



Agenda

Oxford City Council

Court House

TUESDAY, OCTOBER 21, 2008

EXECUTIVE SESSION

7:15 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

8:00 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. Appointments to Boards and Commissions
- B. Public Comments

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

4. Consent Agenda.

- A. Minutes of the October 7, 2008 City Council Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



10.7.08 Minutes

- B. Minutes of the October 8, 2008 City Council Special Meeting. (Mary Ann Eaton, Deputy Clerk of Council)



10.8.08 Minutes

- C. Report regarding the September 30, 2008 Planning Commission Special Meeting. (Jung-Han Chen, Community Development Director)



Planning Commission Report

- D. Report regarding the October 1, 2008 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



HAPC Report

- E. A Resolution authorizing the City Manager to enter into an agreement with Butler County and/or Cargill, Inc. for the purchase of road de-icing materials. (Mike Dreisbach, Service Director)



Staff Report/Legislation

5. Resolutions.

- A. A Resolution authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings and Street Department Personnel for the 2008 State to State Half Marathon and 5K Run. (Doug Elliott, City Manager).



Staff Report/Legislation

- 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 Approving A Conditional Use Permit For A Gas Station And Convenience Store In The General Business (GB) District At 300 South Locust Street, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation/Documentation

2. An Ordinance Approving The Extension Of The Conditional Use Permit For A Banking Facility With A Drive-Through (Miami University Community Federal Credit Union), Approved By Ordinance No. 2932, On November 21, 2006, For A Period Of Six Months. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation/Documentation

3. An Ordinance Adopting The Comprehensive Plan Of The City Of Oxford Pursuant To Charter Section 8.07. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation

4. An Ordinance Repealing Zoning Code Section 1139, Variances, And Adopting New Section 1139, Variances. (Jung-Han Chen, Community Development Director)



Staff Report/Legislation

B. Second 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)



Staff Report/Legislation

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)



Staff Report/Legislation

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



Staff Report/Legislation

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)



Staff Report/Legislation

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)



Staff Report/Legislation/Documentation



Staff Report/Legislation

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.)

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.

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

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

WED - Nov 5 Historic and Architectural Preservation Commission Meeting 7:30 p.m.

FRI - Nov 7 Student Community Relations Commission Meeting 12:00 p.m. LCBN 2nd Floor Community Room

TUES - Nov 11 Records Commission Meeting 4:00 p.m.

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

THUR - Nov 13 Police Advisory Board Meeting 7:00 p.m.

MON - Nov 17 Housing Advisory Board 7:00 p.m. Municipal Building 2nd Floor Conference Room

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

WED - Nov 19 Board of Zoning Appeals Meeting 7:30 p.m.

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

FRI - Nov 21 Community Improvement Corporation Meeting 12:00 p.m.
LCNB 2nd Floor Community Room

FRI - Nov 21 Student Community Relations Commission Meeting 12:00
p.m. (location to be announced)

WED - Nov 26 Environmental Commission Meeting 7:00 p.m. Municipal
Building 2nd Floor Conference Room

WED - Nov 26 Civil Service Commission Meeting 7:00 p.m.

8. Adjourn

A regular meeting of the Oxford City Council was called to order by Mayor Prue Dana on Tuesday, October 7, 2008 at 7:30 p.m. Those members present were Ken Bogard, Alysia Fischer, Richard Keebler, and Kate Currie. Greig Rutherford arrived at 7:31 p.m. and Doug Ross arrived at 8:20 p.m.

Staff members present: Mr. Mike Dreisbach, Acting City Manager; Mr. Steve Schwein, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development 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

Ms. Fischer moved to adjourn to Executive Session at 7:15 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (1) Personnel compensation. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Keebler, Ms. Fischer, Ms. Dana (5)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Ms. Fischer moved to return from Executive Session at 7:28 p.m. Mr. Keebler seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Keebler Ms. Fischer, Mr. Bogard, Ms. Dana (5)

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. Mr. Keebler seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PRESENTATION

State of the Schools – Dr. Phil Cagwin and Mike Davis

Dr. Phil Cagwin, Superintendent, Talawanda School District, advised he would present the 6th annual State of the Schools address this evening. Dr. Cagwin provided a PowerPoint Presentation which depicted the school's goal and vision of excellence, the Journey to Excellence with significant benchmarks, the strategic plan which included programs and instruction, public engagement and funding and facilities, the actual report card which rated the Talawanda School District as 'Excellent', performance index, measurement of college readiness, public engagement goals and new initiatives, and funding of facilities.

Mr. Mike Davis, Treasurer, continued the PowerPoint presentation with slides depicting millage, cost per pupil, administrative costs, facility costs, operating expense, pupil support, expense initiatives, and the district's master plan.

Dr. Cagwin thanked Council for the opportunity to address them and advised the district was doing everything they could to maintain their Excellent Rating and strive for the new Excellence with Distinction Rating.

PRESENTATION

Oxford College Corner Clinic – Mary Jo Clark

Ms. Mary Jo Clark, Vice President, Board of Directors, advised she distributed a brochure regarding the Oxford College Corner Clinic and their 2007 Annual Report to Council. Ms. Clark summarized the information contained in the documents including their Vision, Mission, locations, and staff as well as goals and achievements. Ms. Clark thanked Council for the opportunity to address them.

Mayor Dana noted the City was fortunate to have such clinics and expressed appreciation for their efforts on behalf of the City. Mayor Dana advised copies of the brochure and Annual Report would be available at the Municipal Building for any interested citizens.

PUBLIC COMMENTS

Ms. Betty Rogers, Peabody Drive, advised several weeks ago a petition was submitted regarding placing the proposed gas station on US-27 South on the ballot. Ms. Rogers requested an update on the status of the petition.

Mayor Dana advised the referendum petition had not been certified by the City Auditor for two reasons. Mayor Dana stated those who filed the referendum petition did not comply with Ohio Revised Code Section 731.32, which stated that those who sought to file a referendum petition 'shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the city auditor'. Mayor Dana advised this step did not occur. Mayor Dana advised Ordinance No. 3009 approved a conditional use permit for a commercial development to include an automobile service station in the general business district in Oxford, Ohio. Mayor Dana noted Oxford Codified Ordinance 1143.12(b)(2)(A)(1) listed automobile service stations selling gasoline as a conditional use and therefore, City Council simply executed an existing law by passing Ordinance No. 3009 and no legislative action was taken to warrant a referendum petition. Mayor Dana advised accordingly, it was the City's position that the proposed referendum petition should not be placed on the November ballot.

Mr. Cal Conrad, Westgate Drive, noted he and the committee were mystified by the position of Mr. Newlin not certifying the petition. Mr. Conrad advised he obtained a copy of the Ordinance which was certified by Mary Ann Eaton. Mr. Conrad noted the committee's legal counsel felt Council was being 'too technical and cute' in their response. Mr. Conrad advised the committee had received donations from citizens in excess of \$2,000 for legal counsel and the opportunity to speak to the issue. Mr. Conrad encouraged Council to reconsider their actions. Mr. Conrad closed with a quote 'What is right is often forgotten by what is convenient'.

Mr. McHugh noted he advised the City Auditor not to certify the petition. Mr. McHugh advised he reviewed the statute in the Ohio Revised Code which stated that a certified copy of the Ordinance or measure must be filed with the City Auditor prior to the petition being circulated. Mr. McHugh advised this was a mandatory requirement for filing petitions and it was Mr. Newlin's duty to certify the petition not that of Council and he advised Mr. Newlin not to certify the petition based on the statute in the Ohio Revised Code. Mr. McHugh advised the other issue dealt with legislative actions verses administrative actions which were not subject to referendum.

Ms. Kathleen Zien, 6060 Joseph Drive, inquired how to avoid something like this happening in the future. Ms. Zien noted the committee took action in earnest and had more than enough signatures on the petitions. Mr. McHugh advised before anything was done a certified copy of the Ordinance must be served upon the City Auditor by one of the petitioners.

Ms. Connie Elliott, 118 Homestead, updated Council on the 'Smoky and Tornado' project and presented Mary Jo Clark with a new sign advertising the project.

Mr. Richard Daniels, Emerald Woods Drive, thanked Mr. Dreisbach and his staff for the clean up after the recent wind storm. Mr. Daniels thanked Mr. Dreisbach and his staff for all of the infrastructure improvements and other work that made the City as a whole look better.

CONSENT AGENDA

MINUTES

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

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

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

REPORTS

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

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

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

RESOLUTIONS

RESOLUTION

SLAVAGED MOTOR VEHICLES

A Resolution No. 4387 authorizing the sale of salvaged motor vehicles. (Steve Schwein, Police Chief)

RESOLUTION

STATE OF EMERGENCY

A Resolution No. 4388 proclaiming the City of Oxford a natural disaster area and declaring a state of emergency. (Mike Dreisbach, Service Director)

Ms. Currie moved to approve the consent agenda. Mr. Bogard seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION **AMEND HAPC RULES** **OF PROCEDURE**

A Resolution No. 4389 amending the Historic and Architectural Preservation Commission's Rules of Procedure. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Resolution was before Council on September 2, 2008 and Council had concerns related to the public comment section. Mr. Chen referred to page 34 of the agenda Section 2 and noted the commission discussed the issue and felt it would be best to leave the language as it was previously.

Ms. Fischer noted she was still concerned with the public not getting a change to speak and noted a concern with consistency between boards and commissions.

Ms. Currie moved to amend the proposed Rules of Procedure by adding a five minute time limit per person. Ms. Fischer seconded. The motion passed 7-0-0.

Ms. Currie moved to adopt Resolution No. 4389 as amended. Ms. Fischer seconded the Resolution was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard, Ms. Currie,
Ms. Dana (7)

NAY: None (0)

ABS: None (0)

RESOLUTION **POSITION STATEMENT**

A Resolution No. 4390 endorsing a City of Oxford Position Statement for presentation to the Butler County Planning Commission. (Alan Kyger, Economic Development Director)

Mr. Kyger advised the purpose of the position statement was for Council to provide an organized statement for the Butler County Planning Commission Meeting on October 14, 2008. Mr. Kyger noted the position statement reflected a summary of the previous actions taken by Council with regard to the Oxford Thoroughfare Plan and the Northwest Butler County Transportation Plan. Mr. Kyger discussed Position Statement Exhibit 'A' as shown on page 40 of the agenda.

Ms. JoAnn Martin, 4 Iveswood Drive, requested clarification of the proposed Resolution and inquired why these concepts should be part of the Butler County Thoroughfare Plan.

Mayor Dana advised Oxford was part of Butler County and Oxford's roads and Thoroughfare Plan were very important to them. Mayor Dana noted Council wanted to affirm these concepts to the county.

Mr. Rutherford advised the connector between US-27 and State Route 73 was a named project identified within the Butler County Thoroughfare Plan and Council only wanted this to happen if there was evidence it was necessary as a result of studies being done by ODOT with the internal re-route. Mr. Rutherford advised the funding for the project was part of the Butler County Plan.

Mr. Keebler noted this project was already on Butler County's plan and the concept should remain on their plan.

Mr. Larry Frimerman, Ryan Drive, Oxford Township Trustee, thanked Council for their consideration, forward thinking and spirit of cooperation. Mr. Frimerman noted he would appreciate the Resolution referencing the connector being within the City. Mr. Frimerman discussed a two stage process he felt Council should follow with regard to the traffic impact study. Mr. Frimerman suggested the Planning Commission should adopt the same public comment procedure as Council.

Ms. Dana advised Council did have a two step process with regard to the traffic impact study.

Ms. Fischer referred to page 40 of the agenda Exhibit A, first bullet point, and moved to amend the first sentence to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 east remain on the Butler County Thoroughfare Plan as described below' and the second bullet point to read 'City of Oxford is requesting the concept of a connector road between US-27 south and State Route 73 south, across the southern side of Oxford, remain on the Butler County Thoroughfare Plan as described in the City of Oxford Thoroughfare Plan'. Mr. Ross seconded. The motion passed 7-0-0.

Ms. Fischer suggested striking the words 'and surrounding townships' in Section 4 of the proposed Resolution on page 39 of the agenda. Mr. Keebler and Mr. Rutherford disagreed. Mr. Bogard noted the intersection improvements in the surrounding townships which were in the best interest of the townships and Mr. Fischer agreed.

Ms. Fischer moved to adopt Resolution No. 4390 and Exhibit A as amended. Mr. Bogard seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Keebler, Mr. Rutherford, Mr. Bogard, Ms. Fischer, Ms. Dana (5)

NAY: Mr. Ross, Ms. Currie (2)

ABS: None (0)

ORDINANCES
FIRST READING

ORDINANCE
NEW WATER
SERVICE

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.

Mr. Dreisbach advised the Service Department received a request for single-family water service for a 5 acre parcel on Hillcrest Drive noting the City had ample supply and could provide the service. Mr. Dreisbach advised the applicant would be responsible for the utility extension, capacity benefit charges, and would sign an annexation agreement at the City's request.

Mr. McHugh advised the legislation as written required the applicant to file an annexation petition for immediate annexation of the property into the City prior to connection to the water line.

Mr. Dreisbach noted previously there had been a delineation between commercial property verses residential property and the City extended water service to residences provided the applicant signed an annexation agreement.

Mr. Keebler noted the entire subdivision was provided City water and sewer and had never been annexed.

Mr. McHugh advised before the next meeting the engineering department could research whether or not the property was contiguous/abutting and if it is not, an annexation agreement could be signed rather than a petition.

Mr. Dreisbach suggested amending the current annexation policy to relax requirements for single-family residences and emergency situations.

Mr. John Benamati, Somerville Road, Applicant, stated it was his understanding after the second reading the water service could be provided and the annexation process could go either way and Mayor Dana advised Council would clarify the annexation issue at the next meeting.

ORDINANCE
NEW SECTION 1101

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)

Mr. Chen advised the intent of the proposed Ordinance was to protect and preserve green space and the Planning Commission had worked on the language for a year in anticipation of the Comprehensive Plan Update.

Mr. Keebler noted this was an alternative not a replacement of the current subdivision regulations and would provide additional options as well as advantages to developers.

Ms. Fischer noted the Planning Commission had worked on this concept for a long time and she was excited that it was before Council.

Mr. Larry Frimerman, Ryan Drive, applauded the development of open space requirements within the City. Mr. Frimerman inquired how this related to open space requirements of properties coming into the City which were adjacent to farmland where the open space requirement in the county was 35% for standard subdivisions and 50% for conservation developments and Mr. Chen advised he would look into how well the requirements worked together. Mr. Frimerman suggested using the cluster type development for areas close to the City and add gradations for properties at the margins. Mayor Dana noted this could be addressed when the Comprehensive Plan Update came before Council.

Mr. Bogard noted a miss-spelling on page 60 of the agenda. Mr. Bogard noted he was glad to see multi-family units were prohibited in the proposed cluster developments.

Mr. Rutherford noted concern with a 20% set-aside and advised he would like to see 50% and the addition of multi-family housing.

Ms. Fischer requested additional maps for the next agenda which depicted the actual layout of houses.

ORDINANCE
PRELIMINARY APPROVAL

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

Mr. Chen advised this was a preliminary subdivision request to divide 6.5 acres of land into 20 home sites located on the east side of the north-south segment of Hester Road.

Mr. Chen noted the purpose of the request was to see if the division of the lots met City standards and to see if municipal services could be provided to the site.

Mr. Chen summarized the actions of the Planning Commission as listed on page 79 of the agenda and the conditions recommended by the Planning Commission as shown on page 80 of the agenda.

Mr. Scott Webb, Architect, TriState Habitat for Humanity, advised Mr. Chen did a nice job of explaining the process to date. Mr. Webb provided a detailed PowerPoint Presentation regarding the proposed development and noted his feeling it met all City regulations and would be a forward step in providing affordable housing in Oxford.

Mr. Bruce Blankenship, 5280 Hester Road, noted concern with the amount of proposed houses being built and noted he did not think there was sewer capacity. Mr. Blankenship also noted concern with surrounding property value being affected.

Ms. Mary Neisius, 5457 Hester Road, advised Council should have received a petition opposing the proposed project from approximately 80 signatures. Ms. Neisius noted concern with the long term ramifications of the proposed site and the image of Hester Road. Ms. Neisius noted the surrounding neighbors wanted the neighborhood to stay in good condition and advised there had never been code enforcement on the proposed site.

Mr. Mike Kohus, 792 Dufour Lane, noted he and his wife were not against Habitat for Humanity and he had actually volunteered for them. Mr. Kohus noted concern that he and his wife had paid more than \$400,000 for their home. Mr. Kohus noted his main concern was enforcement to make sure occupants took care of the properties and the addition of greenbelts and trees.

Ms. Sondra Engel, 301 Miami Trail, addressed Council on behalf of The League of Women Voters who supported the proposed development. Ms. Engel noted her feeling the conditions set by the Planning Commission would be enforced.

