

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 2, 2018

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

September 23, 2018
Date Prepared

Agenda Title: Resolution Accepting a Petition to Create a Neighborhood Conservation Overlay District for the area of McKee Ave, Peabody Drive, Thomson Court and Tenney Court

Recommendation: Approval
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Discussion:

The legislation of creating the Residential Conservation Overlay District was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been sixteen (16) petitions that have come before the City Council since 2014.

There are a total of 50 parcels contained in the proposed overlay. A map of the proposed area is attached. The overlay includes households in the Juniper Hill Subdivision Sections 1 and 2, which were originally platted in 1957 and 1968. The signatures in this petition exceed the two-thirds requirement at 88% per Oxford Zoning Code Section 1146.03(a)(3). The proposed overlay is the first in this part of Oxford (see attached map).

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

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

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>9-23-18</u>
City Attorney:		
City Manager:	<u>DRE</u>	<u>9-28-18</u>

RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ON MCKEE AVENUE, PEABODY DRIVE, TENNEY COURT AND THOMSON COURT AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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

MAYOR

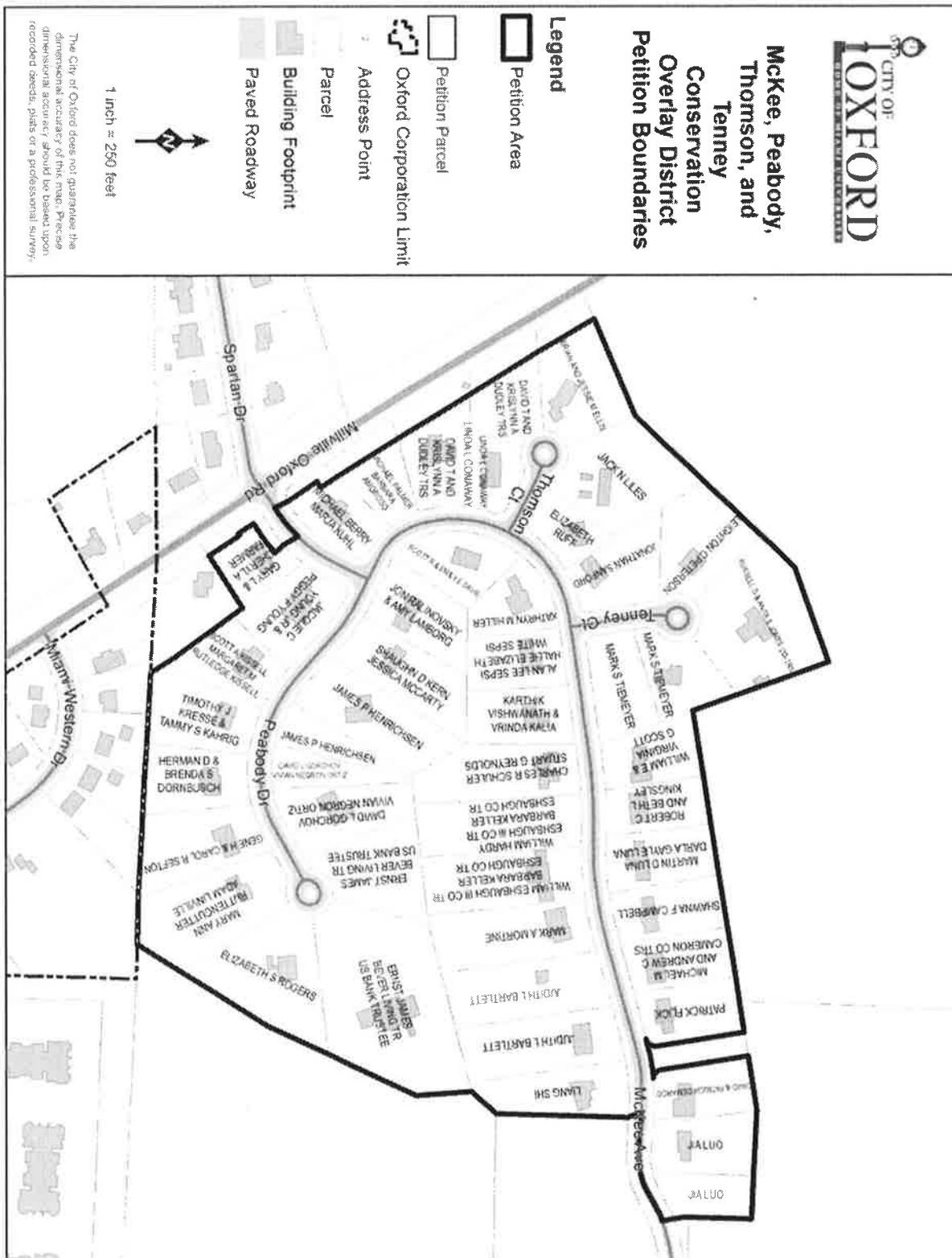
ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



RECEIVED

9-11-18

City of Oxford

PETITION FOR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

FOR

JUNIPER HILL SUBDIVISION AREA, OXFORD, OHIO

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

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONERS TO INITIATE A ZONING MAP AMENDMENT PURSUANT TO CHAPTER 1146 OF THE CITY'S ZONING CODE TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE BELOW TEXT, AS WELL AS ATTACHED MAP, FOR EXACT BOUNDARIES:

EAST BOUNDARY: THE EAST PROPERTY LINE OF THE TWO PROPERTIES AT THE EAST END OF MCKEE AVENUE AND PEABODY DRIVE THAT BORDER MIAMI UNIVERSITY AND THE CITY OF OXFORD WASTE WATER TREATMENT PLANT PROPERTIES.

NORTH BOUNDARY: THE PROPERTY LINES OF THE TWO NORTHERN MOST PROPERTIES AT THE END OF THOMSON COURT, THE PROPERTY LINES OF THE THREE NORTHERN MOST PROPERTIES AT THE END OF TENNEY COURT AND THE EIGHT PROPERTIES ON THE NORTH SIDE OF MCKEE AVENUE BETWEEN TENNEY COURT AND THE WASTE WATER TREATMENT PLANT.

WEST BOUNDARY: US HIGHWAY 27 SOUTH RIGHT OF WAY LINE (MILVILLE OXFORD ROAD).

SOUTH BOUNDARY: THE SOUTH PROPERTY LINE OF 3 MCKEE AVENUE AS WELL AS THE SOUTH PROPERTY LINES OF THE PROPERTIES ON THE SOUTH SIDE OF PEABODY DRIVE.

OTHER: THERE IS AN EXCLUDED MIAMI UNIVERSITY ROAD EASEMENT PERPENDICULAR TO MCKEE AVENUE BETWEEN 220 AND 300 MCKEE AVENUE.

CIRCULATOR'S FULL NAME: Anita Jones

CIRCULATOR'S ADDRESS: 106 Tenney Court, Oxford, OH 45056

CIRCULATOR'S SIGNATURE: Anita Jones

DATE SUBMITTED: 9/10/18

TO: Juniper Hill property owners

RE: Petition for “Neighborhood Conservation Overlay District”

Date: August 23, 2018

PROPOSED:

That Juniper Hill homeowners petition for making the neighborhood a “Neighborhood Conservation Overlay District.” This means a zoning change that will limit the number of persons in a rented residence to no more than **two** unrelated individuals (versus **four**.) This would still allow ownership or rental of a property to a large family, a couple or one person.

PURPOSE:

As outlined in Oxford City Ordinances:

- 1) To maintain an attractive community and a desirable living environment for residents by preserving the **60-year-old, owner-occupied character** of the neighborhood.
- 2) To protect the **privacy** of residents
- 3) To **minimize** traffic and parking congestion as well as noise and **nuisance impact**
- 4) To ensure the **safety** of the **18 children** currently residing there
- 5) To maintain the **integrity** of two Miami University hiking trailheads.

CURRENT ZONING:

The 50 lots in Juniper Hill are presently “**Single Family Residence**” (**R1-A**). By definition, this means no more than 4 unrelated people may live in the dwelling. So far only one of the 50 lots (3 McKee Avenue) has a license to rent the home and may continue renting to up to four unrelated people. The petitioned zoning change will have no impact on existing licensed rental properties unless the rental permit expires.

PETITION PROCESS:

To change Juniper Hill from R1-A to a Neighborhood Conservation Overlay District, we must:

- 1) Provide information packets to all residents
- 2) Acquire signatures from 2/3 of the property owners – more than 33 of 50 lots
 - a. Petition signers must be the homeowner
 - b. Jointly owned properties need only one signer
 - c. Residents with multiple lots need to sign for each lot
- 3) Submit the petition to Oxford City Council for referral to the Oxford Planning Commission (OPC)
- 4) If approved, OPC makes a recommendation to City Council
- 5) City Council has two separate readings of the proposal

This process may take up to three months.

INFORMATION PACKET:

Juniper Hill (JH) residents will receive:

- 1) This cover-letter
- 2) JH Committee Member Contact page
- 3) JH Boundary description
- 4) JH Boundary map
- 5) Signature page (to be retained by JH committee member and forwarded to City Council)

For more details, contact anyone on the attached **JH Committee Member Contact page**. Thank you!

Juniper Hill COMMITTEE MEMBER CONTACTS

Herman and Brenda Dornbusch
10 Peabody Drive
513-646-3578 (Herman)
513-280-6070 (Brenda)
hdorn1010@gmail.com

Barbara Eshbaugh
209 McKee Avenue
513-523-8305
eshbauwh@miamioh.edu

Russ and Anita Jones
106 Tenney Court
513-491-5301 (Russ)
513-491-5302 (Anita)
russ@jones4him.com
anita@jones4him.com

Bill Scott
200 McKee Avenue
513-523-3334
513-255-2336 (c)
scottwe@miamioh.edu

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CIRCULATOR'S ADDRESS: 106 Tenney Court, Oxford, OH 45056

CIRCULATOR'S SIGNATURE: _____

DATE SUBMITTED: _____

Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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	2 MCKEE AVE/ H4100111000022	MICHAEL BERRY MARJA KUHL		
	3 MCKEE AVE/ H4100111000023	GARY L & CHERYL A FARMER		
	6 MCKEE AVE/ H4100111000020	DAVID T AND KRISLYNN A DUDLEY TRS		
	7 MCKEE AVE/ H4100111000041	SCOTT R & EMILY E DAVIE		
	8 MCKEE AVE/ H4000111000018	LINDA L CONAWAY		
	MCKEE AVE/ H4000111000019	LINDA L CONAWAY		
	102 MCKEE AVE/ H4100111000053	ELIZABETH RUFF		
	104 MCKEE AVE/ H4100111000013	JONATHAN SANFORD		
	105 MCKEE AVE/ H4100111000042	KATHRYN M HILLER		Mailed 8/31/18

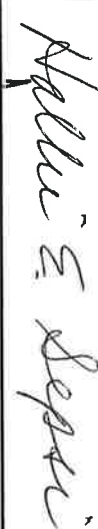
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9/9/18	109 MCKEE AVE/ H4100111000044	KARTHIK VISHWANATH & VRINDA KALIA		
	200 MCKEE AVE/ H4100111000008	WILLIAM E & VIRGINIA G SCOTT		
9/9/18	201 MCKEE AVE/ H4100111000045	CHARLES R SCHULER STUART G REYNOLDS		
	204 MCKEE AVE/ H4100111000054	ROBERT C AND BETH L KINGSLEY		
	208 MCKEE AVE/ H4100111000055	MARTIN D LUNA DARLA GAYLE LUNA		
8/31/2018	209 MCKEE AVE/ H4100111000047	WILLIAM ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR		Sept 3, 2018
9/21/2018	MCKEE AVE/ H4100111000046	WILLIAM HARDY ESHBAUGH III CO TR BARBARA KELLER ESHBAUGH CO TR		Nov 31, 2018
9/31/18	212 MCKEE AVE/ H4100111000005	SHAWNA F CAMPBELL		Aug 31, 2018
	213 MCKEE AVE/ H4100111000049	JUDITH L BARTLETT		9/21/18

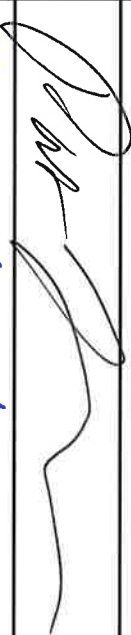
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	216 MCKEE AVE/ H4100111000004	MICHAEL M AND ANDREW C CAMERON CO TRS		
8/31/18	220 MCKEE AVE/ H4100111000003	PATRICK FLICK		
	225 MCKEE AVE/ H4100111000050	JUDITH L BARTLETT		9/2/18
	300 MCKEE AVE/ H4100111000001	DAVID & PATRICIA DEMARCO		
9/2/18	301 MCKEE AVE/ H4100111000051	LANG SHI		
	350 MCKEE AVE/ H4100109000014	JIA LUO		
	350 MCKEE AVE/ H4100109000015	JIA LUO		
	3 PEABODY DR/ H4000111000040	JON RALINOVSKY & AMY LAMBORG		
	4 PEABODY DR/ H4100111000026	JACQUE C YOUNG JR & PEGGY F YOUNG		

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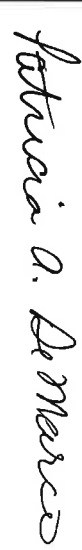
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8/31/18	350 MCKEE AVE/ H4100109000014	JIA LUO		
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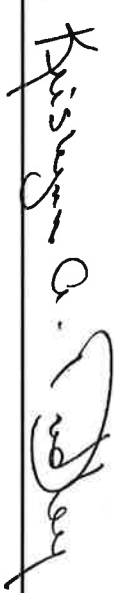
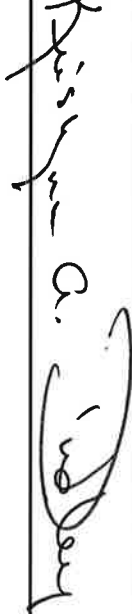
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8/25/18	4 PEABODY DR/ H4100111000026	JACQUE C YOUNG JR & PEGGY F YOUNG	Peggy Young	

