ending June 30, 2022. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mayor Rousmaniere congratulated the new commissioners on their appointments.

### **PUBLIC COMMENTS**

There were no comments from the public.

### **CONSENT AGENDA**

### **MINUTES**

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

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

### **REPORTS**

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

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

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

**RESOLUTION**  
**LEASE AGREEMENT**

A Resolution No. 7002 authorizing the City Manager to enter into an agreement with Canon Solutions America for a 60-Month Lease of a Canon ImageRunner Advance C5260 II Color Copier through state contract pricing. (Kim Newton, Assistant to the City Manager)

**RESOLUTION**  
**SURPLUS PROPERTY**

A Resolution No. 7003 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)

**RESOLUTION**  
**SALVAGE VEHICLES**

A Resolution No. 7004 authorizing the sale of salvaged, junk and/or abandoned motor vehicles. (John Jones, Police Chief)

Mr. Dana moved to approve the Consent Agenda. Mr. Smith seconded. The motion passed 7-0-0.

**RESOLUTIONS**

**RESOLUTION**  
**ACCEPTANCE OF DONATION**

A Resolution No. 7005 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)

Mr. Newlin advised staff was requesting Council to approve the donation of \$11,000 from the Oxford Community Foundation noting the funds were left over from the fund raising effort for the construction of Phase I of the Oxford Area trails project. Mr. Newlin advised the donation would go towards the Black Covered Bridge repairs.

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

Mr. Smith advised Council already appropriated money for the repairs and Mr. Newlin noted an advance was made and this donation would off-set the advance.

Ms. Southard moved to adopt Resolution No. 7005. Mr. Dana seconded. The motion passed 7-0-0.

**RESOLUTION**  
**PRE-ANNEXATION**  
**AGREEMENT**

A Resolution No. 7006 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. (Sam Perry, Interim Community Development Director)

Mr. Perry advised the Knolls of Oxford had plans to expand using some land already within the City limits. Mr. Perry noted the Knolls owned a one acre parcel adjacent to land they own outside the City limits where they would like to add 2 buildings.

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

Mr. Prytherch noted Maple Knolls Communities also owned a parcel between the subject parcel and Fairfield Road and inquired if there was discussion about annexing it as well. Mr. Perry advised there were no plans at this time to develop that parcel and the Knolls was not interested in annexing it.

Ms. Southard reiterated her on-going concern about the speed on Fairfield Road and noted her hope the effort to reduce the speed on Fairfield Road would happen with the new aquatic center being built and with annexations of property into the City.

Mr. Prytherch noted he was always happy to see interior pieces of the township being annexed into the City.

Mayor Rousmaniere noted it was her understanding the property owner must request to be annexed into the City. Mr. Perry advised yes, for the Expedited Type II Annexation process where the City becomes the agent for the annexation.

Mr. Smith moved to adopt Resolution No. 7006. Mr. Dana seconded. The motion passed 7-0-0.

**RESOLUTION**  
**DRUG USE PREVENTION GRANT**

A Resolution No. 7007 authorizing the City Manager to accept the Ohio Attorney General's 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)

Chief Jones advised the City has received this grant for the last few years to assist with drug use prevention programing and to help compensate the gap between what the school pays for the School Resource Officer and the actual salary of the officer.

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

Mayor Rousmaniere inquired what the status of School Resources Officers was. Chief Jones advised this grant was for one officer as the City only had one when the grant deadline was due. Chief Jones noted the next Resolution on the agenda was an agreement with the Talawanda School District for two officers.

Ms. Southard moved to adopt Resolution No. 7007. Mr. Dana seconded. The motion passed 7-0-0.

**RESOLUTION**  
**SCHOOL RESOURCE**  
**OFFICER PROGRAM**

A Resolution No. 7008 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)

Chief Jones noted the proposed Resolution would allow for two School Resource Officers for the Talawanda School District for the 2018-2019 school year. Chief Jones advised Talawanda decided to place an officer in every school building this year and noted the City would provide a SRO for the middle school and the high school. Chief Jones advised the Butler County Sheriff's Office would provide deputies for the elementary schools.

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

Mr. Dana noted he felt this was a great program. Mr. Dana inquired how the programming worked. Chief Jones advised the SRO was in the schools for safety and security as well as education prevention. Chief Jones noted Opioid Prevention classes were taught as mandated by the state along with cyber bullying and internet safety. Chief Jones advised the school staff was taught how to respond in an active shooter situation or other threats in the building. Chief Jones noted the SRO also builds relationships with the students to help address their needs.

Ms. Raghu inquired what type of training the SRO's received. Chief Jones advised like all officers the SROs receive continuing education through the State of Ohio and they also receive School Resource Officer training through the School Resource Officers Association. Chief Jones noted the Oxford SROs take classes such as tactics to responding to threats, dealing with juveniles in the juvenile justice system, crisis intervention and de-escalation. Ms. Raghu noted at the School Board meeting there was some concern about these officers being used to discipline students in the classroom and how that can be a disadvantage. Chief Jones advised OPD was very cognizant of that and tries to ensure the school understands not to over use the officers. Chief Jones noted the agreement outlines in detail what OPD will do and will not do. Ms. Raghu noted she assumed the SROs were armed and Chief Jones advised that was correct. Ms. Raghu noted in researching best practices for preventing school shootings the use of metal detectors was shown to be the best deterrent for an active shooter. Chief Jones noted he did not believe the Talawanda School District had an interest in installing metal detectors but it would be up to them to decide whether or not to work that into their plan.

Mr. Ellerbe inquired if OPD expected to receive increased grant funding with the additional officer and Chief Jones advised yes.

Mr. Prytherch inquired how the SRO's time was programmed. Chief Jones advised the SRO's work with the school principals on a day to day basis and work through any issues with them. Chief Jones noted the supervision of the SROs was done through OPD. Chief Jones advised this was a partnership with the school district and they work to maintain that.

Mr. Ellerbe moved to adopt Resolution No. 7008. Mr. Dana seconded. The motion passed 7-0-0.

**RESOLUTION**  
**OPWC GRANT APPLICATION**

A Resolution No. 7009 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)

Mr. Dreisbach advised the installation of traffic signals was recently completed on Chestnut Street at Campus Avenue and at Main Street. Mr. Dreisbach noted a signal was warranted at the intersection of Chestnut Street and College Avenue as well and advised there was a grant opportunity to help pay for this \$220,000 project. Mr. Dreisbach noted the proposed grant would be 69% borne by the Ohio Public Works Commission and 31% borne by the City and advised the local obligation for this project would be \$68,200. Mr. Dreisbach noted Council's authorization was required to apply for the grant and advised staff would like Council's approval for the City Manager to sign all documents necessary to accept the grant should the City be successful in being awarded the funds.

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

Mr. Ellerbe inquired what kind of traffic control system would be installed. Mr. Dreisbach advised it would be a regular green light with pedestrian controls.

Mr. Dana advised he supported the proposed project noting he encounters that intersection regularly and he felt it needs what is going to come through the grant.

Mayor Rousmaniere inquired if the light would be sequenced with the other lights on Chestnut Street and Mr. Dreisbach advised yes.

Mr. Prytherch inquired what planning process leads to this project to become an agenda item. Mr. Dreisbach advised it was based on staff's observation.

Mayor Rousmaniere inquired if there were a lot of accidents at that intersection. Mr. Dreisbach advised data collectors were used to estimate average daily traffic volumes, personal observations were made of pedestrians that use the intersection as well as crash data from the Police Division.

Mr. Prytherch inquired if the local match needed to be budgeted for in the 2019 Capital Improvement Plan and Mr. Dreisbach advised yes.

Ms. Raghu referred to earlier conversations about who owns the roads and inquired if the City owned this road. Mr. Dreisbach advised the City will maintain and improve Chestnut Street and College Avenue. Ms. Raghu advised she spoke to ODOT and they thought the City needed an official legal opinion on which roads are owned by Miami and which roads are owned by the City. Mr. Dreisbach noted it was not just streets that might be grey areas and advised there were grey areas where the City cooperates with Miami on water main infrastructure, sanitary main infrastructure and storm water systems. Mr. Dreisbach advised there were grey areas all over where the city abuts Miami's campus. Mr. Dreisbach this was a challenging question that has not been fully addressed at this point. Ms. Raghu reiterated her interest in learning who owns which roads. Mr. Dreisbach suggested Council may wish to have a Work Session on the topic and Council could direct staff as to what they were willing to spend to do that and how far they want to take it as far as the courts are concerned.

Mr. Dana moved to adopt Resolution No. 7009. Mr. Smith seconded. The motion passed 7-0-0.

## **ORDINANCES**

### **FIRST READING**

### **ORDINANCE**

#### **CONDITIONAL USE PERMIT**

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)

Mr. Perry advised as a result of zoning enforcement, staff made contact with the property owner to respond to a neighbor's question about how the property was being used. Mr. Perry noted Mr. Sanford responded well to one of the options he was given to maintain a business he started there which was music lessons. Mr. Perry noted one of the options was to follow the permitted home occupation process which is allowed by right in the zoning code, cease the business, or apply for a Conditional Use Permit for a school. Mr. Perry advised Mr. Sanford chose to apply for a Conditional Use permit which lead to the Planning Commission discussion in June for a private school for home music lessons. Mr. Perry advised since this did not meet the criteria for permitted Home Occupation which has limits on the number of customers, the number of employees, the amount of traffic and hours of operation that was not an option based on the business plan of Mr. Sanford. Mr. Perry advised Mr. Sanford's application for a Conditional Use permit was presented to the Planning Commission for a public hearing and they had a lengthy discussion. Mr. Perry showed slides of the property and neighborhood noting it was a single family house on the corner of McKee Avenue and Tenney Court. Mr. Perry advised Mr. Sanford revised his business plan limiting the number of non-resident teachers to two instead of seven. Mr. Perry noted the Planning Commission recommended approval by Council of the Conditional Use permit with two conditions, limiting the non-resident teachers to two on site at any given time and to prohibit parking on McKee Avenue for the business. Mr. Perry advised a petition was submitted to staff yesterday from neighbors opposing the Music School.

Mr. Perry advised Mr. Sanford was aware of the petition and still wanted to proceed with the Conditional Use process.

Mayor Rousmaniere advised Council had a copy of the petition and other letters from members of the community.

**Mr. Jon Sanford**, 104 McKee Avenue, Applicant, advised for the second hearing before the Planning Commission he proposed to significantly reduce the number of students and teachers coming to his home by relocating the voice, violin and guitar instructors along with creating a buffer between his group piano classes. Mr. Sanford noted he felt those actions addressed all of the concerns presented at the first hearing in June along with not allowing parking on McKee Avenue. Mr. Sanford advised after the hearings with the Planning Commission he kept an open dialog with any neighbor who brought additional suggestions to him noting some of the neighbors felt the restrictions were not restrictive enough. Mr. Sanford advised he worked with the neighbors and came up with 4 additional conditions that were more limiting and not put into writing by the Planning Commission. Mr. Sanford noted the additional conditions were that no lessons are taught more than 30 hours per week 5 days a week, no more than 11 group classes per week which are separated by a private lesson or a buffer time, that instructions about traffic and parking are provided in writing to parents in the studio contract, that repeated violations could be grounds for dismissal from the studio and that the Conditional Use permit can not be transferable to subsequent home owners. Mr. Sanford advised he would have no problem abiding by the conditions in the future after implementing the proposed reduction to the school. Mr. Sanford noted he was surprised by a few items he received today including the traffic analysis provided by a neighbor who estimated 120 visits after the reduction is in place and he projected 49 vehicles per week. Mr. Sanford referred to a letter noting a tuition increase of \$20 for a hundred families could support a commercial space for \$2,200 per month and Mr. Sanford advised there were not 100 families and the tuition would have to be raised much more than that to support a \$2,200 commercial space. Mr. Sanford advised he did not recognize most of the names on the petition and he wondered if they were aware of the proposed reduction to the school. Mr. Sanford noted there were multiple neighbors who indicated their support even before he proposed to scale the lessons back. Mr. Sanford advised the Water Treatment Plant Manager estimated the plant generated 50-75 trips through the neighborhood per day and his school would generate less than that. Mr. Sanford noted the petition mentions the desire for Council to uphold the ordinances of the Home Occupation Code namely no more than 10 clients throughout the week and pointed out that music lessons are structured differently than other businesses.

**Mr. Herman Dornbusch**, 10 Peabody Drive, advised he was not against the Oxford Music Academy, he was against the location of the Oxford Music Academy. Mr. Dornbusch asked Council to deny this request because of safety issues with the traffic generated by the cars coming through the bend area on McKee Avenue. Mr. Dornbusch spoke at length about his concerns and provided his estimates of trip generation.

**Mr. Russ Jones**, 106 Tenney Court, noted he felt everyone supported what Mr. Sanford was doing and noted Mr. Sanford had been great about coming up with solutions and extra conditions. Mr. Jones advised he didn't see how the proposed conditions could ever be enforced without the neighbors and Mr. Sanford becoming Police which was not a good environment.



**Ms. Anita Jones**, 106 Tenney Court, advised she was pleased that Mr. Sanford was willing to reduce the number of contractors from 7 to 2. Ms. Jones noted she had spent a lot of time since the Planning Commission meeting to try to understand the impact of the Oxford Music Academy on the Juniper Hills neighborhood and how to solve the surrounding issues it has produced. Ms. Jones noted she found it frustrating that the number of students and teachers were a moving target and it was difficult to quantify the impact this academy could have on the community. Ms. Jones advised most of the neighbors were not satisfied that any conditions would be able to protect the neighborhood from undue traffic and safety issues. Ms. Jones noted the neighbors would like the operation to move to a commercial space. Ms. Jones advised she felt the Oxford community could benefit from this academy and people should rally around this young entrepreneur, although she did not feel it needed to be in a neighborhood.

**Ms. Elizabeth Copley**, advised she lived next door to Mr. Sanford and she has not found the cars in the neighborhood to be a problem. Ms. Copley noted she found the drivers to drive very slowly and responsibly, usually because they have children in them.

**Ms. Gail Luna**, 208 McKee Avenue, noted she felt a lot of the traffic on McKee was city workers going back and forth to the Wastewater Treatment Plant noting she did not have an objection to that. Ms. Luna noted she understood the parking issues on Tenney Court but she felt Mr. Sanford made a lot of concessions and tried to adapt his business to Council's expectations. Ms. Luna suggested Council approve the proposed Ordinance to see if it works and if not Council can address it differently.

**Ms. Marla Murray**, Dufour Avenue, noting she was hearing different things from the City Planner, from Mr. Sanford, and from the neighbors. Ms. Murray encouraged Council to look at the numbers. Ms. Murray suggested installing a sidewalk on McKee Avenue to address some of the safety concerns.

**Ms. Brenda Dornbusch**, 10 Peabody Drive, noted the City employees going to and from the Wastewater Plant work from 7:00 a.m. until 3:00 p.m. and Mr. Sanford's lessons start after school so their traffic doesn't intersect. Ms. Dornbusch advised there was a partial sidewalk past Mr. Sanford's house and if sidewalks were installed the homeowners would have to pay for them. Ms. Dornbusch noted if there was no music academy sidewalks would not be needed. Ms. Dornbusch advised even if Mr. Sanford was doing his best to get his clients and their parents to agree to the proposed rules, they are not laws and can not be enforced. Ms. Dornbusch noted she felt it was unfair for the 39 single family residences of the community to give up their independence and their property rights so that one person can operate his business in a residential area that is not zoned for such a thing.

**Mr. Matt Troy**, 6 Patrick Drive, noted he and his son were students of Mr. Sanford. Mr. Troy noted he was a local attorney and was in attendance to support Mr. Sanford. Mr. Troy advised he felt this would be a difficult decision for Council and different than most decisions. Mr. Troy advised there were private versus public interests involved. Mr. Troy noted there were a lot of families, children and adults that utilize these services and he felt there was a great community benefit in allowing Mr. Sanford to run his business. Mr. Troy advised he feared if the Conditional Use was not approved with conditions, Mr. Sanford's business would not be viable. Mr. Troy noted he felt music should not cause anger and division, it should decrease that.

Mr. Troy advised he grew up in Oxford and took music lessons in people's homes which led to being involved with the Talawanda Marching Band and to appreciate music in other ways.

**Mr. Scott Webb**, Architect, advised he wanted to make sure the applicant was getting the best possible advice from staff in particular. Mr. Webb advised if Council declared this establishment a "school" it could be in conflict with the Building Code in terms of occupancy, safety inside the building and signage. Mr. Webb noted in an effort to solve a zoning problem he hoped staff would involve the Chief Building Official to ensure we are not solving the zoning problem only to create a much greater problem for the applicant.

Mayor Rousmaniere recapped 5 options she had heard this evening, approve with the two conditions from the Planning Commission, approve with 6 conditions that Mr. Sanford agreed to with some of the neighbors, the letter from Mr. Scott who recommended no parking signs on McKee Avenue, the petition signed by a lot of the neighbors to ban the operation because it violated the R1 Code and to try the conditions and revisit the issue in 6 months. Mayor Rousmaniere noted another concern from Mr. Webb involved a violation of the Building Code.

Mr. Prytherch noted a school was potentially appropriate in this zoning district. Mr. Prytherch advised if schools or churches or community facilities were not potentially appropriate they would not be listed as conditional uses. Mr. Prytherch suggested Council think about what the negative impacts of the activity are and whether or not they can be mitigated such that it is appropriate in the neighborhood. Mr. Prytherch suggested Council review the conditions to conclude if they were sufficient to mitigate the concerns identified this evening.

Mr. Prytherch read the general decision standards for conditional uses as shown on pages 69-70 of Council's packet. Mr. Prytherch noted Council should review the conditions proposed to determine if they sufficiently allow Council to approve the conditional use as the site will not be inappropriately impacted.

Mr. Dana referred to the letter from Russ and Anita Jones dated August 6, 2018 regarding the number of "visits" for lessons and inquired what proportion of the lessons were 30 minutes in duration and what proportion were 60 minutes which Mr. Sanford addressed.

Ms. Southard inquired what was happening at Mr. Sanford's residence now, and how long it had been happening. Ms. Southard inquired if Mr. Sanford bought the house with the intent to teach music lessons there or if he bought the house with the intent to eventually open a school or if he was just very successful at what he started. Ms. Southard inquired what the term "school" and the term "academy" meant.

Mr. Sanford advised he came to Oxford in 2012 as a student at Miami and after graduation he saw a great need for music teachers in Oxford and decided to stay in Oxford. Mr. Sanford noted he purchased the house in 2014 and had 50-60 private students right away. Mr. Sanford advised due to demand, he hired teachers later that year and the business slowly grew from there. Ms. Southard noted the home was never purchased with the idea of becoming a music school and Mr. Sanford advised that was correct. Mr. Sanford noted he did plan to give piano lessons from the home and it evolved into something he saw as being a need for the community.

Mayor Rousmaniere inquired if the business was called a school. Mr. Sanford advised it was registered as a business with the name Oxford Music Academy. Mr. Sanford noted it was not a school with regard to the Building Code.

Mr. Ellerbe inquired what year Mr. Sanford would consider his home business operating at full capacity. Mr. Sanford advised in June of 2017. Mr. Ellerbe asked Chief Jones if any complaints about the music school were received by the Police Division. Chief Jones advised he knew of no issues there but would have to research the matter. Mr. Ellerbe asked Chief Jones to provide that information at the next meeting. Mr. Ellerbe inquired if Mr. Sanford received any complaints from neighbors regarding noise and Mr. Sanford advised no.

Mr. Dana inquired if Mr. Sanford has found any churches that were willing to entertain instruction. Mr. Sanford noted he had not found one that was willing to commit to that yet for violin and guitar lessons and advised for voice lessons he secured the last space at the Oxford Community Arts Center.

Mr. Prytherch read the definition of School, Commercial from the Oxford Zoning Code as follows "A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school)."

Ms. Raghu thanked members of the public for attending the meeting whether they were in favor of the school or not. Ms. Raghu noted she felt it was amazing that Mr. Sanford was able to take control of his life and have this business for his passion and offer jobs to other people too. Ms. Raghu noted she felt it was easy for Council to try to squash Mr. Sanford because he is one person. Ms. Raghu noted she felt sidewalks would be beneficial for safety and she felt this was a good example of community benefit agreements that she wished Council made with bigger organizations and not just Mr. Sanford. Ms. Raghu inquired if there was a community benefit agreement that could be made or if the school could help off-set the cost for property owners to help build the sidewalk. Ms. Raghu noted she felt there was some compromise between what Mr. Sanford has tried to do and trying to make it safe for people walking in the neighborhood. Mr. Sanford noted he could consider something like that compared to renting commercial space year after year.