Mr. Marvin Hurston, 170 Prevalent Drive, encouraged Council to look at this development with their 'eyes wide open' noting the Fire Chief and Engineer wanted to see connectivity or a loop even though the zoning code allowed cul-de-sacs.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with signs not being placed at the property in question before tonight's meeting and a list of adjacent property owners were not included in Council's agenda or the Planning Commission agenda. Ms. Zien referred to page 84 of the agenda 'Numerous citizens have submitted comments for consideration' and advised those comments were not included in the agenda. Ms. Zien advised there should be real hesitation about a proposal that has all properties for one six acre site as Habitat homes noting typically a single Habitat home was built in established residential areas so Habitat owners along with mandatory hours of sweat equity learn from established residents how to be good owners and responsibly maintain property.

Ms. Zien discussed the history of the surrounding area including the Northridge subdivision. Ms. Zien noted this case was a close 4-3 vote of the Planning Commission and Council's decision needed the same consideration.

Ms. Theresa Hornsby, 6141 Hester Road, discussed the changes in this neighborhood over the years and noted her concern with drainage issues. Ms. Hornsby noted the property had been a junkyard for over 20 years. Ms. Hornsby advised she was against the proposed cul-de-sacs and noted her concern for the safety of children. Ms. Hornsby encouraged Council to listen to citizens and noted her feeling the proposal would be a hardship to neighbors.

Ms. Tammy Snaff, 5433 Hester Road, advised she spent everything she had in savings to purchase her home and move to Oxford. Ms. Snaff noted she enjoyed where she lived and her neighborhood was very well maintained. Ms. Snaff noted her concern with the safety of children as there was no open space where they could play. Ms. Snaff noted her feeling it was ridiculous to put 20 homes on 6 acres and the neighborhood would be stereotyped. Ms. Snaff advised she did not receive notice of the public hearings. Ms. Snaff also expressed concern with water and drainage.

Mr. Bill Levenderis, 6066 Contreras Road, noted he was the President of the Oxford Green Homeowners Association. Mr. Levenderis advised a Homeowners Association required planning and he would like to see a plan for a homeowners association for this proposal. Mr. Levenderis noted Habitat did good things by integrating homes one at a time into a multi-cultural neighborhood. Mr. Levenderis noted concern with adding 20 Habitat homes to Oxford at one time when right now there were only 5. Mr. Levenderis noted concern that economically this might not be the proper time to consider such a proposal. Mr. Levenderis noted his feeling the public notice was done sneakily.

Ms Fischer referred to page 86 of the agenda and inquired if the proposed subdivision could be adequately served by the Fire and EMS Department and Chief Detherage advised his comments were in relation to fighting a house fire in the proposed subdivision. Chief Detherage noted in the cul-de-sacs there was only one direction of travel and a loop would be more efficient for fire fighting.

Mr. Keebler noted the proposed development met all of the legal requirements which was what Council needed to be concerned with not the emotional issues. Mr. Keebler advised the water and sewer issues would be dealt with on the final subdivision approval.

Ms. Currie concurred with Mr. Keebler. Ms. Currie inquired if another subdivision could be sited with equal density and Mr. Webb addressed the issue as it related to the zoning code.

Mr. Rutherford inquired about the environmental condition of the property based on comments made tonight and Mr. Webb advised Habitat did not own the property yet and no soil investigation had been done at this point.

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 advised the intent of the proposed Ordinance was to allow sidewalk use by street-level businesses in the Uptown District and for sidewalk use to be a permitted use while meeting certain conditions.

Mr. Scott Webb, spoke on behalf of the Oxford Chamber of Commerce and encouraged Council to support the proposed Ordinance.

Ms. Fischer noted the proposed Ordinance would mostly affect High Street.

ORDINANCE
CONDITIONAL USE

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

Mr. Chen advised this project involved the expansion of Kroger's which would require a Conditional Use Permit for a Pharmacy Drive-Through and Gas Station. Mr. Chen noted the Planning Commission considered each one separately and summarized the staff report on pages 121 of the agenda.

Mr. Jonathon Wocher, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the pharmacy and noted they had no problems with the conditions recommended by the Planning Commission. Mr. Wocher introduced members of his team; Lisa Ammons, Project Manager, Kroger Real Estate Division; Bob Trencamp, Civil Engineer, Thomas Graham Associates; Dirk Greene, Schottenstein Property Group and Thomas Jones, Fuel Center Group. Mr. Wocher noted they did not intend to speak tonight but could answer questions regarding design, traffic flow, rationale or any other questions Council may have.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to page 147 of the agenda noting the comment form was unreadable and should not be in the agenda unless it was retyped or darkened. Ms. Zien inquired what the purpose of the map on page 177 was since there were no notations on it or shaded area indicating an area of concern. Ms. Zien noted her feeling the signage requested was excessive.

Mr Kyger encouraged Council to work with Kroger's to develop a solution for this location which would add 45 jobs to the area. Mr. Kyger advised one business affected by the expansion had relocated and another was looking to relocate in Oxford. Mr. Kyger noted keeping Tollgate as a core area was very important and Kroger's leased the property and could very well move when the lease expired if they could not expand and add a fuel center.

Mr. Henry Avery, 5032 College Corner Pike, noted his feeling the Kroger's expansion was a bad idea as it would put Circle K and other gas stations out of business. Mr. Avery noted his feeling Kroger's should buy or lease property where they could have 150,000 to 160,000 square feet for their Marketplace store.

Ms. Connie Elliott, 118 Homestead, noted her feeling the Kroger's expansion was a good idea as it would provide 45 more jobs and another option for purchasing gas.

Mr. Ross noted concerns with loss of green space and signage which Mr. Chen and Mr. Wocher addressed.

Mr. Rutherford noted several concerns with the pharmacy drive-through being dysfunctional which Mr. Wocher and Mr. Trencamp addressed. Mr. Rutherford advised he felt the design could be improved.

Mr. Keebler noted concern with the front of the building encroaching into the parking lot.

Ms. Currie moved to extend the meeting until all agenda items had been considered. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Bogard noted his support for the Kroger's expansion in its current location. Mr. Bogard advised the proposal was good for economic development in this core area.

Ms. Fischer noted she was pleased with the way the developer dealt with the concerns of the Planning Commission. Ms. Fischer requested emails from citizens with regard to this project be placed in the next agenda.

ORDINANCE **CONDITIONAL USE**

An Ordinance Accepting The Recommendation 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)

Mr. Chen advised this was the second part of the Conditional Use request for the Kroger's expansion and summarized the staff report on pages 181-182 of the agenda.

Mr. Jonathan Woche, Planner, McBride Dale Clarion, provided a PowerPoint presentation regarding the expansion project related to the fuel center. Mr. Woche encouraged Council to reconsider the Planning Commission's recommendation and noted his team felt the project met the General Decision Standards with regard to the fuel center.

Mr. Ed Bagley, Kroger's Manager, advised he had 650 signatures on a petition endorsing the expansion project noting the support was out there. Mr. Bagley advised the Hamilton west facility recently completed their expansion project which had been very successful. Mr. Bagley reminded Council that Oxford residents could go north, south, east or west to visit a model store.

Mr. Scott Webb, addressed Council on behalf of the Chamber of Commerce. Mr. Webb reminded Council the decision was already made when the zoning code was adopted that this was an appropriate location for gas stations. Mr. Webb noted the need to encourage businesses to stay in town and encouraged Council to work with the developer to find solutions for expanding this location.

Ms. Kathleen Zien, 6060 Joseph Drive, noted concern with 14 additional gas pumps in Oxford when there were already 44. Ms. Zien noted her feeling the fuel rewards were insignificant, arbitrary and could be discontinued any time. Ms. Zien discussed the possibility of other jobs in the community being lost as a result of the proposed expansion. Ms. Zien noted the project could not be appropriate if there were multiple conditions placed on it by staff plus the need for 10 variances to the Zoning Code. Ms. Zien noted Council should be consistent and limit the outside sales for this project as they did for the Southpointe site. Ms. Zien noted her hope the Planning Commission's recommendation of denial was carried through by Council.

Mr. Richard Daniels, Emerald Woods Drive, advised he was interested in the project from the standpoint of expanding pharmacy services within the community. Mr. Daniels advised the Comprehensive Plan would speak to and promote the redevelopment the Locust Street area. Mr. Daniels noted his support for the fuel center as it would encourage traffic in the area. Mr. Daniels encouraged Council to look at the positives for the redevelopment of this area.

Mr. Rutherford advised he agreed with Mr. Daniels. Mr. Rutherford noted his feeling the location of the fuel center may be too far south and inquired how the decision was made for its location on the site.

Mayor Dana inquired if Council could confine their discussion to the Conditional Use with conditions and not talk about the design knowing they could come back and talk about the design.

Mr. McHugh advised a member of Council could request new legislation granting approval of the Conditional Use with appropriate conditions.

Ms. Currie inquired if Kroger's had off-site fuel centers and Ms. Ammons advised yes.

Mr. Keebler advised he would rather not see another fueling center in this location but would make exceptions for redevelopment. Mr. Keebler noted he would support the approval of a fuel center with specific conditions.

Mr. Rutherford asked Ms. Ammons to speak to the issue of reducing the number of pumps and Ms. Ammons advised Kroger's could live with installing 5 pumps and possibly expanding them in five years.

Ms. Fischer advised this case went through Planning rather quickly because the majority were against the fueling center for the reasons that have been heard tonight. Ms. Fischer noted since Kroger's was amenable to reducing the number of pumps perhaps a new Ordinance was appropriate.

Ms. Currie noted landscaping would be extremely important between the fuel center and Locust Street.

Mr. Bogard advised various Cities that participated in OKI applied for landscaping development funds which were available. Mr. Bogard noted the importance of listening to what the people wanted with regard to their economic viability. Mr. Bogard emphasized the importance of private/public partnerships with regard to the development of Locust Street. Mr. Bogard requested a copy of the Kroger slides with regard to addressing the conditions.

Mr. McHugh suggested looking at a TIF to assist with the landscaping along this corridor.

Mr. Rutherford inquired what the probability of increasing the landscaping was and Mr. Greene addressed the issue noting his concern with over landscaping and reducing the visibility of the smaller shops. Mr. Greene noted the owners were amenable to aesthetically pleasing smaller bushes and scrubs.

Mr. Keebler moved to replace the current Ordinance with a new Ordinance in the affirmative reducing the number of pumps to five pumps and providing landscaping in place of parking along Locust Street. Mr. Bogard seconded. The motion passed 6-0-0.

Mr. Chen advised he would provide the exact language for the conditions specified on the new Ordinance.

Mr. Wocher inquired if the new Ordinance would come as a first reading and Mr. McHugh advised yes. Mr. Wocher inquired how that would affect the variance applications and Mr. Chen advised the variances could be applied for and considered concurrently with the Conditional Use request.

Mr. Rutherford inquired if new drawings were in order and Mr. McHugh advised yes.

Mr. Wocher requested a copy of the new language as soon as possible so the new drawings could be provided.

ORDINANCES
SECOND READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3015 Amending Ordinance No. 2990. Supplemental Budget Ordinance Number 4 To Make Supplemental Appropriations For Fiscal Year 2008. (Joe Newlin, Finance Director)

Mr. Newlin addressed the changes from the first reading as listed in the staff report on page 185-186 of the agenda noting federal funds may be awarded to recoup monies spent as a result of the recent storm.

Mr. Bogard inquired what assurances there were that the City would recoup funds from the storm damage and Mr. Dreisbach addressed the issue noting a meeting was taking place tomorrow with the EMA and FEMA.

Mr. Bogard moved to adopt Ordinance No. 3015. Ms. Currie seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Rutherford, Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (6)

NAY: None (0)

ABS: None (0)

Ms. Dana noted the lateness of the hour and inquired if the following Ordinances should be tabled since Mr. Rutherford had several amendments he would like to propose. The consensus of Council was to consider the Ordinances as presented and amendments could be considered at a later date.

ORDINANCE
NEW SECTION 404

An Ordinance No. 3016 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 language was reverted to the language from before November of last year.

Mr. Scott Webb, noted the three codes in consideration were all written by the International Code Council and approved across the country.

Mr. Kyger noted the Ordinances being considered built upon one another and this one managed density.

Mr. Bogard inquired what the timetable was for Mr. Rutherford to present his proposed amendments and Ms. Dana suggested January, after the budget process was complete.

Mr. Keebler moved to adopt Ordinance No. 3016. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (5)

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1143.10

An Ordinance No. 3017 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 changes to Section 1143.10 as listed on the staff report on page 193 of the agenda.

Mr. Rutherford moved to table the proposed Ordinance. The motion failed for the lack of a second.

Mr. Rutherford discussed the proposed Ordinance at length noting it did not apply equally to everyone due to the 16 ½' set-back on some properties.

Mr. Kyger agreed with Mr. Rutherford noting the Uptown Revitalization Committee had discussed the issue as well.

Mr. Rutherford noted his feeling Council was passing bad legislation.

Mr. Keebler called the question.

Ms. Fischer moved to adopt Ordinance No. 3017. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Ms. Fischer, Mr. Keebler, Ms. Dana (5)

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1159.07

An Ordinance No. 3018 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 advised the proposed legislation would remove the 16 ½' set-back from the Floor Area Ratio computation.

Mr. Rutherford advised his feeling the proposed Ordinance would create rental units that did not meet the goals Council had originally set.

Mr. Bogard advised he would like to consider amendments to the proposed Ordinance in November so there was not a window for undesirable development.

Mr. McHugh noted any amendments would need to go before the Planning Commission.

Mr. Scott Webb, advised the Floor Area Ratio controlled the over envelope of the building and would not create a window for undesirable development.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3018. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Bogard, Ms Dana (5)

NAY: Mr. Rutherford (1)

ABS: None (0)

ORDINANCE
NEW SECTION 1149.05

An Ordinance No. 3019 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 advised the proposed Ordinance would eliminate the requirement for a loading dock or designated delivery space in the Uptown District.

Mr. Rutherford suggested requiring loading spaces for commercial buildings in excess of 10,000 square feet.

Mr. Scott Webb, noted the loading spaces were ineffective whether or not a building was 10,000 square feet.

Mr. Rutherford suggested changing the size of the loading space to become effective.

Mr. Keebler called the question.

Mr. Keebler moved to adopt Ordinance No. 3019. Ms. Fischer seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Fischer, Mr. Keebler, Mr. Bogard, Ms. Currie, Ms. Dana (5)

NAY: Mr. Rutherford (1)

ABS: None (0)

ANNOUNCEMENTS

Mr. Dreisbach commended Council for their diligence in working through this evening's agenda.

Mr. Kyger noted a correction to the meeting schedule on page 4 of the agenda.

Mayor Dana advised Council would hold a Special Meeting at the Courthouse tomorrow night for the purpose of considering the settlement of a lawsuit.

ADJOURN

Mr. Bogard moved to adjourn at 12:40 a.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 Wednesday, October 8, 2008 at 7:03 p.m. Those members present were Alysia Fischer, Kate Currie, Richard Keebler, Ken Bogard and Doug Ross. Greig Rutherford arrived at 7:33 p.m.

Staff members present were Doug Elliott, City Manager, Alan Kyger, Economic Development Director, Steve McHugh, Law Director and Mary Ann Eaton, Deputy Clerk of Council.

Also present was Mr. Mark Iannotta, Attorney.

ADJOURN TO EXECUTIVE SESSION

Ms. Currie moved to adjourn to Executive Session in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing (3) Pending Litigation. Mr. Bogard seconded. The motion passed 6-0-0.

RETURN FROM EXECUTIVE SESSION

Mr. Rutherford moved to return from Executive Session at 8:30 p.m. Ms. Fischer seconded. The motion passed 7-0-0.

APPROVAL OF AGENDA

Ms. Currie moved approval of the agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTION SETTLEMENT OF LAWSUITS

A Resolution No. 4391 authorizing the settlement of the Western Knolls Lawsuits and authorizing the City Manager to take all steps necessary to resolve the Western Knolls Lawsuits. (Doug Elliott, City Manager)

Mr. Kevin McKeehan, 2126 Dana Drive, noted he had been a resident of Western Knolls for several years. Mr. McKeehan advised he had mixed feelings about the matter although he supported Council's efforts.

Mr. Rutherford moved to adopt Resolution No. 4391. Ms. Currie seconded. The Resolution was adopted by the following roll call:

AYE: Ms. Currie, Ms. Fischer, Mr. Keebler, Mr. Ross, Mr. Rutherford, Mr. Bogard,
Ms. Dana (7)

NAY: None (0)

ABS: None. (0)

ADJOURNMENT

Ms. Fischer moved to adjourn at 8:40 p.m. Mr. Keebler seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 21, 2008

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

October 3, 2008
Date Prepared

Agenda Title: Planning Commission Special Meeting Report – September 30, 2008

Recommendation: N/A

DISCUSSION:

Items Related to Platting:

PC-ADM-03-2008 *LOT CONSOLIDATION, 0.1836 acres consolidating parts of Lots 71 & 72 to new Lot 3726, Bernard Rumpke, Main & High Development, LLC, Applicant.*

Application approved to consolidate two parcels located at the southwest corner of Main & High Streets.

Public Hearing:

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*

The Planning Commission voted 7-0 to recommend **APPROVAL** of the Comprehensive Plan to City Council with amendments. Amendments were primarily to the Objectives and Strategies. Many of the amendments made did not change the content or the intent of the Objective or Strategies, but rather clarified the intent and language. Minor amendments were also made for grammatical corrections. Two strategies were added, which were expressed in the public forums, but were not articulated in the plan correctly.