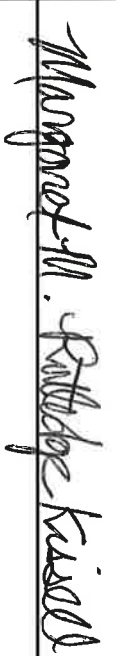
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8/25/18	5 PEABODY DR/ H4100111000039	SHAUGHN D KERN JESSICA MCCARTY		
8/25/18	6 PEABODY DR/ H4100111000027	SCOTT A KISSELL MARGARET M RUTLEDGE KISSELL		LEFT PACKET 8-25
	7 PEABODY DR/ H4100111000038	JAMES P HENRICHSEN		LEFT PACKET 8-25
	PEABODY DR/ H4100111000037	JAMES P HENRICHSEN		
8/25/18	8 PEABODY DR/ H4100111000028	TIMOTHY J KRESSE & TAMMY S KAHRIG		
8/24/18	10 PEABODY DR/ H4100111000029	HERMAN D & BRENDA S DORNBUSCH		
8/25/18	101 PEABODY DR/ H4100111000035	DAVID L GORCHOV VIVIAN NEGRON ORTIZ		
8/25/18	PEABODY DR/ H4100111000036	DAVID L GORCHOV VIVIAN NEGRON ORTIZ		
	102 PEABODY DR/ H4100111000030	GENE H & CAROL R SEFTON		LEFT PACKET 8-30
8/25/18	104 PEABODY DR/ H4100111000031	MARY ANN RUTTENCUTTER ADAM LINVILLE		

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8/28/18	106 PEABODY DR/ H4000111000032	ELIZABETH S ROGERS	<i>Elizabeth S Rogers</i>	
8/28/18	111 PEABODY DR/ H4100111000033	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE	<i>Ernst James Bever</i>	
8/28/18	101 PEABODY DR/ H4100111000034	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE	<i>Ernst James Bever</i>	
	104 TENNEY CT/ H4100111000012	LEIGHTON C PETERSON		
	106 TENNEY CT/ H4100111000011	RUSSELL D & ANITA S JONES CO-TRS		
	108 TENNEY CT/ H4100111000010	MARK S TIEMEYER		
	TENNEY CT/ H4100111000009	MARK S TIEMEYER		
9/3/18	102 THOMSON CT/ H4100111000017	DAVID T AND KRISLYNN A DUDLEY TRS	<i>Krislynn A. Dudley</i>	
	106 THOMSON CT/ H4100111000016	BRIAN AND JESSIE M ELLIS		
	110 THOMSON CT/ H4100111000052	JACK N LILES		

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9/6/18	7 MCKEE AVE/ H4100111000041	SCOTT R & EMILY E DAVIE		
09/04/2018	8 MCKEE AVE/ H4000111000018	LINDA L CONAWAY		
09/04/2018	MCKEE AVE/ H4000111000019 (Slivers)	LINDA L CONAWAY		
09/11/18	102 MCKEE AVE/ H4100111000053	ELIZABETH RUFF		
9/10/18	104 MCKEE AVE/ H4100111000013	JONATHAN SANFORD		
	105 MCKEE AVE/ H4100111000042	KATHRYN M HILLER		

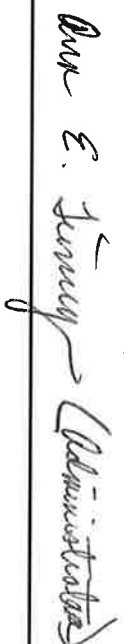
Petition for McKee, Peabody, Thomson, and Tenney Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: Anita Jones, 106 Tenney Court

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

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

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
	106 PEABODY DR/ H4000111000032	ELIZABETH S ROGERS		
	111 PEABODY DR/ H4100111000033	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
	101 PEABODY DR/ H4100111000034	ERNST JAMES BEVER LIVING TR US BANK TRUSTEE		
9/9/18	104 TENNEY CT/ H4100111000012	LEIGHTON C PETERSON		
9/14/18	106 TENNEY CT/ H4100111000011	RUSSELL D & ANITA S JONES CO-TRS		
9-6-18	108 TENNEY CT/ H4100111000010	MARK S TIEMEYER		
9-6-18	TENNEY CT/ H4100111000009	MARK S TIEMEYER		
	102 THOMSON CT/ H4100111000017	DAVID T AND KRISLYNN A DUDLEY TRS		
9-4-18	106 THOMSON CT/ H4100111000016	BRIAN AND JESSIE M ELLIS		
8/28/18	110 THOMSON CT/ H4100111000052	JACK N LILES		

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: October 2, 2018

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 18, 2018

Date Prepared

Agenda Title: Notice to Legislative Authority - New Permit for Fridge & Pantry Inc. DBA Fridge & Pantry Uptown Market 35 E. Church Street Oxford, Ohio 45056.

Recommendation:

Discussion: This is a new permit for Fridge & Pantry Uptown Market 35 E. Church Street Oxford, Ohio 45056.

The permit is for:

D1 - Beer only for on premises consumption or in original sealed containers for carry out only until 1:00 a.m.

Approved By:

Department Head:

Initial Date

City Manager:

_____ \

DRE

9/28/18

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

29484280005		NEW	FRIDGE & PANTRY INC DBA FRIDGE & PANTRY UPTOWN MARKET 35 E CHURCH ST OXFORD OH 45056 RECEIVED 9-14-18 City of Oxford
PERMIT NUMBER		TYPE	
ISSUE DATE			
09 11 2018			
FILING DATE			
D1			
PERMIT CLASSES			
09	088	A	C10283
TAX DISTRICT		RECEIPT NO.	

FROM 09/13/2018

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 09/13/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/15/2018

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **A NEW 2948428-0005**
REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: October 2, 2018

Account Code No. #:

Budgeted Amount:

Community Development
Originating Department

Sam Perry
Prepared By

September 23, 2018
Date Prepared

HAPC MEETING REPORT – SEPTEMBER 12, 2018

The Commission welcomed new member, Chad Smith.

The minutes of the August 1, 2018 meeting were approved.

Continued progress on the 2018 Goals & Objectives was discussed:

- The committee/consultant work on the new draft Chapter 1152 Historic Preservation Code was reviewed. This is a replacement of Chapter 1331 and move to the Zoning Code with other land use regulations. The intent is to clarify and update the code to reflect the 2018 Uptown District Inventory. The next steps discussed were public outreach followed by Planning Commission review. The goal is to complete the process by January 2019.
- Historic District boundary signage: The Commission also reviewed proposals from a brick paver company to install signage in the High Street sidewalks marking the boundary of the historic districts. This is an alternative to sign posts. The cost estimate is \$5-7k, which may require outside funding such as donations or grants.

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

The regular monthly meeting recently changed to the 2nd Wednesday of each month. The next one being October 10 at 5:00 p.m. at the Oxford Courthouse at 118 W. High Street.

Department Head: City Attorney: City Manager:	 / 9-23-18  / 9/25/18 
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CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: October 2, 2018

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Sept. 19, 2018

Agenda Title: Oxford Recreation Board Meeting, 9/11/18

Recommendation: Approve

Attendance: Present: Ken Bogard (Chair), Craig Bennett, Wes Cole, Kevin Ackley, and Holli Morrish

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

Discussion:

Board Chair Mr. Ken Bogard opened the meeting of the Oxford Recreation Board on Tuesday, September 11 at the Oxford Municipal Building at 11:30am.

Report from Recreation Director: Casey Wooddell provided the Parks and Recreation Report. This report included information about the closing of the city pool and the cancelation of the Dog Day event due to weather. It also included discussion about the land reverting back to the TRI foundation and the demolition of the facility. Mr. Wooddell also discussed the release of the new OPRD Activity Guide (Oct. '18-Mar. '19).

Wes Cole provided information about Talawanda Athletics. Homecoming parade is Sept. 20, with the homecoming game on Sept. 21. Mr. Cole also discussed Talawanda's decision to end Pay to Play for sports teams and extracurricular activities.

Old Business:

Mr. Ackley asked about admission and season pass prices for the new aquatic center. Mr. Wooddell stated those prices will not be finalized until the budget is passed by City Council later in the year. Mr. Wooddell stated he has submitted his recommended pricing structure based on several other aquatic centers in the region.

New Business:

FUNDRAISING – Mr. Wooddell distributed copies of the finalized marketing brochure for the fundraising campaign for the new aquatic center. The goal is to officially kick off the campaign by October 1st..

TRANSPORTATION – Transportation to the new facility was discussed, including the idea of the city running a route from the TRI to the community park. A partnership was also discussed with the Knolls of Oxford to run a route. More information needs to be explored on this aspect.

NAMING – Mr. Bogard asked about the naming of the new facility. Mr. Wooddell noted the Naming Committee has a meeting on Sept. 17, at which time the committee will analyze data from the public survey and make a name recommendation for City Council. City Council will make the final decision on the name of the facility.

PUBLIC INFORMATION SESSION – Mr. Wooddell discussed the upcoming public information session being hosted on Thursday, October 11 at 6:30pm at the Oxford Community Arts Center. Mr. Wooddell will open with a presentation about the new aquatic facility, followed by questions from the public, and concluding with time for community members to visit various tables to learn more about the specifics of the project (i.e. fundraising, financing, transportation, design). Recreation Board members will be asked to provide information at these tables.

Next meeting: Friday, October 12 at 11:30am – Oxford Municipal Building.
Meeting Adjourned: 12:47pm.

Approved By:

Initial Date

Department Head:

CDW \ 9/20/2018

City Manager:

DRE \ 9/28/18

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 2, 2018

Sam Perry
Prepared By

Account Code No. #:

September 23, 2018
Date Prepared

Budgeted Amount:

Agenda Title: Planning Commission Meeting Report- September 11, 2018

PC-2018-23, ZONING MAP AMENDMENT, 5111 Morning Sun Road, from an OI (Office Industrial) District to a NB (Neighborhood Business) District, **Scott Webb, Applicant, Agent**

This application was a follow-up to an earlier re-zoning request for the same parcel that was not approved. Following that denial Mr. Webb applied for the new Neighborhood Business district designation for this approximately one acre vacant parcel of land. The option for a NB district was created in 2016 for small businesses close to residential areas. The Commission reviewed the case with the four decision criteria and voted 7-0 to recommend approval to City Council.

PC-2018-24, CONDITIONAL USE, Miami University & Community Federal Credit Union, 31 Lynn Avenue, to allow for the construction of a banking facility with drive through service, in a GB (General Business) District, **Maria Schertler, The Architectural Group, Applicant, Agent**

This was a proposal for a new bank with drive-through service to be built on a now vacant lot. The drive-through aspect of the project requires the conditional use because of potential impacts on surrounding properties. A review determined that any negative impact of the drive through could be mitigated with the design proposed. The requested zoning code waivers were determined to be appropriate. Additional conditions of mature tree protection and dumpster screening were added through Commission discussion. Although not a condition it was requested that a good faith effort to make a pedestrian connection (ex: McDonalds/Library) between adjacent properties continue to move forward. The Commission voted 7-0 to recommend approval of the new bank with drive-through to City Council with 6 waivers/conditions.

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

This was a follow-up case that resulted from an effort of former Commission members in combination with a request from charitable organizations. Under current code, homeowners that host short-term lodgers are required to file a conditional use request as a bed and breakfast. The process is three+ months. The proposed text would provide an exemption for owners booking stays five times or less per year. Owners of properties in neighborhood conservation overlay districts would be required to own the home as their primary residence. Several members of the public commented on the case expressing both concerns and appreciation. Enjoy Oxford Director Jessica Greene also commented on the case regarding the shortage of hotel rooms during major events. The Commission reviewed the text amendment decision

criteria and voted 5-0 to recommend the proposed text amendments to City Council. Two members were recused. The First Reading is scheduled for October 16 City Council.

Approved By:

Department Head:

SP / 9-23-18

City Attorney:

City Manager:

DRE / 9/28/18

CITY OF OXFORD STAFF SUMMARY REPORT

Report to City Manager

Council Meeting Of :

Account Code No. :

Budgeted Amount :

9/18/2018

see below

Finance
Originating Department

Joe Newlin
Prepared By

9/7/2018
Date Prepared

Agenda Title: 2018 Supplemental Budget #5

Recommendation: Approve

Issue 1

To make adjustment to amended budget for increase of revenue and appropriations in Board of Building Standards Fund due to greater than expected permits issued this year

Action Needed:

Revenue Side

Board of Building Standards (414) 2,250.00 Increase revenue OBBC fees

Expense Side

Board of Building Standards (414) 2,250.00 Increase of Appropriations for payment to State

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

Issue 2

To make adjustment to budget for continuing legal expenses from the unencumbered balance

Action Needed:

Revenue Side

N/A

Expense Side

General (110) 15,000.00 Continuing legal expenses

Net Effect on Fund Balance/(s)
Increase/(Decrease) (15,000.00)

Total Net Effect on Fund Balance/(s)
Increase/(Decrease) (15,000.00)

Breakdown by Fund

General (110) (15,000.00)
Board of Building Standards (414)

Net Effect on Fund Balance/(s)
Increase/(Decrease) (15,000.00)

Approved By:

Department Head:

City Manager:

Initials

Date

9/27/18

DRE 9/28/18

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3449. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2018.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

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

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

Board of Building Standards Fund 414	2,250.00
--------------------------------------	----------

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

Board of Building Standards Fund 414	2,250.00
General Fund 110	15,000.00

SECTION 4: In all other respects, Ordinance No. 3449 shall remain in full force and effect.

SECTION 5: This ordinance shall take effect immediately upon its adoption.

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: Douglas Elliott

Police

Originating Department

Council Meeting Of: October 2, 2018

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 17, 2018

Date Prepared

Agenda Title: Resolution authorizing the City Manager to enter into an agreement with Peter M. Reising to perform consulting services and to function as the Butler County OVI Task Force Coordinator for the 2019 grant funded through the Ohio Department of Public Safety. The Oxford Division of Police is the lead agency responsible for the administration of the grant.

Recommendation: Approve

Discussion: The Oxford Division of Police is the lead agency for a grant from the Ohio Department of Public Safety for the Butler County OVI Task Force for FY2019. Peter M. Reising has been the OVI Coordinator since 2015 and has been coordinating the grant as a contractual employee of the City since his retirement in March 2016. The Police Chief would like to continue this arrangement for the FY2019 grant cycle.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAJ \ *9-17-2018*

DRE \ *9-28-18*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PETER M. REISING TO PERFORM CONSULTING SERVICES AND TO FUNCTION AS THE BUTLER COUNTY OVI TASK FORCE COORDINATOR FOR THE 2019 GRANT FUNDED THROUGH THE OHIO DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the City has been designated as lead agency responsible for the administration of a grant received from the Ohio Department of Public Safety to operate the Butler County OVI Task Force; and

WHEREAS, Peter M. Reising has been the OVI Coordinator since 2015 and has been coordinating the grant as a contractual employee of the City since his retirement in March of 2016. The Police Chief recommends this arrangement continue for the FY2019 grant cycle.

