



Agenda

Oxford City Council

Court House

TUESDAY, SEPTEMBER 4, 2018

EXECUTIVE SESSION

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

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

REGULAR MEETING

10:00 A.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.
 - A. Presentation – Police Community Relations & Review Commission.
 - B. Presentation – Life Saving Award – Lt. Lara Fening.

C. Proclamation – “Prostate Cancer Awareness Month”.

D. Public Comments.

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

4. Consent Agenda.

A. Minutes of the August 21, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

B. Report regarding the August 14, 2018 Planning Commission Meeting. (Sam Perry, Interim Community Development Director)

5. Resolutions.

1. A Resolution accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio, and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director)

2. A Resolution authorizing the settlement of Butler County Common Pleas Case Number CV 2017 10 2234 with defendant Ella Mae Lawson, Trustee and Ella Mae Lawson individually and authorizing the City Manager to take all steps necessary to resolve this matter. (Doug Elliott, City Manager)

6. Ordinances.

A. First Reading.

1. An Ordinance Accepting The Recommendation Of The Planning Commission And Approving A Conditional Use Permit To Allow A Single Level Hotel Use Within A New Four Story Building In The UP (Uptown) District To Be Located At 22 S. Beech Street With One Condition. (Sam Perry, Interim Community Development Director)

2. An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Final Planned Development Application For Phase I Of A Planned Development At 5728 College Corner Pike To Allow A Self Storage Facility With Conditions And Phase II Use To Be Determined. (Sam Perry, Interim Community Development Director)

3. An Ordinance Granting A Zoning Map Amendment For Certain Properties In The City Of Oxford's Mile Square A Map Of Which Is Attached Hereto As Exhibit "A" And Incorporated herein, And Rezoning The Properties From GB (General Business) District To R-3MS (Single, Two And Three-Family Mile Square Residential) District. (Sam Perry, Interim Community Development Director)

4. An Ordinance Granting A Zoning Map Amendment For Certain Properties In The City Of Oxford's Mile Square A Map Of Which Is Attached Hereto As Exhibit "A" And Incorporated herein, And Rezoning The Properties From RO (Residential Office) District To R-3MS (Single, Two And Three-Family Mile Square Residential) District. (Sam Perry, Interim Community Development Director)

B. Second 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 During The Period Ending October 31, 2021, And Repealing And Superseding Ordinance Numbers 3298 And 3387, Which, Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director)

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.)

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

FRI- Sept 7 Student Community Relations Commission Meeting 3:00 p.m. LCNB

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.



AGENDA

OXFORD CITY COUNCIL

COURT HOUSE

TUESDAY, SEPTEMBER 4, 2018

EXECUTIVE SESSION 6:30 P.M.

1. Roll Call.

Kate Rousmaniere, Mayor

Steve Dana, Vice-Mayor
Glenn Ellerbe
David Prytherch

Chantel Raghu
Mike Smith
Edna Southard

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REGULAR MEETING

7:30 P.M.

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- B. Presentation – Life Saving Award – Lt. Lara Fening.
- C. Proclamation – “Prostate Cancer Awareness Month”.
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4. Consent Agenda.

All matters under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may, however, remove an item from consent by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Minutes of the August 21, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)
- B. Report regarding the August 14, 2018 Planning Commission Meeting. (Sam Perry, Interim Community Development Director)

5. Resolutions.

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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.

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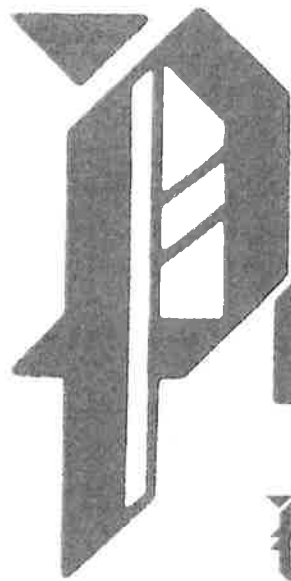
1. Remarks from City Council and City Staff.

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8. Adjourn.



Office of the Mayor

Proclamation

Whereas:

this year approximately 164,900 men will be diagnosed with prostate cancer in the United States alone – that’s one man every 3.2 minutes and roughly 29,430 will die this year from the disease – which is one man every 18 minutes; and

WHEREAS, in Ohio an estimated 5,810 new cases of prostate cancer will be diagnosed and an estimated 1,110 deaths will occur in 2018;

WHEREAS, men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

WHEREAS, prostate cancer is the most commonly diagnosed cancer in American men and the third leading cause of cancer death behind lung and colon cancer; and

WHEREAS, 1 in 9 men are diagnosed with prostate cancer in his lifetime, 1 in 6 African American men will develop prostate cancer in his lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with and 2.3 times more likely to die from prostate cancer than white men; and

WHEREAS, Veterans who have been exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

WHEREAS, education regarding prostate cancer and early detection strategies are critical to saving lives, and preserving, and protecting our families. The economic and social burden of prostate cancer is huge on families; and

WHEREAS, if detected early prostate cancer has a five-year survival rate of nearly 100%. However for late stage prostate cancer the 5-year survival rate is 29%; and

WHEREAS, all men are at risk for prostate cancer and we encourage the citizens of Oxford to increase the importance of prostate screenings.

NOW, THEREFORE, I, Kate Rousmaniere, Mayor of the City of Oxford, Ohio, do hereby recognize September 2018 as:

“PROSTATE CANCER AWARENESS MONTH”

in Oxford and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 4th day of September, 2018.

KATE ROUSMANIERE, MAYOR

A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, August 21, 2018 at 6:30 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.

ADJOURN TO EXECUTIVE SESSION

Ms. Raghu moved to adjourn to Executive Session immediately in accordance with Ohio Revised Code Section 121.22(G)(1) for the purpose of discussing the employment of a public official. Mr. Smith seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:30 p.m. Mr. Smith seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION

“WIL HAYGOOD DAY”

Mayor Rousmaniere read the Proclamation and presented it to Mr. Ted Pickerill.

Mr. Ted Pickerill, Secretary to the Board of Trustees and Executive Assistant to the President of Miami University, thanked Mayor Rousmaniere and members of Council for the Proclamation. Mr. Pickerill advised Wil Haygood was a very special person and he was deeply honored to speak to the Proclamation and the naming of a day on his behalf.

Mr. Pickerill noted Mr. Haygood was a true treasure to everyone, and advised through his works he informs us all and brings to light our history, struggles, triumph and hope. Mr. Pickerill noted Miami University was grateful for this acknowledgement and advised he hoped to see everyone on Friday at 9:00 a.m. for Convocation where Wil Haygood will speak and Mayor Rousmaniere will present the Proclamation to Mr. Haygood. Mr. Pickerill noted a reception would follow at Lewis Place and advised everyone was invited.

PRESENTATION

SOLAR POWER AND LIGHT

Mr. Brent Boyd, Chief Operating Officer of Solar Power & Light, noted it was his pleasure to be before Council this evening noting he was invited by Councilor Raghu. Mr. Boyd advised he met Ms. Raghu at Central State University several months ago where he spoke on the topic of sustainability with a focus on solar. Mr. Boyd noted his colleague Mr. Greg Acres, Director of Business Development, was also in attendance. Mr. Boyd advised Ms. Raghu asked that he share some of the message he gave at Central State University with Council and the Environmental Commission as they contemplate how the City might better embrace sustainability. Mr. Boyd advised he would share some of the frameworks being used in other Ohio cities and talk about what Solar Power & Light has done with cities to help Council gain clarity on what the opportunities are. Mr. Boyd noted Solar Power & Light had been in the Dayton area for approximately 10 years and were members of Green Energy Ohio. Mr. Boyd advised Solar Power & Light had a portfolio of companies under their roof. Mr. Boyd provided a PowerPoint and advised over a half million dollars of solar investment had been made in the State of Ohio in the last 10-15 years. Mr. Boyd noted there was almost 200 megawatts of solar installed across the state in commercial settings, public entities and residential homes with a total of almost 2500 installations. Mr. Boyd advised Ohio was ranked 29th in the country and was poised to grow in the next 5 years to almost a gigawatt of solar noting there was about 17 gigawatts of solar in the entire U.S. currently. Mr. Boyd noted solar installation is the number one job in America from a growth standpoint. Mr. Boyd advised Green Energy Ohio went on a road show earlier this year talking to Ohioans about solar and one of the clear messages that came across from citizens was that Ohio cares about their energy future particularly with regard to solar. Mr. Boyd noted another message that came from those meetings was that public policy to advance clean energy is key to its success in Ohio and other states. Mr. Boyd advised he felt Oxford was uniquely positioned to embrace solar energy noting Oxford's Environmental Commission was contemplating such investments and Southwest Ohio is the most concentrated area of the state that receives sunlight over the course of 12 months. Mr. Boyd advised solar produces more energy in this region which produces more savings for those who use it. Mr. Boyd noted helping communities go solar was Solar Power & Light's mission and the mission of Green Energy Ohio. Mr. Boyd discussed several frameworks for communities noting some were federal programs and some were more state based programs and advised in order to successfully implement solar and renewable energy, communities must have a seasoned and reliable development partner such as Solar Power & Light. Mr. Boyd noted the frameworks he discussed would assist the Environmental Commission in considering how the City might make decisions and create policy to increase the adoption of solar in the community.

Mr. Greg Acres, Director of Business Development, provided a PowerPoint and highlighted several solar installations throughout Ohio provided by Solar Power & Light. Mr. Acres also discussed funding methods utilized by school districts and other public entities that do not have the funding sources upfront to initiate a solar program in their community.

Mr. Boyd noted one funding source he felt was very appropriate for Oxford given its rural location is the USDA and advised the USDA has grant dollars for solar for rural businesses and rural farmers. Mr. Boyd noted Ohio has upwards of 20 million dollars of funding every year for such entities. Mr. Boyd advised Solar Power and Light has processed those grant applications on behalf of their clients and would be happy to assist Oxford citizens in doing that as well. Mr. Boyd noted Solar Power & Light develops, finances, construction manages and operates solar assets all over the State of Ohio.

Mr. Dana asked Mr. Boyd to address the return on solar investment. Mr. Boyd advised public entities pay no money for solar because solar is highly incentivized by federal tax credits. Mr. Boyd noted since public entities do not pay taxes it would not make sense to outlay capital to purchase solar. Mr. Boyd advised there were lease and power purchase agreement programs where a third party such as Solar Power & Light or an investor on their behalf will put the capital up to fund the construction of solar. Mr. Boyd noted savings begin immediately when solar turns on in a community with no out of pocket capital. Mr. Boyd advised private citizens that are for profit will have a return on investment ranging from 5 to 10 to 15% depending on the cost of their utility energy.

Ms. Southard advised it was surprising how few people in the Oxford community have solar panels on their homes noting that she did and they were installed in 2015. Ms. Southard noted she expected to have her investment back in 10 years. Ms. Southard advised she felt if more residents utilized solar it would be natural to use solar publically as well. Mr. Acres advised there are more and more financing programs that are making it make sense for residential users. Ms. Southard noted there were tax incentives when she had her solar panels installed and inquired if those had changed. Mr. Acres advised right now there is a 30% tax credit available through 2019 and after that it might be reduced.

Mayor Rousmaniere advised the Oxford Senior Center is in need of a new roof and asked Mr. Boyd and Mr. Acres to drive by 922 Tollgate Drive to see if they felt it was an appropriate building for solar panels. Mr. Acres advised Solar Power & Light worked closely with roofing contractors and noted solar panels help preserve the life of a roof because they take the brunt of the elements. Mr. Acres advised solar panels also keep buildings cooler on the inside which saves on the HVAC bill. Ms. Southard inquired what the lifespan of a solar panel was and Mr. Acres advised right now they were warranted for 25 years although he has seen panels still operating at 40 years old.

Mayor Rousmaniere thanked Mr. Boyd and Mr. Acres for their presentation.

PUBLIC COMMENTS

Ms. Janis Dutton, 302 W. Vine Street, noted she was in attendance as the Director of Oxford Citizens for Peace and Justice, and as a representative of Take 3 Oxford. Ms. Dutton advised Take 3 Oxford was a Facebook Group that took on the job of educating and becoming aware of plastics and trash and cleaning up areas of Oxford by reusing, recycling etc. Ms. Dutton noted in April the groups teamed up on a display at Earth Fest in the Uptown Park and circulated a citizens petition to establish a municipal curbside compost program. Ms. Dutton advised she was on the City Council that created the Environmental Commission, created the tree plan, was part of Tree City USA, and started the yard waste composting program. Ms. Dutton noted subsequently the environmental focus or vision of Oxford seemed to hit some hurdles and came to a screeching halt. Ms. Dutton thanked Council, Board and Commission members and City staff for their leadership in speeding it up again with efforts for alternate modes of transportation and clean energy. Ms. Dutton noted the citizens who signed the curbside compost petition were very enthusiastic about this possibility and about giving citizens choices with regard to clean energy. Ms. Dutton read the caption on the petition as follows: "We, the undersigned, call on our Oxford elected officials to develop policy, implementation guidelines, and funds for the establishment of a municipal curbside compost program. Curbside composting can divert food waste, compostable bioplastics, shredded paper, and other non-recyclable biodegradable items from the landfill, reducing methane emissions and generating a valuable organic soil additive that can improve the ecology of local soils. Healthy soil management prevents unnecessary use of fertilizers and pesticides, further improving the health of our public facilities for wildlife and humans alike. We encourage the City of Oxford to invest in regenerative practices that will demonstrate both ecological leadership, and sound resource management through the establishment of this program." Ms. Dutton thanked Council and submitted the petition to the Clerk.

Mr. David Brown, Butler County Auditor's Office, provided his quarterly report to Council regarding activities of the Auditor's Office. Mr. Brown discussed the problem of "skimmers" in gasoline pumps and the ways the Auditor's Office tried to mitigate those problems. Mr. Brown also discussed the issue of water inside some gasoline pumps and quality assurance measures under consideration to mitigate those problems. Mr. Brown provided Councilors with a copy of the Butler County Popular Annual Financial Report for the Year Ended 2017.

Mayor Rousmaniere thanked Mr. Brown for his report.

Mayor Rousmaniere welcomed the "Empowering Leadership" group who were in attendance as first year incoming Miami students who have spent the last 2 days in classes learning about local government leadership. Mayor Rousmaniere noted she was honored to speak to the group today and honored to have them attend tonight's Council meeting.

CONSENT AGENDA

MINUTES

Minutes of the August 7, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

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

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

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

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

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

RESOLUTIONS

RESOLUTION

NEW OVERLAY DISTRICT

A Resolution No. 7010 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)

Mr. Perry noted this was the 16th neighborhood conservation overlay district request and displayed a map showing the location of each one. Mr. Perry advised the proposed overlay contained 77 parcels and noted this was the first step in the process before it goes to the Planning Commission for a Zoning Map Amendment recommendation. Mr. Perry noted the underlying zoning stays intact and the overlay district adds additional restrictions to prevent more than 2 unrelated occupants per household. Mr. Perry advised if Council approves the proposed Resolution a zoning map amendment request will be forwarded by staff to the Planning Commission.

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

Mr. Prytherch noted this was a citizen driven request and thanked staff for helping the residents with the process.

Mr. Smith noted it was not a small task to obtain signatures from 77 parcel owners and thanked the citizens for their efforts as well.

Mr. Dana moved to adopt Resolution No. 7010. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
GRANT APPLICATION

A Resolution No. 7011 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)

Mr. Dreisbach advised staff has a proposed project costing \$350,000 to bore a new tunnel under the rail crossing at Contreras Road to accommodate a 12" water main noting the current water main was 4" and was in poor condition. Mr. Dreisbach advised he believed the City could be competitive with an Ohio Public Works Commission grant which would pay for 79% of the project which would leave 21% to be funded locally. Mr. Dreisbach noted per Council rules staff needs Council's authorization to apply for the grant. Mr. Dreisbach advised if the City was successful with the grant this project would be constructed in the summer of 2020.

Mr. Dana inquired if the existing water main was in danger of not functioning properly. Mr. Dreisbach advised there was a significant water main break there in January and noted it was a challenge to fix, and a challenge abutting the railroad.

Mr. Prytherch noted City staff struggled to contain the break in January and inquired what would happen if it failed before 2020. Mr. Dreisbach advised 2 hydra stop valves were installed on each end of the railroads so a break could be isolated.

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

Mr. Dana moved to adopt Resolution No. 7011. Mr. Smith seconded. The motion passed 7-0-0.

RESOLUTION
BICYCLE AND E-SCOOTER
SHARING PERMIT PROGRAM

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)

Mr. Elliott advised Council authorized the City Manager to sign an agreement with Spin last spring. Mr. Elliott noted before the bike sharing program was implemented he received notification from Spin that they wanted to provide e-scooters as well. Mr. Elliott advised the Resolution adopted by Council did not address e-scooters. Mr. Elliott noted he shared with Spin that he wanted to initiate a permit program because the City was being approached by other companies. Mr. Elliott advised he drafted a permit program. Mr. Elliott advised he received a follow-up call from the Spin representative who indicated they were not interested in being part of a permit program. Mr. Elliott noted Council had before them a Resolution authorizing the City Manager to establish a pilot program which would be in effect until August 1, 2019.

Mr. Elliott noted this was a pilot program and some adjustments will likely need to be made because the industry is changing rapidly. Mr. Elliott advised the proposed regulations cover parking, operations, safety standards and data sharing. Mr. Elliott advised with a pilot program the City will not have to issue a RFP and solicit vendors as multiple vendors could apply for a permit. Mr. Elliott discussed the proposed regulations noting permittees shall offer a one-year low income customer plan that offers an affordable cash payment option.

Mr. Dana thanked Mr. Elliott for including a low income plan.

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

Mayor Rousmaniere noted this business was a moving target and advised Council had seen articles about e-scooters in other cities and the various problems that have occurred with them.

Mr. Prytherch inquired if the regulations were modeled after cities that were successfully managing their bike/e-scooter sharing programs. Mr. Elliott advised some were and some were struggling somewhat with their programs. Mr. Prytherch noted his hope the regulations could be flexible if vendors felt something was a deal breaker for them.

Mr. Dana moved to adopt Resolution No. 7012. Ms. Southard seconded. The motion passed 7-0-0.

ORDINANCE
FIRST READING
GLENWOOD ENERGY CHARGES

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 31, 2021, And Repealing And Superseding Ordinance Numbers 3298 And 3387, Which, Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised in December of 2016 Council acted on a request from the gas company for a rider that addressed the changes in BTUs of the gas supply in town. Mr. Dreisbach noted there were 2 parts to the gas bill, the cost of the fuel which is regulated by the Public Utilities Commission of Ohio (PUCO) and the general service rate which will be discussed this evening. Mr. Dreisbach advised the city's Public Utility Attorney, Mr. Barth Royer, was in attendance and will explain the changes being requested by Glenwood Energy.

Mr. Barth Royer, advised he was involved with the City in 2005 when Council enacted an Ordinance which substantially reduced the gas rates of the service provider, Oxford Natural Gas. Mr. Royer noted the City survived a challenge to that Ordinance at the PUCO which sustained the reduced rates and the City also secured a \$400,000 refund for monies that were unreasonably collected under their gas cost recovery mechanism for the preceding few years. Mr. Royer advised he came back in 2011 with the next rate Ordinance and worked with the City and the company to negotiate a contract and again in 2015. Mr. Royer noted the Ordinance Council was considering this evening would increase the rates that were approved in 2015.

Mr. Royer noted he trusted Council received a copy of the memorandum he sent to Mr. Elliott which addresses the underlying rationale for setting utility rates and explains why it is a good idea that Oxford continue to regulate the rates for Glenwood Energy as opposed to forcing them to go to the PUCO and have the rates set there. Mr. Royer advised he felt it saves customers money to set the rates at the local level. Mr. Royer noted after his firm's analysis they concluded the rate should increase to \$3.46 per McF which is well below what the company asked for. Mr. Royer advised the current \$3.03 rate is still below the rate that Oxford Natural Gas was charging prior to 2006. Mr. Royer noted his firm had lengthy negotiations with the gas company and he was very confident they were not going to appeal the Ordinance and he was very comfortable with the methodology used to determine the rate. Mr. Royer offered to answer any questions.

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

Mayor Rousmaniere thanked Mr. Royer for his efforts and noted the second reading of the proposed Ordinance would take place on September 4, 2018.

ORDINANCES **SECOND READING**

ORDINANCE **CONDITIONAL USE PERMIT**

An Ordinance No. 3480 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 advised there were no changes to the proposed Ordinance and noted he collected some additional information as requested at the first reading and sent it to Council today. Mr. Perry noted the primary purpose for the Conditional Use request was to preserve the building and find a use for it that would generate some revenue. Mr. Perry advised the recommendation from the Planning Commission was to approve the lodging service waiving the requirement for an on site meal and waiving the requirement for on-site management. Mr. Perry noted the building was built in 1911 and was located directly north of the Courthouse on Church Street. Mr. Perry displayed slides of the building and of the lot consolidation which was part of the standard requirement.

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

Mayor Rousmaniere advised she liked the proposed project although some Councilors were worried about setting a precedent. Mayor Rousmaniere noted the zoning code does not require a meal to be served at a Bed and Breakfast. Mayor Rousmaniere advised a conditional use does not necessarily create a precedent and noted although it would be difficult to deny a similar request Council could not be arbitrary, capricious or unreasonable in denying a similar project that had similar conditions. Mayor Rousmaniere advised the conditions on this project that were important to her were the location, the minimum stay (2 nights for the entire house) and the age requirement (25 years of age). Mr. Perry noted those were self imposed conditions. Mayor Rousmaniere advised the conditions allowed her to vote for the project without feeling like she was opening a door for a lot of other lodging services in different situations.

Mr. Perry noted each conditional use is evaluated on its own merits which is how the Planning Commission makes their recommendations to Council.

Mr. Ellerbe noted the Planning Commission was working on transient housing language and inquired if the property in question would be subject to that Ordinance once passed and Mr. Perry advised no. Mr. Ellerbe noted he felt this request was not necessarily a Bed and Breakfast or a Hotel and it will not apply to the transient housing Ordinance that will eventually come forward. Mr. Ellerbe advised he felt that was extremely advantageous to this business owner and he wanted to ensure once the transient housing Ordinance is passed that they also participate. Mr. Ellerbe noted he wanted to add a condition to the proposed Ordinance as follows: "If there is a transient lodging Ordinance that passes this becomes subject to it". Mr. Perry suggested adding a condition that it has to be inspected the same as a licensed rental property.

Mr. Prytherch inquired if the anticipated Ordinance allows stand alone rentals where there is no owner occupancy. Mr. Perry advised it has not been presented but yes. Mr. Prytherch noted he felt Council was functionally redefining what a bed and breakfast is through taking away conditions that define a bed and breakfast. Mr. Prytherch advised he felt Council was creating a new class that someone could perceive as a pathway to do this. Mr. Prytherch noted the idea of the stand alone Airbnb was a primary concern that drove those conversations that a house in a neighborhood becomes a hotel that no one lives in. Mr. Prytherch advised he was glad that this has come forward through the conditional use process and noted he felt the conditional use was a great way to handle this request. Mr. Prytherch advised he was happy to approve this on the assumption that something will come forward to Council whether it is an amended definition of a bed and breakfast or a solution to a stand alone Airbnb.

Mr. Ellerbe reiterated his concern that the property in question will not participate in permits or taxes when rental properties and hotels have to do that. Mr. Ellerbe noted if there was an Ordinance that defines transient lodging and this is outside of that, that this should participate in that once the Ordinance comes on line. Mr. Perry advised this was a land use issue and taxation would not be addressed in the pending legislation for transient lodging. Mr. Perry noted the applicant applied for this conditional use under the current code and for staff to enforce a requirement that was not in place at the time would be problematic. Mr. McHugh advised until Council approves the new code they can not say this is going to apply and by law the applicant is allowed to apply under the current code. Mr. Ellerbe noted he likes what the applicant was proposing, he likes that they are preserving a historical building, and that they are going to have the best use for the property but noted they are coming ahead of the City addressing this kind of land use. Mr. Ellerbe advised in the best case scenario Council could table this, pass the transient lodging Ordinance and then bring this request back.

Mr. Prytherch inquired what the timeline was for the new language and Mr. Perry advised it could be months. Mr. McHugh reminded everyone the applicant applied under the current code and they have the right to be heard under the existing code.

Ms. Raghu inquired what website the applicant would use to market the proposed lodging house.

Ms. Kristine Winkler, advised they looked at Airbnb, VRBO and they also talked to a web designer about creating a website.

Ms. Raghu inquired how long the applicants looked for a business to occupy the building. Ms. Winkler noted she had not been looking for a business to rent the house. Ms. Raghu advised she hears of businesses that want to come to Oxford but they can not find places to rent.

Mr. Prytherch moved to add another condition as follows "The property shall be subject to the same inspection requirements as rental properties". Ms. Southard seconded. The motion passed 6-1-0 with Ms. Raghu voting nay.

Ms. Raghu noted she did not understand why Council felt it was ok to allow this property to be something other than what it should be.

Mr. David Winkler, advised the property was a student rental for 15 years. Mr. Winkler noted renting to a business would generate one third to one forth of the revenue that a student rental would. Mr. Winkler advised his next option would be to go to student rental to get a return on the property.

Mr. Smith noted the property was a house and it was not laid out to be a business.

Ms. Raghu noted Council would not want this use in a cul-de-sac and inquired why it was ok in this neighborhood. Mr. Prytherch advised it was context, the circulation and mixture of uses in the Uptown District and the fact it is a historical house.

Mayor Rousmaniere advised there was a need in town for non-student housing for families and adults.

Mr. Prytherch moved to add another condition as follows: "The primary renter shall be not less than 25 years of age. Mr. Smith seconded. The motion passed 5-2-0 with Mr. Ellerbe and Ms. Raghu voting nay.

Ms. Raghu advised she lived on Locust Street and was flanked by students which she did not mind. Ms. Raghu noted in her opinion a non owner occupied Airbnb was below student housing because there would be times when people are not there in the middle of the week and long periods of time when it is going to be empty noting the City was already having problems with trespassing. Ms. Raghu advised there were a lot of reasons why owner occupied housing is more desirable for a neighborhood.

Mr. Smith noted Mr. and Mrs. Winkler have owned the property for a long time and they have done a great job of maintaining it. Mr. Smith advised the owners spent a lot of money fixing the porch and the porch columns and noted this was not a cheap house to maintain noting its appearance is going to directly affect the ability to attract renters.

Ms. Southard advised she felt this was a good way to preserve the building and she was in favor of the proposal.

Mr. Ellerbe noted his concern that other individuals will try to get in under the wire, before the transient housing Ordinance is adopted.

Mayor Rousmaniere advised each conditional use stands on its own so it does not set a precedent.

Mr. Smith moved to adopt Ordinance No. 3480 as amended. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: Ms. Raghu (1)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance 3481 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 there was no additional information or changes from the applicant since the first reading of the proposed Ordinance. Mr. Perry noted this was a major addition for the Hillel Foundation which would double the square footage of the existing site and allow them to stay close to Miami University. Mr. Perry showed slides of the proposed addition and noted because of the land use and square footage involved the conditional use permit was required.

Mr. Jerry Corkin, President of the Board of Directors for Hillel at Miami University and **Ms. Marcie Miller**, Executive Director of Hillel at Miami University, thanked Council on behalf of all of Hillel's students, staff, the campus community and the Oxford community who Hillel serves noting they greatly appreciated Council's consideration of the proposed Ordinance.

Mr. Norman Butt, Architectural Group, Dayton, Ohio, advised he has taken this project very personally as a resident of Oxford for 33 years. Mr. Butt noted Hillel wants to contribute greatly to the community and they were pleased to present the project and hoped for approval of the proposed Ordinance.

Mr. Dana referred to page 88 of Council's packet and read the following: "This application represents a strong effort by Hillel to be a neighborhood and community partner in the way it grows to fit current needs" and noted he felt that summed up the proposal.

Ms. Southard noted she felt architecturally the proposal will enhance the street and the neighborhood and she felt architecturally it expresses the mission and the goals of Hillel. Ms. Southard advised the new Municipal Building was another example of the rehabilitation of a building that conveys a wonderful message architecturally of more transparency in City government and she felt the Hillel building will convey a vision that is more appropriate and more comprehensive to the organization.

Ms. Raghu inquired how long the applicants looked for a business to occupy the building. Ms. Winkler noted she had not been looking for a business to rent the house. Ms. Raghu advised she hears of businesses that want to come to Oxford but they can not find places to rent.

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Mayor Rousmaniere advised there was a need in town for non-student housing for families and adults.

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Mr. Smith noted Mr. and Mrs. Winkler have owned the property for a long time and they have done a great job of maintaining it. Mr. Smith advised the owners spent a lot of money fixing the porch and the porch columns and noted this was not a cheap house to maintain noting its appearance is going to directly affect the ability to attract renters.

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Mr. Ellerbe noted his concern that other individuals will try to get in under the wire, before the transient housing Ordinance is adopted.

Mayor Rousmaniere advised each conditional use stands on its own so it does not set a precedent.

Mr. Smith moved to adopt Ordinance No. 3480 as amended. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: Ms. Raghu (1)

ABS: None (0)

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance 3481 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 there was no additional information or changes from the applicant since the first reading of the proposed Ordinance. Mr. Perry noted this was a major addition for the Hillel Foundation which would double the square footage of the existing site and allow them to stay close to Miami University. Mr. Perry showed slides of the proposed addition and noted because of the land use and square footage involved the conditional use permit was required.

Mr. Jerry Corkin, President of the Board of Directors for Hillel at Miami University and **Ms. Marcie Miller**, Executive Director of Hillel at Miami University, thanked Council on behalf of all of Hillel's students, staff, the campus community and the Oxford community who Hillel serves noting they greatly appreciated Council's consideration of the proposed Ordinance.

Mr. Norman Butt, Architectural Group, Dayton, Ohio, advised he has taken this project very personally as a resident of Oxford for 33 years. Mr. Butt noted Hillel wants to contribute greatly to the community and they were pleased to present the project and hoped for approval of the proposed Ordinance.

Mr. Dana referred to page 88 of Council's packet and read the following: "This application represents a strong effort by Hillel to be a neighborhood and community partner in the way it grows to fit current needs" and noted he felt that summed up the proposal.

Ms. Southard noted she felt architecturally the proposal will enhance the street and the neighborhood and she felt architecturally it expresses the mission and the goals of Hillel. Ms. Southard advised the new Municipal Building was another example of the rehabilitation of a building that conveys a wonderful message architecturally of more transparency in City government and she felt the Hillel building will convey a vision that is more appropriate and more comprehensive to the organization.

Mr. Prytherch thanked the Hillel Foundation noting when anyone decides to work through the complications of redeveloping within the urban core rather than going to the fringe he was happy Council could provide the flexibility under the right circumstances to do so.

