



Agenda

Oxford City Council

Court House

TUESDAY, OCTOBER 7, 2008

EXECUTIVE SESSION

7:00 P.M.

1. Roll Call. Prudence Z. Dana, Mayor; Ken Bogard, Vice-Mayor; Doug Ross; Kate Currie; Alysia Fischer; Richard Keebler; Greig Rutherford

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

REGULAR MEETING

7:00 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

- A. Presentation - State of the Schools - Dr. Phil Cagwin and Mike Davis
- B. Presentation - College Corner Clinic - Mary Jo Clark
- C. Public Comments

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

4. Consent Agenda.

- A. Minutes of the September 16, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

- B. Minutes of the September 16, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

- C. Minutes of the September 29, 2008 Special City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



Minutes

- D. Report regarding the September 9, 2008 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- E. Report regarding the September 17, 2008 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)



Report

- F. Report regarding the September 24, 2008 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- G. A Resolution authorizing the sale of salvaged motor vehicles. (Steve Schwein, Police Chief)



Report and Resolution

- H. A Resolution proclaiming the City of Oxford a natural disaster area and declaring a state of emergency. (Mike Dreisbach, Service Director)



Report and Resolution

5. Resolutions.

- A. A Resolution amending the Historic and Architectural Preservation Commission's Rules of Procedure. (Jung-Han Chen, Community Development Director)



Report and Resolution

- B. A Resolution endorsing a City of Oxford Position Statement for presentation to the Butler County Planning Commission. (Alan Kyger, Economic Development Director)



Report and Resolution

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

- A. First Reading.

1. An Ordinance Granting The Request Of Dr. John Benamati To Connect To And/Or Extend An Existing Water Line For A New Single-Family Residence To Be Located On Hillcrest Drive In Oxford Township, And Finding Oxford Code Section 921.41 (C)(3) Has Been Met. (Mike Dreisbach, Service Director)



Report and Ordinance

2. An Ordinance Repealing Zoning Code Section 1101, Subdivision Regulations, And Adopting New Section 1101, Subdivision Regulations, To Add New Section 1101.07 Open Space Cluster Residential Development. (Jung-Han Chen, Community Development Director)



Report and Ordinance

3. An Ordinance Approving The Planning Commission's Recommendation For Preliminary Approval Of A Hester Road Residential Subdivision. (Jung-Han Chen, Community Development Director)



Report and Ordinance

4. An Ordinance Repealing Zoning Code Section 1143.10, Uptown District, And Adopting New Section 1143.10, Uptown District. (Jung-Han Chen, Community Development Director)



Report and Ordinance

5. An Ordinance Approving A Conditional Use Permit For A Pharmacy Drive-Through In The General Business (GB) District At 300 South Locust Street, Oxford, Ohio with conditions. (Jung-Han Chen, Community Development Director)



Report and Ordinance

6. An Ordinance Accepting The Recommendations Of The Planning Commission To Deny The Conditional Use Permit To Allow For A Gas Station In The General Business (GB) District Located Along South Locust Street, Oxford, Ohio. (Jung-Han Chen, Community Development Director)

B. Second Reading.

1. An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)



Report and Ordinance

2. An Ordinance Repealing Oxford Property Maintenance Code Section 404, Occupancy Limitations, And Adopting New Section 404, Occupancy Limitations. (Jung-Han Chen, Community Development Director)



Report and Ordinance

3. An Ordinance Repealing Zoning Code Section 1143.10, Uptown District, And Adopting New Section 1143.10, Uptown District. (Jung-Han Chen, Community Development Director)



Report and Ordinance

4. An Ordinance Repealing Zoning Code Section 1159.07, Definitions, And Adopting New Section 1159.07, Definitions, Revising 1159.07(8), Floor Area Ratio (FAR) Definition. (Jung-Han Chen, Community Development Director)



Report and Ordinance

5. An Ordinance Repealing Zoning Code Section 1149.05, Vehicle Management Non-Residential Regulations, And Adopting New Section 1149.05, Vehicle Management Non-Residential Regulations. (Jung-Han Chen, Community Development Director)



Report and Ordinance

7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the 'Announcements' portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

A. Announcements. 1. Remarks from City Council and City staff.

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

THUR- Oct 9 Police Advisory Board 7:00 p.m. Sr. Cit. Ctr.

FRI-Oct 10 Student Community Relations Commission 12:00 p.m. LCNB 2nd Floor Meeting Room

TUES- Oct 14 Planning Commission Meeting 7:30 p.m.

WED-Oct 15 Board of Zoning Appeals Meeting 7:30 p.m.

THUR- Oct 16 Recreation Board Meeting 4:00 p.m. Sr. Cit. Ctr.

THUR- Oct 16 City Council PIP Work Session 6:00 p.m.

TUES- Oct 21 City Council Budget Work Session 6:00 p.m.

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

WED-Oct 22 Environmental Commission Meeting 7:00 p.m. Municipal Building 2nd Floor Conference Room

WED-Oct 22 Civil Service Commission Meeting 7:30 p.m.

THUR- Oct 23 City Council Budget Work Session 7:00 p.m.

FRI-Oct 24 Community Improvement Corporation Meeting 12:00 p.m. LCNB 2nd Floor Meeting Room

MON-Oct 27 Housing Advisory Board 7:00 p.m. Municipal Building 2nd Floor Conference Room

8. Adjourn

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 ZONING TEXT AMENDMENT, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, City of Oxford, Applicant

Recommendation: Approval

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Uptown Revitalization Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in Definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider are:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1159.07 DEFINITIONS, AND ADOPTING NEW SECTION 1159.07, DEFINITIONS REVISING 1159.07 (8), FLOOR AREA RATIO (FAR) DEFINITION.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1159.07(8), Floor Area Ratio (FAR) Definition, and adopting new Section 1159.07(8), Floor Area Ratio (FAR) Definition.

SECTION II: Council hereby repeals Section 1159.07(8) of the Oxford Code of Ordinances and adopts new Section 1159.07(8) as follows:

1159.07 DEFINITIONS (BEGINNING WITH LETTER "F").

- (1) **FAMILY**
- (2) **FAMILY COMMUNITY RESIDENCE**
- (3) **FARM ANIMALS**
- (4) **FARM IMPLEMENT SALES**
- (5) **FLOOD PLAIN AREA**
- (6) **FLOOR AREA, GROSS**
- (7) **FLOOR AREA, NET**

- (8) **FLOOR AREA RATIO (FAR)** - The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding any land vacated by Ordinance No. 103 (16½ foot vacated right-of-way).

- (9) **FOOTPRINT**
- (10) **FRATERNITY/SORORITY HOUSE**
- (11) **FRONTAGE**

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1159.07(8) Floor Area Ratio Definition
<u>Summary of Request</u>	A request for approval to include in Definitions the exclusion of the 16 ^{1/2} foot vacated right-of-way from determining the amount of commercial and residential space.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval to Section 1159.07(8).
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

Kathryn A Dale

Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

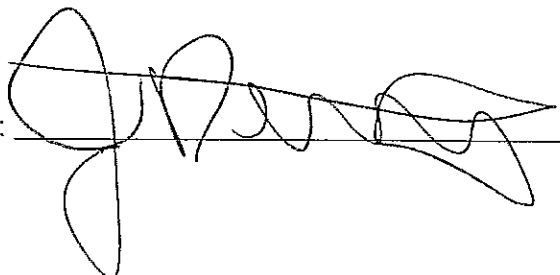
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department (Engineering Division) Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: H. [Signature] 7.14.08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

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Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: J. Seamon

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

*Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations*

Drawings reviewed by: *Ann Kucan*

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
 Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72	104	148	70
	3 units / bldg	37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	14,067 / 200
Number of occupants 70% of gross area	72	72	100	70
	3 units / bldg	37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Addins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cope Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsonis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

¹ Also admitted in Michigan
² Also admitted in Indiana
³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

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info@altickcorwin.com (E-MAIL)

Mr. Paul Brady

Page 2

April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

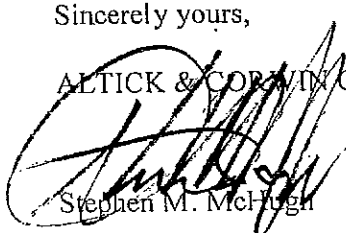
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Case No.: 14-2008
Date filed: 6/27/08

Zoning Code Text Amendment Application
City of Oxford, Ohio



REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 6/27/08
PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title:	Ordinance Amending Oxford Property Maintenance Code Section 404 Occupancy Limitations (Uptown Revitalization Committee Recommendations)
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Recommendation:	Approval
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Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

Property Maintenance Code:

The Committee is recommending to City Council that bedroom sizes and widths, and minimum habitable room sizes and widths that were established in Ordinance No. 2985, November 2007, be repealed and reverted back to the original requirements of 70 sq. ft. and 7 ft. width, respectively. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
yhc	8/20/08

ORDINANCE NO. _____

AN ORDINANCE REPEALING OXFORD PROPERTY MAINTENANCE CODE SECTION 404, OCCUPANCY LIMITATIONS, AND ADOPTING NEW SECTION 404, OCCUPANCY LIMITATIONS.

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

SECTION 1: The Council Subcommittee has recommended the repeal of the current property maintenance regulations pertaining to room sizes and has recommended the adoption of new regulations regarding the same, which are included herein.

SECTION 2: Council has determined that the interests of public health and safety will be promoted by the Subcommittee's recommendations, which will provide adequate living quarters and enhanced living conditions for the citizens of Oxford, Ohio.

SECTION 3: Council hereby repeals current Oxford Property Maintenance Code Section 404, Occupancy Limitations, and adopts new Section 404, Occupancy Limitations as follows:

**SECTION 404
OCCUPANCY LIMITATIONS**

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than ~~9~~ ⁷ feet (~~2776~~ ²¹³⁴ mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least ~~400~~ **70** square feet (~~9.3~~ **6.5** m²) of floor area, and every bedroom occupied by more than one person shall contain at least ~~80~~ **70** square feet (~~7.44~~ **6.5** m²) of floor area for each additional occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living Room ^{a,b}	No requirements	120	150
Dining Room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 600 square feet (55.8 m²). A unit occupied by three occupants shall have a clear floor area of not less than 800 square feet (70.4 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 36 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Uptown Revitalization Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in Definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider are:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1143.10, UPTOWN DISTRICT, AND ADOPTING NEW SECTION 1143.10, UPTOWN DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.10, Uptown District as modified herein, and adopting new Section 1143.10, Uptown District.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows:

1143.10 UPTOWN DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

- A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.
- B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.
 1. Apparel and jewelry.
 2. Bars and establishments serving alcohol.
 3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 4. Drugs and pharmaceuticals.
 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 6. Flowers, potted plants, and garden supplies.
 7. Hardware, paint, home furnishings, and other home improvements products.
 8. Optical aids.
 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 10. Restaurants, not including drive-in.
 11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.

C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
3. Barber and beauty shops.
4. Cleaners, including dry cleaning and laundromats.
5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
6. Offices for nonprofit, charitable, labor, and other service organizations.
7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
8. Theaters, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

D. Accessory buildings incidental to the principal use.

(2) Conditional Uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Retail services:

1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
2. Banks with drive-through facilities.
3. Building supplies, garden supplies.
4. Temporary or outdoor sales of plants and garden supplies.
5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
6. **Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

B. Personal and public services:

1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
2. Cultural institutions, including libraries, art galleries and museums.
3. Hotels and motels.
4. Places of worship.
5. Funeral homes.
6. Night clubs, discotheques, and other entertainment facilities.

7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
6. **Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

C. Other uses.

1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
8. Schools: primary, intermediate, and secondary, both public and private.

D. Sidewalk uses.

1. This section is intended to provide for active use of private and public property in the Uptown district for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.
3. A sidewalk use permit application shall include a fee of \$50, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:

- a. The use may not extend more than five feet into the right-of-way
 - b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments)
 - c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy
 - d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable
 - e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard
 - f. All materials shall be lightweight and easily removable
 - g. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric
 - h. All illumination shall be confined within the perimeter of the use
 - i. All partitions shall be transparent 3 feet above the adjacent sidewalk surface
4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

A. Minimum Lot Area:

1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

~~B. Minimum Lot Area per dwelling unit:~~

- ~~1. Efficiency: 300 sq. ft. lot area per unit~~
- ~~2. One Bedroom: 400 sq. ft. lot area per unit~~
- ~~3. Two Bedroom: 500 sq. ft. lot area per unit~~
- ~~4. Three Bedroom: 600 sq. ft. lot area per unit~~
- ~~5. Four Bedroom: 700 sq. ft. lot area per unit~~

(2) Yard requirements.

Front Yard

16.5 feet minimum *except* * On High Street – at least 70 percent of building must meet the right-of-way line

Rear Yard

none *except* * Adjacent to a residential district – 10 minimum.

Side Yard

none *except* * Adjacent to a residential district – 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum – 23 feet and a minimum of 2 stories above street grade

Maximum – ~~45~~ 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

- i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.
- ii. Outdoor eating areas associated with the first floor occupant, located on the property

and not on the public sidewalk, shall be computed into the minimum 0.7:1 ratio.

b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

i. Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.

~~C. Minimum Floor Area per dwelling unit.~~

~~1. Efficiency: 600 sq. ft.~~

~~2. One Bedroom 800 sq. ft.~~

~~3. Two Bedroom 1,000 sq. ft.~~

~~4. Three Bedroom 1,200 sq. ft.~~

~~5. Four Bedroom 1,400 sq. ft.~~

(4) Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area occupying a dwelling unit under a valid rental permit; and

B. Occupancy for individual dwelling units shall be limited by the definition of a family per Section 1159.07(1).

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1143.10 Uptown District
<u>Summary of Request</u>	A request for approval to modify regulations regarding the Floor Area Ratio definition and density requirements in the (UP) Uptown District.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of Section 1143.10(c)(4)B. with modifications.
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:


Kathryn A. Dale, AICP
City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

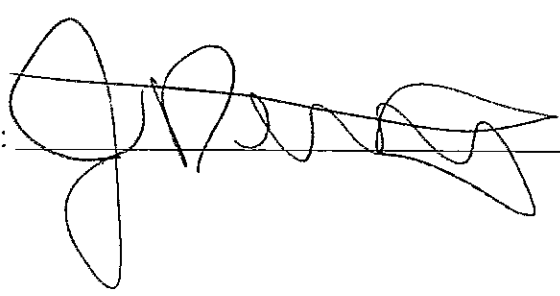
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: *A. [Signature]* 7.14.08

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

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PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: SS

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

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PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, City of
Oxford, Applicant

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations

Drawings reviewed by: Alan Kucan

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72 3 units / bldg	104 37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	148 37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	70 14,067 / 200
Number of occupants 70% of gross area	72 3 units / bldg	72 37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	100 37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	70 14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Adkins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cope Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsonis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

¹ Also admitted in Michigan

² Also admitted in Indiana

³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
info@altickcorwin.com (E-MAIL)

Mr. Paul Brady
Page 2
April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

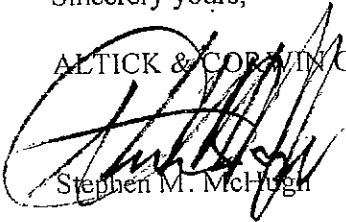
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Case No.: 14-2008
Date filed: 6/27/08

Zoning Code Text Amendment Application
City of Oxford, Ohio



REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 6/27/08

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 17, 2008
Date Prepared

Agenda Title: PC-19-2008 Zoning Code Text Amendment- Chapter 1143 Districts- 1143.10 Sidewalk Uses in the "UP" (Uptown) District. City of Oxford, Applicant

Recommendation: Approval

Discussion:

This application is to amend the Oxford Zoning Code to encourage the use sidewalk by street-level business in the Uptown District and for such use to be considered as a permitted use subject to meeting certain conditions.

The purpose of this amendment is to promote a larger presence of outdoor retail and eating experiences on public sidewalks by relieving businesses going through several months of application filing and review by the Planning Commission and the City Council.

Utilizing the sidewalk for retail and eating experience extends the urban ambiance of a pedestrian-oriented commercial core, like Uptown corridor to create an inviting pedestrian environment.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	<i>9/18/08</i>
	City Manager:		

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1143.10, UPTOWN DISTRICT, AND ADOPTING NEW SECTION 1143.10, UPTOWN DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on September 9, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.10, Uptown District, and adopting new Section 1143.10, Uptown District.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows:

1143.10 UPTOWN DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) Uses.

(1) Permitted uses.

A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.

B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.

1. Apparel and jewelry.
2. Bars and establishments serving alcohol.
3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
4. Drugs and pharmaceuticals.
5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
6. Flowers, potted plants, and garden supplies.
7. Hardware, paint, home furnishings, and other home improvements products.
8. Optical aids.
9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
10. Restaurants, not including drive-in.
11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (b)(2) hereof.

C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
3. Barber and beauty shops.
4. Cleaners, including dry cleaning and laundromats.
5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
6. Offices for nonprofit, charitable, labor, and other service organizations.
7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
8. Theaters, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

D. Accessory buildings incidental to the principal use.

E. Sidewalk uses.

1. **This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.**
2. **A sidewalk use may include outdoor activity on both private and public property as follows:**
 - a. **Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.**
 - b. **The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.**
3. **A sidewalk use permit application shall include a fee of \$50, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:**

- a. The use may not extend more than five feet into the right-of-way; and
 - b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments); and
 - c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy; and
 - d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable; and
 - e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard; and
 - f. All materials shall be lightweight and easily removable; and
 - g. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric; and
 - h. All illumination shall be confined within the perimeter of the use; and
 - i. All partitions shall be transparent 3 feet above the adjacent sidewalk surface.
4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued

until after the original expiration date of the revoked permit.

- (2) Conditional Uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Retail services:

1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
2. Banks with drive-through facilities.
3. Building supplies, garden supplies.
4. Temporary or outdoor sales of plants and garden supplies.
5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.
6. **Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

B. Personal and public services:

1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
2. Cultural institutions, including libraries, art galleries and museums.
3. Hotels and motels.
4. Places of worship.
5. Funeral homes.
6. Night clubs, discotheques, and other entertainment facilities.
7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
8. **Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.**

C. Other uses.

1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.

8. Schools: primary, intermediate, and secondary, both public and private.

~~D. Sidewalk uses:~~

- ~~1. This section is intended to provide for active use of private and public property in the Uptown district for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.~~
- ~~2. A sidewalk use may include outdoor activity on both private and public property as follows:~~
 - ~~a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.~~
 - ~~b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.~~
- ~~3. A sidewalk use permit application shall include a fee of \$50, a sealed site plan, and other information sufficient to determine compliance with all of the following provisions:~~
 - ~~a. The use may not extend more than five feet into the right-of-way~~
 - ~~b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments)~~
 - ~~c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy~~
 - ~~d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable~~
 - ~~e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the~~

~~adjacent sidewalk surface and do not otherwise
create a trip hazard~~

~~f. All materials shall be lightweight and easily
removable~~

~~g. All roofs shall be made of a flame-resistant (per
Ohio Basic Building Code and Ohio Fire Code);
nonstructural material such as treated canvas or
vinyl fabric~~

~~h. All illumination shall be confined within the
perimeter of the use~~

~~i. All partitions shall be transparent 3 feet above the
adjacent sidewalk surface~~

~~4. The City Manager or designee shall require removal of
anything or correction of any condition associated with a
sidewalk use that threatens the public health, safety, or
general welfare and shall revoke an approved permit if its
holder fails to comply with any such order in a timely
manner.~~

~~5. The City Manager shall reinstate a revoked permit if the
holder removes the immediate threat and provides
sufficient proof that the threat will not recur.~~

~~6. If a sidewalk use permit is revoked more than once during
the year that the permit is valid, the permit shall not be
reinstated and a new permit shall not be issued until after
the original expiration date of the revoked permit.~~

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

A. Minimum Lot Area:

1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

~~B. Minimum Lot Area per dwelling unit:~~

- ~~1. Efficiency: 300 sq. ft. lot area per unit~~
- ~~2. One Bedroom: 400 sq. ft. lot area per unit~~
- ~~3. Two Bedroom 500 sq. ft. lot area per unit~~
- ~~4. Three Bedroom 600 sq. ft. lot area per unit~~
- ~~5. Four Bedroom 700 sq. ft. lot area per unit~~

(2) Yard requirements.

Front Yard

16.5 feet minimum *except*

* On High Street – at least 70 percent of building must meet the right-of-way line

Rear Yard

none *except*

* Adjacent to a residential district – 10 minimum.

Side Yard

none *except*

* Adjacent to a residential district – 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum – 23 feet and a minimum of 2 stories above street grade

Maximum – ~~45~~ 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

- a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

- i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.

- ii. Outdoor eating areas associated with the first floor occupant, located on the property and not on the public sidewalk, shall be computed into the minimum 0.7:1 ratio.

- b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

- i. Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.

~~C. Minimum Floor Area per dwelling unit.~~

~~1. Efficiency: 600 sq. ft.~~

~~2. One Bedroom 800 sq. ft.~~

~~3. Two Bedroom 1,000 sq. ft.~~

~~4. Three Bedroom 1,200 sq. ft.~~

~~5. Four Bedroom 1,400 sq. ft.~~

Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area occupying a unit under a valid rental permit; and

B. Occupancy limits shall not apply to individual dwelling units occupied by a family as defined in Section 1159.07(1).

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	September 9, 2008
<u>Case Number</u>	PC-19-2008
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Chapter 1143, Section 1143.10, Sidewalk Uses in the UP (Uptown) District
<u>Public Hearing Information</u>	At the September 9, 2008 meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on August 8, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend City Council approval.
<u>Commission Findings and Conclusions</u>	The Planning Commission approved language changes made to Chapter 1143, Section 1143.10 Uptown District.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated August 25, 2008. 2. Section 1143.10 Language. 3. Zoning Code Text Amendment Application dated July 25, 2008.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-19-2008

Date – September 9, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Chapter 1143, Section 1143.10, Sidewalk Uses in the (UP) Uptown District

DESCRIPTION

This application is seeking to amend the Oxford Zoning Code to allow sidewalk use by street-level businesses in the Uptown District and for sidewalk use to be considered as a permitted use while meeting certain conditions.

The purpose of this amendment is to promote a larger presence of outdoor retail and eating experiences on public sidewalks by relieving businesses in the Uptown area to utilize sidewalks without several months of application filing and review by the Planning Commission and the City Council.

Being a pedestrian-oriented commercial core, the Uptown District has many elements that could enhance the ambiance of commercial activity, and create a vibrant commercial life out onto the public space. The Uptown District provides wide sidewalks, residential units on upper floors, a large number of eatery and retail businesses on the street level that would benefit by allowing sidewalks to be part of the vibrant commercial sphere. The sidewalk has long been considered a public realm and social gathering place. It would be a nice extension to allow Uptown businesses to utilize sidewalks with conditions to provide additional vibrancy to the commercial life.

COMP PLAN

LAND USE

5. Uptown Subarea

A. Concerns

Uptown is the City's historic downtown and its central business district; however, several factors have come together creating a single-use business district in Uptown, which is strongly geared towards the Miami University student body. Diversifying the business base in Uptown would strengthen it as a business district and would meet the needs of a larger market - the greater Oxford community.

From a functional standpoint, reducing or eliminating most truck traffic would provide a far more pleasant and safe environment. Likewise, improving the availability of off- and on-street parking in Uptown would improve accessibility for drivers.

B. Strategies

1. Encourage higher density new construction where appropriate to provide new space for business.

Higher density new construction should be encouraged where appropriate to provide new space for businesses. Uptown itself cannot grow horizontally without impacting adjacent residential neighborhoods. New construction should be consistent with Uptown's historic physical character (e.g. building height, setback, design, fenestration, materials, etc.).

2. Focusing on new development, reinvestment and redevelopment on primarily mixed uses, combining ground floor retail with upper story offices and housing.
3. Encouraging where feasible, retail activity on sidewalks, especially outdoor seating areas for restaurants.
4. Providing technical assistance and coordination through a small business advocate (e.g. City, chamber or other) to strengthen local businesses and improve survival rates among new start-ups.

Such an advocate could be a City economic development coordinator or be staffed at the Chamber of Commerce. Another option would be the establishment of a Main Street program based on the *National Trust for Historic Preservation* model

5. Considering the establishment of an Uptown Business Improvement District (BID) to provide enhanced services that would strengthen the district.

See Urban Design and Economic Development elements.

STAFF ANALYSIS

The proposed language is simply to move Sidewalk Uses from the Conditional Use section to the Permitted Use section. The current stipulation would still apply regarding insurance coverage, the extent of sidewalk could be utilized by the first floor commercial entities, and other conditions that need to be met by the applicant to insure the use of public sidewalks will not be impeded and the pedestrian flow will not be hampered. It is the intent to also encourage a larger presence of local businesses to better utilize those public sidewalks to project the urban ambiance of a compact residential-oriented commercial corridor.

It was the intent of the 2003 zoning rewrite to streamline the sidewalk use permit; however, the changes never took place. Given the effort to redevelop the Uptown District to increase commercial activities and residential density, it would be an appropriate step to amend the zoning code to reflect the desire to allow sidewalks be Permitted Uses rather than Conditional Uses with months of application filing and review.

DECISION CRITERIA

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

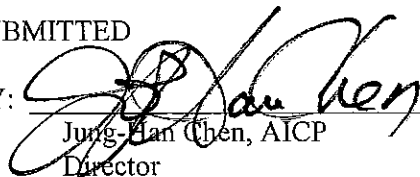
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Jung-Han Chen", is written over a horizontal line.

Jung-Han Chen, AICP

Director

Community Development Department

DATE: August 25, 2008

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5200

Text Amend to Chapter 1143.10 Sidewalk
uses in the "UP" Uptown

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: _____

Date: 7/25/08

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Kathryn A. Dale

Account Code No. #:

Prepared By:

Budgeted Amount:

September 29, 2008

Date Prepared:

Agenda Title: PC-16-2008 CONDITIONAL USE, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, Jonathan Woche, AICP, Applicant, Agent

Recommendation: Approval

Discussion:

The subject property is 7.99 acres (consolidated) on the southwest corner of Fairfield Road and Locust Street. Kroger is proposing to raze the attached strip center to the south of their store that currently houses Fiesta Hair, China One, GNC and Cash Advance. In its place, Kroger would construct approximately a 24,440 sq.ft. addition, totaling an 82,331 net sq. ft. grocery store. Kroger proposes to add a drive-thru pharmacy as part of the southern expansion. A 700 sq.ft. cooler space has also been added to the northwest corner of the store which will have interior access only. According to the site plan, the front entry will be modified for access to be a direct, front entryway, which removes nine parking spaces to accommodate the new entrance and sidewalk.

The second part of Kroger's proposed expansion is a gas-station along Locust Street. The gas station would include seven fuel dispenser stations (14 pumps) and a 112 sq.ft. brick kiosk. A canopy would be provided over the dispensers with matching building materials of the store façade improvements which include a metal canopy roof and brick-wrapped columns. The proposed canopy height is 15.5' to the bottom of the canopy and 19 feet to the top. According to the site plan, 55 parking spaces will be removed to accommodate the gas station. Ten variances would be necessary in regards to landscaping and signage.

Deliberation among Planning Commission members included concerns for the number of pumps being proposed, the Pharmacy drive-thru visibility around the corner of the building addition; eliminating access through the Speedway site, and the suitability of the gas station. The members reviewed all Decision Standards for the pharmacy and gas station.

The Planning Commission voted 7-0-0 to recommend to City Council **APPROVAL** of the pharmacy drive-thru with the following conditions:

1. That, the Applicant, City Engineer, Planning Staff and Planning Commission Chair meets to review alternative options for traffic pattern functions of the drive-thru that is acceptable unless the Planning Commission Chair finds that it should be represented to the entire Commission.
2. That, all appropriate splits or parcel consolidations are approved per Section §1101.07 of the Subdivision Regulations and properly recorded prior to submitting for permits.
3. That, a detailed lighting and photometric plan be submitted illustrating the location, height, type and in compliance with all applicable regulations of the zoning code.
4. That, no wall pack(s) lighting is provided on the proposed retail building addition.

The Planning Commission voted 4-2-1 to recommend to City Council ***DENIAL*** of the gas station on the basis that Decision Standards "C", "D", "E" and "F" were not satisfied.

On Monday, September 29, 2008, Staff, the Applicant and the Planning Commission Chair met to discuss alternative traffic flow patterns to the pharmacy drive-thru and to come to a resolution in regards to Condition #1. The plan design included in your Council packet is the option selected that addresses the Planning Commission's concerns. The initial design had proposed a thru-connection for not only the pharmacy, but also the main store, and that the parking lot would be opened from McGuffey along the southern property line. Planning Commission members had concerns regarding visibility at the corner of the building as well as pedestrian cohesiveness with the thru-access. However, the selected traffic flow pattern eliminates the thru-connection to McGuffey and limits traffic to only those going to the pharmacy window.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial	Date
<i>JHC</i>	9/29/08

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A PHARMACY DRIVE-THROUGH IN THE GENERAL BUSINESS (GB) DISTRICT AT 300 SOUTH LOCUST STREET, OXFORD, OHIO WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on September 9, 2008 for the purpose of considering the request of Jonathan Woher, AICP, Applicant, Agent, for a conditional use permit for a pharmacy drive-through in the General Business (GB) District at 300 South Locust Street, Oxford, Ohio.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application for a pharmacy drive-through in the General Business (GB) District at 300 South Locust Street, Oxford, Ohio with the following conditions:

- a. All appropriate splits or parcel consolidations are approved per Section 1101.07 of the Subdivision Regulations and are properly recorded prior to submitting for permits.
- b. A detailed lighting and photometric plan shall be submitted illustrating the location, height, and type of proposed lighting and that it is in compliance with all applicable regulations of the zoning code.
- c. Unshielded building lighting shall not be allowed on the proposed retail building addition.

SECTION 3: 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 pharmacy drive-through in the General Business (GB) District with conditions located at 300 South Locust Street, Oxford, Ohio.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Certification of Action

Oxford Planning Commission

Recommendation to City Council

<u>Report Date</u>	September 29, 2008
<u>Case Number</u>	PC-16-2008
<u>Applicant Information</u>	Jonathan Woher, AICP, Applicant, Agent
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	To Allow for a Proposed Pharmacy Drive-Thru & Gas Station
<u>Public Hearing Information</u>	On September 9, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on July 11, 2008. The Applicant requested that the request be tabled from the August agenda and be rescheduled for the September Planning Commission agenda.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council <i>APPROVAL</i> of the pharmacy drive-thru with the following conditions: 1. That, the Applicant, City Engineer, Planning Staff and Planning Commission Chair meet to review alternative options for traffic pattern functions of the drive-thru that is acceptable unless the Planning Commission Chair finds that it should be represented to the entire Commission. 2. That, all appropriate splits or parcel consolidations are approved per Section §1101.07 of the Subdivision Regulations and properly recorded prior to submitting for permits. 3. That, a detailed lighting and photometric plan be submitted illustrating the location, height, type and in compliance with all applicable regulations of the zoning code. 4. That, no wall pack(s) lighting is provided on the proposed retail building addition. The Planning Commission voted 4-2-1 to recommend to City Council <i>DENIAL</i> of the gas station.
<u>Commission Findings and Conclusions</u>	At the September 9, 2008 meeting, the Planning Commission approved the pharmacy drive-thru with conditions on the basis that the Decision Standards were satisfied and denied the gas station request based on Decision Standards "C", "D", "E" and "F" not being satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated August 12, 2008 and revised September 9, 2008 2. Interoffice Review Transmittal Sheets to Fire, Engineering, Police & Economic Development 3. Public Comment Forms 4. Revised Transmittal Letter from Applicant 5. Trip Generation Study by TEC 6. Revised Project Description

7. Revised Statement of Proposed Conditional Use Compliance with Decision Standards.
8. Summary of Modifications
9. Existing Site Plan
10. Revised site plan dated September 30, 2008
11. Revised Landscape Plan dated September 30, 2008
12. Proposed Building Elevation
13. Proposed Gas Station Elevations
14. Proposed signage
15. Proposed outdoor storage cabinets
16. Existing Site Photos
17. Legal Descriptions
18. Letter of Agency
19. Preliminary Subdivision Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-16-2008

Date – August 12, 2008 (Tabled)
REVISED – September 9, 2008

APPLICATION

Applicant:	Jonathan Woher, Agent (McBride Dale Clarion)
Location:	300 S. Locust Street (H4100119000030 & 031 - listed at 474 & 550 S. Locust)
Owner:	Schottenstein Stores Corp. & Property Group
Action Request:	CONDITIONAL USE PERMIT – to allow for a pharmacy drive-thru and gas station.
Current Use:	Kroger
Current Zoning	GB
Surrounding Existing Land Uses:	Mix of Commercial

GENERAL DESCRIPTION

At the August 12, 2008 Planning Commission, this case was requested to be tabled by the Applicant. The information the Commission received in the August packet can be disregarded and only the information presented with this packet is what is being considered for review.

The subject property is 7.99 acres (consolidated) on the southwest corner of Fairfield Road and Locust Street. Kroger is proposing to raze the attached strip center to the south of their store that currently houses Fiesta Hair, China One, GNC and Cash Advance. In its place, Kroger would construct approximately a 24,440 sq.ft. addition, totaling an 82,331 net sq. ft. grocery store. Kroger proposes to add a drive-thru pharmacy as part of the southern expansion. A thru-connection for not only the pharmacy, but also the main store and parking lot would be opened from McGuffey. A 700 sq.ft. cooler space has also been added to the northwest corner of the store which will have interior access only. According to the site plan, the front entry will be modified for access to be a direct, front entryway, which removes nine parking spaces to accommodate the new entrance and sidewalk.

The second part of Kroger's proposed expansion is a gas-station along Locust Street. The gas station would include seven fuel dispenser stations (14 pumps) and a 112 sq.ft. brick kiosk. A canopy would be provided over the dispensers with matching building materials of the store façade improvements which include a metal canopy roof and brick-wrapped columns. The proposed canopy height is 15.5' to the bottom of the canopy and 19 feet to the top. According to the site plan, 55 parking spaces will be removed to accommodate the gas station.

The Applicant is not proposing any changes to ingress and egress, other than the aforementioned thru-connection from McGuffey. Additional landscaping islands around the gas station are proposed as well as a new ground mounted sign.

SURROUNDING NEIGHBORHOOD

All surrounding properties are zoned "GB" General Business.

- North:** Speedway gas station (four fueling stations, eight pumps), Walgreens, Quick Mart & Rodbro Insurance.
- South:** Part of the Tollgate Shopping Center and the vacant Big Lots & CVS spaces.
- East:** Vacant Wal-Mart site, Day Estates Apartment Complex (nonconforming) & Marathon Oil gas station (two fueling stations, four pumps)
- West:** First Financial Bank, Fifth-Third Bank (PC 01 & 02-2003) & Re-Max Office Building.

SITE HISTORY

BZA 03-1982: To allow parking in the front yard setback (51 spaces), reduce the buffer requirement between residential & commercial along Wells Mill (to a 10' greenbelt) and to allow a reduction in the sq.ft. for each parking space. APPROVED

BZA 10-1983: To allow for an "Open 24 hours" wall sign and not identifying the name of place or type of business. DENIED

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering and Fire Departments. The following Comments were returned for the August Staff Report:

- Police Department:** Fix the entrance off of Fairfield, limit ingress/egress off Locust at the light only, close off other entrances off of Locust.
- Engineering:** Storm & sanitary sewers need video inspections, grease & oil traps need addressed, water supply identified for gas station as well as back flow, fire hydrant required for near gas station, Traffic Impact Study required, reactivation of existing light may be warranted.
- Fire:** Returned without comments.
- Economic Dev.:** Supports the expansion & gas station.

The Applicant submitted revisions and a second request for agency review were sent to the Police, Engineering and Fire Departments. The following Comments were returned for this Staff Report:

- Police Department:** Chief Schwein referred to his previous comments regarding ingress/egress and felt it to be a welcomed addition to the community.
- Engineering:** Existing 24" storm must be relocated, traffic signal must be upgraded, Traffic Impact Study submitted satisfactorily addresses traffic issues, Engineering opposes traffic pattern for drive-thru and has concern on maintenance of landscaping.
- Fire:** No new comments received.
- Economic Dev.:** No new comments received.

PUBLIC COMMENT FORMS

Letter received in support of drive-thru, but not of the gas station.

Email received in opposition

Phone call received 08.15.08 in support of store addition but not of gas station.

ZONING CODE REGULATIONS

§1133.02(c) Compliance with Regulations:

- (c) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, moved, converted, enlarged, reconstructed, structurally altered except in conformity with all of the regulations for the district in which it is located.*

Conditional Use

The Purpose of Conditional Use regulations are in Section 1147.01(a):

"Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."

§1143.12(b)(2) GB District Conditional Uses:

STAFF FINDINGS: Automobile service stations selling gasoline and drive-thru pharmacy facilities are Conditional Uses in the General Business District.

§1147.03(b) Conditional Use: Use specific regulations and potential concerns:

(5) *Gas station with convenience store:*

A. Potential Concerns:

- 1. Adequate design of vehicle management area.*
- 2. Location of fuel pumps and pump canopy.*
- 3. Outdoor sales and storage.*

B. Regulations:

- 1. All merchandise shall be located within a completely enclosed structure. (See STAFF FINDINGS to §1143.12(d)(1) Below)*
- 2. Fuel pumps shall be setback a minimum of 30 feet from lot lines or 40 feet from a residential zoning district. (SATISFIED)*
- 3. Fuel pump canopies shall be set back a minimum of 20 feet from lot lines or 40 feet from a residential zoning district. (SATISFIED)*

(8) *Drive-through banking and pharmacy facilities:*

A. Potential Concerns.

- 1. Design of vehicle management area*
- 2. Noise from operations (vehicle and loudspeaker)*
- 3. Screening from adjacent uses*

B. Regulations.

- 1. Drive-through stations shall not be located in a yard adjacent to a residential zoning district. (SATISFIED)*
- 2. Queue spaces shall not be located in a yard adjacent to a residential zoning District. (SATISFIED)*

§1143.12(d) GB District Supplemental Regulations:

- (1) *All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building.*

STAFF FINDINGS: [§1143.12(d)(1)] The Applicant is requesting approval to allow for display and storage of accessory items to the sale of fuel, such as windshield washer fluid, antifreeze, engine oil and lubricant and beverage vending machines on the gas station portion of the site. The Applicant also indicated seasonal items such as charcoal, firewood, 2-liters and 24 packages of pop.

In the Applicants' letter, they indicated they intended to provide four soda vending machines and four merchandise boxes (40" l. x 40"w. x 18"d.) around the kiosk. The display boxes would be located with two in the front-center of the kiosk back-to-back and the remaining two on either side between the outside dispensers.

Recently the Planning Commission added the following condition to a similar request:

"That, all merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure. Propane sales must be screened and in an enclosed area, located outside the building."

Staff would recommend that this be further reinforced by specifically stipulating a condition that the 20 parking spaces along S. Locust Street cannot be utilized for the storage, display or sale of any merchandise.

Although the main store entrance would not be clearly visible from the street if the proposed gas station is approved and vehicles are in the parking lot, the Commission may want to discuss a similar condition for merchandise against the main building.

-
- (2) A. *Provision shall be made for undulating earthen mounds that extend along 50% of the linear frontage of a site adjacent to a public right-of-way.*
C. *A minimum of 1 tree for every 50 linear feet of frontage shall be required in addition to any other required site landscaping.*
D. *Each earthen mound shall be a minimum of 10 feet high from the average surrounding grade for property five acres or more.*

STAFF FINDINGS: [§1143.12(d)(2)A & D] Staff recommends that the Applicant make a concerted effort to provide a 20 foot landscape buffer in place of the required 10 foot high earthen mound along S. Locust Street where there are currently 20 parking spaces. It is unlikely that these spaces will be utilized for patrons of Kroger's or the gas station and are only provided in an attempt to satisfy the parking requirements. By providing the 20 foot landscape buffer, additional variance requests pertaining to landscaping could be reduced or eliminated. However, if the Planning Commission feels that this is an appropriate alternative for the mound, variances would be necessary from §1143.12(d)(2)A & D and the BZA.

[§1143.12(d)(2)C] The property has 288.46' of frontage along S. Locust Street and 529.81' along Fairfield Road.