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

SECTION 1: Council accepts the recommendation of the Police Chief and hereby authorizes the City Manager to enter into an agreement in a form as approved by the Law Director with Peter M. Reising as a contractual employee acting as the OVI Coordinator for the FY2019 grant cycle.

SECTION 2: A copy of the draft agreement with Peter M. Reising is attached hereto and incorporated herein as Exhibit "A".

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)

AGREEMENT

THIS AGREEMENT entered into this 1st day of October, 2018 by and between the CITY OF OXFORD, OHIO, a municipal corporation of the State of Ohio (hereinafter referred to as the "City") and **PETER M. REISING**, 4071 California Road, Okeana, Ohio 45053 (hereinafter referred to as the "Coordinator").

I. RECITALS

The City, in association with a number of Butler County law enforcement agencies has received a FFY 2019 OVI grant funded through the Ohio Department of Public Safety. This grant will be used to fund the Butler County OVI Task Force activities related to enforcement of laws related to operating a motor vehicle while under the influence. The Oxford Police Department has been selected as the lead agency responsible for administration of the grant.

Pursuant to this end, a Management Coordinator is to be hired, and Peter M. Reising has agreed to act as the Management Coordinator (hereinafter referred to as the "Coordinator") to perform the consulting services under the following agreement:

II. TERMS OF THE AGREEMENT

- A. Services to be performed. City agrees to hire the Coordinator to provide all necessary labor, materials and record keeping in order to perform the Coordination Services for the FFY 2019 OVI grant. The Scope of Services to be performed includes compliance with all Terms and Conditions for Ohio Traffic Safety Office (OTSO) Grants as described in the FFY 2018 Competitive Grants Proposal and Award of Grant documents, compliance with any Special Conditions for OVI Task Forces as in the FFY 2019 Competitive Grants Proposal and Award of Grant documents, and submission of all required data and reports as required by this grant.
- B. Term. The Agreement shall become effective **October 1, 2018** and shall continue to be in effective until **September 30, 2019** unless terminated as set forth below.
- C. Compensation. As compensation for the services performed by the Coordinator to City will be at the following schedule.
 - a. All activities and work performed by Coordinator shall be compensated at a rate of **Fifty-six Dollars and .36 cents (\$56.36) per hour**. The entire amount of compensation shall not exceed the total of **Twenty-Nine Thousand and Five Hundred and Eighty-Nine Dollars (\$29,589.00)** dollars for a maximum 525 hours of work to be spread throughout the term of this Agreement.
 - b. Additional Obligations and Covenants of the Coordinator. As part of this agreement, the Coordinator agrees to the following items.
- D. In performing the services under this Agreement, the Coordinator shall comply with, and bear the cost of compliance with all applicable local, state, and federal requirements.
- E. Coordinator shall be responsible for and pay all federal, state and local taxes, including but not limited to all income and withholding taxes.
- F. Except with respect to payment for services, in order to receive the compensation listed above, the Coordinator must submit invoices to the City detailing the amount due, either on a bi-weekly or monthly basis, as may be determined by the City. In no event, shall billing be for a period in excess of 31 days.
- G. Obligations of the City. In the performance of this Agreement, the City agrees to be accessible to the Coordinator, to comply with all reasonable requests of the Coordinator and to provide the

Coordinator reasonable access to documents that may be necessary to perform the services under this agreement.

- H. Status of the Coordinator. It is understood and intended by both parties that the Coordinator, in performing the Services herein and receiving the compensation for such services, shall be acting as an independent contractor for the City and not as an employee or agent of the City. In that regard, no taxes or benefits shall be withheld from the compensation to be paid to the Coordinator, nor shall any such benefits, including, but not limited to unemployment compensation premiums or Workers' Compensation premium accrue to the Coordinator or be paid by the City on behalf of the Coordinator.
- I. Indemnifications. Notwithstanding any provision in this Agreement or any attachment or exhibit hereto, Coordinator shall indemnify and hold harmless against any and all liability imposed or claimed, including reasonable attorney fees and other legal expenses by and person or entity arising directly or indirectly from an act or failure to act by the Coordinator its employees, agents or subcontractors and in which injury or death to any person or damage to property is caused.
- J. Termination
 - a. This Agreement may be terminated upon the delivery of a written notice of termination to the other party at least fifteen (15) days before the effective date of the termination.
 - b. The City may terminate the Agreement effective immediately upon the material breach of this Agreement, including but not limited to, falsification of documents, dishonesty, theft or other intentional breach. In such an event, no further compensation will be due.
- K. Equal Employment Opportunity
 - a. The Coordinator will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Coordinator will take affirmative action to ensure that applicants are employed and the employees are treated during employment without regard to their race, color religion, sex or national origin. Such action shall include, but not be limited to, the following employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. The Coordinator agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - b. The Coordinator will, in all solicitations for advertisement for employees place by or on behalf of the Coordinator, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
 - c. The Coordinator will comply will all provisions of Executive Order No. 11246 of September 24, 1965 and be the rules regulations and relevant orders of the Secretary of Labor.
 - d. The Coordinator will furnish all information and reports required by Executive Order No. 12246 of September 24, 1965 and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto and will permit access to books, record and accounts by the contracting agency and Secretary of Labor for purposes of investigation ascertain compliance with such rules, regulation and orders.
 - e. In the event of the Coordinator's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders this agreement may be cancelled, terminated or suspended in whole or in part, and the Coordinator may be declared ineligible for further Government Contracts in accordance with procedures authorized in Executive Order No' 11246 of September 24, 1965 and such other

sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 25, 1965 or by rules, regulations or order of the Secretary of Labor or as otherwise provided by law.

- f. The Coordinator will include the provisions of subparagraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations or order of the Secretary of Labor issue pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor vendor. The Coordinator will take such action with respect to any subcontractor or purchase order as the Contract Agency may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Coordinator becomes involved in, or is threatened with litigation with a sub-contract or Coordinator or vendor as a result of such direction by the Contracting Agency, the Coordinator may request the United States to enter into such litigation to protect the interest of the United States.
- L. Segregated Facilities. The Coordinator will not maintain any facility which is provided for their employees in a segregated manner or permit their employees to perform their services at any location under control where segregated facilities are maintained except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- M. Conflict of Interest. The Coordinator will abide by the provision that no member, officer or employees of the grantee, or its designees or agents, no member of the governing body of the locality or localities, who exercises any functions or responsibilities with respect to the program during the tenure or for one year thereafter, shall have any direct or indirect interest in any contractor, subcontractor or the proceeds thereof, financed in whole or in part with Title I grants.
- N. Copeland "Anti-Kick Back Act." The Coordinator agrees to comply with the Copeland "Anti-Kick Back Act" (18 U.S.C. 874) as supplemented in Department of Labor Regulations (29 CFR, Part 3). The Coordinator shall not induce, by any means, any person employed in the construction, completion or in repair of public work, to give up any part of the compensation to which is otherwise entitled.
- O. Termination of Agreement for Cause. If, through any cause, the Coordinator shall fail to fulfill in a timely and proper manner her obligations under this contract, or if the Coordinator shall violate any of the covenants, agreements or stipulations of this contract, the City shall there upon have the right to terminate this agreement by giving written notice to the Coordinator of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Coordinator under this agreement shall, at the option of the City, become its property and the Coordinator shall be entitled to received just and equitable compensation for any work satisfactorily completed hereunder. Notwithstanding the above, the Coordinator shall not be relived of liability to the Agency for damages sustained by the City, by virtue of any breach of the agreement by the Coordinator, and the City may withhold any payments to the Coordinator for purpose of set off until such time as the exact amount of damages due the City from the Coordinator is determined.
- P. Termination of Contract for Convenience. Either party may terminate this Agreement at any time by giving written notice of such termination and specifying the effective date thereof, at least fifteen (15) days before the effective date such termination. If the Agreement is terminated by the City as provided herein, the Coordinator will be paid an amount based on the time and expenses incurred by the Coordinator prior to the effective date of such termination.
- Q. Miscellaneous Terms.
 - a. This agreement shall comprise the entire agreement and shall supersede any and all other agreements between the parties, whether verbal and written.

- b. The laws of the State of Ohio shall control the validity, effect and interpretation of the Agreement.
- c. If any part, clause, provision or condition of this Agreement is held to be void, invalid or inoperative, such voidness, invalidity or inoperativeness shall not affect any other clause, provision or condition hereof; but the remainder of this Agreement shall be effective as though such clause, provision or condition had not been contained herein.
- d. Any notices of any communication required or permitted by this Agreement to be delivered to or served on either shall be deemed properly delivered to, served on, and received by other party when personally delivered to the party or in lieu of such personal service, when deposited in the United States mail, certified with postage prepaid, addressed to the party. Unless notified in writing otherwise, the following shall be used for notices.

City of Oxford

Chief John A. Jones
Oxford Police Department
11 S. Poplar Street
Oxford, OH 45056

Coordinator

Peter M. Reising
4071 California Road
Okeana, OH 45056

With a Second Copy to:

Lt. Lara Fening
Oxford Police Department
11 S. Poplar Street
Oxford, OH 45056

- e. The parties agree that the approval and acceptance of this Agreement may be executed in any number of counterpart signature pages, all of which taken together shall constitute one and the same instrument, and any party or signatory hereto may execute its approval and acceptance of the Agreement by signing any such counterpart.

R. Prohibition Against Assignment. The duties and obligations under this Agreement may not be assigned by the Coordinator without the prior written consent of the City.

Now therefore, the parties by and through their authorized officers have executed this Agreement on the _____ day of _____, 2018.

Witness:

Witness:

Peter M. Reising:

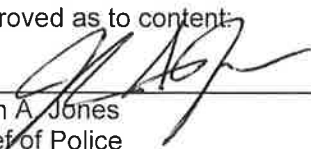
City of Oxford:

Douglas R. Elliott, Jr.
City Manager

Approved as to form:

Stephen M. McHugh
Law Director

Approved as to content:



John A. Jones
Chief of Police

Agreement with Peter M. Reising dated October 1, 2018

CERTIFICATE

The undersigned Finance Director for the City of Oxford, Ohio, hereby certifies that funds to cover payment for services or supplies embodied in this contract are presently available or in the process of collection and that Council has appropriated money for this purpose, and it remains unencumbered.

Joe Newlin
Finance Director

CITY OF OXFORD

STAFF SUMMARY REPORT

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

Police

Originating Department

Council Meeting Of: October 2, 2018

Account Code No. #:

John A. Jones

Prepared By

Budgeted Amount:

September 18, 2018

Date Prepared

Agenda Title: Resolution authorizing the City Manager to enter into a Mutual Aid Agreement with Miami University.

Recommendation: Approve the Resolution

Discussion: The proposed Resolution authorizes an Agreement for mutual aid between the City of Oxford and Miami University. This agreement would replace the existing Agreement which expired on June 30, 2018.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JAE 9-18-18

DRE 9-28-18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAW ENFORCEMENT MUTUAL ASSISTANCE AGREEMENT WITH MIAMI UNIVERSITY.

WHEREAS, the City Manager and the Police Chief recommend the City enter into a Law Enforcement Mutual Assistance Agreement with Miami University to enhance the safety and security of persons and property throughout the City.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and hereby authorizes the City Manager to enter into a Law Enforcement Mutual Assistance Agreement with Miami University as set forth on Exhibit "A" attached hereto on behalf of the City for a period of three (3) years with the right to cancel the Agreement upon a sixty (60) day written notice of intent to terminate.

SECTION 2: The City Manager and the Chief of Police are further authorized to present to Miami University, the signed Law Enforcement Mutual Assistance Agreement for approval by the University.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD AND MIAMI UNIVERSITY
LAW ENFORCEMENT MUTUAL ASSISTANCE AGREEMENT**

WHEREAS, the City of Oxford, Ohio maintains a police department pursuant to Sections 3 and 7 of Article XVIII of the Ohio Constitution and Miami University maintains a police department pursuant to Ohio Revised Code 3345.04; and

WHEREAS, the City of Oxford and Miami University are both parties to the Butler County Intra-County Mutual Police Aid Agreement; and

WHEREAS, the City of Oxford and Miami University are authorized by Ohio Revised Code 3345.041 to enter into a Law Enforcement Mutual Assistance Agreement authorizing Miami University to perform police functions on behalf of the City of Oxford and, authorizing the city of Oxford to perform police functions on behalf of Miami University; and

WHEREAS, the City of Oxford and Miami University have previously entered into law Enforcement Mutual Assistance Agreements; and

WHEREAS, the current Law Enforcement Mutual Assistance Agreement between Miami University and the City of Oxford terminated on June 30, 2018; and

WHEREAS, the City of Oxford and Miami University now desire to enter into a new law Enforcement Mutual Assistance Agreement;

NOW THEREFORE, in consideration of the mutual promises and undertakings set forth below, the City of Oxford and Miami University (hereinafter referred to individually as "Party" and collectively as "Parties") agree as follows:

1. Effective Date and Scope of Agreement

- A. This Agreement is effective on July 1, 2018, and supersedes and replaces the Law Enforcement Mutual Assistance Agreement effective July 1, 2015.
- B. This Agreement supplements the Butler County Intra-County Mutual Police Aid Agreement, attached hereto as Exhibit A and incorporated herein, to which both City of Oxford and Miami University are signatories. This Agreement further defines the terms and conditions pursuant to which the Parties shall provide mutual law enforcement assistance to each other. All terms and conditions of the Butler County Intra-County Mutual Police Aid Agreement are applicable to this Agreement.

2. Definitions

For the purposes of the Agreement, the following terms shall have the following meanings.

- A. Law Enforcement Authority is defined as either the police department {including its sworn officers) of Miami University (herein "Miami University Police Department" or "MUPD") or the police department {including its sworn officers) of the City of Oxford (herein "Oxford Police Department" or "OPD").

- B. Concurrent Law Enforcement Authority is defined as the geographical area where both Law Enforcement Authority have the legal right and obligation under this Agreement to provide law enforcement services pursuant to this Mutual Assistance Agreement.
- C. Law Enforcement Services is defined as the performance of any police function, the exercise of any police power or the rendering of any police services.