Mr. Dana moved to adopt Ordinance No. 3481. Ms. Southard 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
CONDITIONAL USE PERMIT

An Ordinance No. 3482 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 the proposed Ordinance would allow the Oxford Music Academy to continue operating at 104 McKee Avenue. Mr. Perry noted the Planning Commission recommended approval with 2 conditions. Mr. Perry advised Council requested additional information during the first reading of the proposed Ordinance which he and staff members have provided to Council. Mr. Perry noted the conditional use permit mitigates any potential adverse impacts of a particular use. Mr. Perry advised the conditions recommended by the Planning Commission were no customer parking on McKee Avenue and that not more than 2 non-resident instructors are permitted at any one time on the property.

Mr. Jon Sanford, Applicant, advised he provided Councilors with additional documentation last week and noted after the proposed reduction in activities at the Oxford Music Academy are fully in place he felt the schedule and the traffic will be comparable to other independent music teachers all across the country. Mr. Sanford advised he provided music lessons and noted there has been a history for hundreds of years of music lessons being taught in the home. Mr. Sanford noted restricting the music teachers to what is allowed under a "Home Occupation" in the Oxford Zoning Code would make it impossible to make a living in the profession. Mr. Sanford advised he provided Council with his personal schedule from the fall of 2016 which was shortly after moving to the neighborhood, from the spring of 2018, when the initial complaint was made, and the current schedule for the fall semester. Mr. Sanford discussed other schedules and charts he provided to Council. Mr. Sanford noted parents have agreed in any way necessary to cooperate so the opportunities for their children are not taken away.

Mayor Rousmaniere inquired if the reductions of Mr. Sanford's teaching course allows him to operate as a Home Occupation. Mr. Prytherch noted even with the reductions the schedule was over the limits of Home Occupation.

Mr. Prytherch inquired if Mr. Sanford intended to remain the occupant of the home and Mr. Sanford advised yes.

Mr. Russ Jones, 106 Tenney Court, noted his ultimate concern along with other neighbors was that the business had the opportunity to operate up to 30 hours per week and there was potential for more growth and he did not see anything to cap it.

Brenda Dornbusch, 10 Peabody Drive, inquired if Council passed the Ordinance and gave Mr. Sanford permission to operate as a school would the neighbors have the opportunity to come back to City Council or the Police Division if the neighbors still had concerns. Ms. Dornbusch inquired if it is a school have Councilors talked to the Fire Chief about the regulations that might be required in the building if it is operating as a school.

Mr. Lee Fisher, 88 White Tail Run, advised he has listened to Mr. Sanford's response twice and noted it was obvious he was blindsided by this problem. Mr. Fisher noted he felt Mr. Sanford had been extremely professional and Council was charged with determining whether Mr. Sanford has made reasonable accommodations for the things the Planning Commission and Council has asked. Mr. Fisher asked Council to reflect on what Mr. Sanford has said and answer the question of whether he has made reasonable accommodations for Council and for the neighbors.

Ms. Gretchen Jones, 112 Lantern Ridge Drive, noted she was a parent of 3 of Mr. Sanford's students and advised she found it very challenging to listen to the neighbors not being very helpful as a community. Ms. Jones noted Mr. Sanford has bent over backwards and the parents were doing everything possible to make this be a school, a place their children can come and learn music. Ms. Jones advised the parents were doing everything they could to maintain this school at this location and what they could to be helpful and good neighbors. Ms. Jones noted she sees cars speeding on McKee Avenue all the time that have nothing to do with the music school and she feels a lot of the complaints should not be addressed at Mr. Sanford's expense. Ms. Jones advised she felt if Mr. Sanford has to close his doors he will leave Oxford and the parents will be without a wonderful piano instructor.

Mayor Rousmaniere referred to the comments from Ms. Dornbusch and inquired what the recourse was for neighbors if the Ordinance passed and there were still concerns. Mr. McHugh advised they could make complaints to the Police Division for speeding and parking issues and to the Community Development Department if it was a matter involving the conditional use permit. Mayor Rousmaniere read from a memo from Mr. McHugh "Any changes in the Conditional Use shall constitute a zoning code violation, revocation can occur when the conditions of approval are not met or maintained, the property ceases to be operational, or the continuance of the conditional use would pose a substantial risk to the public health, safety or welfare." Mayor Rousmaniere inquired who would monitor the conditions of the conditional use. Mr. Perry advised an investigation would be done by the Community Development Department if any complaints were received. Mayor Rousmaniere inquired if the Music Academy was considered a school and Mr. Perry advised no, not under the Building Code.

Mayor Rousmaniere noted her concern was the question of having this business in a residential district.

Mayor Rousmaniere read the definition for the R1A District noting it is intended to provide areas for low density single family residential development generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City. Mayor Rousmaniere advised the conditional use process allows Council to make exceptions although there was a very strong burden of proof. Mayor Rousmaniere noted she was still concerned about parking and enforcement of parking.

Mr. Ellerbe and Mr. Dana both noted they drove through the neighborhood and did not see any traffic or parking issues.

Ms. Kristina Fitzpatrick, 5857 Hester Road, advised she had been a resident of Oxford for 4 years. Ms. Fitzpatrick noted she had a hard time understanding how this will not set a precedent. Ms. Fitzpatrick advised her neighborhood had Residential Permitted Parking and people park in her permitted parking spot. Ms. Fitzpatrick noted a lot of people can not park in front of their homes because the road was public right-of-way and anyone can park there.

Mr. Herman Dornbusch, 10 Peabody Drive, advised if Councilor's drove through the neighborhood it might have been when classes were not in session. Mr. Dornbusch noted he has lived in the neighborhood the same amount of time as Mr. Sanford has. Mr. Dornbusch applauded Mr. Sanford's efforts to curtail his business and advised he sees no way to control it. Mr. Dornbusch noted Council can not disregard the 22 residents who signed a petition for relocating the music school since it can not operate as a Home Occupation.

Ms. Anita Jones, 106 Tenney Court, noted on the petition were 4 to 5 families that have been in the neighborhood over 40 years and they noticed a significant change and that was why the concerns have been raised.

Mr. Jon Sanford, noted the neighbors have not seen what the scope of the music school will be after the reductions are made.

Mr. Smith advised he was concerned that the conditions can not be enforced very easily and noted he was worried about the 40 year residents and what effect the music school could have on property values in this area.

Ms. Southard noted she felt it was wonderful that Mr. Sanford is running such a good business and that he was such a fine piano teacher and advised she was sure he would be successful anywhere he goes.

Mr. Dana cited what Mr. Elliott sent to Council "It would require additional policing by parking enforcement and I'm not sure they would be able to differentiate between patron and non patron". And "In any case property owners would be assessed for the addition or repair of existing sidewalks."

Ms. Raghu noted the Planning Commission and Mr. Perry spent a lot of time on this request and a lot of concessions had been made.

Mr. Prytherch noted Council had to judge this request on its own merits noting the code potentially allows music schools including private ones.

Mr. Prytherch noted he would hate this business to go elsewhere and advised he hoped the business would grow into an Oxford location that was more suitable for Mr. Sanford.

Ms. Southard noted she thought there were other places this business could be.

Mr. Prytherch advised he did not know how the first condition "Customer parking shall not be permitted on McKee Avenue" could be enforced and he did not feel it was appropriate to move the vehicles to Tenney Court.

Mr. Prytherch moved to strike condition number 1. Customer parking shall not be permitted on McKee Avenue. Mr. Dana seconded. The motion failed 1-6-0 with Mr. Dana, Mr. Ellerbe, Ms. Raghu, Mr. Smith, Ms. Southard and Mayor Rousmaniere voting nay.

Ms. Raghu noted she felt Council was voting on someone's livelihood.

Mayor Rousmaniere advised she was voting on the zoning code not on the applicant or the residents or whether there is too much or too little traffic.

Mr. Dana moved to adopt the Ordinance. Mr. Smith seconded. The motion failed by the following roll call:

AYE: Mr. Dana, Mr. Prytherch, Ms. Raghu (3)

NAY: Mr. Smith, Ms. Southard, Mr. Ellerbe, Mayor Rousmaniere (4)

ABS: None (0)

ORDINANCE **ZONING MAP AMENDMENT**

An Ordinance No. 3481 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 advised there were no changes since the first reading of the proposed Ordinance. Mr. Perry noted the property in question (First Merchants Bank) was recently vacated and the bank moved to Stewart Square. Mr. Perry advised the request was to move the Uptown Zoning District boundary across College Avenue which is not the case right now. Mr. Perry noted changing the zoning for this parcel would change the development rights. Mr. Perry advised the Planning Commission found that the request did not comply with at least one of the decision criteria and recommended denial for this application. Mr. Perry noted the applicant was not present this evening.

Mayor Rousmaniere inquired if the building in question was in the HACP inventory and Mr. Perry advised yes.

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

Mr. Ellerbe referred to comments by Mr. Webb at the last meeting and advised he felt it would be good for the City in general if Council reviewed the Residential Office zoning and the restrictions on it so development can be encouraged around the Mile Square and prevent this type of zoning map amendment from being requested if Council wants to keep the current zoning intact.

Mr. Prytherch agreed with Mr. Ellerbe noting it was a not a herculean task to take one zoning district like the RO and consider expanding the range of potential activities that would be appropriate in the district.

Mr. Dana noted there were a number of reasons why this request should be denied including that the HAPC deemed the building to be a historic building. Mr. Dana advised the subject site was not targeted for redevelopment in the 2008 Comprehensive Plan. Mr. Dana noted he felt rezoning this parcel could ruin the streetscape and it 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. Mr. Dana advised logic does not suggest that a developer in the absence of any incentives to build anything but the most profitable housing (student housing) would do so. Mr. Dana noted very little if any specific guidance can be found for the proposed map amendment and additionally the City can not control the details of development only the development rights. Mr. Dana advised UP zoning vastly expands the kinds of development that can occur which is why middle ground zoning is needed.

Mr. Prytherch suggested in the future that Council apply the decision standards to various zoning requests for procedural reasons and to focus the conversation.

Mr. Smith moved to adopt Ordinance No. 3481. Mr. Dana seconded. The Ordinance was adopted 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 advised the Police Community Relations & Review Commission met last week and welcomed two new members. Mr. Elliott noted the commission reviewed their annual report which will be presented to Council at the next Council meeting.

Mr. Elliott updated Council on the new aquatic center and noted the Facility Naming Review Committee was seeking community input for naming ideas.

Mr. Dreisbach noted Rumpke will start special refuse collections on Thursday through Saturday.

Mr. Dreisbach advised Patterson Avenue would be open beginning tomorrow morning.

Mr. Kyger advised a new restaurant on High Street, the Rice Bowl opened this week.

Mr. Kyger updated Council and the public on the ongoing effort to try to bring the Princess Theater back to Oxford including the financing. Mr. Kyger inquired if Council would consider funding \$20,000 to \$30,000 for the design of that structure noting from that design bids for construction could be obtained. Mr. Kyger advised if the consensus of Council was in favor of funding the design, a Resolution would be placed on the next Council agenda.

Mr. Prytherch also provided background information regarding this ongoing effort and the efforts of the "Friends of the Princess Theater" group.

After discussion the majority of Council supported funding the design of a proposed theater on N. Beech Street.

Ms. Raghu thanked Council for allowing Solar Power & Light to make their presentation this evening.

Ms. Raghu advised the EPA informed her a business was opening up to do curb side composting in Hamilton County.

Mr. Ellerbe advised move-in weekend was rapidly approaching and noted his hope citizens of Oxford would be respectful to each other and try to make it as event free as possible.

Mr. Dana advised he was looking forward to the "Walk About" event and noted his hope others would join him. Mayor Rousmaniere noted the Walk About would take place on Monday, August 27 from 4-6 p.m. and 6-8 p.m.

Mr. Smith noted his hope everyone would be responsible this weekend in their alcohol consumption.

Ms. Southard advised the Oxford Community Arts Center (OCAC) will be seeking submissions for an exhibition called "Changing Climate – Changing Communities" and noted it was nice to see a community that is so engaged. Ms. Southard advised the OCAC is soliciting proposals from all artists of all types.

Ms. Southard noted she would like Council to revisit the idea of starting Council meetings earlier in the evening in consideration of staff and Council members who are here at almost 11:00 p.m. Ms. Southard noted she wanted Council to think about it and make it happen soon.

Mr. Prytherch thanked Council for considering the Princess Theater matter and noted nothing about the entire process with the Princess Theater had been simple. Mr. Prytherch encouraged those interested to visit Friends of the Princess Theater on Facebook.

Mayor Rousmaniere advised the Community Picnic was Thursday, August 30th beginning at 6:00 p.m. in the Uptown Parks.

Mayor Rousmaniere noted the convocation with Wil Haygood was Friday at 9:00 a.m. on Western Campus at the Freedom Center Memorial.

ADJOURN

Mr. Dana moved to adjourn at 10:44 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: September 4, 2018

Sam Perry

Account Code No. #:

Prepared By

Budgeted Amount:

August 30, 2018
Date Prepared

Agenda Title: Planning Commission Meeting Report- August 14, 2018

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

This case was tabled in July due to parking concerns and additional information requested. It was recommended for approval by 5-2 vote with allowance for an additional 1,250 sq ft of total floor area.

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, Teamwork Property Group, LLC, Tim Macy Applicant/Agent

This case is a self-storage development as phase 1 of a 14 acre parcel of land at the intersection of Todd Road. This was recommended for approval with several conditions by a vote of 7-0.

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, Opus Development Company, LLC, Applicant, Agent

This case involves a total of 4.77 Acres of land requested to be R3MS. The property is located along South Elm Street. The approval failed by 3-3 vote with one member recused. Therefore, the case was recommended for denial because at least one of the four decision standards was not determined.

Concept Review, Whistle Stop Property, Myefski Architects, property located between South Elm Street and the railroad, extending north from W. Spring Street up to north of W. Walnut Street, August 14, 2018

This case was not heard because of the recommendation for denial for the above case.

PC-2018-22, MAJOR OR MINOR CHANGE TO AN APPROVED PLANNED DEVELOPMENT, 801 S. Beech Street, Oxford Storage Solutions, Scott Webb, Applicant, Agent

This was a revision requested by Architect Scott Webb because of the owner's desire to have more interior accessed storage units. It was determined by the Commission that this change and the removal of the business incubator/former office building could be a minor amendment.

Approved By:

Department Head:

City Attorney:

City Manager:

A. Perry / 8-31-18
DRE / 8-31-18

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 9/04/2018

Joe Newlin

Account Code No. _____

Prepared By:

Budgeted Amount: _____

8/15/2018
Date Prepared

Agenda Title: 3.65 and 3.25 Mill Property Tax Resolution

Recommendation: Approve

Discussion:

This resolution is the annual standard resolution sent to us from the Butler County Auditor.

The purpose is to legally adopt the Oxford property tax rate for next year as approved by the Auditor's office.

Approved By:

Department Head:
City Manager:

Initial Date

DRK 8/31/18

RESOLUTION NO.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION OF BUTLER COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

WHEREAS, Council in accordance with Ohio Revised Code, and having previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2019; and

WHEREAS, The Budget Commission of Butler County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

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

SECTION 1: The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION: 2: There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation, as set forth on Schedule A attached hereto and incorporated herein by reference:

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(VILLAGE COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the CITY of **OXFORD**, Butler County, Ohio, met in

_____ session on the _____ day of _____, 20_____, at the
(regular or special)

office of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax
Budget for the next succeeding fiscal year commencing **January 1, 2019**; and

WHEREAS, the Budget Commission of Butler County, Ohio has certified its action thereon to this
Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part within the ten mill tax
limitation; therefore be it

RESOLVED, By the Council of the **CITY OF OXFORD** Butler County, Ohio, that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are
hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of
each tax necessary to be levied within and without the ten mill limitation as follows:

=====

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
			INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
GENERAL FUND	1,180,000.00		3.65	
GENERAL BOND RETIREMENT FUND				
PARK FUND		1,050,000.00		3.25
RECREATION FUND				
FIRE LEVY				
POLICE LEVY				
TOTAL	1,180,000.00	1,050,000.00	3.65	3.25

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

[illegible]

and be it further

RESOLVED, That the Clerk of this Council be, and he/she is hereby directed to certify a copy of
this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its
adoption the vote resulted as follows:

Adopted the _____ day of _____, 20____.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

=====

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Butler County, ss.

I, _____, Clerk of the Council of the Village of _____,
within and for said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and
copied from the original _____

now on file, that the foregoing has been compared by me with said original document, and that the
the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

CLERK OF COUNCIL

NOTE: A copy of this Resolution must be certified to the County Auditor before the first day of
October in each year, or at such later date as may be approved by the Board of Tax appeals.

=====

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
(VILLAGE COUNCIL)

ADOPTED _____, 20____

FILED _____, 20____

CLERK OF COUNCIL

COUNTY AUDITOR

DEPUTY AUDITOR

=====

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: September 4, 2018

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

August 30, 2018

Date Prepared

Agenda Title: A Resolution authorizing the settlement of Butler County Common Pleas Case Number CV 2017 10 2234 with defendant Ella Mae Lawson, Trustee and Ella Mae Lawson individually and authorizing the City Manager to take all steps necessary to resolve this matter.

Recommendation: Approve

Discussion:

This case involves determining the fair market value for a parcel of land which was acquired by the City to resolve a private street issue. The City acquired the land on which the private street is located. The improved street was never deeded to the City when the plat was recorded in 1968. The property owner acquired the land in 1989 at a forfeited land sale. The City offered to buy the land for \$11,250 and the owner declined the offer. Before this issue came before the Planning Commission, the City maintained this private roadway which is utilized daily by two adjoining property owners. Recently, the City approved a plat which incorporates this roadway for a thru street connecting to a new subdivision. On August 21, 2018 a settlement was reached between the City and the property owner. The settlement is contingent upon approval by City Council and it will be discussed prior to the September 4, 2018 Council Meeting in Executive Session.

Approved By:

Initial Date

Department Head:

City Manager:

DRE

8/31/18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SETTLEMENT OF BUTLER COUNTY COMMON PLEAS CASE NUMBER CV 2017 10 2234 WITH DEFENDANT ELLA MAE LAWSON, TRUSTEE AND ELLA MAE LAWSON INDIVIDUALLY AND AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO RESOLVE THIS MATTER.

WHEREAS, the City filed civil case number CV 2017 10 2234 in Butler County Common Pleas Court against Ella Mae Lawson, Trustee in order to appropriate a stub street located off County Club Drive; and

WHEREAS, the parties have reached a settlement agreement in this matter and the Law Director and the City Manager recommend City Council authorize the settlement.

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

SECTION 1: Butler County Common Pleas case number CV 2017 10 2234 is an appropriation case wherein the City sought to appropriate a stub street located off County Club Drive. The parties met on August 21, 2018 and successfully settled this matter in accordance with the terms as delineated in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 2: The City Manager and the Law Director recommend that City Council authorize settlement of this case on these terms.

SECTION 3: Council hereby accepts the recommendation of the City Manager and the Law Director and authorizes the settlement of Butler County Common Pleas case number CV 2017 10 2234 in accordance with the terms of Exhibit "A".

SECTION 4: The City Manager is hereby authorized to take all steps necessary to resolve this matter in accordance with the terms of Exhibit "A".

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

BUTLER COUNTY COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO
MEDIATION SETTLEMENT AGREEMENT

PLAINTIFF(S)

CASE NUMBER: CV 2017-10-2244CITY OF OXFORD

-v-

DATE: 8/21/18

DEFENDANT(S)

ELVA MAY LAUSON TRUSTEE
UNDER MCGUIRE FAMILY TRUST
DATED NOVEMBER 11, 2002 et al

Plaintiff(s) WILL PAY TO THE DEFENDANTS~~Will pay~~ the sum of \$ ~~_____~~As a full and final settlement of all claims arising out of the APPROPRIATION that occurred inBUTLER County, Ohio on 11/3/17~~With Defendant(s)~~

If more than one Defendant, the amount of the settlement will be paid by the Defendants in the following amounts.

Plaintiff(s) will save and hold the Defendant(s) and Insurer _____

Harmless from any and all claims of all medical providers and subrogees.

Plaintiff(s) will execute a formal release of all Defendant(s) upon payment

Plaintiff(s) will dismiss the suit with prejudice

Defendant(s) will dismiss all 'cross claims' and 'third party claims'

PLAINTIFF will pay court costs

OTHER TERMS:

THIS AGREEMENT IS SUBJECT TO THE APPROVAL
OF OXFORD CITY COUNCIL

ELLA MAY LAWSON IS ENTERING THIS AGREEMENT
INDIVIDUALLY, OWNER AND AS TRUSTEE

1. Each signatory to this settlement agreement has entered into the same freely and without duress after having consulted with professionals of his or her choice. Each party hereto has been advised by the mediator that the mediator is not the attorney for any party and that each party should have this agreement reviewed by that party's attorney prior to executing same.
2. Each party's attorney, not the mediator, is solely responsible to ensure all essential terms of the settlement are incorporated into this MEDIATION AGREEMENT.
3. This mediation agreement when signed by the parties and their attorneys is binding and cannot be revoked ~~and is a RULE 11 (FRCP) agreement~~. This agreement seriously affects your legal rights. Do not sign this agreement without the advice of your attorney. The court retains the jurisdiction to enforce the agreement.

PLAINTIFF(S)

SIGNATURE(S):

Amey Blakes - City Attorney
Douglas H. Elliott Jr City Manager

DEFENDANT(S)

SIGNATURE(S):

Ella Mae Lawson Individually
Ella Mae Lawson, Jr.
Richard L. Lawson spouse
Ella Mae Lawson

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

August 29, 2018
Date Prepared:

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

Recommendation: Approval with floor area ratio waiver as requested

Discussion:

Architect Scott Webb requested a conditional use for a hotel on the ground floor of a new mixed-use building to be located at 22 South Beech Street (current Mesler Auto). The case was tabled in July by Planning due primarily to concerns about parking supply for the hotel. The site is the northwest corner of the intersection of South Beech Street and West Walnut Street. The site is approximately 1/8 of an Uptown city block at ¼ acre or about 10,000 square feet. If a hotel was not proposed for the ground floor, a mixed-use building with vacant commercial space on the ground floor could be approved by staff. The hotel use requires the conditional use process. A majority of Planning Commission reviewed the general decision standards and found satisfactory compliance based on the information presented. The revised plan reviewed in August contained underground parking which addressed concerns of staff and a majority of the Commission. Additional concerns that were addressed related to the adjacent church. The recommendation for approval passed 5-2. Building height was discussed as a potential request for waiver but determined not necessary. The requested additional 1,250 square feet of floor area was recommended as a waiver to City Council. If approved, the applicant can submit detailed plans for building permit review by staff departments. The architectural details of the building would be reviewed by the HAPC and would not be part of Council action.

Approved By:

Department Head:
City Attorney:
City Manager:

Acting SP / *8-30-18*
DRE / *8-31-18*

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SINGLE LEVEL HOTEL USE WITHIN A NEW FOUR STORY BUILDING IN THE UP (UPTOWN) DISTRICT TO BE LOCATED AT 22 SOUTH BEECH STREET WITH ONE CONDITION.

WHEREAS, the Planning Commission held a public hearing on July 10, 2018 and on August 14, 2018 in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant, Architect, for a conditional use permit to allow a single level hotel use within a new four story building in the UP (Uptown) District to be located at 22 South Beech Street; 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 single level hotel use within a new four story building in the UP (Uptown) District to be located at 22 South Beech Street with one condition.

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

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

1. The requested additional 1,250 square feet of floor area shall be permitted.

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 *SB*
Date: 8/10/2018
Re: PC-2018-14 – Conditional Use for Hotel in portion of new mixed-use building (Tabled 7/10/2018)

Architect Scott Webb submitted revised plans to the City on August 2, 2018. I met with Scott on August 6, 2018 to review and discuss the plans. A cover letter is attached. There is now underground parking shown which should allay concerns about the impact on the existing public sidewalk and public parking. Although, no comments from any other city departments have been received at this time. Additional information about the changes is detailed in Mr. Webb's letter.

This is an application for a hotel and mixed use building on a property that contains a non-conforming use and non-contributing building. After reviewing the minutes and staff report, the Commission can re-open discussions from the July meeting to parse through what topics remain. If the Commission believes that the decision criteria can be met sufficient for a recommendation of approval to City Council, it can attach reasonable conditions. Below are some pertinent topics:

- Height:
 - The 48 foot height limit shown could be reduced to at least comply with zoning code because of the sloped site. – Or a waiver granted?
 - Impact on the neighboring historic church?
- Additional floor area ratio / waiver?
 - Based upon Ms. Blackmar's comments of a potential affordable housing unit in exchange for increased FAR, staff has had some internal discussions, but no recommendations at this time.
- Historic District Certificate of Appropriateness – separate review process

*Please review the agenda packet from the July 10 meeting for complete background information on this case.

Sam Perry
Interim Community Development Director
City of Oxford
Municipal Building
15 S College Ave
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Revised Application for Conditional Use
Proposed Hotel Use & Alternate Parking arrangement
22 South Beech Street

August 2, 2018

Mr. Perry,

At our initial presentation to Planning Commission, a few issues arose regarding our Conditional Use Application for the Hotel and alternate Parking Arrangement. After conferring with my clients we have amended our plans to address the concerns expressed by Planning Commission as follows:

Alternate Parking Arrangement

The alternate parking arrangement presented was met with some skepticism regarding the location proposed in the public right-of-way. The notion of assigning spaces to the hotel was also problematic, as Commission members suggested other business may ask for the same consideration. It was also pointed out that even if this parking arrangement were to be approved, it did not provide enough parking for (12) proposed suites.

Now that we have received a full survey, we decided to look at the possibility of providing parking under the building, taking advantage of the change in grade between the S Beech Street entrance at the northeast corner of the property and the southwest corner on Walnut Street. We were able to create a private parking area under the building as shown on the new Basement Level plan, providing parking for each hotel guest below the building.

The drawings have been modified as follows:

- A new ramp has been placed near the southwest corner of the building leading to private underground parking.
- (4) on-street parking spaces are now provided along West Walnut, increasing the existing parking in this area by (1) space.
- Typical sidewalks and tree lawns are provided consistent with the neighborhood

We believe this also addresses the concern raised by the former Mayor, regarding the number of spaces provided and the prohibition of overnight parking in the Up District.

Guest Experience Logistics and Service

Guests will now be able to check in at the Elms Hotel, drive to the underground parking, and take the elevator up to the main floor level. We feel this is an improvement to the guest experience, eliminating a concern expressed by a Commission member about guests having to drag suitcases from the parking garage or other remote parking to this hotel annex.

Guest service areas are shown in the remaining portion of the lower level, providing laundry & housekeeping support. While I presented this as our intention at the first meeting, Commission members can now be assured there is space available in the building, eliminating the notion of laundry being hauled from the Elms hotel to the Annex.

Trash & Deliveries

A trash area is now provided at the southwest corner of the building adjacent to the parking garage ramp.

To accommodate the trash area, a shared access easement will be provided with the adjoining property to share the exit path from the building to the west. A 5' walkway is currently provided from the second means of egress from 114 West Walnut. The intent is to share this passage through a shared access easement between the two properties.

Deliveries for the Roof-top restaurant will be scheduled in the early morning hours from a temporary loading space on Beech Street similar to those provided elsewhere in the Uptown District.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over the word 'Respectfully,'.