	<u>Required:</u>	<u>Provided:</u>	<u>Needed:</u>
S. Locust St.:	6	5 (in parking lot)	6
Fairfield Rd.:	11	<u>8</u>	<u>3</u>

The existing five trees provided along S. Locust are in the parking lot islands and are counted toward the parking landscape requirements in Section 1149.05(e)(5)B.1.a, not this section referring to streetscape. A minimum of six trees will be required along S. Locust and three additional trees are required along Fairfield.

Parking Notes:

§1149.02(a) States: *Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site.*

Parking in the front yard setback, §1149.05(a)(1), is permitted per BZA Case# 03-1982. All loading and queuing space requirements are satisfied.

§1149.03(e) Parking Space Requirements: *Retail Stores: one space per 400 sq.ft of usable floor area (per Ord. #2916).*

		<u>Currently:</u>	<u>Required:</u>	<u>Provided:</u>
Existing Store:	57,891 sq.ft.		144	
Addition:	24,440 sq.ft.		<u>61</u>	
		420	205 Total	<u>356</u>

STAFF FINDINGS: Parking requirements are satisfied (even if 20 parking spaces along S. Locust Street are eliminated for buffer.).

§1149.05(e) Non-Residential Vehicle Management Parking Lot Design Regulations & Landscaping:

- (4) D. *Light fixtures shall be a maximum height of 16 feet above the adjacent ground.*
F. *A raised, landscaped, and curbed island of a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and the ends of each row of parking*

spaces and at every interval of seven parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines.

G. Interior rows of parking shall have an access isle between each 15 parking spaces.

STAFF FINDINGS: [§1149.05(e)(4)D] The Applicant has indicated that no new light poles will be added. A detailed lighting and photometric plan shall be submitted illustrating the foot-candles for any new lighting added to the building and gas station area. Recently the Planning Commission added the following condition to a similar request:

“That, a detailed lighting and photometric plan is submitted, and designed so as to meet the standard for no lighting spill-off to leave the site.”

Council further modified this condition to state:

“A detailed lighting and photometric plan shall be submitted. All building and property lighting shall be designed to limit light levels to a maximum of a 0.5 foot-candle at the property line.

Additional lighting conditions such as recessing the canopy lights and wall pack lighting that projects in an outward, unshielded glow have also been added in recent cases.

[§1149.05(e)(4)F] Based on the 356 parking spaces provided, the Applicant is required to provide 50 landscaped parking islands. The Applicant has illustrated 36 landscaped islands. Landscaped islands typically are not provided at the ends where handicap spaces are located. The Applicant has indicated that they intend to request a variance from the BZA regarding this provision (for 14 landscaped islands; 18 if a 20-foot buffer is required along S. Locust).

[§1149.05(e)(4)G] The Applicant has also indicated that they intend to request a variance from the BZA regarding provision “G.” above in order to utilize the current parking lot design.

(5) B.1.a A parking area shall have two trees per parking facility plus one tree for every five parking spaces or fraction thereof generally distributed throughout the parking area.

STAFF FINDINGS: [§1149.05(e)(5)B.1.a.] A total of 73 trees are required to be distributed throughout the parking area. Only 47 trees are provided. Again, the Applicant has indicated that they intend to request a variance from the BZA regarding this provision.

§1151.02(k), 1151.05(a)(3), & 1151.07(a) Measurement of permitted sign face area:

1151.02(k)(2)B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.

1151.05(a)(3)A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.

1151.07(a) Area, Sign Face – the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.

STAFF FINDINGS:	<u>Permitted:</u>	<u>Provided:</u>
S. Locust St.: 288.50'	577.00 sq.ft.	<u>523.64 sq.ft.</u>
Fairfield Rd.: 529.81'	1,059.62 sq.ft.	
Other (non-R/W facing):		<u>123.84 sq.ft.</u>
	6,829.62 sq.ft.	<u>647.48 sq.ft.</u>

***Staff recalculated the signage based on the area definition listed above and not the calculations provided by the Applicant.*

[§1151.05(a)(3)A] The Radio Shack and Movie Gallery stores are part of this lot and are entitled to part of the 577sq.ft. of permitted signage facing S. Locust Street. Rough calculation would indicate that these two stores have approximately 155 sq. ft. of wall signage, which would leave 422 sq.ft. of signage left for any other tenants on this property. Kroger exceeds this by 101.64 sq. ft. [§1151.02(k)(2)B]. Additionally, three signs on the gas station canopy and kiosk are not oriented towards the right-of-way upon which the permitted sign area is based, but rather the parking lots. Specifically, the signs oriented to the south, north & west. The Applicant has indicated they intend to request a variance from the BZA regarding these two provisions.

§1151.05(a)(3) Permanent Sign Requirements for “GB” - General Business District: *No more than a total of 2 wall or freestanding signs are permitted per development site.*

B. Wall Signs:

1. No more than 2 wall signs as follows:

- a. If the average setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall.**

C. Freestanding Signs:

1. No more than 1 sign as follows:

- a. No more than 48 sq. ft. per side**
b. No combination of a freestanding sign structure and sign shall be higher than 6 feet.

STAFF FINDINGS: [§1151.05(a)(3)A] As stated above, two wall signs are permitted. The Applicant is proposing a total of ten (includes the canopy & kiosk). The two fuel pricing signs on the canopy exceed the 3' height limit of §1151.05(a)(3)B.1.a. [§1151.05(a)(3)C.1.a. & b.] The ground mounted/freestanding sign along S. Locust Street satisfies the signage setback requirement, however exceeds the permitted square footage (70 sq.ft. per side proposed) and height (7' proposed). Again, the Applicant has indicated they intend to request variances from the BZA regarding these provisions.

PLATTING

The Kroger building, the proposed expansion and gas station are located on two parcels (H4100119000030 & 031). These parcels can be reviewed and approved administratively for consolidating, and must be recorded prior to permits being released for new construction.

The site plan provided also indicates that the Applicant wishes to split off and place the former First Financial Bank on its own parcel. This too can be reviewed administratively. A separate Lot Split & Consolidation Application will be necessary before these platting items are addressed and decided on, but will not require the whole Planning Commission to vote on.

COMPREHENSIVE PLAN

The subject property, according to the 1998 Comprehensive Plan, is located within the Locust Street Commercial Subarea.

The Land Use Standards for Commercial Development specifically states:

- Pedestrian/bicycle connections should be required.
- Where feasible pedestrian and bike connections between commercial areas and nearby neighborhoods should be required. Secure bike racks should be provided at major shopping centers and major retailers.
- Landscaping along parking lot perimeters should be required to lessen visual impact of these lots and interior landscaping should be required per code.
- Exterior on-site lighting sources should be shielded to reduce glare.
- Signage should be minimized and compatible with the architectural design and materials of the principal structure.

The Locust Street Commercial strategies are particularly relevant to the subject site:

Locust Street Commercial Subarea

A. Concerns

The Locust Street Commercial Subarea is one of Oxford's major business districts. It has attracted a variety of new investment in the area, the majority of which has been retail oriented. This is expected to continue in the Subarea, however, infill development, reinvestment and redevelopment should be emphasized over expansion.

The Subarea is surrounded by residential neighborhoods. These should be insulated from existing commercial activity and the integrity of neighborhoods should not be compromised by commercial expansion. The zoning code should be strengthened to ensure that commercial-residential separation is effective. Concurrently, the City should require the installation of street trees in off-street parking areas, as well as interior perimeter landscaping (e.g. three-foot continuous evergreen hedge).

B. Strategies

1. Continuing the Locust Street Subarea as a commercial business district.
2. Focusing future efforts on infill development and redevelopment of existing sites and not physical expansion.
3. Focusing future uses on community-oriented businesses and not those geared towards a regional market.
4. Delineating clearly the boundaries of the Subarea and discouraging the conversion of adjacent residential areas to nonresidential areas.
5. Enhancing the Zoning Code to provide for increased buffering between commercial and residential uses including screening, noise restrictions, lighting restrictions and trash receptacle screening.
6. Emphasizing commercial development standards, addressed in the Land Use element in, the Subarea.
7. Developing additional pedestrian and safe bicycle linkages to better integrate the Subarea with the adjacent neighborhoods.
8. Traffic circulation problems should be analyzed and alternatives considered.

STAFF ANALYSIS

A total of 10 variances are necessary from BZA. The focus of Planning Commission is the request at hand for two conditional Uses and if both uses satisfy the decision standards.

Overall, the size of the site is adequate and has served as a retail commercial center for over 20 years. The façade improvements and addition to the store are desired and can be approved with no review by any City Board or Commission. Landscaping and other site upgrades may still have required review by BZA if the Applicant failed to satisfy those minimum requirements. However, the added conveniences' of drive-thru windows and gas stations warrant additional inspection and in the case of the gas station are requiring additional BZA requests due to added signage.

Should the Planning Commission recommend approval to City Council, staff suggests the following conditions for the Planning Commission to consider:

1. That, all appropriate variances are obtained from BZA prior to submitting for permits.
2. That, all appropriate splits or parcel consolidations are approved per Section §1101.07 of the Subdivision Regulations and properly recorded prior to submitting for permits.
3. That, the Engineering comments as outlined in the Engineer's memorandum dated 07.24.08 & 09.03.08 are addressed and satisfactory to the Engineering Division.
4. That, all merchandise sales, with the exception of fuel, air and water, shall be restricted to the inside of the retail structure & gas station kiosk. Propane sales must be screened and in an enclosed area, located outside the building.
5. That, the Applicant provides a 20 foot landscaped buffer along S. Locust Street in lieu of the required landscaped mound per §1143.12(d).

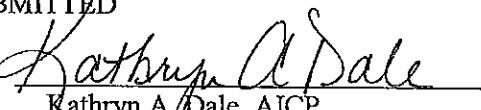
6. That, the required six trees will be provided along S. Locust Street and three additional trees are provided along Fairfield Road in accordance with §1143.12(d)(2)C.
7. That, a detailed lighting and photometric plan is submitted illustrating the location, height, type and in compliance with all applicable regulations of the zoning code.
8. That, no wall pack(s) lighting is provided on the proposed retail building addition or gas station.
9. That, any lighting under the gas station canopy is recessed in the ceiling of the canopy.
10. That, internal circular pattern showing exit and entrance lanes are clearly marked.

RECOMMENDATION

Not Applicable.

SUBMITTED

BY


Kathryn A. Dale, AICP
Community Development Department
City Planner

DATE: August 5, 2008
REVISED: August 28, 2008

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. The 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: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE**, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Woche**, AICP, Applicant, Agent

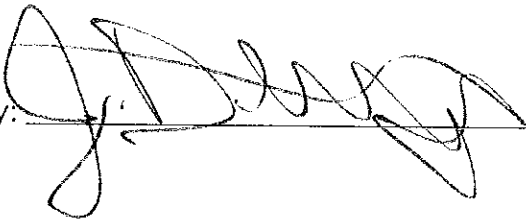
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/26/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE**, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Woche**, AICP, Applicant, Agent

This case was tabled by the Applicant at the August 12, 2008 Planning Commission meeting. The Community Development Department received their revised application August 26, 2008.

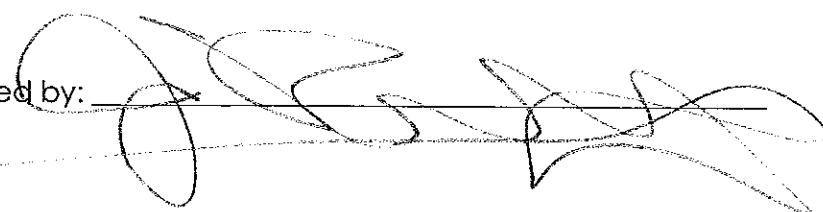
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/2/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/26/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, Jonathan Woche, AICP, Applicant, Agent**

This case was tabled by the Applicant at the August 12, 2008 Planning Commission meeting. The Community Development Department received their revised application August 26, 2008.

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

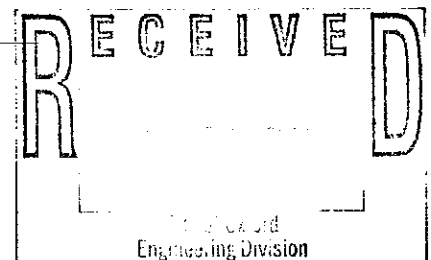
Please return no later than: **9/2/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned w/comments without/comments

SEE MEMO DATED 9-3-08

Drawings reviewed by: *A. P. [Signature]* *9-3-08*





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Case #PC - 16 -2008
Conditional Use - 300 S. Locust Street (Kroger's)

DATE: September 3, 2008

The following are our comments on the Conditional Use application for Kroger's, allowing a pharmacy drive-thru and a gas station. The revised submittal dated August 25, 2008 was received by the Engineering Division on August 26, 2008.

Below are our comments resulting from a review of the subject revised submittal.

- The proposed location of the gas station is in conflict with an existing 24" storm sewer. The existing storm sewer must be relocated.
- The existing traffic signal that controls the ingress/egress from Locust Street into the proposed gas station and store expansion area must be upgraded to City standards (i.e. mast arms, etc.)
- The limited Traffic Impact Study satisfactorily addresses the traffic issues of the proposed project.
- The developer is to be commended for the intent of providing landscaping that will much improve the present conditions of the development area. However, we must caution the developer, and all concerned, that landscaping without proper maintenance could, very easily, become a traffic hazard, by limiting the sight distance.
- The Engineering Division strongly opposes the traffic pattern for the pharmacy drive-thru. If a potential drive-thru customer traveling south along

the front of the store and wishes to turn west for access to the drive-thru window, that customer will have to drive between two (2) lanes of opposing traffic, then make a left turn across one (1) lane of opposing traffic into the turn around area, and finally drive across one (1) lane of east bound traffic. Needless to say, a drive thru window is not only for costumers that lack the desire to walk, but for costumers whose health limits their ability to walk. In other words, do not subject older and somewhat unhealthy costumers to traffic hazards.

For the Commission's convenience, the following are comments previously submitted, which will have to be addressed prior to the approval of construction plans.

- All utility work must be in accordance with the City of Oxford Specifications. Indoor plumbing work must comply with the Butler County requirements.
- Due to past history, the storm and sanitary sewer systems are suspect. It is recommended that, prior to the development of the construction plans, the storm sewer and the sanitary sewer be video inspected.
- Would there be a grease trap within the area of the gas station for the road oils to discharge into during inclement weather events?
- Would the water supply for the gas station be brought in from Locust Street? If so, the water meter shall be located in the tree lawn along Locust Street.
- Being that a gas station is a commercial development; a backflow preventer would be required for the water service.
- Would the storm water draining from the roofs of the gas station structure, and the canopy over the gas pumps, be captured? If so, how would it be discharged away from the area?
- A fire hydrant would be needed to be installed near the proposed gas station.
- The present Kroger store is to be expanded. Thus, it is important to resolve all issues related to the operation of the sanitary sewer lateral exiting the store. Many blockages and flow issues have occurred in the area of the manhole located in front of the store entrance.
- The proposed development has, if any, minimal impact on the pervious surface of the area. Thus, a waiver of the storm water detention/retention is proper.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE**, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Woche**, AICP, Applicant, Agent

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 7-24-08.

Drawings reviewed by:

A. C. [Signature] 7-24-08



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Case #PC - 16 -2008
Conditional Use - 300 S. Locust Street (Kroger's)

DATE: July 24, 2008

The following are our comments on the Conditional Use application for Kroger's, allowing a pharmacy drive-thru and a gas station. The submittal date is June 25, 2008, and was received by the Engineering Division on July 11, 2008.

- All utility work must be in accordance with the City of Oxford Specifications. Indoor plumbing work must comply with the Butler County requirements.
- Due to past history, the storm and sanitary sewer systems are suspect. It is recommended that, prior to the development of the construction plans, the storm sewer and the sanitary sewer be video inspected.
- Would there be a grease trap within the area of the gas station for the road oils to discharge into during inclement weather events?
- Would the water supply for the gas station be brought in from Locust Street? If so, the water meter shall be located in the tree lawn along Locust Street.
- Being that a gas station is a commercial development; a backflow preventer would be required for the water service.
- Would the storm water draining from the roofs of the gas station structure, and the canopy over the gas pumps, be captured? If so, how would it be discharged away from the area?

- A fire hydrant would be needed to be installed near the proposed gas station.
- The present Kroger store is to be expanded. Thus, it is important to resolve all issues related to the operation of the sanitary sewer lateral exiting the store. Many blockages and flow issues have occurred in the area of the manhole located in front of the store entrance.
- The proposed development has, if any, minimal impact on the pervious surface of the area. Thus, a waiver of the storm water detention/retention is proper.
- Landscaping is proposed for the parking lot area surrounding the proposed gas station. Although this is an excellent idea, consideration must be given to the type of plants, shrubs, and trees that would be part of the landscape. It is an all too common of a practice to neglect the maintenance of the landscape to the point that the plantings become a hazard to vehicular traffic. Sight distance becomes a victim of the maintenance neglect.
- It is recommended that a Traffic Impact Study be performed to determine the impact on the access points to the project area and the existing traffic signals, within the vicinity of the project, the increase in vehicular traffic will have.
- An existing traffic signal controls the ingress/egress from Locust Street into the gas station and store expansion area. Improvements to the existing signal may be necessary, depending on the impact of the proposed improvements for the project area.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/26/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE**, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Woche**, AICP, Applicant, Agent

This case was tabled by the Applicant at the August 12, 2008 Planning Commission meeting. The Community Development Department received their revised application August 26, 2008.

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/2/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

*A welcome addition to our community -
w/ my previous comments about over-
ingress/egress*
S. Selker
8/26/8

Drawings reviewed by: _____

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development
From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2008

Description:

PC-16-2008 **CONDITIONAL USE**, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Wocher, AICP, Applicant, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I recommend:

- (1) "fixing" the entrance to the Kroger lot off of Fairfield Rd near Radio Shack as part of this project
- (2) Dramatically make improvements to the stop light entrance on S. Locust and make it the only entrance off Locust

Drawings reviewed by: S. Schwen

- (3) Close off other parking lot entrances off of Locust

I recommend:

1. "Fixing" the entrance to the Kroger lot off of Fairfield Road near Radio Shack as part of this project.
2. Dramatically make improvements to the stop light entrance on S. Locust and make it the only entrance off Locust.
3. Close off other parking lot entrances off of Locust.

July 28, 2008

Kroger Store Expansion

I support the redevelopment of Kroger at its current location. We have all heard the complaints concerning the negative impact of the Wal-Mart move to the edge of town. (The distance is less convenient to many citizens and an empty store was left behind.)

From these current plans I can not tell if the proposed new structures meet all the current requirements for items such as green space, parking spaces, set backs etcetera, I do believe allowing Kroger to expand in its current location is in the communities best interest. And we need to assist in making it work in the space available. Much like when Ace Hardware needed to expand, the new building did not fit within the codes, but it was in the best interest of the community to allow the current use to expand.

Fuel Center:

With the price of fuel moving higher, I feel many citizens will welcome the opportunity to redeem their Kroger Card points for discounted fuel.

Two observations.

1. Would it be better to move the Fueling Center slightly to the North? The current plan has part of the Fueling Center in front on the Capital Dry Cleaners building.
2. The parking in front of the Fueling Center along Locust St. What is its purpose? Will it become outside storage/display area?

Pharmacy Drive-through:

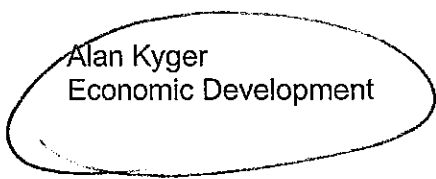
While there will be some loss in green space in creating this drive-through the question returns to will the community be better or worse with this expansion?

Economic Impact:

From what I understand, the existing stores needing to relocate due to this expansion have found new locations within the Tollgate region. Which means Oxford is not losing existing business.

The Kroger expansion is just that, an expansion, bringing more services and more jobs to the Oxford area. I have asked Kroger for the number of new jobs and the dollar amounts being invested in our community. Kroger has not yet provided this information.

I strongly encourage the Oxford Planning Commission and Oxford City Council to work with Kroger in keeping Kroger in its current location.



Alan Kyger
Economic Development



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

Case No.: PC-16-2008

Date of Hearing: August 12, 2008

CONDITIONAL USE, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, **Jonathan Woche, AICP, Applicant, Agent**

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **August 4, 2008** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Tim Goloner

Address:

595 Fairfield Rd side #5
Oxford Oh 45056

Telephone:

Home: 513 523 1192

Work: 513 523 2275

COMMENTS:

Love Krogers !! Give them the Drive through, they already have a pharmacy. I am NOT for the request for Gas Station 3 stations in row is unwanted in that small pickered up area. Markham Speedway on corner already.

Signature

Tim Goloner

Date

8/15/08

8/15/08 - Charles Clunub, 41 Scarlet Oak Circle
called in

Does not support another gas station on
this corner. Would like to see Kruger
expand and stay, but doesn't think the
gas station is necessary.



August 26, 2008

Ms. Kathy Dale, AICP
City of Oxford
Community Development Department
101 High Street
Oxford, OH 45056

Hand Delivered

RE: Revised Submittal – Conditional Use Application for Proposed Drive-Thru Pharmacy and Fuel Center for Kroger Store at 300 South Locust Street

Dear Ms. Dale:

On behalf of Kroger and Schottenstein Property Group, I am transmitting the enclosed material to provide revised updated plans for review by the City of Oxford of a Conditional Use for the pharmacy drive-thru service and fuel center that is part of the expansion of the Kroger store in the Tollgate Shopping Center. The revised plans reflect responses to the initial City staff report dated August 12, 2008 and minor updates by Kroger reflecting changes to the interior floor plan of the store.

As requested, I am transmitting thirteen (13) full size and one (1) reduced size copy of the entire submittal package. Updated project description, updated Conditional Use Compliance Decision Standards Statement, and a description of the revisions are included with each set of plans. Also included are three (3) copies of a trip generation analysis memorandum prepared by TEC Engineers. Please distribute this to the City staff for review. You will note that TEC's determination is that there is a minor increase in the amount of traffic generated during the AM and PM peak hours, an amount that we feel does not justify a full traffic impact study.

Please review this information and contact me to clarify any details as needed. It is my understanding that an updated staff report will be provided and transmitted to the Planning Commission for the September 9 regularly scheduled meeting. Please send me a copy of the meeting agenda and updated staff report as soon as available.

Thank you for your continued assistance and cooperation. We look forward to obtaining approval for this redevelopment project.

Sincerely,

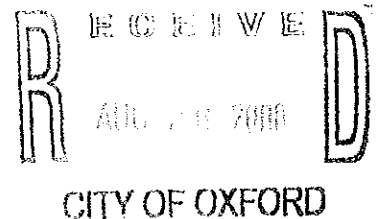


Jonathan Wocher, AICP

Enclosures

cc: Kroger
Thomas Graham Associates
Schottenstein Property Group

MDC #2263



Planning " Zoning " Development Services

5725 Dragon Way, Suite 220

Cincinnati, Ohio 45227

(513)561.6232

fax: (513)561.1615

Memo

Date: August 20, 2008
From: Michael J. Hafner, PE, PTOE, Project Manager (TEC Engineering, Inc.)
To: Lisa M. Ammons, Real Estate Manager (Kroger Limited Partnership I)
Re: Tollgate Shopping Center Kroger Expansion -- Oxford, Ohio
TEC PN 08131-003

This summary has been prepared to document the change in traffic volumes associated with the proposed Tollgate Shopping Center site modifications. To identify this change, the estimated trip generation of the existing land use was compared with the estimated trip generation of the proposed land use. The proposed expansion will replace 14,400 sf of various commercial uses (shopping center) with 24,440 sf of additional Kroger store. Additionally, a Kroger gas station will be constructed within the Tollgate Shopping Center.

The *Institute of Transportation Engineers (ITE) Trip Generation Handbook* is the most widely accepted publication for projecting traffic volumes; specifically related to how the site is used. The trips generated by the existing land uses and proposed land uses were projected using the trip generation rates and equations provided in the handbook.

The Supermarket (ITE Code 850) Land Use was used to generate trips for the existing and expanded Kroger buildings. The Shopping Center (ITE Code 820) Land Use was used to generate trips for the existing commercial uses which are proposed to be removed. Gasoline/Service Station (ITE Code 944) was used to generate trips for the proposed Kroger gas station. Based on a "from Retail to Retail" daily average trip capture rate of 30% (from the *ITE Trip Generation Handbook*), the trips expected to be generated by the Kroger gas station were reduced by 30% to account for internal trips to/from the various other retail uses within the Tollgate Shopping Center (including the expanded Kroger Store). Existing land uses that are proposed to remain intact were not included in the calculations.

For the purposes of this summary, the existing development area will refer to the existing Kroger store and the existing adjacent commercial uses (#310 thru #360 Locust Street). The proposed redevelopment area will consist of the expanded Kroger store and the new Kroger gas station.

Generated Trips

The proposed Kroger expansion is estimated to increase total trips to the Tollgate Shopping Center by 443 daily trips with 142 trips in the AM Peak hour and 156 trips in the PM Peak hour. This increase in trips is primarily associated with the addition of the

Kroger gas station. The estimated total trips for the existing development area are shown in *Table 1*. The total trips expected to be generated by the proposed redevelopment area are shown in *Table 2*.

Knowing the total trips generated helps in understanding the changes in traffic volumes for the site itself. However, in order to better understand the changes in traffic volumes for the surrounding roadway network, the total trips can be further broken down into primary and pass-by trips.

Primary trips are trips associated with the development made for the specific purpose of visiting the generator. Primary trips are completely new to the surrounding roadway network.

Pass-by trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. Essentially, pass-by trips are trips that already exist on the roadways surrounding the proposed development area. These trips affect the site driveways but overall do not impact the surrounding roadway network.

The *ITE Trip Generation Handbook* provides pass-by rates for the supermarket (PM only), shopping center (PM only), and Fuel Station (AM and PM). Although pass-by trips are not provided in the handbook for the AM peak hour for the supermarket and shopping center, TEC believes pass-by trip percentages for these types of land uses to be very low (negligible) for the AM peak hour.

The proposed Kroger expansion is anticipated to generate 77 primary trips (new trips) in the AM Peak hour and 88 primary trips (new trips) in the PM Peak hour on the surrounding roadway network. The total trips, pass-by trips, and primary trips associated with the existing development are shown in *Table 3*. The total trips, pass-by trips, and primary trips associated with proposed development are shown in *Table 4*.

Table 1: Existing - Estimated Total Trips

Existing (Kroger with existing commercial)					AM Peak Hour			PM Peak Hour		
Description	Land Use	Measurement	Units	Daily	Total	Enter	Exit	Total	Enter	Exit
Shopping Center	820	14,400	gsf	1927	49	30	19	174	84	91
Supermarket	850	57,891	gsf	5267	188*	115	73	606*	309	297
totals				7194	237	145	92	780	392	387

* Based on our experience with supermarkets of this size, average rate is more appropriate for use when generating trips for the AM Peak hour and the curve fit equation is more appropriate for use when generating the trips for the PM Peak hour.

Table 2: Proposed - Redevelopment Estimated Total Trips

Proposed (Kroger with expansion and gas station)					AM Peak Hour			PM Peak Hour		
Description	Land Use	Measurement	Units	Daily	Total	Enter	Exit	Total	Enter	Exit
Fuel Station (proposed)	944	14	fueling stations	1652^	111^	56	56	136^	68	68
Kroger (expanded)	820	82,331	gsf	5985	268*	163	104	800*	384	416
totals				7637	379	219	160	936	452	484

* Based on our experience with supermarkets of this size, average rate is more appropriate for use when generating trips for the AM Peak hour and the curve fit equation is more appropriate for use when generating the trips for the PM Peak hour.

^ Fuel Station trips reduced by 30% to account for internal trips between the various retail uses within the shopping center (including the expanded Kroger) and the Kroger Gas Station

Table 3: Existing - Total, Pass-By, and Primary Trips

ITE Land Use Number	Pass-By Trip %		Total Trips (from Table 1)				Pass-By Trips				Primary Trips (new network trips)			
			AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
	AM	PM	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit
820	0%	34%	30	19	84	91	0	0	28	31	30	19	55	60
850	0%	36%	115	73	309	297	0	0	111	107	115	73	198	190
Total Trips			145	92	392	387	0	0	140	138	145	92	253	250
			237		780		0		277		237		503	

Table 4: Proposed - Total, Pass-By, and Primary Trips

ITE Land Use Number	Pass-By Trip %		Total Trips (from Table 2)				Pass-By Trips				Primary Trips (new network trips)			
			AM Peak		PM Peak		AM Peak		PM Peak		AM Peak		PM Peak	
	AM	PM	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit	Enter	Exit
944	58%	42%	56	56	68	68	32	32	29	29	23	23	39	39
850	0%	36%	163	104	384	416	0	0	138	150	163	104	246	266
Total Trips			219	160	452	484	32	32	167	178	187	128	285	306
			379		936		65		345		379		591	

Revised Project Description
Conditional Use Application Approval for
Kroger Store Expansion – Pharmacy Drive-through and Fuel Center
300 South Locust Street

Kroger proposes to expand the existing store at 300 South Locust Street in the Tollgate Shopping Center, generally located at the southwest corner of the intersection of Fairfield Road and South Locust Street. The existing Kroger store occupies 57,891 square feet of the Tollgate Shopping Center which is owned by Schottenstein Property Group. The existing property is currently zoned GB General Business District. The existing movie gallery and Radio Shack stores north of the Kroger store will remain. There is also an existing hair salon, restaurant, check cashing store, and three vacant tenant spaces representing approximately 14,520 square feet of floor area south of the Kroger store.

Kroger plans to demolish the existing 14,520 square foot tenant space to the south and expand the store by approximately 24,440 square feet. The Kroger expansion represents an increase of 9,920 square feet of retail area. The expanded store will have approximately 82,331 square of net floor area; the gross floor area of the Kroger store will be 89,038 square feet including the existing loading docks and the office mezzanine. This expansion will include remodeling the interior of the existing portion of the Kroger store and a new front façade for the Kroger store. The front façade of the Kroger store will be altered to allow front entry (changing from the existing “side” entry). The sidewalk in front of the store will be built approximately nine (9) feet east of the existing sidewalk. The store expansion will allow pharmacy drive-through service to be provided on the south side of the store. A driveway will be created on the south side of the expanded Kroger store to facilitate the drive-through pharmacy, and provide cross access to the existing bank west of the store.

An integral part of the Kroger expansion project is the construction of a fuel center on the site, allowing Oxford residents to utilize the fuel discount program offered to KrogerPlus members. Kroger proposes to construct a fuel center that will contain seven fuel dispensers and a small kiosk building for an employee to supervise fuel sales. The dispensers and kiosk will be covered by a canopy with roof and column supports that reflect the design and building materials of the new store facade. The fuel center will be located along the Locust Street frontage in an underutilized parking area of Tollgate Shopping Center. The fuel center and dispensers have been shifted north to comply with the required setbacks from the south property line. This change did not alter the parking aisle to the north of the fuel center. A freestanding ground sign will be installed along Locust Street for the fuel center. No new access points are proposed on either Fairfield Road or Locust Street. The existing parking field in front of the Kroger store will be maintained, ~~and 365 parking spaces will be provided however, nine (9) parking spaces will be removed and two (2) landscape islands relocated to accommodate the sidewalk expansion in front of the store.~~ 356 parking spaces will be provided. Existing landscape areas will be maintained (with the exception of the removal of a portion of the area to the south of the store for the pharmacy drive-through). Additional landscape islands are proposed in the eastern portion of the parking field near the proposed fuel center. One additional landscape island has been added along the end of the parking aisles nearest the expanded store.

The Kroger store is a permitted use in the GB District. The drive-through pharmacy service and the fuel center are conditional uses in the GB District. Section 1147.03 contains both general and specific standards for these conditional uses. The following statements respond to these standards.

Pharmacy drive-through service

- One pharmacy drive-through lane is proposed on the south side of the expanded Kroger building. A small canopy and service window will be installed on the southern wall of the expanded Kroger store.
- The existing grass area on the south side of the store will be modified to allow access to the pharmacy window, and to provide a driveway connection to the west.
- The proposed access drive meets the requirement of the Zoning Code of 3 queuing spaces and 1 exit space.
- No impact is anticipated on the adjoining commercial uses.
- The drive-through will not be located in a yard adjacent to a residential zoning district.
- The hours of pharmacy drive-through service are proposed to be 9 AM to 9 PM Monday to Friday, 9 AM to 6 PM on Saturday, and 10 AM to 5 PM on Sunday.

Fuel center

- Seven fuel dispenser islands are proposed with a kiosk for employee management of sales to the public.
- The fuel center will be constructed in an area that is currently underutilized for parking. 55 parking spaces will be removed in the eastern portion of the Tollgate Shopping Center parking area. No new driveways are proposed to the public streets.
- Four new landscape islands will be installed – 2 to the west and 2 to the north of the fuel center.
- The proposed fuel pumps and canopy exceed the setback requirements of Sec.1147.03. The site plan has been modified per the staff report.
- The fuel center will include the sale of E-85 and diesel fuel.
- The canopy and kiosk have been designed to reflect the character of the new façade for the Kroger store. The canopy will have brick wrapped columns and a mansard style, metal seam roof. The fascia of the canopy will be painted a neutral color to match the façade of the store. Similarly, the brick and fascia colors of the kiosk will match the store.
- The fuel center is proposed to operate from 6 AM to 11 PM.
- The fuel center will include outside display of accessory sale items such as windshield washer fluid, motor vehicle oil and lubricants, and beverage vending machines.
 - The outside display for the fuel center will have four (4) soda vending machines adjacent to the kiosk, and 4 merchandising boxes. The boxes measure about 48" long, 40 " high, and 18" deep, are beige, are lockable, and have three shelves each for display. They will be located two in the center (back to back) in front of the kiosk area and one on each side in between the outside dispensers. The two in the center will display oil and related merchandise. The two on the outside will display seasonal merchandise: for example gallon jugs of windshield washer fluid or antifreeze, 20 # bags of grilling charcoal, bundles of firewood, individual fire logs, 24 pack drinking water, or 2 liter soda pop.

A Statement of Proposed Conditional Use Compliance with Decision Standards is included in the submission to respond specifically to the thirteen standards identified on the Conditional Use application.

Kroger is excited about the opportunity to expand the existing Oxford store. The expansion provides the opportunity for Kroger to offer additional services and products to Oxford customers while staying at the current location. Kroger believes this expansion is an infill, redevelopment project that demonstrates reinvestment within an area that already has public services and infrastructure, and that this is a project that will strengthen the Tollgate Shopping Center and the neighborhood in general. We respectfully request approval of the conditional uses as proposed, and look forward to working with the City on this project.

Revised Statement of Proposed Conditional Use **Compliance with Decision Standards**

The following statements respond to the standards listed on the Conditional Use Permit Application in relation to the proposed expansion of the Kroger store located at 300 South Locust Street. These statements are provided for consideration by the City during their review of the Conditional Use Application of the drive-through pharmacy service and fuel center that are integral components of the proposed expansion of the Kroger store. Additional information or testimony may be provided during meetings with the City.

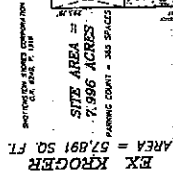
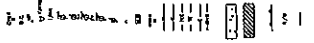
- A. The Kroger store is a permitted use and the drive-through pharmacy service and fuel center are conditional uses permitted within the "GB" General Business Zoning District as specified in the Planning and Zoning Code Section 1143.12.
- B. The proposed use of the site will satisfy the general intent of the Zoning Code, specifically the purpose of the "GB" District to provide a variety of retail and service establishments to the community in areas presently served with both central water and sewer.
- C. The proposed use and site will be compatible with the general intent of the Comprehensive Plan for commercial use, and with the strategies of the Locust Street subarea. The proposed expansion represents infill, redevelopment and reinvestment in the Tollgate shopping center, an important commercial area of the City. The store expansion, drive-through pharmacy and fuel center allow Kroger to stay in its current location while improving the services to Oxford customers.
- D. The size and shape of the site are sufficient for the proposed use, and all structures will comply with building setback requirements. The drive-through service will not be located in a yard adjacent to a residential district and will provide necessary queue spaces. The fuel center complies with the setback standards of Section 1147.03(b)(5) for fuel pumps and canopies.
- E. The proposed drive-through service and fuel center will not be hazardous or disturb existing or future neighboring uses.
- F. The proposed use will not involve activities, processes, materials, equipment, or conditions that will be detrimental to the general welfare due to excessive traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. Any accessory uses will be directly related to the operation of the Kroger store. Kroger is requesting approval to allow display and storage of items accessory to the sale of fuel, such as windshield washer fluid, engine oil and lubricant, and beverage vending machines.
- H. The proposed use and site will be adequately served by public facilities and services. No significant change or increase in public services is anticipated as a result of the expansion of the Kroger store or the proposed conditional uses.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site and buildings will be compatible and harmonious with the general character of the area. The Kroger expansion involves a redesign of the front façade of the store using high quality building materials. The proposed fuel center is designed to reflect the character of the façade improvements of the store, and will include a mansard metal seam roof and brick canopy columns, and a brick kiosk building.

- K. On-site traffic circulation has been designed to provide appropriate access to and throughout the site. The proposed drive-through service provides adequate stacking and will not interfere with circulation on public streets, nor cause disruption to the on-site traffic patterns. The location of the fuel center will not interfere with on-site traffic flow and will be constructed in an area that is currently underutilized for parking. No new driveways are proposed.
- L. The proposed construction will not result in the destruction, loss, or damage of any natural, scenic, or historic features, but rather will be a redevelopment of existing impervious surface area.
- M. All necessary permits and licenses for the proposed conditional use can be obtained for the uses at the proposed location. Applications will be submitted to the Board of Zoning Appeals for variances to allow use of the existing parking field without complete reconstruction.

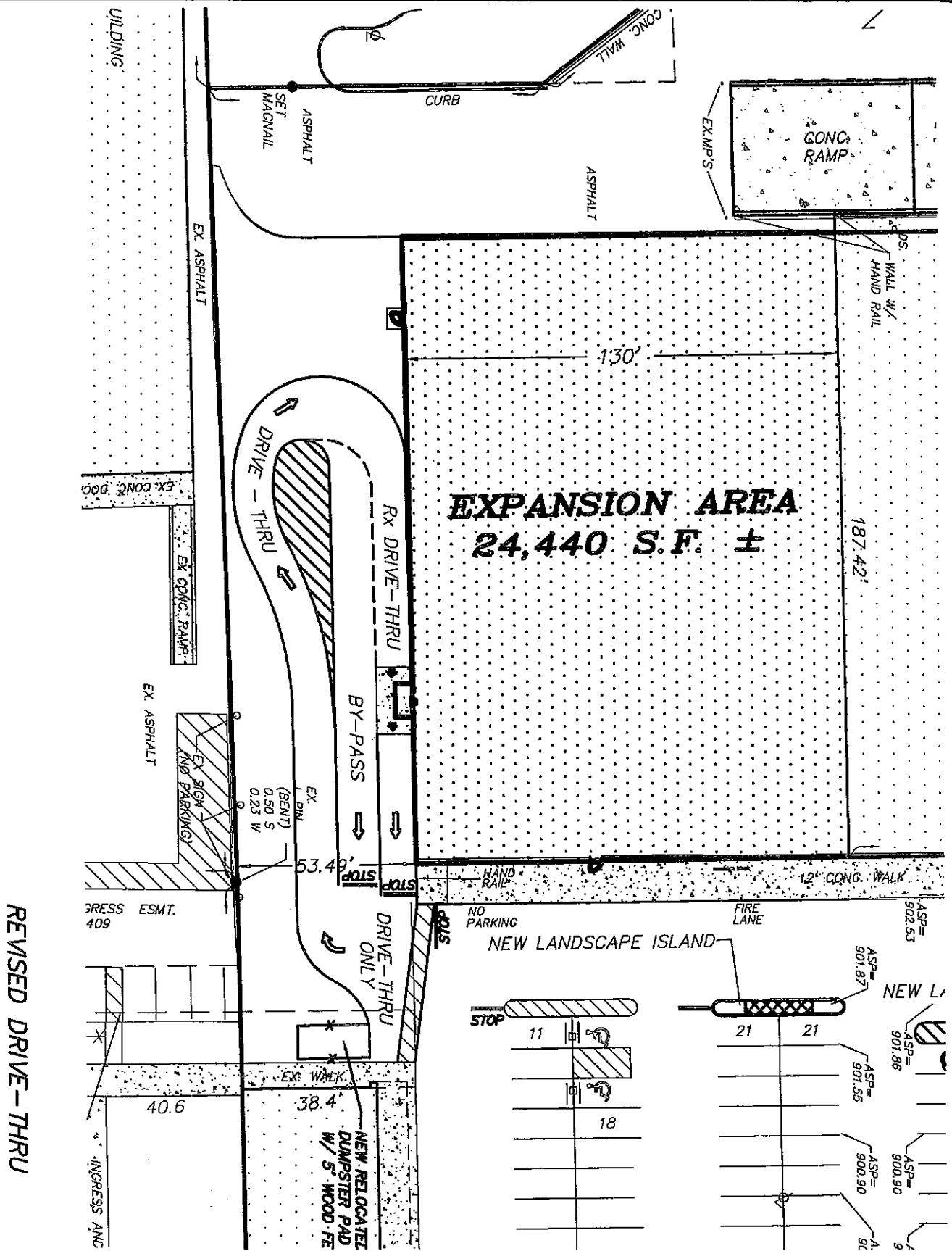
Summary of Modifications to the Kroger Site Plan for Revised Submittal

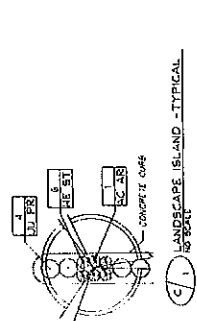
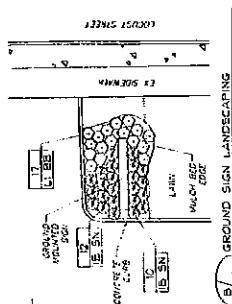
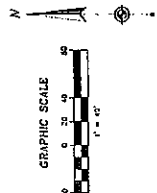
The following summarizes the revisions to the Kroger Site plan being submitted on August 26 in response to the staff report dated August 12, 2008, in response to comments at the meeting with city staff on August 21, and to reflect an updated Kroger floor plan.