3. Concurrent Law Enforcement Authority

Pursuant to this Agreement, MUPD and OPD shall have concurrent law enforcement authority over the entire rights of way of the following blocks and/or streets, including the intersection at either end of the specified right-of-way and all intersections contained within the described rights-of-way:

- A. The "Square Mile", defined as the area bordered by Chestnut Street, Locust Street, Sycamore Street and Patterson Avenue;
- B. State Route 73 from Patterson Avenue to the City of Oxford limits;
- C. Bonham Road from Sycamore Street and Tallawanda Street to the Miami University property limit; and
- D. Streets north of Sycamore Street and east of State Route 732, namely North Poplar, North Campus, North University, Homestead Avenue and Bouden Lane

Each Law Enforcement Authority is authorized by this Agreement to perform any law enforcement services in any area of concurrent law enforcement authority. Whenever a traffic accident occurs in any of the areas described in this section, the law enforcement authority with the first officer on the scene shall assume responsibility. MUPD shall issue citations under the Oxford City Code for all parking and moving violations that occur in the areas described in this section.

Implicit in this section is the mutual understanding that OPD retains primary responsibility for enforcement on City of Oxford streets and MUPD retains primary responsibility for enforcement on Miami University streets and property.

During each year of this Agreement, a mutual aid workgroup comprised of two (2) members from each department shall meet semi-annually (June and December) to review the enforcement practices on the streets enumerated in this section. The workgroup findings for the preceding year will be compiled into a report that shall be submitted to the Chiefs of Police of MUPD and OPD no later than January 14th of each year. The Chiefs of Police will submit a detailed summary report to the Vice President for Finance and Business Services at Miami University and the City Manager of Oxford.

OPD acknowledges the University has certain obligations to issue Crime Alerts to provide a timely warning for crimes required to be reported under the Clery Act (including criminal homicide, sex offenses-forcible and non-forcible, robbery, aggravated assault, burglary, and motor vehicle theft) that occur on campus, on the public property surrounding campus, and on property owned or controlled by registered student organizations (e.g., fraternities). OPD further acknowledges that the University has an additional obligation to issue an emergency notification in those situations that pose an immediate threat to the health or safety of students

or employees on campus or for the dosing of the entire Oxford campus (i.e., severe weather, chemical spills, fires, and crimes). In those instances in which a Clery Act reportable crime or other event posing a significant risk of harm to the Oxford campus has been reported to OPD, OPD agrees to use its best efforts to immediately notify MUPD so that MUPD may activate its timely warning or emergency notification system as appropriate.

4. Additional Law Enforcement Assistance

A. Major Events

Command level personnel (as designated by their respective Chief of Police) shall regularly coordinate planning for significant community or university events (i.e., concerts, athletic events, parades, etc.). Command level personnel are empowered to request the law enforcement assistance of the other department. When a request for law enforcement assistance is made, each Chief of Police shall be notified as soon as practicable. MUPD will coordinate traffic control with Oxford Police and will assist in the off-campus control of traffic related to significant campus events.

B. Maintenance of Law and Order

Whenever either the OPD or MUPD determines that it does not have sufficient law enforcement resources to meet a particular situation or set of circumstances effectively and expeditiously, the senior officer of the police department on duty and in charge of the police department is authorized to request law enforcement assistance from the other police department. This authorization includes responding to a significant crime which includes homicide, aggravated assault, rape, robbery, burglary, breaking and entering, and civil disorder (riot, attempted riot, and disruptive crowds).

C. Major Case Investigation

Members of the CI (Criminal Investigation) Units from MUPD and OPD interact on a regular basis and are expected to share equipment and investigative expertise. Command level personnel are empowered to request the law enforcement assistance of the other police department's CI Unit. When a request for temporary law enforcement investigative assistance is made, each Chief of Police shall be notified as soon as practicable. Extended joint investigations must be approved by the chiefs of each law enforcement authority prior to the start of the investigation.

D. Witness to Offense/Traffic Violation or Accident

1. An officer witnessing potentially life-threatening, substantial property damage, traffic violations or criminal violations outside the officer's area of concurrent law enforcement authority but within the other agencies jurisdiction is empowered to stop the violator and take enforcement action. As soon as practicable, the agency with primary jurisdiction will be notified and provided with the nature of the incident, location and the unit number(s) of the officer(s) managing the enforcement action. The responsible department will respond in one of the following manners:

- a. Relinquish authority over the incident to the witnessing officer, or

- b. Dispatch an officer or officers to the scene who will take charge of the incident.
2. In the event that police personnel and equipment are involved in providing assistance under this Agreement, and such responding personnel and equipment are required by their own department, each party to this Agreement reserves the right to withdraw such personnel and equipment for such purposes.
3. In any situation in which assistance is provided pursuant to a request for mutual aid, the officer in charge of the Requesting Department shall have full charge of and authority over any assisting equipment and personnel responding to such call. No oath of office need be administered to police officers of the Responding Department when the performance of such officers' duties is pursuant to this Agreement.
4. No charge shall be made for services rendered pursuant to the terms of this Agreement, it being understood that the mutual promises contained herein serve as adequate consideration.
5. All personnel of the Responding Department, while providing assistance or utilizing concurrent law enforcement authority as specified in this Agreement, shall at all times be acting within the scope of their employment by the Responding Department, and will not be considered employees of the Requesting Department. Each Party to this Agreement will continue to be responsible for all forms of compensation and benefits related to the employment as well as equipment, uniforms and other tangible articles, which it would otherwise pay or furnish while any of its officers is (are) providing assistance under this Agreement. Under no circumstances will either party be required to assume any of such employment-related obligations or expenses by virtue of having made one or more request for, or received, assistance under this Agreement.

E. Warrants, Subpoenas, and Other Legal Process

The service of warrants, subpoenas and other legal process shall be coordinated by a command staff member or bureau from MUPD and OPD as designated by the respective Chief of Police. Generally, MUPD will provide service on-campus and OPD will provide service off-campus; however, this is a unified effort and the MUPD/OPD commanders will work together to ensure the prompt, efficient service of all legal documents. The serving department will maintain the appropriate control documentation. As part of the semi-annual evaluation process (see No. 3), the mutual aid workgroup will evaluate the effectiveness of this process. Their findings shall be included in the annual report to the Vice President for Finance and Business Services at Miami University and the City Manager of Oxford.

5. Liability Between the Parties

Neither the City of Oxford nor Miami University shall be obligated to reimburse the other for loss or damage to equipment while law enforcement officers are engaged in activity in accordance with this Agreement, nor shall there be any reimbursement, indemnity award, or premium contributions assessed against the other for workers compensation benefits arising by reason of injury or death to an employee of either while engaged in rendering services under this Agreement.

Each party shall be responsible for any claim or cause of action made against the party of its law enforcement officers arising out of the performance of duties under this Agreement and neither party shall be required to indemnify, defend, or hold harmless the other for any such claim or cause of action.

6. Duration of Agreement

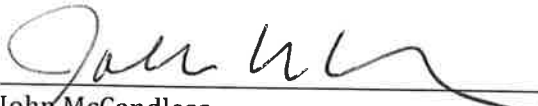
- A. This Agreement shall expire on June 30, 2021.
- B. The Oxford City Manager and the Vice President for Finance and Business Services at Miami University may enter into such additional Memoranda of Understanding, setting forth additional procedures, not inconsistent with the terms hereof, for implementing this Agreement. The parties agree to be bound by the terms of any such memoranda as fully as if it were part of this Agreement.
- C. This Agreement may be terminated by either party with a 60-day written notification of intent to terminate.

Miami University

The City of Oxford

David Creamer
Senior Vice President for Finance and
Business Services

Doug Elliott
City Manager



John McCandless
Chief of Police

John A. Jones
Chief of Police

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 2, 2018

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

September 23, 2018

Date Prepared:

PC-2018-24, CONDITIONAL USE, Miami University & Community Federal Credit Union, 31 Lynn Avenue, to allow for the construction of a banking facility with drive through service, in a GB (General Business) District, Maria Schertler, The Architectural Group, Applicant, Agent

Recommendation: Approval with conditions

Discussion:

This is a proposal for a new bank with drive-through service to be built on a now vacant lot. The drive-through aspect of the project requires the conditional use because of potential impacts on surrounding properties. The specific decision standards of the bank drive-through code are mostly focused on negative impacts to adjacent residential areas, which is not the case in this situation. Therefore a review determined that any negative impact of the drive-through could be mitigated with the design proposed. The requested zoning code waivers were determined to be appropriate. Additional conditions of mature tree protection and dumpster screening were added through Commission discussion. Although not a condition it was requested that a good faith effort to make a pedestrian connection (ex: McDonalds / Library) between adjacent properties continue to move forward. At the time of the meeting, efforts to connect the new bank directly to the LaRosa's site had not worked out. There are some topographic challenges and owner coordination required. The Commission voted 7-0 to recommend approval of the new bank with drive-through to City Council with 6 waivers/conditions:

1. Reduction of front façade glazing from 60% to 45%
2. Reduction of parking setback on south side from 6 feet to 3.5 feet
3. Reduction of parking setback on north side from 6 feet to 1 foot
4. Reduction of private sidewalk width from 5 feet to 4.5 feet as shown on plans
5. Protection of 5 mature trees during and after construction
6. Visual screening of dumpster enclosure with landscape plantings

Although not required by code, the bank is constructing a public sidewalk along the frontage of the property. This will provide continuity from the north but does not continue to the south at this time.

Approved By:

Department Head:

City Attorney:

City Manager:

 / 9-23-18
 / 9-28-18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING A CONDITIONAL USE PERMIT FOR A BANKING FACILITY WITH A DRIVE-THROUGH WINDOW IN THE GENERAL BUSINESS (GB) DISTRICT TO BE LOCATED AT 31 LYNN AVENUE OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS, Council finds in accordance with Oxford Codified Ordinance Section 1147.02 the City of Oxford Planning Commission held a public hearing on September 11, 2018 for the purpose of considering the request of Maria Schertler, Applicant, for a conditional use permit for a banking facility with a drive-through window; and

WHEREAS, the Planning Commission, after public hearing and discussion, voted and approved a motion recommending approval of the conditional use permit application for a banking facility with a drive-through window to be located at 31 Lynn Avenue Oxford, Ohio 45056 with the six conditions.

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application for a banking facility with a drive-through window in the General Business District to be located at 31 Lynn Avenue Oxford, Ohio 45056 with six conditions listed below as recommended by the Planning Commission being incorporated as a requirement of this approval.

1. The front façade glazing shall be reduced from 50% to 45%.
2. The parking setback on the south side shall be reduced from 6 feet to 3.5 feet.
3. The parking setback on the north side shall be reduced from 6 feet to 1 foot.
4. The private sidewalk width shall be reduced from 5 feet to 4.5 feet.
5. Five mature trees shall be protected during and after construction.
6. The dumpster enclosure shall be visually screened with landscaping.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-24

Date –September 11, 2018

APPLICATION

Applicant:	Maria Schertler (The Architectural Group)
Location:	31 Lynn Ave
Owner:	Richard Parker (Miami University Community Credit Union)
Action Request:	Conditional Use Permit Application for a drive-through as part of a new bank
Current Use:	Vacant
Zoning:	GB (General Business) District
Surrounding Existing Land	
Uses:	Restaurants, Offices, Retail

GENERAL DESCRIPTION

As noted in the attached narrative letter, Miami University Community Credit Union acquired a 0.5 Acre lot on Lynn Avenue. On behalf of MUCCU, Architect Maria Schertler is requesting a conditional use permit to construct a bank building with drive through service. The lot is in the General Business district parallel to the Locust Street corridor. There are existing retail uses and professional offices in the surrounding area. The Planning Commission needs to review this case and forward a recommendation to City Council. The drive through aspect of the business requires the conditional use review process. The process is intended to determine if the use is an appropriate fit in the location and if there are any adverse effects it would have, that could be mitigated by additional conditions.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. No public comments have been received as of this report.

AGENCY REVIEWS

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

Police:	Returned without comments
Fire:	Returned without comments
Engineering:	Returned with comments regarding storm water management requirements.
Econ. Dev.:	No comments 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)(8)

Drive-Through Banking and Pharmacy Facilities.

- A. Potential Concerns.
 - 1. Design of vehicle management area.
The design meets the minimum zoning requirements with the exception of the property line setbacks being less than 6 feet.
 - 2. Noise from operations (vehicle and loudspeaker).

Any noise that may be generated to an off-site location would be directed toward a commercial parking lot.

3. Screening from adjacent uses.

The adjacent uses are all commercial in nature.

B. Regulations.

1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district.

N/A

2. Queue spaces shall not be located in a yard adjacent to a residential zoning district.

N/A

ANALYSIS:

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

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

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

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

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

Yes, the proposed use can be satisfied by allowing a new drive through as long as the changes are not negative to the surroundings.

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

One of the objectives of the Comp Plan is to utilize existing land within corporate limits. While the lot is very compact for the proposed use that is automobile-oriented, the Commission may consider this an appropriate use of land.

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

As stated above the site is small for the use; hence the parking lot setback reduction request. Storm water management may have to be underground.

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

None anticipated.

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

Not applicable.

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

No unrelated accessory uses being proposed.

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

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

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

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

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

The building is similar design to the existing MUCCU building on College Corner Pike. The Lynn Ave corridor has a variety of different building materials with this building being a similar size and scale in proportion to the lot size.

- 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.**

Planning staff has expressed some concern to The Architectural Group about the curb cut location in relation to the curb cut on the adjacent property. The designers have attempted to reverse the location but were not able to per the attached narrative letter.

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

The site was cleared of a former home and is currently vacant with several mature trees. There are five mature trees identified on the landscape plan that should be protected during the construction phase as a condition of the approval. Two are on the lot and three are adjacent to the north.

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

Staff is not aware of any obstacles for the applicant or owner to obtain additional licensing or permits. A building permit will be required before the construction commences.

ZONING CODE COMPLIANCE

The applicant supplied a comprehensive letter outlining the conflicts with zoning code:

- Reduction of front façade glazing from 60% to 45%
- Reduction of parking setback on south side from 6 feet to 3.5 feet
- Reduction of parking setback on north side from 6 feet to 1 foot
- Reduction of sidewalk width from 5 feet to 4.5 feet

CONCLUSION/RECOMMENDATION: Based on the above findings, staff recommends approval of the conditional use with the requested waivers above and a condition that the five mature trees shown on sheet C1.3 be protected during construction. The designers took two suggestions from staff: 1) attempting to connect pedestrians with adjacent LaRosa's and 2) to re-locate the curb cut, neither of which were determined to be feasible at this time. Therefore, the case can be recommended for approval with the proposed layout.