Mayor Rousmaniere asked for clarification regarding to what extent this business was a school. Mayor Rousmaniere noted concern regarding enforcement of the conditions for approval and inquired how Mr. Sanford would enforce them.

Mr. McHugh noted he felt those questions should be addressed. Mr. McHugh referred to the Zoning Code Section 1147.02 and Burden of Proof. Mr. McHugh advised a Conditional Use was an exception to the norm. Mr. McHugh advised the burden of proof was on the applicant not the citizens.

Mr. Ellerbe asked Mr. Sanford what his hours of operation were. Mr. Sanford advised typically 12:30 p.m. to 7:00 p.m. or 4:00 p.m. to 9:00 p.m.

Mr. Prytherch noted this was not the optimal location for the business to grow. Mr. Prytherch noted he felt the business was a public benefit and if Council did not think schools and churches and community facilities had public benefit they would not be conditional uses in residential areas.

Mr. Ellerbe noted he did some math and inquired if Council felt a vehicle trip to Mr. Sanford's house every 4 minutes was inappropriate for a neighborhood street. Mayor Rousmaniere advised the neighbors felt it was inappropriate.

Mayor Rousmaniere inquired what information Council wanted for the second reading to assist with the decision making process. Mr. Prytherch advised he felt the conditions should be things that are enforceable i.e. there is a no parking sign on McKee Avenue or there is not. Mr. Prytherch asked staff to look at the additional conditions and address their enforceability. Mr. Dana inquired if there were additional conditions the applicant and the neighbors would consider. Mayor Rousmaniere reiterated she wanted to know the difference between a school and a residence. Mr. Smith asked Mr. Sanford to provide an average weekly schedule of the classes being taught and a breakdown of group lessons and individual lessons. Ms. Southard asked for additional information on the Home Occupation issue. Ms. Raghu inquired if she was wrong about the major concern in the neighborhood being safety.

**Mr. Herman Dornbusch**, referred to Mr. Ellerbe's comments about the school generating 1 vehicle trip every 4 minutes and advised people did not arrive over the whole hour. Mr. Dornbusch noted people arrive at the beginning of a session and leave at the end of a session and the traffic was conjected and compacted into the ten minutes before and after a session. Mr. Dornbusch advised safety was the reason the neighbors were in attendance this evening. Mr. Dornbusch provided a handout to Council showing the potential number of customers for 5 days a week 30 hours of classes and 11 sessions with 3 teachers. Ms. Raghu inquired if Mr. Dornbusch felt a sidewalk would make the neighborhood safer. Mr. Dornbusch advised yes and noted he did not feel the homeowners should be obligated to pay for sidewalks to accommodate this business.

**Mr. Russ Jones**, reiterated the concerns of not knowing the final potential of this business.

**Ms. Brenda Dornbusch**, advised the residents were asking for Council to enforce the law already on the books regarding the residential zoning and the definition of Home Occupation.

Mr. Ellerbe asked Mr. Dreisbach to provide the trip generation through the neighborhood from employees of the Wastewater Plant.

Mayor Rousmaniere thanked Mr. Sanford and the residents for their input this evening.

### **ORDINACNE** **CONDITIONAL USE PERMIT**

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)

Mr. Perry read the definition of Conditional Use as follows: “1147.01 Purpose of Conditional Use, Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety or general welfare if not located appropriately, operated appropriately or mitigated with good design.”

Mr. Perry advised the property at 117 W. Church Street was owned by David and Kristine Winkler and noted the building was built in 1911 and was located in the Uptown Historic District. Mr. Perry advised the owner’s goal was to preserve the property and not to sell it, transfer it, or have it reused for another use that might be detrimental to its future and to the character of the Uptown area. Mr. Perry noted it was not currently a revenue generating property and advised it was a professional office for Ms. Winkler until recently. Mr. Perry advised previous to that, the property was a residential rental. Mr. Perry noted the current plan was to convert the property into a short-term lodging use in the Uptown District and noted Bed and Breakfasts were allowed in almost every zoning district as a Conditional Use. Mr. Perry noted the owners will not occupy the home and will not provide on-site management or a meal. Mr. Perry advised there were no plans to make any changes to the home that would be visible on the exterior. Mr. Perry noted the Planning Commission recommended approval with 2 waivers as follows:

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

**Mr. Dave Winkler**, noted he and his wife own the building at 117 W. Church Street and advised it operated as a student rental for more than a dozen years. Mr. Winkler noted he and his wife grew frustrated with the condition of the property as the students tended to treat it poorly. Mr. Winkler advised it was used as a professional office for 3-4 years. Mr. Winkler noted currently the property was not generating any return on their investment and they did not really want to convert it back to a student rental. Mr. Winkler noted if they sold it, it most likely would be demolished so a 4 story student rental could be built with a commercial use on the first floor. Mr. Winkler advised their preference was to rent the home to visitors coming to town to see their kids and spend money in Oxford.

**Alan Kyger**, 6164 Contreras Road, advised he completely supported this application and commended Mr. and Mrs. Winkler for their desire to save the building. Mr. Kyger noted his hope Mr. and Mrs. Winkler can save the building and use it in this manner.

Mayor Rousmaniere inquired how the owners would know who was renting the rooms. Ms. Winkler advised they planned to list it on Airbnb using certain criteria. Ms. Winkler noted the minimum age requirement for renters would be 25 years of age and the minimum stay would be for 2 nights.

Ms. Raghu inquired if it was an option to rent the home as an office building or for some type of business. Ms. Winkler advised it was a beautiful building and she felt there was a need in Oxford for beds for parents and professionals coming to town. Ms. Winkler noted there would be 4 rooms for families to stay in, have Uptown parking, shop Uptown and eat Uptown. Ms. Raghu noted she was nervous about how short term rentals affect affordable housing.

Ms. Raghu advised when people can not find rental property because they can not afford it she was hesitant about what short rentals in other neighborhoods will do. Ms. Raghu noted she supported Airbnb and the initial intention of Airbnb was for owner occupied properties where people shared their space. Ms. Raghu advised it made her nervous to think about empty homes being rented that are not satisfying affordable housing criteria. Ms. Winkler advised she and her husband lived in Oxford, they had been great stewards of the property and they owned and maintained another historic property in Oxford. Ms. Winkler noted she and her husband felt this proposal was an opportunity to add to the community rather than making it a student rental.

Mr. Prytherch noted what started out as Airbnb is not that anymore, it was a business and a lot of cities are grappling with the concept. Mr. Prytherch advised he was in Europe recently and entire buildings are owned purposely for short term rentals. Mr. Prytherch noted he felt an entire building dedicated to short term rentals in an appropriate district was better than having them informally scattered in all neighborhoods. Mr. Prytherch commended the Mr. and Mrs. Winkler for coming to Council to seek approval of a Conditional Use. Mr. Prytherch noted he felt this was the right location for a short term rental and potentially a good use for the building although if Council sets this precedent they were going to see more of these requests in other locations that are less appropriate.

Mayor Rousmaniere requested for the next meeting to know if this would contribute to the hotel tax which Airbnb does not do. Mayor Rousmaniere advised the hotel tax supports the Oxford Visitors Bureau which supports many great events in town.

Ms. Southard inquired why this proposal was not for a hotel. Mr. Prytherch read from the Codified Ordinances "A hotel is a commercial facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities."

Ms. Winkler advised they would rent the entire house not room by room. Ms. Winkler noted they would rent 4 bedrooms, a maximum of 8 guests and it would be the entire house for the night.

Mr. Prytherch noted he felt this should be thought of as a test case of more requests that will come to Council in the future.

Ms. Raghu advised Airbnb will work with local municipalities to impose a tax and noted it is done on their website to be paid directly to the City. Mr. Perry noted the Planning Commission had been working on short term rental regulations for about two years and was close to completing the language.

Mr. Prytherch advised this was a separate animal and noted if Council was going to impose conditions that would mimic what the policies might ultimately be, now would be the time to set that precedent.

Mr. Ellerbe noted he was ok with this request. Mr. Ellerbe advised he felt Council was in a sticky situation in that the Airbnb Ordinance is not fully fleshed out. Mr. Ellerbe noted he felt this was a good way to address those issues and then once the Airbnb Ordinance was adopted for how to deal with Airbnb or short term rentals in general then the Conditional Uses can be revoked as long as they are all standardized.

Mr. Ellerbe advised he wanted to ensure the City has a standardized Conditional Use for Airbnb type properties.

Mr. Prytherch noted Bed and Breakfasts were Conditional Uses in every residential district.

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

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)

Mr. Perry advised the Hillel Student Center is proposing an expansion that has been reviewed by the HAPC and by the Planning Commission. Mr. Perry noted the applicants have met with staff several times over the last several months and tonight Council is considering a recommendation from the Planning Commission for approval. Mr. Perry provided slides of the proposed project at 11 East Walnut Street. Mr. Perry noted the building has been in existence since 1973 and based on their demands and needs there was a real need for an increase in square footage. Mr. Perry advised this expansion falls under Place of Worship in the Conditional Use Section of the code. Mr. Perry noted this was a major expansion for the Hillel Foundation and they wished to remain close to campus rather than move to an outlying vacant property.

**Mr. Joel Miller**, Director of Development, Hillel Foundation, advised Hillel was part of an international organization which serves Jewish college students on campuses around the world. Mr. Miller noted Hillel has served students at Miami University for well over 6 decades and have been at the current location for over 4 decades. Mr. Miller advised he felt Hillel was a great asset to the community and noted they serve the entire campus community and the local community. Mr. Miller noted meeting space was at a premium right now and to be able to offer the building doubled in size and have lots of meeting rooms and other facilities will be a boon for the community and for Miami University. Mr. Miller noted Hillel had full support from Miami University and lots of entities in the City of Oxford for the proposed expansion.

Ms. Southard advised the need for expansion was clear and noted Hillel was serving the community in a very major way. Ms. Southard noted she thought the project was a good one and she hoped Hillel would be successful with this request.

Mr. Prytherch noted the Conditional Use allows Council to waive dimensional requirements and he felt keeping the facility within walking distance of the campus as opposed to on a drivable site is why he felt Council would look favorably on the waivers. Mr. Prytherch advised he appreciated reinvestment in the Mile Square.

Mr. Dana noted his support for the proposed expansion.

**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 4 North College Avenue From RO (Residential/Office) District to UP (Uptown) District. (Sam Perry, Interim Community Development Director)

Mr. Perry provided a PowerPoint and advised the RO District creates a buffer around the Uptown District and this proposal was to add one parcel on the corner of College Avenue and High Street to the Uptown District. Mr. Perry noted this location was formally the First Merchants Bank and the bank relocated to Stewart Square. Mr. Perry advised the reality of the current site usage is that any new user other than a bank is not permitted to use the non-conforming use drive-through. Mr. Perry noted auto-oriented uses are prohibited in both the RO and UP Districts. Mr. Perry advised the re-use potential is not listed as one of the decision standards. Mr. Perry discussed the decision standards and advised the Planning Commission recommended denial after a lengthy discussion because they felt there none of the decision standards were met.

**Mr. Scott Webb**, Applicant, noted the Planning Commission unanimously voted to deny the proposed Zoning Map Amendment. Mr. Webb advised he and his client discussed the possibility of withdrawing the request but felt it was worth the time for City Council to understand what it is they are left with. Mr. Webb provided slides of the area in question and noted this area was originally considered the Urban Business Commercial District and that was how a bank ended up in the location in question. Mr. Webb noted it was the 2003 zoning map amendment that made the property non-conforming and turned it into a residential district. Mr. Webb advised banks were no longer permitted as conditional uses in the RO District. Mr. Webb noted he thought the site was designed before drive-throughs at banks were used as much as they are now as there was no queuing space at all and the parking lot has inadequate backing and turning radiuses. Mr. Webb referred to decision standard A and noted this was not an error in the zoning map as the Planning Commission decided and Council approved to change this and make the property non-conforming. Mr. Webb advised per the Conditional Use Section 1137.07 of the Zoning Code once a conditional use lays dormant for a year it expires so unless another bank decides to take over this location in 8 months it will never be a bank again. Mr. Webb noted the RO District does not allow retail, food service or re-use of the drive though and the code is very clear that there is no such thing as a use variance making it impossible to go before the Board of Zoning Appeals. Mr. Webb advised what is allowed is two residences or one residence and one office limited to the square footage making redevelopment in the RO District very unattractive on a lot of this size. Mr. Webb noted the HAPC and Council adopted the new Historic Inventory declaring the existing building as Historic meaning it is probably going to stay. Mr. Webb advised he and his client believe that redevelopment in the UP District has some benefits. Mr. Webb referred to the Comprehensive Plan and noted infill development is a priority. Mr. Webb noted with regard to the location of the property Council should anticipate the redevelopment of the former BP site and advised the Community Arts Center was a very large scale building on the adjacent corner. Mr. Webb advised he and his client viewed this intersection as a bookend to the Uptown.



Mr. Webb noted he and his client felt strongly that the proposed zoning map amendment meets at least one decision standard, the amendment will make the map conform more closely with the goals of the Comprehensive Plan, it recognizes a significant change in the area, provides additional land area for the Uptown core for economic development, and it would provide a visual improvement.

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

Mayor Rousmaniere inquired what the former bank building can become. Mr. Webb advised it could become an office. Mr. Webb noted the RO District allowed 2 residences as a duplex or one residence and one office. Mr. Webb advised the site is not supposed to generate traffic.

Mr. Dana noted while both of these zoning districts allow mixed use there were substantial differences in the set backs, the allowable lot coverage, the allowable building height, the allowable commercial use and square footage. Mr. Dana advised UP greatly expands the use and density over a RO zone. Mr. Dana noted he felt rezoning one lot at a time was not good planning and approval would encourage rezoning requests for other RO properties effectively destroying the Uptown buffer and many historic structures. Mr. Dana advised this request was voted down 8 years ago. Mr. Dana noted while the current zoning may not lend itself to redevelopment that does not mean there is no value or acceptable commercial use of the existing structure and property.

Mr. Prytherch advised the UP Zoning District creates the desire to build a 4 story student rental with commercial use on the first floor and he worried about precedent setting. Mr. Prytherch reiterated that this building was recently declared as being historic. Mr. Prytherch noted he was sympathetic to the idea that there are limited uses in the market place. Mr. Prytherch noted he felt the RO District could do more by opening it up to more retail uses and restaurant uses.

Mr. Ellerbe agreed that opening the RO District to more opportunities will allow more development and value to this area.

Mayor Rousmaniere requested staff to place this topic on the "To-Do" list for the Planning Commission and Council.

## **ORDINANCES**

### **SECOND READING**

## **ORDINANCE**

### **ZONING MAP AMENDMENT**

An Ordinance No. 3477 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, Interim Community Development Director)

Mr. Perry advised the proposed map amendment was for property located on the corner of Sycamore Street and Morning Sun Road. Mr. Perry noted the Planning Commission recommended denial of the request.

Mr. Perry provided a PowerPoint slide of the area in question noting the amendment would expand a residential district and take away an office and industrial parcel. Mr. Perry advised the property has been vacant for a number of years. Mr. Perry noted the R2MS District was discussed at length during the Planning Commission's review including the loss of office/industrial land in this area of town. Mr. Perry advised the applicant and the real estate broker spoke during the Planning Commission's review and documented past development difficulties due to the topography of the parcel and the setback requirements in the OI District. Mr. Perry noted to his knowledge there had been no requests for variances from the Board of Zoning Appeals to relieve some of the setback issues for developing this parcel. Mr. Perry noted the Planning Commission had difficulty in linking the past development challenges to the four decision criteria and voted 6-1-0 to recommend denial of the map amendment to City Council. Mr. Perry advised since the time of the Planning Commission hearing another application has been submitted to rezone the property in question to a Neighborhood Business District which might work better for this area.

Mr. Webb advised based on the comments from the first reading of the proposed zoning map amendment he and his client felt they should pursue a mixed use type of development for this parcel and submitted a new application to rezone the property to a Neighborhood Business District.

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

Mr. Prytherch referred to the decision standards as listed on page 152 of Council's packet as follows:

- A. There is an error on the Official Zoning Map or in the delineation between districts.
- 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 necessitated the amendment.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

Councilors unanimously agreed that none of the decision standards were met.

Ms. Southard moved to adopt Ordinance No. 3477. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe,  
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

**ORDINANCE**  
**CONDITIONAL USE**

An Ordinance No. 3478 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)

Mr. Perry advised the proposal was to add a drive through window to the existing restaurant, changing a door to a window. Mr. Perry noted there were no changes since the first reading of the Ordinance.

Mr. Dana advised he felt this was a sound proposal, highly merited and well designed. Mr. Dana noted LaRosas has been a terrific community partner.

Mr. Dana moved to adopt Ordinance No. 3478. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Smith, Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch,  
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

**ORDINANCE**  
**NEW CHAPTER 145**

An Ordinance No. 3479 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 there were no changes since the first reading of the proposed Ordinance.

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

Ms. Raghu inquired why Council was voting on this matter since it was approved by the voters with the Charter amendments.

Mr. Elliott advised the voters voted on the Charter which put the mechanism in place and now the Codified Ordinances need to be amended to be in line with what was voted on.

Mr. Dana moved to adopt Ordinance No. 3479. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Ellerbe (1)

ABS: None (0)

Mr. McHugh referred to the first Ordinance adopted this evening and noted there was a discrepancy between the caption on page 4 of Council's packet and the actual Ordinance language on page 148.

Mr. Prytherch moved to reconsider. Mr. Ellerbe seconded. The motion passed 7-0-0

Mr. Prytherch moved to deny the Ordinance approving a map amendment to rezone the property and to accept the recommendation of the Planning Commission to not grant the requested rezoning of the property. Mr. Ellerbe seconded. The motion passed by the following roll call:

AYE: Ms. Southard, Mr. Dana, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Smith,  
Mayor Rousmaniere (7)

NAY: None (0)

ABS: None (0)

### **ANNOUNCEMENTS**

Mr. Elliott updated Council on a proposed rate increase from Glenwood Energy noting legislation would be placed on the next Council agenda to address the matter.

Mr. Elliott noted a groundbreaking ceremony took place this evening for the new aquatic center and noted he felt it was an important project that will improve the quality of life for all residents.

Mr. Dreisbach updated Council on a major water main break which occurred yesterday as a result of improper excavation by a Miami University contractor. Mayor Rousmaniere inquired how the communication was between the City and the university when the break happened and Mr. Dreisbach advised they responded immediately. Mr. Prytherch inquired if the contractor would be billed for losses to the City and Mr. Dreisbach advised yes.

Mr. Perry updated Council on the Cottage Community concept.

Ms. Raghu advised she was excited about having a Work Session on street ownership throughout the City.

Ms. Raghu noted Solar Power & Light would make a presentation to Council at the next meeting.

Mr. Dana thanked everyone who assisted during the water main break situation.

Mr. Dana noted he was happy to hear the Cottage Community concept was still going forward.

Mayor Rousmaniere advised the First Year Take Over Scavenger Hunt was Saturday, August 18 for International Students, and Saturday, August 25<sup>th</sup> for first year students. Mayor Rousmaniere noted Friday, August 24<sup>th</sup> Wil Haygood would speak at Miami University's First Year Convocation at 9:00 a.m. at the Freedom Summer Memorial. Mayor Rousmaniere advised the Walk About was Monday, August 27<sup>th</sup> and 150 volunteers were needed. Mayor Rousmaniere noted the Community Picnic was Thursday, August 30<sup>th</sup>.

**ADJOURN**

Mr. Dana moved to adjourn at 10:46 p.m. Mr. Smith seconded. The motion passed 7-0-0.

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 21, 2018

Sam Perry  
**Prepared By**

**Account Code No. #:**

**Budgeted Amount:**

August 14, 2018  
**Date Prepared**

|                                             |
|---------------------------------------------|
| <b>HAPC MEETING REPORT – AUGUST 8, 2018</b> |
|---------------------------------------------|

The Commission welcomed new member, Planning Commission representative, Corey Watt.

Planning Consultant Wendy Moeller, FAICP, attended the meeting at the request of staff to provide some feedback on advancing the 2018 goals. A lengthy discussion was held since there were no design review cases scheduled.

Ms. Moeller provided some example scenarios of how planning and zoning rules can assist historic preservation, both in historic districts, and outside of historic districts. Ms. Moeller explained that a work proposal had been forwarded to staff for review. Staff Planner Sam Perry explained that Ms. Moeller's services through Compass Point Planning could be utilized, if there was a good fit between the skill set and the goals.

The Commission members stressed that updating Chapter 1331, the historic and architectural preservation commission chapter, was their primary focus. It was not just the demolition decision criteria that needed clarified. Mr. Skoglund had previously completed a review and comment of it. A subcommittee meeting would be scheduled for a more detailed review.