1. The location of the fuel canopy and dispensers was modified to comply with the required setbacks from the southern property line.
2. A description of the types of outside display as been provided in the revised Project Description.
3. A trip generation analysis memorandum has been prepared by TEC Engineers. Three copies of the memorandum are provided for review by the city staff.
4. The sidewalk in front of the store has been shifted approximately 9 feet east. This will result in the loss of 9 parking spaces. The total number of parking spaces is now 356 spaces. The islands affected by the sidewalk change have been relocated.
5. One additional landscape island and two trees have been added along the front façade, at the southwestern portion of the site.
6. Three additional trees have been added to the interior landscape islands, generally along the Fairfield Road side of the site.
7. One additional street tree has been added along Fairfield Road.
8. The building elevations have been modified slightly. These were shown at the meeting with staff on 8-21-08. A pharmacy sign has been added to the western end of the façade, and the previously proposed pharmacy sign has been reduced in size slightly. One set of the proposed wall signs is included for staff review.
9. No new pole lights are proposed.
10. The dumpster pad and enclosure for the existing 6,045 SF building along the southern property line will be relocated as shown on the plans.
11. A cooler approximately 17' by 40' has been added to the northwest corner of the store. The cooler will have interior access only.



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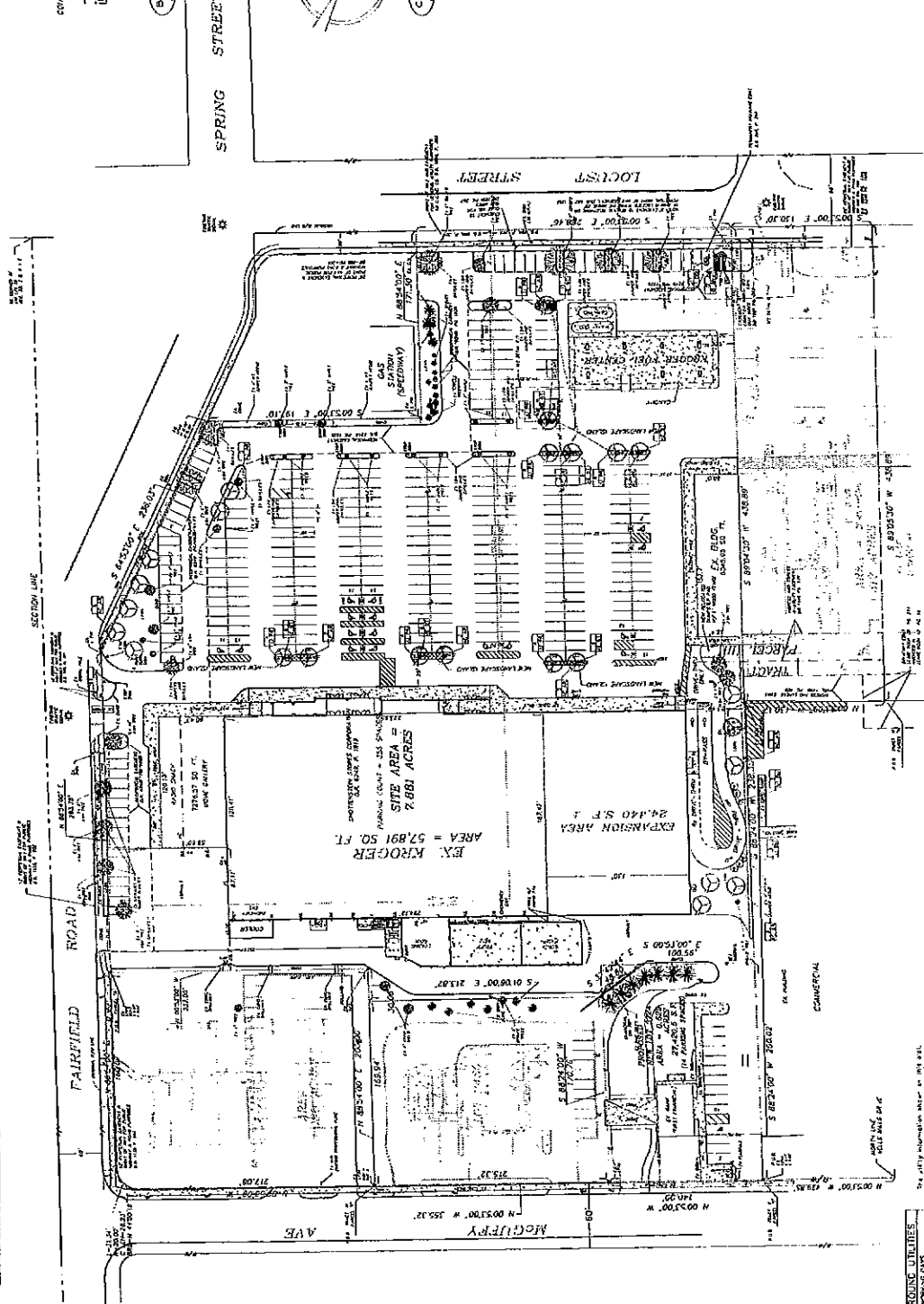
LANDSCAPE LEGEND

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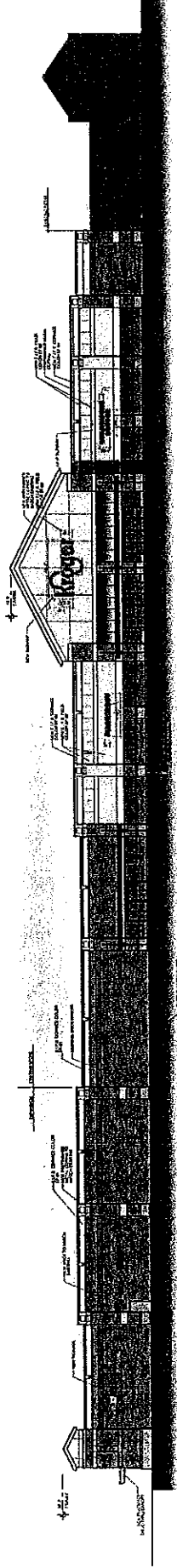
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FRONT ELEVATION - EAST



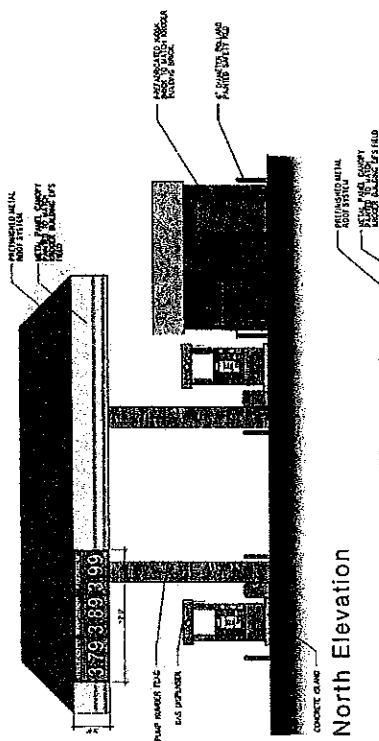
SIDE ELEVATION - SOUTH

Kroger A412, Oxford, OH



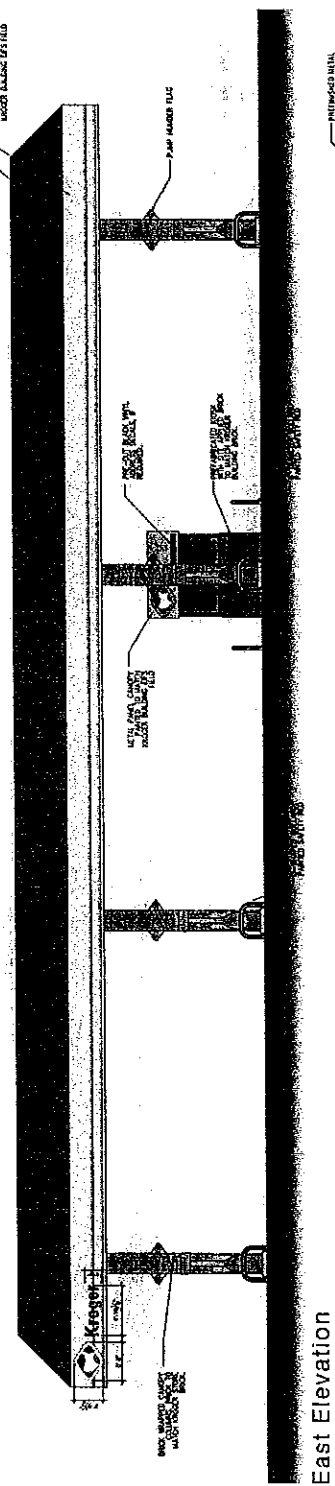
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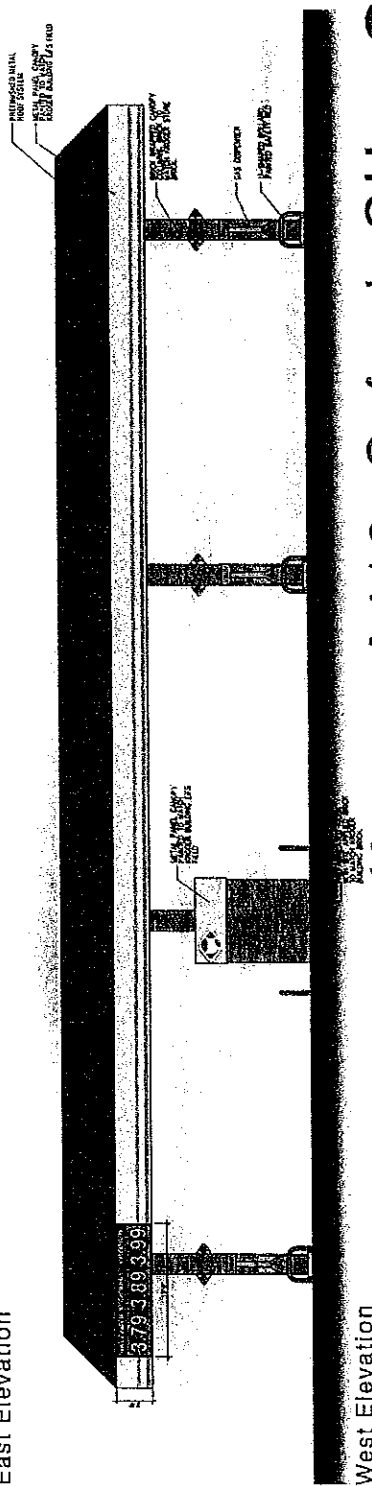


South Elevation

North Elevation



East Elevation



West Elevation

Kroger A412, Oxford, OH

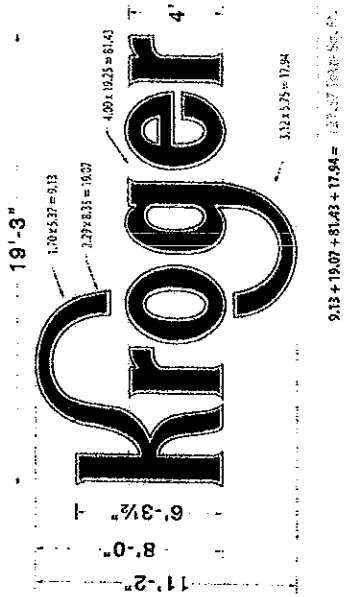
Fuel Center

06-25-08

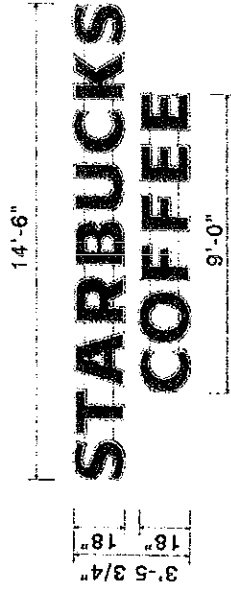
900508.05 Cole + Russell Architects

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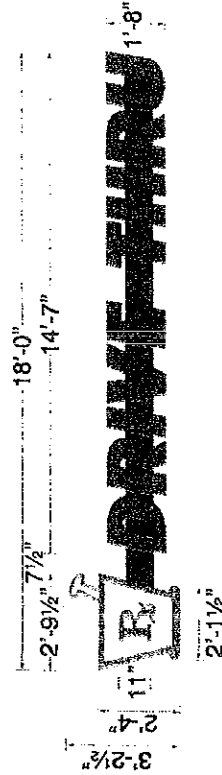
"Kroger" Sign
127.57 sf



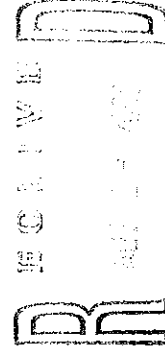
"Starbucks Coffee" Sign
39.57 sf



"Pharmacy" Sign
15.46 sf



"Rx Drive-Thru" Sign
33.25 sf



CITY OF OXFORD

Kroger A412, Oxford, OH

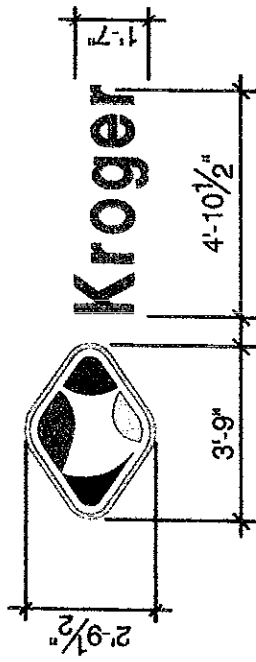


08-25-08

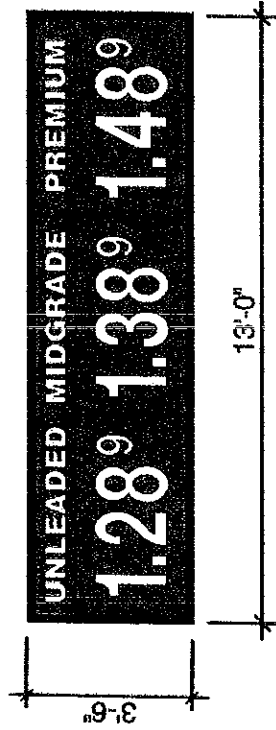
Signage Calculations - Kroger Store

900508.05

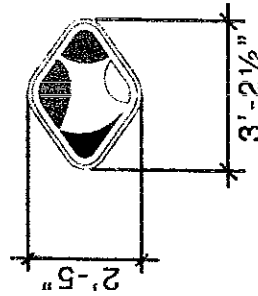
City of Oxford



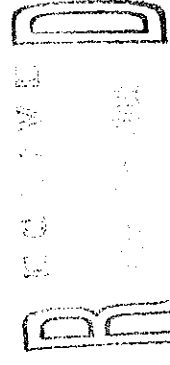
Fuel Logo with "Kroger"
Sign 13.75 sf
2 sets 27.5 sf total



Fuel Pricing Sign 45.5 sf
2 signs 91 sf total



Fuel Logo on kiosk
Sign 7.47 sf
2 signs 14.94 sf total



CITY OF OXFORD

ACCENT TOP

- 125 aluminum painted PMS 343 Hunter Green.

CABINET

- Fabricated .125 aluminum over angle frame painted PMS 7500.
- Reveal painted PMS 466 Tan.
- Internal high output fluorescent tube illum.

'KROGER' OVAL

- .177" embossed Lexan pan face painted second surface White, 535 Unique Red, PMS 286 Blue.

SKYLINE PRICE SIGN

- 10' x 2'-6" x 2'-6"
- Furnished by Kroger.

POLE SKIRT

- Fabricated .090 aluminum over angle frame painted PMS 7500.

FOUNDATION

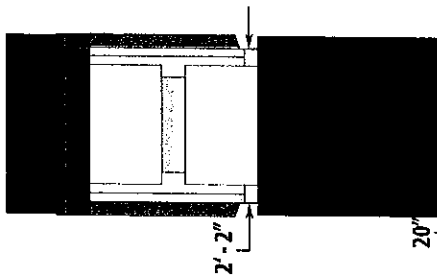
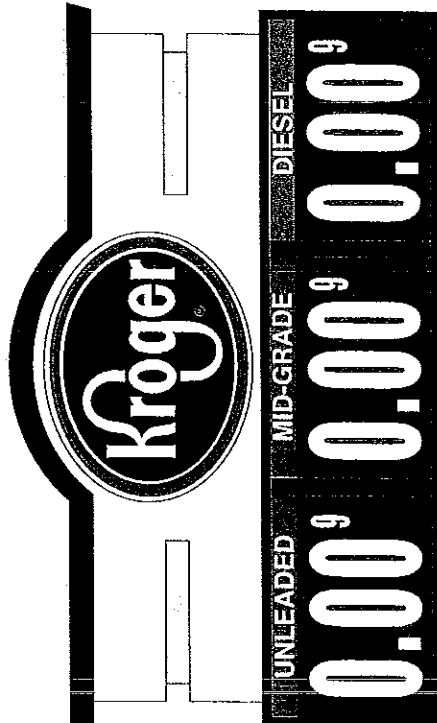
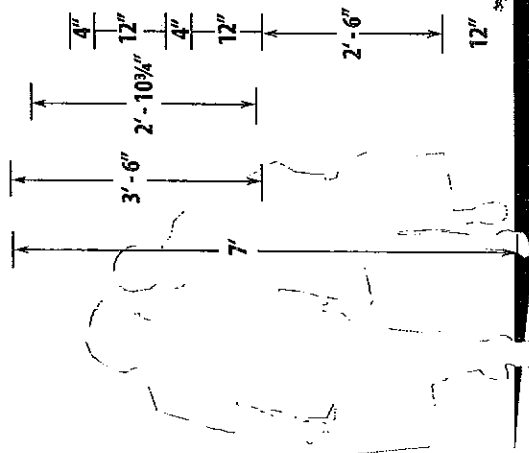
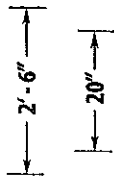
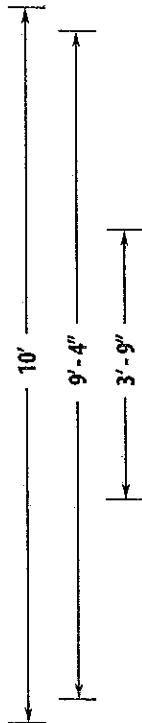
- Direct burial steel.
- 2' diameter x required depth per engineer's sealed drawing.

FINISHES

- MAP acrylic polyurethane enamel to match PMS specifications.

ADDITIONAL SPECIFICATIONS

- U.L. listed.
- Disconnect switches as required.



Victory
SignAssociates
Design & Planning

3160 East Kemper Road Suite B
Cincinnati, OH 45241 • 513.772.4500

*After zoning approval, manufacturing methods may be subject to change.

*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT: Kroger

LOG:

DATE: 6/23/08

SCALE: 3/8" = 1'-0"

BY: Brian Marco

REP: Vince Klusty

APPROVED BY:

LANDLORD

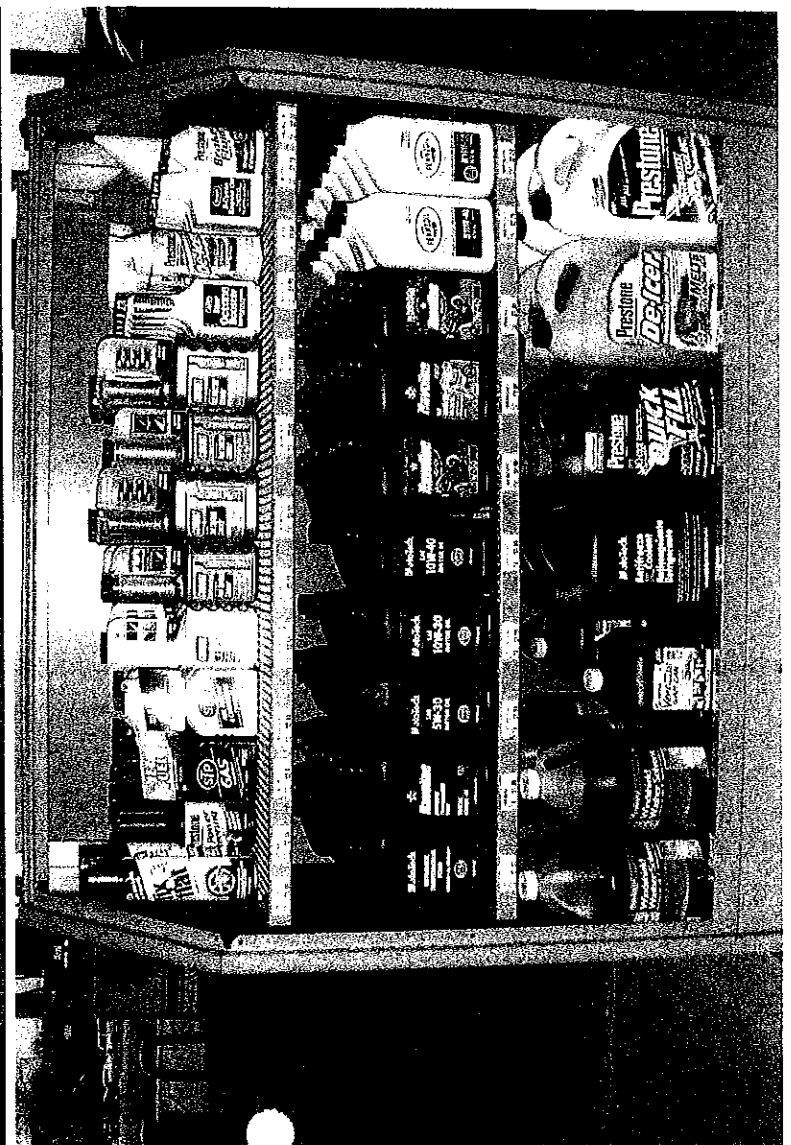
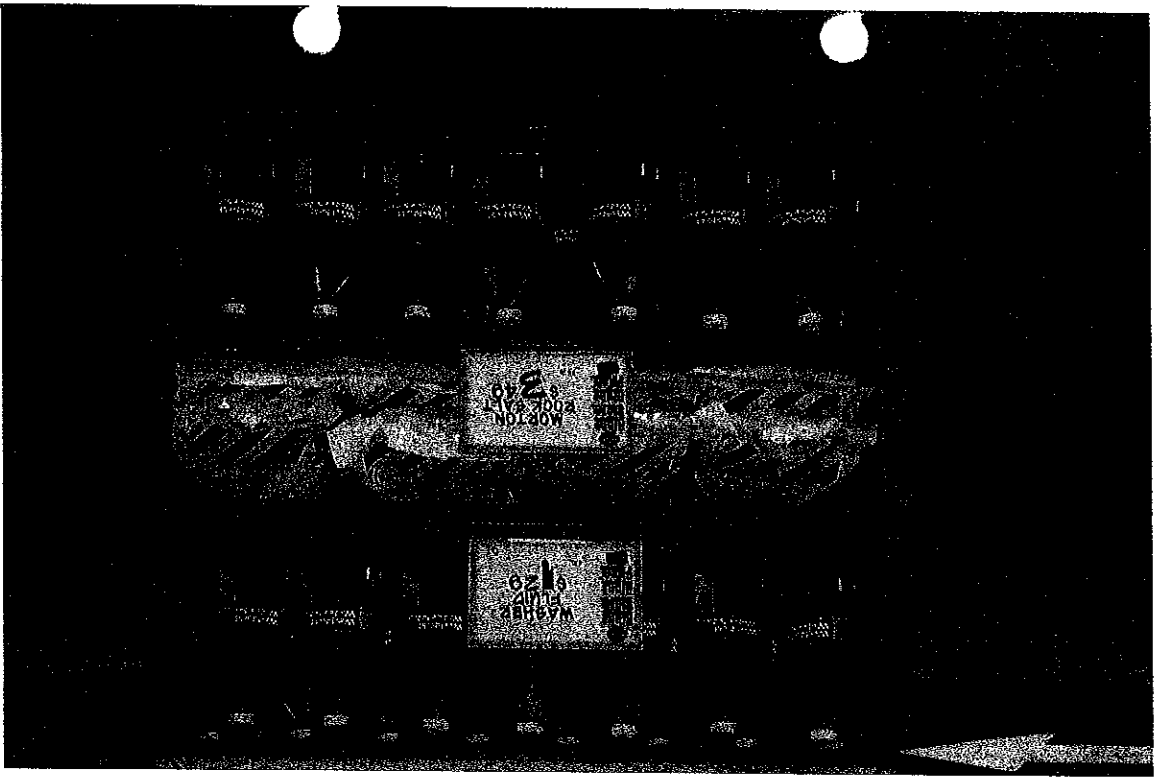
APPROVAL:

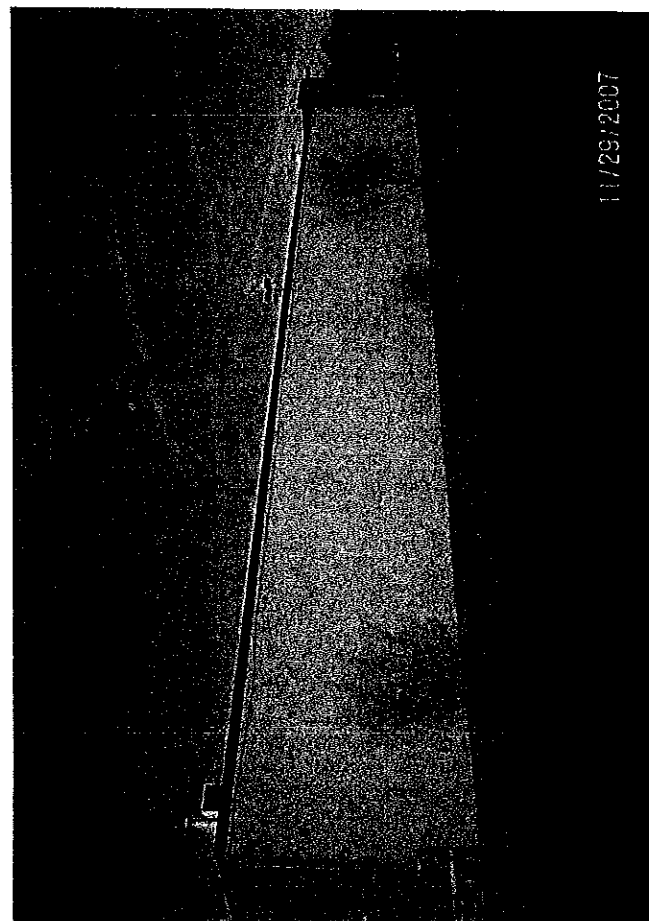
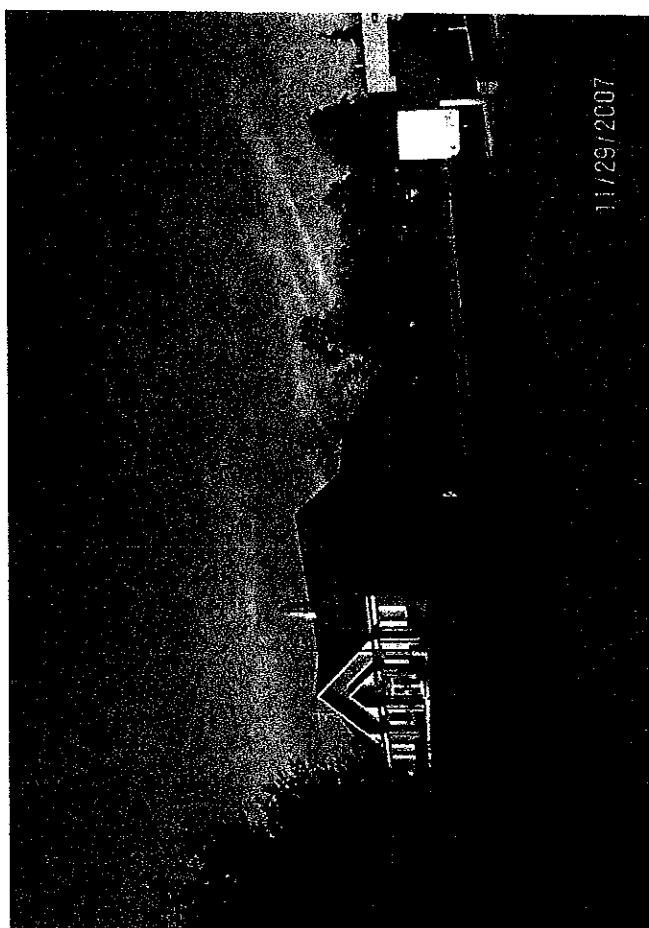
All designs and specifications are the sole copyrighted property of Victory Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be subject to prosecution.