Scott Webb, Architect

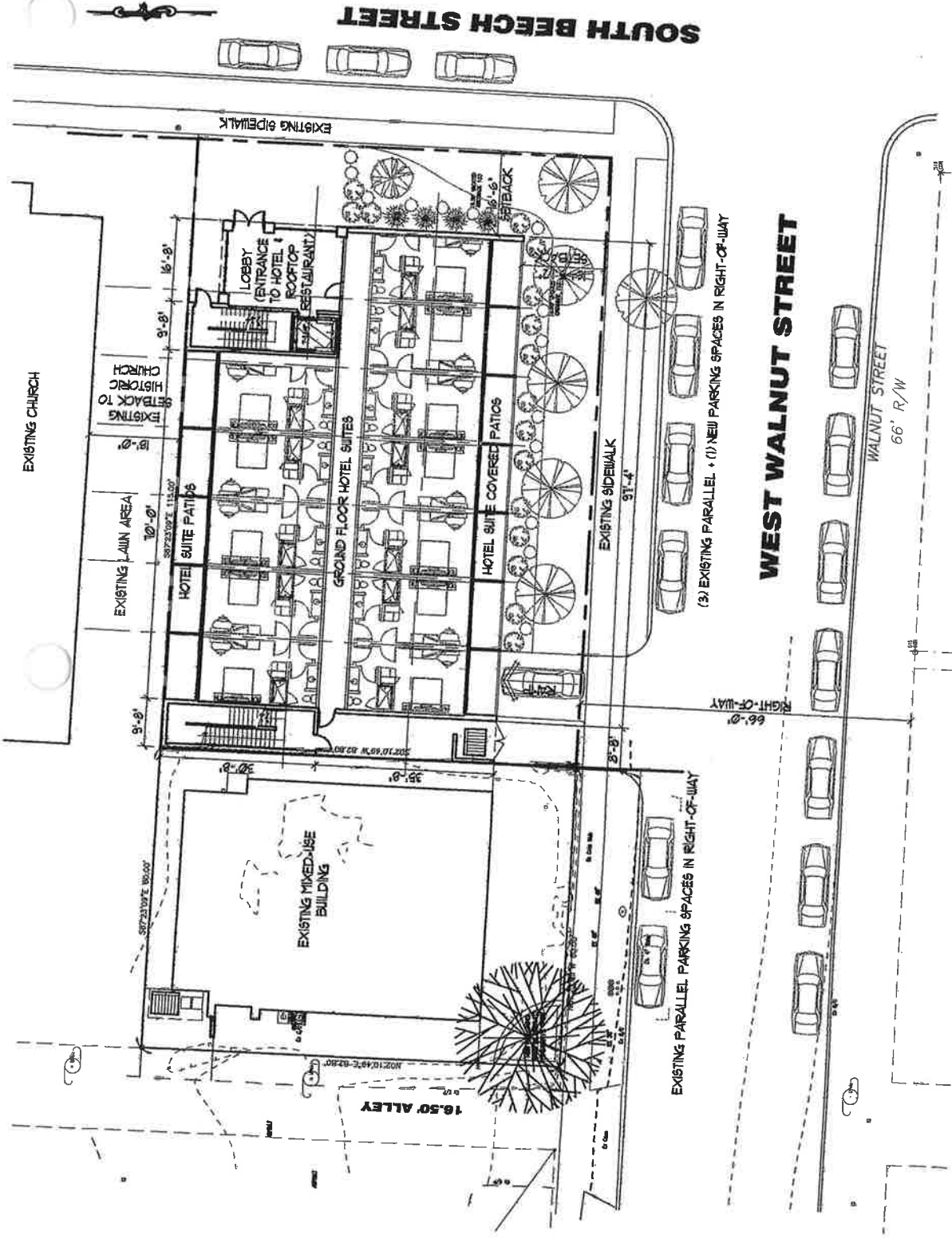


SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(613) 523-3868
www.scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MESLER AUTO BODY SITE

DATE	July 15, 2009
REVISIONS	
August 1, 2009	

A-1



PRELIMINARY SITE PLAN 1" = 20'-0"
GROUND FLOOR SHOWN

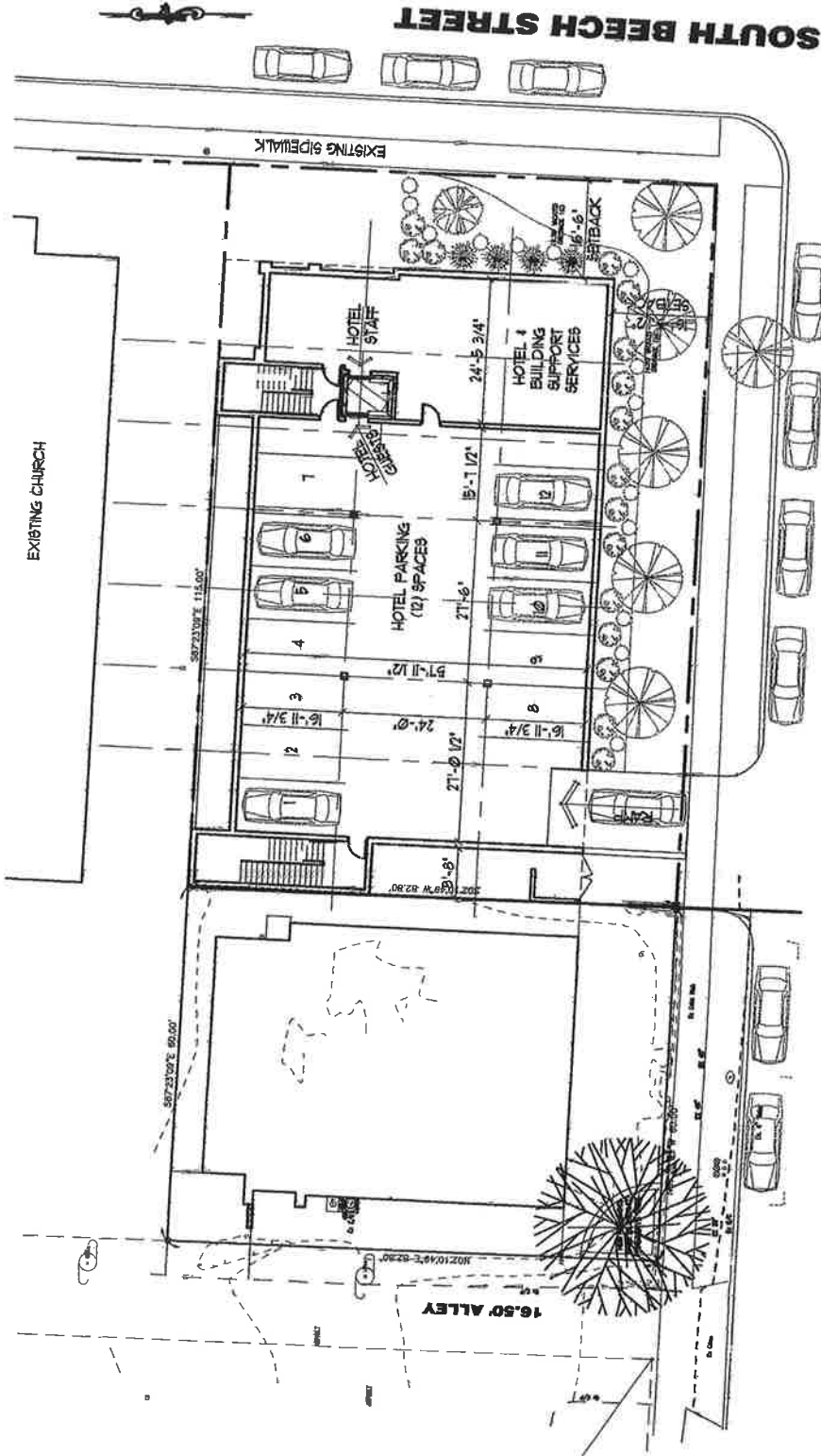


ARCHITECT
SCOTT
WEBB
108 West Walnut Street
Oxford, Ohio 45056
(613) 823-8888
www.scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORRYER MEELER AUTO BODY SITE

DATE	July 25, 2025
REVISIONS	August 1, 2025

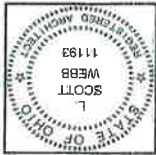
A-2



WEST WALNUT STREET

PRELIMINARY BASEMENT PLAN 1" = 20'-0"
GARAGE LEVEL BELOW

ILLUSTRATIVE SECTION



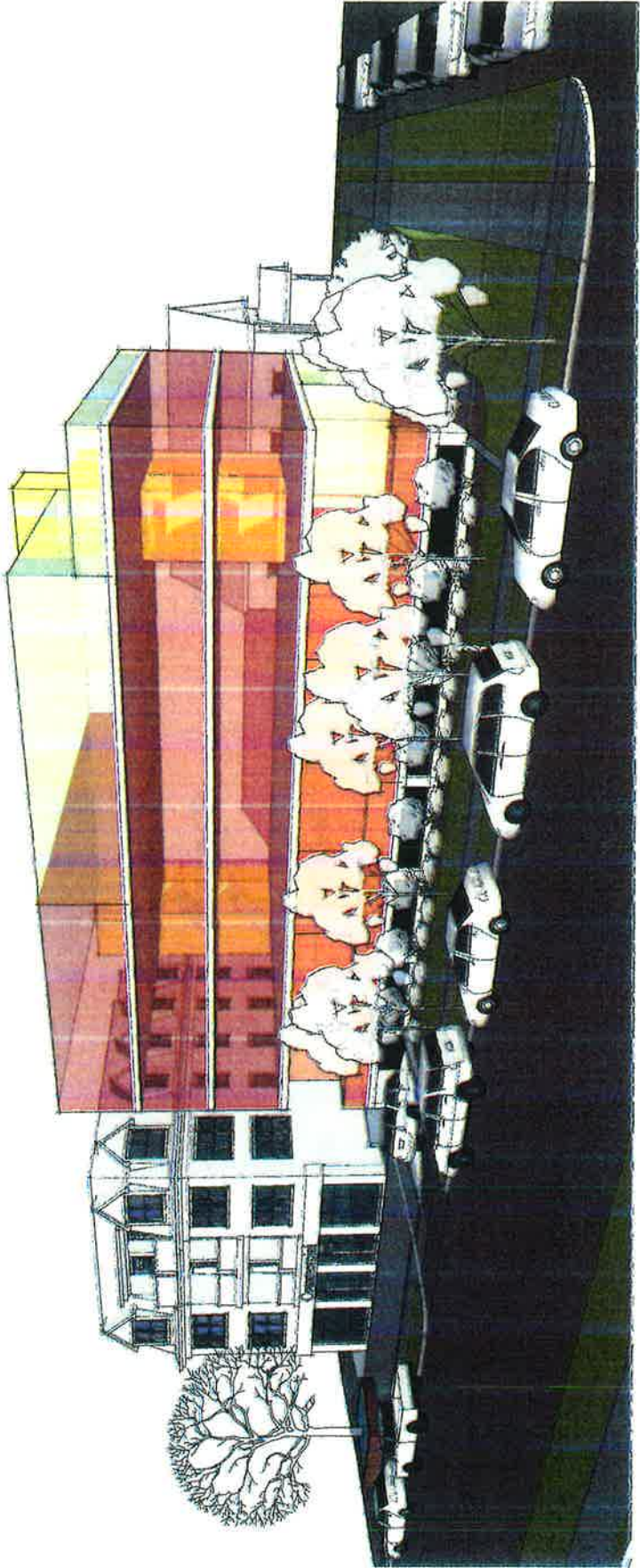


SCOTT
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100 West Walnut Street
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(513) 523-8856
www.scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MESLEARD AUTO BODY SITE

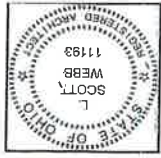
DATE	May 25, 2015
REVISIONS	
August '15	7/15

A-4



ILLUSTRATIVE CONCEPT MODEL

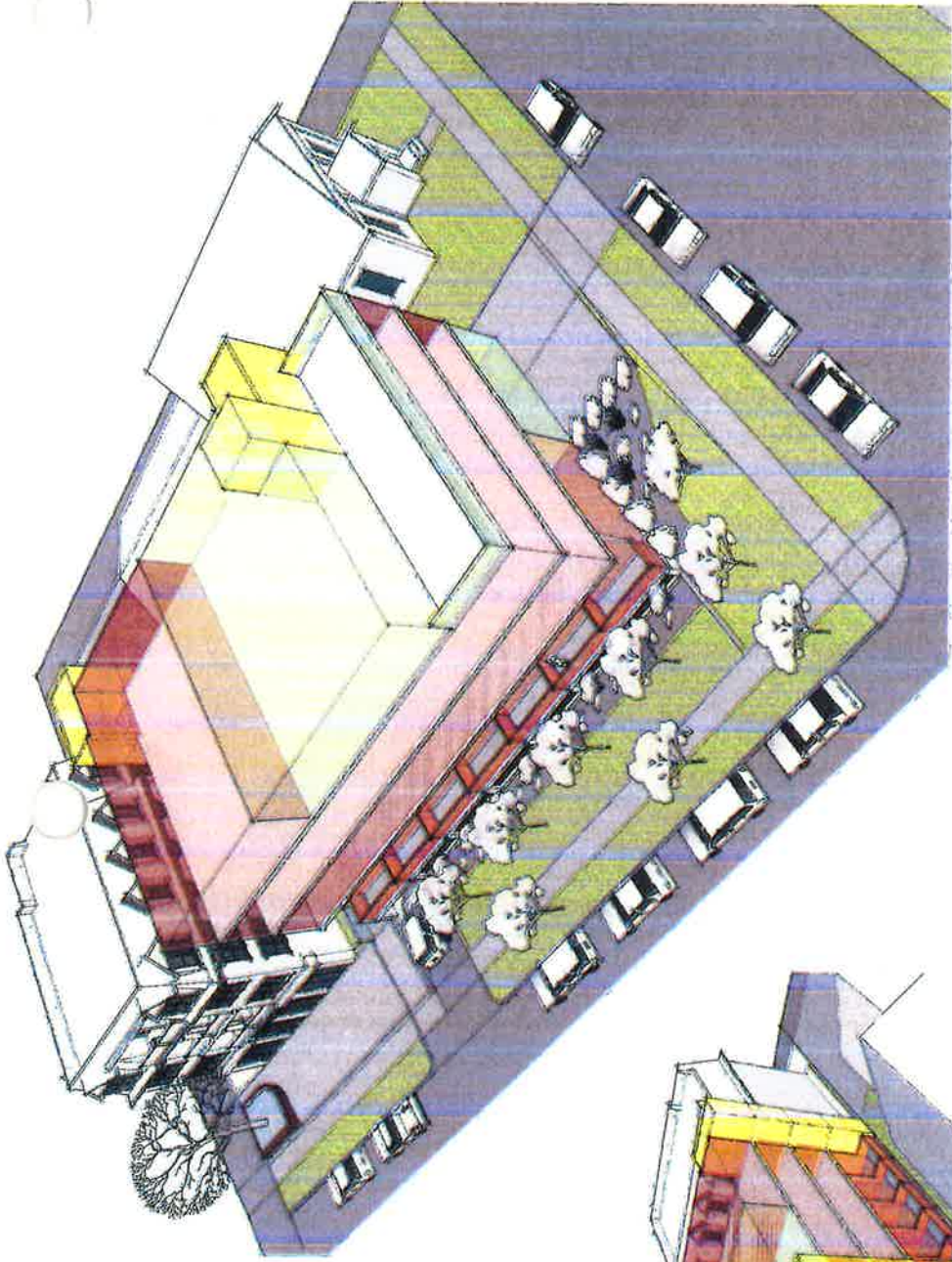
- GROUND FLOOR HOTEL AREA
- UPPER FLOOR DWELLING UNITS
- 4th FLOOR ROOFTOP RESTAURANT



PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MEASLER AUTO BODY SITE

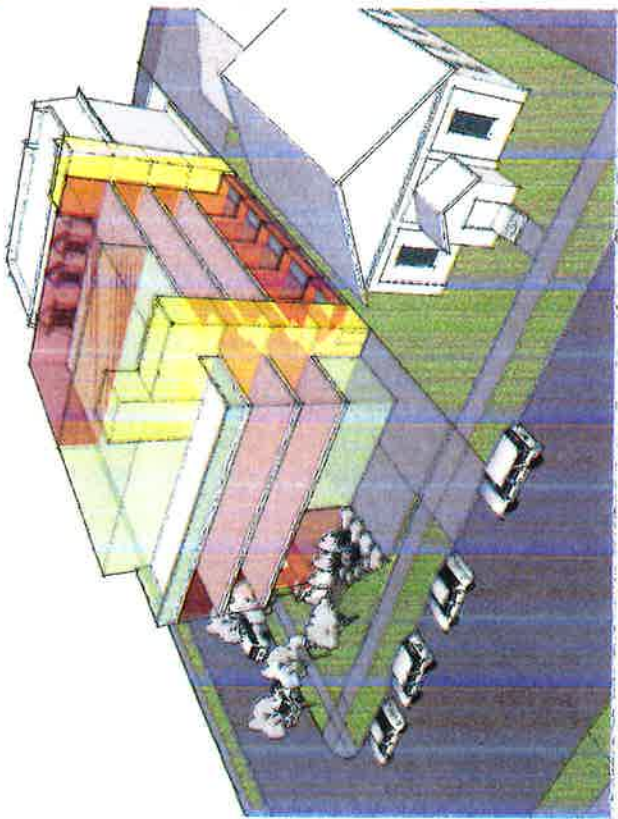
DATE	Aug 25, 2016
REVISIONS	August 1, 2016

A-5



ILLUSTRATIVE CONCEPT MODEL

- GROUND FLOOR HOTEL AREA
- UPPER FLOOR DWELLING UNITS
- 4th FLOOR ROOFTOP RESTAURANT



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-14

Date –July 10, 2018

APPLICATION

Applicant:	Scott Webb
Location:	22 South Beech Street
Owner:	Michael and Mark Mesler
Action Request:	Conditional Use Permit Application for a single-level hotel use within a four story building in the Uptown District
Current Use:	Automotive Service
Zoning:	UP (Uptown)
Surrounding Existing Land Uses:	Mixed-Use Residential, Institutional, Professional Office

GENERAL DESCRIPTION

Architect Scott Webb is seeking a conditional use for a single-level hotel within a proposed new four story building at the corner of Walnut and Beech Streets. If the ground level space were intended for a retail tenant, the Planning Commission would not review this case. However, the conditional use process presents an opportunity for a more public process to influence the outcome. The discussion and decision should be related to the hotel aspect due to the fact that the project would not otherwise require a special approval.

The site is currently an automotive service (Mesler Auto) with an apartment above the commercial space. The proposal presented on behalf of Stewart Developers LLC is for a new four-story building to replace the current automotive service/parking lot. A 12-unit hotel would use the ground floor as an extension of The Elms Hotel, which is located one block to the east.

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
Engineering:	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)

- (27) Motels.
- A. Potential Concerns.
 - 1. Proximity to residential.

2. Screening from residential.
3. Appropriate street access.

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 in 1143.10(b)2.B.

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

Refer to Chapter 1123 for the general overall intent of the Zoning Code and 1143.10 for the intent of the Uptown district. Overall, the intent is for 'health, safety and welfare' of the residents of Oxford. Uptown, the intent is for a walkable mixed-use district.

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

Given that the 2008 Comp Plan does not specifically address this property for future land use changes, the objectives of the individual chapters of Land Use, Urban Design, Transportation, Economic Development and Housing, should be reviewed. Although the site is currently developed, it is underutilized and contains a nonconforming land use. Throughout the Comp Plan, infill development is preferred versus sprawl at the City's perimeter where resources would be further stretched from the core.

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

Mixed-use buildings in Oxford typically have dedicated areas for necessities such as utility connections and solid waste storage. None appear on the preliminary site plan. The addition of a hotel with restaurant to a mixed-use building could add additional demands such as food deliveries, guest drop-offs and pick-ups that may be forced to spill over onto public land such as streets or sidewalks. A more complete design and operational plan would be helpful for the city to have confidence in moving the project forward.

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

The hotel suites facing north would have patios facing the historic Bethel African Methodist Episcopal Church, potentially a noise concern. The proposed building would also be considerably taller than the church, blocking natural light into the sanctuary portion of the historic building. The church is believed to be the second continuously operating A.M.E. church in the state of Ohio. A historic plaque was granted by the city in 2014. Any negative impacts such as the construction, hotel guests or parking should be considered before moving the project forward. No comments have been received from the church at the time of this report.

- 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.**

Potentially, see above. Although new four-story buildings are common in Uptown Oxford, adjacency to an operating church is a special condition that should be fully evaluated.

- 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.**

An accessory use of an upper level restaurant is indicated in the application and drawings.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. *Opportunity for comment was provided to Fire, Police and Service Departments. See comments/questions from Police.*

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. *Opportunity for comment was provided to Fire, Police and Service Departments. See comments/questions from Police.*

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.

There is not sufficient detail for staff to make a determination. Once detailed construction drawings are completed staff can review the plans to determine compliance with all requirements of Police, Engineering, Zoning, Building and the HAPC. Some areas of concerns are:

- *Police comments regarding parking design, operation and public impact*
- *Pedestrian safety with sidewalk re-alignment and crossing at an intersection without a north/south stop*
- *Zoning questions such as height detail and floor area ratio detail*
- *Design review of the Historic and Architectural Preservation Commission*

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.

This is partly not applicable because there is no direct access to this site for vehicles. There is no on or off-street parking requirement for this mixed-use building. However, the hotel use does present a unique opportunity for Uptown that staff does not believe is accounted for in the city's parking requirements. A hotel guest is likely arriving to Oxford by car, therefore additional parking demand will be created somewhere in Oxford. The applicant has addressed this issue by proposing a change to the on-street parking. Whether this is the appropriate solution is yet to be determined.

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

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

M. 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.

There is no record of necessary permits having been obtained since the proposed construction has not begun. However, the proposal is from an experienced local architect and property developer.

1147.03(b)(27)
(27) Motels.

- A.** Potential Concerns.
1. Proximity to residential.

Residential use is planned for the upper levels of the subject building. Adjacent residential to the west is owned and managed by the same prospective owner.

2. Screening from residential.

There is no place for screening in the Uptown area intended for a mix of uses versus a suburban hotel setting with adjacent low density residential.

3. Appropriate street access.

There is no direct street access provided.

RECOMMENDATION:

An additional hotel option Uptown, simultaneously removing a nonconforming land use, presents a unique opportunity. Additional information presented through the hearing and deliberation process should assist the Commission in defining a recommendation to City Council. The Commission can:

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

At this time, staff does not have a recommendation but can provide one at the end of the hearing if requested.

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.

July 3, 2018

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

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.

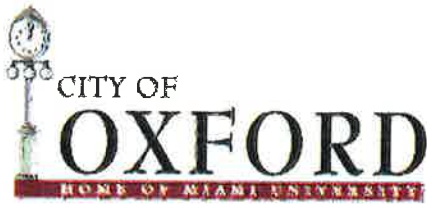
.....

Drawings are returned: w/comments without/comments

SEE MEMO DATED 7-5-18

Drawings reviewed by: H. Popescu Date: 7-5-18

VICTOR POPESCU
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-2018-14
Conditional Use – Mesler Auto Body
22 S. Beech Street

DATE: July 5, 2018

The Engineering Division offers the following comments.

- 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 submittal proposes to modify the existing parking on W. Walnut Street. Angle parking is proposed. To accommodate this proposal, vehicles parking spaces will be designed partially within the Right-of-Way, and partially within the vacated Right-of-Way, now private property. This design proposal will eliminate the tree lawn, and require that the sidewalk be constructed on private property.
- The existing public utilities (sanitary sewer, storm sewer, and water) are to be evaluated for their capability to adequately server the proposed development.

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

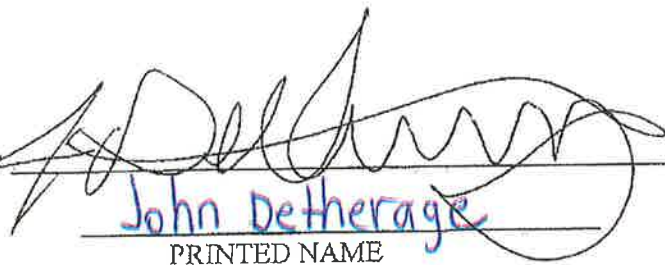
 X Review Revisions Other

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


John Detherage
PRINTED NAME

Date:

6-28-18

Inter-Office Review Transmittal Sheet

Date: June 5, 2018

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

From: Community Development Department

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

X	Review	Revisions	Other
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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

- ① Is the angled parking along Walnut Street to be controlled by private owner or public entity (the City)?
- ② Has the angled parking been designed by an engineer as I have concerns regarding the proximity to the intersection (Beech/Walnut) and backing crashes?
- ③ In the area of the angled parking are currently 3 metered parallel parking spaces that serve the public. What are the arrangements to compensate for the loss of those public resources?
- ④ Police Dept would not support rooftop access for the resid of the building outside the use of a restaurant. Restaurant only is okay

Drawings reviewed by: CLF Date: 6.18.18

PRINTED NAME



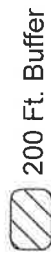
PC-2018-14

Surrounding Property Owners Notifications Map

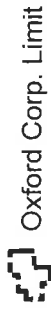
Legend



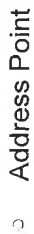
Subject Parcel



200 Ft. Buffer



Oxford Corp. Limit



Address Point



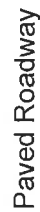
Parcel



16.5' Vacated ROW



Building Footprint



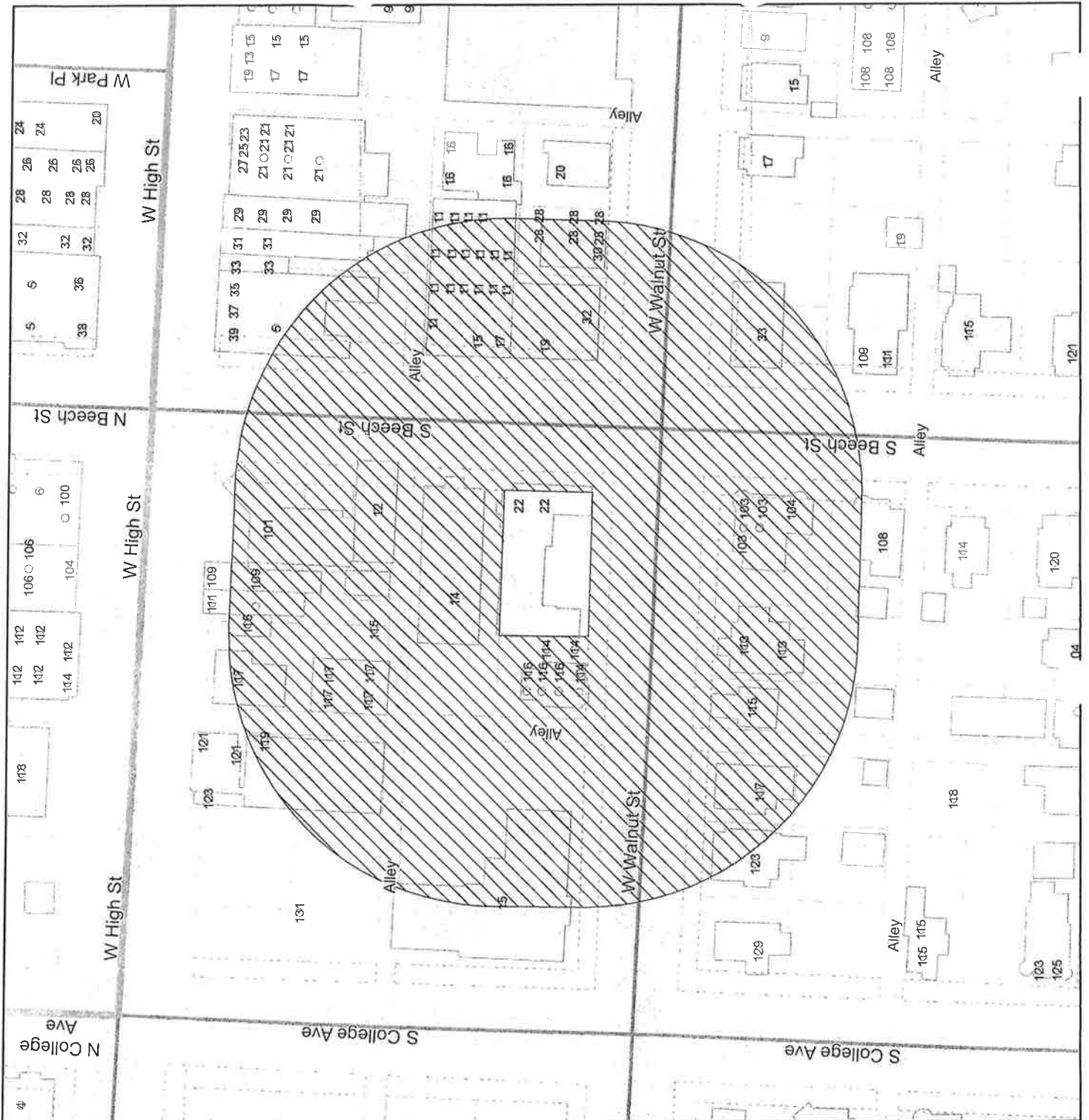
Paved Roadway



1 inch = 100 feet

Prepared on 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, or a professional survey.



LETTER OF AGENCY

May 24, 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 we own at 22 South Beech Street, Oxford, Ohio.

Thank you,

Signed: 
Michael Mesler

5-24-18
Date:

Signed: 
Mark Mesler

5-24-18
Date:



Internal Use Only:

Case No.

Date Filed

 PC-2018-14
 5/25/18

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * Michael & Mark Mesler

Mailing Address * 22 South Beech Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3735

Email Address _____

Location and Lot Information

Location of Property * 22 South Beech Street

Legal Description * Parcel H4100004000156

Zoning District * UP, Uptown

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

Existing Use Description * Auto Body shop

Proposed Use Description * Mixed-Use Building with Hotel

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

5/25/2018

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 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 *

City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>
² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

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

May 25, 2018

Community Development Director,

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 Conditional Use for a Proposed Hotel Use in the Uptown (UP) District. Additionally, we would like consideration of a slight increase in commercial space causing the max. permitted gross floor area to exceed the 3:1 ratio and an alternate parking arrangement along West Walnut Street.

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

- A. *The application fee has been submitted with this application*
- B. *Description of Use and Site.*
 - 1. *The name, address, and telephone number of the applicant and property owner.*

Property Owners:

Michael & Mark Mesler
22 South Beech Street
Oxford, Ohio 45056

Purchaser / Developer:

Stewart developers LLC
125 West Spring Street
Oxford, OH 45056

Architect:

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

Civil Engineer:

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

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

A Letter of Agency is included in this application

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

Information is included regarding the lots from the County Auditor and Engineer's GIS information. A survey will be provided to verify this information as the application progresses.

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

The site is currently occupied by Mesler Auto Body, a family run business that has occupied the site for decades.

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

The site is in the UP, Uptown Zoning District

6. *A description of the proposed use.*

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

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

The new Mixed-Use building is designed to provide a lobby for the Extended Stay Hotel Suites on the ground floor and elevator access to a 2,500 s.f. rooftop restaurant to meet the requirements of the commercial use. The 2nd, 3rd, and a portion of the 4th floor will provide a variety of dwelling units.

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

Based on the size of the lot and limitations/requirements of the F.A.R. , the building may contain as many as (34) residents in apartments.

- b. *Hours of operation*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed diagonal parking arrangement is appropriate in this location, providing (8) off-street spaces, tucked into the vacated right-of-way, and below the ground floor suites.

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

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

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

Additional parking is always requested and desirable in this uptown district. Off the main through streets, Walnut street provides a unique opportunity to provide additional parking without dramatically changing the streetscape.

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

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

A. Potential Concerns:

1. Proximity to Residential

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

2. Screening from Residential

Screening from residential is not required in this urban setting.

3. Appropriate Street Access

Street access is provided for pedestrians along South Beech Street.

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

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

Provided under a separate cover

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

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

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

Site plans and 3D Concept illustrations are provided

Planning Commission Review

Decision Standards

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

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

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

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

The Zoning Code for the Uptown District encourages Mixed-Use Buildings through the Floor Area Ratio (F.A.R.). The building as proposed meets these guidelines.

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

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

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

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

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

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

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

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

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

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

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

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

No Accessory uses are proposed.

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

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

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

No public expense is anticipated by this project.

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

In addition to the building envelope limitations provided by the Zoning Code, the building and site design in the uptown historic district is governed by the HAPC guidelines and review by the Historic and Architectural Preservation Commission. The review will insure that the design is appropriate and compatible and will not change the essential character of the neighborhood

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

Traffic will be eliminated from the site.

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

A proposed parking area, combining a portion of the vacated right-of-way with the space currently used for parallel parking will provide parking above what is currently available.

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

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

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

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

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over the word 'Respectfully,'.

Scott Webb, Architect

22 South Beech Street

Floor Area Ration (F.A.R.) Analysis

Zoning District: UP Uptown District

Development Regulations

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

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

Note: Lot areas County G.I.S. and adjacent surveys

Gross Floor Areas	Commercial	Residential
Ground Floor	5800 s.f.	
Second Floor		5800 s.f.
Third Floor		5800 s.f.
Fourth Floor	2500	2400 s.f.
TOTALS	8300 s.f.	14000 s.f.
Uncovered Outdoor Area	s.f.	
	8300 s.f.	14000 s.f.