PC-20-2008 *ZONING CODE TEXT AMENDMENT, Chapter 1139 Variances City of Oxford, Applicant*

Legal Council reviewed with the Commission that the current decision standards used by the BZA have no legal grounds or support. The primary change to this Chapter reflects the decision standards established in the Ohio Supreme Court case *Duncan v. Village of Middlefield*. After much deliberation, one additional decision standard was proposed by the Commission. Planning Commission voted 7-0 to recommend **APPROVAL** to City Council as amended.

The next regular Planning Commission meeting is October 14, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 10/8/08
[Signature] 10/17/08

**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:

October 2, 2008

Date Prepared

Agenda Title:	HAPC Meeting Report – October 1, 2008
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DISCUSSION:

Requests for Review:

HAPC-13-2008 200 W. Church, replacement of existing wood shutters with vinyl shutters, Park Place Real Estate, Applicant

The Applicant presented that they painted the house this summer and had no intention of getting rid of the original wood shutters, but upon their removal to paint the house, the shutters fell apart and were unsalvageable. The Applicant indicated that they intend to install vinyl shutters of the same size and color, green and louvered style. Commission members asked if they had priced out the cost of replacing with wood versus the vinyl. The Applicant indicated they had not. Mr. Lloyd asked if the shutters would have a wood grain, which the Applicant confirmed. There was hesitation from Commission members and the Applicant offered to go to his office and bring back a sample. The case deliberations were suspended shortly for the Applicant to return. Mr. Smith shared that there were only 4-5 houses left in the district that still retained their original wood shutters. HAPC voted 4-1 to **APPROVE** the request as presented.

HAPC-14-2008 33 W. High Street, approval of door paint color, Bob Blackburn, Applicant

The Applicant was seeking a COA to change the paint color of the front commercial door from cream to green and repainting the entire building with the current existing colors. Repainting with the same colors for maintenance purposes did not require HAPC approval, but the change in door color did. The Applicant and store owner expressed they were not aware they needed to come before the Commission and were in a rush to open. Discussion was had about painting over the existing art deco painting with the solid crème/beige color of the building and painting the trim around the door purple/black, similar to the window trim. The Applicant agreed to work with the HAPC Chair and Vice Chair to select a green color that was vibrant, yet historically correct but asked that it not be forest/ dark green. HAPC voted 5-0 to **APPROVE** the request with the condition that the HAPC Chair and Vice-Chair work with the Applicant on a final green color selection.

Old Business:

HAPC-02-2007 44 Park Place, Bella Place, lighting detail, Tom Kacachos

The Applicant presented that the outdoor common walkway and stairway were required to be continuously lit and presented a downward shining, wall mounted light fixture above each of the residential door entrances. HAPC voted 5-0 to **APPROVE** the request as presented.

New Business:

107 E. Church Street – Rodbro Concept for a New Building

Matt Rodbro and Don Thomas were present. They presented a concept plan for the demolition of the Church Street Station Bar and construction of a 4-story mixed use building. Details of the building discussed included:

Wood operating shutters, exterior wood molding for windows, inset commercial and residential entries, wood exterior doors, stone sills, typon lintels, brick front façade (possibly painted), typon cornice, 9' residential ceiling heights, 43'-44' tall building, side elevations will have no windows and first story brick with block on the upper stories, rear elevation will consist of first floor block façade and upper stories with fiber cement siding and two units will

have a small projecting balcony.

Other discussion regarding the building included that there will be six, four-bedroom units and that potential signage location for the commercial storefront should be considered. Applicant indicated that windows are not shown at this time on the side elevations because of a neighboring building and the parking lot owner had expressed interest in constructing a building. Overall consensus of the Commission was favorable towards the request. The Applicant is scheduled for a formal decision for the HAPC November 5, 2008 agenda. Applicant is supposed to present potential color selections and lighting fixture details in November also.

32 E. High Street – Kacachos door replacement request

Tom Kacachos requested approval of a residential door replacement for 32 W. High. Staff advised that a formal application and fee needed to be filed and asked if what was presented would be acceptable for the HAPC Chair to review administratively once the application is filed. The HAPC agreed to allow the Chair to review the application.

Administrative Findings / Approvals:

HAPC-15-2008 ***32 W. Walnut Street, allow for hanging of political banner, Campaign for Change, Patrick Frank, Applicant***

Legal Counsel advised that application needed to be filed, and the banner had to be approved.

HAPC-16-2008 ***129 W. Walnut Street, demolition of garage in the Historic District, Park Place Real Estate, Applicant, Owner***

The Applicant requested a COA for demolition of a single car garage off the alley at the rear of the house, which was removed without proper approval. Removal of the structure prior to the issuance of an approved Certificate of Appropriateness is subject to a mitigation fee equal to fifty percent (50%) of the demolition cost. The fine was applied and paid and because the garage was already removed, the Chair approved administratively. The Applicant is also required to obtain proper permits for a driveway expansion and has in-filled with gravel, which requires BZA approval.

Other Business:

Marker Update

Ms. Henderson had no new information but reported that she is working on revisions to the previous hand-out and was considering a two-tiered program. One option would be for owners to purchase a plaque if the property had some significantly historical event or person associated with the property. The second tier would be an award given for historic preservation.

Sign Amendments/Update

Ms. Kay indicated that she was still working on and would have an update for next month.

Misc.

- Ms. Dana shared that the Rules & Procedures would be on the next City Council agenda.
- Ms. Henderson and Ms. Dana asked if the Historic videos/ DVD's could be uploaded onto Granicus.
- The Apple Butter festival is Oct 3rd weekend.
- Ms. Henderson shared photographs and updated the Commission on the Township House restoration.
- Ms. Dale announced this would be her last meeting until after the first of the year and Mr. Chen would be in attendance.

The next regular HAPC meeting is scheduled for November 5, 2008.

Approved By:		Initial	Date
	Department Head:	JHC	10/13/08
	City Attorney:		
	City Manager:	JME	10/14/08

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: October 21, 2008

Account Code #: 122.720.52450 & 123.730.52450

Budgeted Amount: \$50,000 / \$14,500

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

October 13, 2008
Date Prepared

Agenda Title: Purchase of Road De-icing Salt in Conjunction with Butler County Engineer's Office Purchasing Contract

Recommendation: Approval

Discussion:

The City of Oxford expects to purchase approximately 1,500 tons, more or less, of road de-icing salt in the balance of 2008 and during calendar year 2009.

The Streets & Maintenance Division has been working with the Butler Co. Engineer's Office to provide Oxford the opportunity to piggyback onto Butler County's procurement bid. By pooling our purchasing power, the City receives more favorable pricing for our deicing material purchases.

The County advertised for bids and awarded a contract to Cargill, Inc. at the following rates:

	Salted dumped at our facility	Salt stacked inside our dome
Cargill, Inc.	\$51.42 per ton	\$54.42 per ton

This price represents an increase of 11% over prices from 2007. However, given the current low inventories at some suppliers, some communities are seeing price increases of over 200% for their purchases. It is Staff's recommendation that Council approve a Resolution accepting the bid of Cargill, Inc. and authorize the City Manager to enter into an agreement with Cargill, Inc. for the purchase of road de-icing materials for an amount not to exceed \$95,000.

NOTE: While the budgeted amount is not sufficient to purchase the maximum quantity authorized by this Resolution, staff is requesting POSSIBLE additional purchasing capacity should an extreme winter warrant the purchase with additional funds authorized by Council through a supplemental appropriation.

Approved By:

Department Head:

Initial MBD Date 10/13/08

City Manager:

MBD \ 10/13/08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUTLER COUNTY AND/OR CARGILL, INC. FOR THE PURCHASE OF ROAD DE-ICING MATERIALS.

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

SECTION 1: Council hereby determines the lowest and best bid submitted for bulk de-icing materials for snow and ice control purposes to be that certain bid submitted by Cargill, Inc. to the Butler County Engineer's Office.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Butler County and/or Cargill, Inc. for bulk de-icing sodium chloride at a price of \$51.42 per ton (dumped) and \$54.42 per ton (stacked).

SECTION 3: 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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: October 21, 2008

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 13, 2008

Date Prepared

Agenda Title: Resolution authorizing the City Manager to waive the fees adopted in the Fee Ordinance for the street closings and Street Department Personnel for the 2008 State to State Half Marathon and 5K Run.

Recommendation:

Discussion:

As requested by Mayor Dana.

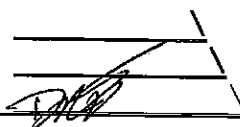
Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 10/17/08

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FEES ADOPTED IN THE FEE ORDINANCE FOR THE STREET CLOSINGS AND STREET DEPARTMENT PERSONNEL FOR THE 2008 STATE TO STATE HALF MARATHON AND 5K RUN.

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

SECTION 1: The Chair of the 2008 State to State Half Marathon and 5K Run has requested Council waive the fees for the street closings and Street Department Personnel.

SECTION 2: Council having considered the request by the Chair of the State to State Half Marathon and 5K Run hereby determines that the 2008 State to State Half Marathon and 5K Run is a benefit to the community and that waiving the fees for the street closings and Street Department Personnel is in the best interest of the community, and authorizes the City Manager to waive the fees for the street closings and Street Department Personnel for the 2008 State to State Half Marathon and 5K Run.

SECTION 3: 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)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 21, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

October 13, 2008

Date Prepared

Agenda Title: PC-16-2008 CONDITIONAL USE APPLICATION- 300 S. Locust Street (Kroger's) to Allow for a Gas Station with Convenience Store, Jonathan Woher, AICP, Applicant, Agent
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Recommendation: Approval

Discussion:

During the regular City Council meeting on October 7, 2008, City Council directed staff to prepare legislation outlining conditions for consideration of the gas station with convenience store for approval.

Several items brought up by City Council to be included in the legislation are: a landscaping buffer between the right-of-way and gas station; removing approximately 20 parking stalls for a landscaping buffer; reducing the number of pumps from 14 to 10, and any other conditions staff may recommend.

Approved By:	<table><tr><td>Department Head:</td><td>Initial</td><td>Date</td></tr><tr><td>City Attorney:</td><td></td><td></td></tr><tr><td>City Manager:</td><td></td><td></td></tr></table>	Department Head:	Initial	Date	City Attorney:			City Manager:		
Department Head:	Initial	Date								
City Attorney:										
City Manager:										

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A GAS STATION AND CONVENIENCE STORE 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: Council having reviewed the request of the applicant Jonathan Wocher, AICP, Agent, for a conditional use permit to allow for a gas station and convenience store in the General Business (GB) District, after due deliberation finds that the conditional use application meets the decision standards outlined in the Oxford Zoning Code Section 1147.01.

SECTION 2: Council hereby approves the conditional use permit application for a gas station and convenience store in the General Business (GB) District at 300 South Locust Street, Oxford, Ohio with the following conditions:

- a. Five (5) fuel pumps, providing 10 vehicle filling locations are hereby approved.
- b. The size of the canopy is reduced so as to only cover the five (5) fuel pumps and associated car fill lane; so the southern end of the canopy will appear in a straight line of sight with the existing strip shopping center. The style and material of the canopy and kiosk shall be substantially in conformance with the drawing, dated August 25, 2008, with the exception to the number of pumps.
- c. The existing parking stalls on the east side of the proposed fuel center, along Locust St, shall be removed and landscaped. A combination of trees, bushes and shrubs shall be planted in this area. A minimum of 1 tree for every 50 linear feet of frontage shall be provided. Each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height. Each tree shall be living and in healthy condition. The owner shall agree to be responsible to replace any dead tree in this area, as well as the parking lot.
- d. There shall be no more than two (2) soda vending machines adjacent to the kiosk.

- e. The outdoor merchant display shall be limited to (4) four beige, lockable merchandizing boxes, measured approximately 48" long 40" high and 18" deep as shown on the submitted pictures. Two will be placed in front of the Kiosk, displaying oil and related merchandise. The remaining two will be on each side in between the outside dispensers, displaying seasonal merchandise. No other outside merchandize sales shall be permitted including soda or soft drink self serve machines or dispensers.
- f. All lighting under the canopy shall be recessed in the ceiling of the canopy.
- g. All appropriate variances are obtained from BZA prior to submitting for permits.
- h. The Engineering comments as outlined in the Engineer's memorandum, dated July 24, 2008 and September 3, 2008 are addressed to the satisfaction of the Engineering Division.
- i. All appropriate parcel consolidations are approved per Section 1101.07 of the Subdivision Regulations and properly recorded prior to submitting for permits.
- j. The design and material of the canopy and the kiosk shall be consistent with the new façade of the Kroger store.
- k. The internal circulation shall be clearly marked.

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: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:09 PM
To: Mary Ann Eaton
Subject: FW: Kroger expansion

From: Keller, D. Steven [kellerds@muohio.edu]
Sent: Sunday, October 05, 2008 10:43 AM
To: 'pdana@cityofoxford.org'; 'kbogard@cityofoxford.org'; 'kcurrie@cityofoxford.org';
'afischer@cityofoxford.org'; 'rkeebler@cityofoxford.org'; 'rossauction@bizwoh.rr.com';
'grutherford@cityofoxford.org'
Subject: FW: Kroger expansion

Mayor Dana and Oxford City Council members,

As you may come to understand, I am not pleased with your recent decision to deny the Oxford Kroger request to add a fuel center. Your rationale for denying the Fuel Center did not seem to consider all of the logical aspects of the situation. The proximity of the two gas stations should have no bearing on your decision. Choice and free market competition are healthy for the community and the economy. Kroger fuel stations offer an alternative to the few local gas stations. In addition Kroger Fuel Centers provide a substantial monetary savings to its customers.

My wife and I have lived in Oxford for more than two years and purchase most of our gasoline outside of Oxford in order to save money. We usually buy our gas at Kroger Fuel Centers close to West Chester. We do this mainly because the gasoline is usually more expensive at Marathon and Speedway stations and UDF Exxon/Mobil station does not have adequate facilities. Kroger also allows a price savings for regular customers.

Kroger has been part of the Oxford business community for many years and is willing to expand and remodel its store at the current location. As you know this shopping center has been losing business, as evidenced by the many vacant storefronts.

As a taxpayer I respectfully request that you reconsider your decision and allow Kroger to build a Fuel Center .

Sincerely,

D. Steven Keller

Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 10:14 PM
To: Mary Ann Eaton
Subject: FW: Kroger expansion

From: Keller, D. Steven [kellerds@muohio.edu]
Sent: Monday, October 06, 2008 9:20 PM
To: Alysia Fischer
Subject: RE: Kroger expansion

Dear Ms. Fischer,
Thank you for pointing out the true situation with this topic. I hope that you will consider the merits of passing this enhancement to our community when it does come before the Council.
Thank you for clarifying this and for your representation.
Steve Keller

-----Original Message-----

From: Alysia Fischer [mailto:AFischer@cityofoxford.org]
Sent: Sunday, October 05, 2008 8:09 PM
To: Keller, D. Steven
Subject: RE: Kroger expansion

Dear Mr. Keller,

I am not sure where you got the information about a denial for the Kroger's gas station. Planning Commission recommended denial to City Council (in a 5-2 vote, with the 2 members of City Council who are also on Planning voting FOR the gas station), but it has not yet come to City Council. I can only assume that you are referring to the Planning Commission recommendation, and that you are therefore in favor of City Council passing it when it comes before us.

Thank you for your comments,

Alysia Fischer

From: Keller, D. Steven [kellerds@muohio.edu]
Sent: Sunday, October 05, 2008 10:43 AM
To: 'pdana@cityofoxford.org'; 'kbogard@cityofoxford.org'; 'kcurrie@cityofoxford.org'; 'afischer@cityofoxford.org'; 'rkeebler@cityofoxford.org'; 'rossauction@bizwoh.rr.com'; 'grutherford@cityofoxford.org'
Subject: FW: Kroger expansion

Mayor Dana and Oxford City Council members,

As you may come to understand, I am not pleased with your recent decision to deny the Oxford Kroger request to add a fuel center. You rational for denying the Fuel Center did not seem to consider all of the logical aspects of the situation. The proximity of the two gas stations should have no bearing on your decision. Choice and free market competition are healthy for the community and the economy. Kroger fuel stations offer an alternative to the few local gas stations. In addition Kroger Fuel Centers provide a substantial monetary savings to its customers.

My wife and I have lived in Oxford for more than two years and purchase most of our gasoline outside of Oxford in order to save money. We usually buy our gas at Kroger Fuel Centers close to West Chester. We do this mainly because the gasoline is usually more expensive at Marathon and Speedway stations and UDF Exxon/Mobil station does not have adequate facilities. Kroger also allows a price savings for regular customers.

Kroger has been part of the Oxford business community for many years and is willing to expand and remodel its store at the current location. As you know this shopping center has been losing business, as evidenced by the many vacant storefronts.

As a taxpayer I respectfully request that you reconsider your decision and allow Kroger to build a Fuel Center .