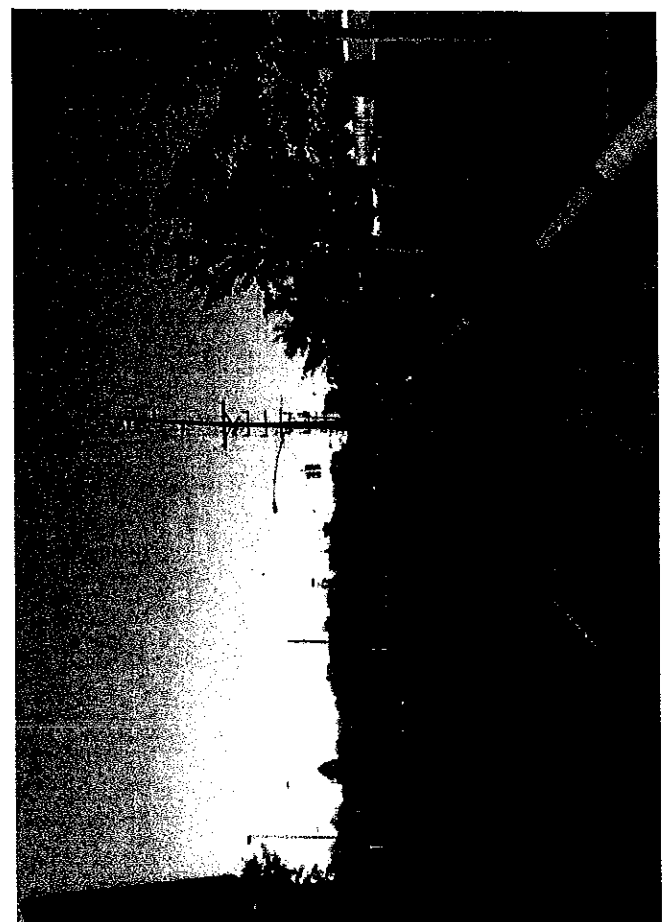
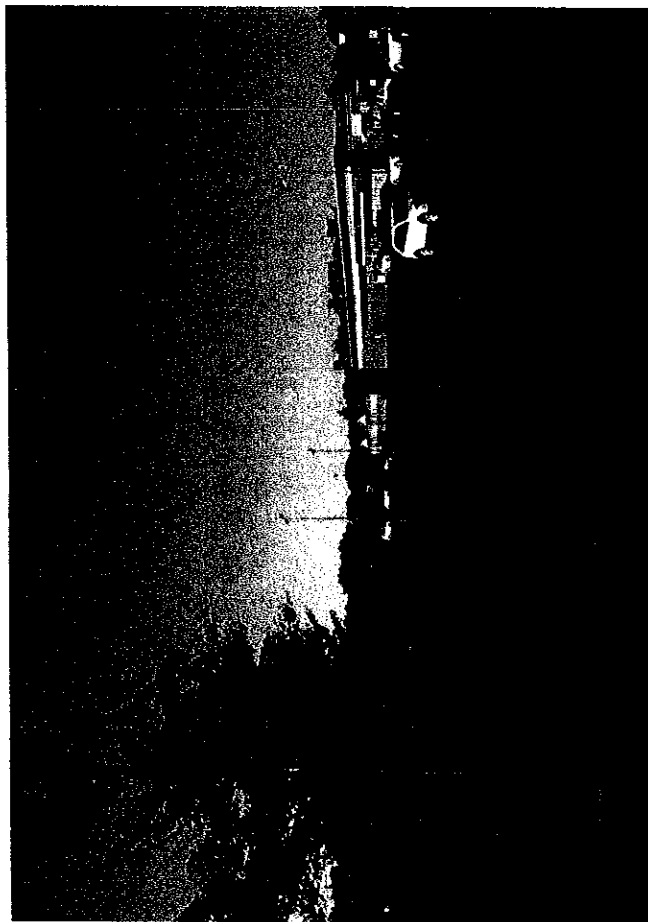
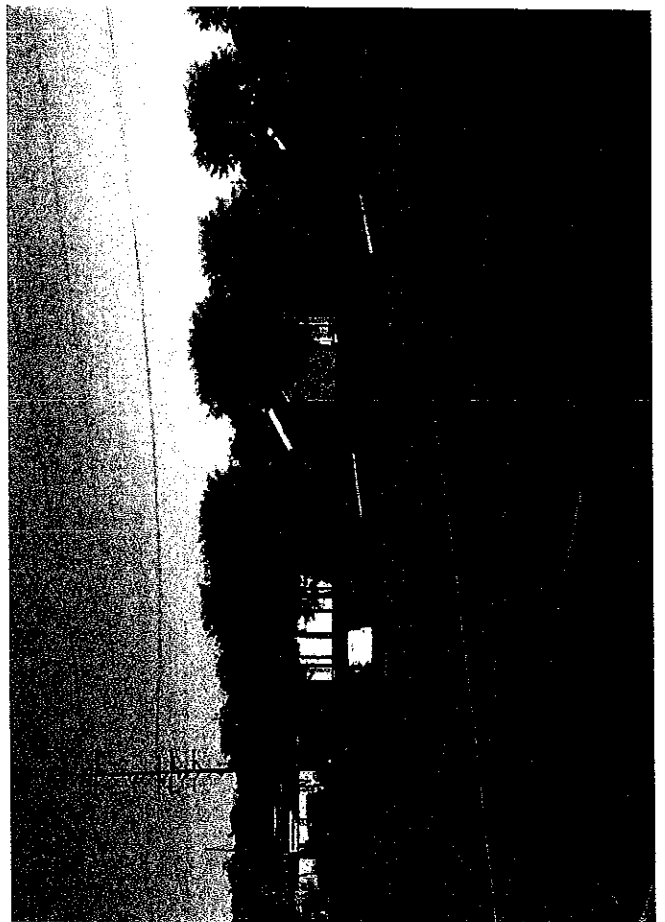
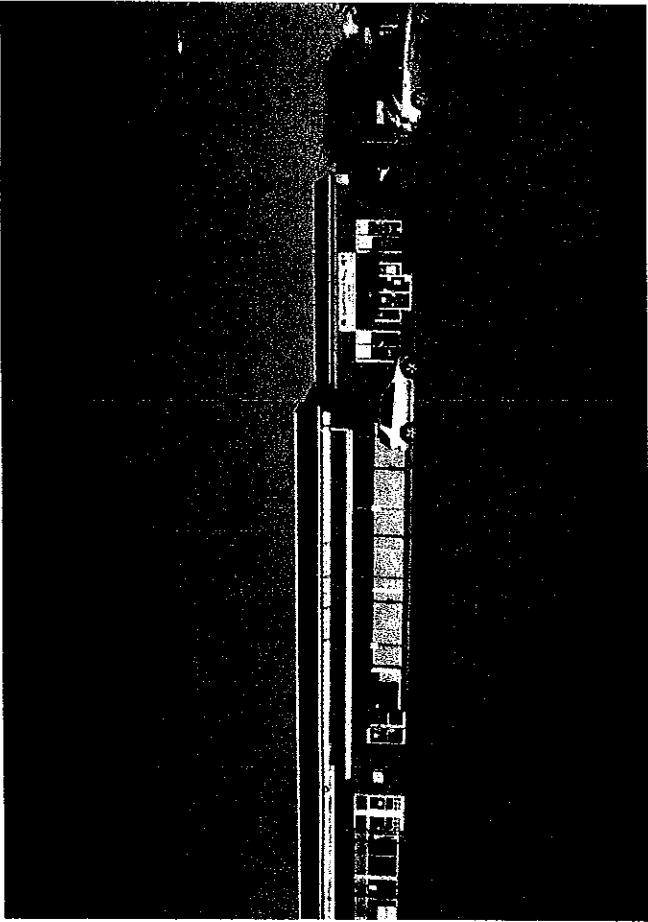
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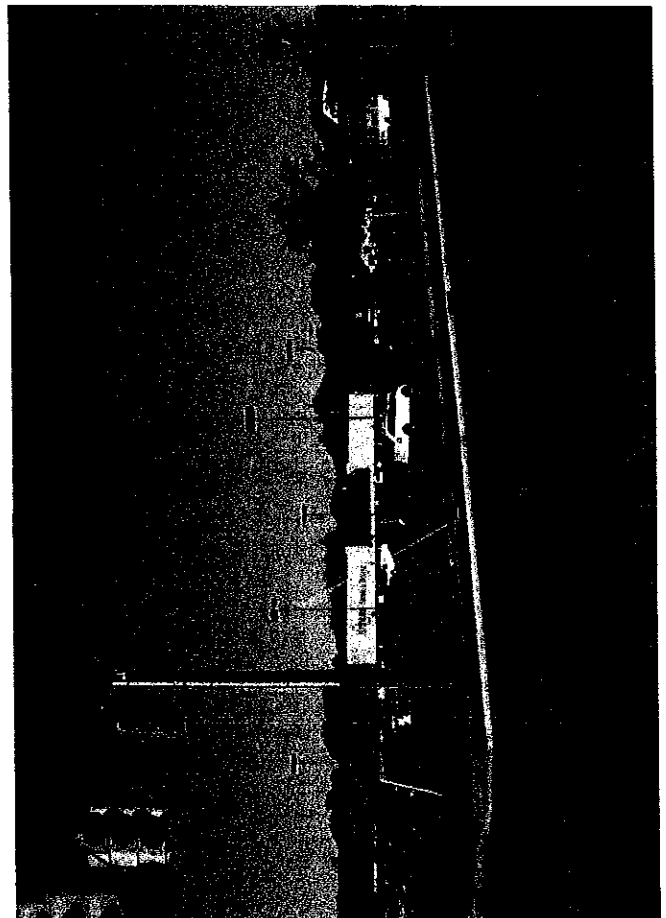
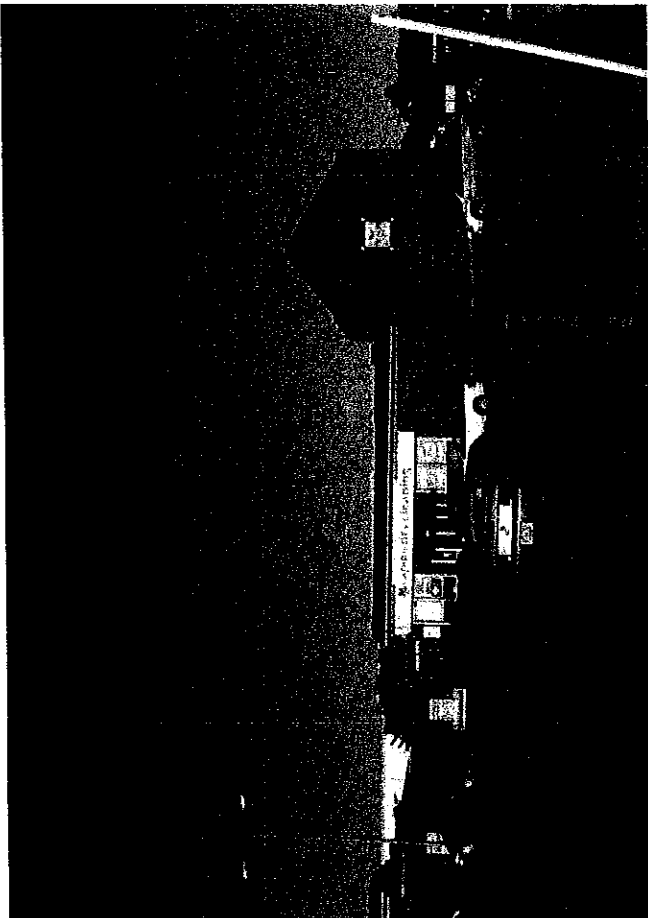
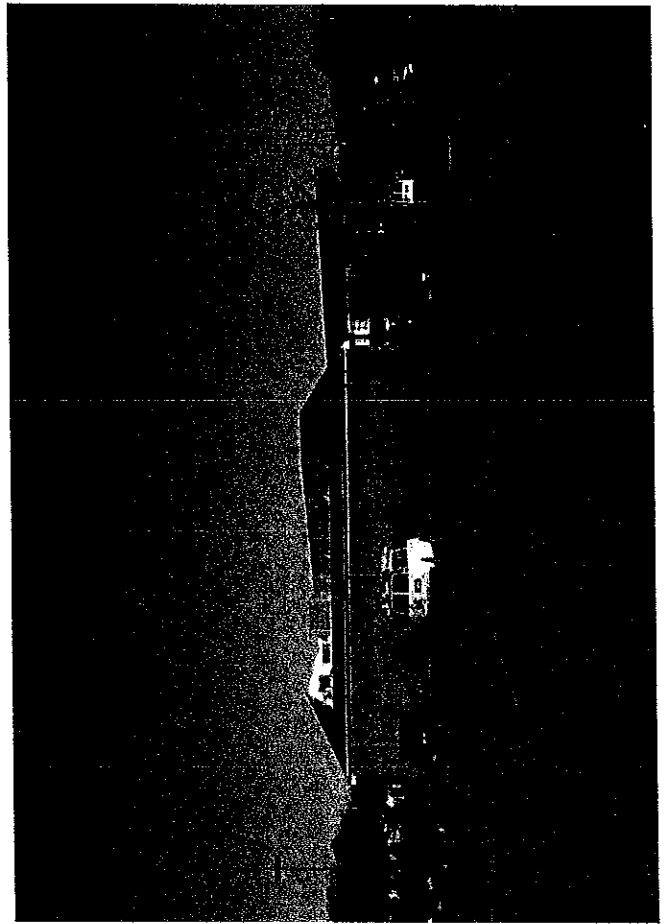
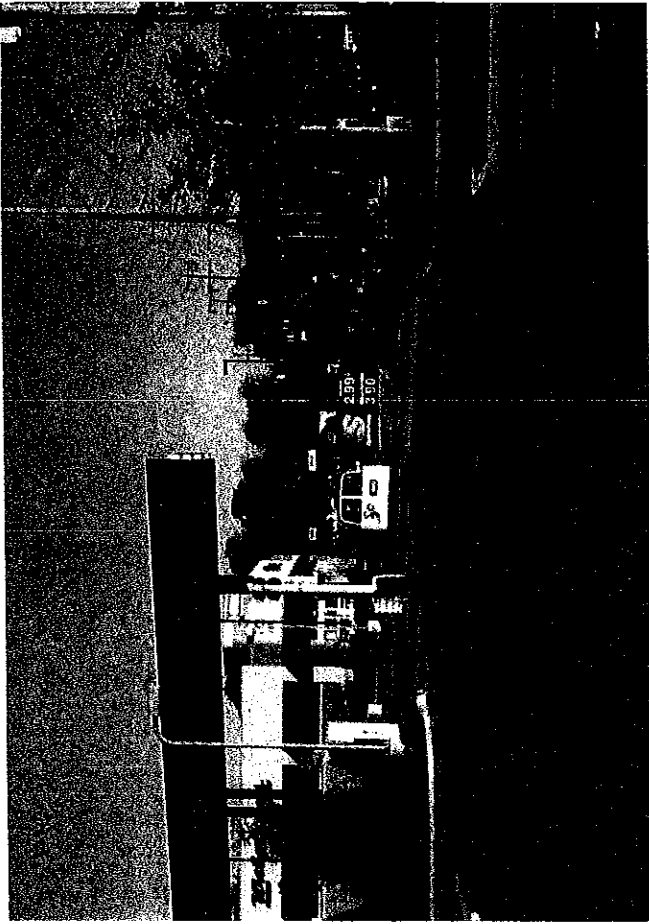
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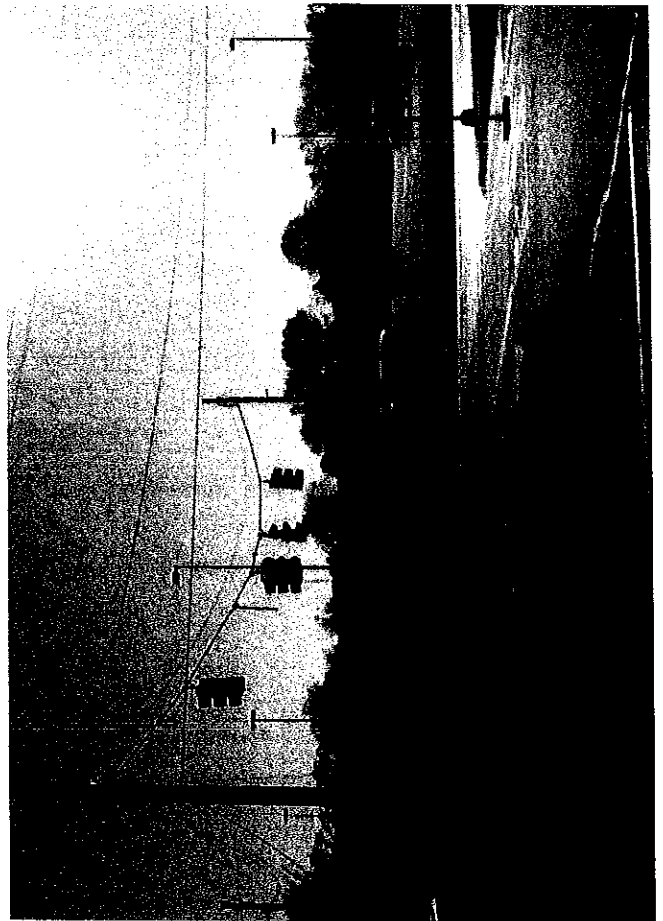
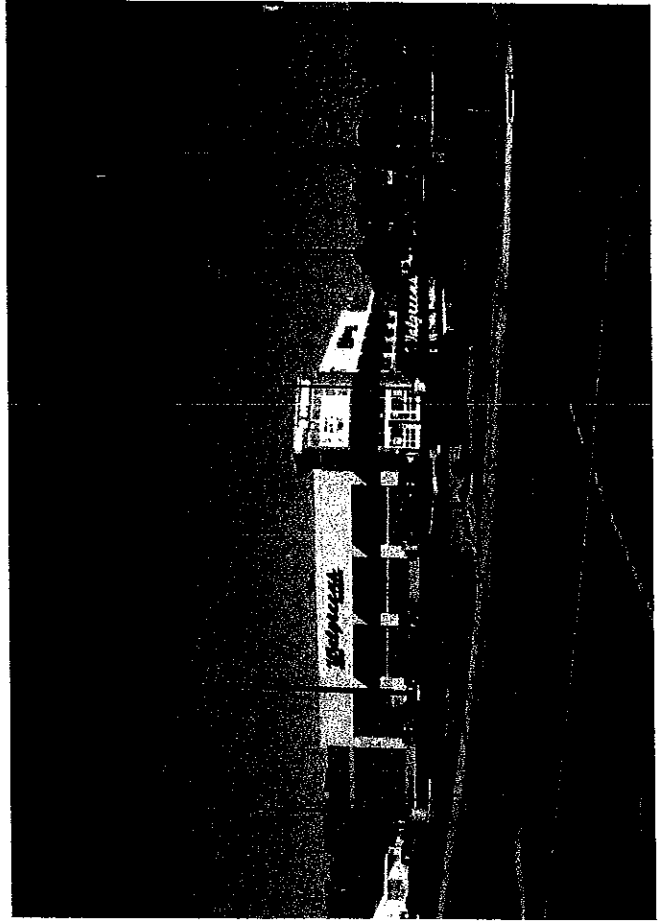
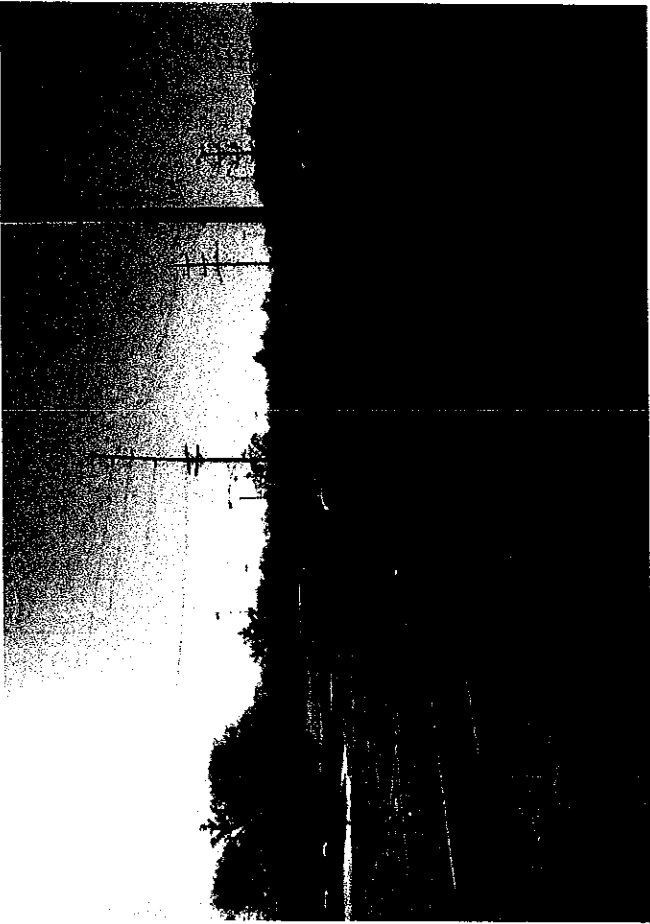
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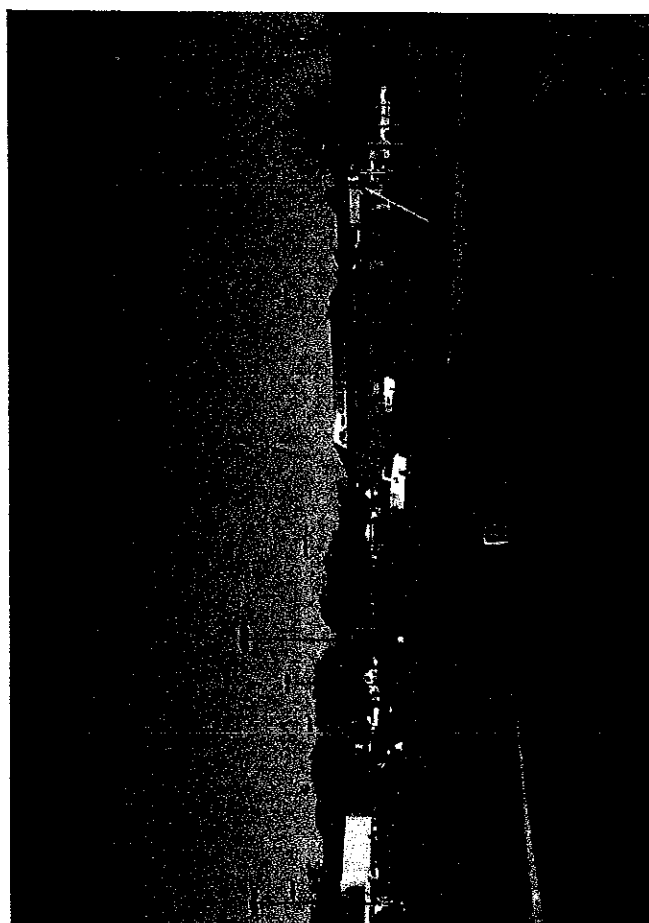
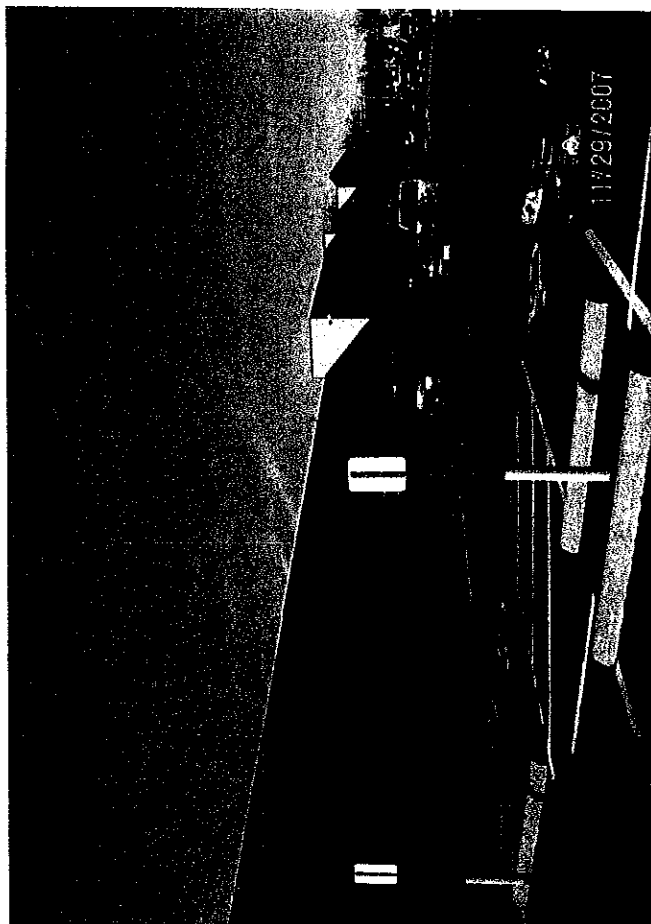












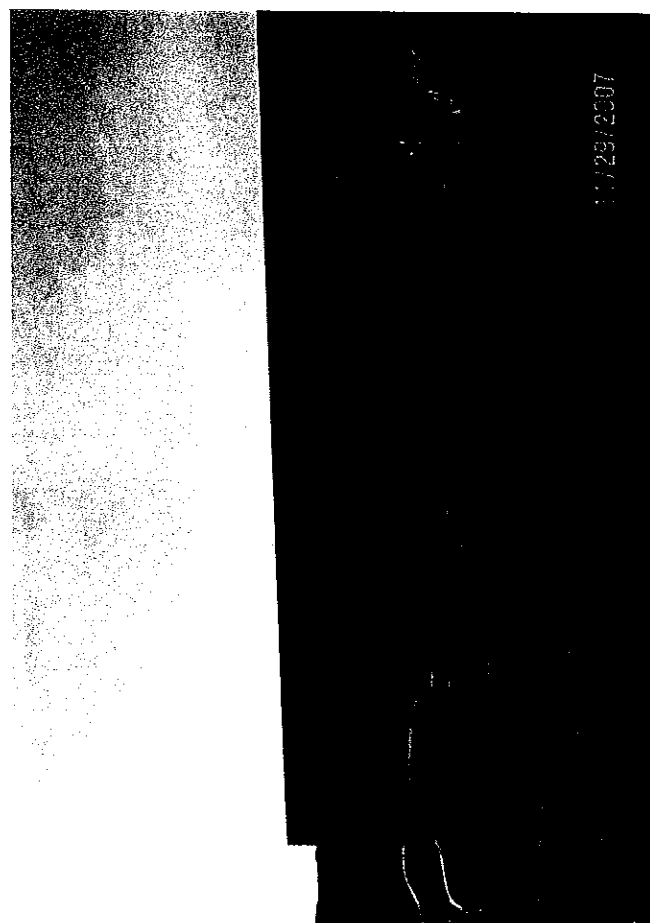
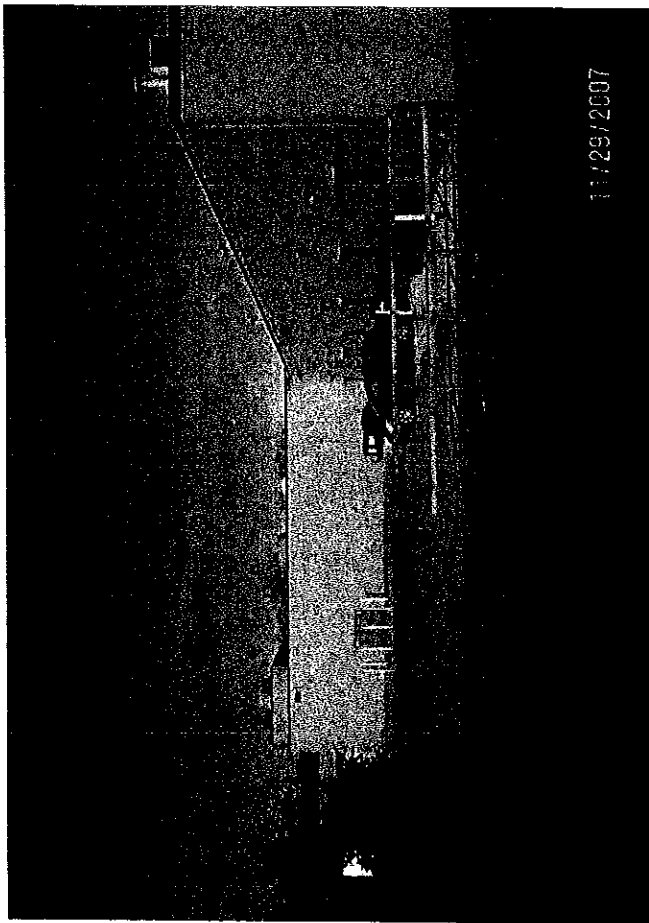


EXHIBIT "A"

Situated in Section 27, Town 5, Entire Range 1, being part of Lot 895 and part of Lot 1985 in the City of Oxford, Butler County, Ohio, and being more particularly described as follows: Beginning at an iron pin in the east line of McGuffey Avenue, said point being North 0° 53' 00" West, 429.85 feet from the intersection of the said east line of McGuffey Avenue and the north line of Wells Mills Drive; thence continuing along the said east line of McGuffey Avenue North 0° 53' 00" West, 355.32 feet; thence departing the said east line of McGuffey Avenue North 88° 54' 00" East, 200.00 feet; thence North 0° 53' 00" West, 237.00 feet to the south line of Fairfield Road; thence along the said south line of Fairfield Road North 88° 54' 00" East, 293.78 feet; thence South 64° 53' 00" East, 236.03 feet; thence departing the said south line of Fairfield Road South 0° 53' 00" East, 197.10 feet; thence North 88° 54' 00" East, 171.30 feet to a point in the old west line of Locust Street; thence along the said old west line of Locust Street South 0° 53' 00" East, 288.46 feet; thence departing the said old west line of Locust Street South 89° 04' 30" West, 438.89 feet; thence South 88° 24' 00" West, 438.37 feet to the point of beginning. The above described tract contains 9.350 acres of land. ✓

The above described tract is encumbered by a permanent 20 foot easement for street purposes recorded in Volume 986 at Page 299 and Volume 986 at Page 301 of the Deed Records of Butler County, Ohio, and is located adjacent to and west of the said old west right-of-way line of Locust Street and extends from the south property line to the north property line.

A survey of this property is recorded in Volume 35 at Page 36 of the Butler County, Ohio Engineer's Records of Land Survey.

Instrument	Book	Vol.	Page	Type
9800053288	OR	6245	1919	DEED

July 15, 2008

Description: Schottenstein Stores Corporation Tract
8.511 Acres

Situated in Section 27, Town 5, Entire Range 1, being part of Lot 895 and part of Lot 1985 in the City of Oxford, Butler County, Ohio and being more particularly described as follows:

Beginning at an iron pin in the east line of McGuffey Avenue, said point being North 0° 53' 00" West, 429.85 feet from the intersection of the said east line of McGuffey Avenue and the North line of Wells Mills Drive; thence continuing along the said east line of McGuffey Avenue North 0° 53' 00" West, 140.00 feet; thence departing the said east line of McGuffey Avenue North 88° 24' 00" East, 170.76 feet; thence North 01° 06' 00" West, 213.82 feet; thence North 88° 54' 00" East, 30.06 feet; thence North 0° 53' 00" West, 237.00 feet to the south line of Fairfield Road; thence along the said south line of Fairfield Road North 88° 54' 00" East, 293.78 feet; thence South 64° 53' 00" East, 236.03 feet; thence departing the said south line of Fairfield Road South 0° 53' 00" East, 197.10 feet; thence North 88° 54' 00" East, 171.30 feet to a point in the old west line of Locust Street; thence along the said old west line of Locust Street South 0° 53' 00" East, 288.46 feet; thence departing the said old west line of Locust Street South 89° 04' 30" West, 438.89 feet; thence South 88° 24' 00" West, 438.37 feet to the point of beginning.

The above described tract contains 8.511 Acres of land.

The above described tract is encumbered by a permanent 20 foot easement for street purposes recorded in Volume 986 at Page 299 and Volume 986 at Page 301, of the Official Records, Butler County, Ohio and is located adjacent to and west of the said old west right of way line of Locust Street and extends from the south property line to the north property line.

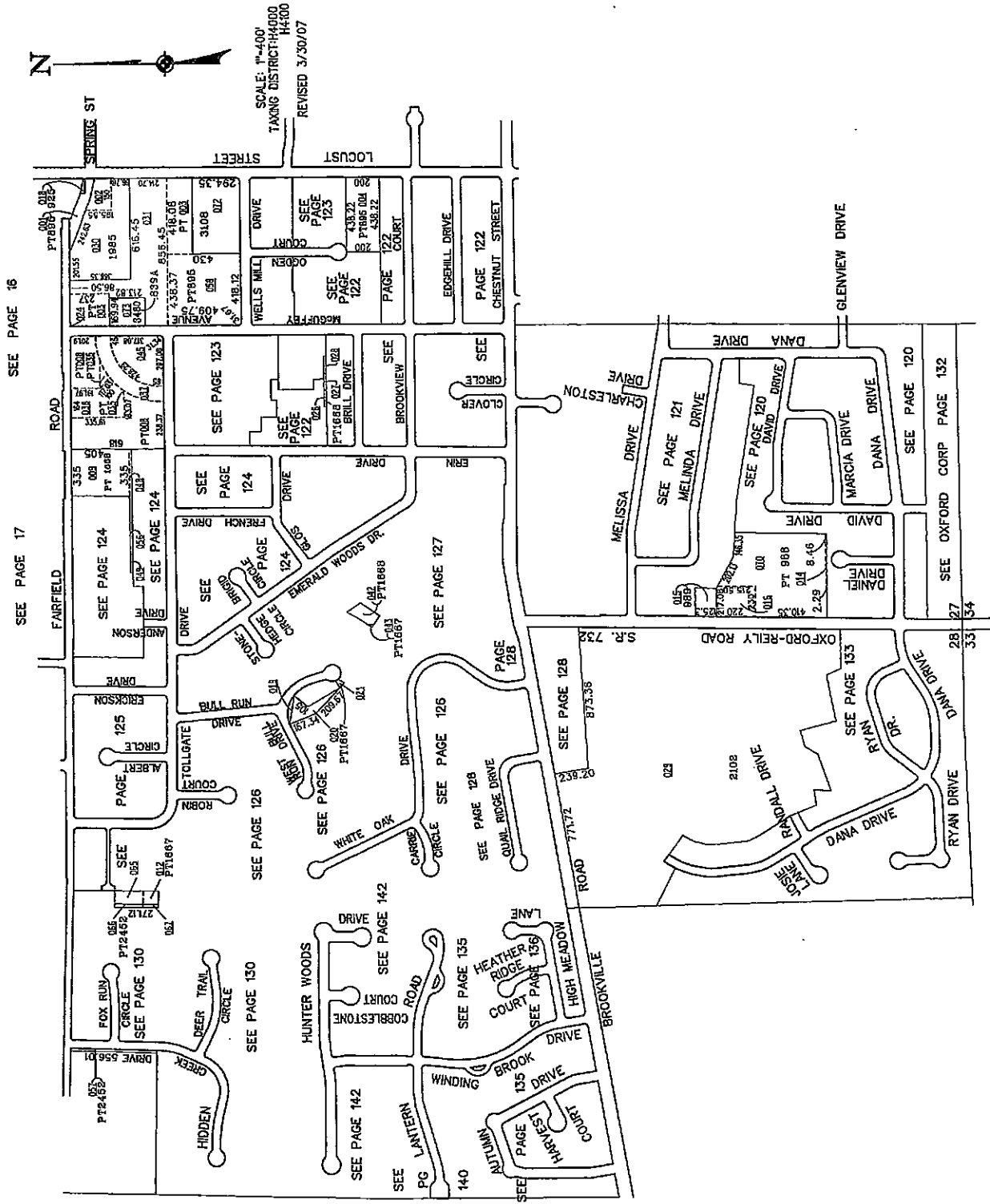
July 22, 2008

Description: New Lot 3724
0.5147 Acres

Situated in Section 27, Town 5, Entire Range 1, being part of Lot 895 in the City of Oxford, Butler County, Ohio and being more particularly described as follows:

Beginning at a set mag nail in the east line of McGuffey Avenue, said point being North 0° 53' 00" West, 454.85 feet from the intersection of the said east line of McGuffey Avenue and the North line of Wells Mills Drive; thence continuing along the said east line of McGuffey Avenue, North 0° 53' 00" West, 115.00 feet to an existing iron pin; thence departing the said east line of McGuffey Avenue, North 88° 24' 00" East, 170.76 feet to an existing iron pin; thence South 37° 42' 44" East, 48.80 feet; thence South 0° 53' 00" East, 75.56 feet to a set mag nail; thence South 88° 24' 00" West, 200.02 feet to the point of beginning.

The above described tract contains 0.5147 Acres of land and is subject to all easements and restrictions of record..



June 25, 2008



Jonathan Wocher
McBride Dale Clarion
5725 Dragon Way, Suite 220
Cincinnati, OH 45227

Re: Proposed Kroger Expansion – Tollgate Shopping Center
300 South Locust Street,
Oxford, OH

Dear Mr. Wocher:

This letter is to confirm that McBride Dale Clarion is authorized to represent Schottenstein Stores Corporation and Schottenstein Property Group to make application for necessary zoning permits and approvals for the above referenced Kroger store expansion and fuel center in Oxford, Ohio, subject to Schottenstein Stores Corporation and Schottenstein Property Group's prior written consent. The subject property is located at 300 South Locust Street in the Tollgate Shopping Center.

Should you have any questions, or require additional information, please feel free to contact me at 614-449-4298.

Sincerely,

A handwritten signature in black ink, appearing to be 'DEG'.

Dirk E. Greene
Director of Leasing

Case No.: PC-16-2008
Date Filed: 6/27/08

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: Jonathan Wocher, AICP
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: McBride Dale Clarion
5725 Dragon Way, Suite 220, Cincinnati, OH 45227
Telephone Number(s): (513) 561-6232 ext. 4
Location of Property: 300 South Locust Street
Legal Description: 1985 S 369.43 OF W 616.45
Zoning District: GB
Total Area: 7.996 Acres Square Feet (circle one)
Existing Use: Retail Tenant
Proposed Use: Pharmacy drive-thru and fuel center for Kroger store

SUBMISSION REQUIREMENTS

The required fee of **\$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

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

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

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

NOTE: Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.


Signature of Applicant

Jonathan Wocher

Printed Name

Date: 6-26-08

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: 8483

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 10/07/08

Account Code No. #: see below

Heidi Hill
Prepared By

Budgeted Amount: _____

10/02/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #4 - revised

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

General Fund

Community Assistance

Township – Knolls Estate Tax 55,304.00

Additional appropriation needed to pay Oxford Township for Estate tax the City of Oxford received for a resident of the Knolls of Oxford.

Advance to CDBG Fund 59,370.00

A temporary advance is needed to the CDBG Fund in order to complete the Sidewalk Improvements project. Current advanced CDBG money is tied up with the ROW acquisition settlements. Since the ROW acquisitions have not been settled, the money cannot be requested from the County. Once they are settled and paid, we can request the funds back from the County as well as the money spent on the Sidewalk Improvements.

Due to the wind storm of September 14th, the following additional appropriations are needed by fund for the unexpected extensive fuel that was used:

General

From fund balance 7,465.00

Transfer to Internal Service Fund 10,657.00

Advance to cover the Township portion of fuel purchases 15,910.00

Street

From fund balance 4,365.00

Transfer to Internal Service Fund 5,096.00

Parking

From fund balance 210.00

Transfer to Internal Service Fund 381.00

Water

From fund balance 6,585.00

Transfer to Internal Service Fund 3,180.00

Sewer

From fund balance 4,485.00

Transfer to Internal Service Fund 2,572.00

Refuse

From fund balance

Transfer to Internal Service Fund 74.00

Internal Service Fund

From expense accounts 60,980.00

The following additional appropriations are needed by fund or the unexpected cost of overtime, materials, and Contracted services:

General

From fund balance 46,000.00

Street Fund

From General fund transfer 41,900.00

Water

From fund balance 6,500.00

Sewer

From fund balance 6,300.00

Approved By:

Department Head:
At. City Manager:

Initial Date

1/10/2
1/10/3/08

Section No. 1: That the following additional increase/(decrease) in appropriations from unencumbered balances be made:

	Operating	Fuel	Transfer Advance	Operating	Storm Transfer
Fund 110 General	80,032			4,100	41,900
Fund 122 Street Maintenance	9,461				
Fund 130 Parking	591				
Fund 321 Water	16,265			6,500	
Fund 331 Sewer	13,357			6,300	
Fund 341 Refuse	74				

Section No. 2: That the following transfers be executed:

Transfer from:	
Fund 110 General	52,557
Fund 122 Street Maintenance	5,096
Fund 130 Parking	381
Fund 321 Water	3,180
Fund 331 Sewer	2,572
Fund 341 Refuse	74

Transfer to:

Fund 370 Internal Service	21,960
Fund 122 Street Maintenance	41,900

Section No. 3: That the following advance be executed:

Advance from:	
Fund 110 General	15,910
Advance to:	
Fund 370 Internal Service	15,910

Section No. 4: That the following additional increase/(decrease) in estimated revenues be made:

Fund 370 Internal Service	60,980
Fund 122 Street Maintenance	41,900

Section No. 5: That the following additional increase/(decrease) in appropriations from unencumbered balances be made:

Fund 370 Internal Service	60,980
Fund 122 Street Maintenance	41,900

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 4 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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

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

SECTION 2: The following additional appropriations are hereby made:

GENERAL FUND	194,706.00
From fund balance and additional revenue	
STREET FUND	51,361.00
From fund balance and additional revenue	
PARKING FUND	591.00
From fund balance	
WATER FUND	16,265.00
From fund balance	
SEWER FUND	13,357.00
From fund balance	
REFUSE FUND	74.00
From fund balance	
INTERNAL SERVICE FUND	60,980.00
From additional revenue	

SECTION 3: In all other respects, Ordinance No. 2990 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 17, 2008
Date Prepared

Agenda Title: PC-15-2008 Preliminary Subdivision-Proposed Residential Subdivision of 6.25 Acres of Land into 20 home sites in a R1B Single-Family Medium Residential District, Scott Webb, Architect, Applicant

Recommendation: Approval

Discussion:

This is a preliminary subdivision request to divide 6.25 acres of land into 20 home sites in a R1B Single-Family Medium Residential District. The site is located on the east side of the north-south segment of Hester Road.

A Preliminary Subdivision review is a process that evaluates a proposed subdivision based on City regulations, specifically, the division of parcels and utility service to the proposed divided lots. The review also focuses on whether there will be sufficient municipal services to support the development and whether the development will meet city standards.

On August 12, 2008, the Planning Commission held a public hearing where it was determined that adjoining property owner notifications had not been thorough enough. At that time a Continuance was approved, the Planning Commission requested staff re-advertise the public hearing and re-send adjacent property owner notices. The Commission summarized the concerns from the public and advised the Applicant to address those concerns in a revised plan.

On September 9, 2008, the Planning Commission held a continued public hearing. Based on the subdivision regulations standards, Commission voted 4-3-0 to recommend approval of the requested preliminary subdivision to City Council, subject to the following conditions.

- (1) Engineering comments regarding the sanitary and storm sewer must be addressed prior to submitting the final subdivision.
- (2) The ownership determination of a strip of land, located on the south side of the first cul-de-sac must be determined. The City will not be the owner of that strip of land.
- (3) A Homeowners Association needs to be formed to own and maintain those potential detention areas.
- (4) Potential soil contamination issues must be addressed and satisfactory to appropriate public agencies.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	9/17/08
	City Manager:		

ORDINANCE NO.

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF A HESTER ROAD RESIDENTIAL SUBDIVISION.

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

SECTION 1: Council finds that the Planning Commission held a public hearing on August 12, 2008 the purpose of which was to accept public comment on the proposed Hester Road Preliminary Subdivision Application. Council further finds that the Planning Commission after accepting public comment at the public hearing did continue the matter until September 9, 2008 to allow for additional adjoining property owner notification and for the applicant to amend the application based on concerns from the public.

SECTION 2: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and applicant's application and all documents filed by applicant and incorporates the same herein and hereby approves the amended application of the applicant for the preliminary Hester Road Subdivision, subject to the following conditions:

- a. Engineering comments regarding the sanitary and storm sewer must be addressed prior to submitting the final Subdivision Application.
- b. The ownership determination of a strip of land located on the south side of the first cul-de-sac must be determined. The City will not be the owner of that strip of land.
- c. A Homeowners Association needs to be formed to own and maintain those potential detention areas.
- d. Potential soil contamination issues must be addressed and satisfactory to appropriate public agencies.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	September 9, 2008
<u>Case Number</u>	PC-15-2008
<u>Applicant Information</u>	Scott Webb, Applicant, Agent
<u>Requested Action</u>	Preliminary Subdivision
<u>Summary of Request</u>	To allow for a proposed residential subdivision in a R1B District, 6.25 acres, 20 lots
<u>Public Hearing Information</u>	On August 12, 2008 and September 9, 2008, public hearings were held at 118 West High Street. Legal notices of the hearings were published in the Oxford Press on July 11, 2008 and August 8, 2008.
<u>Commission Action</u>	The Planning Commission voted 4-3-0 to recommend City Council approval.
<u>Commission Findings and Conclusions</u>	At the August 12, 2008 meeting, a Continuance was approved for this case after hearing concerns expressed by the public. On September 9, 2008, after lengthy discussions, the Planning Commission approved this case 4-3-0 with conditions.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated August 26, 2008 2. Interoffice Review Transmittal Sheets 3. Correspondence (emails & letter) between staff and the Applicant 4. Revised site plan dated August 26, 2008 5. Letter of Agency 6. Preliminary Subdivision application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-15-2008

Date – August 12, 2008
September 9, 2008

APPLICATION

Applicant: Scott Webb, Architect
Location: Hester Road
Owner: Michael Dickman

Action Request: Preliminary Subdivision- Proposed Residential Subdivision of 6.25 Acres of Land into 20 Home Lots
Current Use: Single Family Residence
Current Zoning: R1-B
Surrounding Existing Land Uses: Single-Family/Multi-Family

GENERAL DESCRIPTION

The Applicant seeks approval of the Preliminary Subdivision to divide an approximately 6.25 acre tract of land into 20 single-family residential lots in a R1-B (Medium Density Single Family Residential) District. The site is located on the east side of the north-south segment of Hester Road.

During the August meeting, Planning Commission heard many concerns from neighbors concerning this preliminary subdivision and requested the Applicant to address the following issues:

- 1. Two separate cul-de-sac and potential connectivity of the cul-de-sac (ingress-egress.)*
- 2. Discrepancy in sidewalk.*
- 3. Discrepancy in Engineering report vs. Applicant presentation.*
- 4. Traffic calming, if applicable.*
- 5. Storm Water run-off/controls.*
- 6. Utility connection.*
- 7. Open space/common space for residents.*
- 8. Environment assessment of dump site/abandoned vehicles.*

The Applicant submitted a revised site plan to reflect some of the desires as expressed by the Planning Commission. The Applicant has also provided his reasoning to address all the concerns raised by the Commission either reflecting on the site plan or in his verbal response.

SURROUNDING NEIGHBORHOOD

The surrounding neighborhood of the subject site consists of single family, along with a planned development multi-family retirement community. Directly to the south and north of subject property is an established residential neighborhood. To the east of the subject site is the Northridge Subdivision. Immediately west of the property is a planned development retirement community.

COMPREHENSIVE PLAN

Land Use Element of the Comprehensive Plan: **US 27 North Subarea**

A. Concerns

The City's major employment base outside Miami University is located on US 27 North in the City's northwest quadrant. This corridor is also one of the City's major industrial and commercial areas, with a host of auto-oriented businesses. In addition, the corridor contains Oxford's major mobile home community as well as a host of other residential uses. The corridor is important from several perspectives. It is vitally important to the City's long-term economic growth and should provide Oxford with the ability to attract additional manufacturing and light industrial facilities similar to Square D. A large amount of vacant industrial-zoned land is located in the corridor.

Commercial uses are expected to continue in the corridor as well, given the current land use pattern. Of concern, however, is the aesthetic impact of such a development if stronger development standards are not enacted including the potential impact on traffic flow resulting from additional curb cuts. US 27 North is not conducive to a residential neighborhood along the road frontage in its current form, despite the amount of housing in the corridor. If housing is to continue, particularly on the north side of US 27, then improvements should be instituted to support existing and new development. These might include additional active parkland to serve individual neighborhoods, sidewalks and pedestrian connections along US 27 and enhancements to US 27 that slow traffic.

B. Strategies

1. Continuing to promote US 27 North for light industrial, light manufacturing, research and development, office and flex-office space.
2. Maintaining and enhancing rail access.
3. Encouraging truck traffic to bypass Uptown.
4. Discouraging additional residential development adjacent to industrial sites, but rather buffer with office, flex-office, light commercial uses, or parkland.
5. Directing single-family residential to the north/east of US 27.
6. Discouraging single-family residential to the south/west of US 27.
7. Enhancing US 27 with sidewalks, curbing and gutters and street trees.
8. Consolidating signage.
9. Including roadway enhancements to slow traffic flow along US 27 North, such as additional traffic control devices and enhanced enforcement.

SUBDIVISION REGULATIONS

1101.04(a) DATA REQUIRED UPON PRELIMINARY PLANS, FINAL PLATS AND ENGINEERING DRAWINGS.