SUBMITTED BY:



Sam Perry, AICP
Director

DATE: September 7, 2018

ATTACHMENT

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

(1) **Burden of proof.**

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-24, CONDITIONAL USE, Miami University & Community Federal Credit Union, 31 Lynn Avenue, to allow for the construction of a banking facility with drive through service, in a GB (General Business) District, Maria Schertler, The Architectural Group, Applicant, Agent

 X Review Revisions Other

Please return no later than: **September 5, 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 8/30/18

Drawings reviewed by:

Scott Otto

Date:

8/30/18

Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Engineer

RE: PC-2018-24
Conditional Use
31 Lynn Avenue – Miami Univ. & Community Federal Credit Union

DATE: August 30, 2018

The following is our comment:

- The proposed development shall include storm water management, including storm water detention design, per the City of Oxford Stormwater Management Design Manual.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: August 7, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-24, CONDITIONAL USE, Miami University & Community Federal Credit Union, 31 Lynn Avenue, to allow for the construction of a banking facility with drive through service, in a GB (General Business) District, Maria Schertler, The Architectural Group, Applicant, Agent

 X Review Revisions Other

Please return no later than: **September 5, 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: 8/20/18
John A. Jones, Police Chief
PRINTED NAME



PC-2018-24

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, August 27, 2018

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





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LETTER OF AGENCY

To Whom It May Concern:

Please be advised that The Architectural Group, Inc., Norm Butt Principal, and Maria Schertler has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission hearing meeting on September 11, 2018, regarding the Miami Community Credit Union, Branch at our property located at 31 Lynn Ave., Oxford, Ohio 45056.

Thank-you,

Signed:

Richard A. Parker
President/CEO

July 24, 2018

Miami University and Community Federal Credit Union

5120 College Corner Pike • Oxford, Ohio 45056 • phone 513-523-8888 • fax 513-523-1718 • cumemservice@muccu.org • www.muccu.org



Internal Use Only:	PC-2018-24
Case No.	
Date Filed	7/30/18

Conditional Use Permit Application

Applicant Information

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

Name * Maria Schertler

Mailing Address * 135 N. Main St.

City, State & Zip Code * Dayton, OH 45402

Telephone Number(s) * (937) 223-2500

Email Address schertlerm@taguit.com

Owner Information

Name * Miami University Community Federal Credit Union

Mailing Address * 5120 College Corner Pike

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * (513) 529-2739

Email Address rick@muccumail.org

Location and Lot Information

Location of Property * 31 Lynn Street, Oxford, OH 45056

Legal Description * Parcel No: H4100.016.000.074; Lot#3076

Zoning District * GB

Total Area * 0.476 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Single Family Residence til 2015 when the house was demolished for future credit union.

Proposed Use Description * Miami University Community Federal Credit Union office and bank facility with drive-thru.

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Maria E. Schuttles

Date *

07-27-18

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 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 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	7/30	212930
Fee Paid Date *		Receipt Number *

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

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



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dayton, oh 45402-1730
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fax 937.223.0888
www.taguilt.com

July 26, 2018

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

TAG COMMISSION NO.: 1752

RE: Conditional Use Application

Miami University and Community Federal Credit Union new building
31 Lynn Avenue
Oxford, OH 45056

Dear City of Oxford Planning Commission,

We are pleased to submit these documents to you in support for the new building for Miami University Community Federal Credit Union (MUCFCU) in the City of Oxford. We hope that this application, and the documentation contained within can aid and assist you in making your decision in support of our project. We look forward to your review and welcome any commentary from the Planning Commission or the Community at large.

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

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

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

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

Please see the attached Agent Authorization Letter dated 7/24/2018.

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

Parcel Number: H4100.016.000.074; Lot #3076.

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

The existing site had a 2500SF single family residence with a basement and an attached one car garage. MUCFCU bought the lot in 2014 and after extensive design studies to maintain the existing structure as the credit union offices it was deemed ineffective use of the building and site with excessive renovation cost, therefore in 2015 the residence was demolished and the basement infilled in preparation for their new building.

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

The zoning district is GB.

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

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The Miami University and Community Federal Credit Union serves all of the Butler County community. As an industry leader, the credit union assist member-owners in realizing personal financial success by providing competitive, value oriented products and services delivered in the tradition of excellence. The credit union provides both personal and commercial banking services inclusive of saving & checking accounts, loans, mortgages, and financial-planning. The new facility will have inside walk-up teller services, (6) loan officers, (2) drive-thru teller lanes, located on the north side of the building, and an exterior 24HR drive up ATM machine. Business at the credit union will vary from day to day but on average serving between 200-300 members for banking or financial services. Approximately 25%-40% of this business is via the drive thru. Truck deliveries will include USPS mail, Fed-Ex/UPS shipping and office and banking supplies with weekly front loading trash and recycling service vehicles.

B. The hours of operation

The credit union will be open six days a week 9AM-5:30/6PM, with the exception of Saturday (1PM) and is closed on Sunday. The ATM will be operational 24HR/day.

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

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

Adjacent area uses include food service, banking, animal care, car service, retail and other such commercial service businesses. The credit union fits clearly into the existing service oriented business fabric of the surrounding blocks and easily could be one of several stops for clientele in the area. Not only will the credit union be serving patrons to the surrounding businesses but they are there to offer commercial banking services for all businesses in the area and county wide.

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

The new MUCFCU building is designed to fit comfortably on the 0.476 acre lot. The site design is a compact and efficient use of the lot with both driveway access and connecting lot sidewalk access; this enables members' safe and easy vehicular, cycle or pedestrian access to the building. The credit union is designed to add to the current aesthetic character of the General Business zoning district with a rich masonry exterior and shingled hip and gable roof line that relates well to adjacent buildings. The varied roofline helps to minimize the impact of the 3600 square foot building by reducing its mass and providing greater human scale. The masonry base and central glazed entry piece offer a level of permanence and importance to the structure inherent in the community oriented financial institution.

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

The new use of the site will create no excessive nuisances. Noise, lights and emissions common to a public service facility with a drive-thru will be created. This is not uncommon in the neighborhood with drive-thru businesses and car service bays adjacent to the property on the north, northwest, west, and southwest and a proposed drive-thru to be added at the LaRosa's to the northeast. With the credit union operating hours limited to

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typical business day hours (8AM-6PM) traffic will be less than neighboring businesses which have longer operating hours. No excessive noise, lighting, odor, et cetera is expected.

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

MUCFCU is about community and will provide neighboring businesses and patrons valuable financial opportunities. The building will add to the aesthetic character of the neighborhood. A well thought out site design will have a positive effect on adjacent land by being conscious of and controlling storm water via a retention area and permeable surfaces, tasteful signage, controlling waste management via an enclosure and providing exterior lighting that provides a safe yet non obtrusive lit environment for patrons and passersby alike.

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

The credit union's current Wells-Mill location will no longer be an option starting in 2020. The College Corner location is approximately 6 miles to the northwest and not convenient for members that have come to count on an in town location for banking and financial services. The 31 Lynn Ave location offers prime visibility and visitability for the credit union and its members, current and future. The adjacency to shopping, food service and retail will allow end users to minimize trips while maximizing efficiency of time in completing errands. For forty-nine years MUCFCU has served the Miami University community and it is important they invest in the Oxford community itself by maintaining an office and a presence in the heart of Oxford.

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

MUCFCU has served the Miami University community for 49 years. As a strong supporter of community success and growth for the good of the community itself and not for the financial success of the banking institution it is desirable that MUCFCU maintains a strong tie to the community. The new building and credit union location will allow MUCFCU to remain a part of Oxford and an asset for the continued growth and development of Oxford and the people that call Oxford home. With the new location and building the credit union will remain at the heart of the economic development area and their services to the community will be expanded and enhanced.

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

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

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

Respectfully,



Maria E Schertler, AIA
Senior Project Architect

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dayton, oh 45402-1730
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www.taguit.com

July 26, 2018

Planning Commission
City of Oxford
101 E. High St.
Oxford, OH 45056

TAG COMMISSION NO.: 1752

RE: Conditional Use Application variances

Miami University and Community Federal Credit Union new building
31 Lynn Avenue
Oxford, OH 45056

Dear City of Oxford Planning Commission,

We submit this required Conditional Use application for the new building for Miami University and Community Federal Credit Union (MUCFCU) in the City of Oxford, per Section 1147 Conditional Use; drive-through banking. Included in this submission are areas of noncompliance with the City of Oxford Zoning Code and we request the following variances as part of the Conditional Use Application.

1. Chapter 1143 Districts

Section 1143.12 GB General Business

c. Site Development Regulations

4A Windows and transparent doors must occupy a minimum of 60% of the entire building wall area between 2.5' and 7' above grade plane along the front façade.

The front façade provides for 35% transparent glazing in the required area and height of the front façade. A spandrel window is located at the safe room, for security and safety reasons this should not be a transparent window. The spandrel window increases the percentage of total glazing to 45% of the front façade. Additionally the design for the entry includes a 2-story high glazed entry space which will flood the interior space with light. The total percentage of transparent glazing on the front façade, for its full height and area is 37%.

2. Chapter 1149 Vehicle Management

Section 1149.05 Non-Residential Regulations

a. Location

2: All paved areas shall be a minimum of 6'-0" off any lot line.

The 173' north lot line is within 6" to 1'-0" of the north drive-through paved lanes for a length of 78'. The adjacent lot to the north provides a minimum of a 17' wide green space along the length of the north lot line. The 173' south lot line is within 3'-7" to 5'-0" of the south paved area, for a length of 104'. This green space is planted the length with evergreen and deciduous shrubs and perennial prairie grasses to help buffer the adjacent building, which sits approximately 3' to 10' from its north lot line. The east and west paved areas are 6'-0" off their respective lot lines.

3. Chapter 1149 Vehicle Management

Section 1149.05 Non-Residential Regulations

a. Access Management

1D: All paved areas shall be a minimum of 30 feet from any other curb cut (measured from the lot line).

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The existing curb cut for the adjacent property to the south (the Animal Clinic) is within 30' of the south lot line. The new curb cut for the credit union is located 7'-0" from the south lot line. Site layouts were studied that located the drive-through on the south side of the building and the curb cut on the north side of the site but these layouts resulted in even greater areas of paved access roads, difficult traffic patterns for the drive-through, a smaller and tighter building and less green space. The distance between the south edge of the new curb cut and the north edge of the Animal Clinic curb cut is approximately 30' at the lot line.

The proposed site design locates the less desirable drive-through traffic along the adjacent parking lot and keeps the walk in traffic to the south and thus towards the adjacent Animal Clinic. We feel this is a more desirable traffic pattern for the adjacent properties.

4. Chapter 1149 Vehicle Management

Section 1149.05 Non-Residential Regulations

e. Additional Requirements

4: Parking Lot Design

R: Material and width of walkways at least 5'-0" wide.

The side walk along the south elevation of the building, adjacent to parking spaces #3, #4 and #5 is 4'-6" wide. The reduction of side walk width occurs for 26', the remainder of this sidewalk is 5'-6" wide and the accessible parking space is adjacent to the 5'-6" wide length. The parking spaces at the east of the lot will primarily serve employees who will enter at the east rear entry door. The sidewalk width reduction is a result of the varying depth of the south elevation to allow for the interest in the roof line and helps to reduce the massing of the building and fit with the adjacent building fabric.

Site sidewalks extend along the west lot line at Lynn Avenue connecting to the existing side walk to the north, there is no existing sidewalk at the south property to connect to but the sidewalk extends to the lot line. The east west sidewalk/path extends from the front sidewalk to the rear parking area, all but 6'-0" of the site length. We would like to note that MUCFCU has made attempts to coordinate with the property owner to the east (LaRosa's and shops) regarding extending the sidewalk to the eastern property and has offered to pay for the continuation of the sidewalk on their property to the paved area in order to increase pedestrian and bicycle traffic ways. The property owner to the east has not agreed to any joining sidewalk or connecting path.

We hope that this application, and the documentation contained within can aid and assist you in making your decision in support of our project. We look forward to your review and welcome any commentary from the Planning Commission or the Community at large.

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

Respectfully,



Maria E Schertler, AIA
Senior Project Architect

NEW CREDIT UNION BUILDING

MIAMI UNIVERSITY COMMUNITY CREDIT UNION

31 LYNN AVENUE

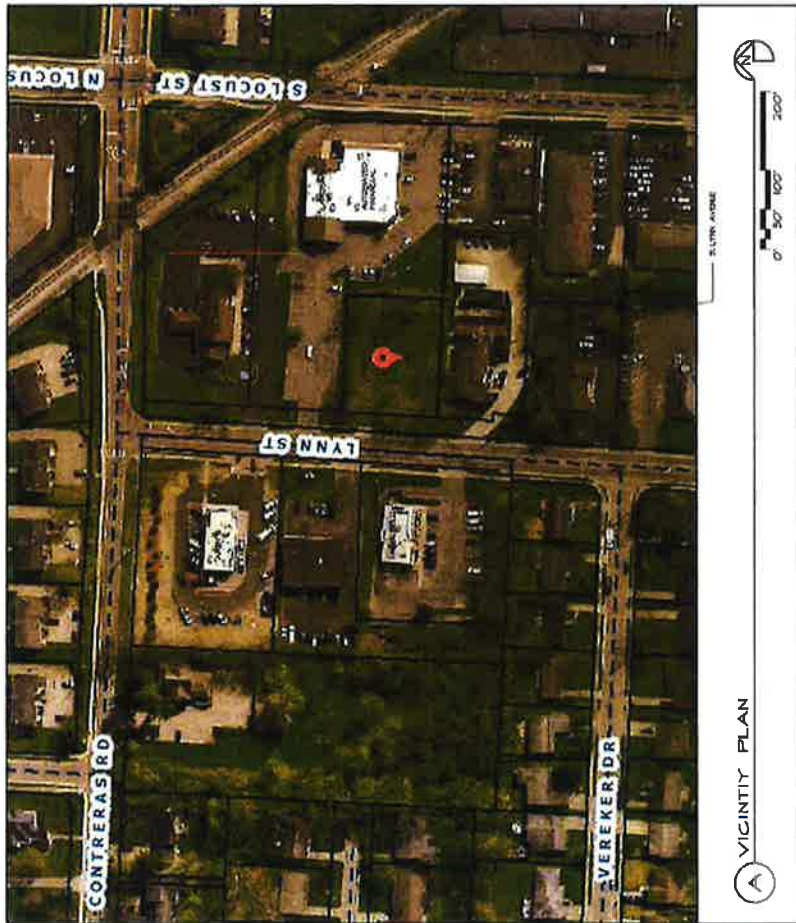
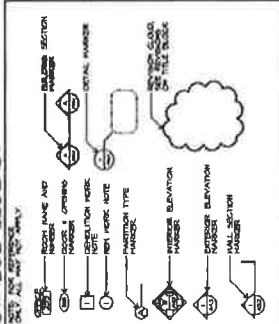
OXFORD, OHIO 45056