Eight administrative review cases were reported at this meeting. These were signs, ductwork and an accessible ramp for an entrance. The intent for these is to move minor cases along between monthly meetings.

There were no new Certificate of Appropriateness cases for review at this meeting.

The regular monthly meeting is changing to the 2<sup>nd</sup> Wednesday of each month. The next one being September 12 at 5:00 p.m. at the Oxford Courthouse at 118 W. High Street.

|                         |                             |
|-------------------------|-----------------------------|
| <b>Department Head:</b> | _____/____                  |
| <b>City Attorney:</b>   | _____/____                  |
| <b>City Manager:</b>    | <u>DRE</u> / <u>8/17/18</u> |

# CITY OF OXFORD

## STAFF SUMMARY REPORT

### Report to the City Manager

**Council Meeting of:** August 21, 2018

Service Department  
**Originating Department**

**Account Code #:** N/A

David Treleaven  
**Prepared By**

**Budgeted Amount:** N/A

August 3, 2018  
**Date Prepared**

|                      |                                                    |
|----------------------|----------------------------------------------------|
| <b>Agenda Title:</b> | Environmental Commission Meeting of August 1, 2018 |
|----------------------|----------------------------------------------------|

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

#### Discussion:

Environmental Commission members present at the Wednesday, August 1, 2018 meeting were: Planning Commission Representative, Ms. Shana Rosenberg; Mr. Jon Ralinovsky, and Mr. Andor Kiss. A quorum was not present. Ms. Molly O'Donnell, a Miami University (MU) undergraduate student and the Secretary of Infrastructure and Sustainability for the MU's Association of Student Government was in attendance, as was Mr. Ben Kauffman, a newspaper reporter with the Hamilton Journal News. Vice-Chair, Ms. Madeline Maurer, and Mr. Vince Hand had previously informed the Commission that they would be unable to attend the August 1<sup>st</sup> meeting. City Council Representative Ms. Chantel Ragu had unexpected, employment-related responsibilities that prevented her attendance at this meeting.

The Commission welcomed Ms. Rosenberg to the Environmental Commission. Ms. Rosenberg replaces Mr. Bill Snavelly, who was recently elected as Chair to the Planning Commission.

As there was not a quorum at the August 1<sup>st</sup> Environmental Commission meeting, no official business was conducted. Commissioners discussed topics on the meeting's agenda.

Mr. Kiss informed the Commission that he will discuss the Tesla electrical vehicle charging stations with the City Manager (tentatively on Thursday, August 2, 2018), and is of the understanding that official permission to proceed should then be provided to Tesla. Subsequently, Tesla would investigate Oxford's suggested locations for the charging stations, and their installation process would commence.

Staff was asked to provide a copy of the current refuse and recycling contract's specifications to Commissioners. Next year (2019) is the final year of the existing contract. The Commissioners intend to investigate ways to reduce the volume of refuse generated by the community and encourage recycling.

Commissioners concluded the informal discussions at 8:20 p.m. The next Environmental Commission meeting is scheduled for 7:00 pm on Wednesday, September 5, 2018, in the Municipal Building's First Floor Conference Room.

|                     |                                   |                       |                                         |
|---------------------|-----------------------------------|-----------------------|-----------------------------------------|
| <b>Approved By:</b> | Department Head:<br>City Manager: | Initial<br><u>DRE</u> | Date<br><u>8/6/18</u><br><u>8/17/18</u> |
|---------------------|-----------------------------------|-----------------------|-----------------------------------------|

# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

**Originating Department**

**Council Meeting Of:** August 21, 2018

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

**Prepared By:** Casey D. Wooddell

**Budgeted Amount:** N/A

**Date Prepared:** August 16, 2018

**Agenda Title:** Oxford Recreation Board Meeting, 8/9/18

**Recommendation:** Approve

**Attendance:** Present: Ken Bogard (Chair), Edna Southard (Council Rep), Craig Bennett  
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, August 9, 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 summer Camp POP! ending on August 10 and about all the great field trips the campers took this year.

Mr. Wooddell also discussed the Back to School Event at the Pool held August 12, 2018 in partnership with Crossroads Church and Premier Estates. Kids were provided free admission, free food and free school supplies at this event.

Additionally, Mr. Wooddell brief board members about upcoming sports leagues, including Adult Softball, Flag Football and Kickball, as well as the Community Yard Sale event happening on August 18.

Lastly, Mr. Wooddell discussed the closing of the current pool on September 3<sup>rd</sup>, with the second annual Dog Day event scheduled for September 8<sup>th</sup>.

### **Old Business:**

GROUND-BREAKING – This was held on Tuesday, August 7<sup>th</sup> at 6:00pm. Mr. Bogard noted it was a great event and was very well represented. There were members from swim team, City Council, Recreation Board, community members and the contractor in attendance.



**New Business:**

FUNDRAISING – Mr. Wooddell distributed a draft brochure from the Community Foundation for the fundraising campaign. This is the first draft and there will be several changes coming, including adding a colored image of the new site plan. Scholarships were discussed in detail, as well as the idea of including a transportation fund. Board members agreed more information is needed to consider including a transportation fund with this information.

PUBLIC INFORMATION SESSION - Mr. Wooddell discussed the idea of a public information session and when would be the best time. Mr. Wooddell suggested something similar to the session hosted by Enjoy Oxford for the new OATS trail levy. Thursday, October 11 at 6:30pm was the date and time determined to be the best, and Mr. Wooddell confirmed this with the Oxford Community Arts Center.

Next meeting: Tuesday, September 11 at 11:30am – Oxford Municipal Building.  
Meeting Adjourned: 5:17pm.

**Approved By:****Initial Date****Department Head:**CDW \ 8/16/2018**City Manager:**DRE \ 8/17/18

# CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development  
**Originating Department**

**Council Meeting Of:** August 21, 2018

**Account Code No. #:**

Sam Perry  
**Prepared By**

**Budgeted Amount:**

August 16, 2018  
**Date Prepared**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> <b>Board of Zoning Appeals Meeting Report – August 15, 2018</b> |
|--------------------------------------------------------------------------------------|

## Adjudication Hearings

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

This case had been tabled from July at the applicant's consent for a possible revised sign design. One sign was reduced in size by 10 square feet. On behalf of Crossroads Outpost, Tommy Reed requested variances for: wall sign 18 square feet instead of 12, an 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 2 signs instead of the 3 in July. The 12 sf ground sign was previously permitted but not installed. The hanging sign was installed without permission.

After deliberation, a motion was made to approve only the oversized wall sign based upon the reduced size for intent of the zoning code. The motion failed due to lack of second. Another motion was made to deny all the variances based upon the awareness of the zoning restriction and existing beneficial use. The variances were denied with a 3-1 vote.

The denial still allows the owner to install either a wall or ground sign compliant with code.

The next regular BZA meeting will be at 6:30 p.m. on Wednesday, September 19, 2018 at 118 West High Street.

|              |                  |                   |                |
|--------------|------------------|-------------------|----------------|
| Approved By: | Department Head: | Initial           | Date           |
|              | City Attorney    | <u>SB/Nepting</u> | <u>8-16-18</u> |
|              | City Manager:    | <u>DRE</u>        | <u>8-17-18</u> |

**CITY OF OXFORD  
STAFF SUMMARY REPORT**

**Report to the City Manager**

Community Development  
**Originating Department**

**Council Meeting Of:** August 21, 2018

**Account Code No. #:**

Sam Perry  
**Prepared By**

**Budgeted Amount:**

August 16, 2018  
**Date Prepared**

|                      |                                                                                                                                                                                                                |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Title:</b> | <b>Resolution Accepting a Petition to Create a Neighborhood Conservation Overlay District for the area of Fairfield Road and Tollgate Drive: Erickson Drive, Albert Circle, Robin Court and Bull Run Drive</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

**Discussion:**

The legislation of creating the Residential Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been fifteen (15) petitions that have come before the City Council since 2014.

There are a total of 77 parcels contained in the proposed overlay (3<sup>rd</sup> largest). A map of the proposed area is attached. The overlay includes households in Emerald Woods Subdivision #'s 1, 2 and part of 3, which were originally platted in 1965-1967. The signatures in this petition well exceed the two-thirds requirement at 94% per Oxford Zoning Code Section 1146.03(a)(3). The proposed overlay fills a gap between three other existing overlays (see attached map).

This is the first step of public notice process in creating the neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review.

The petition meets the code requirements of Section 1146 therefore Staff recommends accepting the petition and forwarding the request to the Planning Commission for zoning map amendment.

**Approved by:**

|                         | <b>Initial</b>  | <b>Date</b>    |
|-------------------------|-----------------|----------------|
| <b>Department Head:</b> | <u>SP/Archy</u> | <u>8-16-18</u> |
| <b>City Attorney:</b>   | <u></u>         | <u></u>        |
| <b>City Manager:</b>    | <u>DRE</u>      | <u>8-17-18</u> |

## RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ALONG ERICKSON DRIVE, BULL RUN DRIVE, FAIRFIELD ROAD, TOLLGATE DRIVE AND ROBIN COURT AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

WHEREAS, the Clerk of Council and the Interim Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT

SECTION 1: City Council accepts the recommendation of the Clerk of Council and the Interim Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

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

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**OXFORD ZONING PETITION FOR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD LIMIT THE USE OF THE PROPERTY TO NOT MORE THAN TWO UNRELATED PERSONS IN A DWELLING UNIT, OR OTHERWISE COMPLIANT WITH OXFORD CODE DEFINITION OF FAMILY SECTION 1159.07.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO LIMIT THE USE OF THE PROPERTY TO NOT MORE THAN TWO UNRELATED PERSONS IN A DWELLING UNIT, OR OTHERWISE COMPLIANT WITH OXFORD CODE DEFINITION OF FAMILY SECTION 1159.07. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

- EAST BOUNDARY: PARCELS ALONG ERICKSON DR AND BULL RUN DR
- NORTH BOUNDARY: PARCELS ALONG FAIRFIELD RD
- WEST BOUNDARY: PARCELS ALONG TOLLGATE DR AND ROBIN CT
- SOUTH BOUNDARY: PARCELS ALONG WEST BULL RUN DR

CIRCULATOR'S FULL NAME: Jeffrey MacDonald  
CIRCULATOR'S ADDRESS: 9 Robin Ct. Oxford, OH  
CIRCULATOR'S SIGNATURE: [Signature] DATE SUBMITTED: 7/6/18

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

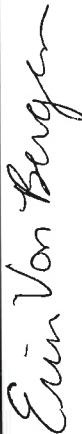
**Petition for Albert, Bull Run, Erickson, Fairfield, Fieldcrest, Robin and Tollgate Neighborhood Conservation Overlay District, Oxford, Ohio**

Petition Initiator: Jeff and Debra MacDonald (DEBRA G MACDONALD TR), 9 Robin Court

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

| Date    | Address                              | Name(s)                               | Signature                                                                            | Notes       |
|---------|--------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------|-------------|
| 6/8/18  | 1217 ALBERT CIR/<br>H4000125000042 ✓ | CHARLES J PETERKA                     |    |             |
| 7/7/18  | 1218 ALBERT CIR/<br>H4100125000049 ✓ | DONALD B & REGINA M REECE             |    |             |
|         | 1219 ALBERT CIR/<br>H4100125000043   | BRODY J & MONISA RUIHLEY              |                                                                                      | Crossed out |
| 7/7/18  | 1220 ALBERT CIR/<br>H4100125000048 ✓ | YILDIRIM DILEK<br>CAROL A EDDY DILEK  |    |             |
| 7/7/18  | 1221 ALBERT CIR/<br>H4100125000044 ✓ | BRIAN AND ERIN W VON BERGEN           |    |             |
| 7/14/18 | 1222 ALBERT CIR/<br>H4100125000047 ✓ | JOHN & GERALDINE DUTRA                |  |             |
| 7/7/18  | 1223 ALBERT CIR/<br>H4100125000045 ✓ | JOYCE J FERNANDES<br>KEVIN R SEQUEIRA |  |             |
| 7/7/18  | 1224 ALBERT CIR/<br>H4100125000046 ✓ | RICHARD H AND BEVERLY M<br>MCCLURE    |  |             |
| 7/14/18 | 2 BULL RUN DR/<br>H4100125000018 ✓   | JEFFREY F & CAROLYN B WINSLOW         |  |             |
|         | 3 BULL RUN DR/<br>H4100125000029     | THE OXFORD UNITED METHODIST<br>CHURCH |                                                                                      |             |

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|---------|------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------|-------|
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|         | 1218 ALBERT CIR/<br>H4100125000049 | DONALD B & REGINA M REECE             |                                                                                                        |       |
|         | 1219 ALBERT CIR/<br>H4100125000043 | BRODY J & MONISA RUIHLEY              |                                                                                                        |       |
|         | 1220 ALBERT CIR/<br>H4100125000048 | YILDIRIM DILEK<br>CAROL A EDDY DILEK  |                                                                                                        |       |
|         | 1221 ALBERT CIR/<br>H4100125000044 | BRIAN AND ERIN W VON BERGEN           |                                                                                                        |       |
|         | 1222 ALBERT CIR/<br>H4100125000047 | JOHN & GERALDINE DUTRA                |                                                                                                        |       |
|         | 1223 ALBERT CIR/<br>H4100125000045 | JOYCE J FERNANDES<br>KEVIN R SEQUEIRA |                                                                                                        |       |
|         | 1224 ALBERT CIR/<br>H4100125000046 | RICHARD H AND BEVERLY M<br>MCCLURE    |                                                                                                        |       |
|         | 2 BULL RUN DR/<br>H4100125000018   | JEFFREY F & CAROLYN B WINSLOW         |                                                                                                        |       |
| 5/21/18 | 3 BULL RUN DR/<br>H4100125000029   | THE OXFORD UNITED METHODIST<br>CHURCH | <br>CHAS J PETERKA |       |

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| Date    | Address                           | Name(s)                                      | Signature               | Notes       |
|---------|-----------------------------------|----------------------------------------------|-------------------------|-------------|
| 6/16/18 | 4 BULL RUN DR/<br>H4100125000019  | MATTHEW T & EMILY D LYKINS                   | Matthew T. Lykins       |             |
|         | 5 BULL RUN DR/<br>H4100125000028  | ROBERT ABOWITZ<br>KATHLEEN KNIGHT ABOWITZ    | Kathleen Knight Abowitz | 7/14/18     |
|         | 6 BULL RUN DR/<br>H4100125000020  | THOMAS W & MARY S HOUK                       | Mary Sue Houk           | 5/10/18     |
|         | 7 BULL RUN DR/<br>H4100125000027  | DAMON E FRIERSON                             |                         | 25 M LESTER |
|         | 8 BULL RUN DR/<br>H4100125000021  | KATHRYN E MAWER                              | Kathryn E. Mawer        | 5/12/18     |
|         | 9 BULL RUN DR/<br>H4100125000026  | JAMES A AND ANN M DUNLEVY                    | Ann M. Dunlevy          | 5/12/18     |
|         | 10 BULL RUN DR/<br>H4000125000022 | VAUGHN JACK C<br>& MARLENE G M               | Marlene H. M. Vaughn    | 5-16-18     |
|         | 11 BULL RUN DR/<br>H4100125000025 | HEATH & MAUREEN KELLY                        | Heath & Maureen Kelly   | 5/12/18     |
|         | 14 BULL RUN DR/<br>H4000126000003 | FIRST FINANCIAL BANK NA<br>ATTN HOLLY TROBOK | Holly Trobok            | 5.10.18     |
|         | BULL RUN DR/<br>H4000126000043    | FIRST FINANCIAL BANK<br>ATTN HOLLY TROBOK    | Holly Trobok            | 5.10.18     |



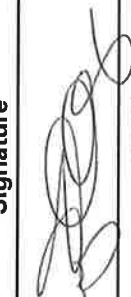
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|------|--------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------|---------|
|      | BULL RUN DR/<br>H4000119000021       | FIRST FINANCIAL BANK<br>ATTN HOLLY TROBOK    |    | 5.10.18 |
|      | BULL RUN DR/<br>H4000119000019       | FIRST FINANCIAL BANK NA<br>ATTN HOLLY TROBOK |    | 5.10.18 |
|      | BULL RUN DR/<br>H4000119000020       | FIRST FINANCIAL BANK<br>ATTN HOLLY TROBOK    |    | 5.10.18 |
|      | 15 BULL RUN DR/<br>H4100126000005    | JOHN B FEALLOCK                              |    | 5/12/18 |
|      | 19 BULL RUN DR/<br>H4100126000004    | MARY ALICE MAWER                             |   | 5/11/18 |
|      | 21 BULL RUN DR/<br>H4100126000056    | SUSAN Z MAXFIELD                             |  | 5/12/18 |
|      | 102 W BULL RUN DR/<br>H4100125000023 | TIMOTHY E & KATHERINE A REID                 |  | 6/16/18 |
|      | 104 W BULL RUN DR/<br>H4000125000024 | TOM S & KATHRYNE A ROMANO                    |  | 6/24/18 |
|      | 108 W BULL RUN DR/<br>H4100126000002 | BRIAN SCHULTZ<br>JENNIFER MCBRIDE SCHULTZ    |  | 6/16/18 |
|      | 110 W BULL RUN DR/<br>H4100126000001 | WEITSE DE BOER<br>PRUDENCE R BAERNSTEIN      |  | 6/26/18 |

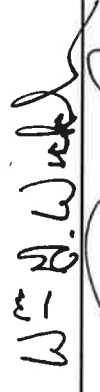
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| Date    | Address                              | Name(s)                                                | Signature                                                                            | Notes |
|---------|--------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------|-------|
| 4/27/18 | 305 ERICKSON DR/<br>H4000125000056   | MUFI OZDEN                                             |    |       |
| 5/5/18  | 306 ERICKSON DR/<br>H4000125000063   | TERUO & CATHERINE FUJII                                |    |       |
| 5/7/18  | 309 ERICKSON DR/<br>H4100125000055   | CAROLINE B WILKINSON TR                                |    |       |
| 4/27/18 | 310 ERICKSON DR/<br>H4100125000062   | STEPHEN L & CAROL A FLEE                               |    |       |
| 4/27/18 | 311 ERICKSON DR/<br>H4100125000054   | WILLIAM E BREWER JR                                    |   |       |
| 5/7/18  | 312 ERICKSON DR/<br>H4000125000061   | WILLIAM GERALD WICKHAM                                 |   |       |
| 5/11/18 | 315 ERICKSON DR/<br>H4100125000053   | KENT R AND JANCIEL GRIDER<br>DARRYL AND JOSHUA HAUBERT |  |       |
| 5/10/18 | 316 ERICKSON DR/<br>H4100125000060   | ROBERT & BARBARA KLEEFELD                              |  |       |
|         | 6230 FAIRFIELD RD/<br>H4100024000010 | ROBERT A RATTERMAN                                     |                                                                                      |       |
|         | 6234 FAIRFIELD RD/<br>H4100024000042 | CHRISTOPHER LUKACHKO<br>LINDA LISTER                   |                                                                                      |       |

**Petition for Albert, Bull Run, Erickson, Fairfield, Fieldcrest, Robin and Tollgate Neighborhood Conservation Overlay District, Oxford, Ohio**

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|         | 311 ERICKSON DR/<br>H4100125000054   | WILLIAM E BREWER JR                  |                  |       |
|         | 312 ERICKSON DR/<br>H4000125000061   | WILLIAM GERALD WICKHAM               |                  |       |
|         | 315 ERICKSON DR/<br>H4100125000053   | KENT R AND JANICE L GRIDER           |                  |       |
|         | 316 ERICKSON DR/<br>H4100125000060   | ROBERT & BARBARA KLEEFELD            |                  |       |
| 2/8/18  | 6230 FAIRFIELD RD/<br>H4100024000010 | ROBERT A RATTERMAN                   | Robert Ratterman |       |
| 6/16/18 | 6234 FAIRFIELD RD/<br>H4100024000042 | CHRISTOPHER LUKACHKO<br>LINDA LISTER | Debra MacDonald  |       |