(a) Preliminary Plan. Whenever any person desires to subdivide land into lots, ten copies of the preliminary sketch plan are submitted to the Planning Commission before submission of the final plan. Plats containing less than three lots are exempted from the provisions of this section. The preliminary plan shall show:

- (1) Vicinity sketch showing general location in the City.
- (2) The location of present property and section lines, streets, buildings, lakes, watercourses.
- (3) Size and tract in square feet and acres and boundary lines.
- (4) Any existing water mains, culverts, sewer lines and streets within the tract or immediate adjacent thereto. The location and size of the nearest water main and sewer line are to be indicated in a general way upon the plat.
- (5) The proposed location and width of streets, alleys, lots, buildings and setback lines and easements.
- (6) The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.

- (7) The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
- (8) North point, scale and date.
- (9) Contours with intervals of five feet or less referred to U.S.G. S. datum and obtained from a field survey.
- (10) Name and seal of the Registered Engineer who prepared the plan.
- (11) The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.

AGENCY COMMENTS

Requests for Agency Review were sent to the Police, Engineering and Fire Departments. The returned comments are attached for your consideration.

Police Department:	Attached
Engineering:	Attached
Fire:	No Comments

The revised site plan, Dated August 26, 2008 was also forwarded to City's agencies for further comments. Copies of their comments are attached for your information.

PUBLIC COMMENT FORMS

Numerous citizens have submitted comments for consideration. Copies of those comments are attached for the Planning Commission's review.

As directed by the Commission, a legal notice was published again on Oxford Pres, 8/15/08. Additionally, staff verified the property owner list provided by the Applicant and mailed out the meeting notice along with blank comment forms.

STAFF ANALYSIS

This is a preliminary subdivision request to subdivide 6.25 acre of land into 20 single-family residential lots. Subdivision is an administrative review to evaluate the proposed subdivision based on the City's regulations, specifically, the division of parcels, and utility service to the proposed divided lots. The issue centered around any proposed subdivision is whether there would be sufficient municipal services to support the development and whether the development will meet the minimum standards stipulated in the City's regulations.

It appears that all the proposed lots have met or exceeded the minimum dimensional standards of the R1B Medium Density Single Family Residential District. However, several issues staff identified are outlined below for the Planning Commission to consider and request the Applicant provide further clarification.

1101.04(a)(11) The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.

Staff analysis: The application does not provide any storm sewer information as required per Section 1101.04(a)(11). There is a similar comment raised by the Engineering office. It is important to understand how the storm sewer issue would be addressed during the preliminary review phase to allow the Service Department to gauge the adequateness of the system in handling the development without causing any undue burden to adjoining properties.

Comments to the Revision: The revised submittal identifies three (3) retention areas. It appears that the Engineering office still has some concerns over the capacity and handling of future storm sewer when the development is in place. Additionally, the Engineering office is still unclear about how the sanitary sewer would be handled for this project.

1101.05(d)(5) Where necessary, easements of at least ten feet in width shall be provided on each side of all rear lot lines and along side lot lines for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains; easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. The total minimum width of all other utility easements shall be twenty feet.

Staff Analysis: The application does not provide any information pertaining to the easement on the submittal that would be set aside to comply with the above mentioned provision.

The application does not provide any detailed sidewalk improvement along Hester Road. Staff suggests it would be important to require the sidewalk improvements along Hester Road. However, it is unclear from the Engineer's report how the R-O-W would be addressed along this development project. Two residential structures on this lot need to be razed prior to the commencement of any improvements. The Planning Commission may need to ask for detailed information from the Applicant about the timetable of demolishing these structures.

One issue, a variance consideration, needs addressed separately by the Board of Zoning Appeals for the residential structure located on the southeast corner of Hester Road and the new proposed cul-de-sac street on the southern portion of this development. Since the development of this new cul-de-sac street, the required setback of this existing structure would need to be at least 30 feet along the new street, as this lot has become a corner lot.

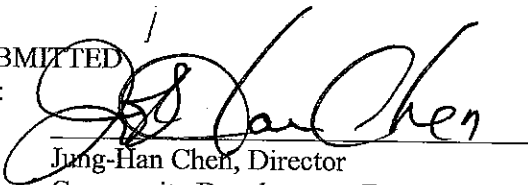
The revised site plan illustrates a strip of land was created adjacent to the existing house. It is unclear whether this strip of land is a separate lot or part of lot where the existing house is located. The issue will need to be clarified.

Attached is the letter provided by the Applicant in response to the Commission's concerns for your information.

RECOMMENDATION

Not Applicable

SUBMITTED
BY:


Jung-Han Chen, Director
Community Development Department

DATE: August 26, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/27/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2008

Description:

PC-15-2008 **PRELIMINARY SUBDIVISION**, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, **Scott Webb, Applicant, Agent (Continuation)**

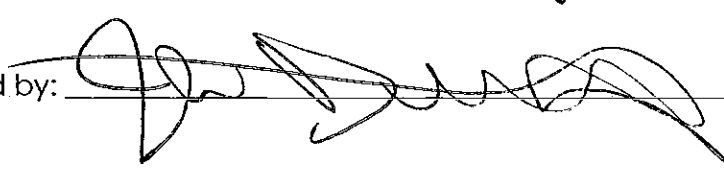
☒ X Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **9/3/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

A loop would be better for fire response, allowing for a water supply to be brought from 2 directions.

Drawings reviewed by: 

A loop would be better for fire response, allowing for a water supply to be brought from two directions.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 8/27/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2008

Description:

PC-15-2008 **PRELIMINARY SUBDIVISION**, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, **Scott Webb, Applicant, Agent (Continuation)**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

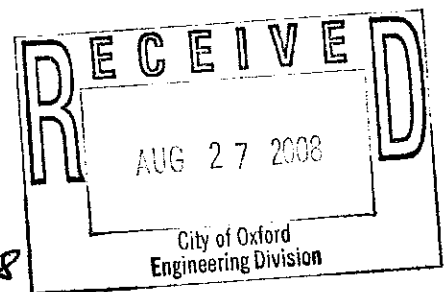
Please return no later than: **9/3/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

SEE MEMO DATED 8-27-08

Drawings reviewed by: _____

A. Popescu *8-27-08*





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Preliminary Subdivision Plan – Habitat for Humanity

DATE: August 27, 2008

The following are our comments on the “Preliminary Subdivision Plan – Habitat for Humanity”, dated January 7, 2008 and revised August 26, 2008.

- The revised submittal was sent as an attachment to an e-mail. It is suggested that this practice be discontinued and that submittals be on 24” x 36” plan sheets to a minimum scale of 1” = 20’.
- As per Section 1101.04 (10) of the Planning and Zoning Code, the “Name and seal of the registered engineer who prepared the plan” must appear on the preliminary plan submittal. This submittal was from a “registered architect.”
- Based on the latest submittal and a site visit, the Engineering Division has concerns with the sanitary and storm sewer systems which will be constructed within the proposed development. Our concerns are as follows:
 - There are areas within the development where the elevation is in excess of 20 linear feet below the Hester Road elevation. The sanitary sewer, located in the Hester Road roadway, has depths of 10.23 linear feet and 5.45 linear feet respectively in the two (2) manholes closest to the proposed development. How will the sanitary sewer issues be addressed? Please note, that due to maintenance costs, the City of Oxford does not encourage the installation of a lift station.

- Within the utility easement, shown on the submittal, there is a 24" storm sewer. There are two (2) inlets, as part of this storm sewer system, that collect surface water from within the boundaries of the proposed development, as well as a catch basin that captures water from the Hester Road roadway. At the outlet end, the storm sewer is well over 20 linear feet below the elevation of the Hester Road roadway. Needless to say, once the proposed development is in place, any alteration to the subject storm sewer may direct an increased volume of storm water toward the Northridge subdivision.
- The latest submittal indicated three (3) retention areas. The proposed retention areas could become an attractive nuisance to children. How will these areas be protected?
- The proposed subdivision would consist of two (2) cul-de-sacs. In case of an event, at one of the lots located at the entrance into one of the cul-de-sacs that would prohibit access to the cul-de-sac, how would an emergency vehicle gain access to the cul-de-sac? The Engineering Division recommends connectivity between the proposed streets, thus eliminating the cul-de-sacs, and assuring emergency vehicles access at all times. Please note that this is the same comment that was made in our previous review.

All utility work within the proposed development must be in accordance with the latest "City of Oxford Water and Sanitary Sewer Specifications".



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Preliminary Subdivision Plan – Habitat for Humanity

DATE: July 22, 2008

The following are our comments on the “Preliminary Subdivision Plan – Habitat for Humanity”, received in the Engineering Division on July 21, 2008, and dated January 7, 2008.

We understand that the latest submittal intended to indicate the location of existing utilities available for the proposed project. The quality of the drawing is such that the Engineering Division can not, and will not, comment on its merits and correctness. Please note that this is the second submittal received in the Engineering Division within 10 (ten) calendar days.

For the future, the Engineering Division requests that the applicant submit 1 (one) drawing that represents the required information. The Engineering Division can not devote the necessary time to revisions without a change in the meeting date of the Planning Commission.



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Jung-Han Chen
Community Development Department

FROM: Victor Popescu, PE
City Engineer

RE: Preliminary Subdivision Plan – Habitat for Humanity

DATE: July 14, 2008

The following are our comments on the “Preliminary Subdivision Plan – Habitat for Humanity”, dated January 7, 2008.

- Would the sanitary sewer system be gravity flow? If not, what is proposed to address the sanitary issue? Please note that within the City limits, no septic tanks would be allowed.
- Water mains will need to be extended to serve a number of lots within the development.
- New fire hydrants will need to be installed to serve the proposed development.
- What is proposed for the Storm Water management? Will there be underground detention, detention ponds, etc.?
- The proposed subdivision layout plan is missing the north arrow. However, from site visits and contour lines on the submittal, it is evident that the storm water will drain from the west to the east. That is, from Hester Road to the cul-de-sacs. How and where would the storm water be collected in the cul-de-sacs? Is it proposed to discharge the storm water off the subdivision's area?
- The proposed subdivision would consist of two (2) cul-de-sacs. In case of an event, at one of the lots located at the entrance into one of the cul-de-sacs that would prohibit access to the cul-de-sac, how would an emergency vehicle gain

access to the cul-de-sac? The Engineering Division recommends connectivity between the proposed streets, thus eliminating the cul-de-sacs, and assuring emergency vehicles access at all times.

- The proposed subdivision plan indicates a “utility easement” across lots 10 thru 6. What is this purpose of this easement: Water, storm sewer, sanitary sewer, etc.?
- All easements must be recorded with Butler County prior to approval of the construction plans. A copy of the recorded document must be provided to the City of Oxford.
- All lots must be served by a “gray line” that will connect the lots to a catch basin(s). The purpose of the line is to direct the sump pump discharge into the storm water system.
- All utility work must be in accordance with the City of Oxford Specifications. Indoor plumbing work must comply with the Butler County requirements.
- All streets, right-of-way and typical section, must comply with the City of Oxford specifications.

All utility work within the proposed development must be in accordance with the latest “City of Oxford Water and Sanitary Sewer Specifications”.

Same comments as before.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/18/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2008

Description:

PC-15-2008 **PRELIMINARY SUBDIVISION**, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, Scott Webb, Applicant, Agent

****Just received a revised Site Plan –showing vicinity map, any existing water mains, culverts, sewer lines w/n the tract or immediately adjacent thereto, the location and size of the nearest water main and sewer line, and the north arrow. I have also attached the one previously sent as a comparison. If you have anything further to add, just let me know.**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I AM NOT IN FAVOR of having 2 curb cuts for 2 new streets for this subdivision. I highly recommend one street ingress + egress for (1) safety (2) crime prevention THROUGH BETTER ENVIRONMENTAL DESIGN.

Drawings reviewed by: SS Schwein

I am not in favor of having two curb cuts for two new streets for this subdivision. I highly recommend one street ingress and egress for (1)safety and (2)crime prevention through better environmental design. S. Schwein

From: Steve Schwein

Sent: Tuesday, August 26, 2008 4:27 PM

To: 'Scott Webb, Architect'; Kathy Dale; lipnicje@muohio.edu

Cc: Jung-Han Chen; Lynn Taylor; Victor Popescu; John Detherage; Alan Kyger; 'Bill Brewer'

Subject: RE: Habitat Follow-up

I still am not in favor of two culdesacs back to back both entering onto Hester.



Steve Schwein | Chief of Police
Oxford Police Department
101 E. High Street
Oxford, Ohio 45056
513.524.5247

FBINAA, 193rd Session

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2008

Description:

PC-15-2008 **PRELIMINARY SUBDIVISION**, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, **Scott Webb, Applicant, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: ☒ w/comments ☐ without/comments

I understood that two new roads maximize the # of lots in the proposed subdivision. However, I would recommend one new road as ingress/egress instead of two to help minimize curb cuts on what is becoming a very busy city street.

Drawings reviewed by:

S. Schwein

I understand that two new roads maximize the number of lots in the proposed subdivision. However, I would recommend one new road as ingress/egress instead of two to help minimize curb cuts on what is becoming a very busy street. S. Schwein

Kathy Dale

From: Kathy Dale
Sent: Friday, August 15, 2008 4:44 PM
To: 'Scott Webb, Architect'; 'lipnicje@muohio.edu'
Cc: Jung-Han Chen; Lynn Taylor; Victor Popescu; Steve Schwein; John Detherage; Alan Kyger; 'Bill Brewer'
Subject: Habitat Follow-up
Attachments: Notices.pdf

Scott,

Based on Planning Commission's discussion this past Tuesday, August 12, 2008, individual Commissioners expressed they would like for you to come back to the Commission in September addressing the following items:

1. Having 2 separate cul-de-sac's and potentially connectivity of the cul-de-sac's (ingress/egress).
2. Discrepancy in sidewalks
3. Discrepancy in Engineering Report vs. applicant's presentation
4. Traffic calming, if applicable
5. Storm Water run-off/controls
6. Utility connections
7. Open space/ common space for residents
8. Environmental assessment of dump site/ abandoned vehicles

If addressing these items results in revised drawings, please have those drawings and any other supporting documentation/comments you would like to go to the Planning Commission submitted to CDD no later than Tuesday, August 26, 2008. We would like to have this information to allow sufficient time to review, update staff reports and to include in the packet.

Additionally, after reviewing the notification list you provided to us with the application, we need additional addresses supplied no later than next Tuesday morning, August 19th. I've attached a map highlighting the properties and addresses that need to be included on the list. Due to time & mailing constraints (the letter's need to be post marked on the 19th) it would be helpful if you can send us that list electronically or on labels.

If you have any further questions please let us know.

Kathryn A. Dale, AICP

City of Oxford
City Planner
Community Development Department
101 E. High Street
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

9/3/2008

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



SCOTT
WEBB

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Subdivision
Habitat for Humanity
Michaela & William Dickman Property
Hester Road

August 26, 2008

Dear Jung-Han,

Please accept this letter as a formal request for a continuation of our tabled Preliminary Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Subdivision for Habitat for Humanity on the property owned by Michaela & the late William Dickman on Hester Road.

With regard to Planning Commission's comments through Kathy Dale, we offer the following:

Issues:

1. Having 2 separate cul-de-sacs and potentially connectivity of the cul-de-sac's (ingress/egress).

The intention of Habitat in general, and this project specifically is to provide opportunities for home ownership through donations of money, materials, and perhaps most importantly, the hands-on help from volunteers and community members. Site work and infrastructure is not donated, and represents a significant factor in the affordability of the lots in the development.

To connect the two cul-de-sacs would increase the cost of infrastructure in the development 54%, and eliminate at least one potential home site. This extra cost would have to be added to the cost of each lot.

Cul-de-Sacs are not limited by our subdivision Code. 1101.05 (c) (3) states that a dead-end street may not exceed 1000 feet. The two streets as shown are only 250, and 350 feet long.

With regard to the Chief of Police's comments regarding the safety, The City owns and maintains a 60' Right-of-Way for roads that are approximately 250-350' long, servicing only 10 houses each. It is hard to imagine an accident on a dead-end street blocking 60' of Right-of-Way.

2. Discrepancy in sidewalks

There is no discrepancy in sidewalks. There are existing sidewalks all along the East side of Hester Road, as presented to Planning Commission in photographs. A site visit by Planning Commission Members and staff would be further conformation.

Sidewalks continue to be shown inside the proposed subdivision.

New sidewalks were apparently provided with the development of the Planned Development to the West, as sidewalks are only on the east side of the street from edge to edge of that development.

3. Discrepancy in Engineering Report vs. applicant's presentation.

I have provided Victor with meeting notes from the meeting of January 9, 2008, that included staff representatives from City of Oxford Planning, Engineering, Water, Service, a Butler County Planning Staff representative, and representatives from Habitat for Humanity.

4. Traffic calming, if applicable

300' long Cul-de-sacs with 10 houses each, do not generate through traffic.

5. Storm Water run-off/controls

The meeting notes from the January 9, 2008 meeting mentioned above this issue specifically. There is an existing storm sewer, approximately 10 years old, for which an easement is shown on the plan. It was staff's opinion at the time that there was adequate capacity for the development's storm water without additional retention.

In case this is inaccurate, the attached plan shows areas of the site designated for potential retention. These are located to the East of the property, in the direction of the existing grade. Calculations submitted with the final Subdivision Plan will verify the need and capacity of these areas per Engineering's recommendation and approval of engineering documents.

6. Utility connections

Based on the aforementioned meeting with the City, it was determined that water and sanitary sewer are each available on Hester Road (as shown on the drawing). Each are about 8 years old, and have the capacity to service the development.

7. Open space/ common space for residents

Habitat would surely welcome a City Park in this part of town. There is no requirement in the Subdivision regulations for parks to be created in subdivisions of this size (or any size), and relinquishing another potential home site increases once again, the cost of each lot.

Section 1101.5(g) however, states that common improvements require the establishment of "trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.", again, adding to the cost of the lots, and subsequently, long-term home ownership.

No subdivision in recent memory has been required to provide such amenities.

8. Environmental assessment of dump site/ abandoned vehicles.

As with any project, debris will be removed in a safe and legal manner, prior to any work beginning on the site. Soils Engineers will be engaged for testing and assessment of the subsurface conditions.

Habitat has purchased an option, but does not currently own the site. Mr. Lipnickey, has worked diligently to investigate the potential for affordable housing in this location, and the cost of development. Increasing infrastructure costs by 54%, while simultaneously reducing the number of potential lots makes his job even tougher.

Habitat is simply asking for approval of a development that meets or exceeds the City's Subdivision regulations. Additional requirements beyond what is outlined clearly by our subdivision regulations, may put this project out of reach for Habitat for Humanity.

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

Respectfully,

Scott Webb, Architect

TriState Habitat for Humanity
Hester Road Development, Oxford Ohio

Construction and Development
January 9, 2008 Meeting Notes

In attendance:

Scott Webb, architect, Donna Everson Butler County Planning Department, Kathryn Dale City Planner, City of Oxford, Richard Dils, Deputy Service Director, City of Oxford, Victor Popescu, City Engineer, City of Oxford, Jung-Han Chen, Director of Community Development, City of Oxford. For Habitat, Gerry Ellspermann, Jim Lipnickey, Bob Collins, and Randy Wilkerson

-  We need to buy both lots up front. In the cost I divided the cost between phase one and phase two to better show the cost per lot, however the full amount needs to be paid in phase one.
-  After we would purchase the lots for the current owner we would need to have Scott combine the current lots into one lot, then sub divide into two lots (phase one/phase 2)
-  The process is we obtain the lots and combine, Scott will appear be for the City Council to obtain preliminary approval. This involves a minimum of two council meets to get approval. Once we have the preliminary approval of the city council then Scott will work with an engineering firm to complete the Development plans. Once these are completed, they go back to the city departments for their review and revisions. Once they approve it, then it goes back to the City Council for the vote to accept the development. If all goes well we should have final approval in about six to eight months. Once we have final approval we have one year to complete the road on phase one. Both phases will be approved at the same time but since that will be treated, as two different lots we can start phase two at any time but it also must be completed in one year.
-  The Utility Easement on the lot is a reinforced concrete storm sewer that is approximately 10 years old. The storm drain should have no problem with use attach our storm water catch basins and sump line to it. Richard and Victor would investigate the capacity to verify this. If we can use 100 percent of the storm sewer then we would not need to have any retention ponds.
-  The water and sanitary sewer is located on Hester Road. These are about 8 years old and have the capacity to service this development. The sanitary sewer is approximately 8 feet deep at Hester Road.
-  Downspouts can be dumped into the sump lines.

The meeting was positive from all sides.

From: Scott Webb, Architect [mailto:scott@scottwebbarchitect.com]

Sent: Tuesday, August 26, 2008 2:49 PM

To: Kathy Dale; lipnicje@muohio.edu

Cc: Jung-Han Chen; Lynn Taylor; Victor Popescu; Steve Schwein; John Detherage; Alan Kyger; 'Bill Brewer'

Subject: RE: Habitat Follow-up

Kathy,

Attached, please find a revised Site Plan for the Habitat Subdivision.

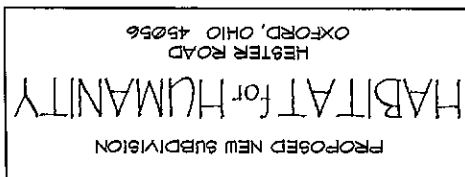
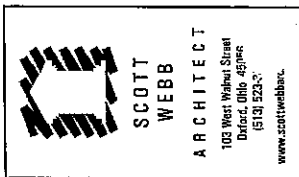
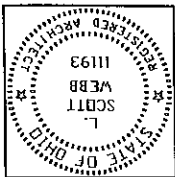
The new plan shows the Southern Property Line relocated to allow the existing adjacent property to become a conforming "corner lot".

We are not however showing a "loop", but rather leaving the 2 cul-de-sacs. Our rationale will follow, but basically, we can not justify adding 25% more paving and infrastructure, and eliminating at least one lot to do so.

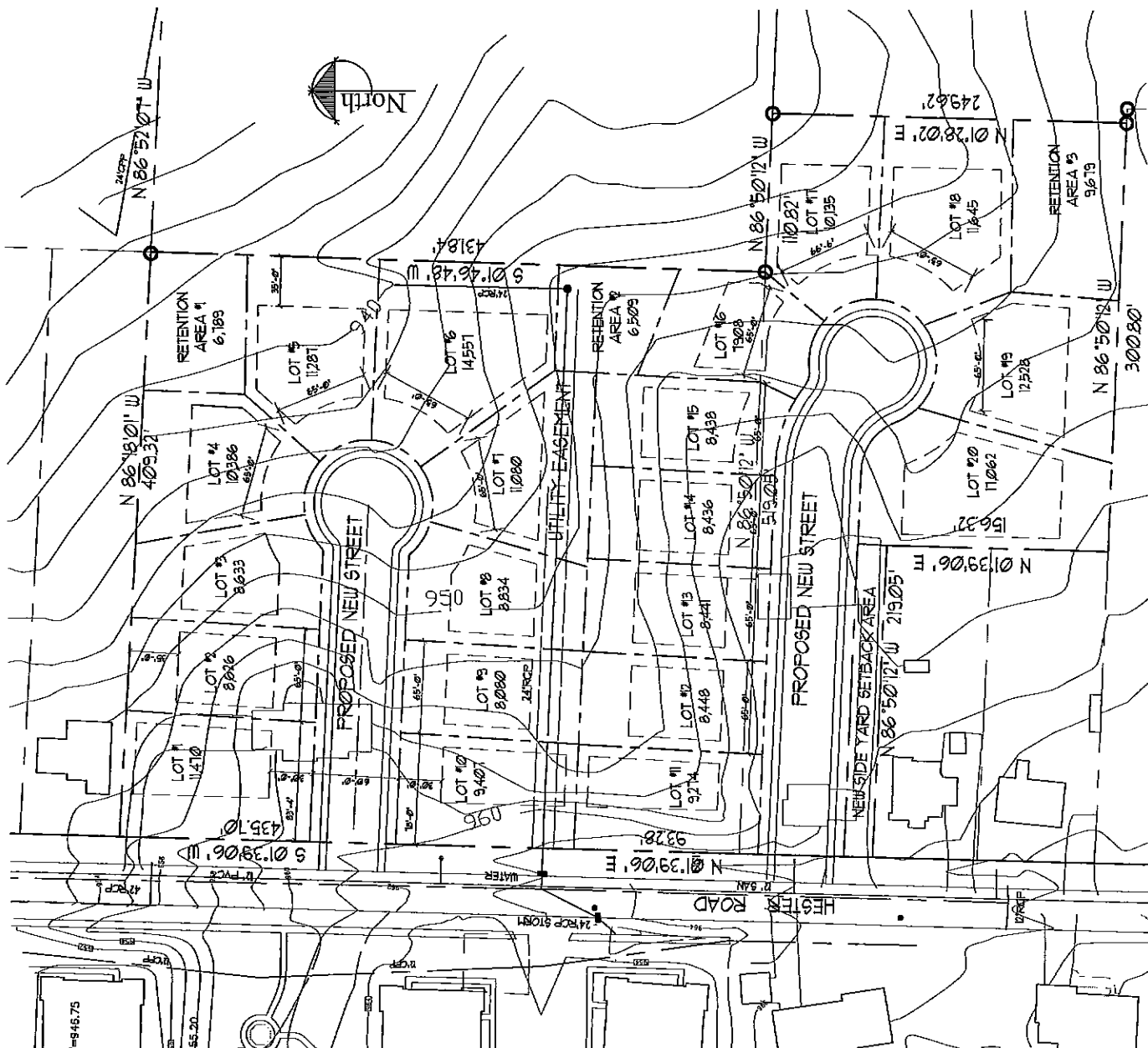
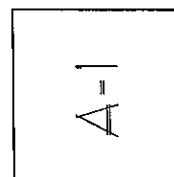
(3) separate areas have been designated for potential retention areas. I spoke with Victor, and told him I would provide him with meeting notes from our meeting early this spring, where he said retention was adequate in the area. Nevertheless, we are leaving some areas open for retention if needed.

I will have further information to you this afternoon when I return from a meeting (it might be after 5:00), but wanted to be sure you got the revised plan by today as requested.

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com



DATE	January 1, 2008
REVISIONS	August 26, 2008



PRELIMINARY SUBDIVISION PLAN
SHOWING 18 NEW SINGLE FAMILY RESIDENTIAL LOTS



ZONING CODE REVIEW:
RIB SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT
SITE DEVELOPMENT REGULATIONS:
LOT REQUIREMENTS:
MINIMUM LOT AREA: 15000 SF.
MINIMUM LOT WIDTH: 65'-0"
YARD REQUIREMENTS:
MIN FRONT YARD: 30'-0"
MIN REAR YARD: 35'-0"
MIN SIDE YARD: 8'-0"
LOT COVERAGE:
LOT TOTAL: 33% OF LOT
ALL ENCLOSED BLDG: 25% OF LOT
FRONT YARD: 25% OF FRONT YARD

PRELIMINARY SURVEY DATA PROVIDED BY:
DDS Surveying Inc.
318 South College
P.O. Box 150
Oxford, Ohio 45056
(513) 523-4270

8.26.08 Revised Plan



"All God's people should have at least a simple, decent place to live"

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb and TriState Habitat for Humanity have permission to represent my interest with the City of Oxford and act on my behalf for any hearings regarding a subdivision on my property located at 5306 and 5336 Hester Road, Oxford, Ohio 45056.

Thank-you,

Michaela M. Dickman

Michaela M. Dickman
Individually and as
Executor, Estate of William Dickman
5336 Hester Road,
Oxford, OH 45056

June 23-2008
Date:



Case No.: PC-15-2008
Date filed: 6-27-08

Preliminary Subdivision Application
City of Oxford, Ohio

8-12-08
mtg

REQUIRED INFORMATION

Name of Applicant: Scott Webb, Architect, Habitat for Humanity
(Attach a letter of agency if the applicant is not the property owner)
Mailing Address: 1022 W. Walnut St.
Oxford Oh. 43054
Telephone Number(s): 522-7838
Name of Subdivision: To be determined
Location of Property: Hester Road
Legal Description: see attached survey
Zoning District: R1B
Number of Lots: 20
Total Acreage: 0.25 Acres
Surveyor/Engineer: DDG Surveying / Bryan Becker
Address: 318 S. College, Oxford 43054
Phone Number: 522-4270

DRAWING REQUIREMENTS

Please submit twelve copies of the plat. Drawing size must be at least 18"x 24" and should never exceed 24"x 36 ". The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1159, Zoning Code of the City of Oxford. The following information must appear on the plat:

- a) A vicinity map, drawn to scale, showing the general location within the City.
- b) The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.
- c) Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- d) Any existing water mains, culverts, water or sewer lines, easements, buildings and streets within the tract or immediately adjacent thereto.
- e) The proposed location and width of streets, alleys lots and easements.
- f) The name of the proposed subdivision and the name of the surveyor, engineer and owner at the time of subdivision.
- g) The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- h) North arrow, scale and date.
- i) Contours with intervals of five feet or less referenced to U. S. Geological Survey datum and obtained from a field survey.
- j) The seal, registry number and signature of the public surveyor who prepared the plat.
- k) An evaluation of existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated volume of run-off generated during peak flow.
- l) Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) Community Panel Number 390731 0001- 0003, revised January 3, 1997, must be clearly illustrated and labeled on the plat.

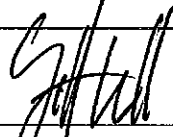
Provide the names and addresses of all adjoining property owners including those across streets, roads, alleys and highways (attach a separate sheet if necessary).

see attached

Note: Incomplete applications cannot be processed.

Submit this application, required copies of the preliminary plan containing all required information and the required fee (**\$400.00 plus \$100.00 per acre** for preliminary subdivision or planned unit development), made payable to the City of Oxford, to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Planning Department at (513) 524-5204. The plan will be placed on the next possible agenda. **Incomplete applications will not be processed.**

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed Planning Commission meeting date.

SIGNATURE OF APPLICANT: 

Date: Jun 27, 2008

PRINTED NAME: Scott Webb

FEE / RECEIPT

\$400.00 + \$100.00 per lot Fee Paid / Receipt Number: 13936

\$600

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7; October 21, 2008

Account Code # NA

Budgeted Amount: NA

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

September 22, 2008

Date Prepared

Agenda Title: Request for Water Utility Service Outside the Corporate Limits of Oxford

Recommendation: Approval with the following conditions: 1). Owner must sign an annexation agreement; 2) All City standards and fees for utility construction must be met.

Discussion: Staff received a request from Dr. John Benamati to connect to and/or extend the City water utility to serve a single family residence on 5.401 acres at the end of Hill Crest Drive. The request for service includes a single domestic water tap. The City's water utility services this neighborhood, and the City is able to provide water to this lot.

In reviewing the request, staff considered the following issues: 1) Extension Policy; 2) Location; 3) Owner's Obligation.

Extension Policy – Any extension of utility lines or service outside the City limits is reserved to the exclusive control and jurisdiction of City Council. City Council may also require the request for utility extension outside the City limits be referred to the Planning Commission for its recommendation to City Council. The Planning Commission has 90 days in which to consider the matter. The City may also grant such a request provided the City has a supply of surplus capacity sufficient to grant the request and that such a request be beneficial and in the interest of the City. City Council adopted a policy for extension of water service outside the corporate limits in November 1966. This policy permitted the extension of water and sewer with a condition of the owner agreeing to annexation into the City.

Location – Connections to the City's utilities shall be conditional upon final approval by the Service Department assuring that all technical aspects of the services meet City standards and specifications.

Owner's Obligation – The owner must pay for the total cost of any required utility extensions, all necessary water and sanitary taps, water and wastewater capacity benefit charges, and any surcharges for the use of the City utilities outside the corporate limits. The owner must also meet City of Oxford standards for utility construction and sign an Annexation Agreement with the City. Permits from Butler County, the Ohio Environmental Protection Agency, and the Ohio Dept. of Transportation may also be required.

Approved By:

Department Head:

Initial

MD

Date

9/22/08

City Manager:

ORDINANCE NO.

ORDINANCE GRANTING THE REQUEST OF DR. JOHN BENAMATI TO CONNECT TO AND/OR EXTEND AN EXISTING WATER LINE FOR A NEW SINGLE-FAMILY RESIDENCE TO BE LOCATED ON HILLCREST DRIVE IN OXFORD TOWNSHIP, AND FINDING OXFORD CODE SECTION 921.41 (C) (3) HAS BEEN MET.

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

SECTION 1: Dr. John Benamati has requested permission to connect to and/or extend a City water line and to purchase water from the City for use outside the City limits at a property located on Hillcrest Drive in Oxford Township, more particularly described on Exhibit 'A' attached hereto and incorporated herein, for the purpose of supplying a new single-family residence.

SECTION 2: Council has determined that the City has a surplus of water to grant such a request without any significant detriment to the City water supply or its residents. Further the granting of such request will be beneficial to the City and is in the best interests of the City.

SECTION 3: The cost of installation of the water line and installation of any meter equipment, valves, and appurtenances shall be at the expense of the applicant. The location, type, and installation of the lines and equipment shall be approved by the City Engineer.

SECTION 4: No additional water taps into these water lines shall be allowed without prior approval of Council.

SECTION 5: This grant of water service is conditioned on the applicant, Dr. John Benamati, and all owners of record filing an annexation petition for immediate annexation of the property to the City prior to connection to the water line.

SECTION 6: This Ordinance shall take effect at the earliest time allowed by law.

ADOPTED: _____ MAYOR

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

September 4, 2008

Micheal B. Dreisbach – Service Director
City of Oxford
101 East High Street
Oxford, OH 45056

Dear Mr. Dreisbach:

The purpose of this letter is to formally request permission from the Oxford City council to connect to Oxford City Water service. We are in the process of purchasing a building lot that was established in the 1960s, but has never been built on. The lot is situated at the end of Hillcrest Drive in Oxford Township. There is an existing Oxford City water fire hydrant on the north end of the property. We are not asking for the city to extend the existing system in any way. We are simply asking for permission to connect to the existing Oxford City water service already in place for the Coulter sub-division on Hillcrest Drive.

Enclosed with this letter is a plat map that shows the location of the parcel, the existing hydrant and a sketch of the preliminary location of the house and water supply. Please let me know if there is any additional information that council will require to make their decision.

Sincerely



John Benamati
4860 Somerville Road
Oxford, OH 45056

Phone: 523-8554
Email: benamajh@muohio.edu

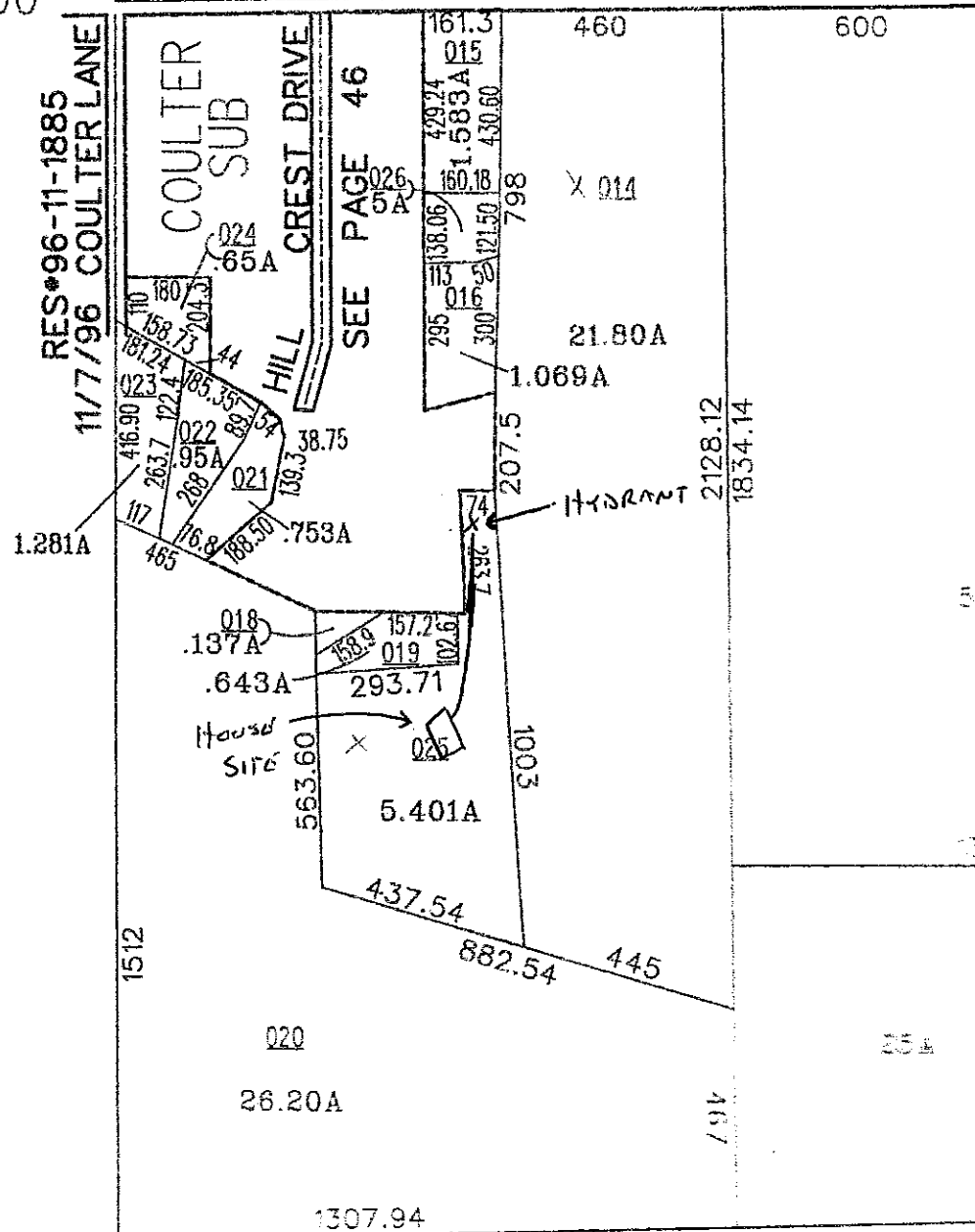
EXHIBIT "A"

SECTIC

5400 5000

BONHAM

ROAD



SEE PAGE 26

That Kathryn E. Coulter, unmarried,

A. R. TILTON
BUTLER COUNTY AUDITOR

who claims title by or through instrument, recorded in Volume 433, Page 1,
County Recorder's Office, for the consideration of

received to her full satisfaction of One Dollars (\$ 1.00)

Milton D. Cox and Phyllis L. Cox

the Grantees,

whose TAX MAILING ADDRESS will be

does

~~Give, Grant, Bargain, Sell and Convey~~ unto the said Grantees, their
heirs and assigns, the following described premises, situated in the Township of
Oxford, County of Butler and State of Ohio:

Situated in Section 24, Town 5, Range 1, East, Oxford Township,
Butler County, Ohio, being more particularly described as follows:

Commencing at the southeast corner of Lot No. Five (5) of Coulter's
Subdivision recorded in Plat Book 11 page 2 in the Office of the
Recorder of Butler County, Ohio; thence from said point of begin-
ning South 5° 27' East 933.85 feet to a point; thence North 76°
27' West 437.99 feet to a point; thence North 5° 22' West 432.79 feet
to a point which is the southwest corner of a 0.643 acre tract
deeded to Harry Neil Richardson, et al. by deed recorded in Vol-
ume 566 page 415 of the Butler County Deed Records; thence along
the south line of said 0.643 acre tract North 84° 10' East 293.71 feet
to the southeast corner of said 0.643 acre tract; thence along
the east line of said 0.643 acre tract North 2° 08' 15" West
102.67 feet to the northeast corner of said 0.643 acre tract; thence
continuing North 2° 08' 15" West along a line which is parallel to
and 25 feet westwardly from the East line of Lot No. Three (3) of
said Coulter Subdivision, a distance of 186.00 feet to a point in
the North line of said Lot No. Three (3); thence South 89° 41' 45"
East 25 feet to the northeast corner of said lot No. Three (3);
thence North 2° 08' 25" West 77.7 feet to a point which is the
southwest corner of Lot No. Five (5) of said Coulter Subdivision
where the same joins a corner of Lot No. Four (4) of said subdivision;
thence North 89° 41' 45" East along the south line of Lot No. Five
(5), a distance of 74.00 feet to the point of beginning, containing
5.041 acres, more or less.

The grantor herein also conveys her RIGHT, TITLE and INTEREST in and
to the following:

The East 25 feet of Lot No. Three (3) of
Coulter's Subdivision located in Section 24,
Town 5, Range 1, East, Oxford Township,
Butler County, Ohio;
The South 20 feet of Lot No. Six (6) of said
Coulter's Subdivision;

XX
XX
XX

Being part of the same premises conveyed to the grantor herein by deed recorded in Volume 433 page 1 of the Butler County Deed Records.