CONDITIONAL USE DOCUMENTS

ABBREVIATIONS:

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SYMBOL LEGEND:



DRAWING INDEX:

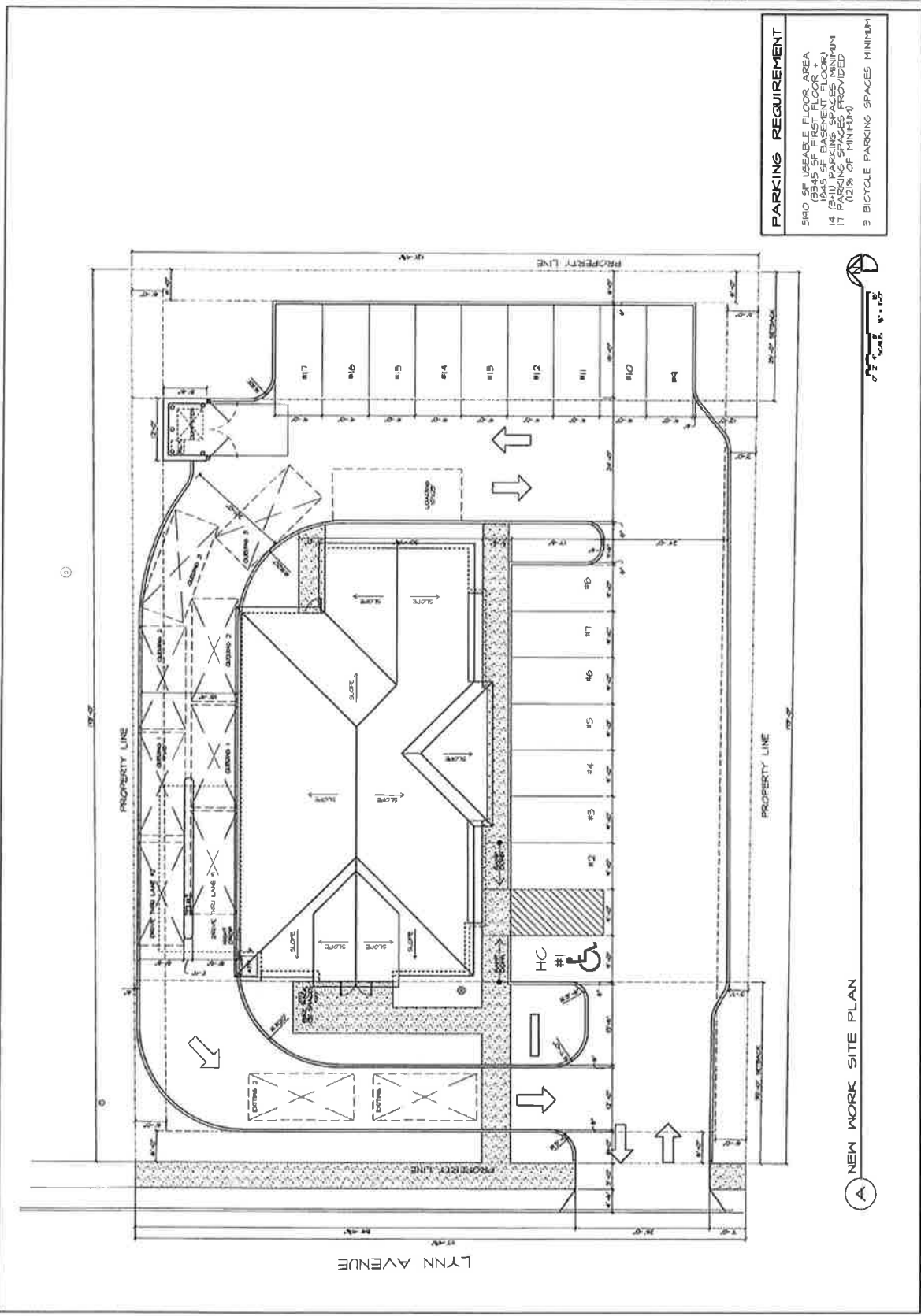
1	TITLE SHEET
2	EXISTING SITE PLAN
3	NEW BUILDING SITE PLAN
4	LANDSCAPE PLAN
5	CONCEPTUAL FLOOR PLAN
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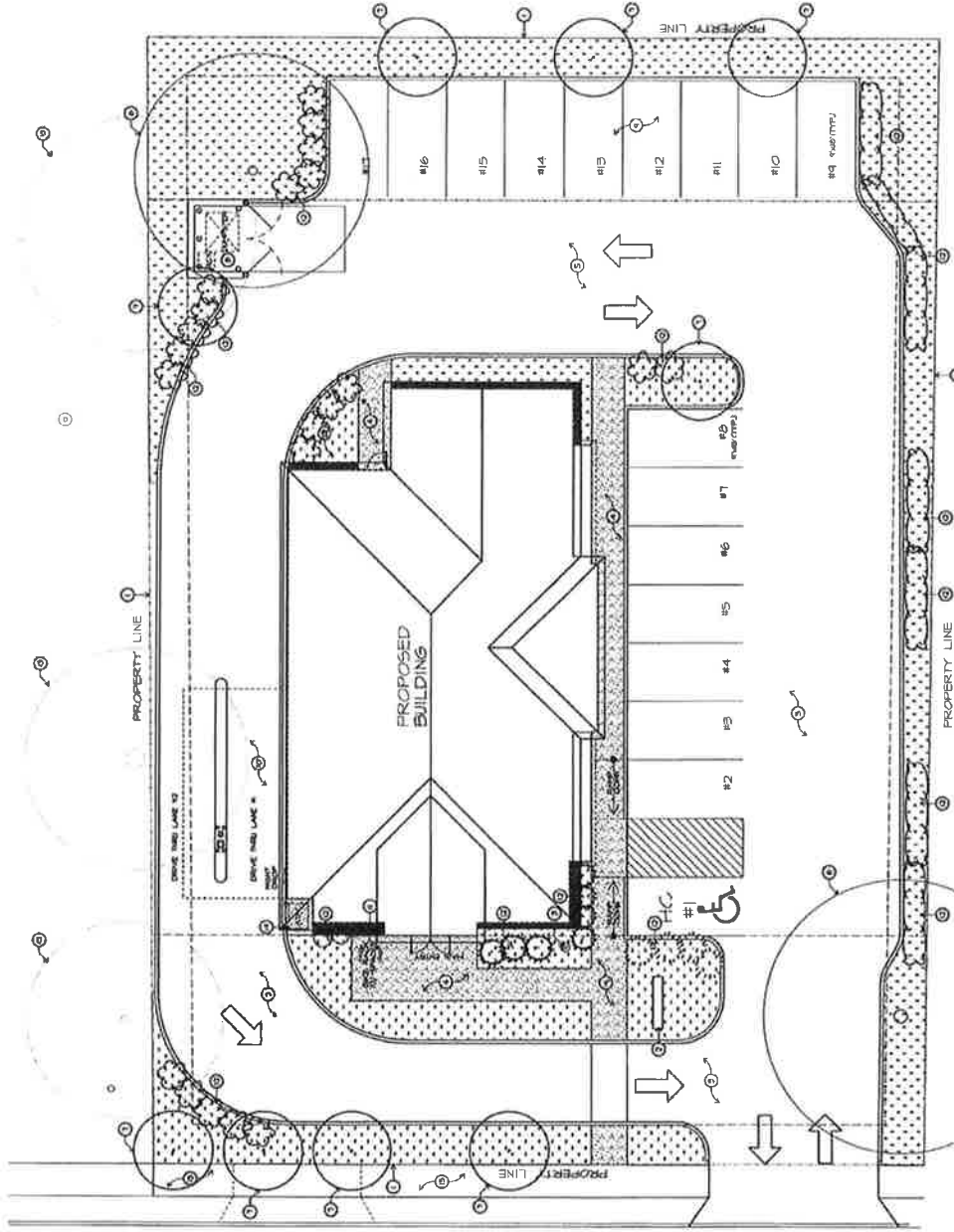
NEW CREDIT UNION
31 LYNN AVENUE
OXFORD, OHIO 45056

architectural
group
125 NORTH MAIN STREET
OXFORD, OHIO 45056
TEL: 765.232.0000
WWW.ARGROUP.COM



○ SITE WORK NOTES:

1. PROPERTY LINE
2. EXT. EXTENSION SHAN $\times$ 0.5" X 0.5" HEIGHT
3. NEW FLOW POLE
4. NEW CONCRETE SIDEWALK
5. NEW ASPHALT
6. EXISTING TREE
7. NEW TREE
8. NEW LANDSCAPE INCLUDES
9. NEW STAFF PLANTING
10. NEW DRIVE THROUGH
11. NEW BRICK WALL
12. NEW SIGN
13. EXISTING TREE OUTSIDE PROPERTY LINE
14. NEW ASPHALT SIDEWALK
15. EXISTING ASPHALT OUTSIDE PROPERTY LINE TO



LANDSCAPING SITE PLAN



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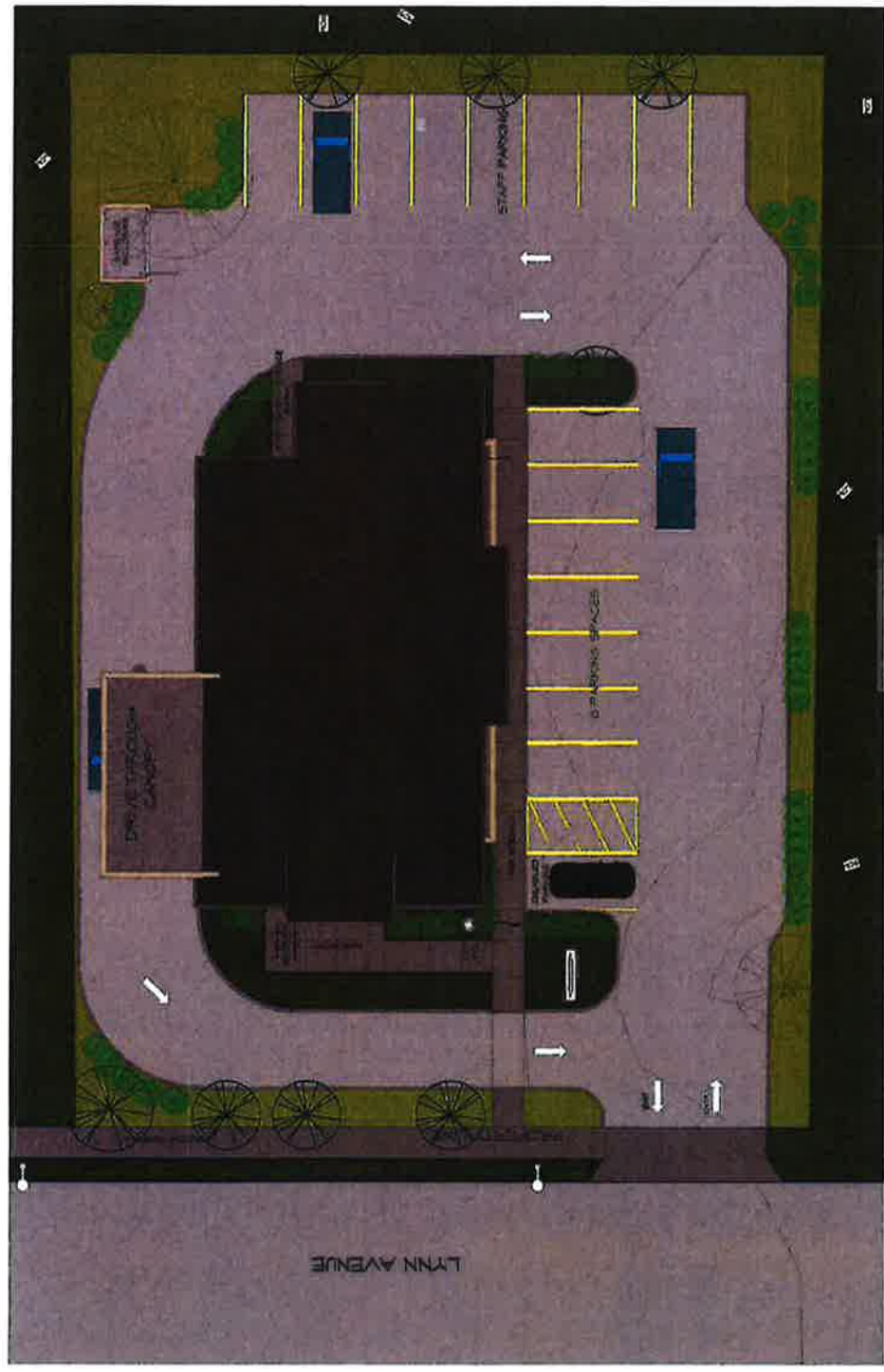
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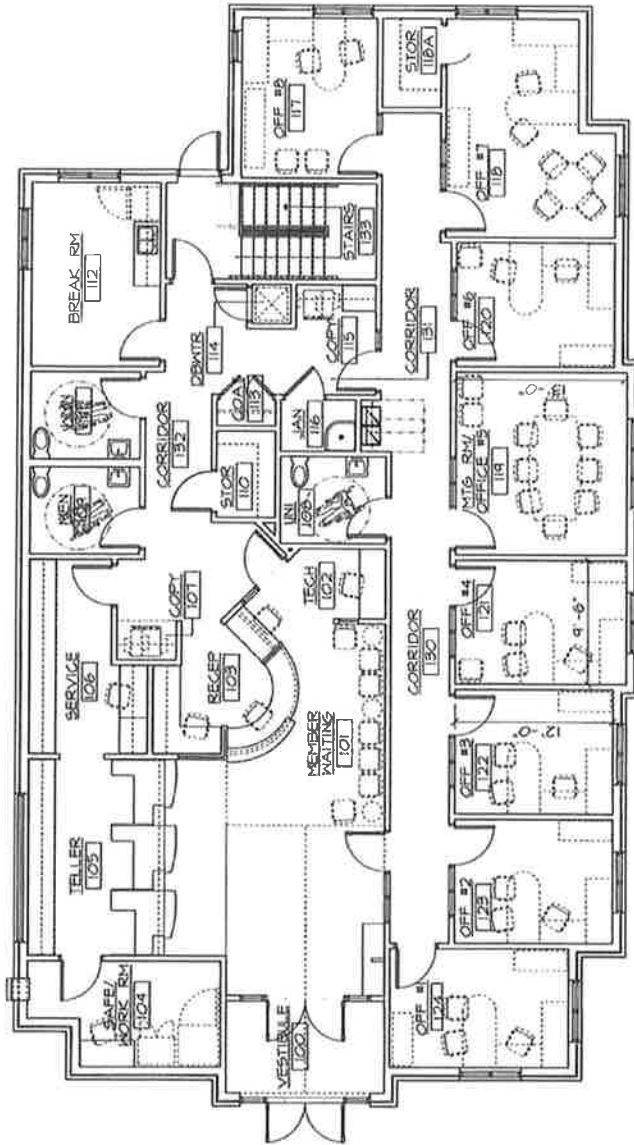
THE ARCHITECTURAL GROUP
1325 N. KIRKWOOD AVE. SUITE 100
OXFORD, OHIO 45056
TEL: 937.233.2500
FAX: 937.233.0800
WWW.TAGROUP.COM