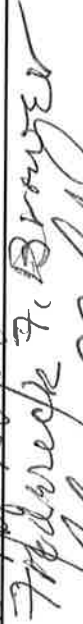
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| Date    | Address                                | Name(s)                        | Signature                                                                            | Notes   |
|---------|----------------------------------------|--------------------------------|--------------------------------------------------------------------------------------|---------|
| 7.12.18 | 6242 FAIRFIELD RD/<br>H4100024000041 ✓ | LINDSAY CATHERICE SWIFT        |    |         |
| 6-16-18 | 6284 FAIRFIELD RD/<br>H4100024000047 ✓ | JAMES HUEY ANGEL               |    |         |
| 6-16-18 | 6294 FAIRFIELD RD/<br>H4100024000046 ✓ | RUTH ANN VEST                  |    |         |
|         | 6304 FAIRFIELD RD/<br>H4100024000045 ✓ | KAREN S BACHMAN                |    | 6-26-18 |
|         | 6314 FAIRFIELD RD/<br>H4100024000044 ✓ | JEFFREY & SARAH BLAKELEY       |    | 6.16.18 |
|         | 6324 FAIRFIELD RD/<br>H4000024000043 ✓ | ROBERT A VOGEL                 |   | 5-27-18 |
|         | 6334 FAIRFIELD RD/<br>H4100024000084 ✓ | FREDERICK F & MARY JANE BROWER |  | 6-28-18 |
|         | 6335 FAIRFIELD RD/<br>H4000125000002 ✓ | CHRISTOPHER & PAMELA RODBRO    |  | 5-15-18 |
|         | 6345 FAIRFIELD RD/<br>H4100125000003 ✓ | VANCYNE JOANN STORCK           |  | 5/7/18  |
|         | 6351 FAIRFIELD RD/<br>H4100130000006 ✓ | WILLIS AND JANE SWIFT          |  | 5/11/18 |

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Petition Initiator: Jeff and Debra MacDonald (DEBRA G MACDONALD TR), 9 Robin Court

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This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

| Date    | Address                               | Name(s)                                   | Signature                  | Notes                         |
|---------|---------------------------------------|-------------------------------------------|----------------------------|-------------------------------|
|         | 220 FIELDCREST AVE/<br>H4100024000048 | LESLIE C SMITH                            |                            | LET LESLIE<br>CANT<br>COUNCIL |
| 4/26/18 | 223 FIELDCREST AVE/<br>H4100024000085 | RICARDO F AVERBACH<br>SILVIA M ROTHSCHILD | Steve Rothchild            |                               |
| 4/26/18 | 4 ROBIN CT/<br>H4100125000010         | BRANDON M BURKE &<br>QING LIAO            | Brandon M. Burke           |                               |
| 4/29/18 | 5 ROBIN CT/<br>H4000125000016         | JULIA R FISHER                            | Julia R. Fisher            |                               |
| 4/26/18 | 6 ROBIN CT/<br>H4100125000011         | KATHLEEN A JANSSEN                        | Kathleen A Janssen         |                               |
| 4/26/18 | 7 ROBIN CT/<br>H4100125000015         | JAY & CARRIE S YOUNG                      | Jay & Carrie S Young       |                               |
| 5/1/18  | 8 ROBIN CT/<br>H4100125000012         | WOODROW B & BEVERLY A<br>ANDERSON         | Woodrow B Anderson         |                               |
| 4/27/18 | 9 ROBIN CT/<br>H4000125000014         | DEBRA G MACDONALD TR                      | Debra G. MacDonald, Tr.    |                               |
| 4/26/18 | 11 ROBIN CT/<br>H4100125000013        | ROGER H & DIANE PRINCELL                  | Diane Prindle              |                               |
| 7/11/18 | 1114 TOLLGATE DR/<br>H4100125000052   | CLARE E & JOSEPH P SQUANCE                | Clare E & Joseph P Squence |                               |

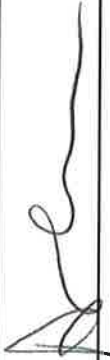
**Petition for Albert, Bull Run, Erickson, Fairfield, Fieldcrest, Robin and Tollgate Neighborhood Conservation Overlay District, Oxford, Ohio**

Petition Initiator: Jeff and Debra MacDonald (DEBRA G MACDONALD TR), 9 Robin Court

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| Date    | Address                             | Name(s)                         | Signature                                                                           | Notes                             |
|---------|-------------------------------------|---------------------------------|-------------------------------------------------------------------------------------|-----------------------------------|
| 7-14-18 | 1118 TOLLGATE DR/<br>H4100125000051 | AMY M COCKRELL                  |   |                                   |
| 6/26/18 | 1122 TOLLGATE DR/<br>H4100125000050 | STEVEN J & SUSAN O BECKMAN      |   |                                   |
| 5/18/18 | 1126 TOLLGATE DR/<br>H4100125000041 | JOHN R BOWBLIS                  |   |                                   |
| 4/26/18 | 1127 TOLLGATE DR/<br>H4100125000017 | NANCY E & THOMAS K WILSON       | Thomas K. Wilson                                                                    |                                   |
| 4/10/18 | 1130 TOLLGATE DR/<br>H4100125000040 | ALICE B KETTLER                 |   |                                   |
| 5/5/18  | 1201 TOLLGATE DR/<br>H4100125000009 | RUSSELL L & BRITTANY R PETERSON |  |                                   |
| 5/10/18 | 1205 TOLLGATE DR/<br>H4100125000008 | THOMAS & SUE ANN THOMPSON       | Thomas Thompson                                                                     |                                   |
| 5/10/18 | TOLLGATE DR/<br>H4100125000007      | THOMAS & SUE ANN THOMPSON       | Thomas Thompson                                                                     |                                   |
| 4/29/18 | 1210 TOLLGATE DR/<br>H4000125000039 | CHARLES E SKIPPER               | Charles E. Skipper                                                                  |                                   |
|         | 1213 TOLLGATE DR/<br>H4100125000006 | VENELIN I & MILA M GANEV        |                                                                                     | LEFT LEFT LEFT<br>COST OF COUNTRY |



• Petition for Albert, Bull Run, Erickson, Fairfield, Fieldcrest, Robin and Tollgate Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Jeff and Debra MacDonald (DEBRA G MACDONALD TR), 9 Robin Court

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Please see attached map for boundaries.

| Date    | Address                             | Name(s)                                        | Signature        | Notes       |
|---------|-------------------------------------|------------------------------------------------|------------------|-------------|
| 5/5/18  | 1218 TOLLGATE DR/<br>H4100125000038 | MARY L KOLLIN                                  | Mary L Kollin    |             |
|         | 1220 TOLLGATE DR/<br>H4100125000037 | JOHN H BUCKINGHAM TRUST<br>KAREN SHYLO TRUSTEE |                  | SENT KATELZ |
| 5/5/18  | 1221 TOLLGATE DR/<br>H4100125000004 | TOBY & TERESE ACHESON                          | T. Acheson       |             |
| 8/8/18  | TOLLGATE DR/<br>H4100125000005      | TOBY & TERESE ACHESON                          | T. Acheson       |             |
| 4-26-18 | 1224 TOLLGATE DR/<br>H4100125000036 | JEFFREY A JOHNSON                              | Jeff A. Johnson  |             |
| 6/26/18 | 1225 TOLLGATE DR/<br>H4100125000001 | STEPHEN A & MAUREEN R NIMIS                    | Maureen R. Nimis |             |
| 4-29-18 | 1228 TOLLGATE DR/<br>H4100125000035 | JACK & MARCIA PUCKETT                          | Marcia Puckett   |             |

**Petition for Albert, Bull Run, Erickson, Fairfield, Fieldcrest, Robin and Tollgate Neighborhood Conservation Overlay District, Oxford, Ohio**

Petition Initiator: Jeff and Debra MacDonald (DEBRA G MACDONALD TR), 9 Robin Court

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*Please see attached map for boundaries.*

| Date    | Address                            | Name(s)                               | Signature                                                                           | Notes |
|---------|------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------|-------|
|         | 1217 ALBERT CIR/<br>H4000125000042 | CHARLES J PETERKA                     |                                                                                     |       |
|         | 1218 ALBERT CIR/<br>H4100125000049 | DONALD B & REGINA M REECE             |                                                                                     |       |
| 7-17-18 | 1219 ALBERT CIR/<br>H4100125000043 | BRODY J & MONISA RUIHLEY              |  |       |
|         | 1220 ALBERT CIR/<br>H4100125000048 | YILDIRIM DILEK<br>CAROL A EDDY DILEK  |                                                                                     |       |
|         | 1221 ALBERT CIR/<br>H4100125000044 | BRIAN AND ERIN W VON BERGEN           |                                                                                     |       |
|         | 1222 ALBERT CIR/<br>H4100125000047 | JOHN & GERALDINE DUTRA                |                                                                                     |       |
|         | 1223 ALBERT CIR/<br>H4100125000045 | JOYCE J FERNANDES<br>KEVIN R SEQUEIRA |                                                                                     |       |
|         | 1224 ALBERT CIR/<br>H4100125000046 | RICHARD H AND BEVERLY M<br>MCCLURE    |                                                                                     |       |
|         | 2 BULL RUN DR/<br>H4100125000018   | JEFFREY F & CAROLYN B WINSLOW         |                                                                                     |       |
|         | 3 BULL RUN DR/<br>H4100125000029   | THE OXFORD UNITED METHODIST<br>CHURCH |                                                                                     |       |





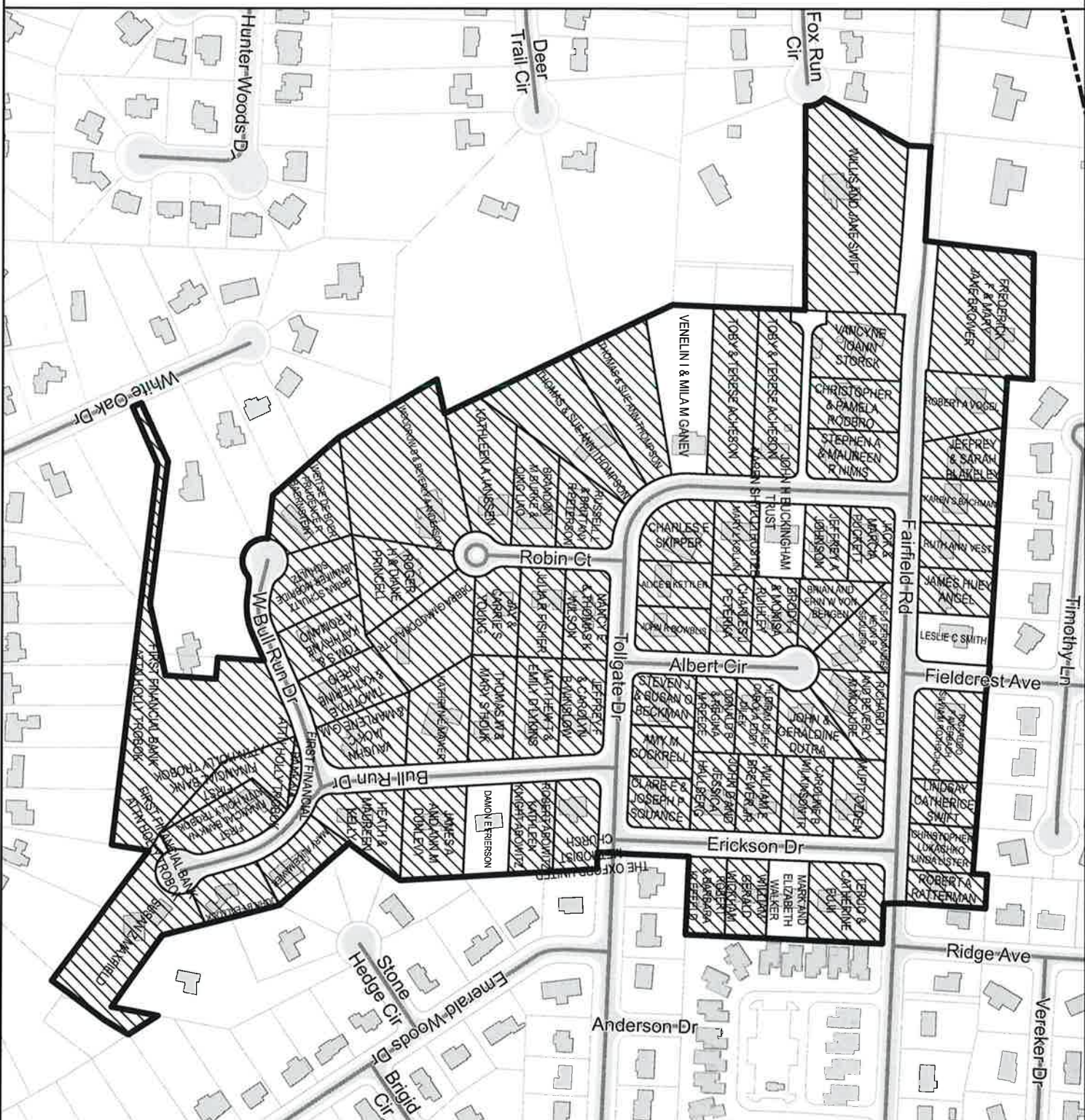
- ☐ Petition Area
- ☒ Petition Parcel: Signed
- ☐ Petition Parcel: Not Signed
-  Oxford Corporation Limit

- Address Point
- Parcel
- Building Footprint
- Paved Roadway

1 inch = 300 feet



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

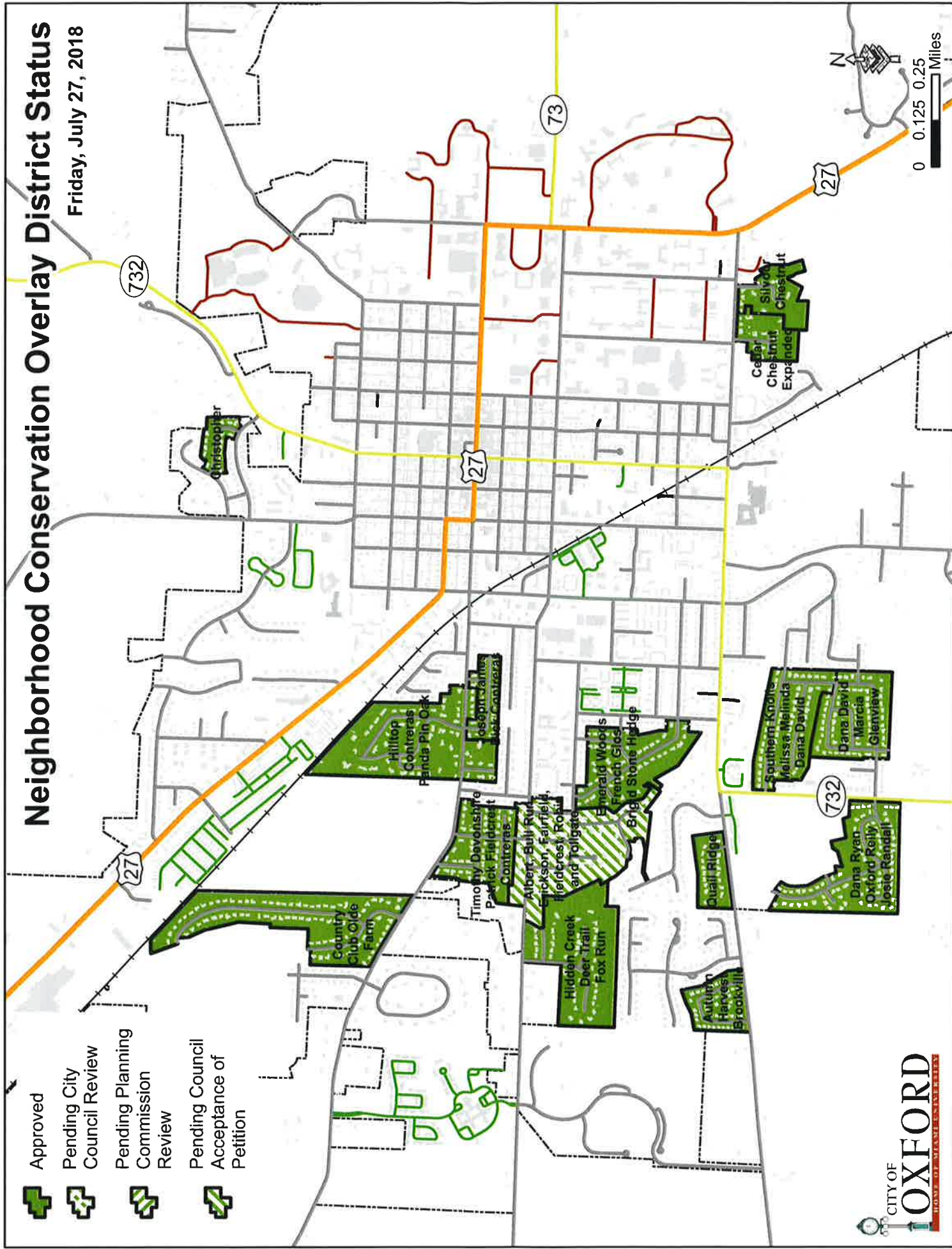




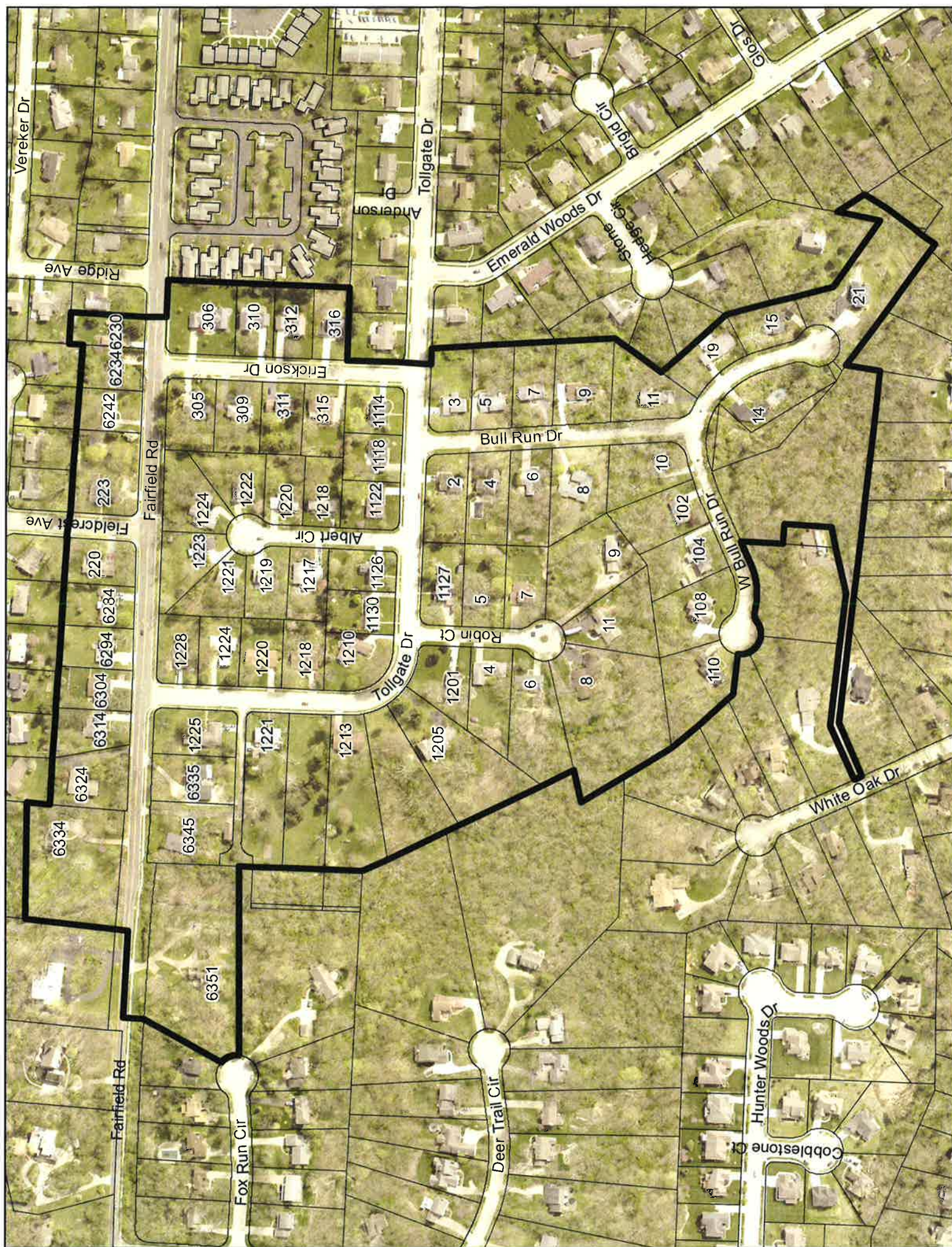
# Neighborhood Conservation Overlay District Status

Friday, July 27, 2018

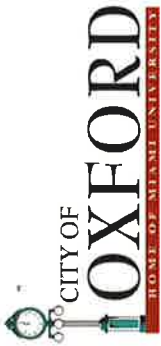
-  Approved
-  Pending City Council Review
-  Pending Planning Commission Review
-  Pending Council Acceptance of Petition