Gross Floor Areas	Commercial	Residential
Regulation:	4,911 s.f. Min	14,032 s.f. Max.
(0.7 x Calculable Area)		

Total Building Envelope	22,300 s.f.
Regulation:	21,048 s.f. Max.
Max. Building Envelope per Floor Area Ratio (F.A.R.)	
(3 x Calculable Area)	

Occupancy	35.08 Residents
(1) Occupant per 200 s.f. calculable area	

**LARGER PRINTS ARE
AVAILABLE UPON REQUEST**

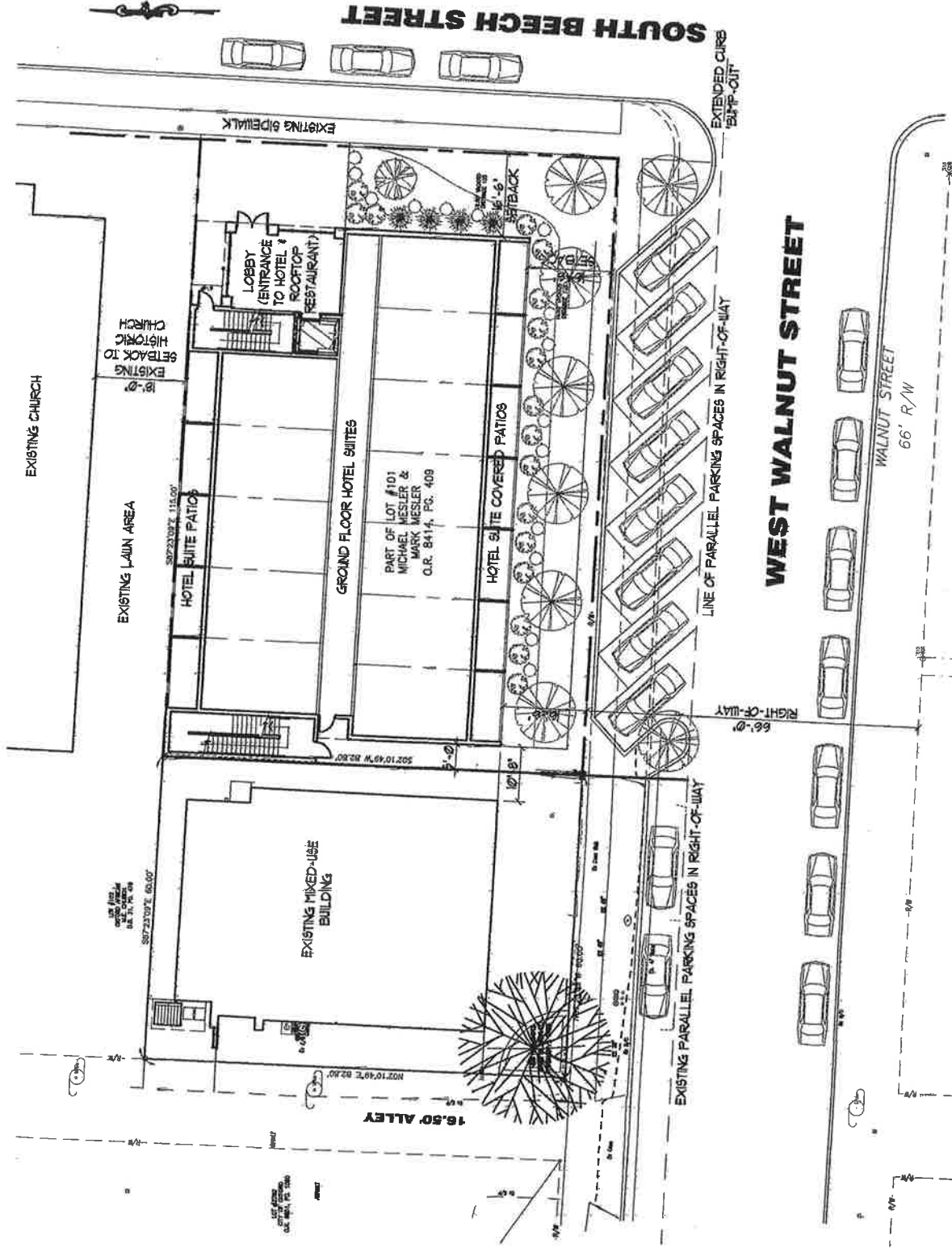


SCOTT
WEBB
ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(519) 523-3228
www.scottwebbarchitect.com

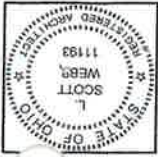
PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FOR MR. MESLER AUTO BODY SITE

DATE	Aug 25, 2025
REVISIONS	

A-1



PRELIMINARY SITE PLAN 1" = 20'-0"
GROUND FLOOR SHOWN

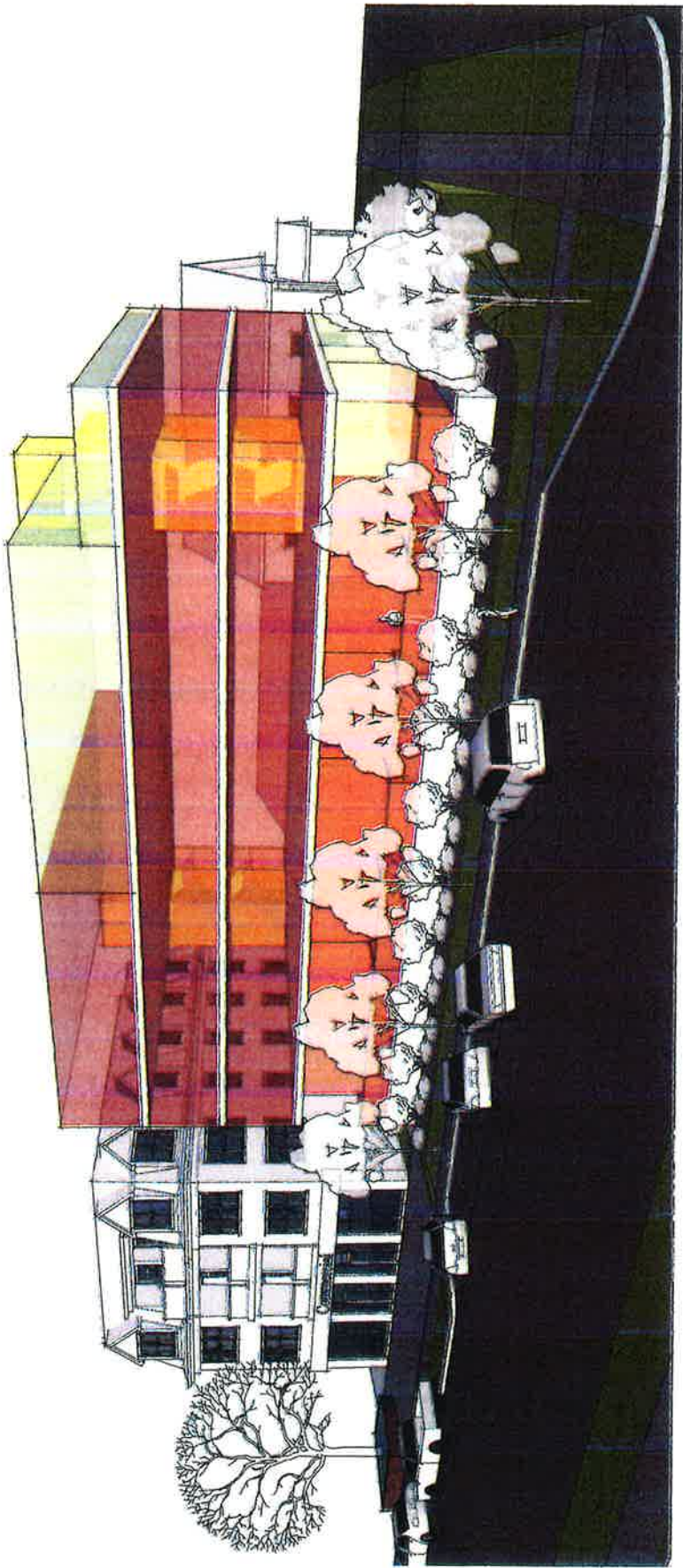


SCOTT WEBB ARCHITECT
100 West Main Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MESLER AUTO BODY

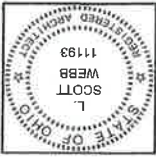
DATE	July 25, 2009
REVISIONS	

A-2



ILLUSTRATIVE CONCEPT MODEL

-  GROUND FLOOR HOTEL AREA
-  UPPER FLOOR DWELLING UNITS
-  4th FLOOR ROOFTOP RESTAURANT

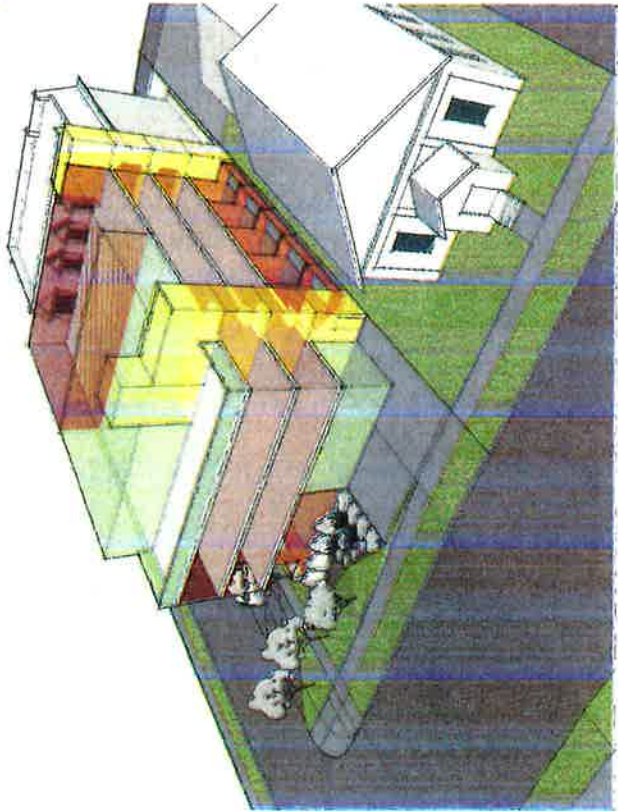
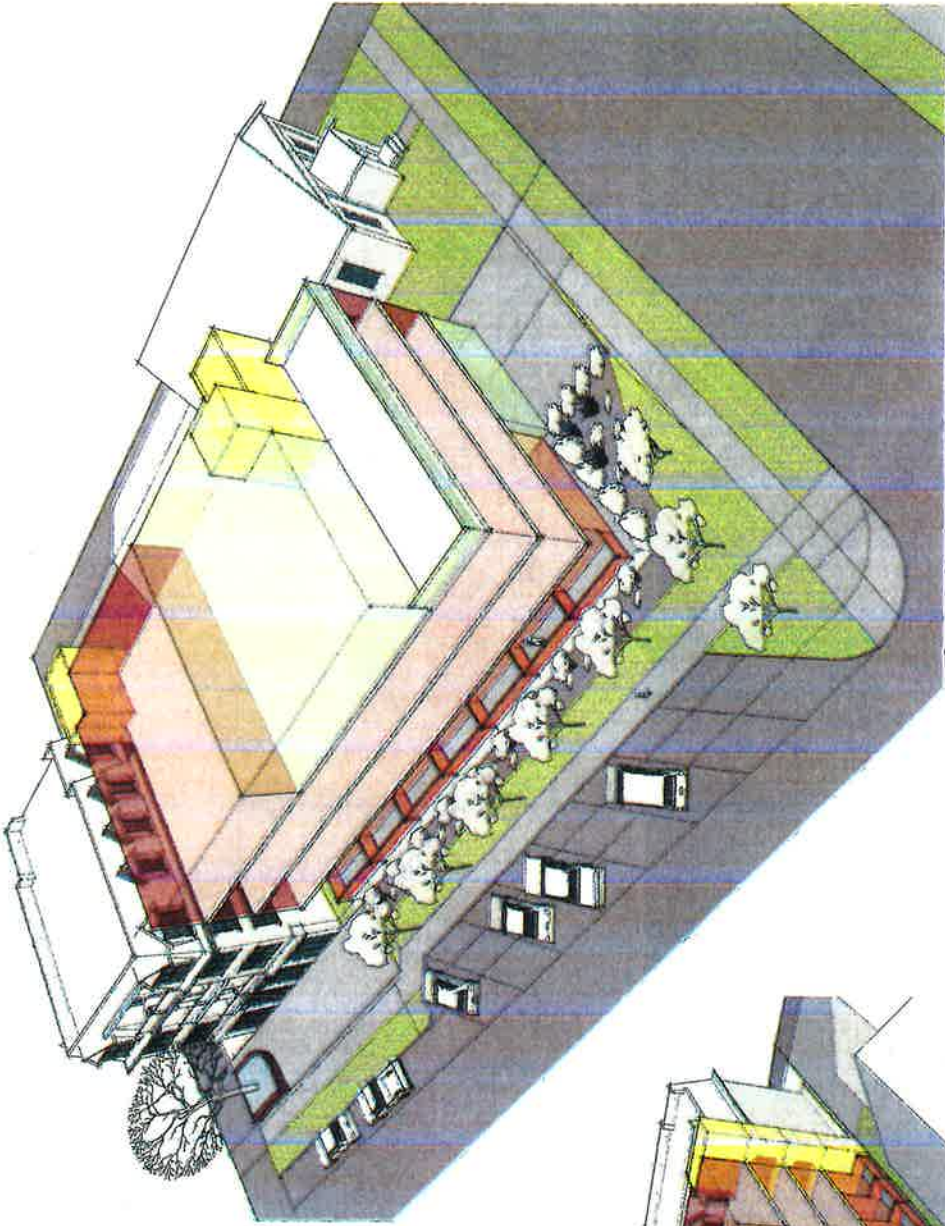


SCOTT WEBB ARCHITECT
103 West Walnut Street
Oxford, Ohio 45056
(613) 523-3838
www.swebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MESLER AUTO BODY, INC.

DATE	May 25, 2016
REVISIONS	

A-3



ILLUSTRATIVE CONCEPT MODEL

- GROUND FLOOR HOTEL AREA
- UPPER FLOOR DWELLING UNITS
- 4th FLOOR ROOFTOP RESTAURANT



BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

14 South Beech Street, P.O. Box 494, Oxford, OH 45056

Telephone: (513) 523-8560

E-mail: BethelAMEChurchOxford@gmail.com

Reverend Samuel Harris, Jr., Pastor

Tuesday, August 14, 2018

From: Rev. Samuel A. Harris, Jr.

Bethel African Methodist Episcopal Church
16 South Beech Street
Oxford, Ohio 45056

To: Oxford Planning Commission,

118 W High Street
Oxford, OH 45056

We the members of Bethel AME Church, at the 8th Church Conference of the year 2018, held on Sunday August the 5th at approximately 12:45 pm discussed the matter of the plans of the building to be constructed on the North West corner of Beech and Walnut. Two of Bethel's Trustees Bro. Eldred Brown and Bro. Bobby Johnson were sent and were in attendance at the last hearing. They reported to the conference some of the proceeding of the hearing including the objections. After hearing they're report, each of the 17 members, in attendance, had the opportunity to voice their opinion of the said proposed structure. Some of these issues of concern included natural light blockage, street parking, protecting our limited parking, increase traffic, trash management, hotel deliveries etc., but because of the overwhelming positive experience we have encountered through the recent completed construction just South of our parking lot these were considered minor.

At this time as Chairman of the Church Conference and said members have decided to support the building as long as it meets with Oxford's Planning Commission regulations.

Again, we cannot express how respectful the builders were of our space during times of services upon the 4 months construction.

Respectfully submitted by,

Rev. Samuel A. Harris Jr.

Rev. Samuel A. Harris, Jr.

Sr. Pastor of Bethel AME Church and Chairman of Church Conference
& the members of 8th Church Conference of the year 2018

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

August 30, 2018

Date Prepared:

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, Teamwork Property Group, LLC, Tim Macy Applicant/Agent

Recommendation: Approval with conditions

Discussion:

On Behalf of Tim Macy from Teamwork Property Development, Jason Renneker of Focus Engineering has requested a Final Planned Development approval for a self-storage business. Typically, Planning and Council are reviewing residential Planned Developments. This is not a typical development in the GB district which is why it was handled through the Planned Development process. The proposed final plan is consistent with the preliminary plan. The subject property was recently annexed into the City in 2014 along with Koenig Equipment and Gillman's Home Center. The overall property is 14 acres. Phase 1 is self storage with storm water detention for the entire development. Phase 2 has not been determined but will return to Planning and Council before any development occurs. The applicant has agreed to several conditions recommended by staff and Planning in order to ensure that certain items are completed and that the impact to existing city operations is not negative. The hope of the developer is that Phase 1 will spur development for Phase 2. The Planned Development was recommended to City Council with conditions as listed by a vote of 7-0. This approval would allow the developer to file building permit applications for staff review.

Approved By:

Department Head:

City Attorney:

City Manager:

Achiz SP / 8-30-18

DRE / 8-31-18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE FINAL PLANNED DEVELOPMENT APPLICATION FOR PHASE I OF A PLANNED DEVELOPMENT AT 5728 COLLEGE CORNER PIKE TO ALLOW A SELF STORAGE FACILITY WITH CONDITIONS AND PHASE II USE TO BE DETERMINED.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on August 14, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Tim Macy, Teamwork Property Group, LLC for a Final Planned Development Phase I at 5728 College Corner Pike to allow a self storage facility with conditions and Phase II use to be determined; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Final Planned Development application for Phase I of a Planned Development at 5728 College Corner Pike to allow a self storage facility with conditions and Phase II use to be determined.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Planned Development application for Phase I of a Planned Development at 5728 College Corner Pike to allow a self storage facility with the following conditions and Phase II use to be determined:

01. Conditions 1, 2, 5, 6, 8, 9, 10 and 11 of the preliminary plan approval Ordinance No. 3391 shall be maintained.
02. The maintenance agreement for the storm water detention area shall be approved by the City Engineer and the Law Director prior to October 4, 2018.
03. Deciduous trees shall be planted approximately 50 feet on center along College Corner Pike in the public right of way as part of Phase I building occupancy or within 1 year of Final Plan approval, whichever comes first.
04. A 10 foot multi-use path shall be constructed along College Corner Pike as part of Phase I building occupancy or within 1 year of Final Plan approval, whichever comes first.
05. The Preliminary Plan for Phase II shall be valid for 5 years from Phase I Final Plan approval.
06. Financial security shall be provided for the 10 foot multi-use path along College Corner Pike and Todd Road prior to building permit submittal for Phase I.
07. If the multi-use path along College Corner Pike is not constructed within 1 year of Phase I Final Plan approval, security shall be used by the City to construct the multi-use path.
08. If the multi-use path along Todd Road is not constructed within 1 year of Phase I Final Plan approval, security shall be used by the City to construct the multi-use path.

09. The outdoor lighting shall comply with the Oxford Zoning Code and the Miami University standard of 4,000 degree Kelvin color temperature.
10. The crosswalk from the multi-use path to Building A shall be improved crossing the parking lot to comply with Oxford Codified Ordinance Section 1149.05(e)4R.
11. Outdoor lighting shall be shielded.

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)



August 21, 2018

Teamwork Property Group, LLC
Mr. Tim Macy
3116 W. Montgomery Road, Suite C-287
Maineville, OH 45039

Dear Mr. Macy:

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, Teamwork Property Group, LLC, Tim Macy Applicant/Agent

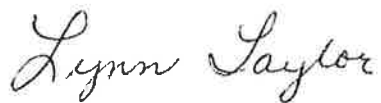
On August 14, 2018, the City of Oxford Planning Commission recommended 7-0-0 to approve your request for a Final Planned Development with the following conditions:

1. Maintain conditions 1,2,5,6,8,9,10 and 11 of the preliminary plan approval Ordinance 3391.
2. The maintenance agreement of the storm water detention area shall be approved by the City Engineer and Law Director prior to the Final Plan approval.
3. Deciduous trees to be planted approximately 50 feet on center along College Corner Pike in the public right of way as part of Phase 1 building occupancy or within 1 year of Final Plan approval, whichever comes first.
4. 10 foot multi-use path to be completed along College Corner Pike as part of Phase 1 building occupancy or within 1 year of Final Plan approval, whichever comes first.
5. Preliminary Plan for Phase 2 valid for 5 years from Phase 1 Final Plan approval.
6. Financial security to be provided for 10 foot multi-use path along College Corner Pike and Todd Road prior to building permit submittal for Phase 1.
7. If the path along College Corner Pike is not installed within one year of Phase 1 Final Plan approval, security will be used by the City to complete the path.
8. If the path along Todd Road is not installed within 5 years from Phase 1 final plan approval, security will be used by the City to complete the path.
9. Outdoor lighting shall comply with Oxford Zoning Code and the Miami University standard of 4,000 degree Kelvin color temperature.
10. The crosswalk from the path to Building A shall be improved crossing the parking lot comply with Oxford Code 1149.05(4)R.
11. That outdoor lighting will be shielded.

Oxford City Council will hold their First Reading on Tuesday, September 4, 2018 and their Second Reading on September 18, 2018 regarding this Final Planned Development. These meetings will take place at 7:30 p.m. at the Oxford Courthouse.

Should you have any questions related to this action, please contact me at 513/524-5204.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Taylor". The ink is dark and the signature is fluid.

Lynn Taylor
Administrative Assistant
Community Development Department

ORDINANCE NO. 3391

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL FOR PHASE I OF A PLANNED DEVELOPMENT AT 5728 COLLEGE CORNER PIKE TO ALLOW A SELF STORAGE FACILITY WITH CONDITIONS AND PHASE II USE TO BE DETERMINED.

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

SECTION 1: Council hereby finds the Planning Commission held a public hearing on December 13, 2016, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Tim Macy, Teamwork Property Group, LLC for a Preliminary Planned Development Phase I at 5728 College Corner Pike to allow a self storage facility with conditions and Phase II use to be determined.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Plan application for Phase I of a Planned Development at 5728 College Corner Pike to allow a self storage facility with conditions and Phase II use to be determined.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for Phase I of a Planned Development at 5728 College Corner Pike to allow a self storage facility with the following conditions and Phase II use to be determined:

- ✓ 01. The City shall waive the perimeter required setback from 25' to 8' for Phase I.
- ✓ 02. The City shall waive the bicycle rack requirements for the self storage facility, as stipulated in Oxford Codified Ordinance Section 1145.12(i).
03. Additional evergreen screening between Phase I and Phase II shall be provided as a visual barrier. Detailed information regarding the evergreens shall be provided during the Final Planned Development hearing.
04. The design capacity of the detention area for the entire 14 acre site shall be reviewed and approved by the City Engineer. The maintenance agreement for the detention area shall be reviewed by the City Law Director.
- ✓ 05. Landscaped screening shall be provided around the outdoor vehicle storage area.
- ✓ 06. The self storage buildings shall be designed and constructed as stipulated in Oxford Codified Ordinance Section 1147.03(32)B.7.
07. A 10' multi-use path shall be constructed along the complete footages of College Corner Pike and along Todd Road.

- ✓ 08. Pedestrian access to the proposed retail/business establishments from College Corner Pike and from Todd Road shall be designed with a pedestrian walkway connecting the multi-use path to the retail/business establishments.
- ✓ 09. Ingress and egress curb cuts from the site to College Corner Pike and to Todd Road shall be the same as shown on the drawings dated December 1, 2016.
- ✓ 10. The internal development of Phase II shall come back before the Planning Commission.
- ✓ 11. A traffic study shall be conducted prior to the second Phase of development.

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



MAYOR

ADOPTED: January 17, 2017

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-2018-20

Date – August 14, 2018

APPLICATION

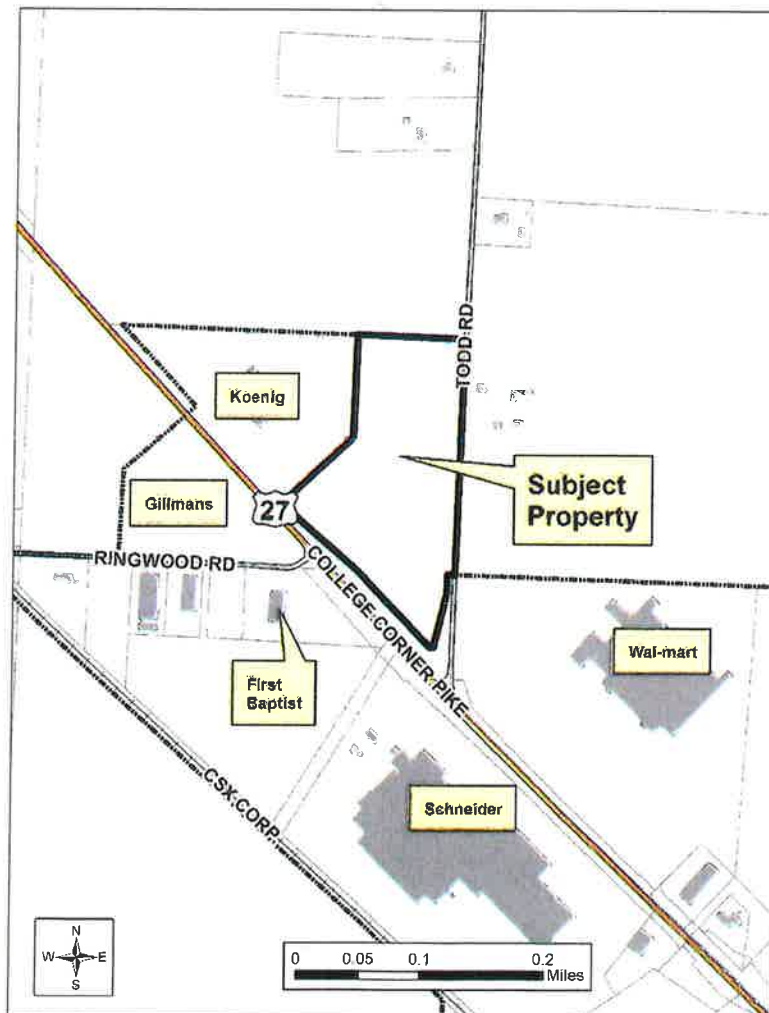
Applicant:	Teamwork Property Group, LLC
Location:	5728 College Corner Pike
Acreage:	14 vacant acres, US 27 North and Todd Road
Owner:	5728 College Corner Pike LLC

Action Request:	Recommendation for Final Planned Development – To forward a recommendation to City Council regarding Final Plan
Current Use:	Vacant
Surrounding Existing Land Uses:	Retail businesses on US 27 and agricultural uses along Todd Road

DESCRIPTION

On behalf of Teamwork Property Group, Professional Engineer Jason Renneker is requesting the Planning Commission to forward a recommendation of Final Planned Development approval to City Council. In January 2017, City Council approved the Preliminary Planned Development for 14 acres of land to be partially developed with a self-storage facility. Mr. Renneker has met several times with Planning and Engineering city staff to refine details of the plan. At the time of writing this report, the plans lack architectural elevation drawings for the storage buildings, which is a key part of the General Business zoning district and Conditional Use storage building requirements. If none are presented, staff recommends that the case be tabled without discussion.

There is not any substantially new or different information about the property or site design provided by the applicant. Therefore, the discussion and recommendation can be based primarily on the December



13, 2016 Planning Commission recommendation and resulting City Council Ordinance #3391 dated January 17, 2017. The applicant has addressed every condition of preliminary approval in some way. Attached is the 2016 staff report and 2017 approval ordinance for your convenience.

DECISION STANDARDS

The Planning Commission and City Council must review a request for a planned development approval based upon Section 1145.06 of Oxford Zoning Code. Because it is a subdivision by definition it must also follow the Subdivision Code Section 1101 with the exception of the dimensional regulations of the underlying zoning district.

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

PURPOSE:

Planned Development Common Goals from Section 1145.01(a)

- (1) Planned developments share these common goals:
 - A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development
- (2) Infill (already within corporate limits) development also satisfies the following goals:
 - A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
 - B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
 - C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

PROCESS:

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

(b) General Decision Standards. (Staff comment in **bold**) All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **YES**
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **NO**
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. **YES**
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. **YES**
- (5) The size and shape of the site are sufficient for the proposed planned development. **YES**
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **NO**
- (7) 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**
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **NO**
- (9) 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. **See comments from City Engineer.**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **See comments from City Engineer (utilities and streets) and Planner (path)**
- (11) 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. **Not applicable**
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **See comments from City Engineer**
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **None that staff are aware of**

DESIGN REQUIREMENTS

Pertinent sections are bolded and staff comments are bold italics

Below are the design requirements for Planned Developments, pertaining to the proposed commercial Planned Development.

Section 1145.12

- (a) Arrangement. The physical arrangement of a planned development is **not subject to the specific dimensional regulations that apply in the underlying zoning district**, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.
- (b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.
- (c) Land Use.

(1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

(2) **The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:**

A. Any land use permitted in the underlying zoning district.

B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.

(e) Dimensional Regulations.

(1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.

(2) Front setbacks shall be limited as in the underlying zoning district.

(3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:

B. Commercial zoning district – 25 feet.

(f) Open Space.

(1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.

Staff calculation of the open space for the overall development is 19.2%, which is under the minimum requirement. This could be amended to meet the minimum of the city could require more. Current precedent is to permit storm water detention within open space areas.

(2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. ***Not applicable.***

(g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

(1) Natural vegetation shall be maintained.

(2) No structures shall be built or improvements made, except as follows:

A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

C. Any improvements approved in a final plan.

D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.

(h) Landscaping and Screening.

(1) A planned development shall satisfy all landscaping elements required by other sections of this Code.

(2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.

(3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

(1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.

(2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.

(3) Adequate pedestrian connectivity shall be provided to and through a planned development.

A slight adjustment to the sidewalk connection is required to meet Oxford Zoning Code. There is no connection of the sidewalk material through the parking lot. Oxford Code does not permit striping of the crosswalk.

A 10 foot wide multi use path is required to continue the path along the Wal-Mart property and US 27 North.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

Outdoor security lighting details have not been submitted for review at this time. Based upon recent concerns from residents about recent developments in Oxford, staff has researched outdoor lighting standards of Miami University to determine if code improvements are justified. Miami uses a 4,000 degree Kelvin lighting standard, which is a softer lighting than has been recently used for outdoor parking areas in recent Oxford developments. Because of the linear design of storage buildings, the lighting will have significant aesthetic impact on the US 27 corridor. Therefore, staff recommends adopting Miami's standard for color temperature.

COMMENT FORMS

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and a notice has been placed in the newspaper.

AGENCY REVIEWS

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

Police:	Returned without comment
Fire:	Returned without comment
Service/Engineering:	Returned with comments
Econ. Dev.	Returned with comments

ANALYSIS

As noted in the 2016 report, the following waivers/modifications of the code were requested. There are no proposed changes to these previously waived requirements:

- Removal of the bicycle storage rack requirement
- Reduction of the perimeter setback requirement from 25 to 8 feet

Based upon the preliminary approval ordinance, and new information on the plans the following changes are proposed:

- Reduction of the evergreen screening condition due to grade changes that provide more screening
- Postponed installation of the 10' multi-use path along Todd Road
- Relocation of the on-site lot frontage deciduous tree requirement to the tree lawn right of way area because of grade changes

In order to maintain the integrity of the preliminary approval and secure the details of the final approval, staff recommends approval of the proposed final plan, as submitted with the following conditions:

1. Maintain conditions 1,2,5,6,8,9,10 and 11 of the preliminary plan approval Ordinance 3391.
2. The maintenance agreement of the storm water detention area shall be approved by the City Engineer and Law Director prior to the Final Plan approval.