NEW CREDIT UNION
31 LYNN AVENUE
OXFORD, OHIO 45056

DATE: 01.14	SCALE: 1/8" = 1'-0"
PROJECT: NEW CREDIT UNION	LANDSCAPE PLAN
DESIGNED BY: [Name]	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
APPROVED BY: [Name]	



1 SITE PLAN

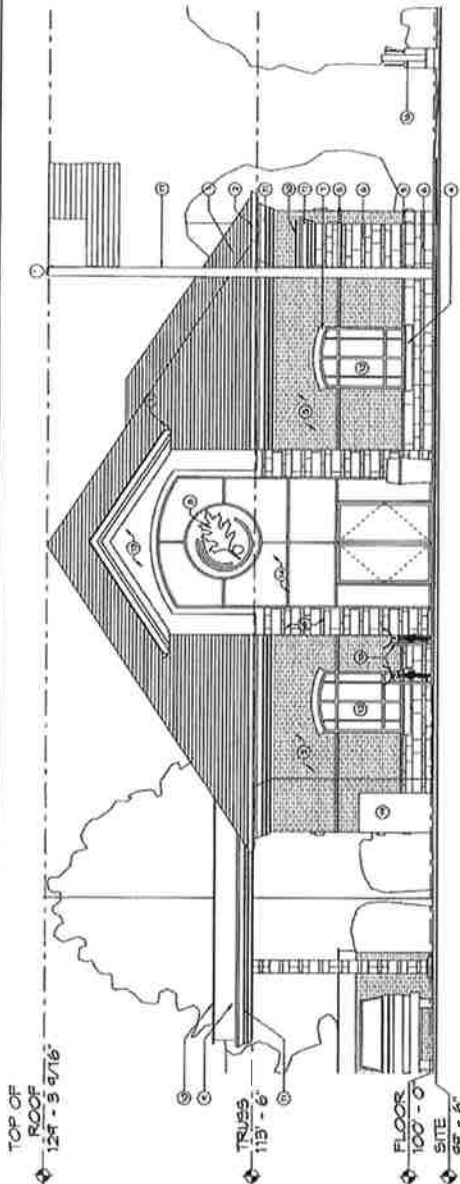


(A) CONCEPTUAL FIRST FLOOR PLAN

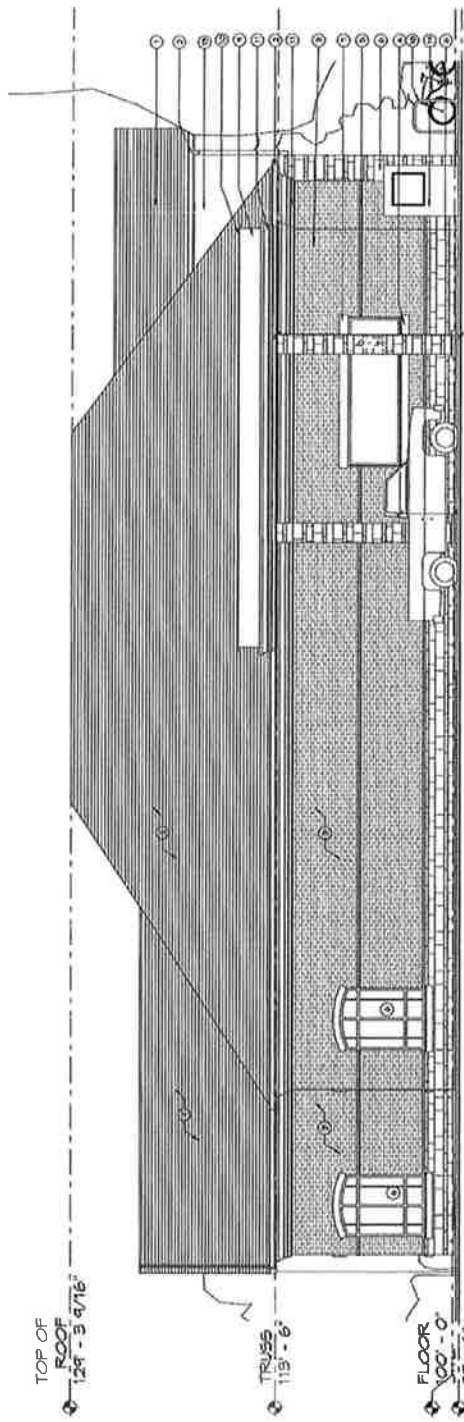


O NEW WORK NOTES:

1. ASPHALT COMPOSITION ROOF SHINGLES
2. CONTINUOUS ALUMINUM BUTTER
3. BRICK VENER
4. PRECAST CONCRETE SILL
5. 4" BRICK SOLIDLOCK CHAMBER
6. 8" SPAT PALE MASONRY
7. PRECAST CONCRETE ROOF
8. BRICK APPLIED FLM LUGS
9. BRICK CHIMNEY
10. CONTINUOUS METAL CORNER
11. CONTINUOUS EPS CORNER TRIM
12. 7/16" INSULATED GLASS IN ALUMINUM STOREFRONT
13. EPS CLADDING
14. 7/16" INSULATED GLASS IN ALUMINUM CURTAIN WALL
15. HOLLOW METAL DOOR AND FRAME
16. NEW EXTERIOR BUILDING FINISH
17. NEW FLAT ROOF
18. BRICK MAJOR
19. AIR CORROSION



1 EAST BUILDING ELEVATION



4 SOUTH BUILDING ELEVATION

SCALE 1/4\"/>



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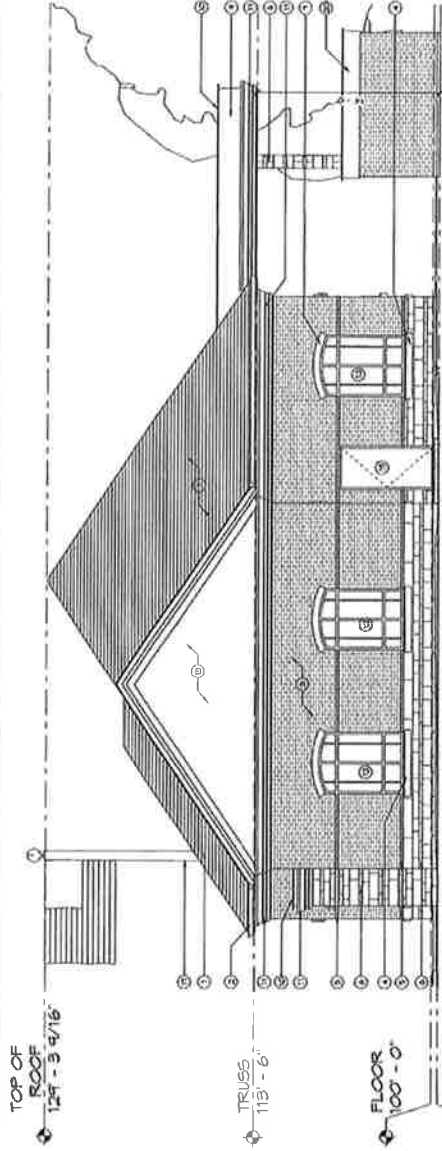
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SPK, HES, NOB
FOOTPRINT 10.00

07/26/10
EAST & SOUTH
ELEVATIONS

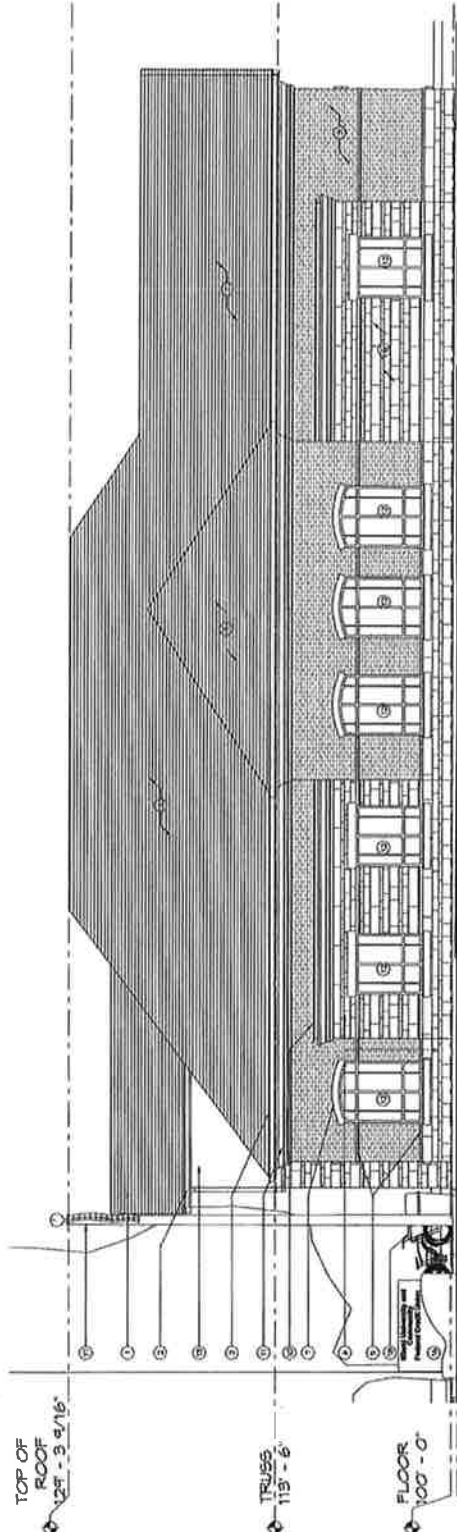
A2.1

0 NEW WORK NOTES:

1. ADHESIVE COMBINATION ROOF MEMBRANE
2. CONTINUOUS ALUMINUM SUTTERS
3. BRICK VENEER
4. PRE-CAST CONCRETE ALL
5. 4" BRICK NON-LOGS BATTERY
6. 8" SPILT FINE MASONRY
7. PRE-CAST CONCRETE HEADERS
8. SURFACE APPLIED FIRM LOGS
9. EPS CANSOL
10. CONTINUOUS METAL CORNER
11. CONTINUOUS EPS CORNER TRIM
12. TRIMMED INSULATED GLASS IN ALUMINUM STOREFRONT
13. EPS GLAZING
14. TRIMMED INSULATED GLASS IN ALUMINUM STOREFRONT
15. HOLLOW METAL DOOR AND FRAME
16. NEW EXTERIOR BUILDING SHIMMER
17. NEW LEAD PILE
18. BRICK MASON
19. AIRY CONSOLE
20. SHIMMER ENVELOPE



2 WEST BUILDING ELEVATION



1 NORTH BUILDING ELEVATION

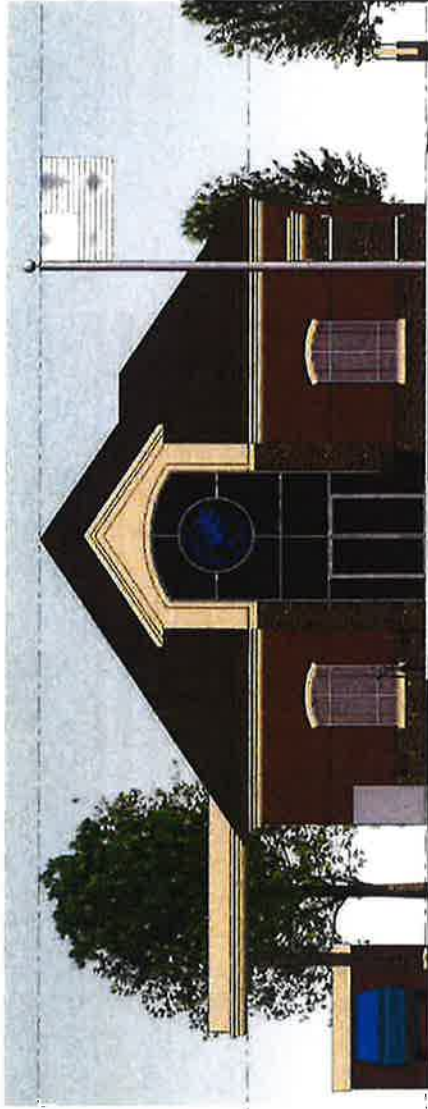
THE ARCHITECTURAL GROUP, INC.
1400 W. 222.222.222
FAX 402.222.222
WWW.ARGROUP.COM

NEW CREDIT UNION
31 LYNN AVENUE
OXFORD, OHIO 45056

DATE: 07/26/16
BY: JES NCB
CHECKED BY: JES NCB

07/26/16
JES NCB
ELEVATIONS

A2.2



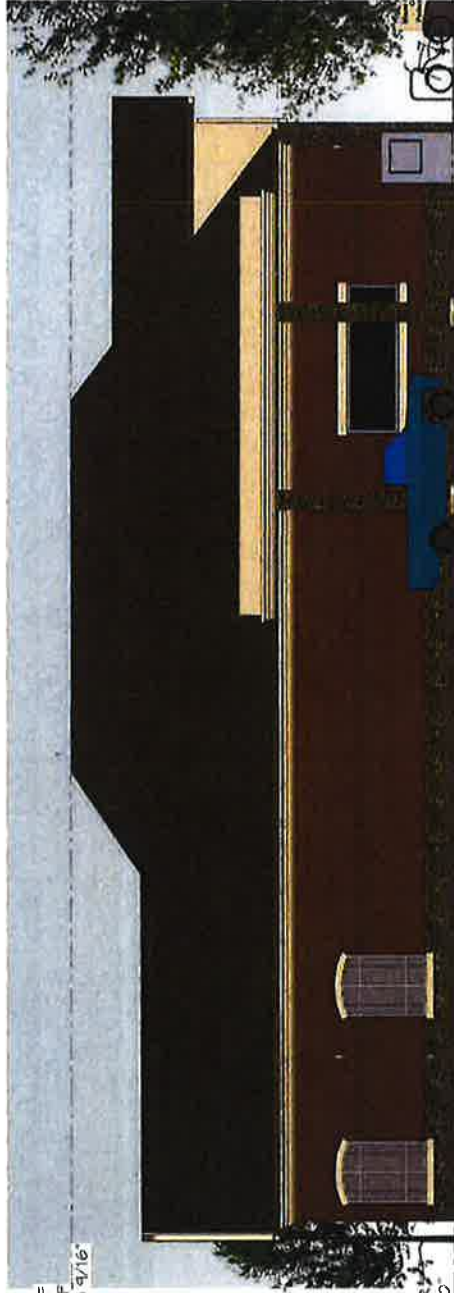
TOP OF
ROOF
129' - 3 9/16"