Sincerely,

D. Steven Keller

Mary Ann Eaton

From: Alysia Fischer
Sent: Tuesday, October 07, 2008 6:39 PM
To: Mary Ann Eaton
Subject: FW: Kroger gas pumps

From: Barbara Wells [barbjwells@yahoo.com]
Sent: Tuesday, October 07, 2008 4:56 PM
To: Prue Dana; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler;
rossauction@bizwoh.rr.com; Greig Rutherford
Subject: Kroger gas pumps

My husband, Roger Wells, and I are in support of Kroger having gas pumps at their store at 300 S. Locust St. We hope that the council will take into consideration what the people of Oxford input into this matter.

Thanks,

Barbara Wells
430 Emerald Woods Dr.
Oxford, OH 45056

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:09 PM
To: Mary Ann Eaton
Subject: FW: Kroger expansion

From: cookbrower [cookbrower@aol.com]
Sent: Sunday, October 05, 2008 10:31 AM
To: Prue Dana; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler;
rossauction@bizwoh.rr.com; Greig Rutherford
Subject: Kroger expansion

Dear Oxford City Council member,

Every time we drive by the vacant former Walmart building and the vacant commercial buildings across the street, I think of the ruling our city government made to not allow Walmart to expand in their former location on Locust street. What an eye sore that decision has created in our community and what an inconvenience that has produced for the Oxford consumers.

Now it is our understanding that your are considering rejection of the Kroger plan to include discount gasoline. Why? The design of the pump stations are not intrusive, they appear to be low profile and in good taste. Yes, there are two other stations in the vicinity who regularly charge the same high prices for their gas. There is no competition as I believe they are both part of the Marathon organization. What has happened to free enterprise? Many of our residents find it necessary to commute out of town for their employment. Fifteen cents a gallon less for gas is very important to them in our uncertain national economic situation,

Kroger has served our community for many years and has monetarily supported community functions in many ways. We hope Planning Commission and Council will reconsider this decision and approve the Kroger sale of gasoline.

Sincerely,

Fred and Mary Jane Brower

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:08 PM
To: Mary Ann Eaton
Subject: FW: Kroger expansion

From: Kathleen Keller [kkeller411@woh.rr.com]
Sent: Sunday, October 05, 2008 9:32 AM
To: Prue Dana; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler; rossauction@bizwoh.rr.com; Greig Rutherford
Subject: Kroger expansion

Dear Mayor Dana and Oxford City Council members,

It was with great concern that I read your recent decision to deny the Oxford Kroger request to add a fuel center. Your rationale for denying the Fuel Center request did not make sense. Having two gas stations close by should not be a factor. There are three pharmacies all in close proximity (Kroger Pharmacy, Walgreens, and CVS). Choice and healthy competition are good for customers and the economy. Kroger fuel stations offer an alternative to the few local gas stations. In addition Kroger Fuel Centers provide a substantial monetary savings to its customers.

I have lived in Oxford for over two years and purchase most of my gasoline outside of Oxford in order to save money. Most of my gasoline has been purchased at Kroger Fuel Centers close to my place of employment. My purchases have been outside of Oxford for two reasons. These reasons being the higher cost of the gasoline at Marathon and Speedway stations and the difficulty of fueling a car at the UDF Exxon/Mobil station.

Kroger has been part of the Oxford business community for many years and is willing to expand and remodel its store at the current location. As you know this shopping center has been losing business, as evidenced by the many vacant storefronts.

As a taxpayer I respectfully request that you reconsider your decision and allow Kroger to build a Fuel Center .

Sincerely,

Kathleen F. Keller

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:08 PM
To: Mary Ann Eaton
Subject: FW: Support for Kroger

From: Kullman, David [kullmade@muohio.edu]
Sent: Friday, October 03, 2008 6:57 PM
To: Alysia Fischer
Subject: Support for Kroger

Dear Ms. Fischer:

We strongly support the Oxford Kroger expansion project INCLUDING A FUEL CENTER. By voting affirmatively for this project City Council can take an important step to stem the blight that is creeping over the South Locust Street business district.

Thank you,

David and Karen Kullman
62 Hidden Creek Drive

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:08 PM
To: Mary Ann Eaton
Subject: FW: Kroger Expansion

From: Richard Daniels [radaniels45@yahoo.com]
Sent: Friday, October 03, 2008 5:42 PM
To: Prue Dana; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler;
rossauction@bizwoh.rr.com; Greig Rutherford; Alan Kyger
Subject: Kroger Expansion

Mayor and Council Members,

I hope you all will give positive consideration towards the Kroger expansion including the addition of gas pumps.

I do not think Kroger's will move to a location that will allow them to build the size building they are building elsewhere (125,000 sq. ft.) and with enough land to have gas pumps although they could; but expansion of Kroger's presence in what I have mentioned to some of you as the core or potential core of the retail business community is important.

Redevelopment of the Big Lots, CVS and Wal-Mart sites will be much harder and take much longer without a strong draw into the center of Oxford for the consumers in our corner of Butler County. This area of town with Ace and Stewart Square near by plus other contiguous businesses or lots that could be developed or redeveloped will be the commercial business center of Oxford in 20 years, I believe, if it is positively promoted and encouraged.

That's my pitch. I plan to be at the Council meeting on Tue. night to say what is in writing above. If any of you have any suggestions, I would like to hear them.

Sincerely, Richard Daniels

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:08 PM
To: Mary Ann Eaton
Subject: FW: Gas Station

From: Marilyn Walton [waltonma@woh.rr.com]
Sent: Friday, October 03, 2008 4:34 PM
To: Prue Dana; Ken Bogard; Alysia Fischer; Richard Keebler; ROSSAUCTION@BIZWOH.RR.COM; Greig Rutherford
Subject: Gas Station

To City Council,

My husband and I are very much in favor of the inclusion of a gas station at the Kroger location. For years, we have not been able to take advantage of the awards given for shopping there that would reduce the price of our gasoline purchases. Today, more than ever, we need this benefit. It would seem that few people were in favor of the gas station proposed for 27, but everyone I know looked forward to a new station at Kroger. If you are keeping track of citizens who would like to see a station built at Kroger, please include us with those favoring that decision.

Thank you.

Marilyn Walton (John Walton)

Mary Ann Eaton

From: Alysia Fischer
Sent: Sunday, October 05, 2008 8:07 PM
To: Mary Ann Eaton
Subject: FW: Proposed Kroger Expansion

From: John L. Diller [dillerjl@hotmail.com]
Sent: Friday, October 03, 2008 3:53 PM
To: Prue Dana; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler;
rossauction@bizwoh.rr.com; Greig Rutherford
Subject: Proposed Kroger Expansion

Dear<mailto:pdana@cityofoxford.org> Mayor, Vice-Mayor, and Councilors,

I watched some of the Planning Commission discussion about the proposed Kroger expansion last evening. Although some of the objections raised seem valid, on the whole I believe the proposal to be sound.

I admit the 14 pumps proposed for the fuel center may be extravagant, although I believe the current Speedway has 12 and that number does not seem to cause traffic tie-ups.

Incidentally, I believe Kroger has been in Oxford much longer than the 38 years mentioned in their mailing. I suspect they were in the present location of the Oxford Press in the 1950s!

John Diller

John L. Diller Telephone: 513-523-3196
242 Ryan Dr. Cell Phone: 513-284-6508
Oxford, Ohio 45056-8919
dillerjl@hotmail.com OR dillerjl@excite.com

Get more out of the Web. Learn 10 hidden secrets of Windows Live. Learn Now<http://windowslive.com/connect/post/jamiethomson.spaces.live.com-Blog-cns!550F681DAD532637!5295.entry?ocid=TXT_TAGLM_WL_getmore_092008>

Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 10:13 PM
To: Mary Ann Eaton
Subject: FW: Vote YES for Kroger fuel center

From: Bill Levenderis [blevenderis@woh.rr.com]
Sent: Monday, October 06, 2008 10:08 PM
To: Alysia Fischer
Subject: Vote YES for Kroger fuel center

Dear Alysia,

I hope that you consider voting yes for the Kroger fuel center. I am a resident and active member in the city and there are many reasons this is a good thing:

- 1) Healthy competition for gas stations in the city to keep prices as low as possible, particularly in these times of high fuel costs and financial hardships.
- 2) Lower prices for residents that shop here and have lots of "reward dollars" to take advantage of (I work in Hamilton, and I tend to buy my fuel there when I can because of the rewards and lower cost).
- 3) Kroger is and has been an upstanding member of the Oxford community and also has its home base in the tri-state area. Support local businesses and operations!
- 4) The massive empty parking lot is just empty space that is unused. No trees will be cut down, in fact, the landscaping will be an additional thing that does not currently exist.

I understand the need for a well decorated and landscaped area, which I agree should be written in the plan. I do believe the Oxford Kroger will abide by and build a very asthetically pleasing fuel center. Please let them build it.

Bill Levenderis
6066 Contreras Rd.

Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 10:14 PM
To: Mary Ann Eaton
Subject: FW: Kroger Store

From: Marlene Jewett [jewetttrf@muohio.edu]
Sent: Monday, October 06, 2008 6:08 PM
To: Greig Rutherford; Doug Ross; Richard Keebler; Alysia Fischer; Kate Currie; Ken Bogard; Prue Dana
Subject: Kroger Store

Dear Mayor and Councilors:

Getting any product or service in Oxford is often difficult. I realize that we are "out-of-the-way" and too far from major highways to entice businesses. I feel we are fortunate to have a Kroger Store, and I also feel that Kroger has managed to keep other grocery stores out of our area. I believe we should encourage the expansion of this Kroger Store, and also that Oxford area shoppers should be able to enjoy the same benefits that many other Kroger Stores have - using gasoline credits from our shopping at our only grocery to get a break on buying gas.

Please allow the Kroger Company to expand the Oxford store and offer a "fuel center" so that Oxford customers can redeem fuel credits!!

Thank you.

Marlene Jewett

Mary Ann Eaton

From: Alysia Fischer [alysiafischer@hotmail.com]

Sent: Tuesday, October 07, 2008 6:37 PM

To: Mary Ann Eaton

Subject: FW: To Oxford City Council Members!

> Date: Tue, 7 Oct 2008 15:46:23 -0400

> From: jacke@fuse.net

> To: retiredbogard@woh.rr.com; katecurrie@hotmail.com; greigjr@gmail.com; pdana@bizwoh.rr.com;
RossAUCTION@bizwoh.rr.com; alysiafischer@hotmail.com; rakfire@earthlink.com

> Subject: To Oxford City Council Members!

>

> Dear City Council Member,

> Here we go again! Please do not vote to okay another gas station on Locust. Please bring Oxford into the 21st century. At a time when the U.S. needs to look to alternate energy sources, why is Oxford pushing gas stations? Please wait for clean businesses. Please look for clean businesses for Oxford. Is our community development person into gasoline for some reason? The Miami Students can easily access all the fuel they need in Oxford's present gas stations. I remain sincerely concerned for the ecology of Oxford and its surrounding area. I wish that Oxford's City Council had the same concerns.

> Marsha A. Haffey

> 5106 Bonham Road

> Oxford, Ohio

>

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Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 1:46 PM
To: Mary Ann Eaton
Subject: FW: AGAINST KROGER FUEL STATION

From: lisa Isaacson [ljiohio@yahoo.com]
Sent: Monday, October 06, 2008 11:41 AM
To: Prue Dana; Ken Bogard; Kate Currie
Cc: Alysia Fischer; Richard Keebler; rossauction@bizwoh.rr.com;
grtherford@cityofoxford.org
Subject: AGAINST KROGER FUEL STATION

We recently received a mailer from Kroger asking us for their support to help build and support a fuel center. I am doing just the opposite!

I have lived in Oxford for 26 years and am sick and tired of Kroger running this town. I wonder sometimes whom they are sleeping with!

Why on earth would we need yet another gas station? Especially so close to two other ones? How does this benefit our citizens?

I find it ironic that we can not even buy a pair of shoes in this town, but we can certainly find tanning beds and gas stations. Kroger says in their mailer that one purpose of the fuel center would be for the customer to redeem their fuel rewards! Why don't they lower their prices instead?

Please do NOT approve a gas station. How about filling up all of these empty store fronts in this town?

Thank You,
Lisa J. Isaacson

Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 10:13 PM
To: Mary Ann Eaton
Subject: FW: Gas station at Kroger

From: Nora Bowers [noraellenbowers@yahoo.com]
Sent: Monday, October 06, 2008 9:52 PM
To: Ken Bogard; Kate Currie; Prue Dana; Alysia Fischer; Richard Keebler; Doug Ross; Greig Rutherford
Subject: Gas station at Kroger

Please add our names to the list of those opposed to the installation of a gas station at the new Kroger store. Thank you.

Bill & Nora Ellen Bowers, 811 Melinda Drive, Oxford

Mary Ann Eaton

From: Alysia Fischer
Sent: Monday, October 06, 2008 10:14 PM
To: Mary Ann Eaton
Subject: FW: Opposed to the Kroger Fuel Center

From: Zomchek, Kristen E. [zomcheke@muohio.edu]
Sent: Monday, October 06, 2008 5:15 PM
To: pdana@cityofxford.org; Ken Bogard; Kate Currie; Alysia Fischer; Richard Keebler; rossauction@bizwoh.rr.com; Greig Rutherford
Subject: Opposed to the Kroger Fuel Center

To All:

I have recently received a flier in the mail from Kroger encouraging us to write our Mayor and Council members. I am not for this fuel station and am asking you to please not approve another fuel station in this area. This shopping area does need improvement but not in the guise of another fuel station.

Thank you for your service to Oxford,

Kristen

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 21, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 13, 2008
Date Prepared

Agenda Title:	An Ordinance Approving the Extension of a Conditional Use Permit for the Miami University Community Federal Credit Union Branch Facility with a Drive-thru at 5120 College Corner Pike, Approved by Ordinance No 2932, on November 21, 2006 for a Period of Six Months.
----------------------	--

Recommendation: Approval

Discussion:

The City Council approved a Conditional Use permit for a branch facility to be located at 5120 College Corner Pike at their November 21, 2006 meeting.

Mr. Rick Parker, President/CEO of the Credit Union has made a formal request for a six-month extension. The letter, outlining the reasons for the extension request is attached for your information.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JHC</i>	<i>10/13/08</i>
	City Manager:	<i>DRB</i>	<i>10/14/08</i>

ORDINANCE NO.

AN ORDINANCE APPROVING THE EXTENSION OF THE CONDITIONAL USE PERMIT FOR A BANKING FACILITY WITH A DRIVE-THROUGH (MIAMI UNIVERSITY COMMUNITY FEDERAL CREDIT UNION), APPROVED BY ORDINANCE NO. 2932, ON NOVEMBER 21, 2006, FOR A PERIOD OF SIX MONTHS.

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

SECTION 1: Council having reviewed the request from Miami University Community Federal Credit Union for an extension of six months of the deadline for construction of the conditional use permit for a banking facility with a drive-through has determined the request to be reasonable.

SECTION 2: Council hereby approves the request for an extension of the construction deadline and hereby grants an additional six months to commence construction of the Conditional Use Permit for a banking facility with a drive-through at 5120 College Corner Pike.

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)



changing lives
everyday

10/01/08

City of Oxford
JUNG-HAN CHEN, AICP
Director of Community Development
101 East High St.
Oxford, Ohio 45056

Re: Request for Conditional Use Extension 5120 College Corner Pike

Dear Mr. CHEN,

The Miami University Community Federal Credit Union is requesting a six month extension to place into service our city council approved, "Conditional Use Permit". The request is based on three issues:

- 1) The forthcoming phase three widening of US 27, College Corner Pike and the disruption this may cause to our building process, and new banking operations.
- 2) The credit union has not yet reached its financial targets to initiate construction, though we anticipate doing so in 2009.
- 3) The declining economic environment that exists today is a material negative deterrent in our decision making process as it pertains to opening a new retail banking facility in Oxford.

We will keep you and the City of Oxford well informed as to our timing on initiating construction.

Respectfully Submitted


Rick Parker
President/CEO


Michael Curme
Board Chair

Miami University Community Federal Credit Union

420 Wells Mill Drive • Oxford, Ohio 45056 • phone 513-529-2739 • fax 513-529-2638 • cumemservice@muccu.org • www.muccu.org

ORDINANCE NO.2932

ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE MIAMI UNIVERSITY COMMUNITY CREDIT UNION BRANCH FACILITY WITH A DRIVE-THRU IN THE GENERAL BUSINESS DISTRICT AT 5120 COLLEGE CORNER PIKE.

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

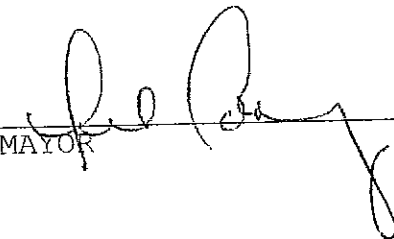
SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on October 10, 2006, for the purpose of considering the request of The Architectural Group, Incorporated, agent for the applicant, for a conditional use permit for a Miami University Community Credit Union branch facility with a drive-thru in the General Business District at 5120 College Corner Pike.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application for the Credit Union with the following conditions:

- a. the access driveway from Westgate Drive shall be for ingress only.
- b. Planning Commission's approval is subject to approval from the Board of Zoning Appeals granting the variances.