It is the intention of the grantor to convey and she does hereby convey to the grantees herein all her right, title and interest to all lands owned by her lying South of Coulter's Subdivision in said Section 24, and all her right, title and interest in the "drive easement" that is 20 feet wide running between Lots Numbered 4 and 3 and between Lots Numbered 4 and 1 as shown on the recorded plat of Coulter's Subdivision in Plat Book 11, page 2 in the office of the Recorder of Butler County, Ohio, said "drive easement" leading to the tract of 5.041 acres herein conveyed, being part of Lot Numbered 2 of said subdivision.

As a part of the consideration for this conveyance the grantees herein assume whatever obligation and expense that might have to be incurred upon their part as owners of the above described property to extend and dedicate the streets of Coulter Subdivision to the premises herein conveyed and to extend whatever utilities that may be necessary to serve the premises or any part thereof.

be the same more or less, but subject to all legal highways.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantees, their heirs and assigns forever.

And she, Kathryn E. Coulter, unmarried,
the said Grantor, do for herself and her heirs, executors and administrators, covenant with the said Grantees, their heirs and assigns, that at and until the enrolling of these presents, she is well seized of the above described premises, as a good and indefeasible estate in **FEE SIMPLE**, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances whatsoever, save and excepting all real estate taxes and assessments which are due and payable in December 1969 and thereafter which the grantees herein assume and agree to pay as a part of the consideration for this conveyance.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 17, 2008
Date Prepared

Agenda Title: PC-18-2008 Zoning Code Text Amendment- Chapter 1101 Subdivision Regulations Chapter 1101.07 Open Space Cluster Residential Development, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This application is to amend the subdivision regulations to allow open space cluster residential development as an alternative development tool to encourage cluster development while preserving open space/farm land.

Over a year ago, the Planning Commission embarked on an initiative to develop these cluster development regulations. This initiative was affirmed with the general comments echoed during the Comp Plan Updating process. This language is intended to capture the desire of the Planning Commission, as well as the community, in maintaining a small town atmosphere yet allowing development to occur in a managed fashion. It is critical to preserve farmland, and is equally important to respect the rights of the property owner.

The Planning Commission held many work sessions, painfully going through the concept and the wordings to develop the language. This is one step ahead of the Comprehensive Plan Update in demonstrating the commitment of the City in moving forward to the vision this community desires.

The Planning Commission needs to be recognized as spearheading this initiative and recognizing its commitment to plan ahead for the future of the Oxford community.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>9/19/08</u>
	City Manager:		

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1101 SUBDIVISION REGULATIONS, AND ADOPTING NEW SECTION 1101, SUBDIVISION REGULATIONS, TO ADD NEW SECTION 1101.07 OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on September 9, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1101 Subdivision Regulations, and adopting new Section 1101 to add new Section 1101.07 Open Space Cluster Residential Development.

SECTION II: Council hereby repeals Section 1101 of the Oxford Code of Ordinances and adopts new Section 1101 as follows:

1101.01 GENERAL.

Each subdivider of land should confer with the City Manager, or such official as he shall designate, before preparing a preliminary subdivision plan in order to become thoroughly familiar with the subdivision requirements, with the regulations of the Zoning Ordinance and with the proposals of the City Comprehensive Plan affecting the territory in which the proposed subdivision lies.

(Ord. 1424. Passed 4-19-77.)

1101.02 DEFINITIONS.

For the purpose of this chapter, certain terms and words are defined as follows:

- (a) "Developer" ("subdivider") means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.
- (b) "Easement" means authorizations by a property owner for the use by the City or a private utility company serving the area, and for a specified purpose, of any designated part of his property.
- (c) "Inspector" means any person so designated by the City Manager to meet detailed inspections of contract performance.
- (d) "Major street" means a street shown as a major street on the Major Street Plan which has been recommended by the Planning Commission and adopted by Council. (See subsection (k)(4) hereof.)
- (e) "Final plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends, upon approval, to record.
- (f) "Passive Recreation" Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, emphasizes the open space aspect of a site and which involves a low level of development, including picnic areas and trails.

- (g) "Preliminary plan" means a sketch drawing showing, in a general way, a proposed subdivision of land together with certain public improvements which are to be installed therein.
- (h) "Public improvements" means any of the following: roadway pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers and other appurtenant construction as related to the subdivision improvement plan.
- (i) "Street" means land connecting to the City highway system and actually constructed and paved according to City specifications for streets or such land for which bond has been given to, and approved and accepted by the City to insure such construction and paving within a certain time, that has:
 - (1) Been duly dedicated by subdivision plat, approved and accepted by the City and recorded in the plat records of Butler County, Ohio for all highway purposes, or;
 - (2) Been unconditionally and irrevocably deeded to the City for all highway purposes with an accompanying survey plat which deed and plat have been accepted by and recorded by the City, or;
 - (3) Been described by metes and bounds survey and plat and is determined to be equivalent to a plat dedicated or deeded as a street by virtue of at least twenty-one years usage for street purposes by the general public which determination may be made by Council by resolution or by a court of competent jurisdiction. Council has sole discretion as to whether it desires to make any such determination.
 - (4) Been expressly permitted by Council to remain privately owned while open to general public use for highway purposes prior to the enactment of this section as well as such land hereafter remaining privately owned by virtue of the application of express provisions of law.
- (j) "Section" means any area of land specifically so designated by a developer on a final plat.
- (k) "Street classification":
 - (1) "Cul-de-sac" means a local street with one end open to traffic and the other end terminating in a vehicular turn-around.
 - (2) "Local street" means a street primarily for providing access to individual properties and should be designed to discourage through traffic movements.
 - (3) "Collector street" means thoroughfares which provide for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions.
 - (4) "Major street" means thoroughfares which provide a network for through traffic flow, by connecting centers of traffic generation and important rural highways entering the urban area. Service to abutting properties should be subordinated to provide for carrying large volumes of through traffic. (See subsection (i) hereof.)
- (l) "Subdividers." (See "developers", subsection (a) hereof.)
- (m) "Subdivision." A subdivision of land is produced by the division of land into three or more lots, sites or parcels. (Ord. 1424. Passed 4-19-77.)
- (n) **"Wetland"** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. One or more indicators of wetland vegetation, hydric soil, or wetland hydrology must be present for an area to be a wetland (*U.S. Army Corps. Engineers*).
- (o) A lot split is any division of land into less than three lots, sites, tracts or parcels.
- (p) A lot consolidation is the joining together of two or more lots, sites, tracts or parcels into one or more lots.
- (q) For other definitions, see Chapter 1159.

(Ord. 2900. Passed 2-21-06.)

1101.03 JURISDICTION AND PROCEDURE.

(a) No person being the owner, agent or person having control of any land within the City shall subdivide such land in lots unless by a plat, in accordance with the regulations contained herein. A preliminary plan shall first be submitted to the Planning Commission for the recommendation and Council for approval or disapproval. If Council approves the preliminary plan, the subdivider may proceed with the preparation of the final plat. The final plat shall also be submitted to the Planning Commission and after review and recommendation; it shall then be submitted to Council for final action. If either a preliminary plan or final plat is disapproved by the Planning Commission, it may be approved by Council. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided.

(b) The design and layout of all subdivisions shall conform with the requirements of Section 1101.05. The subdivider shall submit a preliminary plan for the entire subdivision and final plat, for each section, in accordance with the specifications of Section 1101.04. Following approval of the final plat of each section, the subdivider shall furnish a bond or provide for guaranteeing the construction of installations in accordance with the requirements of Section 1101.06 prior to the start of construction.

(Ord. 1424. Passed 4-19-77.)

(c) No preliminary plan shall be submitted to Planning Commission until the applicant has paid a preliminary plan filing fee of one hundred fifty dollars (\$150.00) and no final plat shall be submitted to Planning Commission until applicant has paid a final plat filing fee of one hundred fifty dollars (\$150.00).

(Ord. 1909. Passed 9-16-86.)

1101.04 DATA REQUIRED UPON PRELIMINARY PLANS, FINAL PLATS AND ENGINEERING DRAWINGS.

(a) Preliminary Plan. Whenever any person desires to subdivide land into lots he shall submit ten copies of the preliminary sketch plan to the Planning Commission before submission of the final plan. Plats containing less than three lots are exempted from the provisions of this section. The preliminary plan shall show:

- (1) Vicinity sketch showing general location in City.
- (2) The location of present property and section lines, streets, buildings, lakes and watercourses.
- (3) Size and tract in square feet and acres and boundary lines.
- (4) Any existing water mains, culverts, sewer lines and streets within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer line are to be indicated in a general way upon the plat.
- (5) The proposed location and width of streets, alleys, lots, buildings and setback lines and easements.
- (6) The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.
- (7) The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
- (8) North point, scale and date.
- (9) Contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.
- (10) Name and seal of the registered engineer who prepared the plan.
- (11) The plan should evaluate existing watercourses, channels, storm sewers, culverts

and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.

(b) Final Plat. The final plat on tracing cloth or comparable material and ten prints thereof, together with any deed restrictions which must be shown on the plat, shall be submitted. The final plat is to be drawn at a scale of not more than 100 feet to the inch from an accurate survey. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the areas shown on other sheets. The following information shall be shown:

- (1) Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- (2) A statement dedicating all proposed streets and alleys with their widths and names.
- (3) The accurate outline of any portions of the property to be dedicated or granted for public use.
- (4) The lines of adjoining streets and alleys with their widths and names.
- (5) All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- (6) The locations of all building lines and easements provided for public use, services or utilities.
- (7) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- (8) The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- (9) The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- (10) The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner.
- (11) The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- (12) Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- (13) Acknowledgement by the owner or owners of the plat restrictions.
- (14) One tracing cloth or comparable material of the approved final plat, for the City records.
- (15) A receipt showing that all legally due taxes have been paid.

(c) Engineering Drawings. All engineering drawings shall be prepared by an Ohio registered engineer. Engineering details shall include the following:

- (1) Detailed sections of the proposed street(s).
- (2) All proposed lots and streets delineated in plan, showing radii function of curves, curbs, sewer lines, etc.
- (3) A grading plan showing existing and proposed grades shall be provided. The City

Engineer shall require contour lines, cross section designs or both as may be, in his opinion, needed.

- (4) Site grading plans are required by the Planning Commission for all areas within the plat and should show the effect on all adjacent areas.
- (5) Cross sections or a grading plan shall show both existing and proposed earthwork limit lines and ditch grades. Earthwork limit lines shall designate top of subgrade for street pavements, curb and gutter, sidewalk and seeding or sodding areas. Locations of utilities parallel to the street and erosion protection shall be indicated.
- (6) The locations shall be shown of existing utilities, structures, drives, etc., which may be affected by the improvement.
- (7) Where a street ends at a property line, or may be extended in the future, the profile shall be shown for at least 300 feet beyond the subdivision property line or end of street.
- (8) Construction notes as necessary.
- (9) All storm sewers, other necessary drainage structures and channel protection shall be shown in plan and profile. Details shall be shown for construction of all structures.
- (10) All new utilities shall be shown. Water lines, gas lines, electric lines, telephone lines and sanitary sewer details shall be shown. All dimensions shall be from center line of R/W or easement, and elevations from U.S.G.S. data.
- (11) The plans and profiles of proposed sanitary sewers, storm sewers and water mains, with grades and sizes indicated, or method of sewage disposal in lieu of sewers shall be shown. Other details shall be shown as required by the City Engineer or the County Board of Health.
- (12) Street names, lot numbers, lot dimensions and easements shall be shown.
- (13) A note shall be included as follows: "All work required by this Code shall be done under the inspection of the City Engineer and private utility representatives in accordance with the rules and regulations for subdivisions."
- (14) General notes and miscellaneous details shall include any pertinent notes and details that are not covered in the standard drawings or the plan and profile.
- (15) Guardrails shall be constructed on streets when required by Ohio Department of Transportation standards or by the City Engineer.
- (16) Whenever practical, City standard drawings shall be used for items such as headwalls, barricades and inlets. Special detail drawings shall be included in the plans for all items where conformance with the standard drawings is not practical. Copies of those standard drawings needed may be obtained from the office of the City Engineer. Those standard drawings which will be used for construction, shall be listed on the title page of the improvement plan.
- (17) The actual construction should be a reasonably accurate adherence to the plans. The City Engineer has the right to require that any change in the plan be brought to the Planning Commission and/or Council before construction continues.
- (18) At the completion of construction the plans shall be revised as necessary to provide as built engineering plans. This work shall be done by the subdivider's engineer, who was responsible for setting grades and the staking for improvements. As built engineering plans shall be submitted to the City Engineer.
- (19) A detailed drainage report by a registered engineer shall evaluate the ability of existing water courses, channels, storm sewers, culverts and the proposed improvements to serve the area being platted as well as land outside the subdivision contributing to the design drainage system. This report shall be

prepared as specified by the City.
(Ord. 1424. Passed 4-19-77.)

1101.05 SUBDIVISION DESIGN STANDARDS AND CONSTRUCTION STANDARDS.

(a) Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper projection where adjoining land is not subdivided, as they may be deemed necessary by the Planning Commission for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established by City law. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Offset streets should be avoided.

Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication of other street names.

(b) Street Classification. The classification of all proposed streets shall be determined by the Planning Commission and shall conform to the official City Major Street Plan. The proposed use of the street, type of traffic and future traffic volume shall also be considered in determining the classification of a street.

Street Classifications:

- (1) Major streets
- (2) Collector streets
- (3) Local streets
- (4) Cul-de-sacs

(c) Blocks.

- (1) No block shall be longer than 1,200 feet. Where blocks are over 1,000 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider. The easement for such traverse walks shall be at least ten feet in width and any paved walking surface shall conform with City specifications.
- (2) In platting residential lots containing less than 10,000 square feet, the depth of the block should not exceed 300 feet.
- (3) Where a tract of land is of such size, location or contour as to prevent a lot arrangement directly related to a normal street design, there may be established one or more courts, dead-end streets or other arrangements, provided that proper access shall be given to all lots from a dedicated street or court. A dead-end street shall not exceed 1,000 feet in length.

(d) Lots.

- (1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Consideration should be given to natural features and sites of historical significance.
- (2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Lots having four sides should avoid having street frontage on front and rear.
- (3) No lot shall have an area or width less than that required by applicable sections of the Zoning Code **except those pursuant to the Open Space Cluster Development Regulations.**

- (4) Where corner lots back upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.
- (5) Where necessary, easements of at least ten feet in width shall be provided on each side of all rear lot lines and along side lot lines for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains; easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. The total minimum width of all other utility easements shall be twenty feet.

(e) Deed Restrictions and Covenants. Deed restrictions or covenants running with the land may be included to provide for the creation of a property owner's association or Board of Trustees for the proper protection and maintenance of the development in the future. However, such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall be returned to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

(f) Public Use, School Sites, etc. Where the area being subdivided includes lands to be used for public use or for schools under the officially adopted City Plan, the subdivider shall indicate the location of such areas on the subdivision preliminary plan. Contact shall be made by certified mail with the local school board or governmental agency offering such land for the use adopted in the City Plan. The school board or governmental agency shall indicate within thirty days, any intention to purchase such land. Failure of the school board or governmental agency to so notify the subdivider within the thirty days' time shall be construed as an intent not to use this land for the purpose originally planned. This section does not purport to set the price the subdivider must accept, nor the amount the school board or governmental agency shall pay.

(g) Maintenance of the Improvements. Whenever any subdivision contains park areas, sewage treatment plants, water systems, drainage facilities or any other improvements to be used in common by persons living in the subdivision and which improvements cannot be maintained or are not maintained by an existing public agency, the deed restrictions applicable to the subdivision shall contain provisions establishing trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.

(Ord. 1424. Passed 4-19-77.)

(h) Design Standards and Typical Sections. Subdivision shall be designed and constructed to conform with the Design Standards and Typical Sections incorporated by reference herein as Attachment A. The Design Standards and Typical Sections adopted as the standards for construction and design in the City are the following:

- (1) Utility typical section;
- (2) Utility locations;
- (3) Local street typical section;
- (4) Collector street typical section;
- (5) Minor arterial street typical section;
- (6) Principal arterial street typical section;
- (7) Temporary turn around;
- (8) Typical cul-de-sac details;
- (9) Typical lot consolidation/split;
- (10) Standard plat of survey;
- (11a) Standard final record plat;
- (11b) Standard final record plat.

(i) Criteria for Repairing Sidewalk, Curbing, and Driveway Aprons. The objectives for the repair of sidewalks, curb and gutter, and driveway aprons are as follows: pedestrian safety, proper drainage, coordination with other City of Oxford street projects, and maintaining property values. In all cases, the views and concerns of the property owner will be taken into consideration, and in all marginal cases, the decision should be to the benefit of the property owner. Construction specifications are hereby incorporated as Attachment B.

The following three sections indicate the check-list for the determination of replacement for sidewalks, curb and gutter, and driveway aprons.

(1) Sidewalks.

- A. Any block having a crack or cracks in it more than one quarter (1/4) inch wide.
- B. Adjoining blocks or portions thereof whose edges differ vertically by more than one quarter (1/4) of an inch.
- C. Blocks that have holes in them one (1) inch or more in diameter or are cracked or broken in such a manner that pieces of concrete are missing or loose.
- D. Blocks having depressions, reverse cross slope (sloping away from the street), or below back of curb grade causing the impoundment of mud or water.
- E. Sidewalk that has a twenty-five percent (25%) or larger area that is generally deteriorated as evident by spalling, raveling, or irregular surfaces.
- F. Blocks that cause an abrupt change in the slope of the sidewalk.
- G. Sidewalks that have settled due to utility installation.

(2) Curb and gutter.

- A. Any section that has horizontal cracks or cracks causing spalling or breaking away of the curb section.
- B. Any section having vertical cracks.
- C. Adjoining sections or portions whose edges differ vertically by more than one half (1/2) inch.
- D. Any section in which the concrete has deteriorated leaving aggregate exposed.
- E. Sections where the gutter impounds water.
- F. Any section having material (asphalt, concrete, mortar, etc.) added to the gutter so as to impede normal flow.
- G. Sections that cause an abrupt change in slope.

(3) Driveway aprons.

- A. Driveway apron sections having cracks in them more than one half (1/2) inch wide.
- B. Driveway apron sections that differ vertically by more than one half (1/2) inch above or below the sidewalk.
- C. Driveway apron sections that are cracked or broken in such a manner that pieces of concrete are missing or loose.
- D. Driveway aprons that are dipped across the sidewalk in such a manner that creates an abrupt change of grade in the sidewalk.
- E. Abandoned driveway aprons shall be removed and curbing repaired.
(Ord. 2518. Passed 7-1-97.)

1101.06 MINIMUM IMPROVEMENTS REQUIRED.

Upon receiving the signed copy of the approved preliminary plan, the subdivider is authorized to proceed with the preparation of plans and specifications for the minimum improvements as described in subsections (a) through (g) hereof, and with the preparation of the final plat. Prior to the construction of any improvements or to the submission of the bond, the subdivider shall furnish Council all plans, information and data necessary to determine the character of such improvements. These plans shall be examined by Council and approved, if in accordance with the requirements of this section. Following this approval and the filing of a performance bond, construction can be started.

No final plat of any subdivision shall be approved unless the subdivider has filed with Council a surety bond, property bond, cashier's check or a certified check upon a solvent local bank conditioned to secure the construction of the improvements listed in the following subsections in a satisfactory manner and within a period specified by Council. Such period shall not exceed two years. No such bond or check shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney. Property bonds, if acceptable to the City Attorney, must be free and unencumbered property with all taxes paid to date.

After all construction work required by the final plat has been completed and approved by the City Engineer and/or the representative of the utility company involved, the developer must maintain and keep in repair all streets, curbs, gutters, sidewalks, drainage facilities and structures for a period of one year. Ten percent of the performance bond shall be retained for a period of one year as surety for such maintenance.

(a) Street Improvements. All street and public ways shall be constructed to their full specified width and to the appropriate grade and shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection by the City Engineer prior to release of the bond by Council. It is the duty of the subdivider to give proper notification to the City Engineer:

- (1) Before the commencement of the work;
- (2) Twenty-four hours prior to seeking an inspection; and
- (3) At the end of the one-year maintenance improvements. (see City Standards)
(Ord. 1424, passed 4-19-77.)

(b) Sidewalks. Concrete sidewalks, not less than five feet in width, shall be constructed along both sides of all streets. (Ord. 2226. Passed 5-5-92.)

(c) Water Lines. An approved public water supply shall be provided for each lot within the subdivision areas. Fire hydrants shall be installed in all subdivisions wherever required by the City Manager in accordance with NFPA standards.

(d) Sanitary Sewers. The subdivider shall install sanitary sewer lines to serve each lot. All such sewer lines shall be constructed in accordance with regulations and requirements of this Zoning Code and under the inspection of the City Engineer.

(e) Storm Drainage. All necessary facilities, either underground pipe or drainage ditches, shall be installed to provide adequate disposal of surface water, groundwater and the waters of any natural watercourse.

(f) Utilities. Items of work which pertain to underground utilities, such as gas mains, electric lines and telephone cables, shall be constructed according to the standards and specifications of

the utility company involved. (Ord. 1424. Passed 4-19-77.)

(g) Street Lights. One street light shall be installed in conformance with the Ohio Department of Transportation specifications within 50 feet of every intersection created by the subdivision at the end of a cul-de-sac or dead end street, and at intervals not exceeding 400 feet. A street light shall have a fixture of at least 9,500 lumens mounted on a mast arm on a power pole. The City Engineer may vary from the spacing standards where the City Engineer determines that public safety or professional engineering design practice makes it necessary to vary the spacing standards. (Ord. 2152. Passed 4-2-91.)

(h) Sedimentation and Erosion Control. The subdivider shall comply with all requirements of Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, and subsequent amendments or revisions, as hereby incorporated into these regulations. (Ord. 2574. Passed 2-17-98.)

1101.07 OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENTS

(a) Purpose: Cluster residential developments provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural and built environment. The development of cluster residential development is encouraged within the City of Oxford Comprehensive Plan to conserve and protect the natural environment and rural landscapes within the City. Specifically, the purpose of this ordinance is to:

- (1) Encourage creative and flexible site design sensitive to natural features and topography; and
- (2) Protect functional and attractive open spaces for use and/or enjoyment of residents, and to the benefit of the public welfare; and
- (3) Promote efficient land development that reduces the costs of infrastructure, public service provision and ensures the orderly coordination of public streets.

(b) Property Requirements:

- (1) Cluster residential developments are permitted where the subject parcel(s) contains a minimum of 20 contiguous acres, not separated by a road or other right-of-way prior to development.
- (2) The developer (applicant) must own in fee simple or have an option to purchase all lands within the open space residential development.
- (3) Any lawful ownership arrangement including, but not limited to fee simple lots, is permitted in a cluster residential development.

(c) Permitted Density: The maximum number of housing units permitted in a cluster residential development shall not exceed the density of the underlying zoning district.

(d) Allowable Uses:

- (1) The use allowed in a cluster residential development are those permitted uses listed in the applicable zoning district.
- (2) Multi-family dwelling uses are prohibited in cluster residential development

(e) Modifications to Area and Height Regulations: Minimum lot area requirements contained in the applicable zoning districts are modified in a cluster residential development to provide for required open space and allow for flexibility in design. Unless

specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

- (1) **Lot Area Requirements:** There are no minimum lot sizes. Lots are included in a development plan shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.
- (2) **Minimum Yard Depths and Setbacks**
 - A. Individual buildings in a proposed development shall be setback a minimum of 10 feet from a proposed roadway and 35 feet from an existing City or county road.
 - B. Individual buildings shall be setback a minimum of 50 feet from any lot line that represents the boundary of the proposed cluster residential development.
 - C. There shall be a minimum separation of 60 feet between the rears of two principal buildings.
 - D. The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall maintain 7.5 feet side yard setback.

(f) Open Space Cluster Development:

Wetlands found within a site proposed to be developed as an Open Space Cluster Development must remain in a natural state.

Mandatory open space requirements:

- (1) All open space cluster development shall include 20% or more of the total site acreage as required open space. The following areas shall be preserved in their natural state as part of the open space requirements:
 - A. Wetlands, no off-site mitigation of wetlands shall be permitted; and
 - B. Areas with a natural slope of 20% or more.
- (2) In the case of phased development, open space shall satisfy subsection (i)(1) and be provided in a proportional manner with a developed area. To the greatest degree practicable, common open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development;
- (3) The following areas shall not count toward the minimum open space requirements:
 - A. Private and public roads and associated rights-of-way.
 - B. Public or private parking areas, access ways, and driveways.
 - C. Required setbacks between buildings, parking areas, and project boundaries.
 - D. Required setbacks between buildings and streets.
 - E. Private yards, including front, back and sides.
 - F. Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic, or sewage disposal systems.
 - G. Any area less than 50 by 50 feet.

(g) Use of required open space:

- (1) Open space shall be designed and intended for the use and/or enjoyment of all residents of the proposed development and shall be accessible.
- (2) Areas designated for required open spaces shall be preserved in their natural state unless otherwise permitted as follows:

- A. They are designated to be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions; or
- B. They are designated to be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easement shall be required to enable the maintenance of these facilities or
- C. They are designated to be used as passive recreation areas (i.e. multi-purpose paths and pedestrian trails) designed and intended for the use and/or enjoyment of residents of the development and/or the general public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose. Such uses shall not include:
 - 1. Structures under a roof;

(h) Any areas to be designated as required open space that are disturbed during construction or otherwise not preserved in its natural states, shall be landscaped with indigenous vegetation, excluding noxious plant life, which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states.

(i) Future Subdivision and Development of Open Space:

- (1) All required open space approved in the Preliminary Development Plan shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City of Oxford, and dully recorded in the office of the Butler County Recorder.
- (2) Required open space shall be held by the individual members of a Homeowners Association as tenants-in-common or in common ownership by a Homeowners Association, Community Association, or other similar legal entity.
- (3) To obtain City approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code or regulations require the following:
 - A. Membership in the Association shall be mandatory for all purchasers or lots in the development.
 - B. The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

(j) **Conservation Easements:** With the permission of City, the owner(s) of required open space may, in accordance with provision is of Section 5301.67-70 of the ORC, grant or transfer a conservation easement to any entity described in Section 5301.68 of the ORC, provided that the entity and the provisions of the conservation easements are acceptable to the City of Oxford. When a deed restriction is proposed as the method of restricting further subdivision or land designated as open space, the City of Oxford shall be named as party to such deed restriction with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easement under 5301.68 of the ORC, in the event

that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

1101.08 LOT SPLITS AND LOT CONSOLIDATION.

(a) Procedure: The Planning Commission, acting as the Platting Commission, shall grant or deny lot splits or lot consolidation in the following manner:

- (1) The Zoning Administrator and Chair of the Planning Commission shall, acting for the Planning Commission; mutually approve the lot split if the proposed division of a parcel of land meets all of the following conditions:
 - A. The proposed lot split is located along an existing public street and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve the creation of any easement for access.
 - B. The proposed lot split meets the dimensional requirement of the underlying district or a minimum of 3,000 square feet of lot size if the underlying district does not have minimum lot size requirements.
 - C. The physical characteristics of the property are suitable for building sites.
 - D. There is no division or allocation of land for parks and open spaces as required by these regulations.
 - E. New lots to be created which are five acres or larger in size and located along an existing public road are exempt from this chapter.
 - (2) If, in the opinion of the Zoning Administrator or the Chair of the Planning Commission, the proposed lot split does not meet the above conditions, the request shall be referred to the Planning Commission for decision. The Planning Commission, by majority vote, shall grant a lot split if they find all of the conditions of subsection (a)(1) above have been substantially met and provided.
 - (3) All lots occupied by portions of an existing main building may be administratively consolidated into one lot by the Zoning Administrator and the Chair of the Planning Commission acting together for the Planning Commission, provided the proposed request meets all applicable subdivision and zoning regulations.
 - (4) The Planning Commission may require, as a condition for approval of a lot split or lot consolidation, the dedication of a street right-of-way in conformance with the requirements of these regulations or the Official Thoroughfare Plan.
- (b) Application for approval of a lot split or lot consolidation shall include the following:
- (1) A survey drawn by a registered professional surveyor; and
 - (2) Deeds for the proposed lot split or lot consolidation with a legal description.
 - (3) Name of the subdivider, location by section, range and township or by other survey number, date, north point, scale and acreage to hundredths of an acre;
 - (4) Abutting streets; and
 - (5) Exact location shall be shown for all buildings, septic tanks, wells or similar features with respect to existing or proposed lot lines or right-of-way lines
 - (6) The record name, address and legal description of all adjoining parcels of land.
 - (7) The name, registry number and signature of the licensed surveyor who prepared the plat.
 - (8) Other information as deemed necessary by staff in order to create building sites and promote the public health, safety and welfare.
 - (9) Application fee as determined by the City Council.
 - (10) Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms. (Ord. 2900.

Passed 2-21-06.)

1101.09 VARIATIONS AND EXCEPTIONS.

(a) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, Council, after a report by the Planning Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City and surrounding areas are protected and the general intent and spirit of these regulations preserved.

(b) If a subdivider requests release of his performance bond prior to the installation of sidewalks along the front of the lots in the subdivision, which have not yet been built upon, he may do so with the consent of Council by providing the City with a bond to insure completion of the sidewalks at a later date.

(c) This bond may be cash, real estate, insurance or any other bond acceptable to the Law Director in the amount of one and one-half times the current cost of such sidewalks, to provide assurance that these items will be completed. (Ord. 1424. Passed 4-19-77.)

1101.10 ENFORCEMENT.

(a) No plat of any subdivision shall be entitled to record in the office of the county recorder of Butler County or have any validity until it has been approved in the manner prescribed herein.

(b) Council shall not permit any public improvement over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this chapter unless such subdivision or street has been approved in accordance with the provisions contained herein.

(c) Building permits may not be issued until the required minimum improvements have been completed to a point where vehicles have reasonable access to the lot for which a permit is being requested. (Ord. 1424. Passed 4-19-77.)

1101.11 CHANGES AND AMENDMENTS.

Any regulations or provisions of this chapter may be changed and amended from time to time by Council, provided, that such changes or amendments shall not become effective until after study and report by the Planning Commission and after a public hearing has been held, public notice of which has been given in a newspaper of general circulation at least thirty days prior to such hearing.

(Ord. 1424. Passed 4-19-77.)

1101.12 VALIDITY AND SEPARABILITY.

If any section, paragraph, subdivision, clause, phrase or provision of these Subdivision Regulations is adjudged invalid or held unconstitutional, the same shall not affect the validity of these Subdivision Regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional. (Ord. 1424. Passed 4-19-77.)

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	September 9, 2008
<u>Case Number</u>	PC-18-2008
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	To amend Section 1101, Subdivision Regulations and Chapter 1101.07 Open Space Residential Development, City of Oxford, Applicant, to allow for open space cluster residential development as an alternative subdivision tool to encourage cluster development while preserving open space/farmland.
<u>Public Hearing Information</u>	At the September 9, 2008 meeting, a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on August 8, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend City Council approval.
<u>Commission Findings and Conclusions</u>	The Planning Commission approved language changes made to Chapter 1101 Subdivision Regulations and Section 1101.07 Open Space Cluster Residential Development.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated August 25, 2008. 2. Chapter 1101 Subdivision Regulations and Section 1101.07 Open Space Cluster Residential Development Language. 3. Long Meadow Subdivision and Silverleaf Subdivision work session materials. 4. Zoning Code Text Amendment Application dated July 9, 2008.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-18-2008

Date – September 9 , 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Chapter 1101 Subdivision Regulations, Chapter 1101.07 Open Space Cluster Residential Development

DESCRIPTION

This application is seeking to amend the Subdivision Regulations of the Oxford Zoning Code to allow for open space cluster residential development as an alternative subdivision tool to encourage cluster development while preserving open space/farm land.

A little over one year ago, the Planning Commission began to review the need to encourage open space conservation and to find ways to move away from the traditional cookie cutter development pattern under the existing subdivision regulations. All work sessions and discussions the Commission have had throughout this process resonated what the community has strongly expressed during the Comp Plan update process.

COMP PLAN

LAND USE

3. Preserve Open Space and Farmland

Oxford is situated in an outstanding rural setting, defined by beautiful open spaces, stream systems and productive farmland. The community has indicated a strong preference for protecting the open space and farmland. Within the City's corporate limits, Oxford can create open space systems through parkland acquisition, floodplain management and other strategies. Outside the City a partnership must be struck with surrounding townships, Butler County, the State of Ohio, the nonprofit community and property owners. Such partnerships can work toward protecting additional open space assets.

Strategies

A. Containing growth and acquiring open space.

The Comprehensive Plan clearly establishes a physical guideline to Oxford's growth, through utility services' boundaries and related capital improvement planning and annexation policies. This strategy makes a statement that the City will manage its growth, thereby protecting identified open space from urban expansion. The City should also work with Butler County to coordinate development approvals consistent with the County – but located outside of Oxford's boundaries. *See Land Use, Objective I , Strategies A and B.*

Within the City's corporate boundaries, efforts should be made to acquire open space components as public parkland or to obtain through acquisition or donation conservation easements on key parcels. The initial focus of an easement program could be floodplain land and only willing

sellers would be approached by the City. Of course, funding sources must be identified if the program is to be successful.

Likewise, the acquisition of open space will always involve public funds. The City should consider various options to fund acquisitions, including state park funds, local funds and a special millage issue. A nonfinancial means of acquiring open space is through a mandatory land dedication requirement for residential subdivision plats. This should be addressed as part of a rewrite of the City's development regulations.

At the same time, the City must partner with its neighbors if a broader regional approach is to be successful. Butler County has prepared plans for the unincorporated areas in and around Oxford and implementation of subdivision regulations should work collaboratively with the City. Oxford and other adjacent townships should support a low-density development pattern and encourage clustering through planned zoning districts. The City should work with Miami University to support the efforts to create a greenbelt along the City's eastern edge. *See Natural Resources, Objective 1, Strategy C.*

Implementation: Planning Department, Planning Commission, City Council and Butler County
Timeframe: immediate and Ongoing

B. Supporting land trusts.

Non-profit land trusts have been a successful mechanism to preserve open space and are growing in popularity across Ohio. A local example are the preservation efforts along Four Mile Creek, which have added to the greenbelt on the City's eastern and northeastern edge.

Where possible the City should continue to support trusts and encourage their preservation activities throughout the Oxford region. Prime agricultural soils should be preserved through conservation easements, along with unique natural resources (e.g. woodlands, ravines, wetlands, and habitat).

Implementation: City Council
Timeframe: Short Term and Ongoing

C. Supporting Ohio farmland preservation legislation.

As efforts are taken at the state level to strengthen legislative measures that preserve farmland, the City should play a role in lobbying for those changes that are consistent with the Comprehensive Plan.

Implementation: Planning Department and City Council
Timeframe: Immediate and Ongoing

D. Encouraging Butler County to adopt and promote agricultural protection zoning.

As a partner on regional issues, the City should encourage Butler County to adopt an agricultural protection zoning district. Such a district would provide protection to farms by restricting uses that impact farm operations - such as residential development. Zoning property under such a district should be accomplished with the support of the affected property owners.

Implementation: Planning Department and Butler County
Timeframe: Immediate and Ongoing

STAFF ANALYSIS

Existing subdivision regulations are a post WWII development model and are not flexible enough to encourage non-traditional development. The result of these regulations is evident in many subdivisions that lots are divided to merely meet the underlying zoning districts without any meaningful way to consolidate natural features in a useful manner. Given the concerns raised by many residents of this community, the Planning Commission felt that it is the right thing to develop open space cluster residential development regulations for development industry to utilize.

This is a culmination of over a year-long working process of the Planning Commission to develop an alternative subdivision regulation to encourage developers to utilize. The intent is to reduce the development cost by encouraging cluster development to set aside open space/farm land.

The proposed language attached is to capture and reflect the discussions the Planning Commission has had as well to provide an alternative development tool to respect the right of property owners, at the same time to maintain and promote open space preservation for the generations to come. Throughout the discussion, the Commission also expressed the desire to incorporate a purpose statement to allow the Planning Commission some guidelines for future review purposes.