# Oak Chestnut Neighborhood Conservation Overlay District Petition Boundaries

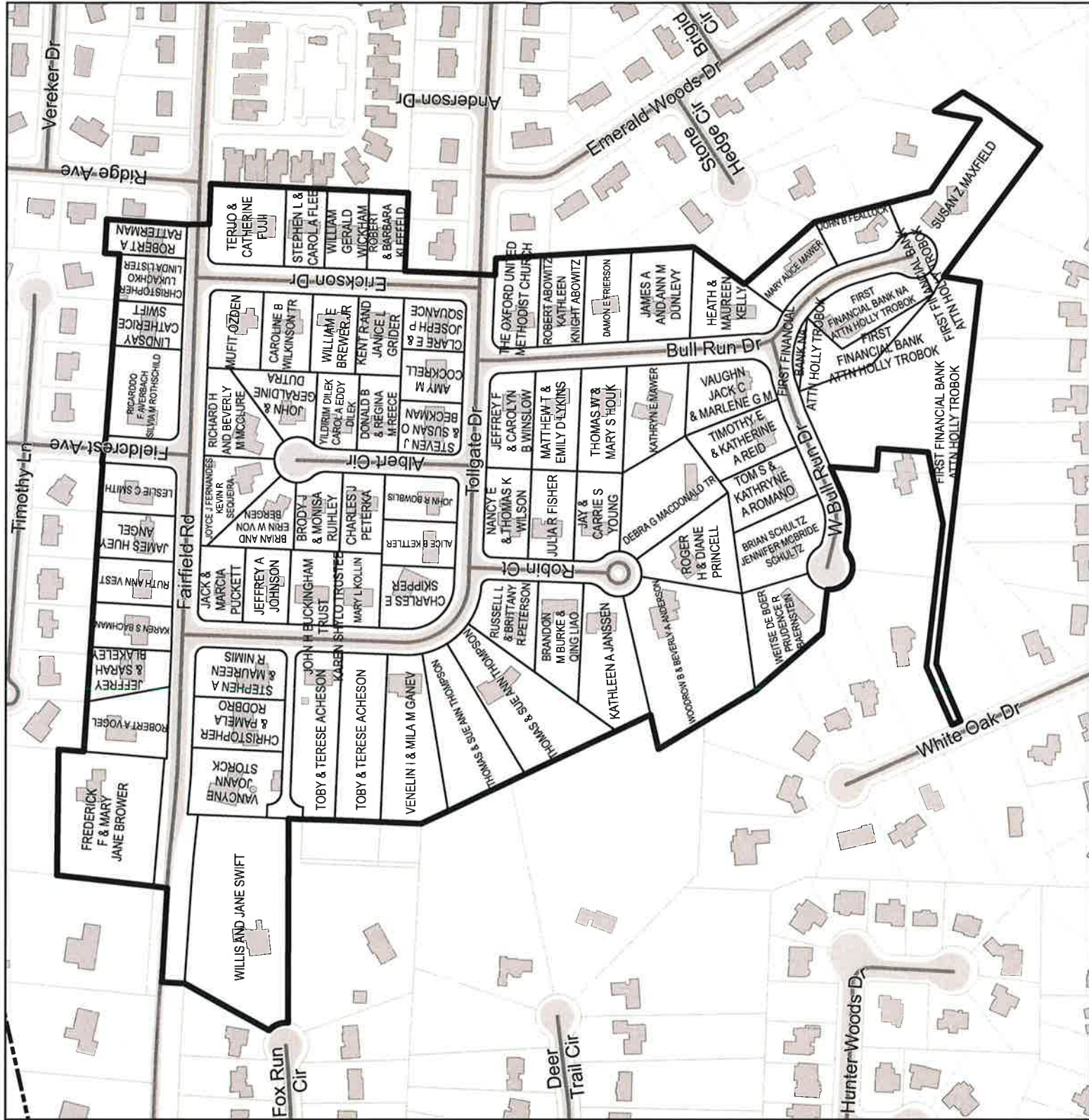
## Legend

- Petition Area
- Petition Parcel: Signed
- Petition Parcel: Not Signed
- Oxford Corporation Limit
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# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: August 21, 2018

Account Code #: N/A

Budgeted Amount: N/A

Service Department

**Originating Department**

Michael Dreisbach, Service Director

**Prepared By**

August 10, 2018

**Date Prepared**

**Agenda Title: Water Main Boring under CSX Railroad ROW – Contreras Rd. Crossing – Application for Ohio Public Works Commission - Issue One Funding.**

**Recommendation:** Approve

**Discussion:** Over the past several years, the City has completed the installation of utility borings under the CSX railroad right of way for the installation or replacement of City utilities. Two boring were installed under the Chestnut St. crossing and one under the Locust St. crossing. The City will be replacing an antiquated water main under the Contreras Rd. (aka High St.) crossing and a new boring will be necessary to accommodate the new water main. This project is currently listed in the City's Capital Improvement Plan using \$350,000 of water utility funds.

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 apply for Issue One funds to be used for installation of a new utility boring and water main under the Contreras Rd. rail crossing. Total project costs are estimated to be approximately \$350,000. The City may be eligible to receive approximately \$276,500 from the Commission (79%). The City would be required to provide approximately \$73,500 as the local match to completely fund the project (21%). 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. 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 utility boring and water main under the Contreras Rd. rail crossing.

**Approved By:**

Department Head:

City Manager:

Initial Date

MBD \ 8/10/18

DRE \ 8/17/18

## **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 \$276,500.00 TO BE USED FOR THE DESIGN AND INSTALLATION OF A NEW UTILITY BORING AND WATER MAIN UNDER THE CONTRERAS ROAD RAIL CROSSING.

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 is replacing an antiquated water main under the Contreras Road rail crossing and a new utility boring will be necessary to accommodate the new water main; 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 new utility boring and water main under the Contreras Road rail crossing.

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

SECTION 1: Council, having determined the design and installation of a new utility boring and water main under the Contreras Road rail crossing 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 new utility boring and water main under the Contreras Road rail crossing.

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.

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MAYOR

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

# CITY OF OXFORD

## STAFF SUMMARY REPORT

**Report to the City Manager**

City Manager

**Originating Department**

**Council Meeting Of:** August 21, 2018

Doug Elliott

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

**Prepared By**

**Budgeted Amount:** N/A

August 14, 2018

**Date Prepared**

**Agenda Title:** A Resolution of the Council of the City of Oxford, Ohio, authorizing the City Manager to establish a Pilot Program for a Bicycle and E-Scooter Sharing System Permit Program.

**Recommendation:** Adopt the Resolution.

### Discussion:

Proposed rules and regulations for a bicycle and e-scooter sharing system permit program have been drafted. They include regulations for parking, operations, safety standards, and data sharing. Under this process, it will not be necessary for the City to issue a RFP and solicit vendors. Under the pilot permit program, multiple operators may file for a permit. With established regulations, it will not be necessary for the City to sign an agreement with each operator. Instead it will require the operators to obtain a permit and meet the rules and regulations. After the rules and regulations are in place, the City can issue permits to any company interested in operating in Oxford.

**Approved By:**

Initial Date

Department Head:

City Manager:

DRE \ 8/17/18

## **RESOLUTION NO.**

A RESOLUTION OF THE COUNCIL OF THE CITY OF OXFORD, OHIO, AUTHORIZING THE CITY MANAGER TO ESTABLISH A PILOT PROGRAM FOR A BICYCLE AND E-SCOOTER SHARING SYSTEM PERMIT PROGRAM.

WHEREAS, the City of Oxford seeks to implement a pilot program to permit the operation of bicycle and e-scooter sharing systems for use by Oxford residents, workers, and visitors; and

WHEREAS, several bicycle and e-scooter sharing systems have expressed an interest in operations within the City of Oxford; and

WHEREAS, with the emergence of stationless bicycle and e-scooter sharing technologies, the absence of a pilot permitting program is likely to result in cluttered and obstructed sidewalks, uneven and inequitable distribution of bicycles and e-scooters, or other threats to the public health and safety.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOVES THAT

SECTION 1: The City Manager or his designee is hereby authorized to adopt, and from time to time amend, regulations governing the operation of bicycle and e-scooter sharing systems within the City of Oxford. Such regulations shall address, at a minimum, the following topics:

1. Safety;
2. Fleet deployment;
3. Permitted areas for parking;
4. Additional measures to ensure efficient and effective deployment of bicycle and e-scooter sharing systems in the City.

SECTION 2: The pilot program authorized by this resolution shall terminate upon the earlier of August 1, 2019 or the adoption of an ordinance regulating bicycle and e-scooter sharing systems by the Oxford City Council.

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



# CITY OF OXFORD

## STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: Aug. 21 & Sept 4, 2018

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department  
**Originating Department**

Michael Dreisbach, Service Director  
**Prepared By**

August 10, 2018  
**Date Prepared**

**Agenda Title: An Ordinance Amending Allowable Rates and Charges by Glenwood Energy of Oxford, Inc. in Providing Natural Gas Utility Services in the City of Oxford.**

**Recommendation:** Approval

### Discussion:

The Oxford City Council has adopted Ordinance No. 3298 establishing the rates and charges that Glenwood Energy of Oxford, Inc. (Glenwood) is entitled to charge and collect for natural gas service with the City. This Ordinance was amended by Ordinance No. 3387 in December 2016 to include a BTU adjustment rider accounting for a change in gas sources and their energy content. The City continues to retain the services of utility attorney Barth Royer (Bell & Royer Co., LPA) who has reviewed Glenwood's documentation for compliance with the Public Utilities Commission of Ohio (PUCO) standards and procedures.

Glenwood earns its revenue from two main sources with minor contributions from fees for specific services. The first source is the Gas Cost Recovery (GCR) rate. Approximately 60-70% of a customer's monthly bill is directly attributable to the cost of natural gas. The GCR rate is regulated by PUCO and is not changed by this proposed Ordinance. Glenwood should only recover its fuel costs with this rate; the rate is not intended to return profit to the company.

The second main source of revenue and allowable profit for Glenwood comes from a "monthly customer charge" and from the **General Service Rate** (GSR). Under the proposed Ordinance, the monthly **Residential** customer charge of \$8.00 will not change for the first year of the next period. This charge would increase to \$10 per month for the balance of the Ordinance period, proposed to be a period of three years. The monthly **Commercial** customer charge of \$10.00 will not change for the first year of the next period. This charge would increase to \$12 per month for the balance of the Ordinance period, also suggested for a period of three years. Glenwood also proposed an increase in the GSR of \$0.90 per Mcf (thousand cubic feet of gas), an increase of over 30%. This proposed increase would have raised the GSR to a rate of \$3.93 per Mcf from the existing rate of \$3.03 per Mcf. Mr. Royer and his technical experts thoroughly evaluated the allowable revenue attributable to a GSR rate and found the defensible rate should be an increase in the GSR from the current \$3.03 per Mcf to a new rate of \$3.46 per Mcf, an increase of \$0.43 per Mcf or ~14%. As the GSR rate impacts only a portion of a customer's monthly bill, the impact on a typical monthly bill will be approximately \$2.58.

\*Continued\*

**Approved By:**

Department Head: Initial Date  
[Signature] \ 8/10/18

City Manager: DRE \ 8/17/18

Rate payers may expect a reduction in the GSR in early 2019 as the US27 Pipeline Relocation Rider will expire in approximately April 2019. This Rider currently adds \$0.2406 per Mcf to customer's bills. Following the expiration of the Rider, a typical customer's monthly bill will be ~ \$1.45 higher per month as compared to the existing GSR of \$3.03 per Mcf.

Mr. Royer and staff also examined other miscellaneous fees and charges and are recommending the following for the next three year period:

|                              |         |                                        |
|------------------------------|---------|----------------------------------------|
| Late Payment fee:            | 1.5%    | No changes to this fee                 |
| Returned check fee:          | \$25    | No changes to this fee                 |
| Stop Payment charge:         | \$32.50 | No changes to this fee                 |
| Credit check processing fee: | \$15.00 | No changes to this fee                 |
| Meter test charge:           | \$75    | No changes to this fee or stipulations |
| Field collection fee:        | \$20    | No changes to this fee                 |
| Reconnection charge:         | \$50    | No changes to this fee                 |
| Service Tap charge (res):    | \$700   | Actual cost up to a max. of \$850      |
| Service Tap charge (comm.):  | \$1,200 | No changes to this fee                 |
| Pressure Test fee:           | \$80    | No changes to this fee                 |

It is the City's understanding that Glenwood accepts the recommendations of our experts and endorses the adoption of the proposed Ordinance. It is Staff's recommendation that the Oxford City Council approve the Ordinance.

## ORDINANCE NO.

AN ORDINANCE TO REGULATE THE RATES AND CHARGES TO BE CHARGED AND COLLECTED AND THE SERVICES TO BE RENDERED BY GLENWOOD ENERGY OF OXFORD, INC., ITS SUCCESSORS AND ASSIGNS, FOR GAS AND GAS SERVICE FURNISHED TO ALL OF ITS CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF OXFORD DURING THE PERIOD ENDING OCTOBER 4, 2021, AND REPEALING AND SUPERSEDING ORDINANCE NOS. 3298 AND 3387, WHICH, TOGETHER, PREVIOUSLY REGULATED SUCH RATES, CHARGES, AND SERVICES.

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

SECTION 1: Rates, Charges, Rules, and Regulations. The rates and charges to be charged and collected and the rules and regulations governing services to be rendered by Glenwood Energy of Oxford, Inc., its successors and assigns, for gas and gas service furnished to all of its customers within the limits of the City of Oxford during the period ending October 4, 2021 shall be as set forth in this ordinance, which is hereby adopted pursuant to Article XVIII, Section 4 of the Ohio Constitution and Section 4909.34 of the Ohio Revised Code.

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance unless the context clearly shows a different meaning is intended.

“City” means City of Oxford, Ohio.

“City Manager” means the city manager of the City of Oxford, Ohio.

“Company” means Glenwood Energy of Oxford, Inc., its successors and assigns.

“Council” means City Council of the City of Oxford, Ohio.

“Gas,” “gas costs,” and “cost of gas” have the same meanings as defined in Chapter 4901:1-14, OAC.

“GCR” means “gas cost recovery rate” as defined in Chapter 4901:1-14, OAC.

“Mcf” means one thousand cubic feet.

“OAC” means the Ohio Administrative Code.

“ORC” means the Ohio Revised Code.

“PIPP” means the “percent of income payment plan” as set forth in Chapter 4901:1-18, OAC.

“PUCO” means the Public Utilities Commission of Ohio.

“Self-Help Arrangement” has the same meaning as defined in Chapter 4901:1-14, OAC.

2. Authorized Gas Distribution Rates and Charges. Effective with bills rendered on or after \_\_\_\_ 1, 2018 through the bills for the monthly service period ending \_\_\_\_\_, 2021, the Company shall charge the following rates and charges for delivering gas to its customers within the City limits:
  - a. Monthly Customer Charge. The Company shall charge a fixed monthly customer charge per meter per month to each customer regardless of the amount of gas if, any, consumed during the month; provided, however, that the customer charge shall not be imposed in any month in which there is no consumption as a result of a voluntary request by the customer for the shutoff of the meter.

For bills rendered to residential customers on or after \_\_\_\_ 1, 2018 through the bills for the monthly service period ending \_\_\_\_\_, 2019, the customer charge shall be \$8.00 per meter per month.

For bills rendered to residential customers on or after \_\_\_\_ 1, 2019 through the bills for the monthly service period ending \_\_\_\_\_, 2021, the customer charge shall be \$10.00 per meter per month.

For bills rendered to commercial customers on or after \_\_\_\_ 1, 2018 through the bills for the monthly service period ending \_\_\_\_\_, 2019, the customer charge shall be \$10.00 per meter per month.

For bills rendered to commercial customers on or after \_\_\_\_ 1, 2019 through the bills for the monthly service period ending \_\_\_\_\_, 2021, the customer charge shall be \$12.00 per meter per month.
  - b. General Service Rate. In addition to the Monthly Customer Charge, the Company shall charge a base distribution rate of \$3.46 per Mcf of gas delivered to residential customers and a base distribution rate of \$3.46 per Mcf of gas delivered to commercial customers.
3. Gas Cost Recovery Rate. In addition to the rates and charges for gas distribution service set forth in Section 1.2 above, the Company shall be entitled to recover the cost of obtaining the gas it sells to its customers through a GCR rate, which shall be subject to the jurisdiction of, and regulated by, the PUCO. As provided in Ordinance No. 3147, and in accordance with the PUCO’s September 19, 2007

Opinion and Order in its Case Nos. 06-350-GA-CMR and 06-521-GA-GCR, the Company shall be authorized to include as an expected gas cost eligible for recovery through the GCR rate under Rule 4901:1-14-05, OAC, the amount of the actual, invoiced fixed charges imposed by Duke Energy Ohio in connection with the Company's use of the Duke Energy Ohio's transportation pipeline to transport gas from the Millville Station to the Company's Oxford city gate, up to a maximum of \$200,000 per year. Any such Duke Energy Ohio charges in excess of \$200,000 annually shall not be included by the Company as a cost of gas and shall not be proposed for recovery through the GCR rate. If the arrangement under which the Company transports gas from the Millville Station to the Company's city gate changes during the term of this ordinance, the Company may continue to include the amount of any actual, invoiced fixed charges or, if applicable, capital costs associated with this pipeline as an expected gas cost eligible for recovery through the GCR rate; provided, however that the amount proposed for recovery through the GCR rate shall be limited as necessary to fairly allocate the total charges or costs between the Company's GCR customers and other customers served through the pipeline on a relative throughput basis. The Company shall provide the City Manager with documentation supporting such charges or costs and the allocation methodology prior to including the cost as an expected gas cost in its GCR filings with the PUCO. The Company shall be subject to PUCO financial and management/performance audits relating to its GCR calculations and its gas procurement practices as provided in Rule 4901:1-14-07, OAC.

4. Pipeline Relocation Rider. In addition to all other rates and charges set forth in this section, all gas consumed shall be subject to a Pipeline Relocation Rider of \$0.2406 per Mcf of gas delivered to recover the actual costs incurred by the Company, including the actual carrying costs, associated with moving its natural gas pipeline to accommodate the relocation of US Rt. 27. Pursuant to Ordinance No. 3267, the Pipeline Relocation Rider was implemented effective with bills rendered on or after May 1, 2014, and said rider shall remain in effect through the bills for the monthly service period ending April 30, 2019 or until the costs are fully recovered, whichever first occurs. This Pipeline Relocation Rider shall be the exclusive mechanism for recovery of the costs associated with moving the natural gas pipeline, and the Company shall not be entitled to include said costs in the revenue requirement used to determine rates and charges in any subsequent City rate ordinance or in any proceeding before the PUCO.
5. BTU Adjustment Rider. Ordinance No. 3387 amended Ordinance No. 3298 by implementing a BTU Adjustment Rider to recognize the revenue impact of the difference between the BTU content of the gas volumes delivered to customers on and after January 1, 2015 and the BTU content of annual gas volumes used to calculate the General Service Rate for purposes of Ordinance No. 3298. The \$0.1218 per Mcf Fixed Component of the BTU Adjustment Rider was designed to recover the revenue shortfall of \$182,709 attributable to higher BTU content of the gas supplied to customers for the period January 2015 through December

2016 over a forty-eight (48) month amortization period commencing with the first bills rendered after the January 5, 2017 effective date of Ordinance 3387. In addition to all other rates and charges set forth in this section, the Company shall be entitled to continue to charge the \$0.1218 per Mcf Fixed Component of the BTU Adjustment Rider until the month following the month in which the total \$182,709 revenue shortfall has been recovered, at which time the Fixed Component shall be eliminated. The Company shall continue to provide documentation to the City Manager of the amount recovered through the Fixed Component no less frequently than once every six (6) months during the period the Fixed Component remains in effect. The Variable Component of the BTU Adjustment Rider, currently \$0.648 per MCF, which was designed to recognize, going forward, the revenue impact of the higher BTU content of the gas delivered after the effective date of Ordinance No. 3387, shall be eliminated as of the effective date of this ordinance; provided, however, that the Company shall perform a final true up to reflect the difference, plus or minus, between the estimated average monthly per-Mcf BTU value used to calculate the Variable Component then in effect and the actual average monthly BTU/Mcf value of the gas delivered to customers over the period following the most recent six-month true up required by Ordinance No. 3387. The Company shall provide documentation supporting the calculation of the revised Variable Component to the City Manager for review and approval no later than five (5) business days before including the final revised Variable Component on the first monthly bills rendered after the effective date of this ordinance.