SECTION 3: Council hereby accepts the action 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 credit union in the General Business District as proposed by the applicant.

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


MAYOR

ADOPTED: November 21, 2006

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVE PROWS

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 21, 2008

Kathryn A. Dale

Account Code No. #:

Prepared By:

Budgeted Amount:

October 7, 2008

Date Prepared:

Agenda Title: 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
--

Recommendation: Approve as Modified

Discussion:

The Planning Commission voted 7-0 to recommend **APPROVAL** of the Comprehensive Plan to City Council with amendments. Amendments were primarily to the Objectives and Strategies. Many of the amendments made did not change the content or the intent of the Objective or Strategies, but rather clarified the intent and language. Minor amendments were also made for grammatical corrections. Two strategies were added, which were expressed in the public forums, but were not articulated in the plan correctly. To view essentially a summary of all the amendments made by Planning Commission, please go to the colored tab at the top of the document in Chapter 12, Implementation.

PLAN STRUCTURE

- 12 chapters and 10 topical elements

Land Use	Urban Design
Transportation	Economic Development
Housing	Utilities
Cultural Resources	Community Facilities & Services
University & Community	Implementation
- 56 objectives, 250 strategies, 10 principles
- 2 Key Maps (Land Use)

Conservation & Development
Character Area

The entire document is available on the City's website. It is approximately 265 pages long. Please DO NOT distribute your copy. Due to the size, expense and time it takes to put a single copy together, we have made limited copies until this is officially adopted. Hard copies are available at the City Managers Office and Community Development Department for public viewing.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 10/10/08
ME 10/27/08

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN OF THE CITY OF OXFORD PURSUANT TO CHARTER SECTION 8.07.

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

SECTION 1: The Planning Commission having held a public hearing on the proposed Comprehensive Plan; and after consideration of the same recommended adoption of the proposed Comprehensive Plan by Council.

SECTION 2: The Comprehensive Plan of the City of Oxford, as officially filed with the Clerk of Council and as identified by the date, October 2008, is hereby adopted pursuant to Oxford Charter Section 8.07.

SECTION 3: Council hereby repeals the previously adopted Comprehensive Plan and all amendments thereto.

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: PRUE DANA

PREPARED BY: LAW (STAFF)

Certification of Action Oxford Planning Commission Recommendation to City Council

<u>Report Date</u>	October 7, 2008
<u>Case Number</u>	PC-17-2008
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Adoption of 2008 Comprehensive Plan Update
<u>Summary of Request</u>	Adoption of 2008 Comprehensive Plan Update
<u>Public Hearing Information</u>	The Planning Commission held the initial Public Hearing Meeting August 12, 2008 and a subsequent work session was held August 27, 2008 at the Senior Center to further discuss the document. The public hearing was further continued until September 30, 2008 when the Planning Commission voted to approve the Comprehensive Plan with amendments.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend <i>APPROVAL</i> of the Comprehensive Plan to City Council with amendments.
<u>Commission Findings and Conclusions</u>	At the September 30, 2008 meeting, the Planning Commission approved the 2008 Comprehensive Plan Update with minor amendments which included grammatical corrections and the addition of two strategies. A summary of all the amendments made by Planning Commission are in Chapter 12, Implementation.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated October 7, 2008 2. Transmittal Letter Dated October 7, 2008 3. 2008 Comprehensive Plan Update DRAFT Cover Page Dated October 21, 2008 265+ page document <u>PLAN STRUCTURE</u> • 12 chapters and 10 topical elements - Land Use Urban Design - Transportation Economic Development - Housing Utilities - Cultural Resources - Community Facilities & Services - University & Community - Implementation • 56 objectives, 250 strategies, 10 principles • 2 Key Maps (Land Use) - Conservation & Development - Character Area

PC 17-2008

COMPREHENSIVE PLAN UPDATE

(256 page document)

**COMPLETE DOCUMENT PROVIDED TO CITY COUNCIL
MEMBERS. DOCUMENT WAS NOT INCLUDED INTO GENERAL
PUBLIC'S AGENDA COPIES.**

Entire document is available for viewing at the Community Development Office during
regular business hours, 8:00a.m.-5:00p.m., 101 E. High Street, 2nd Floor, Oxford, Ohio
45056

or

On the web at <http://www.cityofoxford.org/Page.asp?NavID=1326>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: October 21, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 10, 2008
Date Prepared

Agenda Title: PC-15-2008 PC-20-2008 ZONING CODE TEXT AMENDMENT – Chapter 1139 Variances

Recommendation: Approval

Discussion:

On July 9, 2008 the BZA underwent training to sustain and improve their effectiveness, productivity and to assure legally defensible deliberation and decision making process, and to become more familiar with evolving tools and techniques. The consultant of this training program also reviewed practices that commonly lead to litigation and demonstrated what not to do at a public hearing.

As a result of the training session, it was discovered that the decision standards used by the BZA have no legal grounds or support. The primary change to this Chapter reflects the decision standards established in the Ohio Supreme Court case *Duncan v. Village of Middlefield*.

Because the BZA is a quasi-judicial board and not a legislative body, a portion of their meetings are considered as adjudication hearing instead of a public hearing like the Planning Commission and Council meetings. What this means is that the BZA may only hear testimony that is relevant to the case and by a person who has a substantial right or will be directly affected (impacted) in a manner that is different from the effect of the general public.

The Planning Commission held a public hearing at a Special Meeting held September 30, 2008 to review the proposed changes. The Commission voted 7-0-0 to recommend approval subject to certain modifications.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>10/13/08</u>
	City Manager:	<u>[Signature]</u>	<u>10/17/08</u>

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1139, VARIANCES, AND ADOPTING NEW SECTION 1139, VARIANCES.

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 30, 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 1139, Variances, and adopting new Section 1139, Variances.

SECTION II: Council hereby repeals Section 1139 of the Oxford Code of Ordinances and adopts new Section 1139 as follows:

1139.01 GENERAL.

(a) Purpose. A variance permits variation from the strict interpretation of this Code so that no specific provision prevents development of a specific site that would otherwise not be possible and that would satisfy the general intent of the Code. Use variances are prohibited.

(b) Variance Requirement. Each variance shall be granted according to the provisions of this chapter.

(c) Effect of Variance.

- (1) A variance shall be valid only for the specific use, site, location, and provision for which it is granted and changes to the use and site that change the facts upon which it was granted shall be strictly interpreted.
- (2) A variance does not expire, but becomes invalid if the use, site, or location is changed in some way that changes the facts upon which it was granted.
- (3) An action or construction that is undertaken following the granting of a variance does not create a nonconformity. A variance actually changes the specific provisions of the Code as they pertain to a specific use, site, and location. (Ord. 2782. Passed 5-20-03.)

1139.02 PROCEDURE.

(a) Application. An application for a variance shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for an ~~public~~ **adjudication** hearing. An application will be ~~considered complete~~ **placed on the agenda** only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements. **The Board will not hear any appeal on an application the Board deems incomplete.**

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

~~A written, detailed description shall include the following information.~~

~~A separate response is required for each subsection.~~

~~A.~~ C. The name, mailing address, and telephone number of the applicant and the property owner.

~~B.~~ D. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf (Letter of Agency).

~~C.~~ E. A legal description of the site, including all separate lots.

~~D.~~ F. A description of the existing uses of the site.

~~E.~~ G. The zoning district in which the site is located.

~~F.~~ H. A description of the existing and proposed use.

1. A description of operations, including type of goods sold, services performed, and expected number of customers, clientele, delivery, and service vehicles.

2. The hours of operation.

~~G.~~ I. The nature and magnitude of the requested variance.

~~H.~~ J. The Code section from which the variance is requested.

~~I.~~ K. A separate narrative statement that explains how the proposed variance satisfies each of the Decision Standards required to grant ~~area~~ a variance.

~~J.~~ L. A list of the names and mailing addresses of all landowners within 200 feet of the perimeter of the site.

~~K.~~ ~~Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.~~

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

A. North arrow.

B. Scale.

C. Vicinity map.

D. All existing and proposed lot lines within the site.

E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.

F. Location, height, and use of all proposed and existing structures.

G. Location and design of all proposed vehicle management areas.

H. Location, size, and type of all proposed signs.

I. Location, height, and type of all proposed screening and landscaping.

J. Distances to residential zoning districts if within 1,000 feet.

K. The use of land and location of structures on adjacent property and across adjacent rights-of-way.

L. An indication of the regulation from which the variance is requested.

M. Other information as required by the Board of Zoning Appeals.

(3) Elevations. Elevations of proposed structures, or typical elevations if structures are not yet designed, may 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.

- (4) Other. Photographs of the existing use and its surroundings and other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by the Board of Zoning Appeals.
- (b) Reapplication.
- (1) No application for a variance that is substantially similar to an application that has been denied **or granted**, wholly or in part, **or revoked**, shall be submitted to the BZA for a decision. The Zoning Administrator shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Zoning Administrator may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.
- (2) An applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals **as stipulated in this Chapter and Section 1129.09 of the Planning and Zoning Code.**
- (c) Board of Zoning Appeals Review. The Board of Zoning Appeals shall base its review of a variance application upon the complete application, upon any staff report, and upon any relevant and credible public **testimony and evidence** presented during the **public adjudication** hearing. If the Board of Zoning Appeals 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. ~~An applicant shall be required to provide all information necessary to prove that an application satisfies the Decision Standards. The applicant shall be required to present by preponderance of reliable, probative and substantial testimony and evidence that supports the applicants request for a variance.~~
- (2) Decision standards. ~~All variances shall satisfy the Decision Standards of this section. Variances and nonconformities on other land, sites, or structures shall not be considered grounds for a variance. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code inequitable. This determination shall be made without regard to the existence of variances and nonconformities on other land, sites, or structures not presently under consideration.~~

In determining whether practical difficulties exist sufficient to warrant a variance, the Board shall consider and weigh the following factors:

- ~~A. The variance would not permit or result in a use that is not permitted in the zoning district. Use variances are prohibited; and~~
- ~~B. Conditions of the land, site, structure, or element for which the application is submitted are substantially different from other sites in the same zoning district because of physical characteristics of the land including dimensions, elevation, topographical variations, soil conditions, or other extraordinary situations, and the difference supports the application; and~~
- ~~C. The conditions upon which the application is based are not the result of actions of the applicant; and~~

- ~~D. The variance would not confer a special privilege to the applicant but would relieve a hardship; and~~
- ~~E. The literal interpretation of this Zoning Code would deprive the applicant of the ability to develop a site or use the land as a conforming permitted use in that district; and~~
- ~~F. The variance will be the minimum variance necessary to permit reasonable use of the land, site, structure, or element for which the variance is sought; and~~
- ~~G. The situation permitted by the variance will be in harmony with the general vicinity, will not be detrimental to the public health, safety, or general welfare, and will satisfy the general intent of this Zoning Code.~~
- A. Variances shall be granted only upon a determination that practical difficulties exist with respect to the property in question that would render strict application of the Planning and Zoning Code inequitable.**
- B. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;**
- C. Whether the variance is substantial (i.e. it is the minimum requested variance necessary to relieve the alleged practical difficulties);**
- D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;**
- E. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);**
- F. Whether the property owner purchased the property with knowledge of the zoning restriction;**
- G. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;**
- H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**
- I. Any other relevant factor.**

(d) Action by Board of Zoning Appeals.

- (1) The Board of Zoning Appeals shall grant, grant with conditions, or deny a variance application as presented and shall clearly state the findings upon which its decision is based.
- (2) The Board of Zoning Appeals shall base its decision only upon the Decision Standards in this Chapter. In its decision, the Board of Zoning Appeals may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

(e) Issuance of Permits.

- (1) The Zoning Administrator shall issue permits to permit the action for which a variance was sought after the Board of Zoning Appeals grants a variance. Construction permits shall not be issued unless the plans substantially conform to those upon which a variance was granted. Any

action that exceeds a granted variance shall constitute a violation of the Zoning Code. (Ord. 2782. Passed 5-20-03.)

- (2) **No order of the Board permitting erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months, and upon the expiration of such period shall automatically be deemed revoked, unless a building permit for such erection or alterations is obtained and the work is started within such period, or, where no erection or alteration is necessary, the permitted use is established within such period, or an extension is requested in writing and granted by the Board.**

(f) **Appeal of Board of Zoning Appeals Decision.**

- (1) **Appeals to the decision of the Board of Zoning Appeals shall be made to the Court of Common Pleas of Butler County.**

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>	October 21, 2008
<u>Case Number</u>	PC-20-2008
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	Zoning Code Text Amendments to Chapter 1139 Variances
<u>Public Hearing Information</u>	At the September 30, 2008 Special Planning Commission 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 approve this zoning code text amendment with modifications highlighted.
<u>Commission Findings and Conclusions</u>	After a public hearing and discussion, the Planning Commission voted to recommend approval of the zoning code text amendment with modifications.
<u>Exhibits Submitted to the Commission</u>	1. Proposed language with marked modifications. 2. Zoning Code Text Amendment Application dated July 25, 2008.

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 Dreishbach, 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.

Staff has proposed an amendment to the City's Annexation Policy of July 2006 to include the following: *The Oxford City Council may, at their sole discretion, authorize a single tap into existing infrastructure (water and/or sanitary sewer) for a property that is not contiguous to the City of Oxford, and where an extension of the utility main is not required to service the property. In such a case, all owners of record shall sign an annexation agreement with the City of Oxford prior to connecting to the City's utilities.*

Approved By:

Department Head:

City Manager:

Initial

Date

MD

10/13/08

MD

10/17/08

City of Oxford Annexation Policy – *Amendment proposal in BOLD*

The City Council has determined the need for a policy statement on the issue of annexation in the natural service areas of the City's utilities. Over the past 7 months City Council has deliberated over the best regional approach to annexation and has identified 4 categories that need to be considered as annexation issues are brought forward. These categories include a focus on regional issues; type of development; infrastructure needs and capacity and recognition of long range consideration.

Each of these categories has the following sub-categories:

1. Regional Issues

2020 plan for the County

Incorporation of the utility boundary with the Township limits

Involvement of the Township in annexation discussions

Straighten out the corp. limits

Develop a shared vision

Butler County officials' involvement

Work together not opposed to each other

Coordinated process

ID needs within the service area

2. Development

Analyze the number of houses serviced if not calculated on the highest service level

Low impact development

Incentives and disincentives to do what is desired

3. Infrastructure

Utility boundaries

Annex areas contiguous to Corp. limits

Cost of roads

Impact of heavy equipment on roads

Connectivity

Storm water phase II

Lift stations – when, where, who and how

Analysis of capacity benefit charges

4. Long Range

Vision – comprehensive

Access to future development areas

Adequate roads for long range population growth

Open space planning

Growth management and impacts

Open minded

Open process

The Oxford City Council has determined that it is in the regions best interest that all properties outside the corporate limits requesting connection to City infrastructure be required to annex into the City prior to any approvals for said connection. These properties would be required to comply with the City zoning and development review process. ***The Oxford City Council may, at their sole discretion, authorize a single tap into existing infrastructure (water and/or sanitary sewer) for a property that is not contiguous to the City of Oxford, and where an extension of the utility main is not required to service the property. In such a case, all owners of record shall sign an annexation agreement with the City of Oxford prior to connecting to the City's utilities.***

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 signing an annexation agreement 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



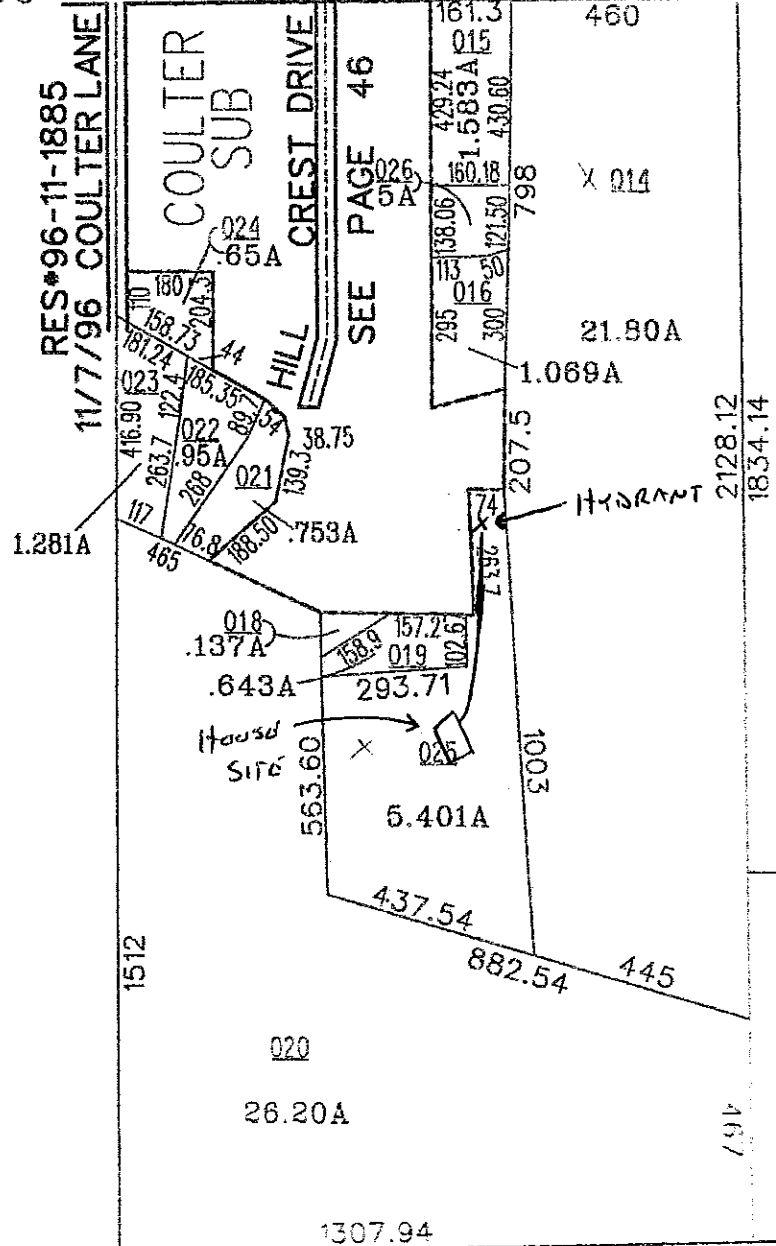
John Benamati
4860 Somerville Road
Oxford, OH 45056