3. Deciduous trees to be planted approximately 50 feet on center along College Corner Pike in the public right of way as part of Phase 1 building occupancy or within 1 year of Final Plan approval, whichever comes first.
4. 10 foot multi-use path to be completed along College Corner Pike as part of Phase 1 building occupancy or within 1 year of Final Plan approval, whichever comes first.
5. Preliminary Plan for Phase 2 valid for 5 years from Phase 1 Final Plan approval.
6. Financial security to be provided for 10 foot multi-use path along College Corner Pike and Todd Road prior to building permit submittal for Phase 1.
7. If the path along College Corner Pike is not installed within one year of Phase 1 Final Plan approval, security will be used by the City to complete the path.
8. If the path along Todd Road is not installed within 5 years from Phase 1 final plan approval, security will be used by the City to complete the path.
9. Outdoor lighting shall comply with Oxford Zoning Code and the Miami University standard of 4,000 degree Kelvin color temperature.
10. The crosswalk from the path to Building A shall be improved crossing the parking lot comply with Oxford Code 1149.05(4)R.

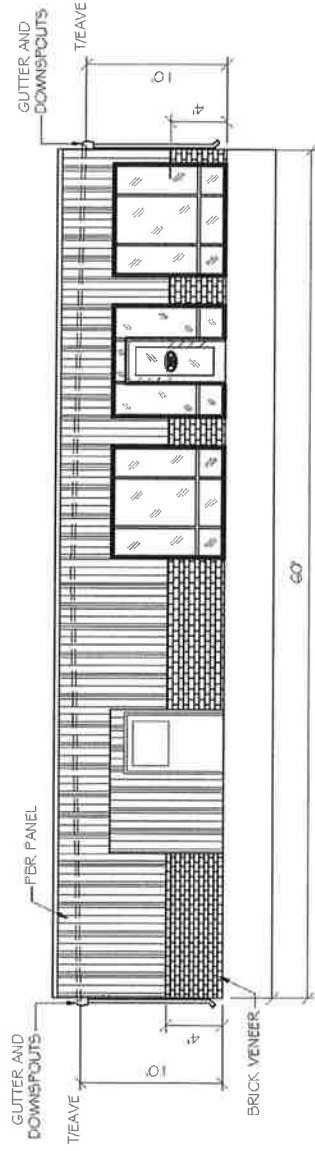
SUBMITTED

BY:

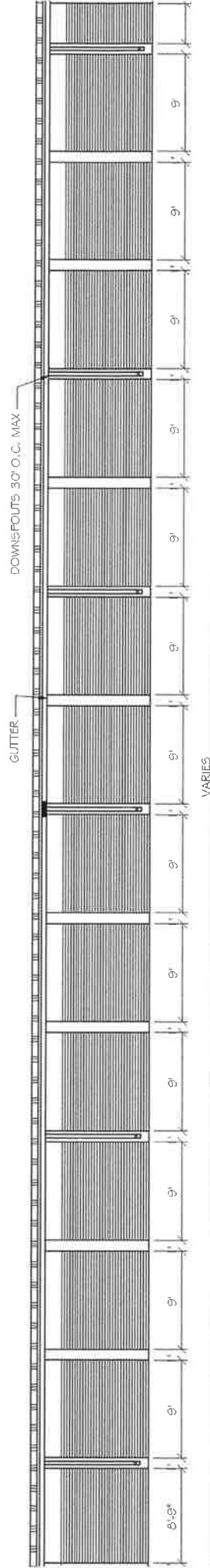
A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP, Planner

DATE: August 9, 2018



BUILDING # A



TYPICAL SIDE ELEVATION

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2016-21

Date – December 13, 2016

APPLICATION

Applicant:	Tim Macy/Teamwork Property Group, LLC
Location:	14 vacant acres, US 27 North and Todd Road
Proposed Owner:	Teamwork Property Group, LLC
Current Owner:	Marion Realty Inc.,
Action Request:	Recommendation for Preliminary Planned Development – To forward a recommendation to City Council regarding proposed plans
Current Use:	Vacant land
Surrounding Existing Land Uses:	Retail businesses on US 27 and agricultural uses along Todd Road

DESCRIPTION

The proposed development is seeking approval for a Preliminary Planned Development for a commercial development project on 14 acres of vacant land. The proposed uses include self-storage buildings on the north end of the site and commercial/retail/offices to the south end of the site, closer to the intersection of Todd and US 27. The zoning classification is GB (General Business) District.

This is the first Planned Development project exclusively for commercial uses that the City has received for decades. The closest PUD that comes in mind is Bishop Square, but it is a part of a larger mixed-use Planned Development.

SITE HISTORY

This area was part of a large annexation petition, along US 27 for a total of 33.5 acres of land, (including Koenig Farm Implant Equipment and Gillman Home Center) eventually annexed into the City in May, 2015. The City amended the zoning classification from township zoning to GB (General Business) District in August, 2015.

The site itself would seem to have been used for agricultural purposes for quite some time; however, the site has had no activity since around 2009 and remains vacant.

PLANNED DEVELOPMENT

PURPOSE:

Planned Development Common Goals from Section 1145.01(a)

- (1) Planned developments share these common goals:
 - A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings

- D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
- E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
- F. Be functional within a time period that helps ensure a viable development

(2) Infill (already within corporate limits) development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

PROCESS:

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approvals require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development 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.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

If, at any time, 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.

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards. All planned developments shall satisfy these general decision standards:
 - (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
 - (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
 - (3) The uses and site plan will satisfy the general intent of this Zoning Code.
 - (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
 - (5) The size and shape of the site are sufficient for the proposed planned development.
 - (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - (7) 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.
 - (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
 - (9) 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.

- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) 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.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

DESIGN REQUIREMENTS

Below are the design requirements for Planned Developments, pertaining to the proposed commercial Planned Development.

Section 1145.12

- (a) Arrangement. The physical arrangement of a planned development is **not subject to the specific dimensional regulations that apply in the underlying zoning district**, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.
- (b) Land Area. A planned development shall be a minimum of 1 (one) contiguous acre or more.
- (c) Land Use.
 - (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
 - (2) **The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:**
 - A. Any land use permitted in the underlying zoning district.**
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.**
- (e) Dimensional Regulations.
 - (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
 - (2) Front setbacks shall be limited as in the underlying zoning district.
 - (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - B. Commercial zoning district – 25 feet.**
- (f) Open Space.
 - (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
 - (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent. **Not applicable.**
- (g) Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
 - (1) Natural vegetation shall be maintained.
 - (2) No structures shall be built or improvements made, except as follows:

- A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
- B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
- C. Any improvements approved in a final plan.
- D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police.

(h) Landscaping and Screening.

- (1) A planned development shall satisfy all landscaping elements required by other sections of this Code.
- (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.
- (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.

(i) Access and Mobility.

- (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.
- (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.
- (3) Adequate pedestrian connectivity shall be provided to and through a planned development.

(j) Utilities and Infrastructure. Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k) Plan-Specific. Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.

COMMENT FORMS

All property owners within 200 feet have been notified by letter, and a sign has been posted on the property and a notice has been placed in the newspaper. Additionally, the developer conducted their own informational outreach.

AGENCY REVIEWS

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

Police:	Returned with comment
Fire:	Returned without comment
Service/Engineering:	Returned with comment
Econ. Dev.	Comment not returned

ANALYSIS

The Oxford Zoning Code stipulates decision stands for the Planning Commission to utilize shall follow

(b) General Decision Standards. All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. **Yes**
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. **No**
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. **Yes.**
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. **Yes**

- (5) The size and shape of the site are sufficient for the proposed planned development. **Yes**
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. **No**
- (7) 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**
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. **N/A**
- (9) 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. **Yes**
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. **Yes**
- (11) 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. **See the analysis below.**
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. **See the analysis below.**
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **No**

US 27 Corridor is one of the major roadways and is also one of the major business corridors of the City. The site and its surrounding businesses is the gateway to the City and should be carefully considered to ensure the development of this area to be attractive. Furthermore, the streetscape of US 27 will be modified due to this development which will also need addressed.

This Planned Development is a two-phased development. The first phase will be a self-storage unit facility and a truck rental facility on the northern portion of the site. Phase II would be commercial on the remaining portion of the site.

US 27 connect College Corner to Oxford and those transitions from agricultural land use to retail/light industrial uses. Commercial, including self-storage facilities, would seem to be consistent with the US 27 corridor as a major business corridor. US 27 is a major corridor and access management is critical to allow safe, yet functional access to all business entities along this roadway. The proposal shows one ingress/egress on US 27, shared by Phase 1 and Phase 2, and is aligned with Ringwood Road. This would be consistent with the traffic design principal. Future traffic would use this entrance to both portion of the development. Any traffic lane reconfiguration and/or traffic signal on US27 would not be implemented during this phase, as suggested by the developer and concurred by the City Engineer's Office, until the time when the users for phase II are identified. The construction of public sidewalks on US 27 will be concurrent with each phase for this Planned Development.

There are two future entrances on Todd Road, one would be aligned with the existing access to Walmart, and the 2nd one is further north on Todd Road. The City Engineer had indicated in his review that future development/roadway improvement/modifications to Todd Road and US 27 may be needed, as well as a traffic signal at the intersection of Ringwood Road/US27/NW entrance to the proposed development.

The issue is how the site will be viewed by traffic on US27, particularly for the Phase I development proposal. The conventional perception of any self-storage facility would be a single story building with access to each unit. It would be important to provide visual barriers to limit the plain view of the units from traffic. The applicant has proposed to install evergreen screening on the northwest property line to

shield the part of the facility from being seen on southbound US 27. In an effort to provide a visual buffer, the screening needs to maintain 90 percent obscurity.

The timing of Phase II would also impact the visibility of the self-storage on north bound US 27 traffic, since the end users have not been identified and the developer indicates that the construction of the self-storage facility has been tentatively scheduled for the spring 2017. It will be necessary to have evergreen screening between the self-storage and the future commercial. It will serve as a visual barrier prior to Phase II commenced on US 27, it also serves as a visual barrier between the Phase II and Phase I development.

Other Site Design Analysis:

The proposal is for a Preliminary approval of the development, hence not much detailed information has been provided, which will occur during the Final Phase. Based on preliminary information, here are some issues that would be needed for the development of the detailed plan:

1. The perimeter setback requirement for a Planned Development is 25 feet; the proposal only shows 8 feet on the h and northwest portions on the site plan. However, the underlying zoning (GB) does not have setback requirements unless the property abuts a residential district. It is assumed that the entire self-storage facility will be fenced for security, since the narrative of the application indicates that the access will be via an automated gate and user passcode. Please also note that the OPD has a concern about fence height.
2. The building material of the self-storage facility will be particularly visible from US 27.
3. The functionality of the proposed signage, as shown, in light of the landscaping requirements along US 27. It might achieve its intended purpose by relocating the sign in front of the trees to be planted along US 27.
4. The type of evergreen screening on the northwest property line.

This is a Preliminary Planned Development, the idea is to have some firm, but not detailed information, so the Planning Commission can have an understanding of the proposed project to deliberate and make recommendations to Council for consideration.

Other issues to concern are as follows: (1) the entrance to Phase I is too dark and some street lights should be considered for safety purposes. (2) the interior light arrangement of the site for security and customer purposes would need to be reviewed in more detail at the Final Development phase.

RECOMMENDATION

The proposed Preliminary Planned Development is a two phased development that may be approvable, subject to the following considerations:

1. Waiving the perimeter required setback from 25' to 8'.
2. Waiving the bicycle rack requirements for the self-storage facility, as stipulated in 1145.12(i).
3. Additional evergreen screening between Phase I and Phase II to provide a visual barrier. Detailed information on evergreen needs to be provided at the Final Planned Development.
4. The design capacity of the detention area for the entire 14 acre site needs to be reviewed and approved by the City Engineer. The maintenance agreement of the detention area shall also be reviewed by the City Law Director.
5. There needs to be landscaping screening provided around the outdoor vehicle storage area as well.

SUBMITTED

BY:

Jung-Han Chen,
Community Development Director

DATE: November 22, 2016

City of Oxford
Inter-Office Review Transmittal Sheet



Date: July 9, 2018

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

From: Community Development Department

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, Teamwork Property Group, LLC, Tim Macy Applicant/Agent

 X Review Revisions Other

Please return no later than: **August 6, 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:

8-7-18

PRINTED NAME

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2018-20
Final Planned Development
5728 College Corner Pike

DATE: July 27, 2018

The following are our comments.

- Is only Building A sprinkled for fire protection?
- Is one (1) fire hydrant sufficient for this entire phase?
- A 6" water main is standard for fire hydrants. In this case, Building A fire suppression is tapped from it. The water main should be upsized to 8", meeting City Specifications.
- The intent of this Planned Development is to postpone improvements to the USR 27 entrance, until it is known what the next phase will be comprised of. Note that if improvements are necessary, it may be to add a deceleration lane when heading north, a turning lane when heading south, re-alignment of the multi-use path, etc.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, **Teamwork Property Group, LLC, Tim Macy Applicant/Agent**

 X Review Revisions Other

Please return no later than: **August 6, 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: 7/16/18

John A. Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 9, 2018

To: Fire Department Engineering Division Police Department

Comm Dev Department

From: Community Development Department

PC-2018-20, FINAL PLANNED DEVELOPMENT 5728 College Corner Pike, Teamwork Property Group, LLC, Tim Macy Applicant/Agent

☒ Review

☐ Revisions

☐ Other

Please return no later than: August 6, 2018 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned:

w/comments

without/comments

As I have stated in other staff reports, the need for additional storage units for Oxford citizens still exists. Currently many Oxford citizens have to go out of town to find storage facilities.

This is an appropriate location for several reasons. One, storage unit facilities are 'destination location' facilities. Meaning customers seek these locations out for business verses a customer visiting the business on a whim because they were in the neighborhood. In addition, this location is on the outer fringe of the City, beyond Walmart and in-between a farm implement dealership and a Todd Road. It is not the most attractive location for a traditional retail business.

I like the 10' Multi-use path is being extended along CCP. I understand the elimination of the required bike rack at the main building. The office is not a typical retail business. You tend to visit the office once to set up your account. When I visit my storage unit by bike, I ride my bike to my unit. I do not leave my bike at the office.

The reduced set back requests seems appropriate given to the north is a farm implement storage facility and to the south is an undeveloped lot owned by the same entity. If this creates a hardship, it effects their own property.

Drawings reviewed by:



Date:

Aug-6-2018

G. ALAN KYGER

PRINTED NAME



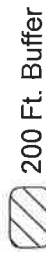
PC-2018-20

Surrounding Property Owners Notifications Map

Legend



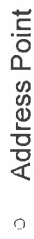
Subject Parcel



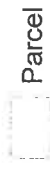
200 Ft. Buffer



Oxford Corp. Limit



Address Point



16.5' Vacated ROW

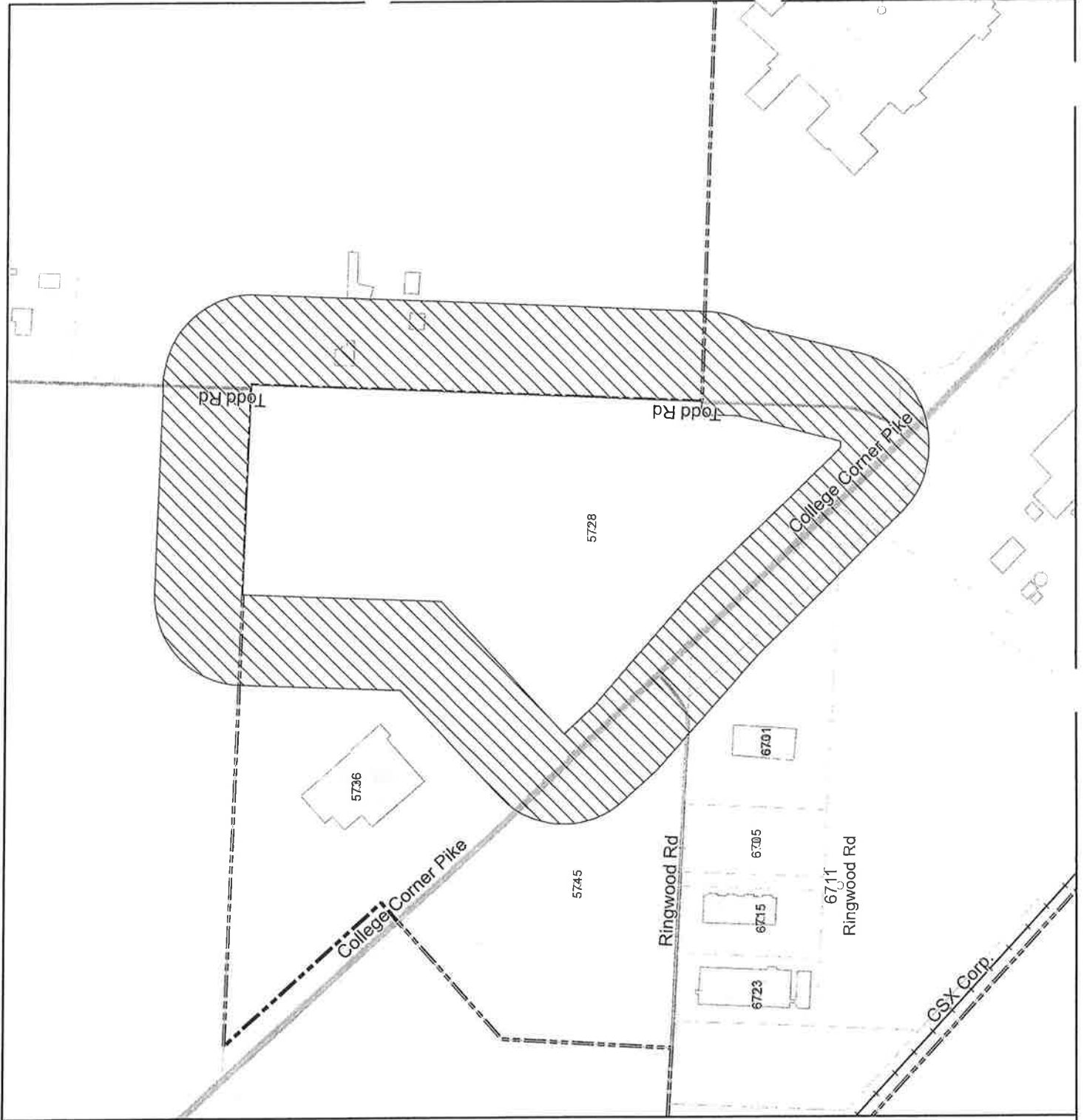


Building Footprint

Paved Roadway



1 inch = 300 feet



Prepared on Wednesday, August 01, 2018

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



Internal Use Only:

Case No.

Date Filed

PC-2018-20

6/29/18

Planned Development Application

Application Type

Choose One

☐

Preliminary (\$400)

☒

Final (\$400)

☐

Preliminary & Final (\$400)

Applicant Information

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

Name *

Tim Macy / Teamwork Property Group, LLC

Mailing Address *

3116 W. Montgomery Road, Suite C-287

City, State & Zip Code *

Maineville, OH 45039

Telephone Number *

(513) 442-3743

Email Address

tim@teamworkpg.com

Owner Information

Name *

5728 College Corner Pike LLC

Mailing Address *

3116 W. Montgomery Road, Suite C-287

City, State & Zip Code *

Maineville, OH 45039

Telephone Number *

(513) 442-3743

Email Address

tim@teamworkpg.com

Engineer/Surveyor Information

Name *

Jason Renneker, P.E. / Focus Engineering & Design, LLC

Mailing Address *

1391 Oakview Drive

City, State & Zip Code *

Columbus, OH 43235

Telephone Number *

(303) 229-1189

Email Address

jasonrenneker@focusengineeringdesign.c

Location and Lot Information

Name of Subdivision *

N/A

Location of Property *

5728 Old Oxford College Road (US 27)

Legal Description *

1 5 16 SE COR LOT 6 NE COR LOT 5 LESS RD R/W

Zoning District *

GB, General Business

Total Area *

14.4781

Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

O. Other information as required by the Planning Commission or Council.

(7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.

(8) Other. Photographs of the existing site and its surroundings.

(b) Final Plan.

(1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.

(2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer

(3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.

(4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The required fee for preliminary and final is \$400.00 plus \$100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Todd C. May, Mayor
6/28/18

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 preliminary plans containing all required information as attachments and a check for fee and postage charges 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).**

For Staff Use Only

Fee Paid Date *

6/29/18

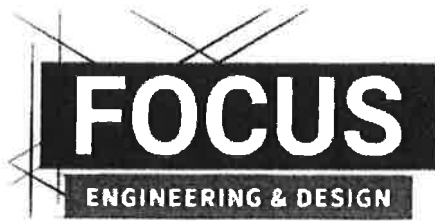
Receipt Number *

209067

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

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

³ The United States Postal Service: <http://www.usps.com/>



June 24, 2018

City of Oxford – Community Development
15 S. College Avenue
Oxford, OH 45056

ATTN: Sam Perry

RE: Zoning Review for 5728 College Corner Pike (Permit #17-170)

Dear Sam:

Below are the items referenced in Section 3 of Zoning Ordinance #3391 and our responses:

1. The City shall waive the perimeter required setback from 25' to 8' for Phase I.
 - The development has incorporated this minimum setback of 8'.
2. The City shall waive the bicycle rack requirements for the self-storage facility, as stipulated in Oxford Codified Ordinance Section 1145.12 (i).
 - No bicycle racks are being proposed as part of the self-storage facility.
3. Additional evergreen screening between Phase I and Phase II shall be provided as a visual barrier. Detailed information regarding the evergreens shall be provided during the Final Planned Development hearing.
 - Due to the fact that a layout and timetable for Phase II is unknown at this time, the owner has agreed to plant medium trees with 50' spacing per the City of Oxford Tree Management Plan, along the entire frontage of the property and College Corner Pike. These trees are to be placed within the 6' grass strip located between back of curb and the proposed 10' trail. These trees are shown on the site plan along with a planting detail.
4. The design capacity of the detention area for the entire 14 acre site shall be reviewed and approved by the City Engineer. The maintenance agreement for the detention area shall be reviewed by the City Law Director.
 - The design capacity for the storm water detention pond is for the entire site (both Phase 1 and future Phase 2). The City Engineer has reviewed the drainage report and calculations and has approved the design. At this time, the developer/owner of the self-storage facility will be responsible for the maintenance of the detention facility. Once Phase 2 is constructed then a maintenance agreement will be put in place and submitted to The City of Oxford Law Director for review.
5. Landscape Screening shall be provided around the outdoor vehicle storage area.
 - The outdoor storage facility is located in the rear of the property and sits much lower in elevation than the neighboring property to the north. Therefore, after meeting with Sam Perry, it was

determined that only 6 evergreens per side of parking area will be required (6 per side, 3 sides, for a total of 18 evergreens). These evergreens are shown on the site plan along with a planting detail.

6. The self-storage buildings shall be designed and constructed as stipulated in Oxford Codified Ordinance Section 1147.03 (32) B.7.
 - The buildings will be designed and constructed as stipulated per Oxford Code. The owner will submit storage building design details before the Planning Commission meeting.
7. A 10' multi-use path shall be constructed along the complete frontage of College Corner Pike and along Todd Road.
 - A 10' multi-use path will be constructed along the entire frontage of College Corner Pike as part of the self-storage construction. This path is shown on the site plans. The 10' multi-use path along Todd Road will be designed and constructed with future Phase 2 development.
8. Pedestrian access to the proposed retail/business establishments from College Corner Pike and from Todd Road shall be designed with a pedestrian walkway connecting the multi-use path to the retail/business establishments.
 - A 5' ADA compliant access off the 10' pathway along College Corner Pike has been designed for the self-storage facility and is shown on the site plan. Future Phase 2 will be required to have pedestrian access but location will be determined by future layout of Phase 2.
9. Ingress and egress curb cuts from the site to College Corner Pike and Todd Road shall be the same as shown on the drawings dated December 1, 2016.
 - Curb cut locations are the same as shown on the drawings dated December 1, 1016.
10. The internal development of Phase II shall come back before Planning Commission.
 - At the time a user/layout has been determined for Phase II a site plan will be submitted to Planning Commission.
11. A traffic study shall be conducted prior to the second Phase of development.
 - Once a user/layout is determined for Phase II a traffic study will be conducted for the entire development for both Todd Road and College Corner Pike.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Renneker', with a horizontal line extending to the right.

Jason Renneker, PE

5728 COLLEGE CORNER PIKE

FINAL PUD NARRATIVE

- A. LEGAL DESCRIPTION: 1 5 16 SE COR LOT 6 NE COR LOT 5 LESS RD R/W
- B. THE EXISTING SITE IS CURRENTLY LEFT AS OPEN SPACE/VACANT LAND.
- C. THE SITE IS LOCATED WITHIN A GENERAL BUSINESS (GB) ZONING DISTRICT.
- D. DESCRIPTION OF PROPOSED PLANNED DEVELOPMENT:
 - 1. NO HOUSING UNITS ARE BEING PROPOSED AS PART OF THIS PROPOSED DEVELOPMENT.
 - 2. THE PROPOSED PLANNED DEVELOPMENT WILL BE BROKEN INTO TWO PHASES: PHASE 1 WILL CONSIST OF A SELF-STORAGE FACILITY AND PHASE 2 USE/USER(S) HAVE YET TO BE DETERMINED. PHASE 1: SELF-STORAGE FACILITY WILL BE A SELF-STORAGE FACILITY AND MOVING TRUCK RENTAL FACILITY. THE NUMBER OF CUSTOMERS WILL DEPEND ON THE NUMBER OF UNITS BEING RENTED.
PHASE 2 USE WILL FALL UNDER THE GENERAL BUSINESS (GB) ZONING USES, AND POTENTIAL USES INCLUDE OFFICE, HEALTHCARE FACILITY, AND COMMERCIAL BUSINESS, FOR EXAMPLE.
 - 3. PHASE 1: RENTAL OFFICE HOURS OF OPERATION WILL BE 9 AM – 6 PM, BUT ACCESS TO SELF-STORAGE FACILITY WILL BE AVAILABLE 24 HOURS A DAY TO RENTERS BY USE OF AN AUTOMATED GATE AND USER PASSCODE.
PHASE 2: HOURS OF OPERATION WILL BE DETERMINED BY FUTURE USER(S).
 - 4. PHASE 1 TO BE CONSTRUCTED LATE SPRING/EARLY SUMMER OF 2017.
PHASE 2 CONSTRUCTION TO BE DEPENDANT ON FUTURE USER(S) AND THEIR CONSTRUCTION TIMETABLE.
- E. COMPATIBILITY OF PROPOSED PLANNED DEVELOPMENT WITH THE GENERAL VICINITY AND ADJACENT PROPERTIES
 - 1. THE ADJACENT PROPERTIES INCLUDE AN EQUIPMENT RENTAL COMPANY (KOENIG EQUIPMENT) TO THE NORTHWEST, A HOME IMPROVEMENT STORE (GILLMAN HOME CENTER) TO THE WEST, A CHURCH (FIRST BAPTIST CHURCH OF OXFORD) TO THE WEST, AN ELECTRIC SUPPLY COMPANY (SCHNEIDER ELECTRIC) TO THE SOUTH, A RETAIL COMPANY (WAL-MART) TO THE SOUTHEAST, AND FARMS TO THE NORTH AND EAST. ALL THE SURROUNDING USES ARE GENERAL BUSINESS, EXCEPT THE TWO EXISTING FARMS, SO THE PROPOSED USES BEING GENERAL BUSINESS ARE SIMILAR TO THE SURROUNDING SITES. THERE WILL BE NO INTERACTION BETWEEN THE PROPOSED SITE AND ADJACENT SITES. NO CROSS CONNECTIONS BETWEEN ADJACENT PROPERTIES WILL BE CONSTRUCTED.
 - 2. PROPOSED STRUCTURES AND SITE DESIGN WILL BE SIMILAR TO ADJACENT STRUCTURES AND SITES, WITH SIMILAR BUILDING STYLES AND HEIGHT AND SIMILAR PARKING CONFIGURATIONS.
 - 3. NO PROPOSED USES WILL BE ALLOWED TO OPERATE IF THEY CAUSE NUISANCES SUCH AS EXCESSIVE NOISES, LIGHTING, ODOR, FUMES, VIBRATION, OR EMISSIONS.
 - 4. SCREENING (LANDSCAPE BUSHES/TREES) WILL BE INSTALLED ALONG THE NORTHWEST PROPERTY LINE TO MITIGATE THE VISUAL APPEARANCE OF THE SELF-STORAGE FACILITY FROM THE NORTHWEST PROPERTY OWNER AND US 27. EXISTING TREES AND VEGETATION ALONG THE NORTH PROPERTY LINE TO REMAIN UNDISTURBED TO MITIGATE THE VISUAL APPEARANCE OF THE DEVELOPMENT TO THE NORTH PROPERTY.

- F. THE LOCATION OF THE PROPOSED DEVELOPMENT IS APPROPRIATE FOR PLANNED DEVELOPMENT DUE TO THE SHARED ACCESS DRIVES AND STORMWATER DETENTION FACILITY. ALSO, THE FLEXIBILITY TO MOVE FORWARD WITH THE SELF-STORAGE FACILITY (PHASE 1) WITHOUT HAVING AN END USER(S) IN PLACE FOR PHASE 2.
- G. BASED ON A RECENT FEASIBILITY STUDY BY WERT-BERATER, INC., THE DEMAND FOR ADDITIONAL SELF STORAGE IN OXFORD WAS EVALUATED BY BOTH THE NUMBER OF SQUARE FEET PER CAPITA, AS WELL AS THE NUMBER OF UNITS PER CAPITA, AND BOTH MEASUREMENTS SHOW THAT THE CITY OF OXFORD IS UNDER-SUPPLIED. USING THE NATIONAL AVERAGE OF SEVEN (7) SQUARE FEET PER CAPITA, THE OXFORD MARKET IS UNDER SUPPLIED BY ABOUT 65,000 SF. SEE TABLE BELOW:

Self-Storage Demand Estimates Using Average Square Footage per Capita Factor

City of Oxford, Ohio

Year	Population	Expected Growth Rate of .57%	SF Demanded, using 7.0 SF natl. avg. per capita factor	Vacancy factor of 10%	Demand SF	Current Inventory SF	Deficit
2015	22,104		154,728				
2016		22,230	155,610	(15,473)	139,255	74,000	65,255
2017		22,357	156,497	(15,561)	140,049	74,000	66,049
2018		22,484	157,389	(15,650)	140,847	74,000	66,847
2019		22,612	158,286	(15,739)	141,650	74,000	67,650
2020		22,741	159,188	(15,829)	142,457	74,000	68,457
2021		22,871	160,096	(15,919)	143,269	74,000	69,269
2022		23,001	161,008	(16,010)	144,086	74,000	70,086
2023		23,132	161,926	(16,101)	144,907	74,000	70,907
2024		23,264	162,849	(16,193)	145,733	74,000	71,733
2025		23,397	163,777	(16,285)	146,564	74,000	72,564

THE CITY OF OXFORD INDICATES A FACTOR OF ABOUT 0.026 UNITS PER CAPITA, NOT INCLUDING THE 15,000* MIAMI UNIVERSITY STUDENTS, AND THUS THIS ANALYSIS IS BASED ONLY ON US CENSUS POPULATION ESTIMATES FOR PERMANENT POPULATION IN THE CITY. NATIONAL AVERAGES INDICATED THAT STUDENTS MAKE UP AS MUCH AS 6% OF OVERALL OCCUPANCY AT LOCAL SELF-STORAGE FACILITIES ACROSS THE UNITED STATES.