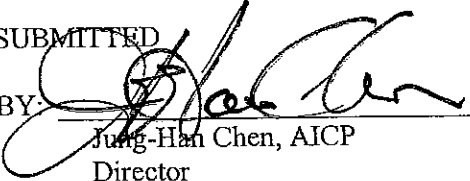
The current Comp plan, as well as the strong sentiment expressed during this Comp Plan Update process have indicated the desire of this community to preserve the rural character. The Planning Commission, following the vision layout under the current plan, worked diligently to develop the language. This is the first step in updating the Oxford Subdivision Regulations in reflecting the vision of the community.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

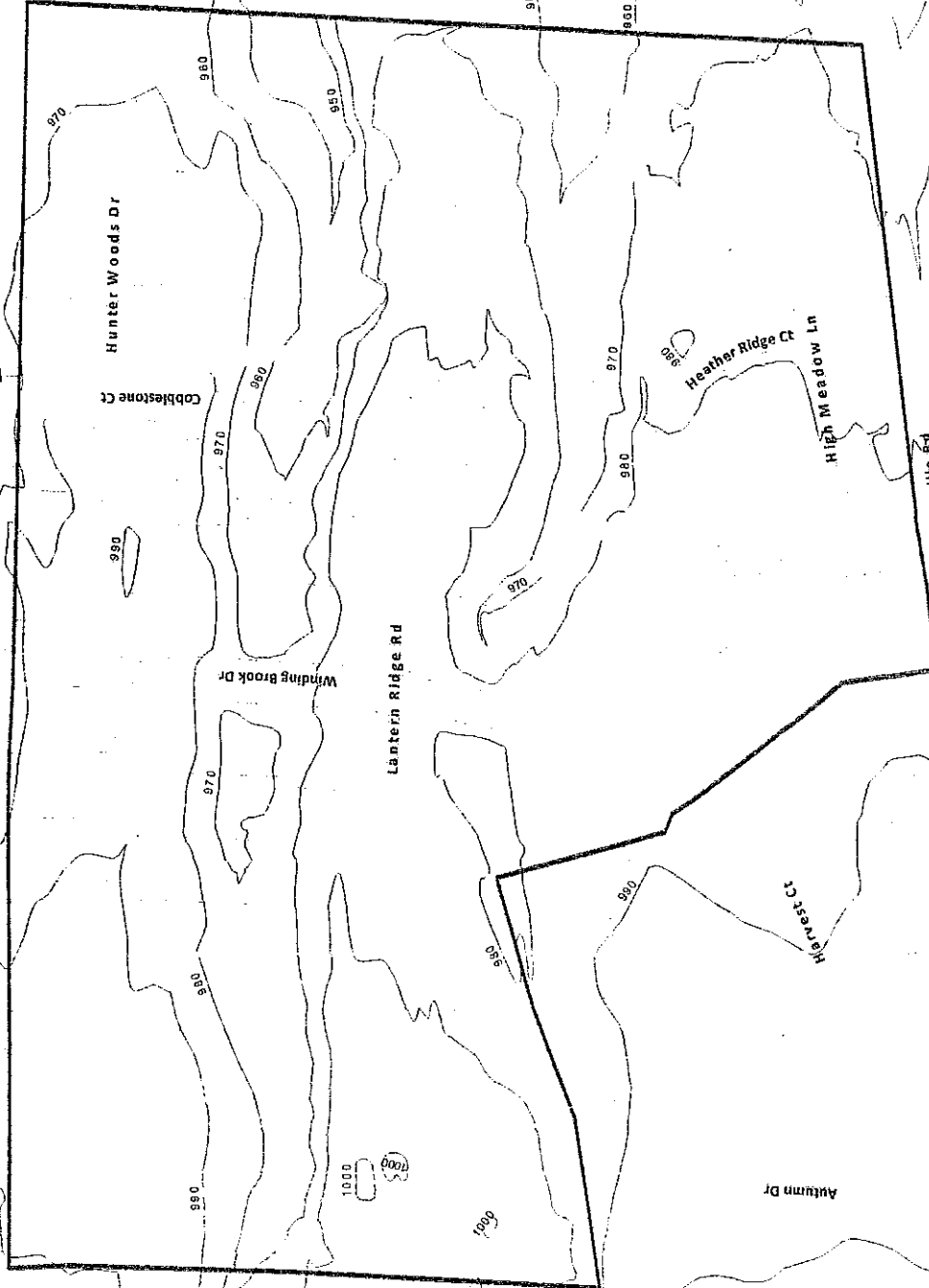

Jung-Han Chen, AICP

Director

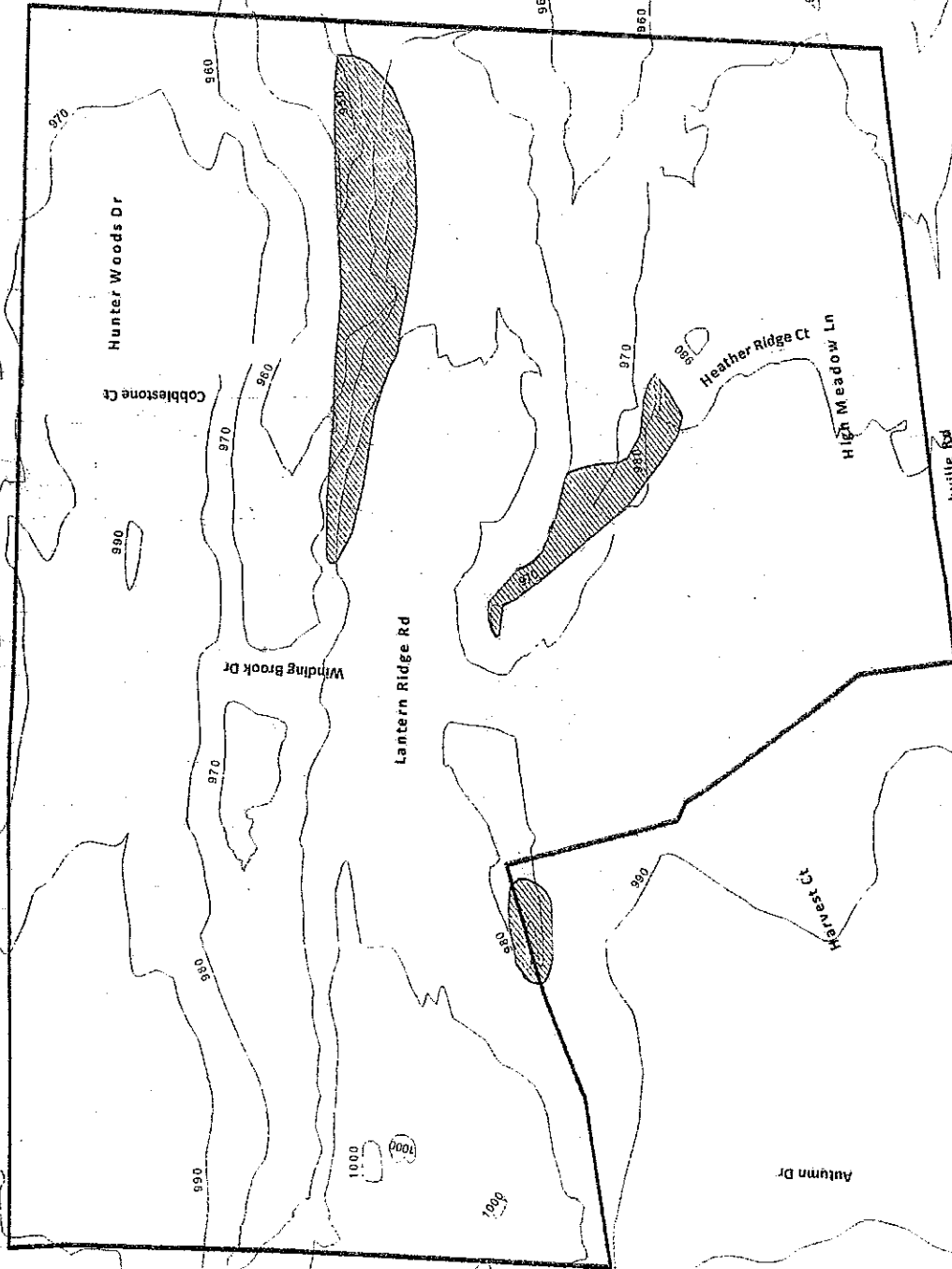
Community Development Department

DATE: August 25, 2008

Long Meadow Subdivision



Long Meadow Subdivision with open
space set aside



Open Space: Approx. 6.05 AC

—Long Meadow Subdivision

- R1A Single Family Low Density Residential

Lot Size: 15,000 Sq. Ft.

Lot Width: 90'

Yard Requirement

Front Yard: 30 feet

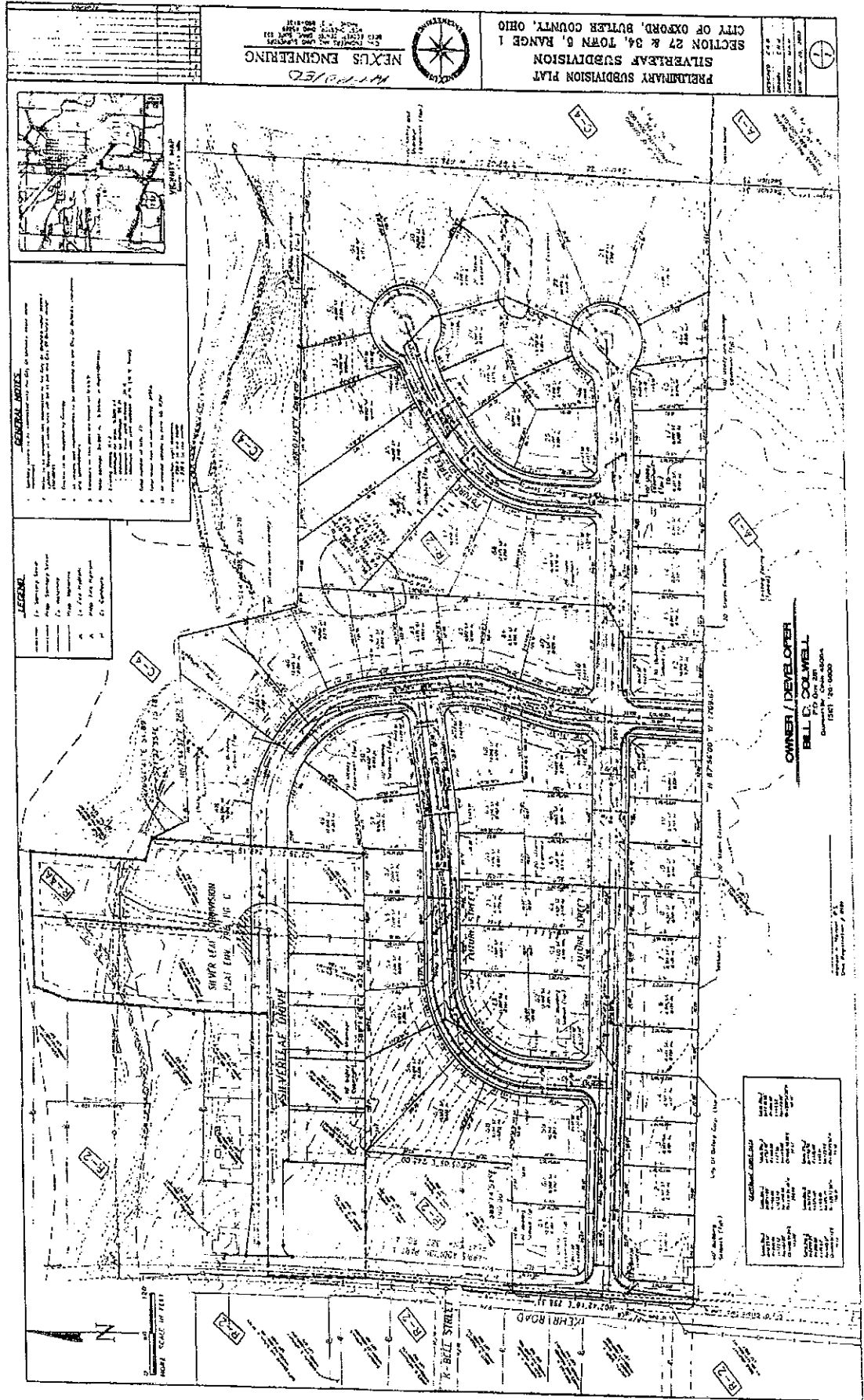
Rear Yard: 40 feet

Side Yard: 10 feet on each side

- Gross Acreage: 57 ac.
 - Permitted Density: 165 units (57 ac/15,000 Sq. ft.). (Feasible density: 132 units)
 - Environmental Sensitive Area: 6.05 ac
 - Roadway improvement: 11.4 ac (20% of the gross acreage)
 - Net Acreage: 39.5 ac.
 - Actual potential density: 114 units.
- Approved density: 120.

[illegible]

Silverleaf Subdivision with open space set-aside (3.7 AC)



–Silverleaf Subdivision

- R1B Single Family Medium Density Residential

Lot Size: 7,500 Sq. Ft.

Lot Width: 65'

Yard Requirement

Front Yard: 30 feet

Rear Yard: 35 feet

Side Yard: 8 feet on each side

- Gross Acreage: 25 ac.
 - Permitted Density: 145 units (25 ac/7,500 Sq. Ft.) (Feasible Density: 116 units)
 - Environmental Sensitive Area: 3.7 ac
 - Roadway improvement: 5 ac (20% of the gross acreage)
 - Net Acreage: 16.3 ac.
 - Actual potential density: 94 units.
- Approved density: 97 units.

- Additional Open Space set-aside

Long Meadow Subdivision

with 15,000 Sq .Ft. lot size

10%- 98 units allowed

20%- 81 units allowed.

Maintained currently approved numbers of units (120 lots)

10%- 12,000 sq. ft. lot size

20% - 10,000 sq. ft. lot size

Maintain feasible density: 132 units

10%- 11,154 sq. ft. lot size

20 % - 9,273 sq. ft. lot size

- Additional Open Space set-aside
Silverleaf Subdivision

with 7,500 Sq .Ft. lot size

10%- 80 units allowed

20%- 65 units allowed.

Maintained currently approved numbers of units (97
lots)

10%- 6,200 sq. ft. lot size

20% - 5,000 sq. ft. lot size

Maintain feasible density: 116 units

10% - 5,182 sq. ft. lot size

20 % - 4,243 sq. ft. lot size

(Sept. PC Mtg)
Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code. (section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: _____

Date: 7.9.08

PRINTED NAME: Jung Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: September 2, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

August 20, 2008
Date Prepared

Agenda Title: PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of Oxford, Applicant**

Recommendation: **Approval**

Discussion:

On June 4, 2008, the Uptown Revitalization Committee finalized their recommendations and findings of the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008.

There are four recommendations to Chapter 1143.10 Uptown District zoning regulations, a modification to Section 1149.05 Vehicle Management Non-Residential Regulations and 1159.07(8) Definition of Floor Area Ratio. The Committee also recommends that the minimum habitable room sizes and widths established in the Property Maintenance Code revert back to the 70 sq. ft. and 7 ft. width. *Please refer to the separate staff summary regarding this proposed language.*

The Commission voted 7-0-0 to recommend approval to City Council with modifications (to 1143.10(c)(4)B. only).

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Uptown Revitalization Committee went beyond the original scope directed by City Council and made the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated delivery space in the Uptown District due to BZA granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in Definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider are:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
jhc	8/20/08

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1149.05, VEHICLE MANAGEMENT NON-RESIDENTIAL REGULATIONS, AND ADOPTING NEW SECTION 1149.05, VEHICLE MANAGEMENT NON-RESIDENTIAL REGULATIONS.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on August 12, 2008 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1149.05, Uptown District, and adopting new Section 1149.05, Uptown District.

SECTION II: Council hereby repeals Section 1149.05 of the Oxford Code of Ordinances and adopts new Section 1149.05 as follows:

1149.05 NON-RESIDENTIAL REGULATIONS.

(e) Additional Requirements.

(2) Loading spaces.

A. Number.

1. One loading spaces shall be required for all non-residential uses and for residential uses with greater than three dwelling units.
2. One additional loading space shall be required for each 20,000 square feet or fraction thereof of floor area over the first 10,000 square feet.

3. All residential and non-residential uses in the UP district are exempt from the loading space requirements.

B. Location.

1. Loading spaces may be located anywhere on a lot.

C. Design.

1. Loading spaces must be a minimum of 10 feet wide by 25 feet long.

D. Utilization.

1. Loading spaces shall be utilized primarily for loading purposes. No vehicle shall occupy a loading space continuously for more than 48 hours.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	August 20, 2008
<u>Case Number</u>	PC-14-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Text Amendment – 1149.05 Vehicle Management Non-Residential Regulations
<u>Summary of Request</u>	A request for approval to eliminate the loading space requirements in the UP District per the Uptown Revitalization Committee's recommendation.
<u>Public Hearing Information</u>	On August 12, 2008 a public hearing was held at 118 West High Street. A legal notice of the August hearing was published in the Oxford Press on July 11, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval at the June 10, 2008 meeting.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval to Section 1149.05(e)(2)A.3.
<u>Exhibits Submitted to the Commission</u>	1. Draft Ordinance dated August 12, 2008 2. Community Development Staff Report dated July 9, 2008 3. Inter-office Review Transmittal Sheets from Fire, Engineering, Police and Economic Development Departments dated July 11, 2008 4. Uptown Revitalization Committee recommendations dated August 4, 2008 5. Text summary comparison sheets 6. Legal Opinion dated April 7, 2008 7. Zoning Text Amendment Application dated June 27, 2008

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-14-2008

Date –August 12, 2008

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio Definition, and 1149.05 Vehicle Management Non-Residential Regulations,

DESCRIPTION

On June 4, 2008 the Uptown Revitalization Committee finalized their recommendations and findings to the Uptown District, specifically in regards to Floor Area Ratio (FAR) and Section 404 of the Property Maintenance Code, as assigned to them in Resolution No. 4333, February 2008. City Council initiated the proposed text amendments at their June 17, 2008 City Council Meeting.

Property Maintenance Code (Not for Planning Commission's Review):

The Committee is recommending to City Council that the bedroom sizes and widths, in addition to the minimum habitable room sizes and widths established in Ordinance No. 2985, November 2007 be repealed and reverted back to the original requirements. The rationale for this is that the Ohio Basic Building Code and Ohio Residential Code currently regulate the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces.

Planning & Zoning Code:

Chapter 1143.10 Uptown District

The following recommendations to City Council for the Uptown District include:

1. Any commercial type use that wants to exceed the 3:1 FAR (overall bulk of the building) may do so, but only as a Conditional Use.
 - The rationale is to encourage more commercial space, without requiring BZA approval and trying to prove a practical difficulty.
2. Increase the building height from 45 feet to 48 feet.
 - The rationale to increase the height is to provide more marketable commercial spaces, to provide higher ceilings in the commercial spaces to conceal the mechanical and electrical equipment and to provide a better roof slope for water run-off.
3. Specify that the 0.7:1 required commercial space must occur on the ground or street level.
4. Eliminate the minimum lot area and floor areas per dwelling unit. Replace these requirements by specifically regulating the maximum residential occupancy.
 - This recommendation regulates density based on a set number of people as opposed to regulating how many dwelling units a building is permitted to have and omitting the overall minimum dwelling size.

Due to the interconnected nature of the zoning regulations, the Committee went beyond the original scope directed by City Council and make the following recommendations:

Section 1149.05 Vehicle Management Non-Residential Regulations

The recommendation from the Committee is to eliminate the requirement for a loading dock or a designated

delivery space in the Uptown District due to the BZA is granting every request for relief from this requirement. Furthermore, with the minimum FAR requirement for commercial, by requiring a loading space area on the property, commercial space may be forced to provide remnant spaces on the upper floors.

Section 1159.07(8) Floor Area Ratio (FAR) Definition

The recommendation to City Council is to include in definitions the exclusion of the 16½ vacated right-of-way from determining the amount of commercial and residential space.

- The rationale for this recommendation is the 16½ vacated right-of-way is restricted to lawn, landscaping, sidewalks and authorized egress and ingress driveways and municipally owned parking or municipally regulated parking. If the property owner cannot physically use the vacated right-of-way for a structure, then they should not be penalized to provide the additional square footage in commercial space. This proposed recommendation would also affect the permitted residential space, essentially reducing the amount of residential that can be provided.

Additional Recommendations:

The Uptown Revitalization Committee discussed many topics as they relate to the Uptown area. Additional topics the Committee would like for City Council to further consider for additional study is:

1. That the use of sidewalks are permitted as opposed to going through the conditional use review as currently stipulated in Section 1143.10(b)(2)D.
2. That patios, decks and balconies for residential uses are optionally calculated into the maximum 2:1 residential ratio.
3. To review the height definitions of the Planning & Zoning Code and how it is calculated, and
4. To, explore the possibility of construction in the 16½ vacated right-of-way as a conditional use.

DECISION CRITERIA

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

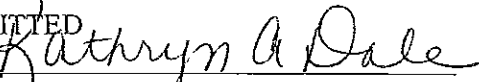
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:


Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: July 9, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

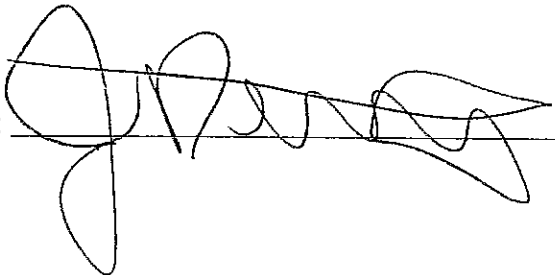
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department (Engineering Division) Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

Description:

PC-14-2008 **ZONING TEXT AMENDMENT**, Uptown Revitalization Committee
Recommendations to Chapter 1143.10 Uptown District, 1159.07(8) Floor Area Ratio
Definition, and 1149.05 Vehicle Management Non-Residential Regulations, **City of
Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: _____

A. [Signature] 7.14.08

City of Oxford
Inter-Office Review Transmittal Sheet

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To: Fire Department Engineering Division (Police Department) Economic Development

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Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** 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: SSM

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 7/11/2008

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-14-2008

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Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **8/5/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Economic Development Dept.
provided a report from the
Uptown Revitalization Committee
outlining their recommendations

Drawings reviewed by: Alan Kucan

Uptown Revitalization Committee Recommendations

In March of 2008 the Uptown Revitalization Committee began meeting. This committee was given the charge to review the recent changes made to the Oxford Zoning Code and the Oxford Property Maintenance Code as a result of Issue 20 passing. To hear concerned citizens and property owners views. If needed, to propose changes. And to present the results to City Council and Planning Commission.

The committee started with 9 members and finished with 5 active members. Two citizens actively participated throughout the process.

Two goals were unofficially established early in the process:

- First was to insure the intent of Issue 20 was fulfilled.
- The second was to streamline overlapping ordinances.

Early in the committees work Scott Webb provided to the committee examples of code duplications and code conflicts. Much of what is being recommended eliminates these conflicts. Many of the recommended changes are due to the City attempting to manage residential density through room sizes and apartment sizes. The committee is recommending using the industry standard of the Ohio Building Code, to identify room and apartment sizes. Residential density will be managed by the current Floor Area Ratio for building size and a proposed Residential Area Ratio for a cap on residential density.

The Floor Area Ratio was deeply discussed over many meetings. The group decided the Floor Area Ratio should be retained because it helps manage the building envelope.

During the four months this group met, most topics were agreed to in whole. The committee was divided on two topics. First was the reduction in bedroom size, the second was exempting the 16.5' set back from the FAR calculation.

Kathy Dale in her staff report discusses each recommendation and the rational behind the recommendation.

Attached is a comparison chart listing the current standards and the proposed changes.

Many of the committee members will be at the Planning Commission meeting to discuss the proposals and to answer questions.

Sincerely;

Uptown Revitalization Committee

Alan Kyger, Chair
Ted Wong

Scott Webb, Vice Chair
Richard Keebler

Kim Peterka

	Current	Revitalization Proposed Changes
Floor Area Ratio Building size vs. Lot size	3:1	3:1 As a Conditional Use May be exceeded for additional commercial
Lot area used for "FAR" Ratio	Gross	Gross minus the vacated 16.5' set back restrictions
First floor lot coverage	70% minimum	70% minimum
Outdoor Dining	Not counted in 70% or FAR	Counted in 70% or FAR
Basement Commercial	Not counted in 70% or FAR	Not counted in 70% or FAR
Residential Ratio Residential vs. Lot size	2:1	2:1
Building Height	45	48
Loading Spaces	Yes	No in UP District
Residential Density Ratio	None	One person per 200 sq ft of gross lot area minus the vacated 16.5' set backs
Bedroom Size	100 sq ft- One 180 sq ft- Two 260 sq ft- Three 340 sq ft- Four	70 sq ft- One 140 sq ft- Two 210 sq ft- Three 280 sq ft- Four Ohio Building Code
Apartment Size Efficiency One bedroom Two bedroom Three bedroom Four bedroom	600 sq ft 800 sq ft 1,000 sq ft 1,200 sq ft 1,400 sq ft	220 sq ft * 300 sq ft * 600 sq ft * 800 sq ft * 1,000 sq ft * * Estimated apt sizes based from the Ohio Building Code.
Min Lot Area Efficiency One bedroom Two bedroom Three bedroom Four bedroom	300 sq ft 400 sq ft 500 sq ft 600 sq ft 700 sq ft	None

Examples

Main & High

Lot Size 7,980 sq ft
 Lot Size, minus set backs 5,785 sq ft

(These lot size figures may not be exact)

SB = Set Back

	Before Issue 20	Current Code	As submitted by owner Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785	100% minus SB 5,785
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,586	70% 5,586	70% minus SB 4,050
Lot Size for "FAR"	na	100% 7,980	100% 7,980	100% minus SB 5,785
Residential	17,355 3 floors	15,960 2:1 Ratio	15,960 2:1 Ratio	11,570 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	11 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants	24	44	60	29
Gross area	3 units per bldg 6 units x 4 res	15,960 x 100% = 15,960 15,960 / 1,400 = 11 11 units x 4 res 4 BR apts	15,960 x 100% = 15,960 15,960 / 1,000 = 15 15 units x 4 res 2 BR apts	5,785 / 200
Number of occupants		32	44	
70% of Gross area		15,960 x 70% = 11,172 11,172 / 1,400 = 8 8 units x 4 res 4 BR apts	15,960 x 70% = 11,172 11,172 / 1,000 = 11 11 units x 4 res 2 BR apts	

old first financial

Lot Size 7,897 (These lot size figures may not be exact)
 Lot Size, minus set backs 7,897

	Before Issue 20	Current Code	As submitted Current Code	Revitalization Proposed Changes
Number of Lots	2	1	1	1
Number of Buildings	2	1	1	1
Size of buildable lot	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897	100% minus SB 7,897
Min Lot Coverage (1st Floor) (Commercial)	?	70% 5,527	70% 5,527	70% minus SB 5,527
Lot Size for "FAR"	na	100% 7,897	100% 7,897	100% minus SB 7,897
Residential	17,355 3 floors	15,794 2:1 Ratio	15,794 2:1 Ratio	15,794 2:1 Ratio
Number of Units	6	Variable Limited by "FAR" & Apt size stds	10 Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% of Gross Area	24	44 15,794x100%=15,794 15,794 / 1,400 =11 11 units x 4 res 4 BR apts	27	39 7,897 / 200
Number of occupants 70% of Gross area		32 15,794x70%=11,055 11,055 / 1,400 =8 8 units x 4 res 4 BR apts		

Lot 52 / 53

Lot Size 18,500 (These lot size figures may not be exact)
 Lot Size, minus set backs 14,067

	Before Issue 20	4 BR Current Code	2 BR Current Code	Revitalization Proposed Changes
Number of Lots	6	2	2	2
Number of Buildings	6	2	2	2
Size of buildable lot	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067	100% minus SB 14,067
Min Lot Coverage (1st Floor) (Commercial)	?	70% 12,950	70% 12,950	70% minus SB 9,847
Lot Size for "FAR"	na	100% 18,500	100% 18,500	100% minus SB 14,067
Residential	42,201 3 floors	37,000 2:1 Ratio	37,000 2:1 Ratio	28,134 2:1 Ratio
Number of Units	18	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Apt size stds	Variable Limited by "FAR" & Res Density
Residential Density Ratio	None	None	None	1per: 200 sq ft
Number of occupants 100% gross area	72 3 units / bldg	104 37,000 x 100% =37,000 37,000 / 1,400 =26 26 units x 4 res 4 BR apts	148 37,000 x 100% =37,000 37,000 / 1,000 =37 37 units x 4 res 2 BR apts	70 14,067 / 200
Number of occupants 70% of gross area	72 3 units / bldg	72 37,000 x 70% =25,900 25,900 / 1,400 =18 18 units x 4 res 4 BR apts	100 37,000 x 70% =25,900 25,900 / 1,000 =25 25 units x 4 res 2 BR apts	70 14,067 / 200



April 7, 2008

Robert N. Farquhar¹
Marshall D. Ruchman²
Dennis J. Adkins
Philip B. Herron
Stephen M. McHugh
Scott A. Liberman
Donald K. Scott
Dalma C. Grandjean
Peter R. Certo, Jr.
Jonathan B. Freeman
Matthew D. Stokely³
David E. Larson

Julie Cape Hammond
Robert F. Jacques
Kelly A. Bennington
Amelia N. Blankenship
Thomas F. Schmitt
Isidora Tsonis

Hugh H. Altick
1905 - 1990
Robert K. Corwin
1913 - 1998

¹ Also admitted in Michigan
² Also admitted in Indiana
³ Also admitted in New York & Connecticut

1700 ONE DAYTON CENTRE
ONE SOUTH MAIN STREET
DAYTON, OHIO 45402-2026

(937) 223-1201 (VOICE)
(937) 223-5100 (FAX)
info@altickcorwin.com (E-MAIL)

VIA ELECTRONIC MAIL
Mr. Paul Brady
Planning Commission Member
City of Oxford
101 East High Street
Oxford, OH 45056 1887

Re: Density Zoning Regulation

Dear Mr. Brady:

You asked that I research for the Uptown Revitalization Committee if the City of Oxford could structure its zoning code based on a density ratio per lot size. The example you gave was a ratio of one person for every 200 square feet of lot size. It is my opinion, that nothing explicitly prohibits doing so, but I caution that a zoning code structure that is based on a ratio could be replete with difficulties that would have to be addressed and could in the future cause significant problems.

The first issue with enforcement will arise from the United States Supreme Court decision with regards to the Equal Protection Clause. The U.S. Supreme Court has held that a city zoning ordinance cannot restrict the right of related individuals to reside together. The Court ruled this in a decision involving *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974). The Supreme Court essentially stated that a zoning ordinance could restrict the number of unrelated individuals living together, but could not restrict related individuals. Several years later, the Supreme Court returned to the issue and stated that a city was unable to restrict the number of related individuals who resided together. *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

As a result of these two Supreme Court decisions, the City of Oxford in creating zoning systems that limits the number of persons based on a ratio or square footage to a lot will have to create an exception for all families. Under such a carve out, individuals living on the lot if related by affinity or consanguinity, will have to be exempted from zoning requirements restricting density. The purpose for which the building is to be constructed and the density to be applied in the construction will have to be addressed early on. The occupation of the building will become critical in determining how and under what circumstance the building is to be constructed.

The Ohio Supreme Court has expanded the definition of "family" to those who act as a family unit, even if not related by blood or marriage. In particular, a group home could constitute a family, such as a foster home for children.

Mr. Paul Brady
Page 2
April 7, 2008

The Court has ruled that a family unit is a unit that performs the social function of child-rearing regardless of relationship or composition or whether it includes foster children as well as natural children. The Court found that families are protected against governmental intrusion not supported by a compelling governmental interest. Based on two United States Supreme Court decisions it will be difficult to not exempt families based on a compelling governmental interest. In designing a system based on density, it is critical how the word family is defined.

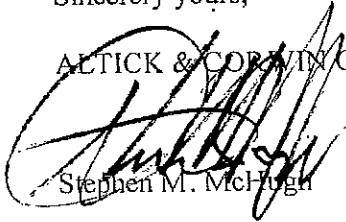
There is also a long standing position in Ohio case law that asserts that zoning should as near as is reasonably possible, deal equally with like property or property similarly situated. A zoning regulation based on a density ratio, one could argue, should be applied to all residential lots regardless of their size or location within the city as the ratio is based on lot square footage.

In conclusion, a zoning code regulation based on density is possible. I urge caution and the issue should be studied to determine what the unintended consequences of density based zoning are.

I hope that this letter is of assistance to you. If I can be of further assistance to you or the Committee, please advise.

Sincerely yours,

ALTICK & CORWIN CO., L.P.A.



Stephen M. McHugh

SMM/kah

Cc: Uptown Revitalization Committee Members
Douglas R. Elliott, Jr., City Manager
Jung-Han Chen, Director of Community Development
Kathryn Dale, City Planner

7562-001

Zoning Code Text Amendment Application
City of Oxford, Ohio



REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street
Oxford, OH 45056
Telephone Number(s): (513) 524-5201 or 5204

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

1. A general description of the proposed amendment.
2. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
3. A statement that identifies potential negative consequences of the proposed amendment.
4. Any existing section number and text that is proposed to be deleted or amended.
5. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
6. A narrative statement that describes the expected effects of the proposed text.
7. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- a. make the Code conform more closely with the Comprehensive Plan.
- b. improve the public health, safety, and general welfare of Oxford.
- c. clarify the intent of the Code.
- d. better implement the intent of the Code.
- e. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date.

SIGNATURE OF APPLICANT: Jung-Han Chen Date: 6/27/08
PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development
Originating Department

Council Meeting Of: October 7, 2008

Alan Kyger

Account Code No. #: _____

Prepared By

Budgeted Amount: None

October 3, 2008

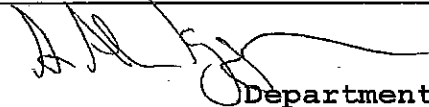
Date Prepared

Agenda Title: Resolution endorsing a City of Oxford Position Statement for presentation to the Butler County Planning Commission.

Recommendation: Approve

Discussion: The attached Resolution and Position Statement will be submitted to the Butler County Planning Commission at their October 14, 2008 meeting. The purpose of the Position Statement is for the Oxford City Council to provide an organized statement for the Butler County Planning Commission meeting. This Position Statement reflects a summary of the previous actions taken by the Oxford City Council with regard to the Oxford Thoroughfare Plan and the Northwest Butler County Transportation Plan.

In addition to the Position Statement, the City plans to present to the Butler County Planning Commission, recently adopted resolutions, recently amended study area maps and a timeline of events which have occurred over the last four months in preparation for their meeting.

Approved By: 

Initial Date

Department Head:

City Attorney:

Acting City Manager:



10/3/08

RESOLUTION NO. _____

A RESOLUTION ENDORSING A CITY OF OXFORD POSITION STATEMENT FOR PRESENTATION TO THE BUTLER COUNTY PLANNING COMMISSION.

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

SECTION 1: The Butler County Planning Commission tabled the discussion on the possible amending of the Butler County Thoroughfare Plan on July 10, 2008, in order for the City of Oxford and Oxford Township to conduct discussions on collaboration.

SECTION 2: Oxford City Council has held two work sessions, and two joint meetings with surrounding Townships, Miami University and County officials, as well as numerous meetings with State, County, and local officials.

SECTION 3: Council, as a result of these meetings and discussions, has made major adjustments to the City's thoroughfare goals in an attempt to solve problems and reach a consensus with the neighboring townships.

SECTION 4: Oxford City Council, therefore, endorses the Position Statement of Council, attached hereto and incorporated herein, as Exhibit 'A' and finds that the Oxford Thoroughfare Plan, the Butler County Thoroughfare Plan and the recommended funded projects of the Northwest Butler County Transportation Study are in the best interest of the City and the surrounding townships, and will serve to protect the health, safety and welfare of the citizens of Oxford and the greater area.

SECTION 5: Council understands the Butler County Planning Commission will reconvene on October 14, 2008 to continue deliberation of the Butler County Thoroughfare Plan.

SECTION 6: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

Oxford Thoroughfare Plan and the Butler County Thoroughfare Plan

Position Statement

Exhibit A

October 7, 2008

The City of Oxford endorses the following positions concerning the Oxford Thoroughfare Plan, the Butler County Thoroughfare Plan and the recommended funded projects of the Northwest Butler Transportation Study. This Position Statement is created from contents of the Oxford Thoroughfare Plan and Resolutions of support for the Northwest Butler Transportation Study (NBTS) recommended projects.

Oxford Thoroughfare Plan and the Butler County Thoroughfare Plan

- City of Oxford is requesting the concept of a connector road between US 27 south and St Rt 73 east remain on the Butler County Thoroughfare Plan. The City understands this connector road may not be an endorsed project by the City of Oxford in the future, pending the recently requested US 27 and St Rt 73 re-routing studies.
- City of Oxford is requesting the concept of a connector road between US 27 south and St Rt 732 south, across the southern side of Oxford, remain on the Butler County Thoroughfare Plan.
- City of Oxford is requesting the concept of a connector road between US 27 north and Contreras Road remain on the Butler County Thoroughfare Plan.
- The City of Oxford Thoroughfare Plan has several other connector roads concepts which do not appear on the Butler County Thoroughfare Plan. Many of these connector concepts are outside the current City of Oxford boundaries, but are inside the normally accepted City planning area. The City recognizes that should the City not grow into these areas, road and transportation planning of these areas belong to the County.

Northwest Butler Transportation Study (NBTS) Alternative 5-C.

The City of Oxford continues to support the NBTS recommendations with the following modifications.

- The Oxford City Council has requested the recommendation of re-routing US 27 & St Rt 73 over local roads to become a funded and active project. With further clarification that the area to be studied is, re-routing US 27 from High St and Patterson Ave to other streets inside the City of Oxford.
- The NBTS recommendation of a connector road between US 27 and St Rt 73 is amended by the following:
 - The Oxford City Council has requested the connector road study area be amended to include an area much closer to the City of Oxford borders.
 - The entrance point onto US 27 is in the proximity of the corner of Chestnut St. and Patterson Ave.
 - The Connector Road only be constructed should the ODOT traffic/safety/congestion studies provide the road is warranted.
 - The current ODOT study of the Connector Road be idled until the US 27 & St Rt 73 re-routing study is complete and reviewed by City Council.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Jung Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

September 22, 2008
Date Prepared

Agenda Title:	Revised HAPC Rules of Procedure
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Recommendation:	Approval
------------------------	-----------------

Discussion:

Presented to City Council on September 2, 2008, the HAPC Rules of Procedure were resended back to the HAPC due to concerns with the public comment portion of the document.

The HAPC discussed City Council's concerns at their September 3, 2008 meeting and decided to leave in the original language.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>9/22/08</u>
	City Manager:		

RESOLUTION NO.

RESOLUTION AMENDING THE HISTORIC AND ARCHITECTURAL PRESERVATION
COMMISSION RULES OF PROCEDURE.

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

SECTION 1: The Historic and Architectural Preservation
Commission Rules of Procedure enacted by Resolution No. 3143,
adopted March 7, 1995, be and the same is hereby repealed and the
following adopted.

SECTION 2: The Historic and Architectural Preservation
Commission Rules of Procedure are hereby adopted as follows:

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

**RULES OF PROCEDURE
FOR THE
HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION**

Article I – Membership

The Historic and Architectural Commission is established by Ordinance No. 1544 by the Council of the City of Oxford, Butler County, State of Ohio. Membership shall consist of seven members. All members shall have, to the greatest extent practicable, interest and proficiency in historic and architectural preservation and adaptive reuse. All shall be residents of the City of Oxford. ~~At least four of these shall own real estate in the City of Oxford.~~ **One member shall be an owner of real property or be a proprietor of a business in one of Oxford's Historic Districts. Two members should have professional training or be employed in professions related to historic preservation, architecture, architectural history, history, archaeology, planning, real estate, building construction, or law related to any of these. Two members should own real property in Oxford, and have demonstrated a special interest in historic preservation and related matters.** One member shall be a member of the Oxford Planning Commission and one member shall be a member of the Oxford City Council. Members of the Commission shall be appointed by a majority of City Council and shall serve four year overlapping terms of office with one term expiring each year. The City Manager, as authorized by Section 8.12 of the Oxford Charter, shall serve as an ex-officio member of the Commission.

ARTICLE II – Jurisdiction and Function

In accordance with Ordinance No. ~~4544~~ **2734** of the Code of the City of Oxford, the Commission shall have the following jurisdiction, powers, and duties:

1. The Commission shall be empowered to conduct or coordinate a survey or surveys of all areas, places, structures, works of art, or objects in the City of Oxford which the Commission has reason to believe are or will be eligible for designation as historic sites or historic districts.
2. It shall be the duty of the Commission to recommend the designation of historic districts or sites and to review all plans for the construction, alteration, repair, moving or demolition of historic sites and structures in a historic district and it shall have sole power to issue a Certificate of Appropriateness. (See ~~Section 1204.04~~ Chapter 1331 for further specification)

ARTICLE III – Offices and Duties of Members and Staff

Section 1. At the first meeting of each calendar year, the Commission shall elect one of its members as Chair and one as Vice-Chair, except that the member of the Planning Commission **or Council** shall not stand eligible for any of the aforementioned offices.

Section 2. The Chair shall preside at all meetings of the Commission, shall call special meetings, and shall be responsible for the preparation of the agenda of each business meetings. The Chair shall also represent the Commission in matters and areas of concern to the Commission when so directed by a majority of its members and/or by City Council. The Chair shall advise and keep the members apprised of Commission related matters; and, shall perform such other duties commonly prescribed to such office and those duties that are deemed appropriate and necessary by other members of the Commission and/or City Council.

Section 3. The Vice-Chair shall perform the same duties as the Chair in his/her absence; shall be responsible with the aid of the Historic Preservation Administrator and the Law Director for the orientation of and the dissemination of all pertinent Commission materials for all newly appointed members.

Section 4. In the event that the Chair and the Vice-Chair are both absent from a meeting, the remaining members shall select a Chair Pro-Tem who shall perform the same duties as the Chair for the balance of the meeting.

Section 5. The Recording Secretary shall record, either in manuscript or by mechanical tape recording, the proceedings of all business meetings, hearings, and public meetings, and shall prepare the minutes therefrom. All such recorded proceedings (manuscript or tapes) shall be preserved for a period of six months. A record shall be made by the Recording Secretary and be placed in the minutes of each business meeting indicating the vote of each member by name relative to each agenda item. Said minutes shall be placed in the Public Record and shall be maintained in the office of the Historic Preservation Administrator.

Section 6. The Law Director serves as the legal counselor to the Commission in accordance with Section 5.05 4 of the Oxford Charter and Section 125.02 of the Oxford Administrative Code and shall be responsible for advice, interpretation, and recommendation in all matters relating to Commission business.

Section 7. The Historic Preservation Administrator with the concurrence of the City Manager (see Sections 121.02 and ~~127.10~~ of the Oxford Administrative Code) shall report on agenda items; shall be responsible for the compiling and maintaining of all documents and communications received by the Commission; shall notify in writing petitioners and/or affected parties and the news media of meetings, hearings and the like; shall request and assemble all pertinent documents and information relative to agenda items; shall keep the Public Record of Commission matters on file in his/her office in the Municipal Building and ~~make same available for public inspection at the Smith Library of Regional History;~~ and, shall make available to petitioners, affected parties and/or the public the rules and regulations relative to Commission procedures.

ARTICLE IV – Meetings

Section 1. ~~A Regular~~ business meetings of the Commission upon the call of the Chair is **usually** held at 7:30 p.m. on the first Wednesday of each month, or as scheduled by the Commission. Additional business meetings may be called by the Chair or by any two (2) members when deemed necessary and appropriate, or when mandated by requirements of Section ~~4204 1331~~ of the Oxford Code. All Commission meetings are open to the public for attendance and participation and shall be announced to the public and the news media at least two days in advance of the meetings.

Section 2. The Chair or any two (2) members may call a work session. Work sessions are for the purpose of studying appropriate matters pertinent to the duties of the Commission. The public is invited to attend the entire work session and may participate **during the first and last fifteen (15) minutes (and at other times** at the discretion of the Chair), of such sessions in matters relative to the agenda or matters discussed during the work session. Notice of the call for special meetings or a work session shall be communicated to the public and the news media at least two days ~~24 hours~~ in advance of said meetings.