TRUSS
13'-6"

FLOOR
100 - 0

SITE
99' - 6"

2 EAST BUILDING ELEVATION RENDERED

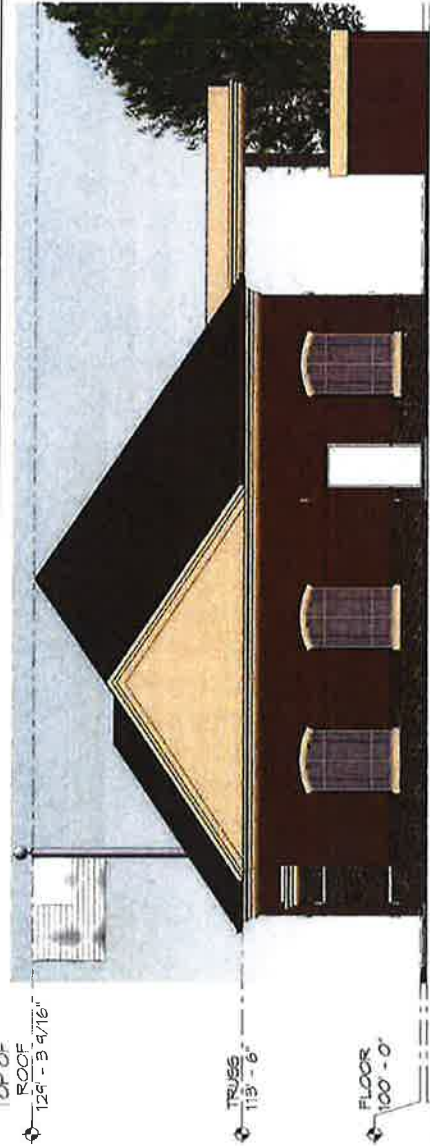


TOP OF
ROOF
12' - 3 9/16"

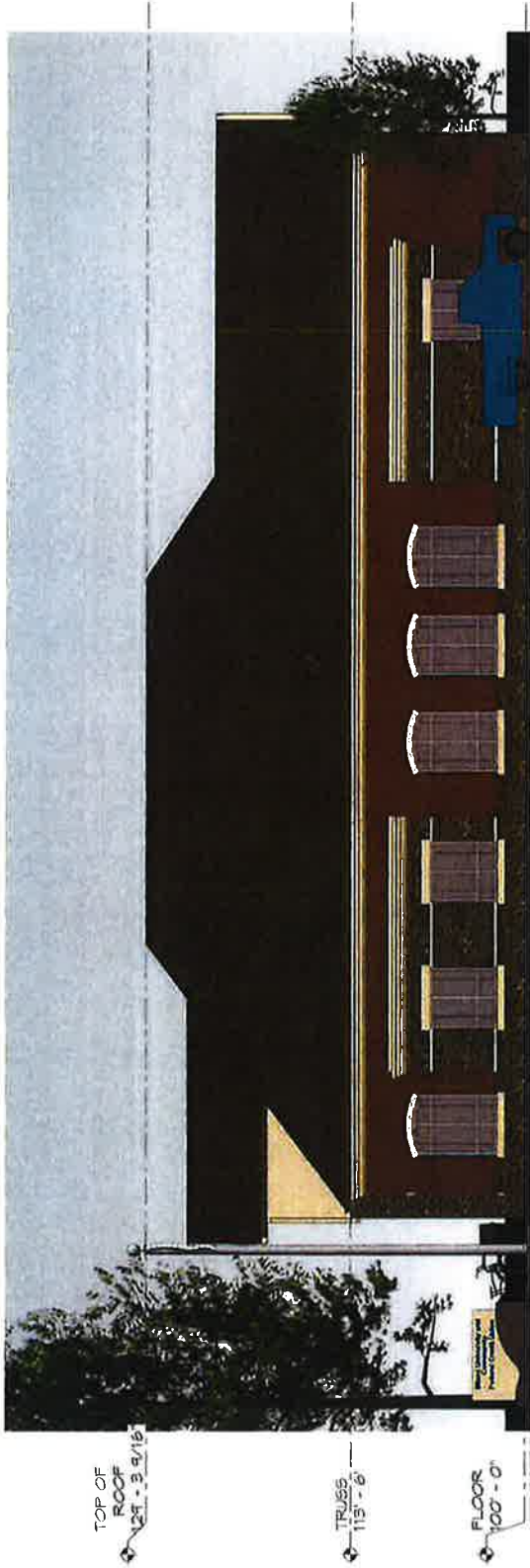
②—附錄五

FLOOR - 100 - 0
SITE - 99 - 6

! SOUTH BUILDING ELEVATION RENDERED



2 WEST BUILDING ELEVATION RENDERED



1 NORTH BUILDING ELEVATION RENDERED



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NEW CREDIT UNION
 31 LYNN AVENUE
 OXFORD, OHIO 45056

PROJECT NO.	1752	
CLIENT	91' M&S NDB	
DESIGNER	THE ARCHITECTURAL GROUP	
DATE	07/26/18	
REVISIONS		
NO.	DATE	DESCRIPTION
1	07/26/18	REVISED NORTH ELEVATION
2	07/26/18	REVISED WEST ELEVATION
3	07/26/18	REVISED SOUTH ELEVATION
4	07/26/18	REVISED EAST ELEVATION
5	07/26/18	REVISED ROOF PLAN
6	07/26/18	REVISED FLOOR PLAN
7	07/26/18	REVISED SECTION
8	07/26/18	REVISED DETAIL
9	07/26/18	REVISED ELEVATION
10	07/26/18	REVISED ELEVATION
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100	07/26/18	REVISED ELEVATION

A2.4

RENDERED VIEW FROM NORTH WEST CORNER



A3.1

EXTERNAL RENDERING

Model

1752

Author

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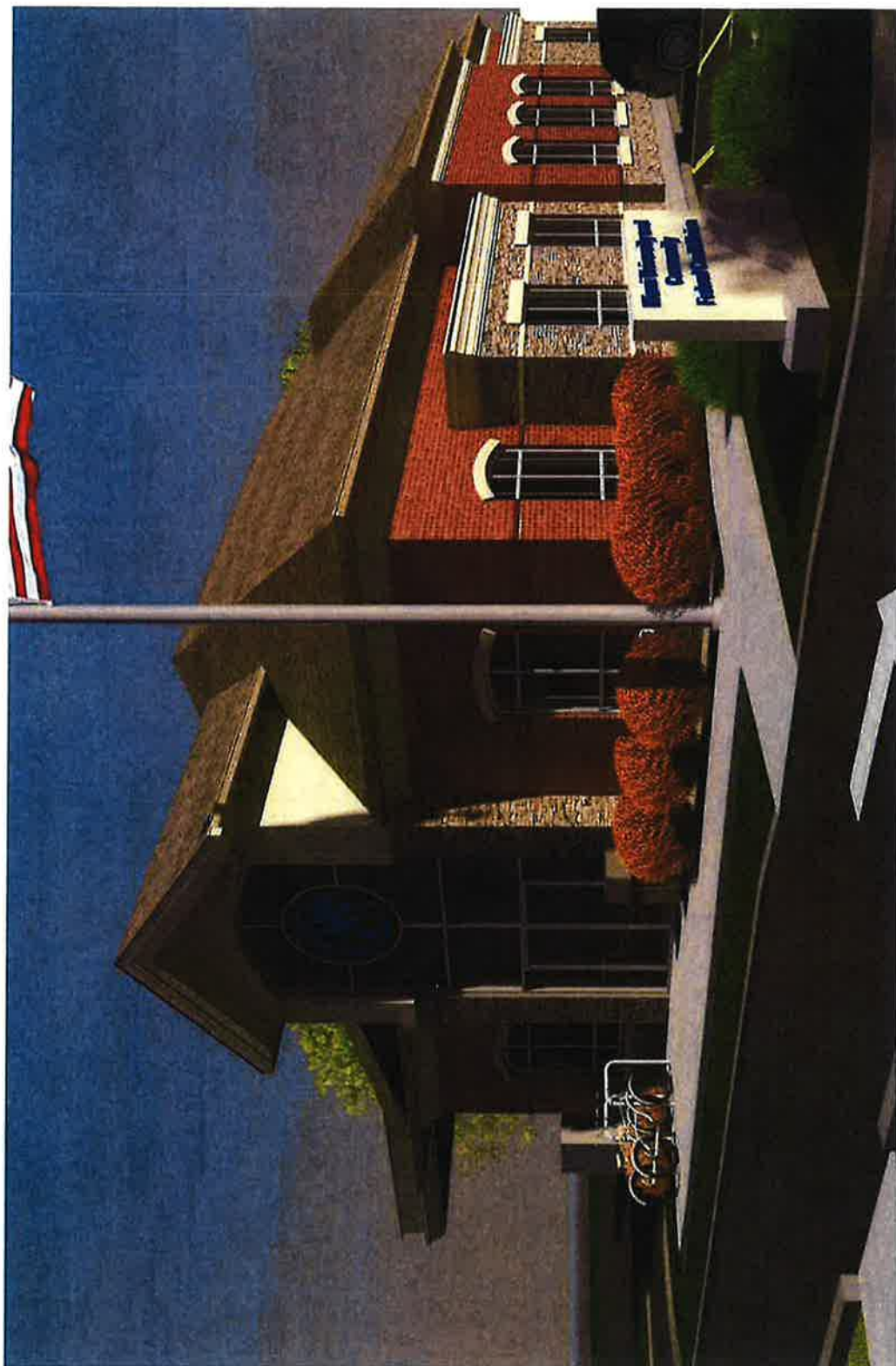
the architectural group



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RENDERED VIEW FROM SOUTH SIDE



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A3.3

EXTERIOR
RENDERING

01/27/16

1153
SPK

RENDERED VIEW FROM SOUTH EAST CORNER



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PROJECT NO.	1152	
DATE	01/21/06	
BY	SPK	
CHECKED BY		
DATE		
REVISIONS		
NO.	DESCRIPTION	DATE
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125 NORTH MAIN STREET
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NEW CREDIT UNION
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OXFORD, OHIO 45056

DATE: 01/27/10
DRAWN BY: J. H. H. H.
CHECKED BY: J. H. H. H.
PROJECT NO: 1002
SHEET NO: 01/27/10
A3.6



RENDERED ARIEL VIEW

NEW CREDIT UNION
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OXFORD, OHIO 45056

the architectural group
155 North Main Street
Oxford, Ohio 45056
tel 527 223 0500
fax 527 223 0506
web www.thegroup.com

pedestrian

DATE 07/27/19
DRAWN BY
CHECKED BY
PROJECT NO.
SHEET NO.
A4.1



PHOTO #1



PHOTO #2

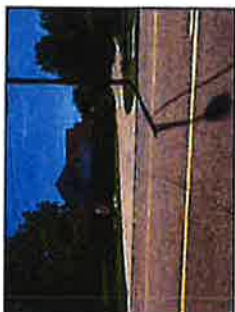


PHOTO #3



PHOTO #4

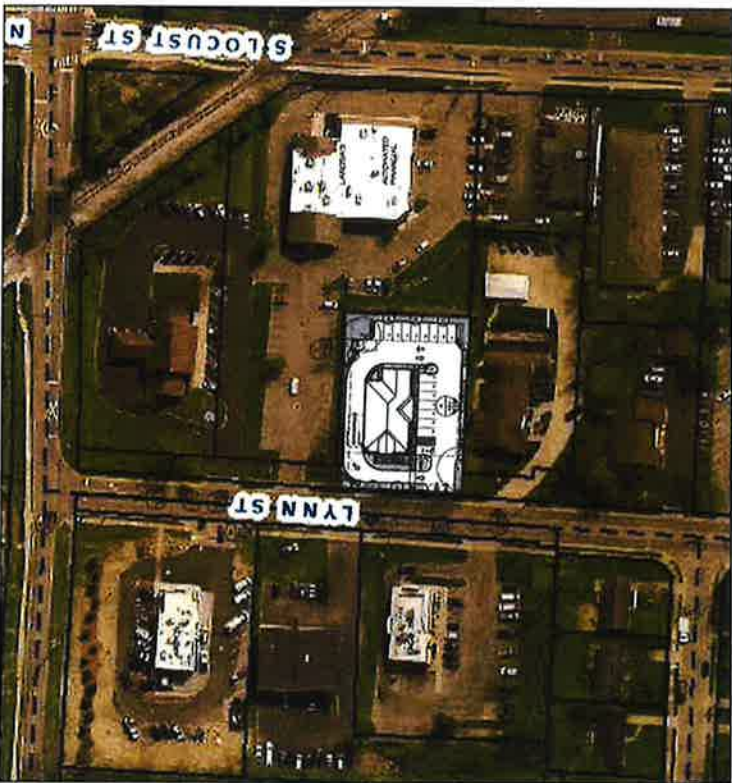


PHOTO KEY PLAN



SCALE: NOT TO SCALE



PHOTO #5



PHOTO #6



PHOTO #7

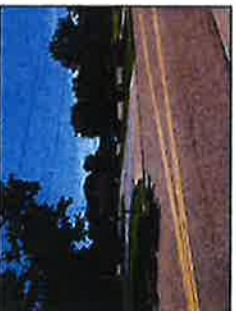


PHOTO #8



PHOTO #9

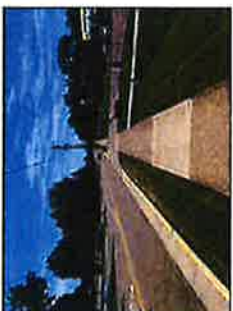


PHOTO #10