ADDING THE SUBJECT PROJECT TO THE CITY OF OXFORD AREA, OF ITS PLANNED 289 UNITS INDICATED A FACTOR OF ABOUT 0.034 UNITS PER CAPITA, INDICATING A DIFFERENCE OF ABOUT 0.012 UNITS PER CAPITA BASED ONLY ON OXFORD PERMANENT POPULATION ESTIMATES. THEREFORE, IN ADDITION TO THE SQUARE FEET PER CAPITA ANALYSIS, THIS ANALYSIS ALSO INDICATES AN UNDERSERVED AREA.

- H. PROPOSED WATER AND SANITARY UTILITIES ARE AVAILABLE ALONG US 27 AND ARE SIZED TO HANDLE THE FLOWS GENERATED BY THE PROPOSED PLANNED DEVELOPMENT.
- I. THE TRAFFIC GENERATED BY THE SELF-STORAGE FACILITY (PHASE 1) DOES NOT GENERATE ENOUGH TRAFFIC TO WARRANT ANY TRAFFIC IMPROVEMENTS, AND WITH THE USER(S) FOR PHASE 2 UNKNOWN AT THIS TIME, A TRAFFIC IMPACT STUDY IS NOT BEING PREPARED AS PART OF PHASE 1. HOWEVER, ONCE A USER(S) ARE COMMITTED FOR PHASE 2 A TRAFFIC IMPACT STUDY WILL BE PREPARED FOR US 27 AND TODD ROAD TO DETERMINE IF ANY TRAFFIC IMPROVEMENTS ARE NECESSARY. THE DEVELOPER IS AWARE THAT MODIFICATIONS TO THE CURB-CUT ALONG US 27 MAY BE NECESSARY AS PART OF PHASE 2.
- J. A COVENANT FOR THE ENTIRE PLANNED DEVELOPMENT WILL BE PUT IN PLACE FOR MAINTENANCE OF SHARED ACCESS ROADWAYS AND THE SHARED STORMWATER DETENTION FACILITY. WATER AND SANITARY SEWER EASEMENTS WILL PROVIDED TO THE CITY OF OXFORD, AS NECESSARY. NO OTHER RESTRICTIONS ARE ANTICIPATED ON THE LAND AND STRUCTURES.



Looking North



Looking Northwest



Looking West



Looking Southwest



Looking South



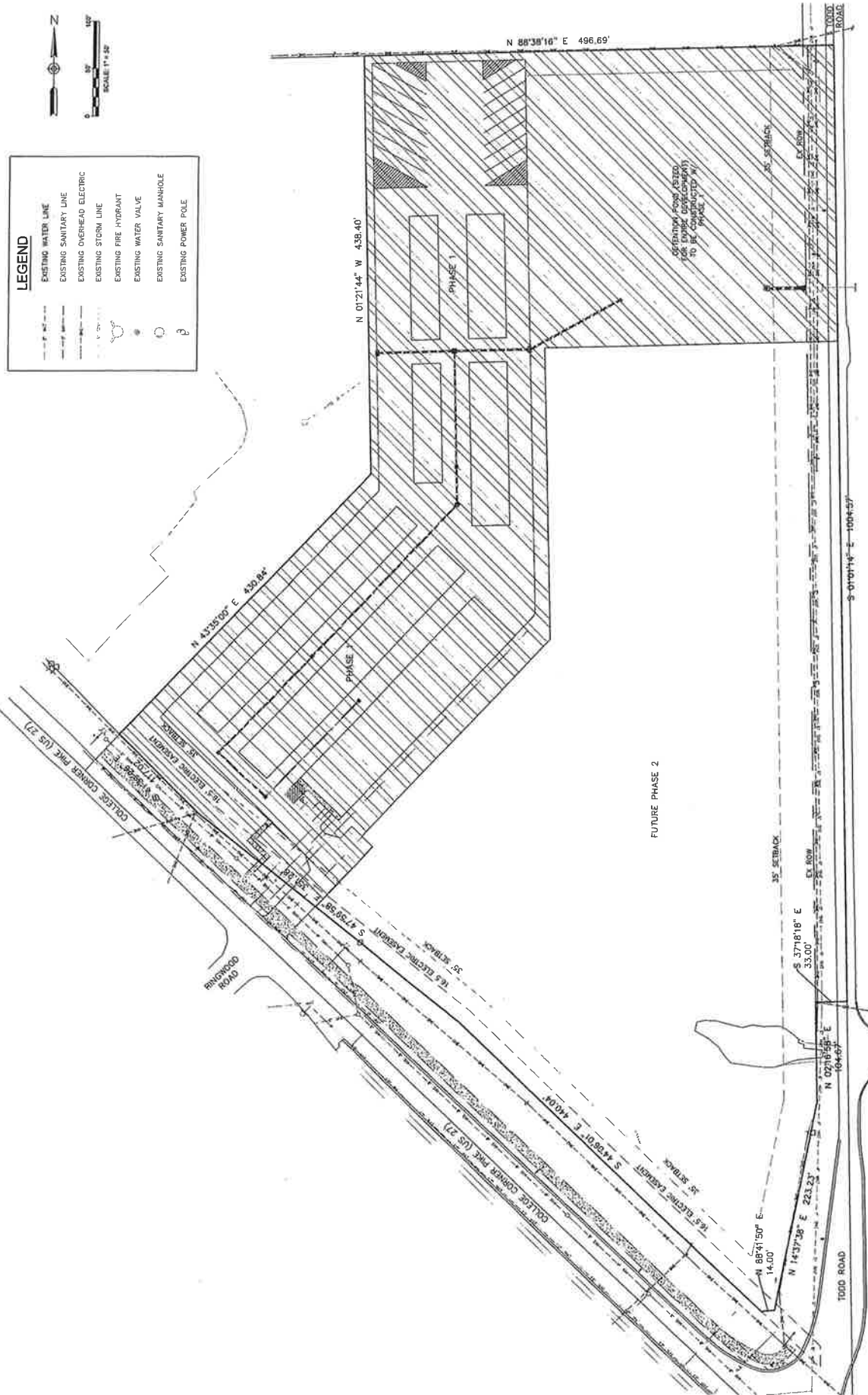
Looking East

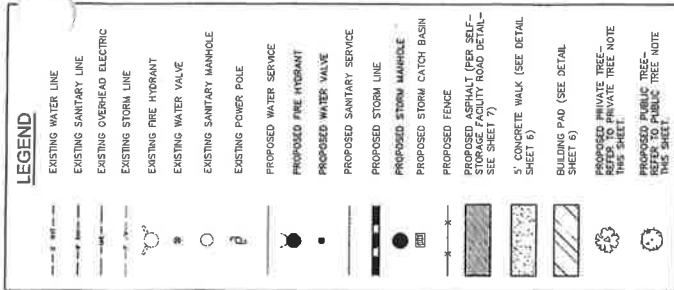
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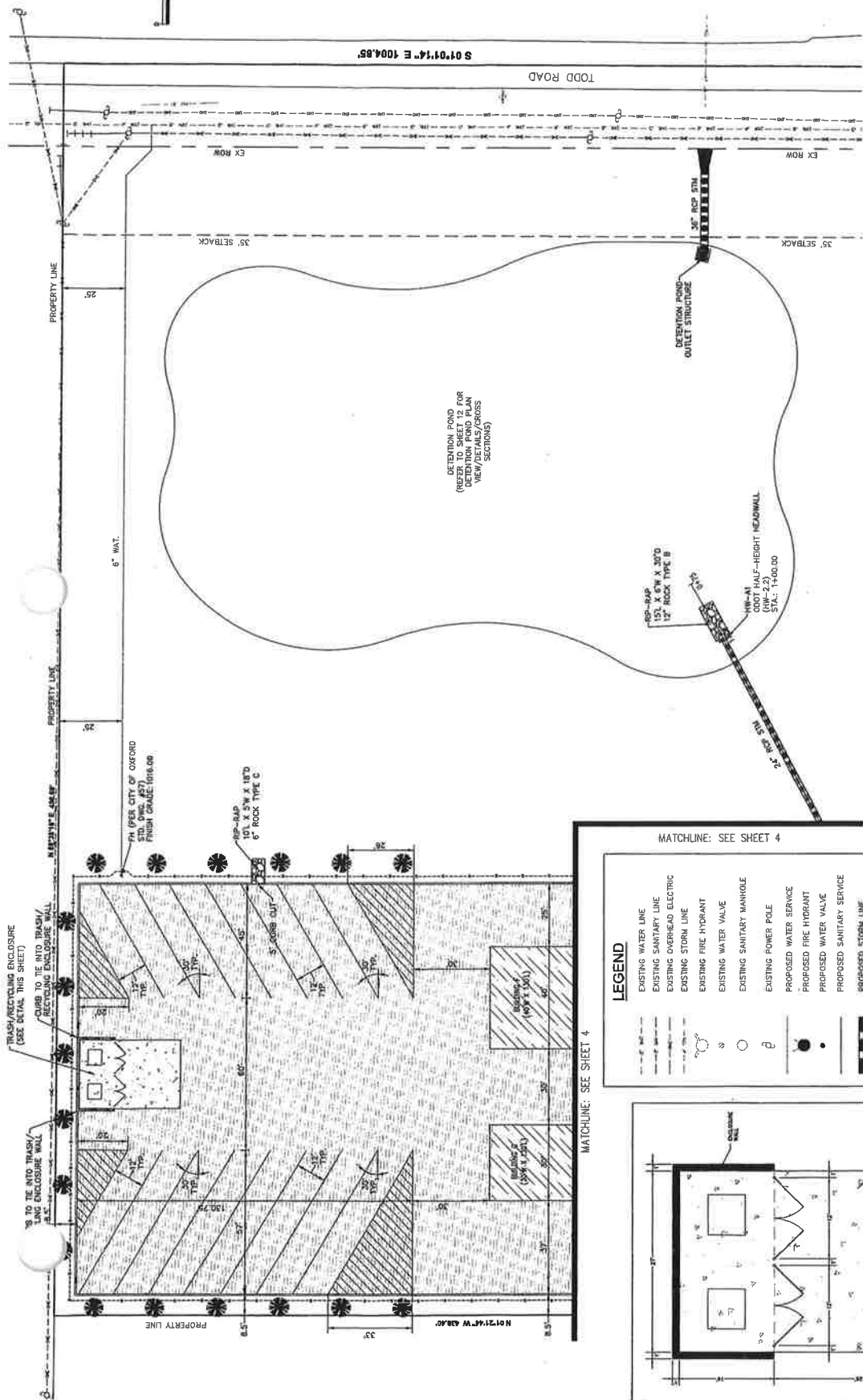


5728 COLLEGE CORNER PIKE - PHASE 1
SELF STORAGE FACILITY

DESIGNED BY	JR
APPROVED BY	JR
DATE	6/1/2018
SHEET NO.	2 OF 18







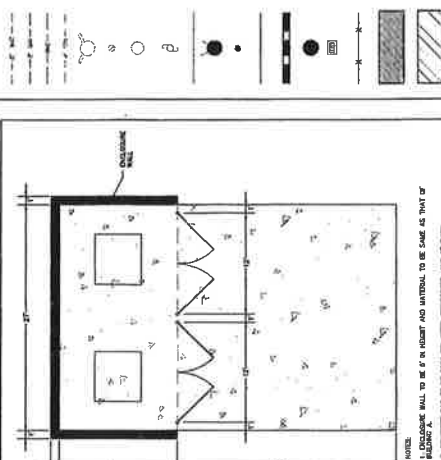
ASPHALT NOTE: ALL ASPHALT SHOWN ON PLAN IS PER SELF-STORAGE FACILITY ROAD DETAIL UNLESS OTHERWISE NOTED (SEE DETAIL SHEET 7).

CURB NOTE: ALL CURB SHOWN IS ODOT CONCRETE
CURB TYPE 6 UNLESS OTHERWISE NOTED (SEE
DETAIL SHEET 7).

EVERGREEN NOTE: EVERGREENS TO BE PLANTED AROUND OUTDOOR STORAGE AREA WITH 6 EVERGREENS ON EACH SIDE AS SHOWN IN PLAN VIEW. REFER TO SHEET 7 FOR EVERGREEN PLANTING DETAIL.

LEGEND

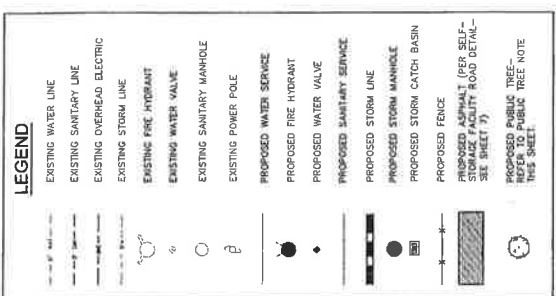
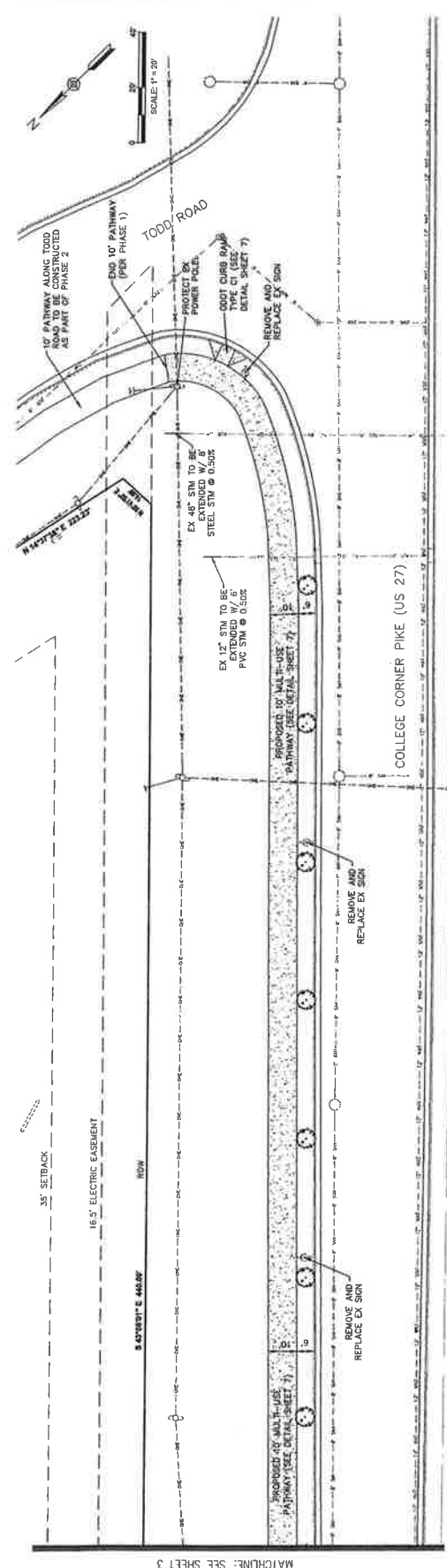
- EXISTING WATER LINE
EXISTING SANITARY LINE
EXISTING OVERHEAD ELECTRIC
EXISTING STORM LINE
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING SANITARY MANHOLE
EXISTING POWER POLE
PROPOSED WATER SERVICE
PROPOSED FIRE HYDRANT
PROPOSED WATER VALVE
PROPOSED SANITARY
PROPOSED STORM LINE
PROPOSED STORM MANHOLE
PROPOSED STORM CATCH BASIN
PROPOSED FENCE
PROPOSED ASPHALT (P/R, S&S)
STORAGE FACILITY ROAD DETAIL-
(SEE SHEET 7)
BUILDING PAD (SEE DETAIL
SHEET 6)
PROPOSED FURNISHING (SEE
SHEET 7)
PROPOSED WATER MAIN (SEE
SHEET 7)



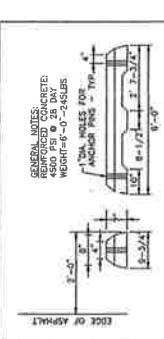
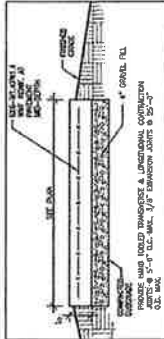
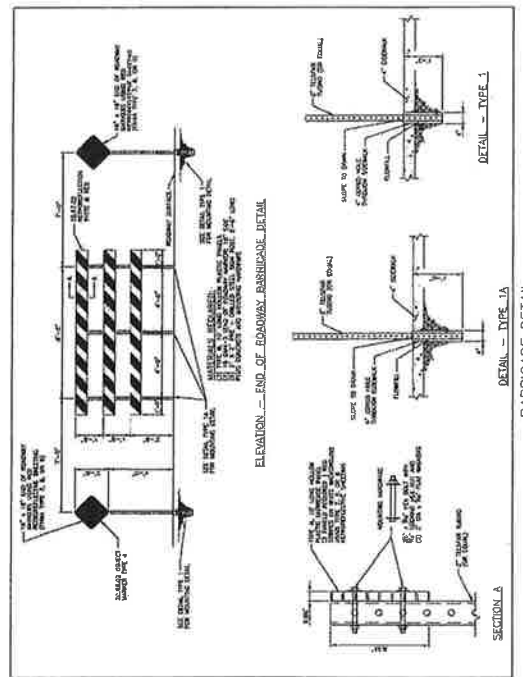
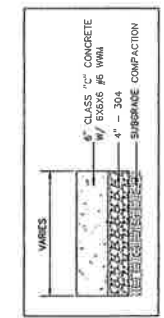
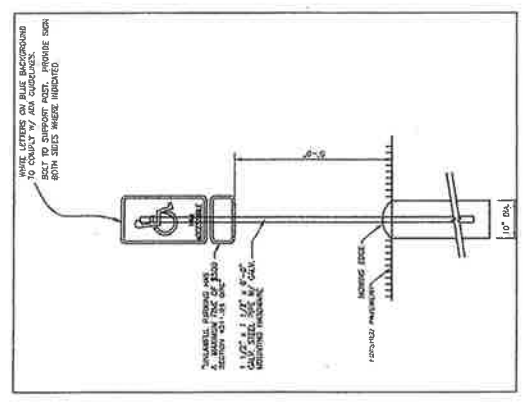
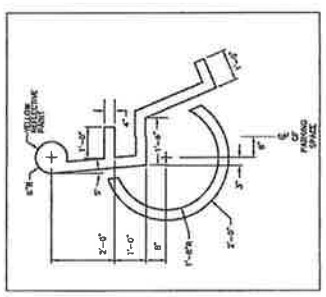
1. DISCHARGE WALL TO BE 6" IN HEIGHT AND MATERIAL TO BE SAME AS THAT OF BUILDING A.

TRASH/RECYCLING ENCLOSURE

NOT TO SCALE



PUBLIC TREE NOTE: PER CITY OF OXFORD ORDINANCE NO. 3391, CONDITION #3 STATES "ADDITIONAL EVERGREEN SCREENING BETWEEN PHASE 1 AND PHASE 2 SHALL BE PROVIDED AS A VISUAL BARRIER". IN LIEU OF THIS SCREENING, TREES SHALL BE PROVIDED EVERY 50' ALONG US 27 FROM TODD ROAD TO NORTHWEST PROPERTY CORNER. THESE TREES TO BE "AMERICAN HORNBARK" AND/OR "ZELKOVA (JAPANESE ELM)" AND SHALL BE PLACED BETWEEN BACK OF CURB AND PROPOSED 10' MULTI-USE PATHWAY. REFER TO SHEET 7 FOR TREE PLANTING DETAIL.



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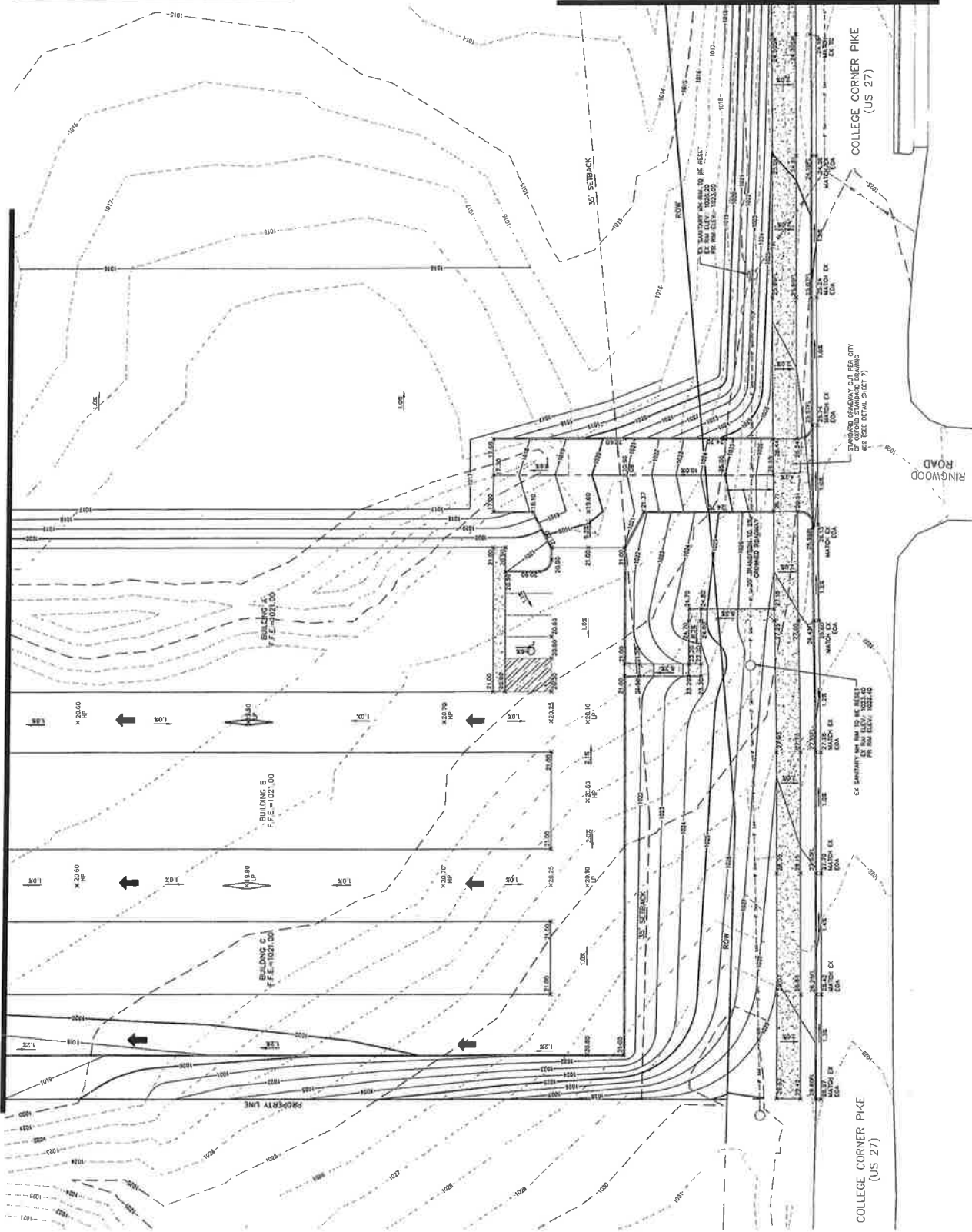
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NO.	DESCRIPTION OF REVISIONS	DATE

MATCHLINE: SEE SHEET 9



LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- OVERFLOW FLOW PATH
- SPOT ELEVATION (ADD 1000 TO ALL SPOTS)
- GENERAL DRAINAGE FLOW PATTERN & SLOPE
- HIGH POINT
- LOW POINT
- FRESH FLOOR ELEVATION
- GRADE BREAK
- TOP OF CURB



FOCUS
ENGINEERING & DESIGN

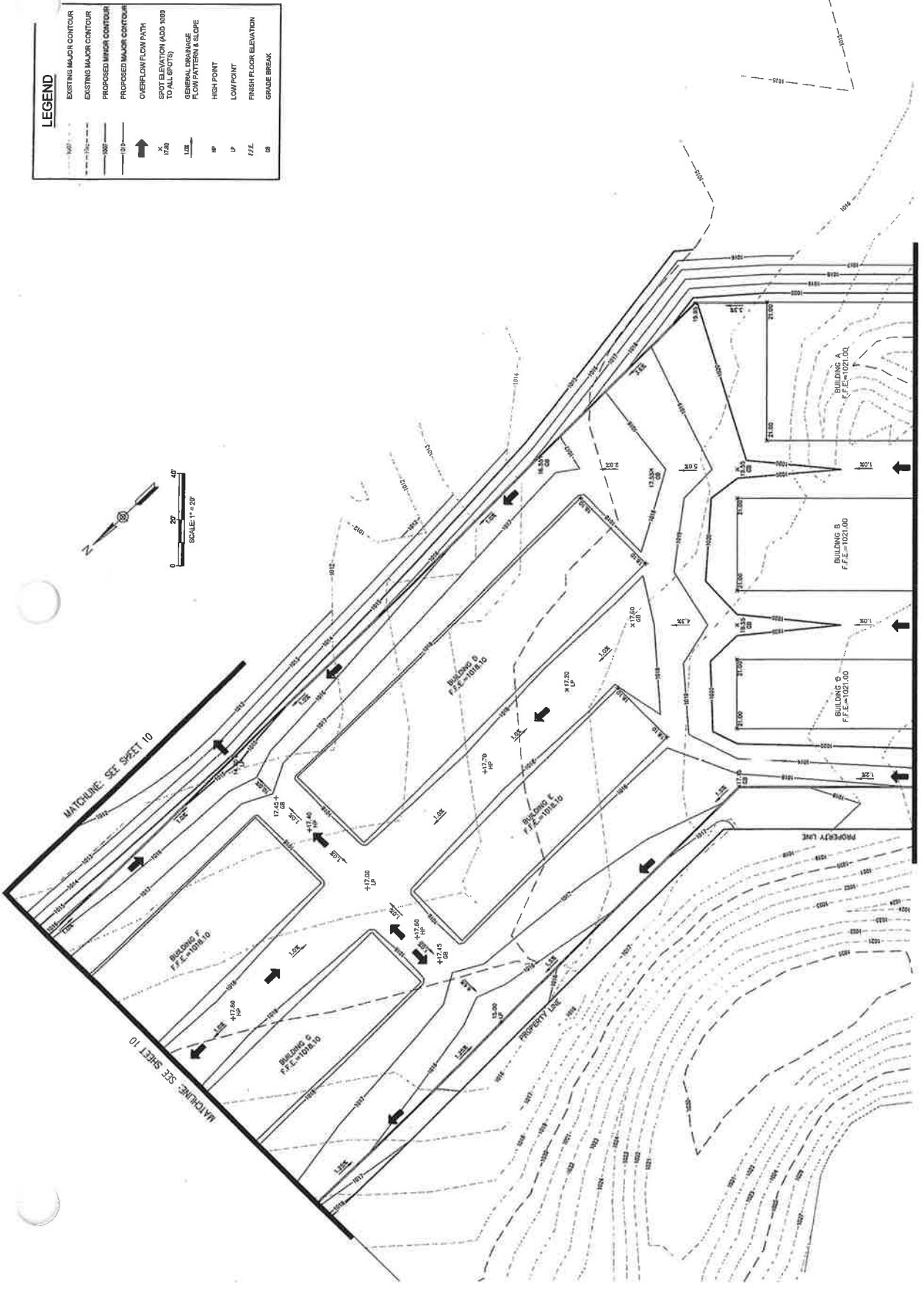
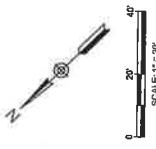
5728 COLLEGE CORNER PIKE - PHASE 1
SELF STORAGE FACILITY

GRADING PLAN

DRAWN BY	JR
CHECKED BY	JR
APPROVED BY	JR
DATE	6/1/2016
SHEET NO.	8 OF 18

LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MAJOR CONTOUR
- OVERFLOW FLOW PATH
- SPOT ELEVATION (ADD 1000 TO FULL 10' INCH)
- GENERAL DRAINAGE FLOW PATTERN & SLOPE
- HIGH POINT
- LOW POINT
- FINISH FLOOR ELEVATION
- GRADE BREAK



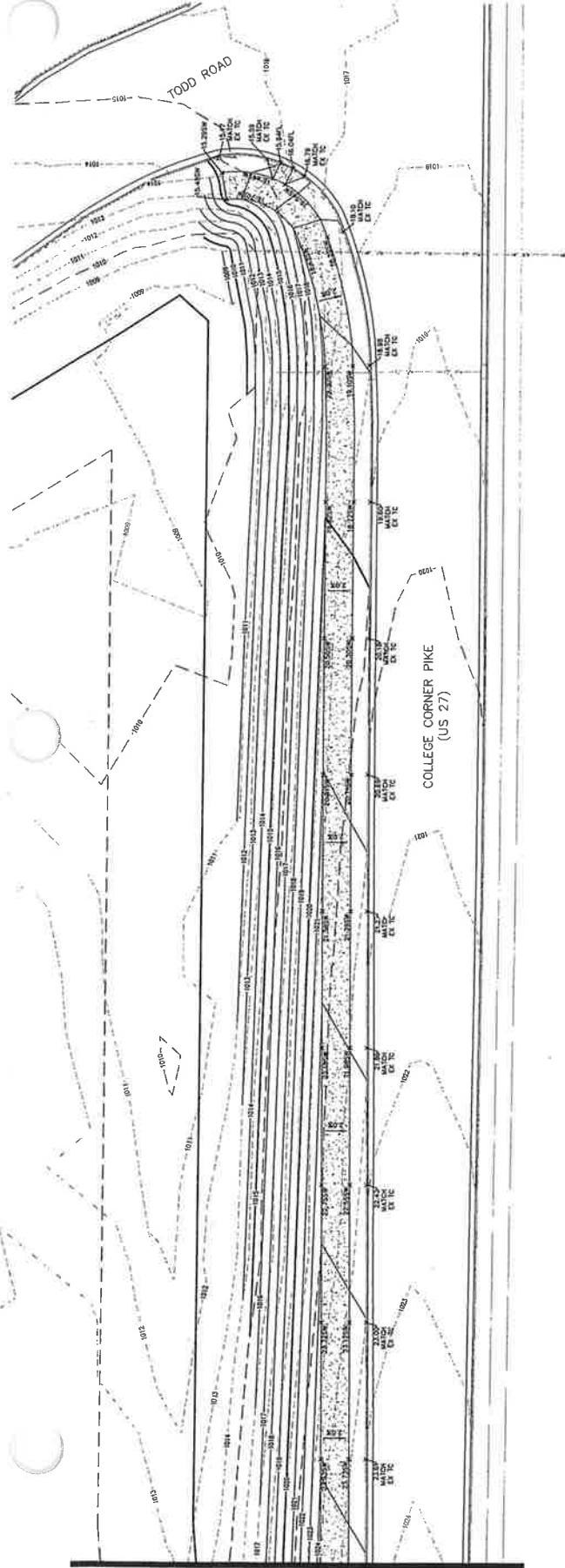
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	GENERAL DRAINAGE
	FLOW PATTERN & SLOPE
	HIGH POINT
	LOW POINT
	FINISH FLOOR ELEVATION
	GRADE BREAK