Section 3. All meetings, including Executive Sessions, shall be held and conducted in conformance with the Ohio Sunshine Law (Ohio Revised Code, Section 121.22, ~~see Appendix B~~).

Section 4. Quorum for all meetings and work sessions shall consist of four members present at the meeting.

Section 5. All questions concerning the governance of the Commission business meetings and the transaction of such business shall be decided in accordance with parliamentary rules as contained in the latest Revised Edition of Robert's Rules of Order.

ARTICLE V – Voting

Section 1. The voting members of the Commission are the five citizen members appointed by City Council, one Planning Commission representative, and one Council representative.

Section 2. A majority vote of those members present shall be necessary to pass any item of business that is brought before the Commission. Where only a quorum is present at any business meeting an affirmative vote of three (3) members is necessary to validate the passage of any motion or recommendation. Any motion where only quorum is present which results in a tie vote shall become automatically an agenda item for the next regular business meeting or, if so required by ordinance, at a specially called business meeting.

Section 3. No Commission member shall participate in the discussion or vote on any matter in which a personal interest exists. It shall be the responsibility of the Chair to inquire whether a personal interest exists. Members having such a personal interest shall absent themselves from the Commission during that portion of the meeting in which said matter is being deliberated and voted upon.

Section 4. Any member may include in the Commission's recommendations to the City Council a minority report in regard to any agenda item.

ARTICLE VI – Public Hearings

Section 1. Public hearings pertinent to Commission matters initiated and conducted by the City Council should be attended by Commission members for the purpose of gathering relevant information which may be presented at the hearing. At the Commission's next regular monthly business meeting or at a specially called business meeting (if so required by deadlines specified by ordinance), the Commission shall consider the matter, may solicit a written opinion from the Planning Commission and make its recommendation to City Council.

Section 2. All Commission members shall be notified by the Clerk of City Council of public hearings established by the Council on subjects pertaining to Commission matters.

Section 3. When a public hearing has been requested by a petitioner under the purview and authority of Chapter ~~1204~~ **1331** of the City Code, the Commission shall set forth the time and place of the hearing and shall give written notice to the petitioner of the time, date and place of said hearing and the Commission shall make public notice of the same. Such hearing shall be held not more than thirty days after the written request for the hearing or may be held within such a time as is mutually agreed upon by the Commission and the petitioner. The Historic Preservation Administrator shall transmit in writing its findings and final determination to the petitioner not later than thirty (30) days following the date of the hearing.

ARTICLE VII – Business Procedures

Section 1. Agenda items of business must be received at the City Manager's Office in the Municipal Building no later than ~~12:00 noon of the second Monday~~ **5:00 p.m., nineteen (19) days** preceding the regular monthly business meeting. Business items that are submitted after this time shall be considered at the next business meeting or at a special meeting as required to satisfy time requirements mandated by Section ~~1204~~ **1331**.

~~**Section 2.** The Agenda for the regular monthly business meeting shall follow the format set forth in Appendix A hereof. An Agenda shall not be required for additional business meetings called by the Chair unless new items of business are to be considered at the additional meeting.~~

Section 3.2. Each agenda item of business that is submitted for the Commission's consideration must be complete, that is, it must contain all pertinent information such as: plans for new construction, renovation, rehabilitation or for alteration, repair or demolition of any area, place, structure, work of art, or object which falls under the designation of historic site or historic district. Such complete information shall be required when necessary and applicable in accordance with the requirements stipulated by the appropriate sections of ~~Chapter 4204~~ **Chapter 1331** of the City Code (or other pertinent ordinances) under which the agenda item is being considered.

Section 4. In order ~~that for~~ the Commission ~~may to~~ fulfill its responsibilities and duties in rendering proper consideration to any petition submitted by an individual or individuals, said individual or individuals or agent or legal representative shall be present at the business meeting and shall fully inform themselves of the ordinance, rules, and regulations relative to the business item involved. It shall be the duty of the Historic Preservation Administrator to inform said party or parties in writing of the time, date, place, and purpose of the meeting. The Commission shall reserve the right to dismiss or postpone any petition if the petitioner, his agent, or legal representative is not present at the meeting or has not requested in writing a reasonable extension of time for a proper presentation of said petition.

Section 5. The Commission renders its decision on all petitions in accordance with **Chapter 1331** ~~the Oxford Code of Ordinances~~. Between the time of the receipt of a petition and the deadline for Commission approval, disapproval, or report, the Commission may:

- a) conduct surveys;
- b) hold special meetings (prior to or in addition to the advertised public hearing required by the various ordinances) for the purpose of eliciting pertinent information from interested parties;
- c) conduct such investigations as it deems necessary and desirable.

Section 6. **The Recording Secretary shall** ~~prepare~~ an annual report for submission to City Council in February.

APPENDIX A

AGENDA

~~HISTORIC & ARCHITECTURAL PRESERVATION COMMISSION~~

DATE

HOUR

MEMBERS

Chairperson	Member
Vice-Chairperson	Member
Member of Planning Commission	Member
Member of City Council	

STAFF

Historic Preservation Administrator	City Manager
Recording Secretary	Law Director

1. ~~Call to Order~~
2. ~~Approval of agenda and items for discussion~~
3. ~~Minutes of previous meeting~~
4. ~~Requests for review~~
 - a) ~~Requests for sketch review~~
 - b) ~~Requests for Certificate of Appropriateness~~
 - c) ~~Requests for review of administration findings relevant to condition standards~~
5. ~~Items related to Designation of Historic Sites or Districts~~
 - a) ~~Surveys, studies, reports~~
6. ~~Announcements & Communications~~

~~Announcements relevant to historic or architectural preservation locally regionally or nationally~~
7. ~~Communications~~

~~Letters from the public, council or other commissions not relevant to any other agenda item~~
8. ~~Old Business~~
9. ~~New Business~~
10. ~~Adjourn~~

A work Session of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 16, 2008 at 6:00 P.M. Those Council members present were, Kate Currie, Richard Keebler, Ken Bogard and Doug Ross. Alysia Fischer arrived at 6:55 p.m.

Staff members present: Doug Elliott, City Manager; Mike Dreisbach, Service Director; David Treleaven, Environmental Specialist; Alan Kyger, Economic Development Director; Joe Newlin, Finance Director; Steve McHugh Law Director and Mary Ann Eaton, Deputy Clerk of Council.

APPROVAL OF AGENDA

Ms. Currie moved approval of the Agenda. Mr. Keebler seconded. The motion carried 5-0-0.

PURPOSE

The purpose of the Work Session was for Council to receive information from Eccologix, a Biodiversity Consulting Group, regarding Deer Harvesting/Management.

INTRODUCTION

Mr. Elliott introduced himself and Council members to Mr. Glen Campbell and Mr. Joe Nitterour from Eccolix.

BACKGROUND

Mr. David Treleaven summarized the Environmental Commission's work to date with regard to deer issues within the City.

PRESENTATION

Mr. Glen Campbell, provided a PowerPoint Presentation with regard to Deer Management Strategies and distributed literature to Council regarding the matter.

QUESTION/ANSWER SESSION

Mayor Dana opened the meeting for members of the audience to ask questions of Mr. Campbell and Mr. Nitterour.

ADJOURNMENT

Mr. Bogard moved to adjourn at 7:00 p.m. Ms. Currie
seconded. The motion carried 6-0-0.

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, September 16, 2008 at 7:52 p.m. Those members present were Ken Bogard, Doug Ross, Alysia Fischer, Richard Keebler and Kate Currie. Greig Rutherford was excused.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Steve Schwein, Police Chief; Mr Joe Newlin, Finance Director; Mr. Alan Kyger, Economic Development Director; John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Deputy Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Ross moved to adjourn to Executive Session at 7:00 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Council Appointments and (3) Pending Litigation. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Ms. Fischer, Mr. Ross, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:50 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Keebler Ms. Fischer, Mr. Ross, Mr. Bogard, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIENCE

Mayor Dana requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Bogard moved to approve the agenda. Ms. Fischer seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **'HISPANIC HERITAGE MONTH'**

Mayor Dana read the Proclamation and presented it to Diana Durr on behalf of Juanita Tate of Miami University.

Ms. Durr advised the UniDiversity Festival would take place on Friday in the Uptown Parks.

PRESENTATION

State to State Half Marathon and 5K Run.

Ms. Sarah Mabry, noted she distributed an application for the race and other information to Council with regard to this year's event. Ms. Mabry thanked the City for getting the High Street brick replacement completed and the road opened prior to the race. Ms. Mabry noted the goals for the event were to bring visiting athletes to Oxford, encourage residents to exercise, and to donate funds after expenses to charities. Ms. Mabry noted \$45,000.00 had been donated to local and national charities since 2003. Ms. Mabry advised participation in the event was higher this year than any other with people from 17 states being represented. Ms. Mabry inquired if Council would be willing to consider waiving the street closure fees for the event this year as they had been waived in the past and were not budgeted for.

Mr. Bogard inquired how many participants had signed up for the event this year and Ms. Mabry advised 1,200 and 300 volunteers as well as Police assistance from 5 departments.

Mr. Ross inquired how much money was raised for charity last year and Ms. Mabry advised approximately \$5,000.00.

Mayor Dana advised Council would consider Ms. Mabry's request at the end of the meeting.

Mr. Jack Southard, Oberlin Court, updated Council with regard to a picnic held on Oberlin Court hosted by him and his wife to promote community relations. Mr. Southard noted this was the 4th year for the event.

Mayor Dana noted the agenda had not been followed properly and advised Council would make appointments to Boards and commissions and then resume public comments.

**APPOINTMENTS TO BOARDS
AND COMMISSIONS**

**STUDENT COMMUNITY
RELATIONS COMMISSION**

Ms. Fischer moved to appoint the following representatives to the Student Community Relations Commission for one year terms: Residence Hall Association, Ashley Perry, Associated Student Government, Thad Boggs, Intrafraternity Council, John Barrett, and Panhellenic Council, Kendall McCune. Ms. Currie seconded. The motion passed 6-0-0.

AD HOC COMMITTEE

Ms. Currie moved to appoint David Prytherch as the Planning Commission representative to an Ad-Hoc committee to study the feasibility of new and/or expanded fraternity houses in Oxford. Ms. Fischer seconded. The motion passed 6-0-0.

PUBLIC COMMENTS

Mr. Thad Boggs, Ardmore Drive, Secretary, Associated Student Government for Off Campus Affairs, thanked Mr. and Mrs. Southard for hosting the block party on Oberlin Court. Mr. Boggs noted the first Student Senate meeting took place today and Chief Schwein, Sgt. Squance and Patrolman Buchholz were in attendance from the Oxford Police Department as well as Chief McCandless from Miami. Mr. Boggs read legislation which was passed by the Student Senate regarding Council's responsiveness to the student's concern with regard to outdoor furniture fines. Mr. Boggs advised as a result of the black-out from Sunday's storm, Miami was opening dining halls to the public and were offering a 15% discount on meals through Friday of this week and the Recreational Sports Center was offering the use of its showers to the public as well. Mr. Boggs updated Council regarding events including Greek Week, the Crop Walk, a Blood Drive, Parents Weekend and College Republican and Democrat debates. Mr. Boggs noted Carl Rove, former Bush advisor would visit the university on October 8, 2008.

Mr. Ross asked Mr. Boggs to clarify a situation which took place last night in front of Lewis Place which Mr. Boggs addressed.

CONSENT AGENDA

MINUTES

Minutes of the August 26, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 2, 2008 City Council Work Session. (Mary Ann Eaton, Deputy Clerk of Council)

Minutes of the September 2, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

REPORTS

Report regarding the September 3, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the September 10, 2008 Records Commission Meeting. (Mary Ann Eaton, Deputy Clerk of Council)

Mr. Bogard moved to approve the consent agenda. Mr. Keebler seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION **ANNEXATION**

A Resolution No. 4386 accepting the annexation petition from Bill D. Colwell for 40.113 acres of land located on Kehr Road in the Township of Oxford, Ohio and accepting said territory to be annexed. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed legislation was the final step in annexing the above property into the City.

Ms. Fischer noted Council hinged their annexation decision based on the applicant receiving funds for affordable housing and inquired what the outcome of that application was. Mr. Chen advised the project did not get funded this time and Mayor Dana advised the applicant was going to reapply for funding.

Mr. Keebler noted he was not sure if Council wanted this property to be annexed if the tax credit for affordable housing was not granted. Mr. Keebler noted his feeling Council needed to have reversionary clauses in legislation for rezoning and annexation if proposals did not come to fruition in a reasonable period of time.

Mr. McHugh explained the annexation statute noting due to time constraints, if Council did not approve the annexation this evening, the process would have to start over.

Mr. Elliott noted this was a 40 acre tract of land with 20 acres designated as low income housing and the owners were planning to reapply for the low income tax credit. Mr. Elliott noted his feeling the development of the 20 acres could be delayed until the annexation agreement was amended. Mr. Elliott noted the entire parcel was to be rezoned R1B.

Mr. McHugh agreed with Mr. Elliott noting the owner applied for the tax credit in good faith and got turned down and if this happened twice the owners would have to be allowed to use their property at some point since they had done everything they said they would in good faith and could not get the designation.

Mr. Elliott encouraged Council to approve the annexation so the property would be developed within City limits noting it could take 2 to 3 applications before the low income tax credit designation was received.

Ms. Fischer noted the glut of housing in Oxford and stated her feeling annexation should provide a tangible benefit to the City. Ms. Fischer noted she could not support the proposed legislation.

Mr. Bogard noted a goal of the Comprehensive Plan was to attract people to Oxford and noted his feeling this would provide affordable housing for Miami staff and faculty.

Mr. Ross noted he would support the proposed legislation as he felt Mr. Colwell was an honest man. Mr. Ross noted his concern that back yards of rentals would face Booth Road.

Mr. Scott Webb, noted his feeling there was a flaw in logic since there was an agreement between two parties based on the actions of a third party which was unpredictable. Mr. Webb suggested Council look at other incentives for development such as relieving some of the burden on new development.

Mr. Bogard moved to adopt Resolution No. 4386. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Mr. Ross, Ms. Dana (5)

NAY: Mr. Fischer (1)

ABS: None (0)

ORDINANCES **FIRST READING**

ORDINANCE **SUPPLEMENTAL BUDGET**

An Ordinance Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin explained the two adjustments needed as listed in the staff report on page 37 of the agenda.

ORDINANCE
NEW SECTION 404

An Ordinance Repealing Oxford Property Maintenance Code Section 404, Occupancy Limitations, And Adopting New Section 404, Occupancy Limitations. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the following 4 proposed Ordinances resulted from recommendations from the Uptown Revitalization Committee. Mr. Chen noted the first proposed Ordinance dealt with the bedroom size and width within the Property Maintenance Code. Mr. Chen noted the committee held lengthy discussions regarding the issue and felt the size should be reverted to the original requirements of 70 square feet and 7 foot width as the Ohio Basic Building Code and Ohio Residential Code currently regulated the minimum standards sufficient to accommodate human habitation of bedrooms and living spaces. Mr. Chen advised the following 3 proposed Ordinances dealt with managing density issues. Mr. Chen noted Mr. Kyger chaired the Uptown Revitalization Committee and would offer comments as well.

Mr. Kyger recognized Richard Keebler, Scott Webb, Kim Peterka, Ted Wong, Mayor Dana and Mr. Rutherford for their participation on the committee and Kathy Dale for staff support.

Mr. Kyger advised the intent of the first proposed Ordinance was to take away the manner in which to control density with bedroom and apartment sizes and replacing it with a straight residential density which matched the Ohio Building Code rather than trying to create codes specific to Oxford.

Mr. Scott Webb, noted his role on the committee was to point out that the Zoning Code was the only locally written code and it appeared when anyone felt something should be regulated in the City it was put in the Zoning Code. Mr. Webb noted he brought to the committee the Ohio Residential Code, Ohio Commercial Building Code, the Life Safety Code and Property Maintenance Code which were National Standard Codes adopted state-wide. Mr. Webb noted the committee came up with other ways to affect density and they were in favor of bringing all codes in line for easier understanding and administration as well as trying to eliminate unintended consequences.

ORDINANCE
NEW SECTION 1143.10

An Ordinance Repealing Zoning Code Section 1143.10, Uptown District, And Adopting New Section 1143.10, Uptown district. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance dealt with increasing the building height to make commercial space more marketable, removing the dwelling size regulation and use a factor of 200 square feet per person per lot, and requiring a Conditional Use Permit for commercial space in excess of the 3:1 floor area ratio.

Mr. Scott Webb, noted the increase in building height from 45' to 48' would alleviate a lot of burden on developers without significantly changing the streetscape.

Ms. Fischer noted the Planning Commission recognized the hard work done by the committee and how the proposed Ordinances were intertwined. Ms. Fischer noted she felt comfortable voting for the proposed Ordinances as a package.

Mr. Keebler advised he liked many aspects of the proposed Ordinances because they simplified matters such as the Conditional Use Permit requirement to eliminate certain issues going before the Board of Zoning Appeals. Mr. Keebler advised the proposed Ordinances would provide for redesign of existing buildings as opposed to forcing new development to increase density.

ORDINANCE
NEW SECTION 1159.07

An Ordinance Repealing Zoning Code Section 1159.07, Definitions, And Adopting New Section 1159.07, Definitions, Revising 1159.07(8), Floor Area Ratio (FAR) Definition. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance would change the definition of the Floor Area Ratio by removing the vacated right-of-way in computing density. Mr. Chen noted this was a difficult vote but one he felt everyone could live with.

Mr. Kyger further explained the rationale for the proposed Ordinance.

ORDINANCE
NEW SECTION 1149.05

An Ordinance Repealing Zoning Code Section 1149.05, Vehicle Management Non-Residential Regulations, And Adopting New Section 1149.05, Vehicle Management Non Residential Regulations. (Jung-Han Chen, Community Development Director)

Mr. Chen noted the proposed Ordinance would eliminate the loading space requirement in the Uptown District which diminished usable space on the first floor. Mr. Chen noted other recommendations from the Uptown Revitalization Committee as listed on page 86 of the agenda.

Mayor Dana noted the proposed Ordinance would eliminate the need for developers to go before the Board of Zoning Appeals for relief from the loading space requirement.

Mr. Scott Webb, noted the 10 x 25 loading space requirement was not a serviceable space and only diminished usable space. Mr. Webb advised the issue was constantly going before the Board of Zoning Appeals.

Ms. Fischer noted her hope if the proposed Ordinance was adopted that Council would commit to looking at loading and unloading issues and the timing of those activities.

ORDINANCES
SECOND READING

ORDINANCE
ZONING MAP
AMENDMENT

An Ordinance No. 3013 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For 54.577 Acres Of Land Abutting Fairfield And Contreras Roads, Oxford, Ohio And Rezoning The Property From Agricultural (County) To R1B (Single-Family Medium Density Residential) Zoning District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information regarding the proposed legislation.

Ms. Fischer noted the benefit of the City receiving connectivity between Fairfield and Contreras Roads as a result of the annexation of this property.

Ms. Fischer noted Council had been informed that some of the land may not be buildable and therefore the final density may be less than R1B. Mr. Keebler concurred.

Mr. Bogard moved to adopt Ordinance No. 3013. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Bogard, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 351.16

An Ordinance No. 3014 Amending The Oxford Code Of Ordinances By Repealing Section 351.16, Snow Routes, And Adopting New Section 351.16, Snow Routes, To Prohibit Parking On Snow Routes Within The City During Any Level Of Snow Emergency. (Mike Dreisbach, Service Director)

Mayor Dana suggested a motion to withdraw the proposed Ordinance as the Parking and Transportation Advisory Committee was working on issues that may result in additional changes to this Ordinance as well as the fine structure.

The consensus of Council was to consider the legislation.

Mr. Dreisbach noted he revised the staff report on page 131 and 132 of the agenda to clarify the intent of the proposed legislation and included information from the Butler County Sherriff's webpage on page 135 of the agenda which discussed snow advisory levels. Mr. Dreisbach encouraged Council to adopt the proposed legislation so that vehicle owners would know what was expected of them with regard to snow routes.

Mr. Keebler moved to adopt Ordinance No. 3014. Mr. Bogard seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Bogard, Ms. Currie, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Bogard moved to waive the street closure fees for 2008 for the State to State Marathon and 5K Run. Mr. Keebler seconded.

After discussion Council requested that staff provide background information with regard to waiving street closure fees for this event and other events in the past.

Ms. Currie moved to table the request. Mr. Ross seconded. The motion passed 5-1-0 with Mr. Bogard voting nay.

Mr. Elliott noted 86 of 88 counties in Ohio suffered storm damage over the weekend and thanked the Police and Fire Departments as well as other City staff for their efforts in handling the emergency.

Mr. Elliott thanked the Police Departments who responded to an incident on High Street last night and reminded students there were productive initiatives that could have been undertaken instead.

Mr. Elliott noted his feeling the Deer Management Work Session was beneficial and he looked forward to receiving direction from Council regarding the matter.

Mr. Elliott noted future meetings.

Mr. Dreisbach thanked City staff for their efforts in responding to the effects of the storm on Sunday.

Mr. Newlin noted there would be a fuel adjustment added to the proposed supplemental budget Ordinance for the second reading as a result of the clean up after the storm.

Mr. Kyger commended Mr. Chen for organizing a pre-construction meeting with parties involved in the Main and High project.

Mr. Ross thanked City staff for their efforts with regard to the storm damage.

Mr. Bogard thanked City staff for the quick reaction to the storm damage.

Mr. Bogard inquired when the agency funding requests for 2009 would come before Council and Mr. Elliott advised he would let Council and the agencies know as soon as possible. Mr. Bogard inquired when the Personnel Improvement Plan Work Session would take place and Mr. Elliott advised prior to an upcoming regular Council Meeting.

Ms. Fischer echoed the compliments to City staff.

Ms. Fischer noted meetings citizens could attend with regard to the Butler County Auditors Property Reappraisals.

Ms. Fischer referred to an article in the Miami Student newspaper with regard to the proposed gas station at Kroger's and noted the Planning Commission recommended denial of the gas station, not Council, as the proposal had not come before Council yet.

Mr. Keebler commended City staff for their efforts as a result of the storm noting how well the different departments worked together.

Ms. Currie thanked City staff for their efforts as a result of the storm noting the constant culling of damaged and dead trees in the tree lawns prevented further damage throughout the City.

Ms. Currie noted the Bicentennial Event Planning Committee held their first meeting and she was very excited about the ideas which came about and the range of activities that would be planned.

Mayor Dana echoed all the comments with regard to the level of service the City provided as a result of the storm and noted the efforts would be ongoing for the next couple of weeks.

Mayor Dana advised she would like to see a report regarding the amount of money spent on keeping the City clean during normal circumstances.

Mayor Dana noted she would like Council's comments regarding the Deer Management program which was presented at the Work Session tonight within the next couple of weeks.

ADJOURN

Mr. Bogard moved to adjourn at 9:45 p.m. Mr. Keebler seconded. The motion passed 6-0-0.

A Special Meeting of the Oxford City Council was called to order by Mayor Prue Dana on Monday, September 29, 2008 at 6:04 P.M. Those Council members present were Ken Bogard, Alysia Fischer, Kate Currie, Greig Rutherford and Richard Keebler. Doug Ross was excused.

Staff members present were Doug Elliott, City Manager; Joe Newlin, Finance Director and Steve McHugh, Law Director.

APPROVAL OF AGENDA

Mr. Rutherford moved to approve the agenda. Ms. Fischer seconded. The motion passed 6-0-0.

ADJOURN TO EXECUTIVE SESSION

Mr. Bogard moved to adjourn to executive session at 6:05 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (3) Pending litigation. Ms. Fischer seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Bogard, Ms. Currie, Mr. Rutherford, Mr. Keebler, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:20 p.m. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Ms. Fischer, Mr. Bogard, Mr. Keebler, Mr. Rutherford, Ms. Currie, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

ADJOURN

Mr. Bogard moved to adjourn at 7:21 p.m. Ms. Fischer seconded. The motion passed 6-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

September 12, 2008
Date Prepared

Budgeted Amount:

Agenda Title:	Planning Commission Meeting Report – September 9, 2008
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Recommendation:	N/A
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DISCUSSION

Items Related to Platting:

PC-ADM-02-2008 LOT SPLIT, 0.629 acres from Lot 895 (Kroger Site) for new Lot 3724, **Dirk Greene, Schottenstein Stores Corporation, Applicant.**

Application approved to split off the former First Financial Bank from the Kroger property and place on its own parcel.

Public Hearing:

PC-15-2008 PRELIMINARY SUBDIVISION, Hester Road, Habitat for Humanity, proposed residential subdivision R1B (Single-Family Medium Density Residential) 6.25 acres, 20 lots, **Scott Webb, Applicant, Agent (CONTINUATION)**

Staff presented that the Applicant was seeking Preliminary Subdivision approval to divide approximately 6.25 acres of land into 20 single-family residential lots in a R1-B (Medium Density Single Family Residential) District.

Staff presented the changes made to the site plan since last month's meeting, which included the addition of three retention ponds and an additional strip of land on the south side of the southern entrance. This was provided so as not to make the existing house next to this proposed development a corner lot. The Applicant addressed the Planning Commissioner's comments from the August meeting in regards to two cul-de-sacs, sidewalk, storm & water run-off and an environmental assessment. Four members of the public who did not speak at the last meeting spoke in favor and in opposition of the project. Deliberation among Commission members included the Comprehensive Plan's support for affordable housing, concerns regarding drainage and the environmental assessment, maintenance of the retention ponds and additional strip of land at the southern entrance, and having two cul-de-sacs. The Commission voted 4-3-0 to recommend **APPROVAL** to City Council with the following conditions:

1. That, all of the Engineer's comments, with the exception of the cul-de-sacs, is satisfied when the Final Development Plan is submitted.
2. That, the maintenance of the retentions areas and additional strip of land on the south side of the southern entrance are the sole responsibility of the Homeowners Association and its successors and that the Homeowners Association Covenants are submitted with the Final Development Plan, and acceptable to City's Legal Council.
3. That, an environmental assessment is conducted and approved by City staff prior to/or at the time of the Final Development Plan submission.

PC-16-2008 **CONDITIONAL USE, 300 S. Locust Street (Kroger's), to allow for a pharmacy drive-thru and gas station, Jonathan Woche, AICP, Applicant, Agent (POSTPONED)**

The subject property is 7.99 acres (consolidated) on the southwest corner of Fairfield Road and Locust Street. Kroger is proposing to raze the attached strip center to the south of their store that currently houses Fiesta Hair, China One, GNC and Cash Advance. In its place, Kroger would construct approximately a 24,440 sq.ft. addition, totaling an 82,331 net sq. ft. grocery store. Kroger proposes to add a drive-thru pharmacy as part of the southern expansion. A thru-connection for not only the pharmacy, but also the main store and parking lot would be opened from McGuffey. A 700 sq.ft. cooler space has also been added to the northwest corner of the store which will have interior access only. According to the site plan, the front entry will be modified for access to be a direct, front entryway, which removes nine parking spaces to accommodate the new entrance and sidewalk.

The second part of Kroger's proposed expansion is a gas-station along Locust Street. The gas station would include seven fuel dispenser stations (14 pumps) and a 112 sq.ft. brick kiosk. A canopy would be provided over the dispensers with matching building materials of the store façade improvements which include a metal canopy roof and brick-wrapped columns. The proposed canopy height is 15.5' to the bottom of the canopy and 19 feet to the top. According to the site plan, 55 parking spaces will be removed to accommodate the gas station. Staff presented that 10 variances would be necessary in regards to landscaping and signage.

The Applicant indicated that the viability of the project and expansion was dependant upon the fuel center approval and if they stay in Tollgate. The Applicant also touched upon the outdoor displays at the gas station, that the wall mounted lighting at the rear of the building addition would be cut-off and that they objected to improving the light signal on S. Locust.

Four members of the public spoke in favor and in opposition of the project. Deliberation among Commission members included concerns for the number of pumps being proposed, access to the Pharmacy drive-thru and being able to see around the corner of the building addition; eliminating access through the Speedway site, and the suitability of the gas station. The members reviewed all Decision Standards for the pharmacy and gas station.

The Planning Commission voted 7-0 to recommend to City Council **APPROVAL** of the pharmacy drive-thru with the following conditions:

1. That, the Applicant, City Engineer, Planning Staff and Planning Commission Chair meets to review alternative options for traffic pattern functions of the drive-thru that is acceptable unless the Planning Commission Chair finds that it should be represented to the entire Commission.
2. That, all appropriate splits or parcel consolidations are approved per Section §1101.07 of the Subdivision Regulations and properly recorded prior to submitting for permits.
3. That, a detailed lighting and photometric plan is submitted illustrating the location, height, type and in compliance with all applicable regulations of the zoning code.
4. That, no wall pack(s) lighting is provided on the proposed retail building addition.

The Planning Commission voted 4-2-1 to recommend to City Council **DENIAL** of the gas station on the basis that Decision Standards "C", "D", "E" and "F" were not satisfied.

PC-17-2008 **COMPREHENSIVE PLAN UPDATE, 20-year visionary document including goals, principles, objectives strategies and a conceptual land use map, for adoption consideration, City of Oxford, Applicant. (CONTINUATION)**

The Planning Commission has scheduled a special meeting as a continuance of the September 9, 2008 regularly scheduled Planning Commission meeting regarding this case. This special meeting will take place Tuesday, September 30, 2008 at 7:30 p.m. at the Oxford Courthouse.

PC-18-2008 **ZONING CODE TEXT AMENDMENT, Chapter 1101 Subdivision Regulations, Chapter 1101.07 Open Space Cluster, City of Oxford, Applicant**

This application is seeking to amend the Subdivision Regulations of the Oxford Zoning Code to allow for open space cluster residential development as an alternative subdivision tool to encourage cluster development while preserving open space/farm land. This is a culmination of a year-long working process of the Planning Commission to develop an alternative subdivision regulation to encourage developers to utilize. The intent is to reduce the development cost by encouraging cluster development to set aside open space/farm land. All work sessions and discussions the Commission have had throughout this process resonated what the community has strongly expressed during the Comprehensive Plan Update process. The Planning Commission voted 7-0 to recommend **APPROVAL** to City Council.

PC-19-2008 **ZONING CODE TEXT AMENDMENT**, Chapter 1143.10 Sidewalk Uses in the "UP" (Uptown) District, City of Oxford, Applicant.

This application is seeking to amend the Oxford Zoning Code to allow sidewalk use by street-level businesses in the Uptown District and for sidewalk use to be considered as a permitted use while meeting certain conditions.

The purpose of this amendment is to promote a larger presence of outdoor retail and eating experiences on public sidewalks by relieving businesses in the Uptown area to utilize sidewalks without several months of application filing and review by the Planning Commission and the City Council. The proposed language is simply to move Sidewalk Uses from the Conditional Use section to the Permitted Use section of the UP District Regulations. The Planning Commission voted 7-0 to recommend **APPROVAL** to City Council.

PC-20-2008 **ZONING CODE TEXT AMENDMENT**, Chapter 1139 Variances City of Oxford, Applicant

The Planning Commission has scheduled a special meeting as a continuance of the September 9, 2008 regularly scheduled Planning Commission meeting regarding this case. This special meeting will take place Tuesday, September 30, 2008 at 7:30 p.m. at the Oxford Courthouse.

The Planning Commission will hold a SPECIAL MEETING on September 30, 2008 and the next regular Planning Commission meeting is October 14, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JK 9/18/08

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 21, 2008

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

September 26, 2008

Date Prepared

Agenda Title:	Board of Zoning Appeals – September 17, 2008 Meeting Report
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Recommendation:	N/A
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PUBLIC HEARINGS:

BZA-10-2008 *5372 Hester Road, Variances to Section 1141.01(a)(1)C, 1143.02(c)(4)A.1 to allow for a garage, Jeffrey Toaddy, Applicant*

The applicant is proposing to construct a 24' x 30' detached garage and expand the driveway leading to the garage. The applicant was requesting relief to allow for an existing shed and the proposed garage total square footage to exceed 50% of the footprint of the principal structure. With the expansion of the driveway and proposed garage, the lot coverage also increased from approximately 31% to 46%; 35% is required.

During deliberations, the applicant agreed to reduce the size of the proposed garage, thus eliminating the need for the variance exceeding 50% of the principal building footprint. The BZA voted 5-0 to **APPROVE** the request for a variance to allow the lot coverage to exceed 35%.

The next regular meeting is scheduled for October 15, 2008.

Approved By:	Department Head:	Initial Date
	City Attorney:	<u>Jhca 9/26/08</u>
	City Manager:	<u> </u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: October 7, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

September 29, 2008
Date Prepared

Agenda Title:	Environmental Commission Meeting of September 24, 2008
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Recommendation:	For Review and Consideration
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Discussion:

Environmental Commission members present at the September 24, 2008 meeting were: Secretary, Ms. Heidi Schran and Planning Commission Representative, Mr. Ted Wong. Vice-Chair, Ms. Gisela Bahr and Mr. Charlie Ford had previously notified Staff that they would be unable to attend the meeting.

Staff updated the Commission on the September 16, 2008 City Council work session regarding deer management, including the presentation by Eccologix, a biodiversity consulting company. A concern was expressed that it appeared lethal harvesting had already been decided upon as part of the potential deer management techniques for the community. The potential effectiveness of managed lethal harvesting without the participation of Oxford Township was also discussed.

The Butler County Department of Environmental Services' "Recycle to Win" recycling and solid waste volumes through the third quarter of 2008 were provided to the Commission. Oxford's recycling percentage of 16.27% currently leads the County's municipalities, and is Oxford's best rate through the third quarter since the year 2000. The City of Fairfield is in second place with a recycling rate of 12.95%.

Information pertaining to the Princeton American Elm was provided to the Commission for evaluation of the tree to potentially be included in the approved street tree listing.

Copies of Oxford's Phase II Storm Water Management Program were distributed for the Commission's review.

The Commission adjourned at 8:30 p.m. The next Commission meeting is tentatively scheduled for Wednesday, October 22, 2008 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:

Initial \ Date
MBD \ 10/1/08

City Manager:

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CITY OF OXFORD STAFF SUMMARY REPORT

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

Originating Department

Council Meeting Of: October 7, 2008

Steve Schwein

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

September 18, 2008

Date Prepared

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

Recommendation: Adopt the Resolution

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

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SPS 9/22/8

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RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SALE OF SALVAGED MOTOR VEHICLES.

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

SECTION 1: The following items are hereby declared to be valued for salvage and not needed for any municipal purpose and the same shall be sold for salvage to one buyer for the highest obtainable salvage price. The vehicles are those as set forth on Exhibit 'A', a memorandum from the Chief of Police and incorporated herein.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

Memorandum

To: Chief Stephen Schwein
Fr: Ptl. Ron Brooks, Property Officer
Mike O'Leary, Property Technician
Re: Salvage vehicles
Dt: September 18, 2008

Sir,

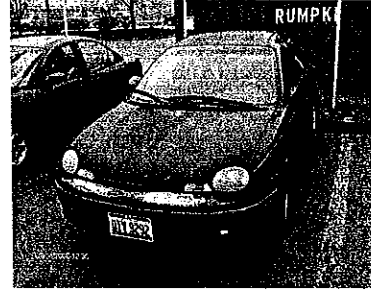
I respectfully request that the Oxford Police Department dispose of the attached list of vehicles in accordance with ORC section 4513.62.

1. 07T2232 Original Title



1993 Oldsmobile Eighty Eight
Vin # 1G3HY53L3P1804313
Reason for tow: OVI, DUS
* poor condition
* towed: 11/16/2007

2. 07T2259 Salvage Title



1995 Plymouth Neon
Vin # 3P3ES67CXST541775
Reason for tow: FRA Susp.
* poor condition
* towed: 12/28/2007

3. 08T2278 Original Title



1998 Chevrolet Lumina
Vin # 2G1WL52MOW1121504
Reason for tow: OVI, DUS
* poor condition/wrecked
* towed: 01/21/2008

4. 08T2357 Original Title



1978 Chevrolet Astro Van
Vin # 1G8DM15Z4GB178750
Reason for tow: DUS
* poor condition
* towed: 03/29/2008

5. 08T2389 Salvage Title



1993 Dodge Caravan
Vin # 2B4GH25K8PR177647
Reason for tow: Unlicensed
* poor condition
* towed: 05/21/2008

6. 08T2401 Original Title



1994 Buick Regal
Vin # 2G4WB55L8R1449363
Reason for tow: Abandoned
* poor condition
* towed: 06/12/2008

7. 08T2404 Salvage Title



1993 Ford Ranger
Vin # 1FTCR10U8PUA14095
Reason for tow: FRA Susp.
* poor condition
* towed: 06/17/2008

8. 08T2421 Salvage Title



1988 Toyota Camry
Vin # JT2SV21W4J0113274
Reason for tow: DUS
* poor condition
* towed: 07/25/2008

9. 08T2422 Salvage Title



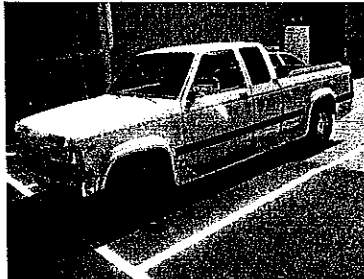
1994 Acura Integra
Vin # JH4DC2389RS002321
Reason for tow: FRA Susp.
* poor condition
* towed: 07/25/2008

10. 08T2410 Salvage Title



1985 Ford F150
Vin # 1FTCF15N4FKB31824
Reason for tow: DUS
* poor condition
* towed: 06/21/2008

11. 08T2396 Title



1996 Dodge Dakota
Vin # 1B7GL23X3SS276366
Reason for tow: 72 Hr. Vio.
* poor condition
* towed: 06/09/2008

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 7, 2008

Account Code # NA

Budgeted Amount: NA

Service Department

Originating Department

Michael Dreishach, Service Director

Prepared By

September 30, 2008

Date Prepared

Agenda Title: Declaration of Emergency from September 14, 2008 Windstorm

Recommendation: Approve

Discussion:

The region suffered unprecedented damage from a severe windstorm on September 14, 2008. Significant damage to the public infrastructure and utilities was sustained as a direct result of this storm.

Upon guidance from the Butler County Emergency Management Agency, it is recommended the City Council proclaim the city of Oxford a natural disaster area; and that a state of emergency existed due to this storm with specific reference to the Ohio Revised Code. Butler County and other municipalities and townships have passed (or are considering) similar legislation due to the storm.

Passage of this Resolution is one of the steps necessary for *possible* Federal Emergency Management Agency (FEMA) reimbursement of some storm related expenses. Additional information regarding *possible* federal assistance should become available in mid October.

Approved By:

Department Head:

Initial

Date

MBD \ 10/01/08

City Manager:

_____ \ _____

RESOLUTION NO.

A RESOLUTION PROCLAIMING THE CITY OF OXFORD A NATURAL DISASTER AREA AND DECLARING A STATE OF EMERGENCY.

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

SECTION 1: On September 14, 2008 the City of Oxford, Butler County sustained a natural disaster in the form of catastrophic, damaging winds, exceeding over eighty (80) miles per hour and adversely affecting virtually all residences and businesses in the City.

SECTION 2: The Oxford City Council does hereby declare a state of emergency existed in the City beginning September 14, 2008 and continuing until otherwise stated, and it hereby invokes and declares those portions of the Ohio Revised Code which are applicable to the conditions and have caused the issuance of this resolution to be in full force and affect in the City for the exercise of all necessary emergency authority for protection of lives and property of the people of the City of Oxford, Butler County, and the restoration of local government with minimum interruption.

SECTION 3: Reference is hereby made to all appropriate laws, statutes, ordinances, and resolutions.

SECTION 4: All public officers and employees of the City of Oxford, Butler County were and are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in the execution of emergency laws, regulations, and directives, state and local.

SECTION 5: All citizens were and are continually called upon and were and are directed to comply with necessary emergency measures, to cooperate with public officials and emergency management forces in executing emergency operations plans, and to obey and comply with the lawful directions of properly identified officers.

SECTION 6: This resolution shall be adopted for the immediate preservation of the public peace, health, safety, or welfare of the community.

SECTION 7: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)