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

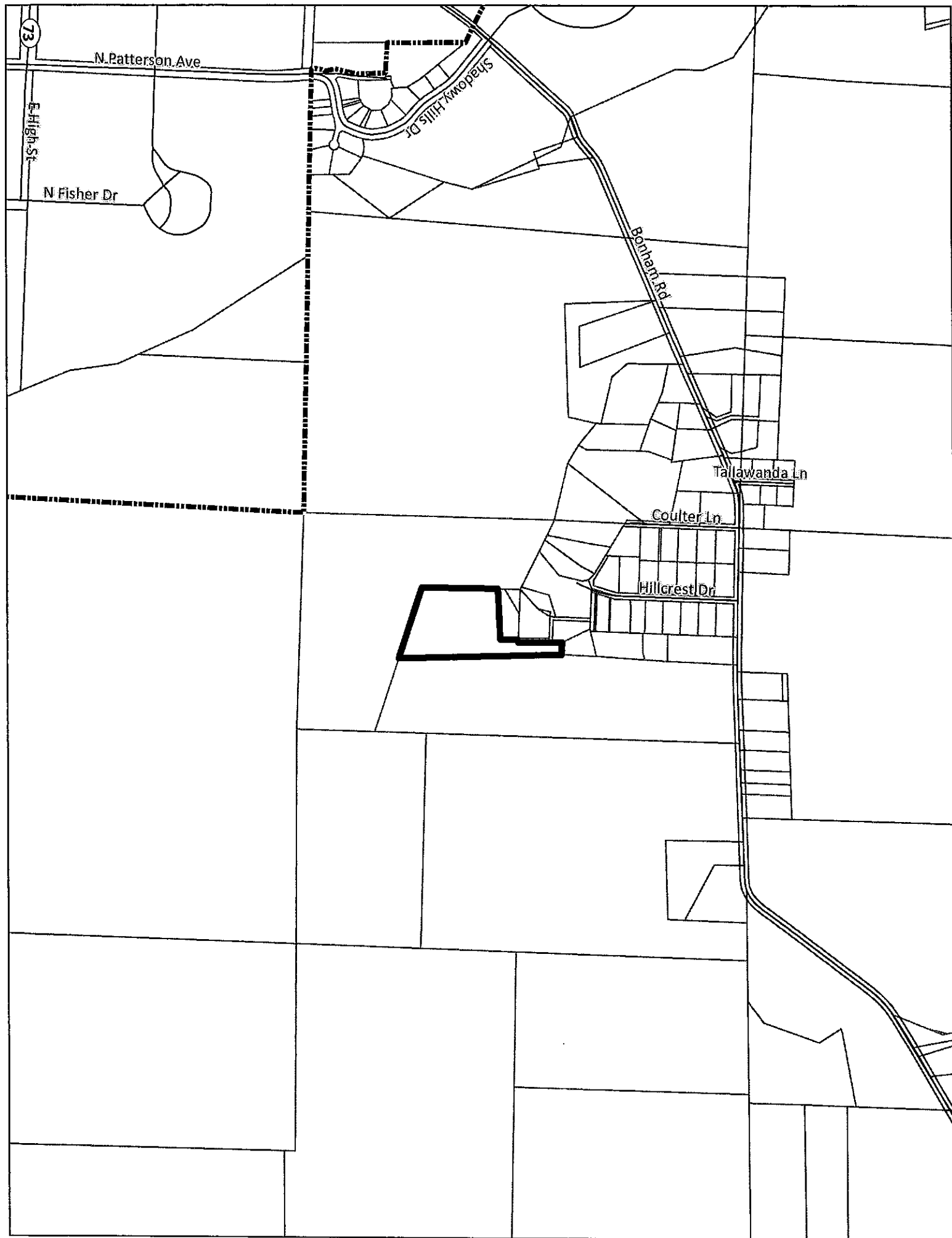
5400 5000

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' 15" 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.

~~As Grantor~~ and ~~is Held~~ 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.

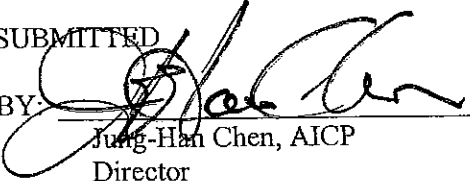
The current Comp plan, as well as the strong sentiment expressed during this Comp Plan Update process have indicated the desire of this community to preserve the rural character. The Planning Commission, following the vision layout under the current plan, worked diligently to develop the language. This is the first step in updating the Oxford Subdivision Regulations in reflecting the vision of the community.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:

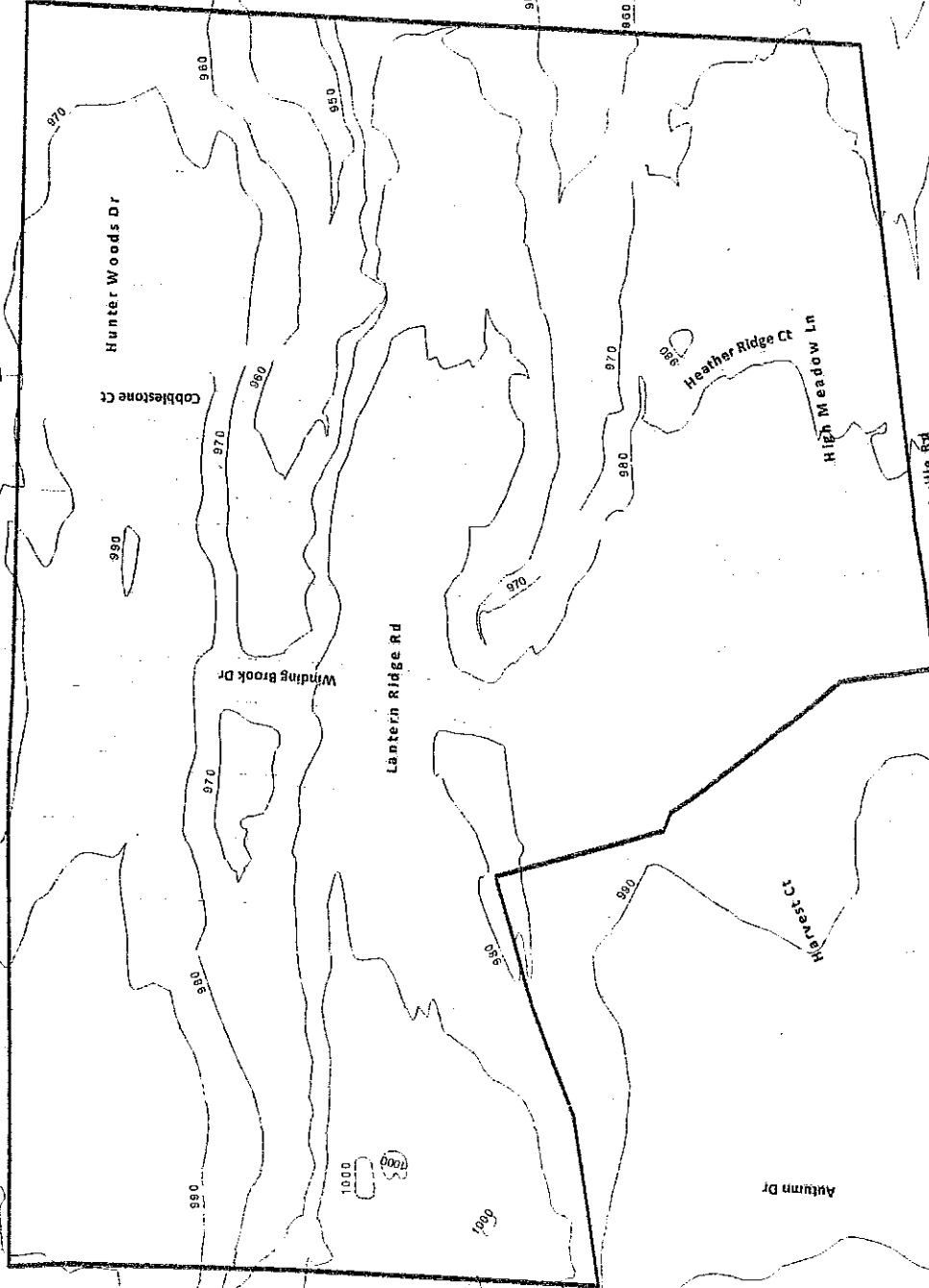

Jung-Han Chen, AICP

Director

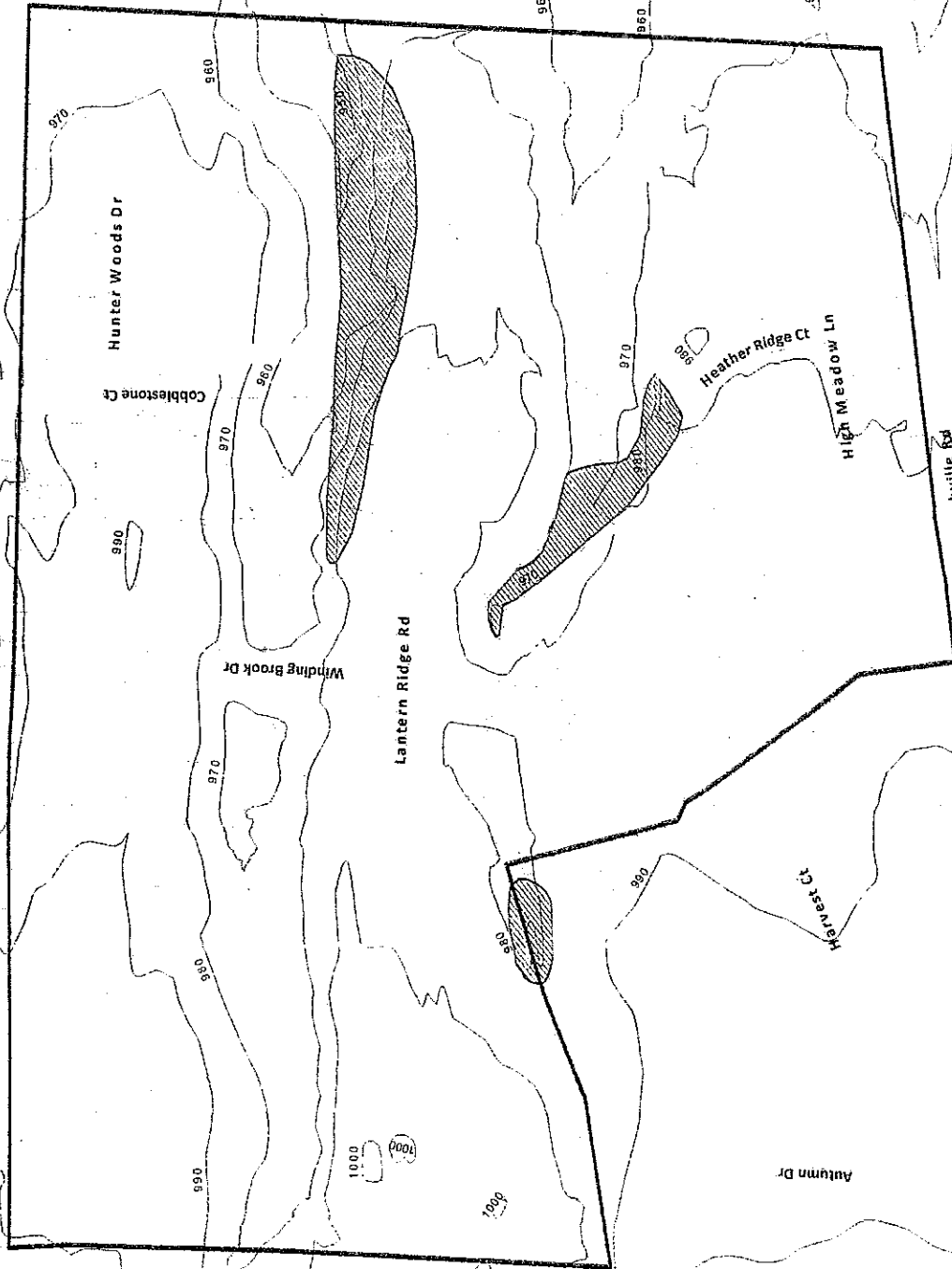
Community Development Department

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.

PRELIMINARY SUBDIVISION PLAT
SILVERLEAF SUBDIVISION
 SECTION 27 & 34, TOWN 6, RANGE 1
 CITY OF OXFORD, BUTLER COUNTY, OHIO

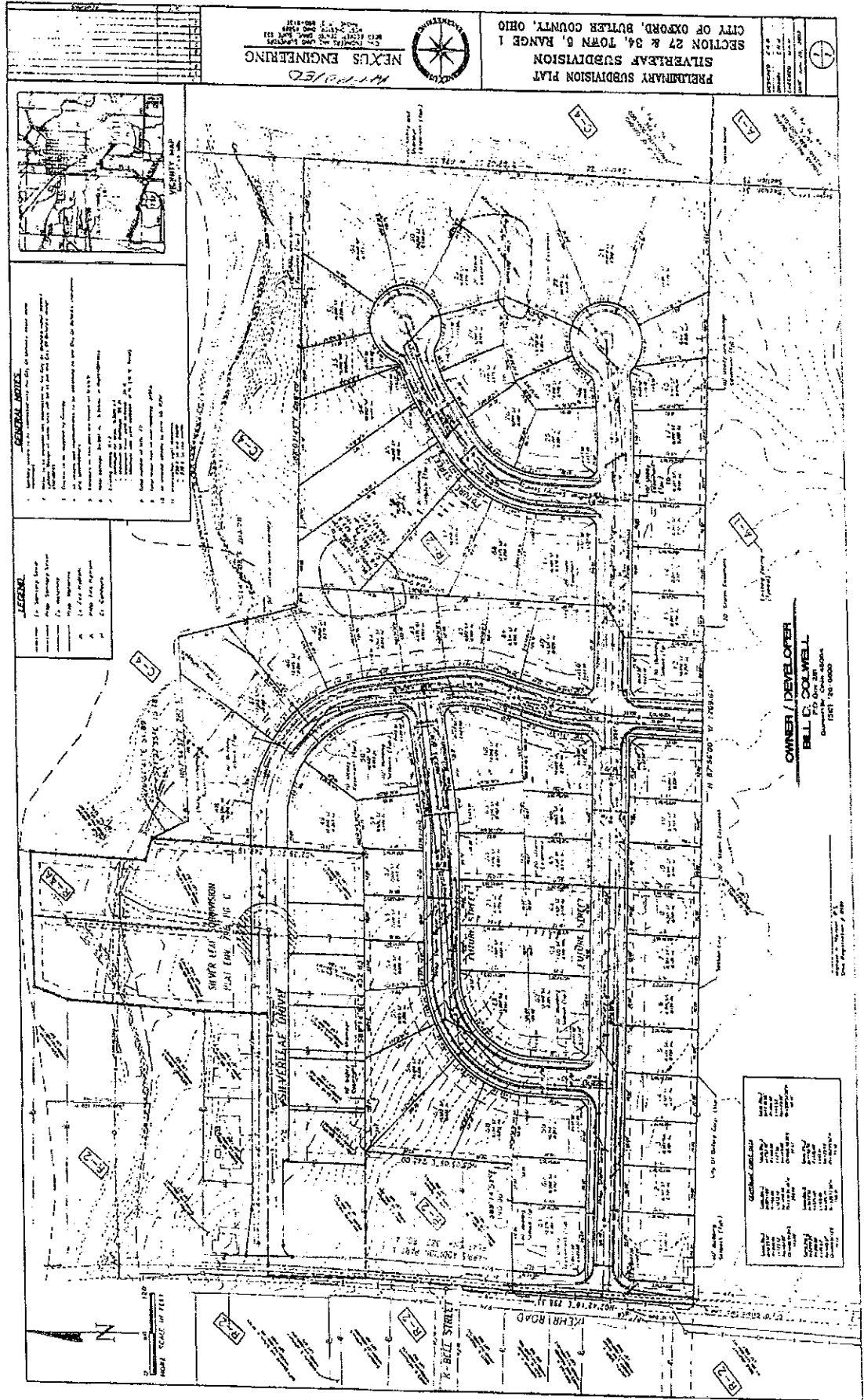
NEXUS ENGINEERING
 1000 N. 10th St.
 Oxford, OH 45050
 513.321.1111

OWNER / DEVELOPER
BILL D. COLWELL
 1000 N. 10th St.
 Oxford, OH 45050
 513.321.1111

GENERAL NOTE:
 1. This plat is for the subdivision of the land shown on the plat into lots and blocks for the purpose of sale or lease.
 2. The plat is subject to the approval of the City of Oxford, Ohio.
 3. The plat is subject to the approval of the Butler County Board of Commissioners.
 4. The plat is subject to the approval of the Ohio State Auditor.
 5. The plat is subject to the approval of the Ohio State Treasurer.
 6. The plat is subject to the approval of the Ohio State Department of Public Safety.
 7. The plat is subject to the approval of the Ohio State Department of Transportation.
 8. The plat is subject to the approval of the Ohio State Department of Natural Resources.
 9. The plat is subject to the approval of the Ohio State Department of Education.
 10. The plat is subject to the approval of the Ohio State Department of Health.