6. Mcf Tax Rider. In addition to all other rates and charges set forth in this section, all gas consumed shall be subject to an Mcf tax rider to provide for the recovery of the Company's excise tax liability under Section 5727.811, ORC.
7. Gross Receipts Tax Rider. In addition to all other rates and charges set forth in this section, amounts billed by the Company shall be subject to a rider at the Company's effective gross receipts tax rate to provide for the recovery of the Company's gross receipts tax liability under Section 5727.25, ORC.
8. PIPP Cost-Recovery Rider. In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover the costs associated with the PIPP program through a PIPP cost-recovery rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
9. Uncollectible Expense Rider: In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover its uncollectible expense through an uncollectible expense rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
10. Tax Change Adjustments. If, during the term of this ordinance, a governmental authority imposes a new tax, removes an existing tax, or increases or reduces the rate of an existing tax, the effect of which is to increase or reduce the annual tax



liability of the Company, the Company shall be entitled to adjust the rates authorized in this section by implementing a new rider or, if applicable, eliminating or adjusting an existing rider, calculated so as to produce the pro forma annual revenues that will reflect the increase or decrease in the Company's annual tax liability. This provision does not apply to changes in the property tax rates or liability. A rider implemented or adjusted pursuant to this provision may be rounded to nearest one-quarter (\$0.0025) cent per Mcf. The Company shall provide written notice to the City Manager of its intent to implement any such new rider or adjust or eliminate an existing rider, and of the proposed effective date of such rate change, said notice to be provided no later than thirty (30) days prior to the proposed effective date of the rate change. The written notice shall include all documentation, information, and calculations relied on by the Company to support the proposed rate change. The City shall, upon notice to the Company, be entitled to inspect any Company books or records as may be necessary to verify the accuracy of the proposed change. No rate change as described herein shall become effective until the City Manager advises the Company that the City finds the proposed rate change to be a tax-related change of the type contemplated by this provision and that the proposed rate has been properly calculated; provided, however, if the City Manager does not so inform the Company within fourteen (14) days of receipt of the written notice, the rate change shall take effect automatically as of the proposed effective date.

11. Miscellaneous Charges. In addition to all other rates and charges set forth in this section, the Company shall be entitled to impose the following charges:
  - a. Late Payment Charge. If a bill payment is not received in the Company's offices or by the Company's authorized agent within twenty-five (25) days of date of the invoice, an additional amount of one and one-half percent (1.5%) of the unpaid balance will be assessed on the customer's subsequent bill. This charge is not applicable to the unpaid account balances of a customer enrolled in PIPP or a payment plan pursuant to Rule 4901:1-18-04, OAC.
  - b. Returned Check Charge. Where the customer's financial institution returns a customer's check for insufficient funds, the Company shall assess a returned check charge of \$25.00; provided, however, that this charge will not be assessed if the customer establishes that the cause of the dishonored check was bank error.
  - c. Credit Check Processing Charge. The Company may impose a charge of \$15.00 for a credit check on an applicant for service.
  - d. Field Collection Fee. Where a Company employee is dispatched to a customer's premises to disconnect service for nonpayment, the customer may avoid disconnection by paying the full amount owed; provided, however, that the Company may assess a \$20.00 field collection charge

for accepting such payment. This charge may be assessed either at the time the delinquent amount is collected or on a subsequent bill.

- e. Reconnection Charge. Where service to a premises has been disconnected by the Company by shutting off the meter, the Company may charge and collect a reconnection charge of \$50.00 as a condition of restoring service to the premises. The reconnection charge shall apply without regard to the length of time the service was disconnected, whether the disconnection was voluntary or involuntary, or whether the customer requesting reconnection is the same customer as the customer at the time service to the premises was disconnected. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer that the \$50.00 reconnection charge will apply if service is subsequently restored. If service was disconnected as a result of unauthorized or fraudulent use by the customer, the Company may impose, in addition to the \$50.00 reconnection charge, a charge to recover any actual expense incurred by the Company as a result of such unauthorized or fraudulent use, including an estimate of the cost of gas improperly used, prior to reconnecting service.
- f. New Service Tap Charge. Applicants applying for a new tap on the Company's system shall be assessed a new service tap charge of \$950.00 for single-family residences and \$1,350.00 for multi-family and commercial premises, or the actual cost of the installing the new tap, whichever is less. The Company shall provide documentation to an applicant for a new service tap showing the actual cost of installing the new tap in as a part of, on in conjunction with, the bill on which the charge is assessed.
- g. Meter Test Fee. Upon request by a customer, the Company shall test the accuracy of the meter by removing the meter and engaging a independent outside vendor to perform the test. The Company shall assess a fee of \$75.00 for the meter test; provided, however, that this fee will not be assessed if the meter is not found to be operating within accepted tolerances (plus or minus the 3%), nor shall it be assessed for the first meter test performed in any 36-month period.
- h. Stop Payment Fee – Return of Security Deposit. Upon notification by a customer entitled to the return of all or part of a security deposit held by the Company pursuant to Rules 4901:1-17-04 through 4901:1-17-07, OAC, that the refund check has been lost or has not been received, the Company shall promptly notify its bank to stop payment on the check. If the check was lost by the customer, or was not received by the customer due to the customer's failure to notify the company of a change in the customer's mailing address, the company shall be entitled to assess a fee of \$34.50 for stopping payment on the refund check. The fee shall be

deducted from the amount of the security deposit to be returned to the customer through the replacement check. No stop payment fee shall be assessed if the check was not received by the customer due to the Company's error.

- i. Pressure Test Fee. The Company shall offer to perform the pressure test required by Rule 4901:1-13-05(A)(3)(c), OAC, as a condition of reestablishing service in instances where service has been disconnected for thirty (30) days or longer. The Company may charge and collect a fee of \$80.00 for performing such pressure test, such fee to be in addition to the \$50.00 reconnection fee authorized in Section 2.11.e of this Section. If the piping fails the pressure test, the owner of the premises shall be responsible for all necessary repairs. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer of the pressure test requirement that must be satisfied prior to reestablishing service and that, if the Company performs the pressure test, the \$80.00 pressure test fee will apply.
11. Self-Help Arrangements. Nothing contained in this ordinance shall prevent the Company from entering into self-help arrangements with customers to provide for the transportation of gas owned by the customer to the customer's premises; provided, however, that all such special contracts must be filed with and approved by the PUCO pursuant to Section 4905.31, ORC.
12. Rules and Regulations. The Company shall be subject to the PUCO's Minimum Gas Service Standards set forth in Chapter 4901:1-13, OAC. The Company's rules and regulations governing the terms and conditions of service to customers within the corporate limits of the City shall be identical to the rules and regulations set forth in the Company's tariff filed with and approved by the PUCO, and any subsequent PUCO-approved amendments thereto; provided, however, that in the event of any conflict between the Company's PUCO-approved tariff and this ordinance (including, but not limited to, conflicts in the specified rates, charges, and fees), the terms of the ordinance shall apply.
13. Notice of PUCO Filings: The Company shall serve a copy of all filings made with the PUCO upon the City Manager on the date the filing is made, including, without limitation, applications for approval of special contracts, all GCR-related filings, applications to adjust the PIPP cost-recovery rider, applications to adjust the uncollectible expense rider, applications to amend its PUCO tariff, and its annual reports to the PUCO. The Company shall provide a copy of any notice it receives from the PUCO initiating a financial and/or management/performance audit pursuant to Rule 4901:1-14-07, OAC, within three (3) business days after the notice is received.
14. Company Office and Information to be Made Available to Customers. The Company shall, by notice to the City Manager, designate a place or places within

the City where customers may play bills, submit complaints, and inspect copies of documents relating to the service provided by the Company. The place or places so designated may be changed at any time by written notice to the City Manager. The Company shall maintain copies of this ordinance, its PUCO-approved tariff, and all ORC statutes and OAC rules cited herein. Such documents shall be made available for inspection upon customer request.

15. City Access to Company Financial Information. The Company shall provide a copy of its annual financial statements to the City Manager within seven (7) days of availability. The financial statements shall include, without limitation, a balance sheet and statements of income, retained earnings, and cash flow.
16. Rates and Charges Upon Expiration of Ordinance. In the event that the City has not enacted a new ordinance to replace and supersede this ordinance upon the expiration of its term, the Company shall continue to render service to customers within the corporate limits of the City pursuant to the terms of this ordinance until a new ordinance takes effect as provided by law or until such time as the PUCO establishes rates, charges, rules and regulations pursuant to Section 4909.18, ORC, or Section 4909.39, ORC. If the Company proposes to increase in its rates and charges following the expiration of this ordinance, the Company shall so advise the City Manager in writing, and shall provide documentation supporting any such proposed increase sufficiently in advance of the expiration of this ordinance to permit the City and the Company to attempt to negotiate a mutually acceptable ordinance prior to the Company filing a 4909.18, ORC, rate increase application with the PUCO.
17. Customer Notice. The Company shall provide written notice to its customers, by bill insert or separate mailing, of the increase in rates and charges authorized by this ordinance. The Company shall submit a copy of this notice to the City Manager or the City Manager's designee for review and approval prior to distributing the notice to its customers.

SECTION 2. Repeal of Prior Ordinances. Ordinance Nos. 3298 and 3387, adopted, respectively, on January 6, 2015 and December 6, 2016, are hereby repealed and superseded by this ordinance.

SECTION 3. Company Acceptance of Ordinance. If the Company accepts this ordinance, the Company shall file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage by Council and this ordinance shall constitute a contract between the City and the Company. If the Company does not accept this ordinance, the Company shall file a complaint and appeal from this ordinance with the PUCO pursuant to Section 4909.34, ORC, within (30) days after its passage. If the Company does not file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage and does not file a complaint and appeal from this ordinance with the PUCO within (30) days after its passage by Council, the Company

shall be deemed to have accepted this ordinance and shall be bound by its terms as if it had filed a written acceptance.

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

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Mayor

ADOPTED:

ATTEST:

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CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW

**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.

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MAYOR

ADOPTED:

ATTEST:

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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**

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**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                                    |

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**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**

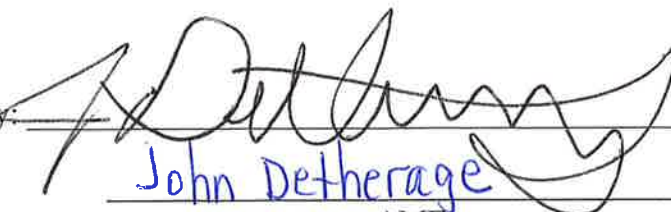
  X   Review            Revisions            Other

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



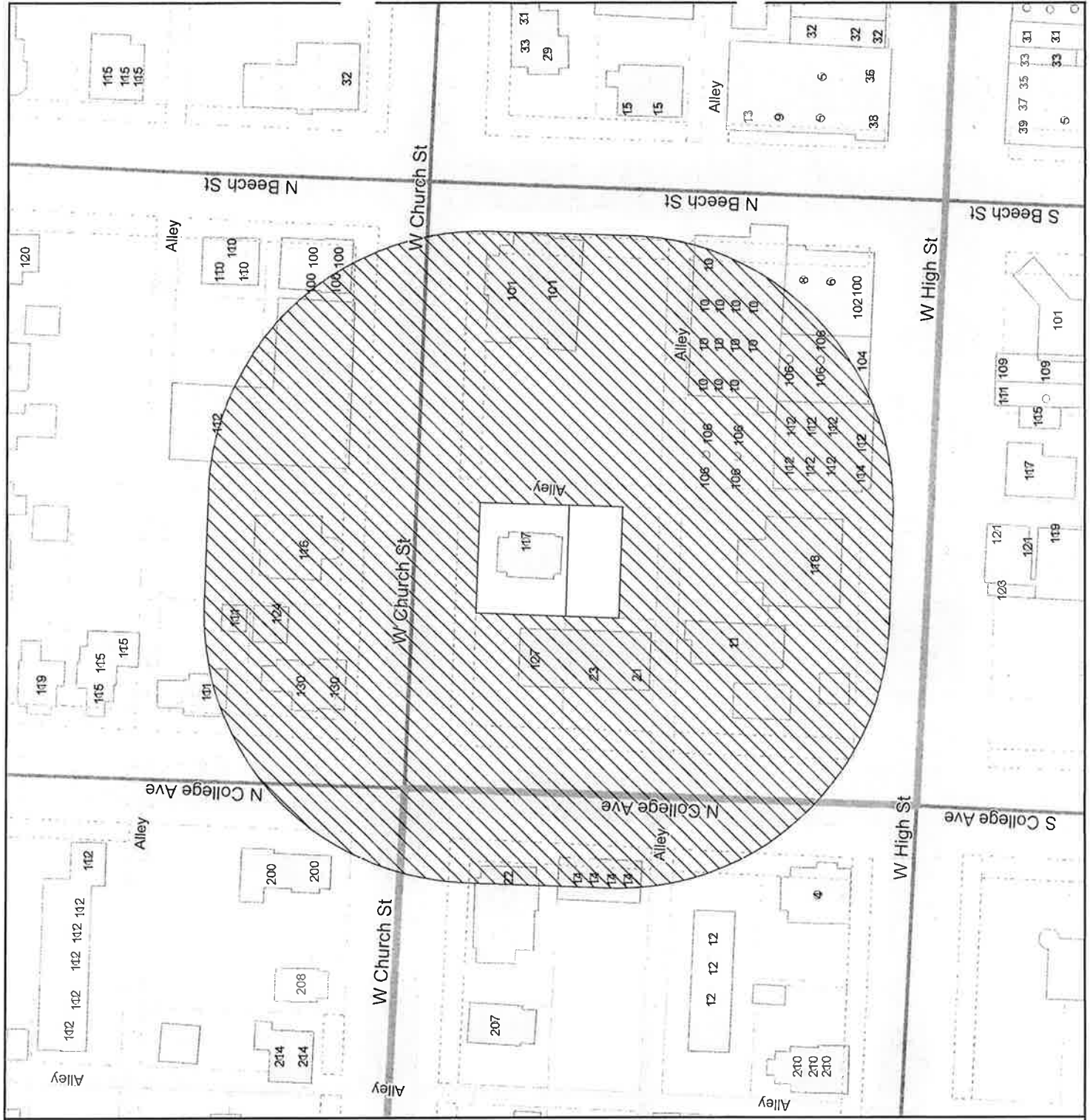
# **PC-2018-13** **Surrounding** **Property Owners** **Notifications Map**

## **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)<sup>1</sup>.

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

A. Application Fee.

B. Description of Use and Site.

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

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

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

## Fees & Receipt

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

## Sign and Date

Applicant Signature \*



Date \*

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 \*

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

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

### 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.

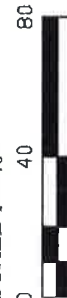
For: Winkler David & Kristine M.

Deed Bk: 8995 Pg: 1613

Address: 117 W Church Street

Date: 5/3/2018

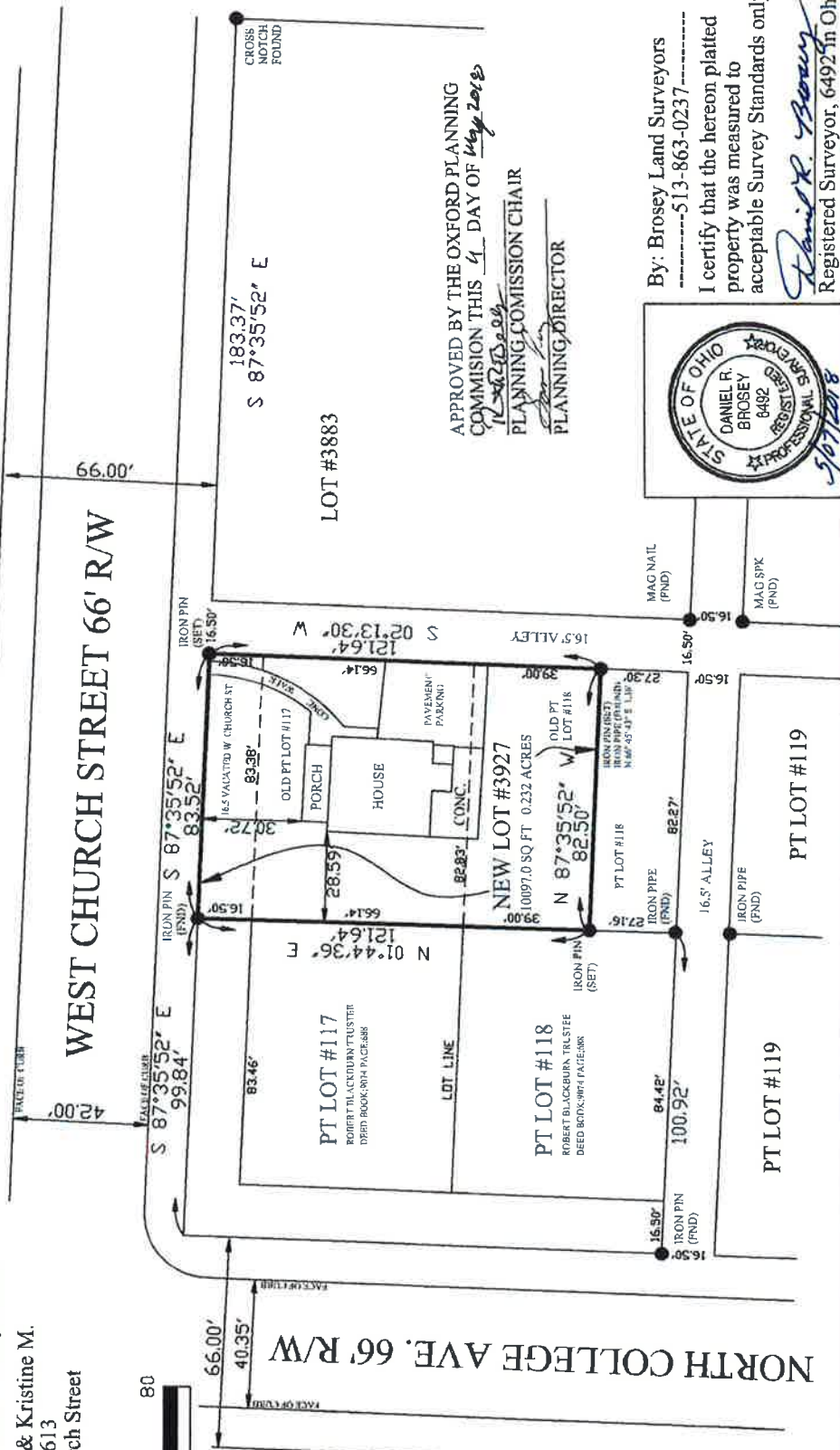
SCALE 1"=40'



## NEW LOT #3927 COVERAGES & CALCULATIONS

| CONCRETE WALKS & PAD |  | HOUSE                 |  | PAVEMENT              |  | TOTAL LOT COVERAGE                       |  |
|----------------------|--|-----------------------|--|-----------------------|--|------------------------------------------|--|
| 362.2 SQ. FT.        |  | 1255.3 SQ. FT.        |  | 1255.3 SQ. FT.        |  | 611.3 SQ. FT. CONCRETE                   |  |
| 148.1 SQ. FT.        |  | 10097.0 SQ. FT.       |  | 10097.0 SQ. FT.       |  | 1255.3 SQ. FT. PAVEMENT                  |  |
| TOTAL 510.3 SQ. FT.  |  | TOTAL 11252.3 SQ. FT. |  | TOTAL 11252.3 SQ. FT. |  | 2366.6 SQ. FT. TOTAL LOT COVERAGE        |  |
| 0.0065 X 100 = 0.65% |  | 0.1243 X 100 = 12.43% |  | 0.0817 X 100 = 8.17%  |  |                                          |  |
|                      |  |                       |  |                       |  | 0.2366 X 100 = 23.66% TOTAL LOT COVERAGE |  |

"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

**Account Code No. #:**

**Prepared By:**

**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:

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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.                                                  |

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**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:



Date:

6-11-18

PRINTED NAME



## 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.

VICTOR POPESCU  
PRINTED NAME



**Date: June 5, 2018**

**From: Community Development Department**

  X   Review             Revisions             Other

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

Drawings reviewed by:  Date: 6/18/18

John A. Jones

PRINTED NAME



# PC-2018-16 Surrounding Property Owners Notifications Map

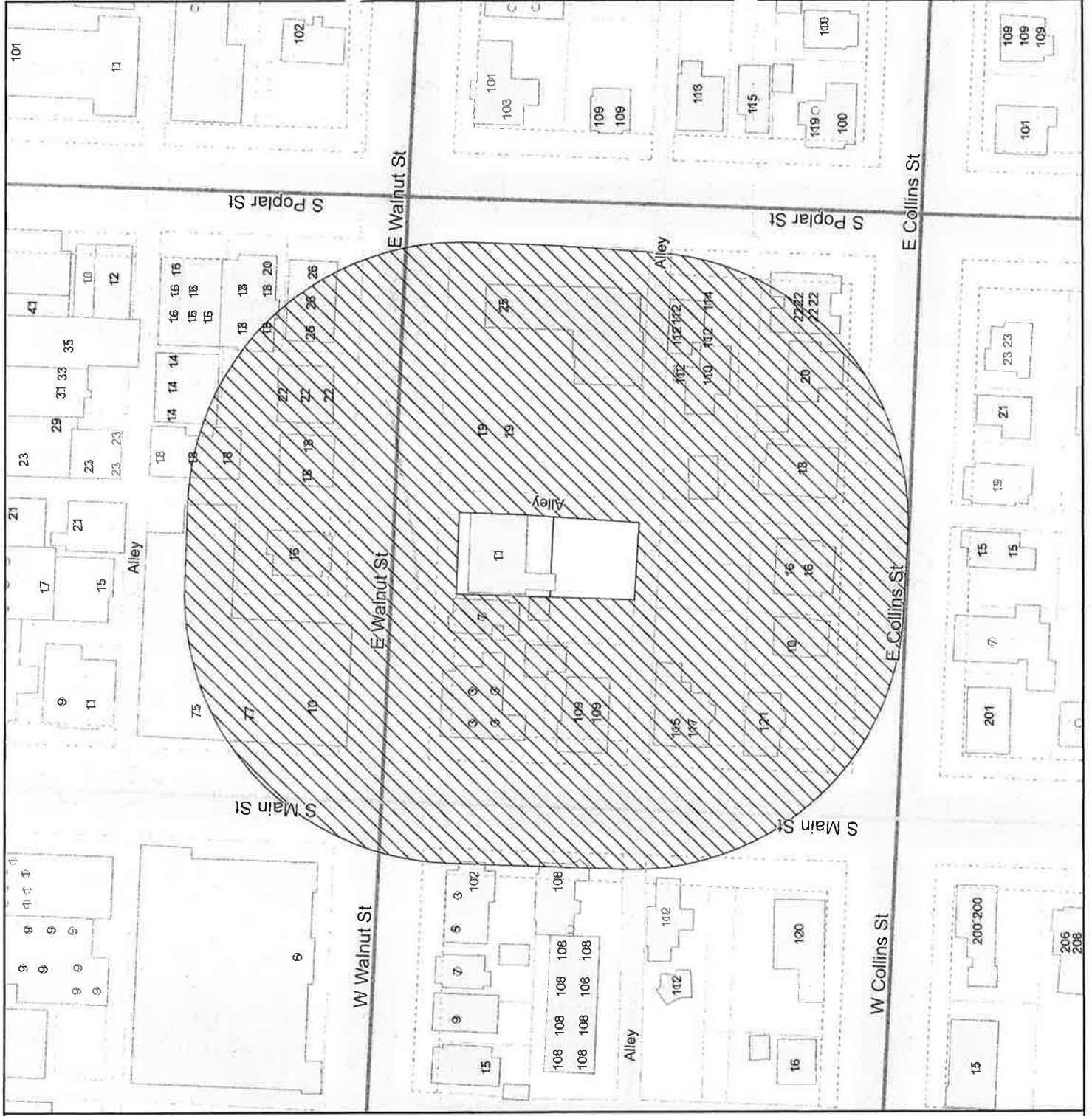
## Legend

- 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](mailto:admin@muhillel.org) \* [marcym@muhillel.org](mailto:marcym@muhillel.org) \* [www.muhillel.org](http://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)<sup>1</sup>.

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

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

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



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.**

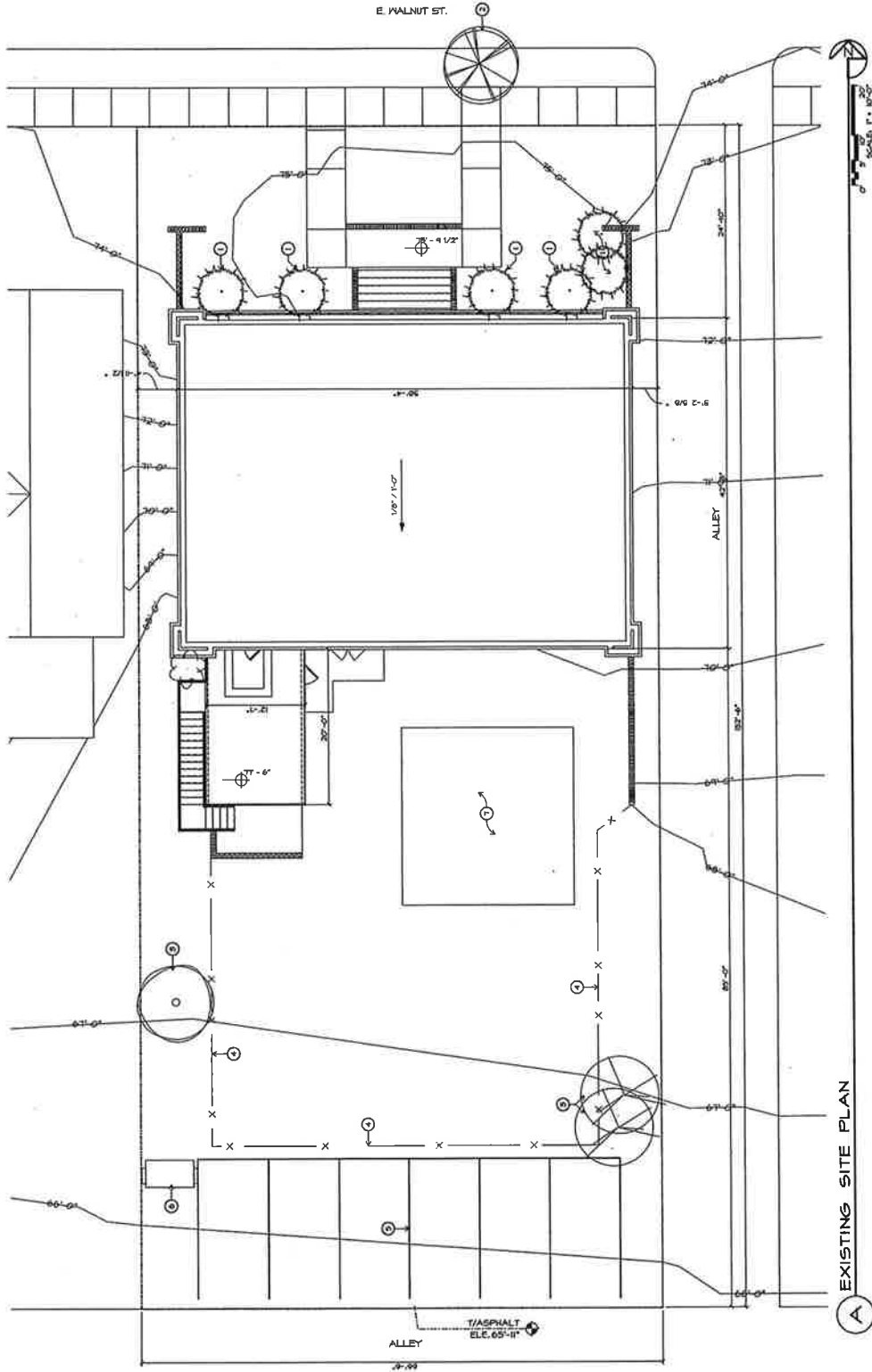
Thank you for reviewing our documents and we look forward to any commentary or questions that may arise!

Respectfully,

Craig E. Moyer  
Senior Project Manager

**SHEET NOTES:**

1. EXISTING TREES TO BE REMOVED
2. EXISTING TREES TO REMAIN
3. EXISTING TREES TO BE REMOVED
4. EXISTING TREES TO BE REMOVED
5. EXISTING PARKING STRIPES
6. EXISTING DRIVE DRIVEWAY
7. EXISTING CONCRETE PAD



EXISTING SITE PLAN

A

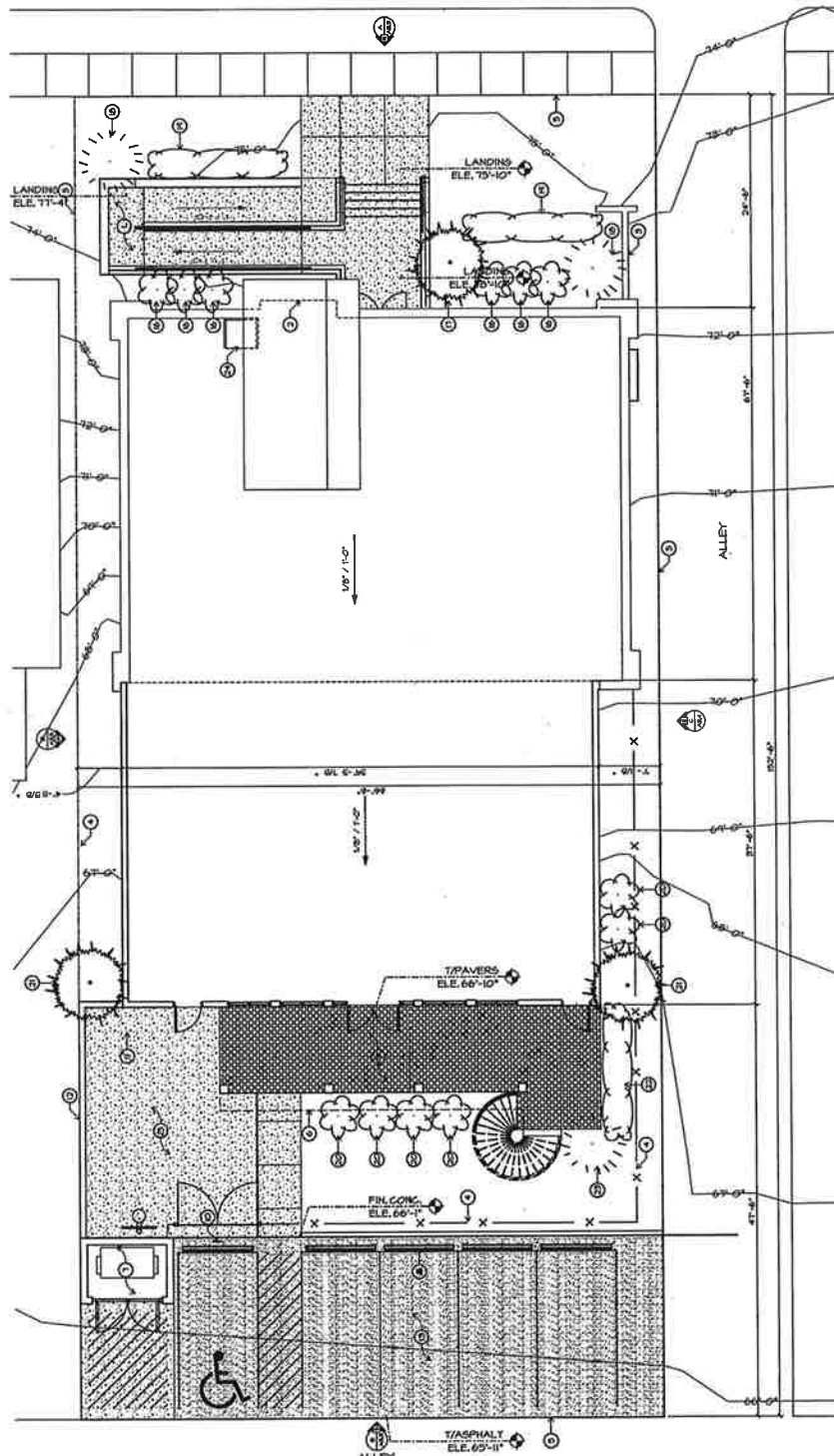
# ZONING INFORMATION TABLE

|                           | 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'-0"    | 23'-0"    | 0%                     |
| REAR YARD SETBACK         | 23'-0"    | 23'-0"    | 0%                     |
| PARKING COVERAGE          | 1,300 SF  | 1,300 SF  | 0%                     |
| HARDSCAPE COVERAGE (TOTL) | 1,207 SF  | 1,207 SF  | 0%                     |
| ADA RAMP COVERAGE         | NA        | 450 SF    | NA                     |
| WALK COVERAGE             | 447 SF    | 224 SF    | -49%                   |
| COURT COVERAGE            | 506 SF    | 474 SF    | -6%                    |
| PATIO COVERAGE            | 248 SF    | 411 SF    | 65%                    |
| ROOF COVERAGE             | 5,000 SF  | 4,111 SF  | -18%                   |
| LANDSCAPE COVERAGE        | 5,000 SF  | 2,481 SF  | -50%                   |
| BUILDING LOT COVERAGE     | 2,008 SF  | 458 SF    | -77%                   |
| TOTAL LOT AREA            | 10,141 SF | 10,141 SF | 0%                     |
| 680,255 SQUARE FOOTAGE    | 5,006 SF  | 4,112 SF  | -18%                   |

## 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 ASILE
- ADA SANGRADE
- NEW POLE-MOUNTED BASKETBALL HOOP
- LOH RETAINING WALL
- NEW ASPHALT
- NEW BRICK PAVERS
- NEW CONCRETE

- PLANE CANALS, SERIES B-107 MATURE HEIGHT
- BIRCH, SERIES B-107 MATURE HEIGHT
- HITCH HAZEL, SERIES B-107 MATURE HEIGHT
- HARDENED, SERIES B-107 MATURE HEIGHT
- FLORISSING, SERIES B-107 MATURE HEIGHT
- INTERESTING, SERIES B-107 MATURE HEIGHT
- CANADA, SERIES B-107 MATURE HEIGHT
- SHOCKER, SERIES B-107 MATURE HEIGHT
- ROOF ACCESS WITH A

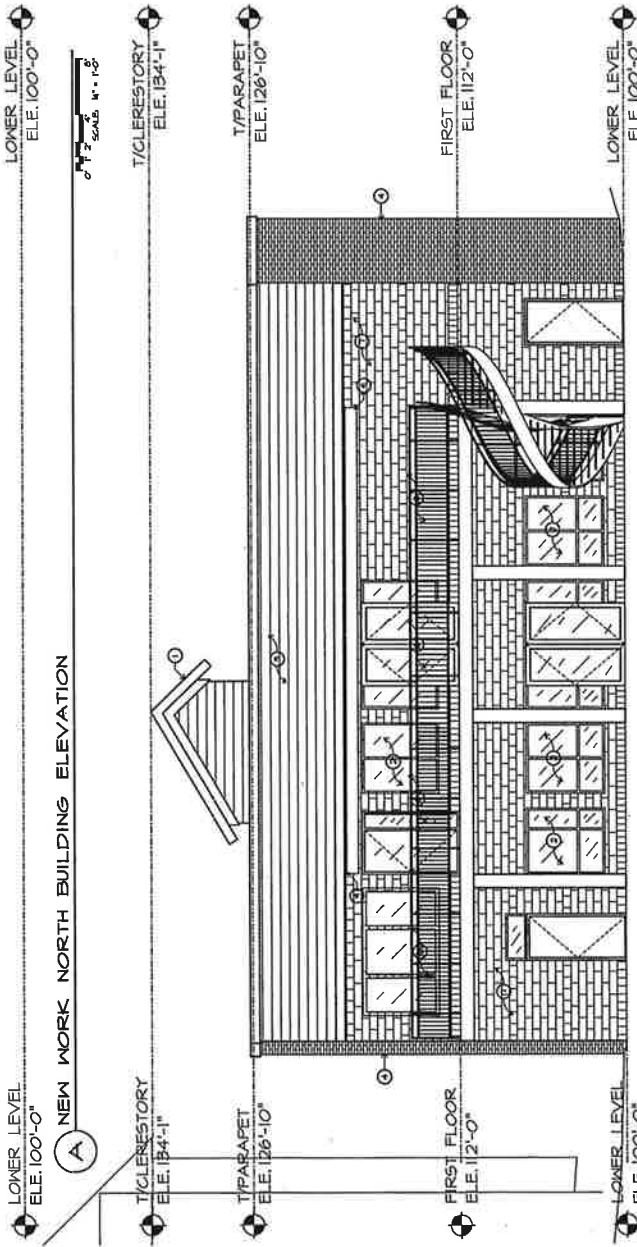
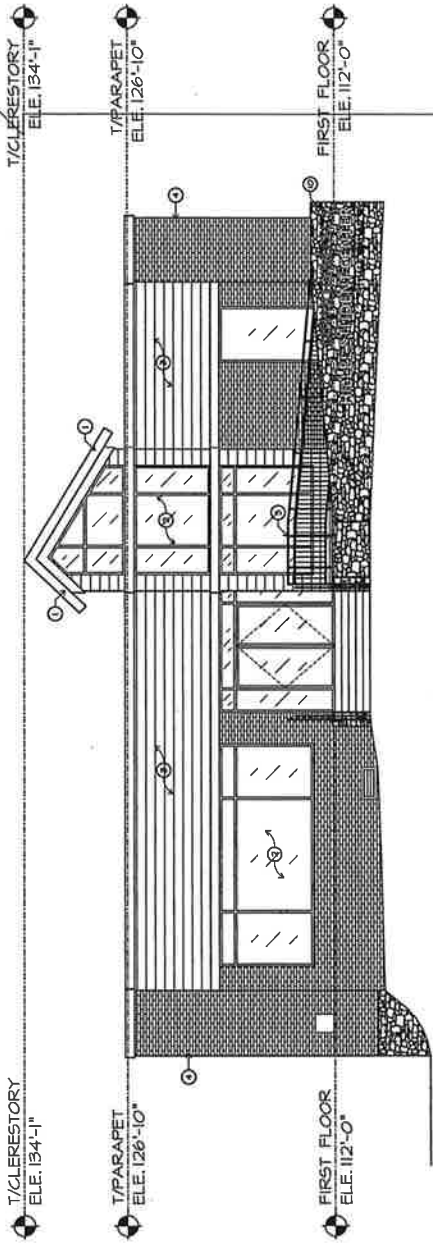


NEW WORK SITE PLAN

A

SCALE: 1" = 10'-0"

- 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. PUGH CANOPY STATION
  10. FRONT-ILLUMINATED METAL BELOW SIGNAGE



**B NEW WORK SOUTH BUILDING ELEVATION**



**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**

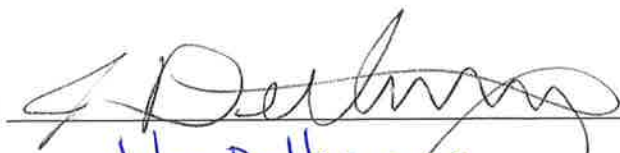
  X   Review            Revisions            Other

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

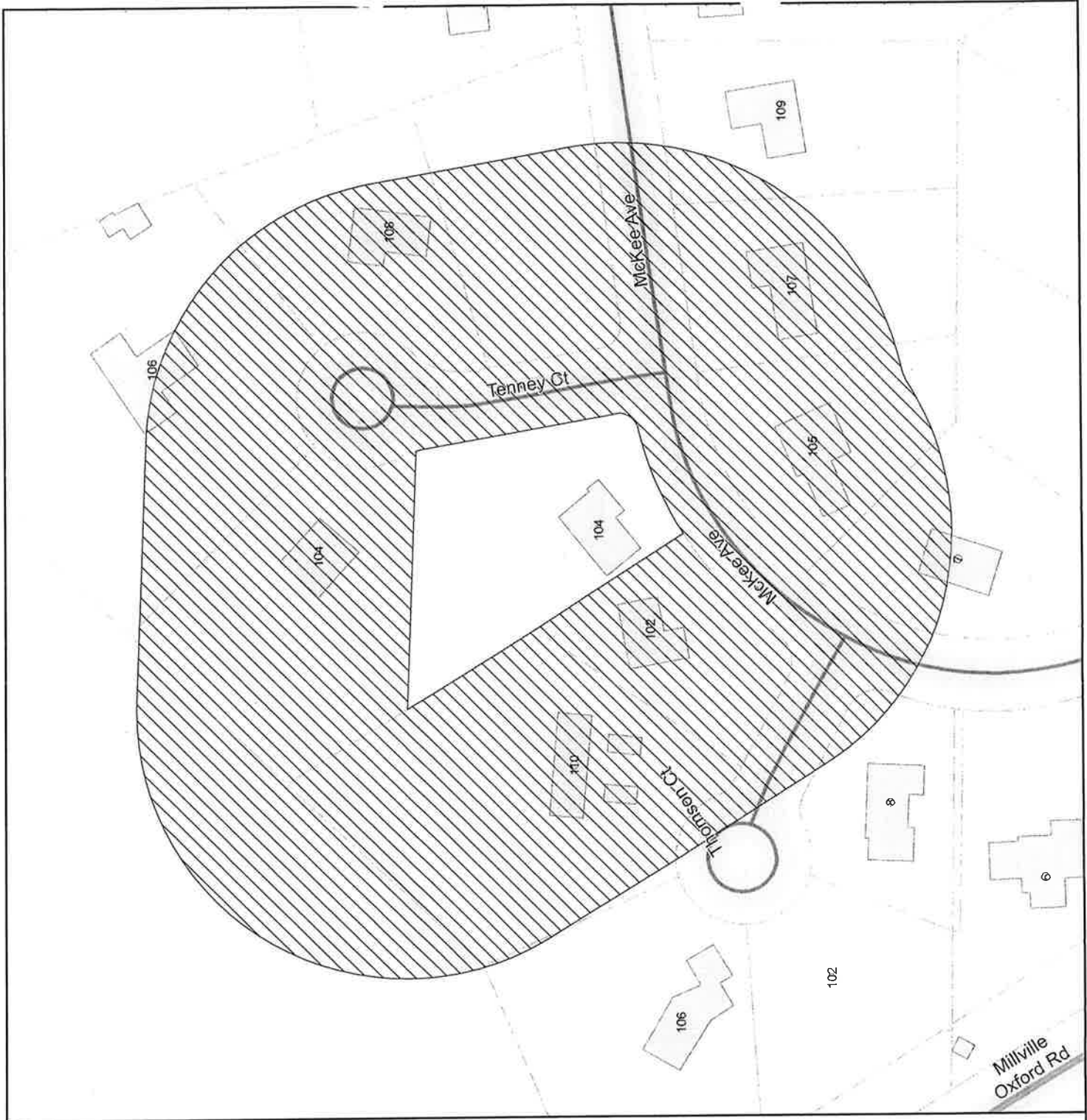
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



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)<sup>1</sup>.