NO.	DESCRIPTION OF REVISIONS	DATE	BY

5728 COLLEGE CORNER PIKE - PHASE 1
SELF STORAGE FACILITY

GRADING PLAN

DRAWN BY:	JR
DESIGNED BY:	JR
APPROVED BY:	JR
DATE:	6/11/2018
SHEET NO.:	11 of 18



LEGEND	
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	PROPOSED MAJOR CONTOUR
---	PROPOSED MINOR CONTOUR
---	OVERBOWL FLOW PATH
↑	SPOT ELEVATION (ADD 1000 TO ALL SPOTS)
---	GENERAL DRAINAGE FLOW PATTERN & SLOPE
HP	HIGH POINT
LP	LOW POINT
FEL	FINISH FLOOR ELEVATION
GB	GRADE BREAK
---	TOP OF CURB

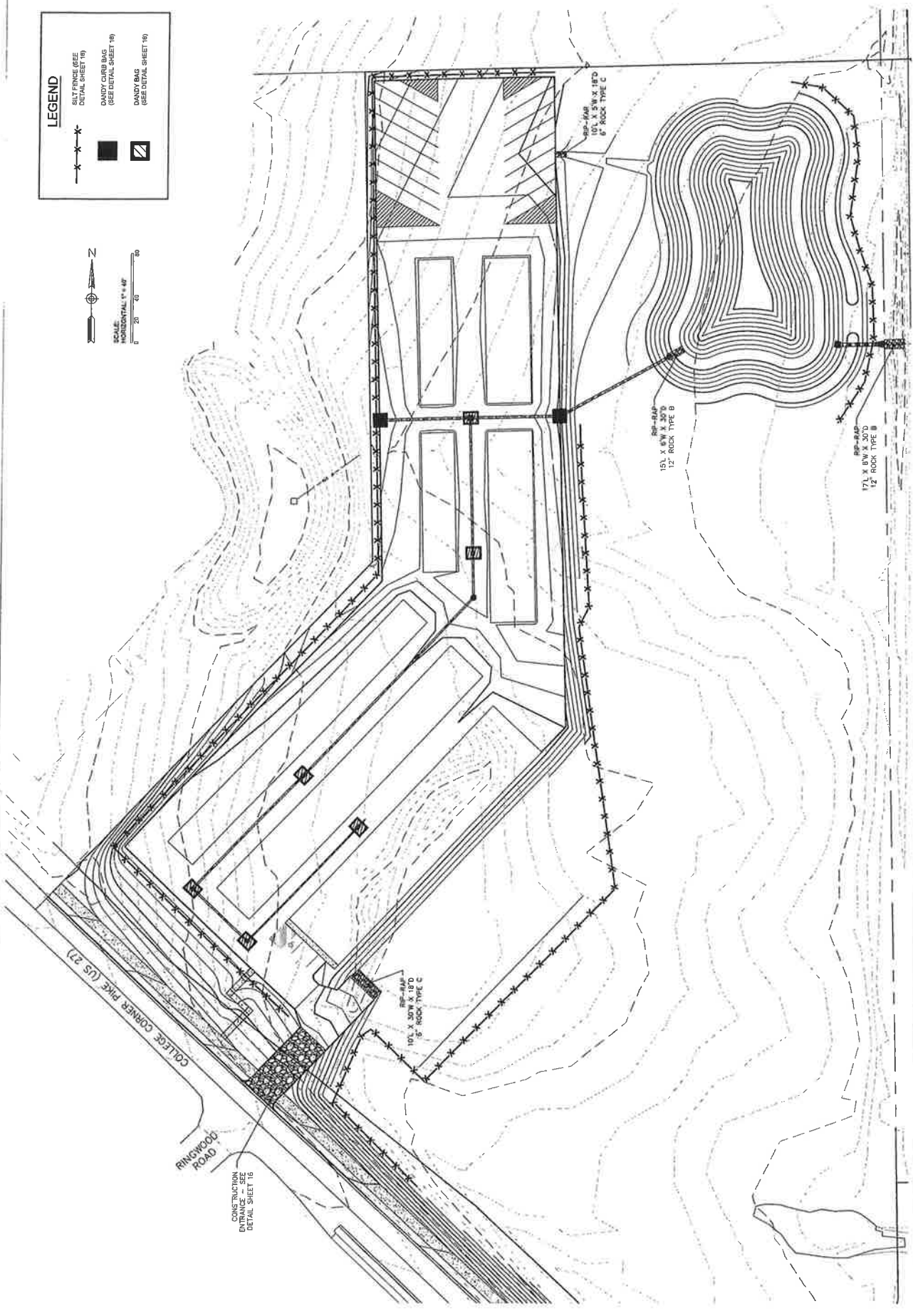


MATCHLINE: SEE SHEET 8

LEGEND

- SILT FENCE (SEE DETAIL SHEET 16)
- DANDY CURB BAG (SEE DETAIL SHEET 16)
- DANDY BAG (SEE DETAIL SHEET 16)

SCALE:
HORIZONTAL 1" = 40'



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

August 29, 2018

Date Prepared:

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, **Opus Development Company, LLC, Applicant, Agent**

Recommendation: Denial based on 3-3 tie vote

Discussion:

Ben Angelo, representative of OPUS Development Group has requested a zoning map amendment for approximately 1.5 Acres of Residential Office District and 2 Acres of General Business District to Single, Two and Three Family Mile Square Residential (R3MS). The land is located along South Elm Street, West Collins and West Walnut. The 1.27 Acres of right of way is not part of the request, but by default would be re-zoned because it is adjacent. If this amendment is approved, OPUS would pursue a right of way acquisition from the City of Oxford. The Commission discussed the case at length and heard testimony from staff, applicant, property owners and citizens. The Commission wrestled with the goals of the 2008 Comprehensive plan and the fact that there is underutilized land on the property. The Commission also wrestled with the lack of data to justify the need for additional residentially zoned land. Staff recommended two conditions of approval if the Commission did find support for the re-zoning. Those conditions may be useful for Council if it determines that at least one decision standard has been met. A recommendation to approve the re-zoning failed by a vote of 3-3. One member was recused.

Staff did find one error in the boundary of the subject area which has been corrected by the applicant for this first reading. 106 South Elm Street is not part of the re-zoning request.

Approved By:

Department Head:

City Attorney:

City Manager:

Acting SP / 8-30-18
/ 8-31-18
DRE

ORDINANCE NO.

AN ORDINANCE GRANTING A ZONING MAP AMENDMENT FOR CERTAIN PROPERTIES IN THE CITY OF OXFORD'S MILE SQUARE A MAP OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN, AND REZONING THE PROPERTIES FROM GB (GENERAL BUSINESS) DISTRICT TO R-3MS (SINGLE, TWO AND THREE-FAMILY MILE SQUARE RESIDENTIAL) DISTRICT.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 14, 2018, on Opus Development Company, LLC's application for a Zoning Map Amendment for certain properties in the City of Oxford's Mile Square a map of which is attached hereto as Exhibit "A" and incorporated herein and rezoning the properties from GB (General Business) District to R-3MS (Single, Two and Three Family Mile Square Residential) District; and

WHEREAS, the Oxford Planning Commission, after the public hearing and deliberation, recommended that City Council deny the Zoning Map Amendment, and found that the proposed rezoning request was not in keeping with the characteristics of the general vicinity of the properties and was not the most appropriate zoning classification for the properties in question.

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

SECTION 1: Council hereby acknowledges the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment for certain properties in the City of Oxford's Mile Square a map of which is attached hereto as Exhibit "A" and rezoning the properties from GB (General Business) District to R-3MS (Single, Two and Three Family Mile Square Residential) District.

SECTION 2: Council hereby grants the rezoning of the properties as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

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

MAYOR

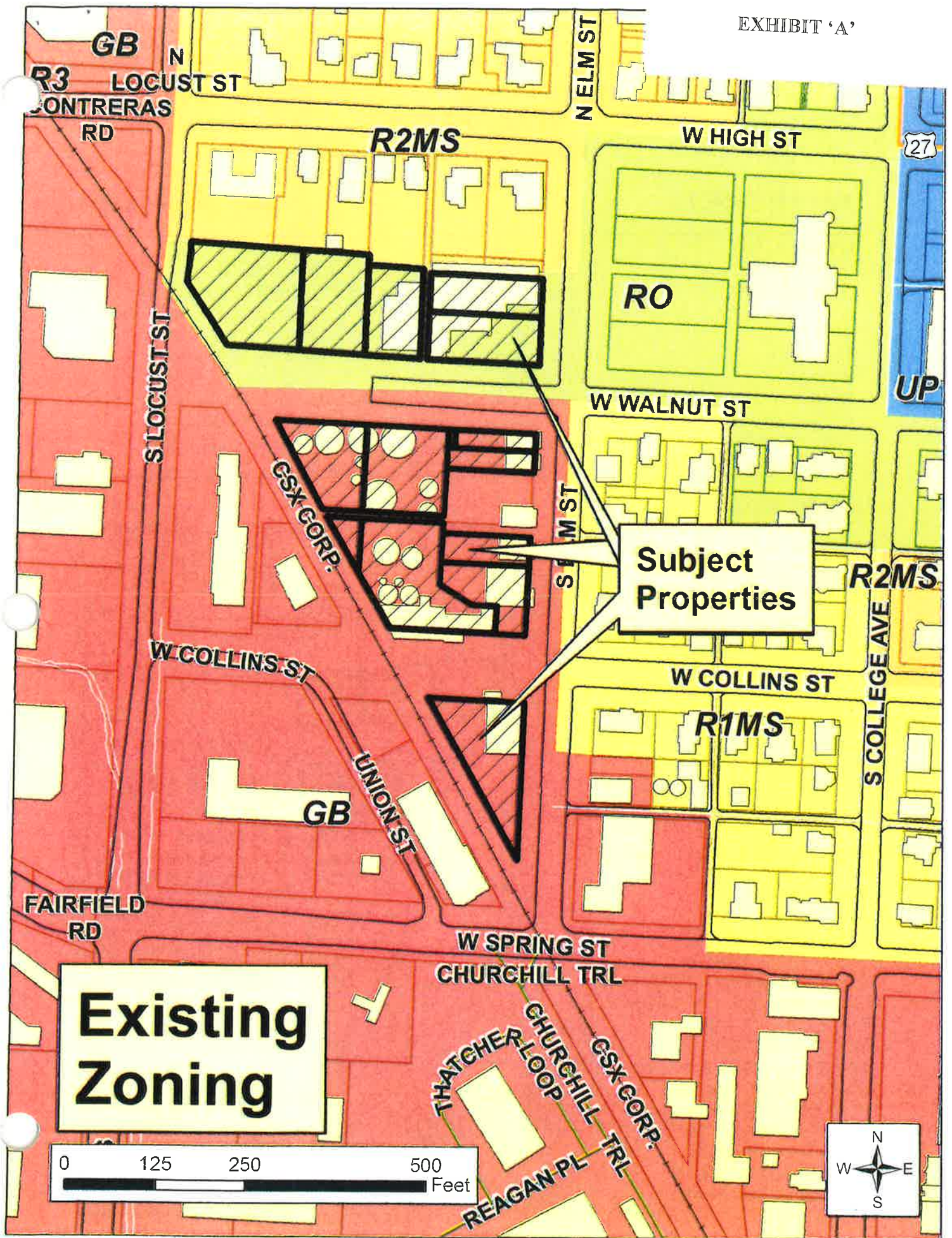
ADOPTED:

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-2018-21

Date – August 14, 2018

APPLICATION

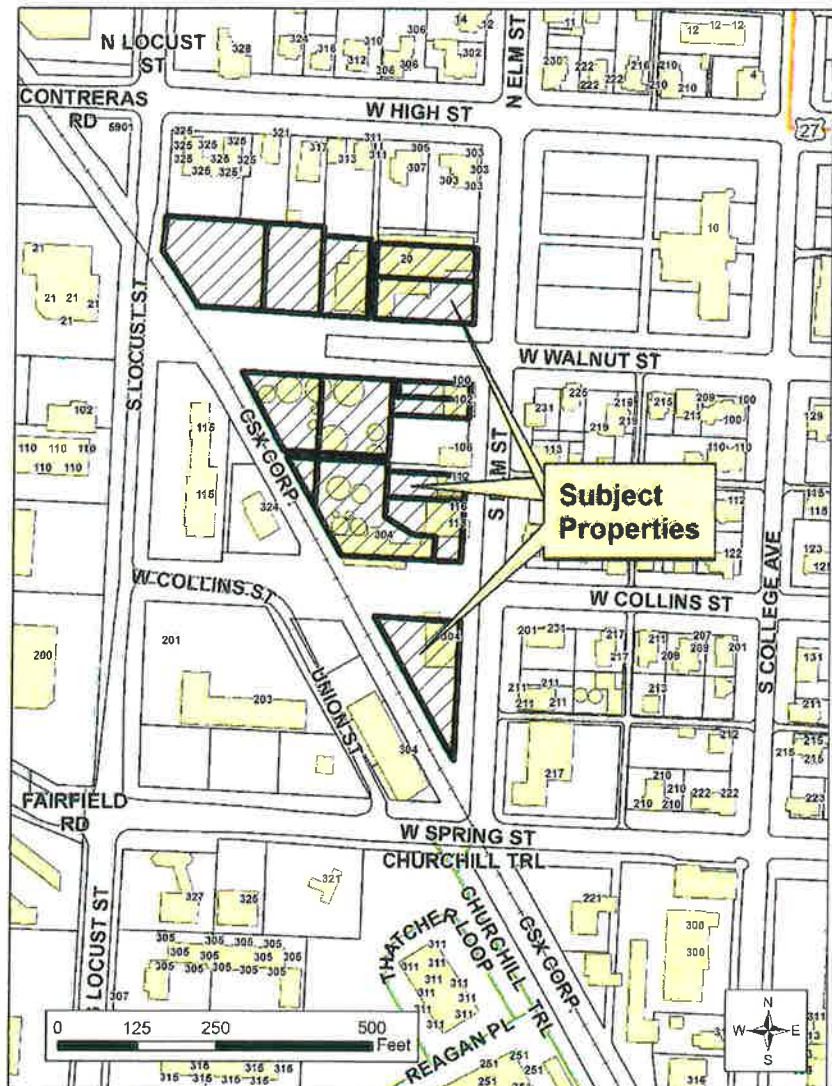
Applicant:	Opus Development Company, LLC (Ben Angelo)
Action Request:	Zoning Map Amendment from GB (General Business) & RO (Residential Office) Districts to R3-MS (Single, Two and Three-Family Mile Square Residential) District
Location:	Extending north from W. Spring Street to W. Walnut Street
Acreage:	4.77 Acres
Owners:	Oxford Farm Service & Whistle Stop, LLC; Kennedy Oxford, LLC
Current Use:	Retail sales, Residential, Vacant land, Vacant buildings
Surrounding Land Uses:	Fire Station, Railroad, Residential, Community Arts Center
Comp Plan Designation:	Developed; Neighborhood General 1

DESCRIPTION

This is a zoning map amendment request from OPUS Development Company (Ben Angelo) and Myefski Architects (Heather Hammerle) to Rezone 1.5 Acres of Residential Office to R3MS, 2 Acres of GB to R3MS and 1.27 of public street right of way to R3MS for a total potential new R3MS district of approximately 4.77 Acres between South Elm Street, the railroad tracks and West Spring Street. There is not any R3MS zoned land adjacent to the subject property, but that does not prevent such an amendment from being passed.

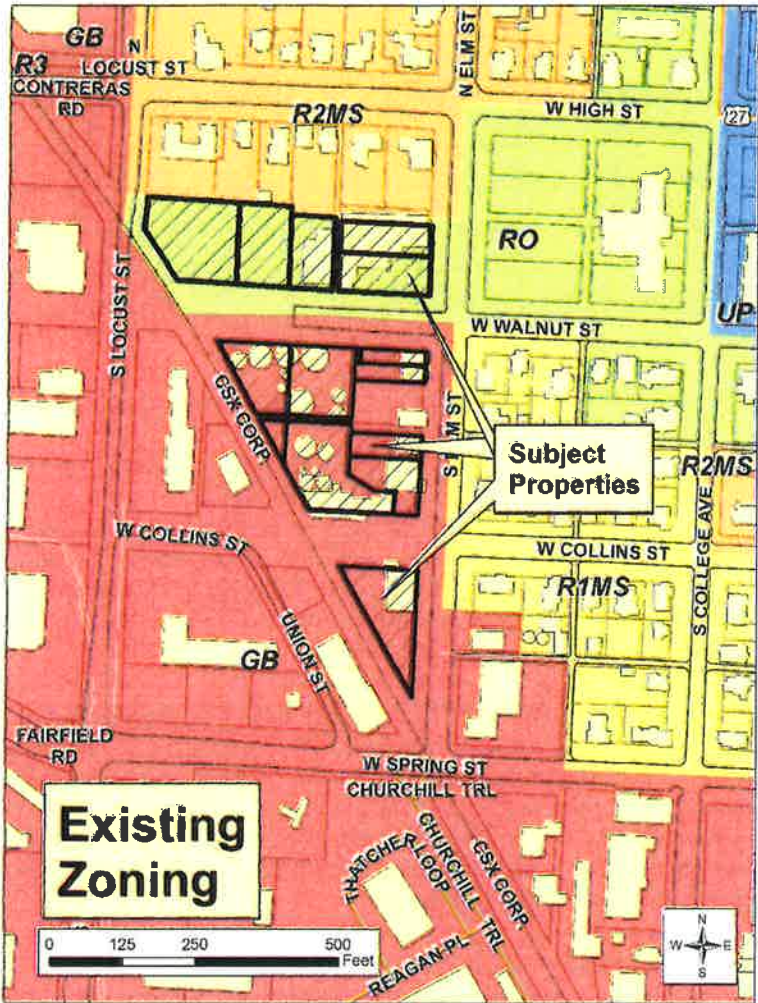
SITE BACKGROUND

OPUS Development has approached both the City and the University about purchasing land to consolidate for a student housing development. The developers are interested in what is phrased as ‘purpose-built’ residential housing rather than mixed-use. Therefore, their request is to remove the commercial and mixed-use designations from the zoning



map for the subject area so that a development proposal can move forward.

Oxford Farm Service ceased operations within recent years; and the elevated grain bins were removed, leaving only the foundations. Miami's 1930s era Elm Street building was also recently vacated, with the rear half never having been developed. This equates to approximately **half of the private land vacant**. The Whistle Stop Farm and Pet Food supply store remains, as well as five historic homes, one of which is not part of the subject property. None of the homes are protected by any local historic districts, although they have been surveyed and recorded in the Ohio Historic Preservation Office through a local grant in 1999. If the zoning map amendment is successful, OPUS will pursue a right of way purchase of the Walnut and Collins Street rights of way to combine both public and private land into one Planned Development for review as a totally separate process. Right of way adjacent to private land is automatically zoned consistent with the private land, or split down the middle if there is a shared right of way.



Ohio case law does not permit a municipality to amend a zoning map contingent upon a specific development proposal, only contingent upon the development rights of the new zoning district. Therefore the discussion should be focused on the decision criteria of the map amendment, not the details of a student housing development.

AGENCY REVIEWS

Police:	Returned with no comment
Engineering:	Returned with comments
Econ. Dev.	Returned with comments
Fire:	Returned with no comment

Below is a table that compares the current development rights to the proposed development rights, absent any data about existing conditions or potential special waivers or exceptions for future development.

Comparison Matrix

	3 Fam Bldgs.	2 Fam Bldgs.	1 Fam Bldgs.	Apts.	Unrelated Beds	Businesses	Acreage
Current RO		13 OR	13		52-104	13 (w/1F)	1.5
Current GB		0	0	0	0	30?	2
Right of Way		?	?	?	?	?	1.27
Proposed R3MS	26 OR	35 OR	52	78	208-312	0	4.77

Below are the purpose statement excerpts from the three zoning districts being discussed:

1143.07 R3MS SINGLE, TWO AND THREE-FAMILY MILE-SQUARE RESIDENTIAL DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage a mix of single-family, two-family, and three-family dwellings in an urban environment while maintaining the urban form of development within the Mile-Square District. Furthermore, it is the intent of this district to be located in areas that are in close proximity to commercial services, public institutions, and adequate infrastructure to serve the residents within this district.

1143.09 RO OFFICE RESIDENTIAL DISTRICT.

(a) Purpose. This district is designed to encourage a residential environment in established areas of historically significant character. Offices and service facilities are permitted to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged. This district is appropriate adjacent to higher volume thoroughfares, as well as between commercial areas and residential neighborhoods. This district shall be considered a residential district.

1143.12 GB GENERAL BUSINESS DISTRICT.

(a) Purpose. This district is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached. ***Compliance with at least one of the criteria is required, supported by Findings of Fact by the Commission.***

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.
 - *The zoning districts were formally established by Oxford City Council in 2003. The commercial portion actually pre-dated the 2003 zoning map. 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 would have been 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 Land Use chapter of the 2008 Comprehensive Plan does focus development goals and objectives on vacant and underutilized land rather than new land. The subject property is 50% or more vacant and 75% or more underutilized.*
 - *The Urban Design chapter states that historic buildings in the Mile Square should be preserved. The proposed map amendment would likely mean that the existing historic buildings would be lost.*
 - *The Urban Design chapter speaks to the Locust Street, US27 and Uptown commercial areas but does not address this underdeveloped commercially zoned area specifically. The question then, is why? Was this area not targeted for development by the plan or overlooked because it was light industrial and residential had not yet become commercial. This could hold true for many of the commercially zoned areas along the railroad tracks in Oxford (see Mr. Kyger's comments).*
 - *Traditionally, non-residential land is preserved in areas near major corridors, such as arterial or collector streets. Spring Street and High Street would be the nearest to the subject property. If any of the subject land was to be preserved as non-residential land, it should be the southernmost portion that is most visible from Spring Street. This could present a commercial presence in the future. Land for non-residential development is not in high demand in Oxford.*
 - *The Transportation chapter of the Comp Plan recognizes the challenges of transporting people to and from destinations in a small town, by discouraging vehicular usage for short trips. These ideas have been implemented by adopting newer multi-modal policies and regulations. The Comp Plan also recognizes the close proximity of the University to the rest of Oxford, which is what led the Commission and Council to upzone nearly 100 Acres of residential land that was closest to Miami. Converting 5 more acres that is farther away from the University would likely lead to a need for bolstering of transportation policy and infrastructure to support the impact.*
- C. There has been a substantial change in area conditions that necessitated the amendment.
- *Oxford Farm Service and the Miami Food Service building have both ceased operation since the time of the Comprehensive Plan*
- D. There is a legitimate need for additional land area in the zoning district that will be expanded.
- *There is little to no data to support any quantifiable estimate of legitimate need for replacing commercial and mixed use land with a straight residential zoning district. No studies have been done city wide on this issue and the Comp Plan analysis is now over 10 years old.*
 - *Vacant R3MS land is likely non-existent in Oxford, however, categorically speaking more land has been rezoned from non-residential to residential since the time of the 2008 Comp Plan. This includes the 37 acres for The Annex student housing project on Southpointe Parkway, near US 27 South. Additionally approximately 100 acres of land was upzoned from R1MS to R2MS and from R2MS to R3MS in 2017.*

RECOMMENDATION

Based upon staff findings at the time of this report, the request could be supported by criteria C and possibly B. If the Commission and Council do agree with the findings, conditions that help to ensure a cohesive single development that considers the potential for traffic impact for multiple modes of travel.

1. That the lots be consolidated, including the right of ways of Walnut Street and Collins Street. If the lots are not consolidated, the amendment is void and reverts to the previous zoning districts.

2. Prior to adoption, a multi-modal traffic impact analysis be completed by a consultant jointly selected by the University, City and Developer.

SUBMITTED BY:

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

Sam Perry, AICP, Planner
August 9, 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: July 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, **Opus Development Company, LLC, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **August 6, 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:

7-17-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, Opus Development Company, LLC, Applicant, Agent

 X Review Revisions Other

Please return no later than: August 6, 2018 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE CORRESPONDANCES DATED 2-22-2018 & 2-23-2018, ATTACHED.

Drawings reviewed by:



Date: 7-25-2018

VICTOR POPESCU
PRINTED NAME



Engineering Division

Phone (513) 524-5208

Fax (513) 524-5267

February 22, 2018

Mr. Anthony Davidson
Director, Real Estate Development
The OPUS Group
9700 Higgins Road, Suite 900
Rosemont, IL 60018

RE: 304 W. Collins Avenue
Water Supply

Dear Mr. Davidson:

This correspondence is in response to your e-mail dated February 21, 2018.

A 16" water main, located on Elm Street, services the area of the proposed development. The 16" water main is capable of supplying the necessary water volume needed for the proposed development.

If there are questions, please contact the Engineering Division.

Respectfully,



Victor Popescu, P.E.
City Engineer



Engineering Division

Phone (513) 524-5208

Fax (513) 524-5267

February 23, 2018

Mr. Anthony Davidson
Director, Real Estate Development
The OPUS Group
9700 Higgins Road, Suite 900
Rosemont, IL 60018

RE: 304 W. Collins Avenue
Sanitary Sewer

Dear Mr. Davidson:

This correspondence is in response to your email dated February 21, 2018.

There is presently a 10" sanitary sewer main running across the proposed development site. Sections of the sanitary sewer will need to be improved, as a grain elevator rested on top of it for decades. The subject sanitary sewer discharges into a 10" sanitary sewer running south on Elm Street. The proposed development may pose offsite issues with the existing sanitary sewer runs. Offsite issues may need to be addressed.

If there are questions, please contact the Engineering Division.

Respectfully,


Victor Popescu, P.E.
City Engineer

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 9, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, **Opus Development Company, LLC, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **August 6, 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: _____

7/10/18

John D. Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: July 9, 2018

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

From: Community Development Department

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, **Opus Development Company, LLC, Applicant, Agent**

X Review _____ Revisions _____ Other _____

Please return no later than: **August 6, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Currently this site is wacky miss-match of zoning and uses. These parcels are all zoned 'GB' General Business or 'RO' Residential Office, with two Street ROWs dividing it into three sections. Several of the GB parcels are residential in use. The RO parcel was last used as a food commissary for Miami University, which was more GB in use than RO.

The one existing business on this site is on a parcel that would be very difficult to redevelop. This is due to the existing Collins Street ROW and its triangle shape. The old Oxford Farm Service site is currently hidden from view and located on an un-improved City street; this makes it unattractive as a commercial site.

In my opinion, the best use for this site is to do what the applicant has done, consolidate the parcels and ROWs into one redevelopment project. With one exception, I prefer a Commercial/Residential Mixed Use development.

Here is my rational. The available land in Oxford for GB use is dwindling, this site is near the Uptown, Stewart Square, Locust Street business districts and this site, when consolidated, will have Elm Street frontage. (Unlike the recently rezoned Gas Light Avenue, site which could not gain street frontage.)

Drawings reviewed by:

Date: Aug-6-2018

PRINTED NAME



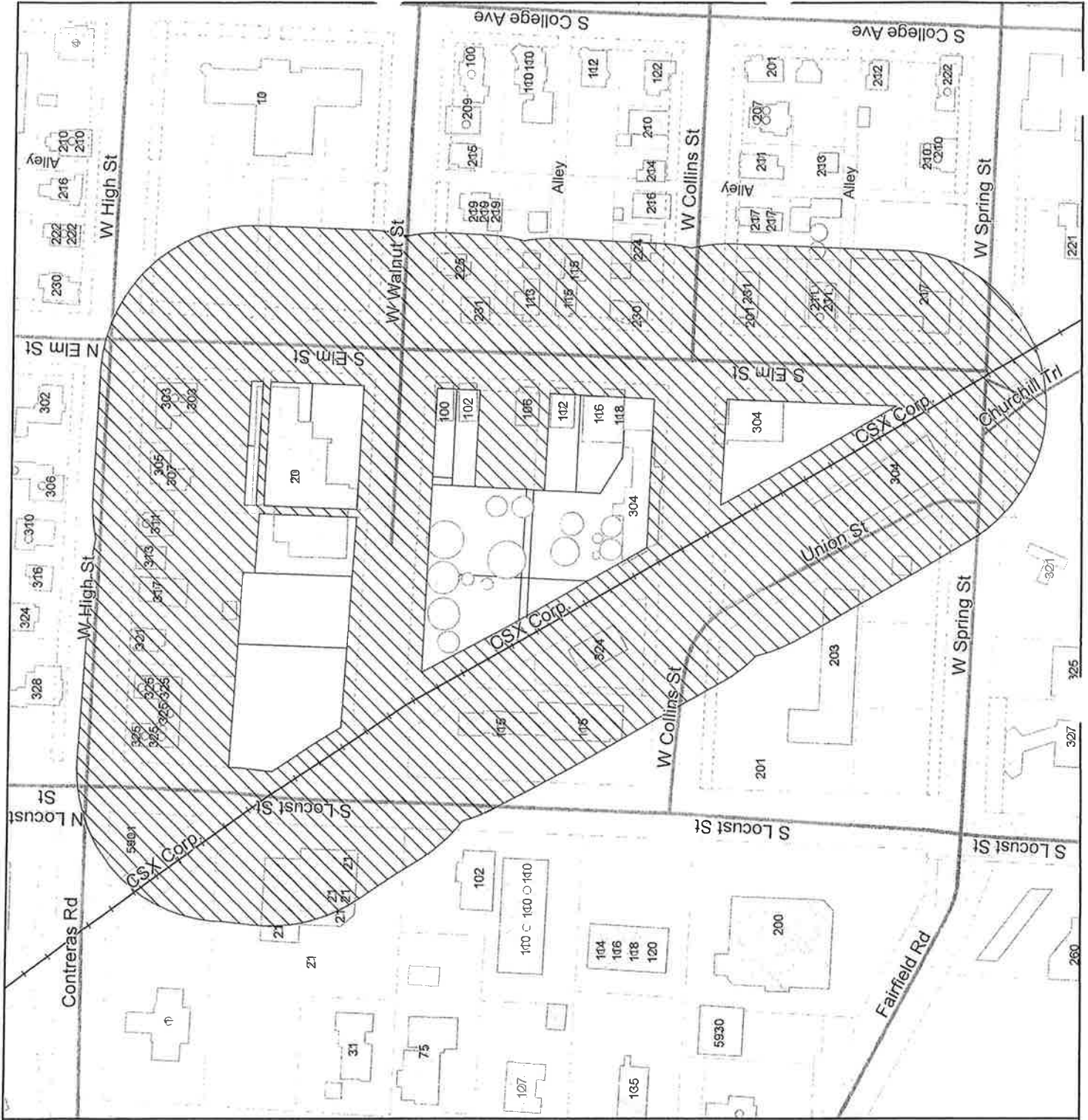
PC-2018-21 **Surrounding** **Property Owners** **Notifications Map**

Legend

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



1 inch = 175 feet



Prepared on Wednesday, August 01, 2018

The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deed "as is or a professional survey."