LEGEND:
 A. Property lines
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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: 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.

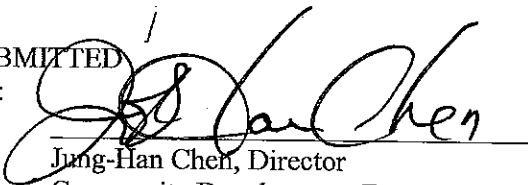
The revised site plan illustrates a strip of land was created adjacent to the existing house. It is unclear whether this strip of land is a separate lot or part of lot where the existing house is located. The issue will need to be clarified.

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)**

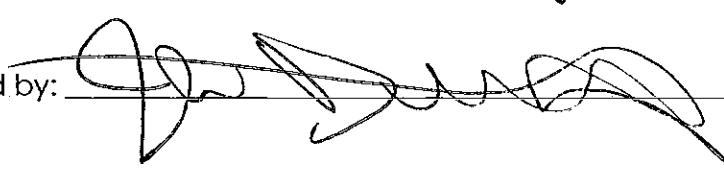
 X Review Revisions Other

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

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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

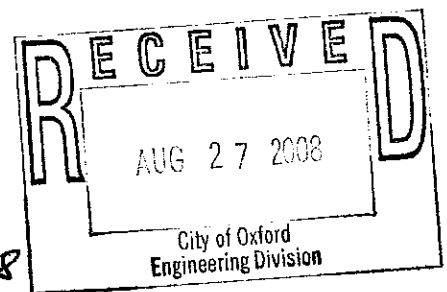
Comments or status update requested by: Lynn Taylor

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.

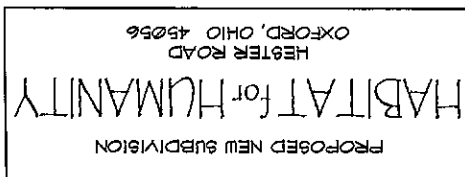
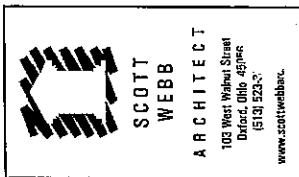
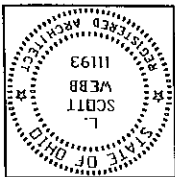
The new plan shows the Southern Property Line relocated to allow the existing adjacent property to become a conforming "corner lot".

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.

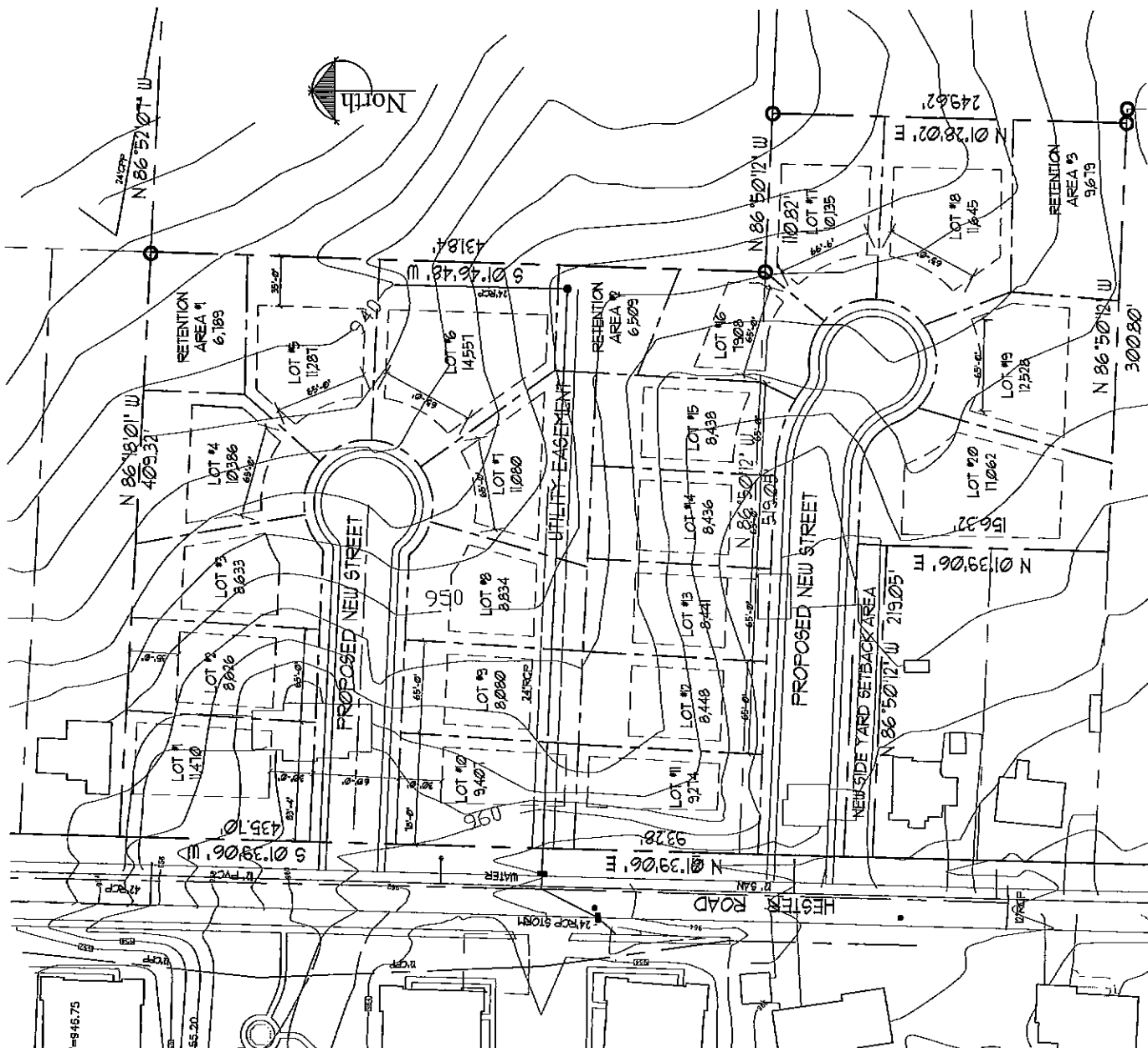
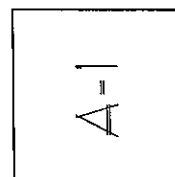
(3) separate areas have been designated for potential retention areas. I spoke with Victor, and told him I would provide him with meeting notes from our meeting early this spring, where he said retention was adequate in the area. Nevertheless, we are leaving some areas open for retention if needed.

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
1" = 50'-0"



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.

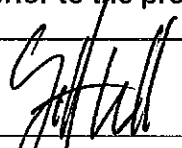
Provide the names and addresses of all adjoining property owners including those across streets, roads, alleys and highways (attach a separate sheet if necessary).

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

Community Development Department
Originating Department

Council Meeting Of: October 7, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

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:

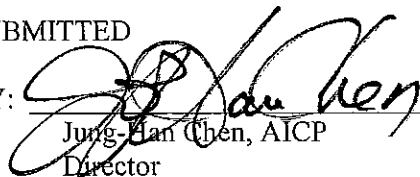
- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable

SUBMITTED

BY:



Jung-Han Chen, AICP

Director

Community Development Department

DATE: August 25, 2008

Case No.: PC-19-2008
Date filed: 7/25/08

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) 524-5200

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 Woche, 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).

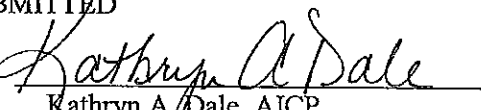
6. That, the required six trees will be provided along S. Locust Street and three additional trees are provided along Fairfield Road in accordance with §1143.12(d)(2)C.
7. That, a detailed lighting and photometric plan is submitted illustrating the location, height, type and in compliance with all applicable 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

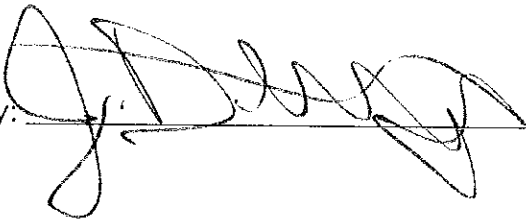
 X Review Revisions Other

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.

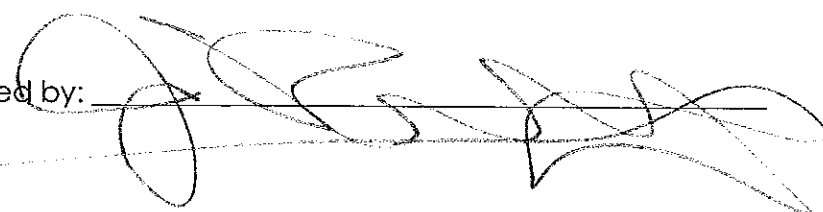
☒ Review ☐ Revisions ☐ Other

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

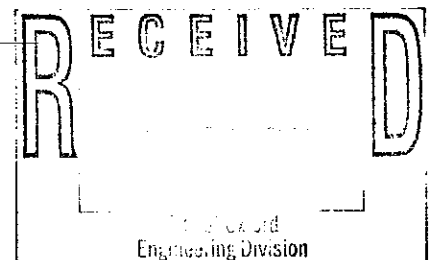
Please return no later than: **9/2/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

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: SS Schwein

- (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:

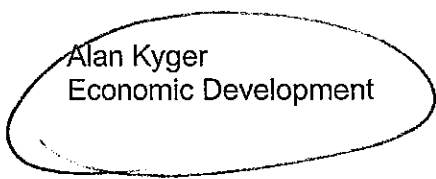
While there will be some loss in green space in creating this drive-through the question returns to will the community be better or worse with this expansion?

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: 5995 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,

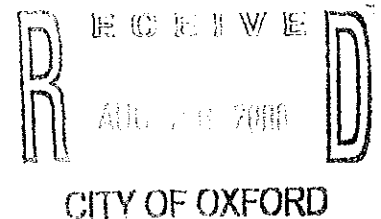


Jonathan Wocher, AICP

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.

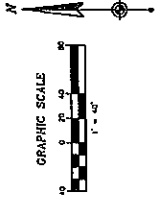


THOMAS
ENGINEERING
ASSOCIATES, INC.
Engineers
Surveyors
385 Cleveland Road
Cincinnati, Ohio 45231
513-251-1234
FAX 513-251-1235

Date: JUNE 23, 2004
Scale: 1" = 40'
Job No.: 0042
Revision:
No. Date

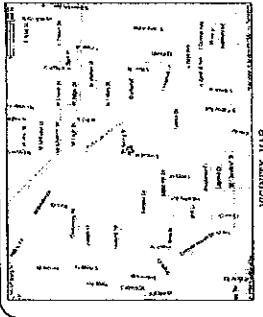
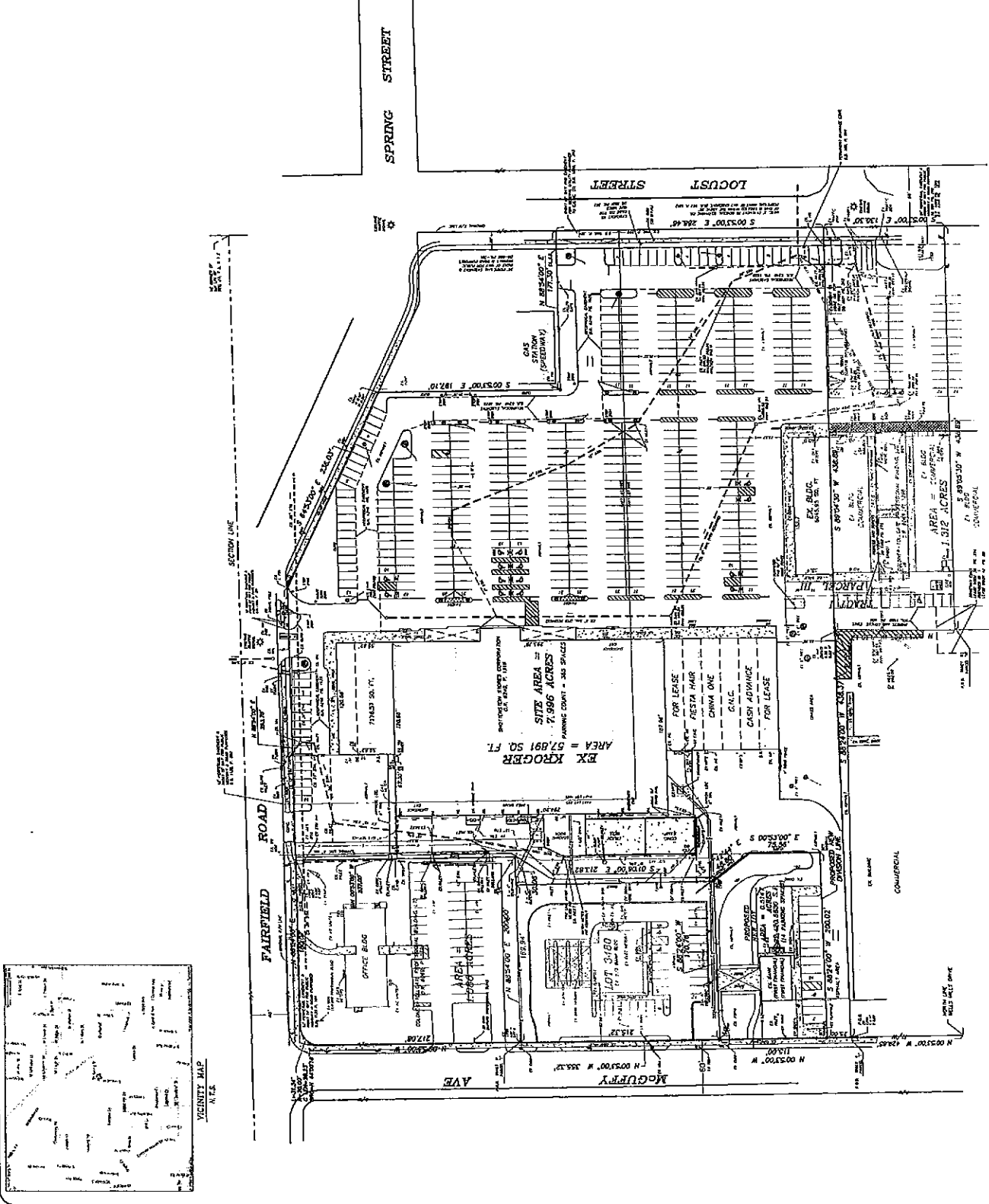
TEALCITE SHOPPING CENTER
SECTION 27, TOWN S. RANGE E
BUTLER COUNTY, OHIO
EXISTING CONDITIONS