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

A. Application Fee.

B. Description of Use and Site.

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

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



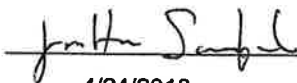
- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape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

## Fees & Receipt

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

## Sign and Date

Applicant Signature \*



Date \*

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

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

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

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.

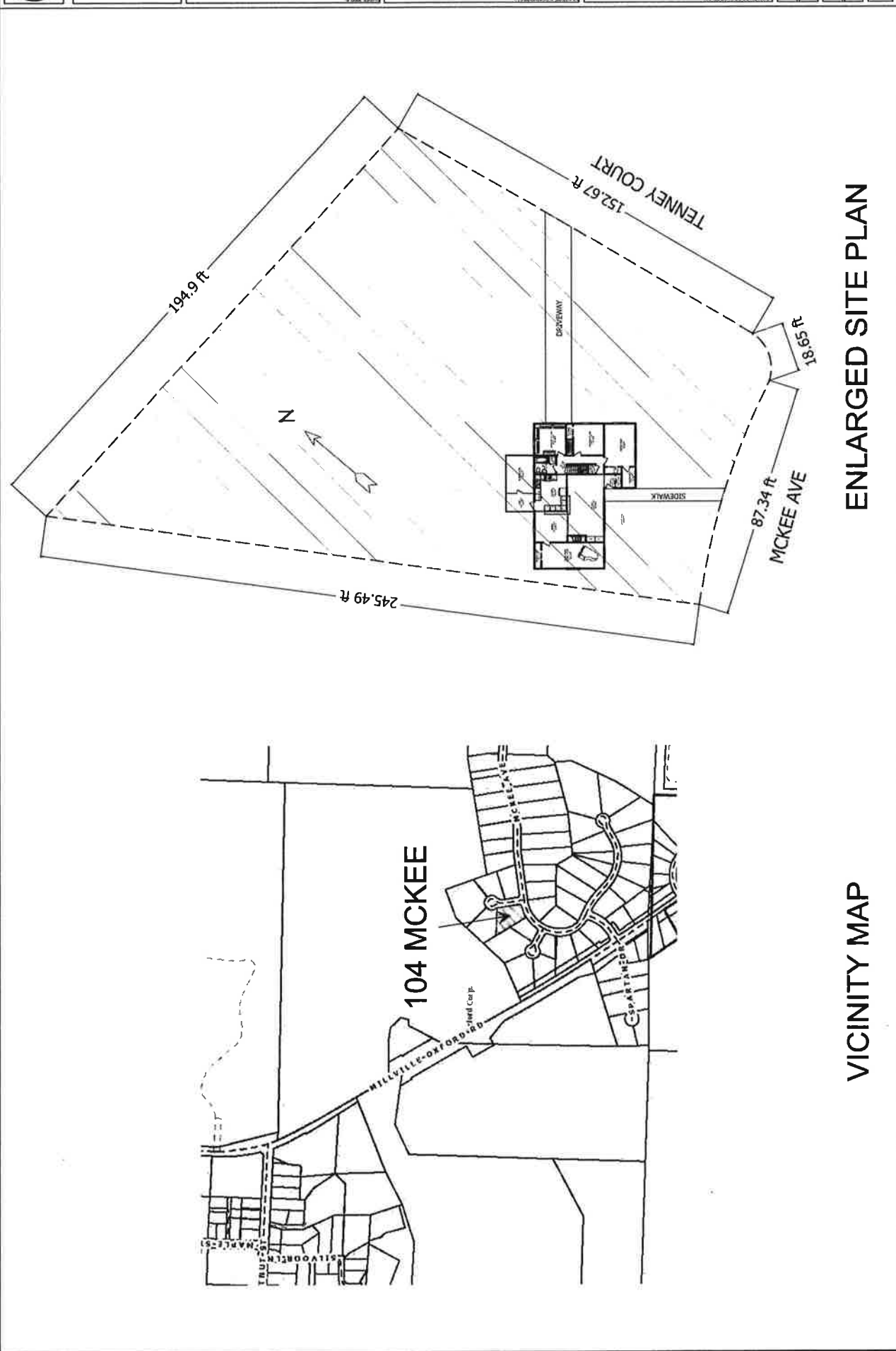
Please place this item on the June 12<sup>th</sup> Planning Commission Meeting agenda.

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

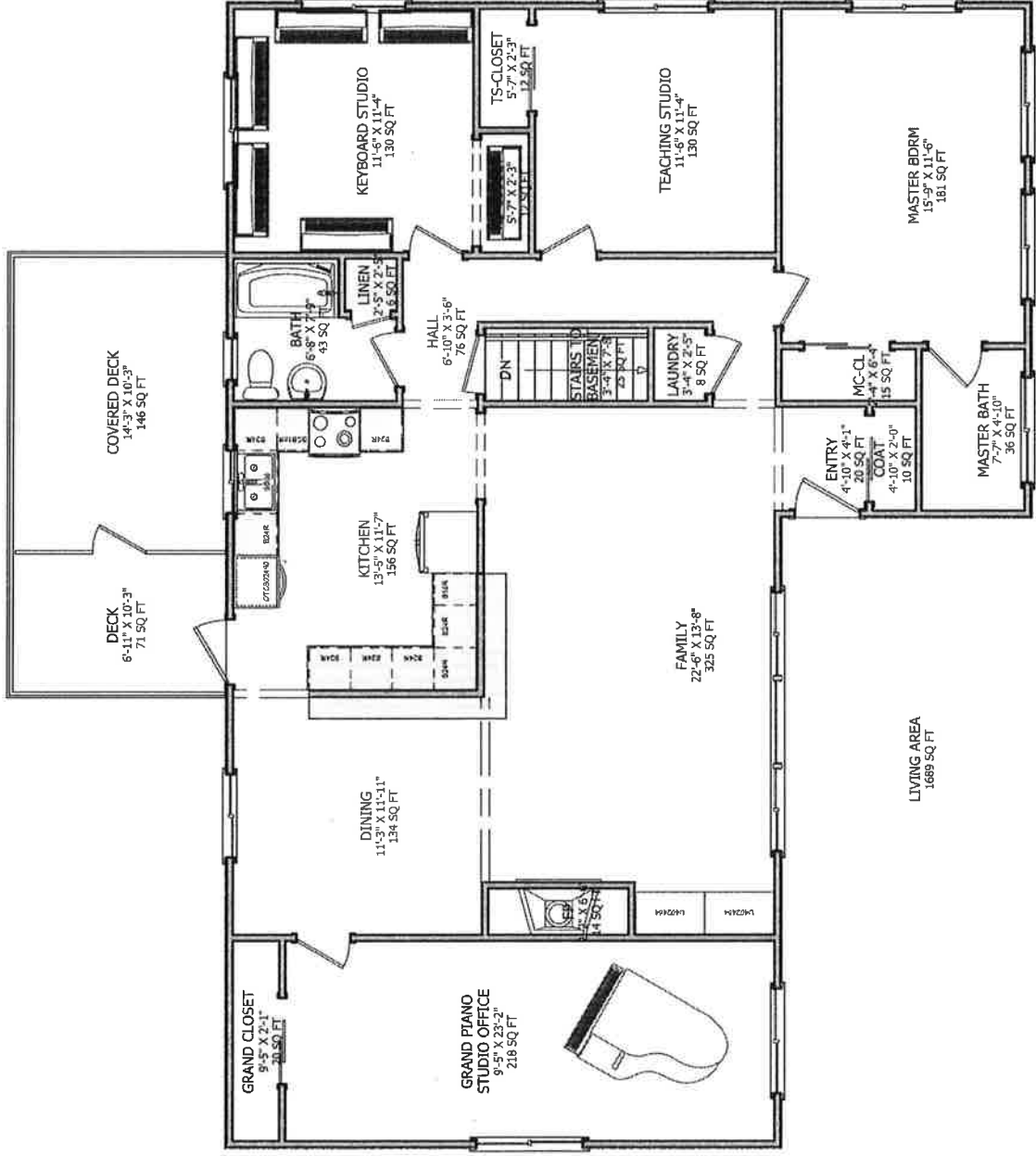




1) View of south side of house (substitution for elevation plan)

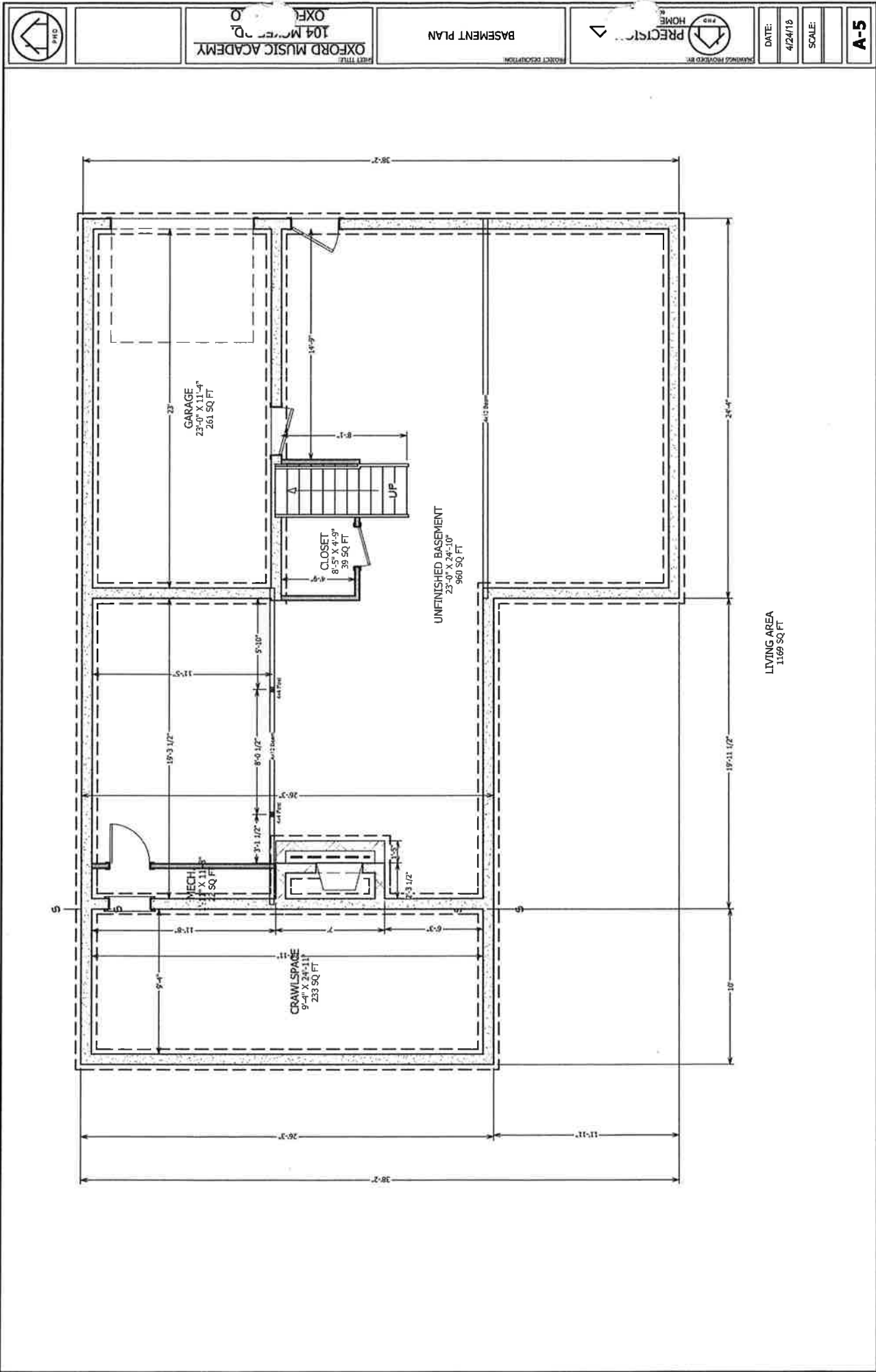


2) View from east side of house (substitution for Elevation Plan)

[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-2018-15, 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-20<sup>th</sup> 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                  |

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**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**

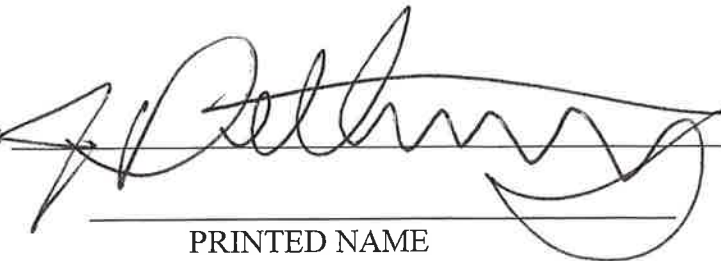
  X   Review                                 Revisions                                 Other

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

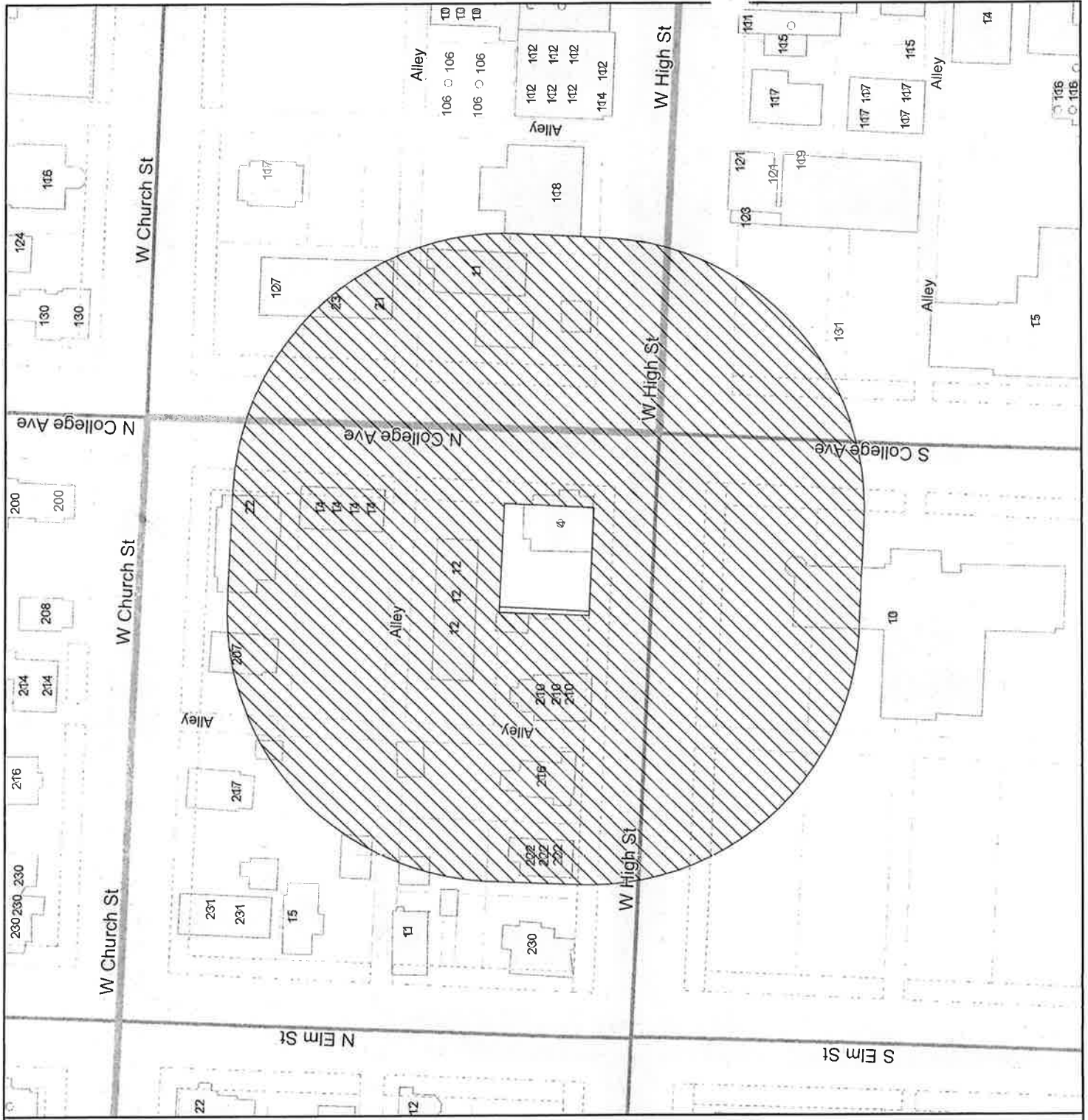
- Subject Parcels
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



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 Procedure<sup>1</sup>.

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

## Decision Process

From Section 1135.02(c)(1) Decision Standards<sup>1</sup>.

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.

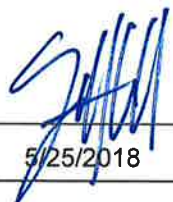
## Fees & Receipt

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).**

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

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



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](http://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)**

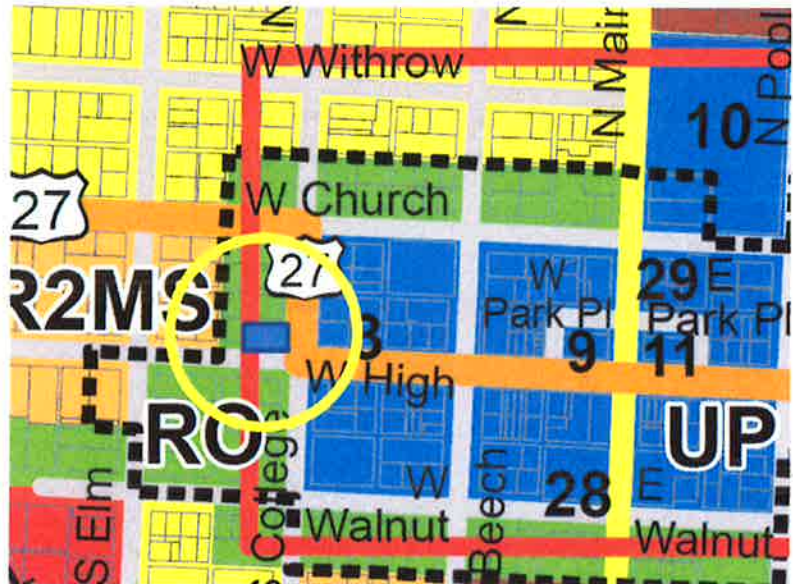
A change in the Zoning designation encourages the redevelopment of the site:

- 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 in a cursive style.

Scott Webb, Architect



# Zoning Area Map Showing Adjacent Zoning