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that OPUS DEVELOPMENT COMPANY, L.L.C., a Delaware limited liability company has permission to represent our interest with the City of Oxford and act on our behalf for the Commission hearing(s) from August to September 2018 regarding the student housing development at our property located at 304 West Collins Street, Oxford, Ohio 45056

Thank-you,

Signed:

Printed Name:

KELLY HANSEL
Oxford Farm Service and Whistle Stop, LLC,
an Ohio limited liability company

6-26-18
Date:

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that OPUS DEVELOPMENT COMPANY, L.L.C., a Delaware limited liability company has permission to represent our interest with the City of Oxford and act on our behalf for the Commission hearing(s) from August to September 2018 regarding the student housing development at our property located at 100-102 S. Elm Street, Oxford, Ohio 45056

Thank-you,

Signed: _____

Printed Name: _____

Kennedy Oxford, LLC,
an Ohio limited liability company

Date: _____

6/26/18



Internal Use Only:	
Case No.	PC-2018-21
Date Filed	6/28/18

Zoning Map Amendment Application

Applicant Information

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

Name *	Opus Development Company, LLC
Mailing Address *	9700 Higgins Road, Suite 900
City, State & Zip Code *	Rosemont, Illinois 60018
Telephone Number(s) *	847.318.1655
Email Address	Ben.Angelo@opus-group.com

Location and Lot Information

Location *	Whistle Stop Property extending north from W. Spring St. to W. Walnut St. (see diagrams)
General Description of Proposed Amendment *	Request for a change in Zoning Designation for a series of parcels (see diagrams)
Current Zoning *	General Business (GB) and Office/Residential (RO)
Proposed Zone(s) *	Single, Two, and Three-Family Mile-Square Residential District (R3-MS)

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) **Initiation.** A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) **Application.** If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.
An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.
- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

6/28/2018

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, 15 South College Avenue, Oxford, OH 45056.

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

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

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

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



June 27, 2018

Sam Perry
Planner/Interim Community Development Director
City of Oxford
15 South College Avenue
Oxford, OH 45056

RE: APPLICATION FOR ZONING MAP AMENDMENT
WHISTLE STOP PROPERTY
OXFORD, OHIO

Dear Mr. Perry,

On behalf of Opus Development Company, 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 Whistle Stop property located between South Elm Street and the railroad, extending north from West Spring Street up to north of West Walnut Street. The proposed Zoning Map Amendment will change the affected property from General Business (GB) and Office/Residential (RO) to Single, Two, and Three-Family Mile-Square Residential District (R3-MS).

In response to the Decision Standards outlined in the Application, we offer the following:

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

Response #1

As noted on the Weak Places Map 3.5 within the Land Use Direction chapter of the Comprehensive Plan, residents have identified the subject property as a "Weak Place", presumably due to the lack of interest in developing the location over the years. A "Weak Place" is described as an area that needs improvement, or an area where infill and redevelopment would be appropriate. **Accordingly, the proposed development would revitalize and improve the underutilized land.**

Response #2

The Comprehensive Plan's Conservation and Development Map 3.6 within the Land Use Direction chapter identifies the subject property as a "Developed Area", however much of the property is an abandoned brownfield site. A brownfield is characterized as a former industrial or commercial site where future use is affected by real or perceived environmental contamination. **Revitalization of unproductive brownfields is important because brownfields are often in prime locations which are close to transportation and their redevelopment expands the tax base.**

Response #3

The subject property is depicted within the Land Use Direction chapter on the Conservation and Development Map 3.6 as adjacent to a "Neighborhood Enhancement Area." The Comprehensive Plan seeks to stabilize and enhance existing neighborhoods within the Mile Square. These goals include maintenance and improvements to public and private property that reflects the traditional neighborhood characteristics and commercial features that exist in the area. **The proposed development supports these goals by providing a multi-family development which achieves one of the Comprehensive Plan's preferred uses.**

(Continued on next page)



APPLICATION FOR ZONING MAP AMENDMENT
WHISTLE STOP PROPERTY
OXFORD, OHIO

(Continued from previous page)

Response #4

The Character Area Map 3.7 in the Comprehensive Plan's Land Use Direction chapter locates the subject property within the "Neighborhood General 1" zone which is the same "character" as the adjacent enhancement area. ***The zone is typified by traditional urban development which may include multi-family and mixed-use type developments that feature a block pattern and alley use—all which are elements reflected in the planning and design approach for the proposed development.***

Response #5

The Character Area Map 3.7 in the Comprehensive Plan's Land Use Direction chapter positions the subject property adjacent to the "Corridor" area which is non-residential and of a larger scale. ***We believe the subject property could serve as an ideal transition between smaller-scale residential and larger-scale commercial areas.***

Response #6

LU 2.1 in the Land Use Objectives and Strategies chapter of the Comprehensive Plan seeks myriad housing options within the Mile Square. ***As a multi-family development located in a Mile Square neighborhood, this project supports the goal to promote a diversity of housing opportunities in the desired district.***

Response #7

LU 8.3 in the Land Use Objectives and Strategies chapter of the Comprehensive Plan seeks to beautify major corridors. ***The proposed development would clean-up and beautify the abandoned industrial land along the highly visible railroad corridor.***

Response #8

LU 9.3 in the Land Use Objectives and Strategies chapter of the Comprehensive Plan seeks to create standards that require high-quality pedestrian streets with sidewalks, street trees, adequate lighting, and tree lawns in newly developed residential areas. ***The proposed development continues the street and sidewalk grid along the highly visible railroad corridor.***

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

Response #1

The current zoning, General Business (GB) and Office/Residential (RO), conflicts with the context of the surrounding neighborhood. The Whistle Stop is no longer a functioning grain and feed operation and the likelihood of any other general business operations at a site with old grain silos doesn't exist. Further, the University has ceased operations of the food service building. ***The area conditions and potential use of the subject property have evolved to a higher and better use which is more appropriately aligned with the context of the surrounding neighborhood.***

(Continued on next page)



APPLICATION FOR ZONING MAP AMENDMENT
WHISTLE STOP PROPERTY
OXFORD, OHIO

(Continued from previous page)

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

Response #1

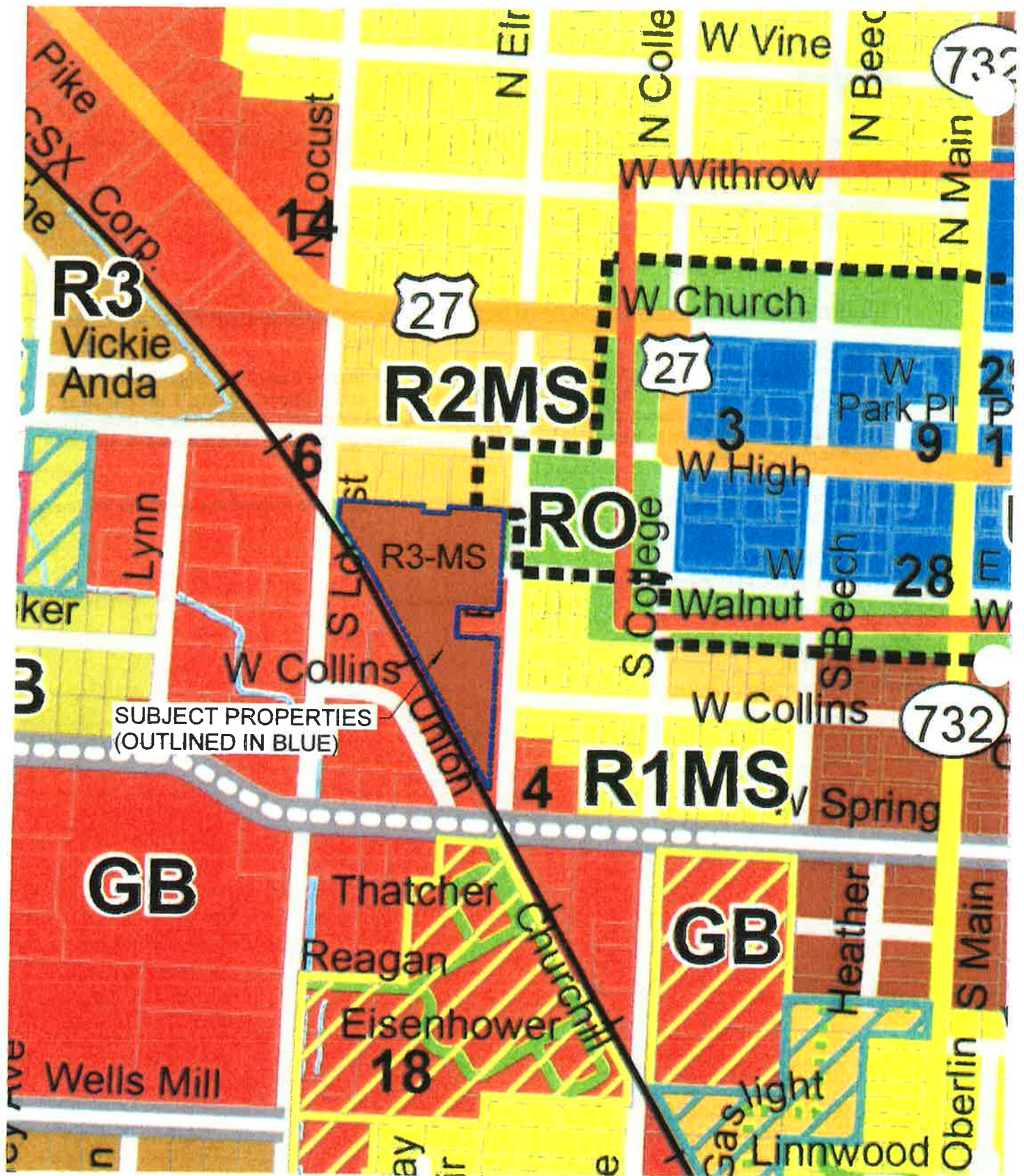
In accordance with the Planning Commission's goals for the Mile Square district, the proposed development addresses the legitimate needs for a diversity of housing options and additional density. ***The change to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) would allow an underutilized brownfield site the ability to be redeveloped to achieve these goals while taking pressure off other neighborhoods in the City.***

Thank you for your consideration of this application. If you have any questions or need any additional information, please don't hesitate to reach out.

Respectfully Submitted,
MYEFSKI ARCHITECTS, INC.



John Myefski, AIA
President + Principal

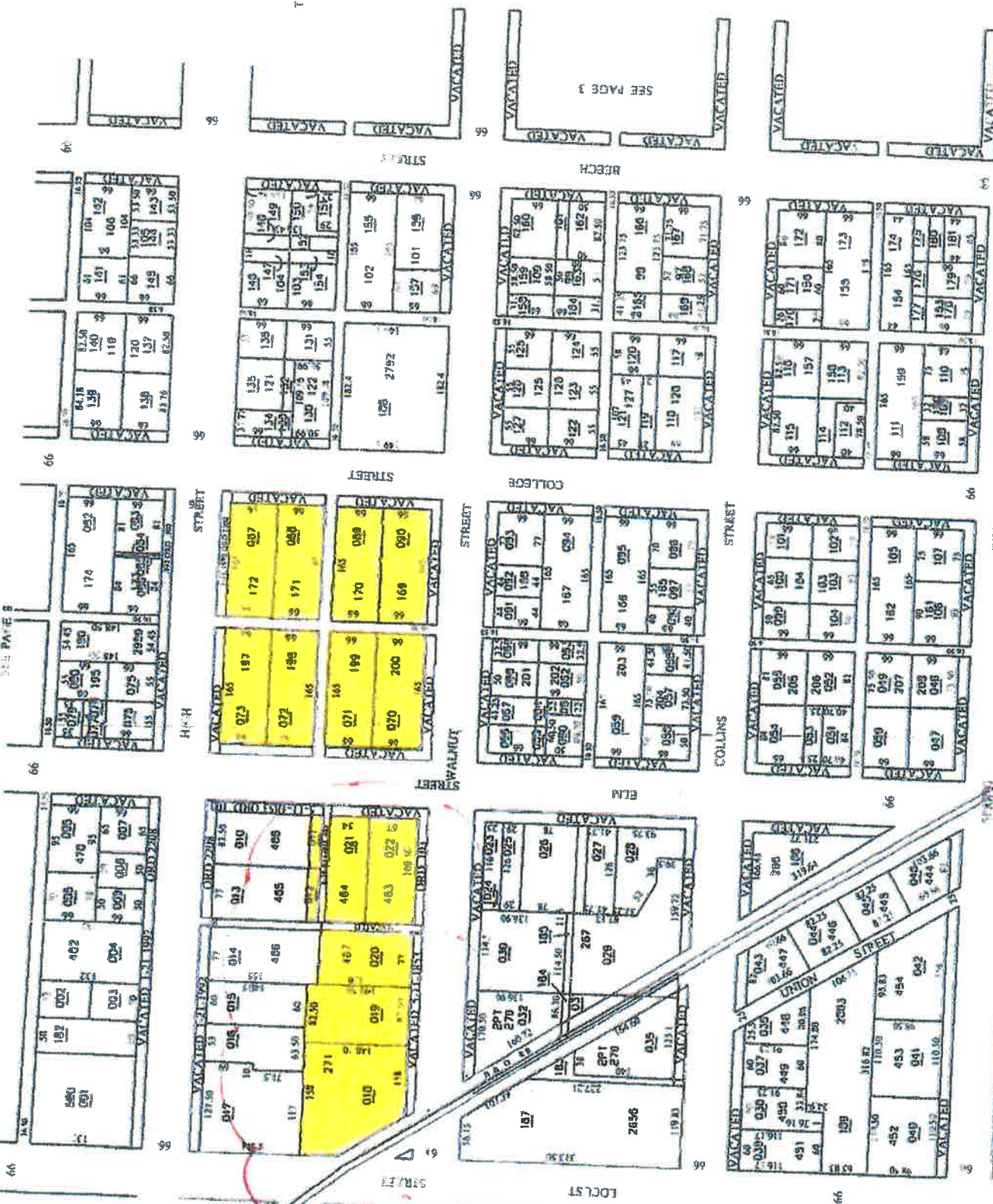






OXFORD CORPORATION

SEE PAGE 8



N

SCALE: 1" = 100'
TAXING DISTRICT
REVISED 5/1

SEE PAGE 10

20 S. ELM

SEE PAGE 104

STATE OF OHIO MONTGOMERY COUNTY SS:

Be it remembered, that on the 7th day of December in the year of our Lord, one thousand nine hundred and twenty-eight before me, the subscriber, a Notary Public in and for said county, personally came George W. Wack and Maggie Wack, his wife, grantors in the deed, and acknowledged the signing thereof to be their voluntary act and deed, for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my notarial seal, on the day and year aforesaid.

(SEAL)

George L. Byers
Notary Public, Montgomery County, Ohio

STATE OF OHIO HAMILTON COUNTY SS:

Be it remembered, that on the 6th day of December in the year of our Lord, one thousand nine hundred and twenty-eight before me, the subscriber, a Notary Public in and for said county, personally came John Wack (a widower) one of the grantors in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed, for the uses and purposes therein mentioned.

In Testimony Whereof, I have hereunto subscribed my name and affixed my notarial seal, on the day and year aforesaid.

(SEAL)

Wm. H. Mortashed
Notary Public, Hamilton County, Ohio

Filed Dec. 11th, 1928 at 10:30 A.M.
Recorded Dec. 12th, 1928
Fee \$1.50

K. W. Eberling, Recorder
Per Bernice Cochran, Deputy

#5708

Oxford College for Women : WHEREAS, The Oxford College for Women and Miami University
To : are corporations under the laws of Ohio for educational
: purposes, and

President & Trustees : WHEREAS, The Oxford College for Women for want of sufficient
Miami University : endowment or other sources of revenue is unable to maintain
: its separate existence and to further carry out and accomplish
: unaided the purposes of its incorporation, and

WHEREAS, it is deemed expedient by the Board of Trustees of said institution in furtherance of the purposes of their incorporation, and in furtherance of the higher education of women, and for the better accomplishment of that purpose, that this conveyance of the properties of The Oxford College for Women to the Miami University be made,

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That The Oxford College for Women, a corporation not for profit under the laws of Ohio, in consideration of the assumption by the President and Trustees of The Miami University of the liabilities of the said The Oxford College for Women of not over \$65,000, which liabilities are to be and hereby are by it assumed as an obligation payable from the properties and the net revenues from the properties hereby conveyed, and in further consideration of the agreement of the said the Miami University to continue the name of The Oxford College for Women in connection with the use of the main property and to give recognition to the graduates of The Oxford College for Women as graduates of a merged institution in the catalogue of graduates of the Miami University, said assumption of liabilities and agreements now undertaken by the grantees by acceptance hereof being the consideration to the grantor paid by the President and Trustees of The Miami University, a corporation under the laws of Ohio, the receipt whereof is hereby acknowledged does hereby grant, bargain, sell and convey unto the said the President and Trustees of The Miami University, its and their successors and assigns forever, all of the following described real estate in the village of Oxford, Butler County, Ohio:

FIRST TRACT. Lots numbered one hundred sixty nine, one hundred seventy, one hundred seventy one, one hundred seventy two, one hundred ninety seven, one hundred ninety eight, one hundred ninety nine and two hundred, (169, 170, 171, 172, 197, 198, 199 and 200), as the same are known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, subject to University ground rents, and including the alleys, or parts thereof adjacent to said lots, heretofore vacated.

SECOND TRACT. Lot number four hundred sixty four (464) as the same is known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, and being the same real estate as that conveyed by Jacob E. Sloneker to The Oxford College for Women by deed dated February 26th, 1925, and recorded in Deed Record 264, page 382 of the Records of Butler County, Ohio.

THIRD TRACT Being a part of lot numbered two hundred seventy one (271) as the same is known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, and described as follows: Commencing at the southeast corner of said lot, thence west with the south line of said lot five (5) rods, thence north parallel with the east line of said lot to a point equally distant from the north and south line of said lot, thence east five (5) rods to the east line of said lot, and thence south to the place of beginning, subject to the payment of an annual ground rent to the Treasurer of Miami University, being the same premises conveyed by John W. Fenton to L.F. Walker by deed dated October 27th, 1885, and recorded in Deed Record 87, page 437 of the Records of Butler County, Ohio

FOURTH TRACT Lots numbered four hundred sixty three and four hundred sixty seven (463 and 467) as the same are known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, subject to the payment of an annual ground rent to the Treasurer of Miami University.

FIFTH TRACT The west one hundred and seven (107) feet of lot numbered one hundred twenty eight (128) and the west one hundred and seven (107) feet of the south twenty one (21) feet of lot numbered one hundred twenty seven (127) as the same are known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, and more particularly described as follows: Commencing at the northeast corner of the intersection of Collins Street and College Avenue in said Village, said point being the southwest corner of said lot number one hundred twenty eight (128) thence east along the south line of said lot number one hundred twenty eight (128) one hundred and seven (107) feet, thence north eighty seven (87) feet to a stone, thence west one hundred and seven (107) feet to the west line of said lot number one hundred twenty seven (127) and thence south with said west line eighty seven (87) feet to the place of beginning, subject to the payment of an annual ground rent to Miami University.

SIXTH TRACT Inlot numbered one hundred twenty four (124) as the same is known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, subject to annual ground rent payable to the Treasurer of Miami University and being the same premises conveyed by George C. Welliver to The Oxford College for Women by deed dated August 30th, 1913, and recorded in Deed Record 191, page 144 of the Records of said County.

SEVENTH TRACT Inlot numbered one hundred twenty three (123) as the same is known and designated upon the revised list of lots in the village of Oxford, Butler County, Ohio, and being subject to an annual ground rent payable to the Treasurer of Miami University.

EIGHTH TRACT The west two-thirds ($\frac{2}{3}$) of inlots numbered one hundred twenty one and one hundred twenty two (121 and 122) as the same are known and designated on the revised list of lots in the Village of Oxford, Butler County, Ohio, saving and excepting therefrom that part thereof conveyed by James Hutchinson to Thomas W. Coulter by deed dated April 26th, 1921, and recorded in Deed Book 243, page 354 of the Records of Butler County, Ohio, said excepted premises being described as follows: Beginning at the northwest corner of said inlot number one hundred twenty one (121) thence east with the north line of said inlot one hundred twenty one (121) thirty seven feet nine and one quarter inches (37 ft. 9 1/4 in.)

South parallel with the west line of said inlet eighty one feet four inches (81 ft. 4in.) to a point in said inlet number one hundred twenty two (122) thence west parallel with the north line of said inlets thirty seven feet ten inches (37 ft. 10 in.) to the west line of inlet number one hundred twenty two (122) and thence north with the west lines of said inlets eighty one feet four inches (81 ft. 4 in.) to the place of beginning, subject to the payment of an annual ground rent to the Treasurer of Miami University.

Together with all furniture, furnishings, equipment and other chattel property contained in or about the said premises belonging to the grantor;

And all the estate, title and interest of the said The Oxford College for Women, either in law or in equity, of, in and to the said premises, together with all the privileges and appurtenances to the same belonging, and all rents, profits and issues thereof.

TO HAVE AND TO HOLD the same to the only proper use of the said the President and Trustees of The Miami University, their successors and assigns forever, and the said The Oxford College for Women for itself and its successors, do hereby covenant with said the President and Trustees of The Miami University, their successors and assigns, that it is the true and lawful owner of said premises and has full power to convey the same, and that the title so conveyed is free, clear and unencumbered, and further that it does warrant and defend the same against all claim or claims of all persons whomsoever, saving and excepting any and all taxes, rates, charges, assessments and ground rents due or to become due against said premises, or any of them, and also saving and excepting mortgages in favor of The Dollar Building and Loan Association for \$50,000 on Tract No. 1 above set forth, and two mortgages in favor of The Farmers State Bank for \$5,000 each upon tracts No. 5 and 6 above set forth respectively.

IN WITNESS WHEREOF the said The Oxford College for Women by Gilbert V. Chapin, its president and E. B. Ferguson its secretary, pursuant to authorization of its members by resolution duly passed by more than three fourths of all members thereof at a meeting duly held and called on the 7th day of December 1928, and pursuant to Resolution of the Board of Trustees duly passed at a meeting duly held upon the 7th day of December 1928 has hereunto set its hand and caused its corporate seal to be hereto affixed this 8th day of December in the year of our Lord one thousand nine hundred and twenty eight.

ATTEST:

Signed and acknowledged in the presence of

Charles A. Williams
Ralph E. Pumphrey

THE OXFORD COLLEGE FOR WOMEN

By Gilbert V. Chapin, President
E. B. Ferguson, Secretary
(SEAL)

STATE OF OHIO COUNTY OF BUTLER SS:

Be it known that there personally appeared before me a notary public in and for said county The Oxford College for Women a corporation under the laws of Ohio by Gilbert V. Chapin its President and E.B. Ferguson, its secretary, and acknowledged the signing and sealing of the foregoing deed to be its and their voluntary act and deed.

(SEAL)

Charles A. Williams
Notary Public in and for Butler County, Ohio
My commission expires August 8th, 1930

Filed Dec. 11th, 1928 at 11 A.M.
Recorded Dec. 12th, 1928
Fee \$3.00

K. W. Eberling, Recorder
Per Bernice Cochran, Deputy

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: September 4, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

August 29, 2018

Date Prepared:

PC-2018-21, ZONING MAP AMENDMENT, Whistle Stop Property, extending north from W. Spring Street to W. Walnut Street, from General Business (GB) and Office/Residential (RO) Districts, to Single, Two, and Three-Family Mile-Square Residential District (R3-MS) District, **Opus Development Company, LLC, Applicant, Agent**

Recommendation: Denial based on 3-3 tie vote

Discussion:

Ben Angelo, representative of OPUS Development Group has requested a zoning map amendment for approximately 1.5 Acres of Residential Office District and 2 Acres of General Business District to Single, Two and Three Family Mile Square Residential (R3MS). The land is located along South Elm Street, West Collins and West Walnut. The 1.27 Acres of right of way is not part of the request, but by default would be re-zoned because it is adjacent. If this amendment is approved, OPUS would pursue a right of way acquisition from the City of Oxford. The Commission discussed the case at length and heard testimony from staff, applicant, property owners and citizens. The Commission wrestled with the goals of the 2008 Comprehensive plan and the fact that there is underutilized land on the property. The Commission also wrestled with the lack of data to justify the need for additional residentially zoned land. Staff recommended two conditions of approval if the Commission did find support for the re-zoning. Those conditions may be useful for Council if it determines that at least one decision standard has been met. A recommendation to approve the re-zoning failed by a vote of 3-3. One member was recused.

Staff did find one error in the boundary of the subject area which has been corrected by the applicant for this first reading. 106 South Elm Street is not part of the re-zoning request.

Approved By:

Department Head:

City Attorney:

City Manager:

Acting SP 18-30-18
DRE 18-31-18

ORDINANCE NO.

AN ORDINANCE GRANTING A ZONING MAP AMENDMENT FOR CERTAIN PROPERTIES IN THE CITY OF OXFORD'S MILE SQUARE A MAP OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN, AND REZONING THE PROPERTIES FROM RO (RESIDENTIAL OFFICE) DISTRICT TO R-3MS (SINGLE, TWO AND THREE-FAMILY MILE SQUARE RESIDENTIAL) DISTRICT.

WHEREAS, Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on August 14, 2018, on Opus Development Company, LLC's application for a Zoning Map Amendment for certain properties in the City of Oxford's Mile Square a map of which is attached hereto as Exhibit "A" and incorporated herein and rezoning the properties from RO (Residential Office) District to R-3MS (Single, Two and Three Family Mile Square Residential) District; and

WHEREAS, the Oxford Planning Commission, after the public hearing and deliberation, recommended that City Council deny the Zoning Map Amendment, and found that the proposed rezoning request was not in keeping with the characteristics of the general vicinity of the properties and was not the most appropriate zoning classification for the properties in question.

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

SECTION 1: Council hereby acknowledges the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment for certain properties in the City of Oxford's Mile Square a map of which is attached hereto as Exhibit "A" and rezoning the properties from RO (Residential Office) District to R-3MS (Single, Two and Three Family Mile Square Residential) District.

SECTION 2: Council hereby grants the rezoning of the properties as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

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

MAYOR

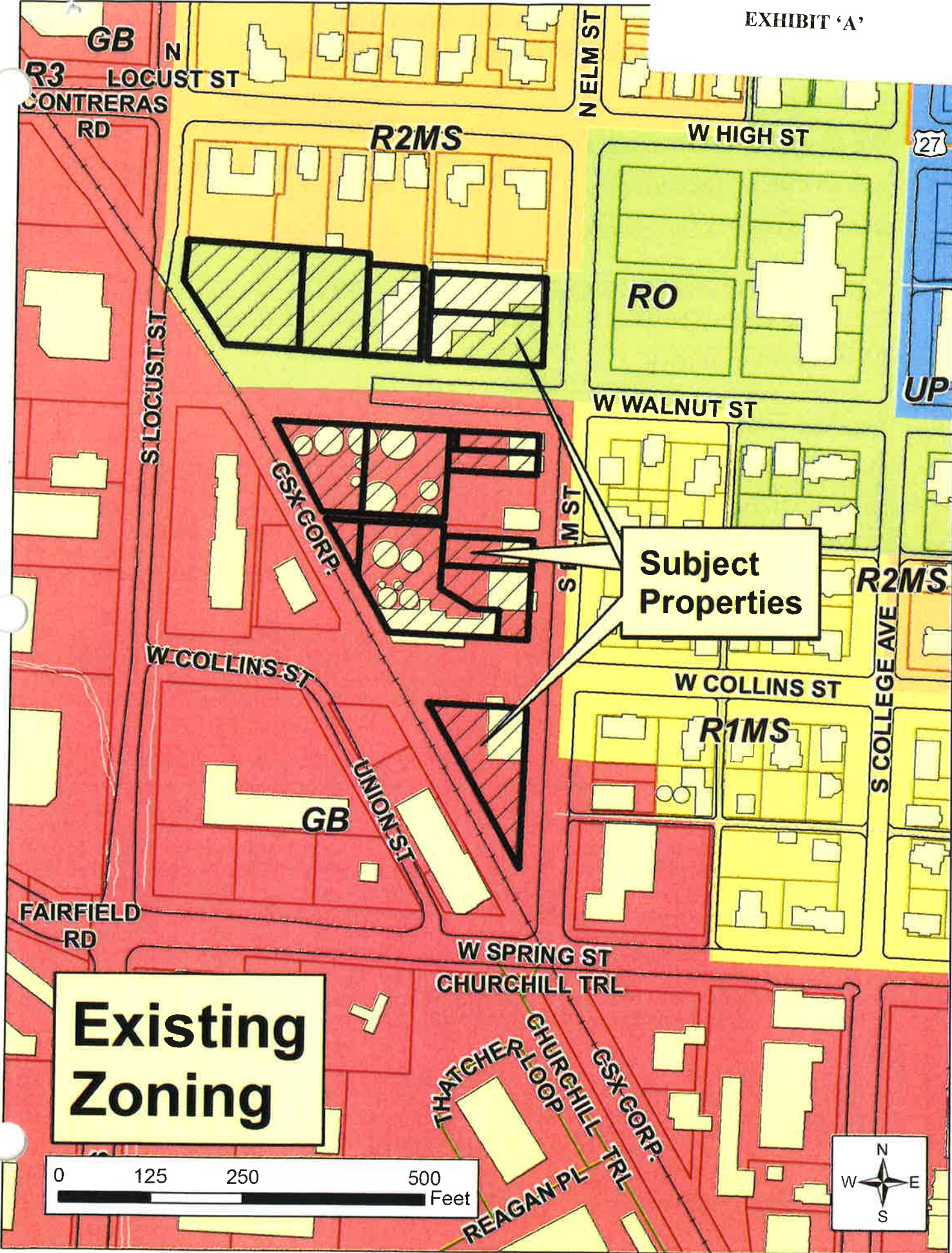
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

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

Michael Dreisbach, Service Director
Prepared By

Account Code #: Not Applicable

August 10, 2018
Date Prepared

Budgeted Amount: \$ Not Applicable

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
MD \ 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 31, 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 31, 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 November 1, 2018 through the bills for the monthly service period ending October 31, 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 November 1, 2018 through the bills for the monthly service period ending October 31, 2019, the customer charge shall be \$8.00 per meter per month.

For bills rendered to residential customers on or after November 1, 2019 through the bills for the monthly service period ending October 31, 2021, the customer charge shall be \$10.00 per meter per month.

For bills rendered to commercial customers on or after November 1, 2018 through the bills for the monthly service period ending October 31, 2019, the customer charge shall be \$10.00 per meter per month.

For bills rendered to commercial customers on or after November 31, 2019 through the bills for the monthly service period ending October, 31, 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 an 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 though 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.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY : KATE ROUSMANIERE

PREPARED BY: LAW