412-A
Project: 412-A
Drawn By: J. J. JENNINGS
Sheet:
Job No.: 0042-08

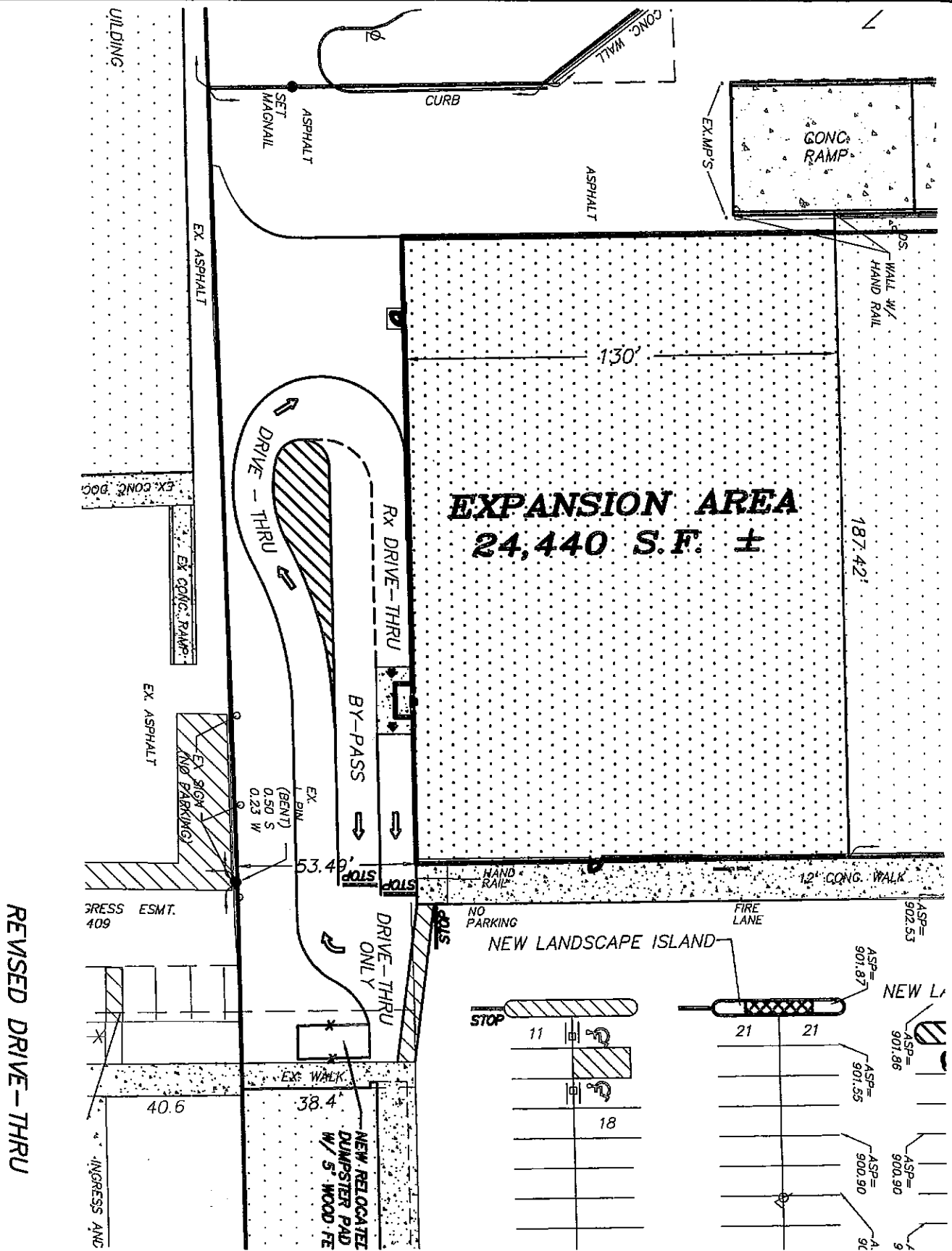


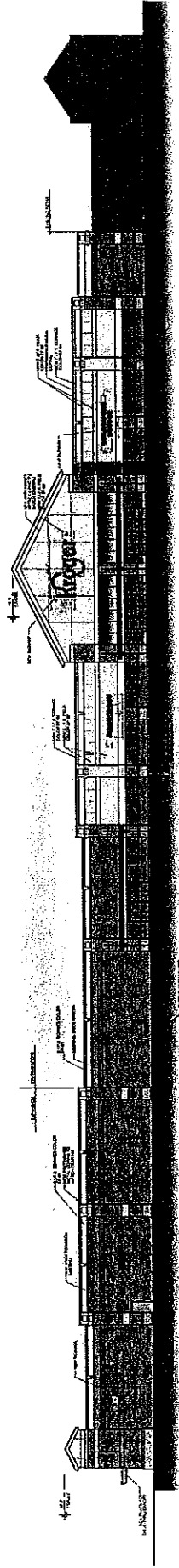
CURRENT ZONING = "C" (GENERAL BUSINESS)

- LEGEND
- 1. EXISTING LOT LINES
 - 2. EXISTING BUILDING FOOTPRINTS
 - 3. EXISTING DRIVEWAYS
 - 4. EXISTING SIDEWALKS
 - 5. EXISTING CURBS
 - 6. EXISTING STREETS
 - 7. EXISTING UTILITIES
 - 8. EXISTING TREES
 - 9. EXISTING FENCES
 - 10. EXISTING SIGNAGE
 - 11. EXISTING LIGHTING
 - 12. EXISTING LANDSCAPE
 - 13. EXISTING PAVING
 - 14. EXISTING DRAINAGE
 - 15. EXISTING EROSION CONTROL
 - 16. EXISTING SECURITY
 - 17. EXISTING ACCESS
 - 18. EXISTING PARKING
 - 19. EXISTING TRAVEL
 - 20. EXISTING INFRASTRUCTURE



UNDERGROUND UTILITIES
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CALL 811
OHIO UTILITY PARTISAN SERVICE
FOR A FREE SERVICE CALL





FRONT ELEVATION - EAST



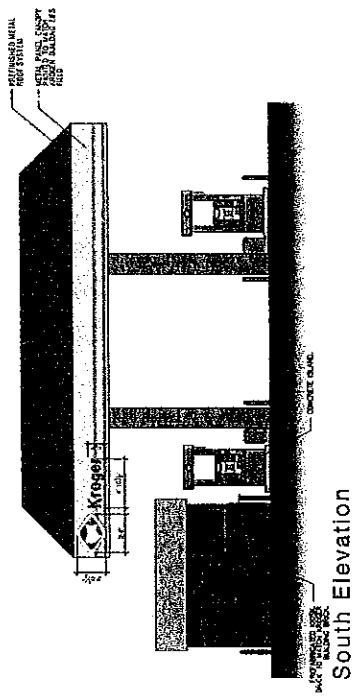
SIDE ELEVATION - SOUTH

Kroger A412, Oxford, OH

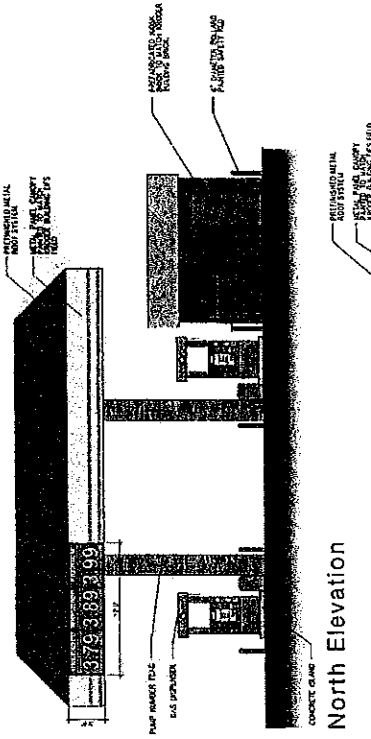


900508.05 Cole + Russell Architects
2014.04.01

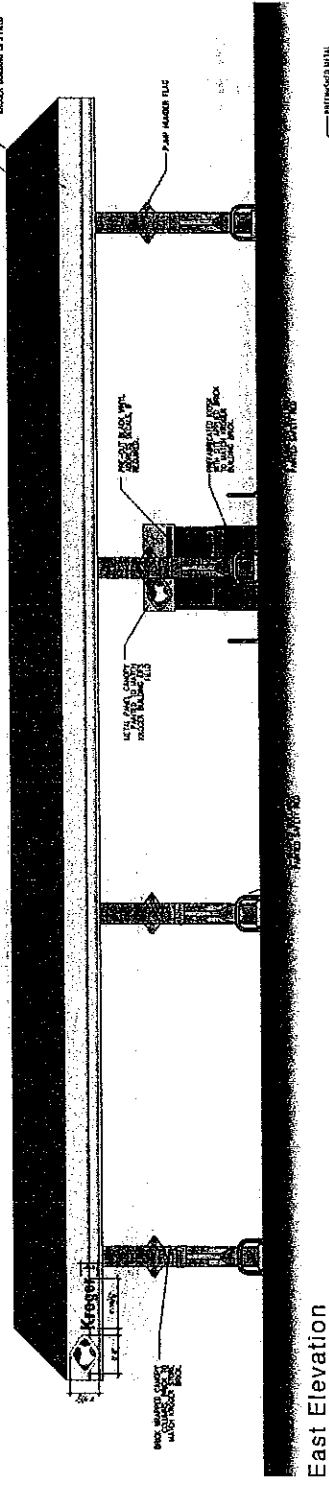
08-25-08



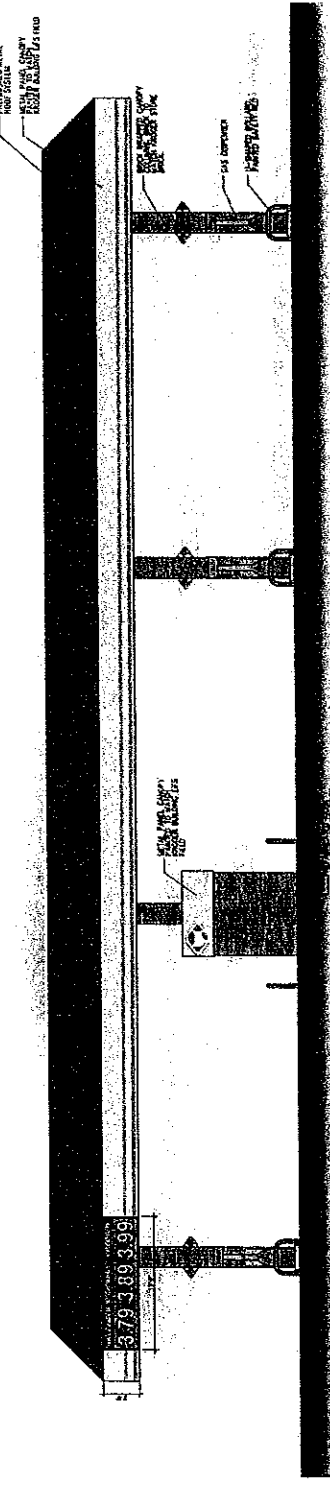
South Elevation



North Elevation



East Elevation



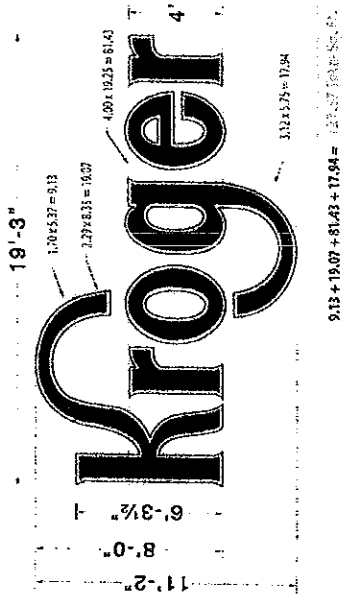
West Elevation

Kroger A412, Oxford, OH

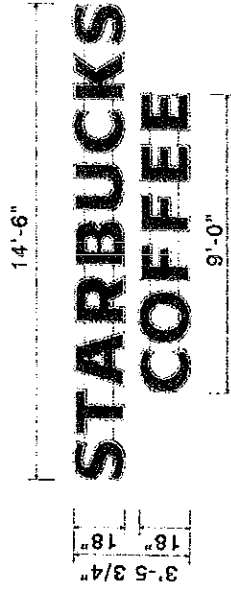


Fuel Center

06-25-08 900508.05 Cole + Russell Architects



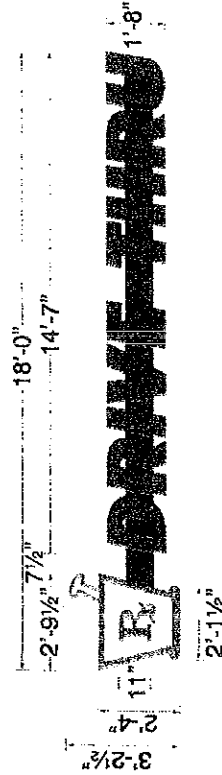
"Kroger" Sign
127.57 sf



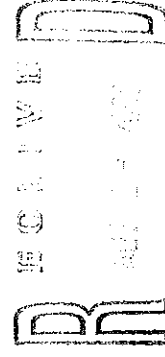
"Starbucks Coffee" Sign
39.57 sf



"Pharmacy" Sign
15.46 sf



"Rx Drive-Thru" Sign
33.25 sf



CITY OF OXFORD

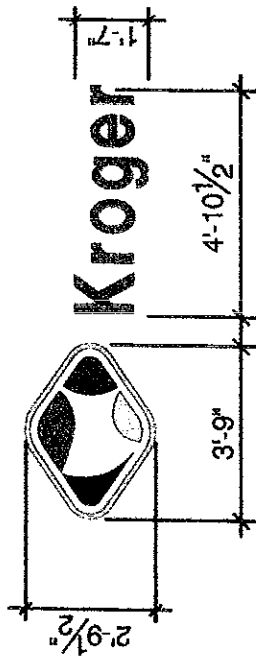
Kroger A412, Oxford, OH

Signage Calculations - Kroger Store

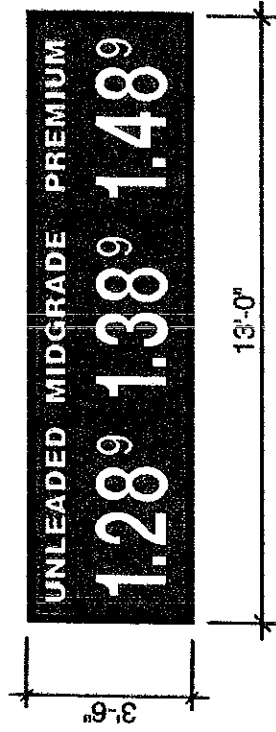
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900508.05

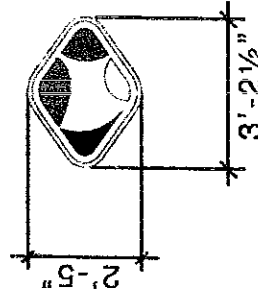
City of Oxford



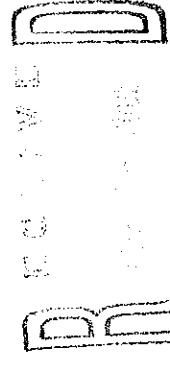
Fuel Logo with "Kroger"
Sign 13.75 sf
2 sets 27.5 sf total



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

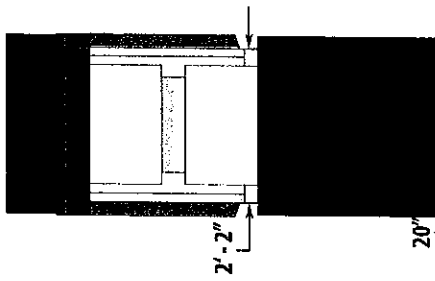
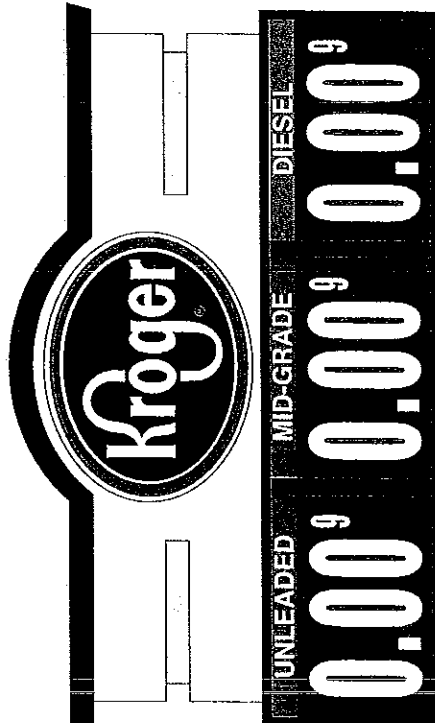
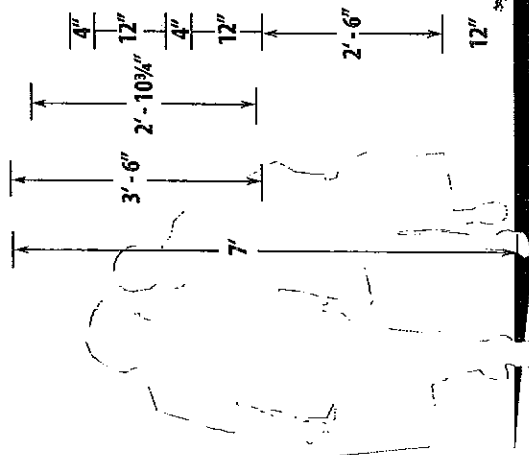
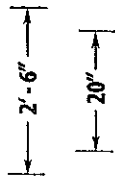
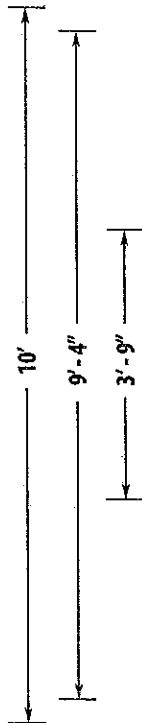
- Direct burial steel.
- 2' diameter x required depth per engineer's sealed drawing.

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

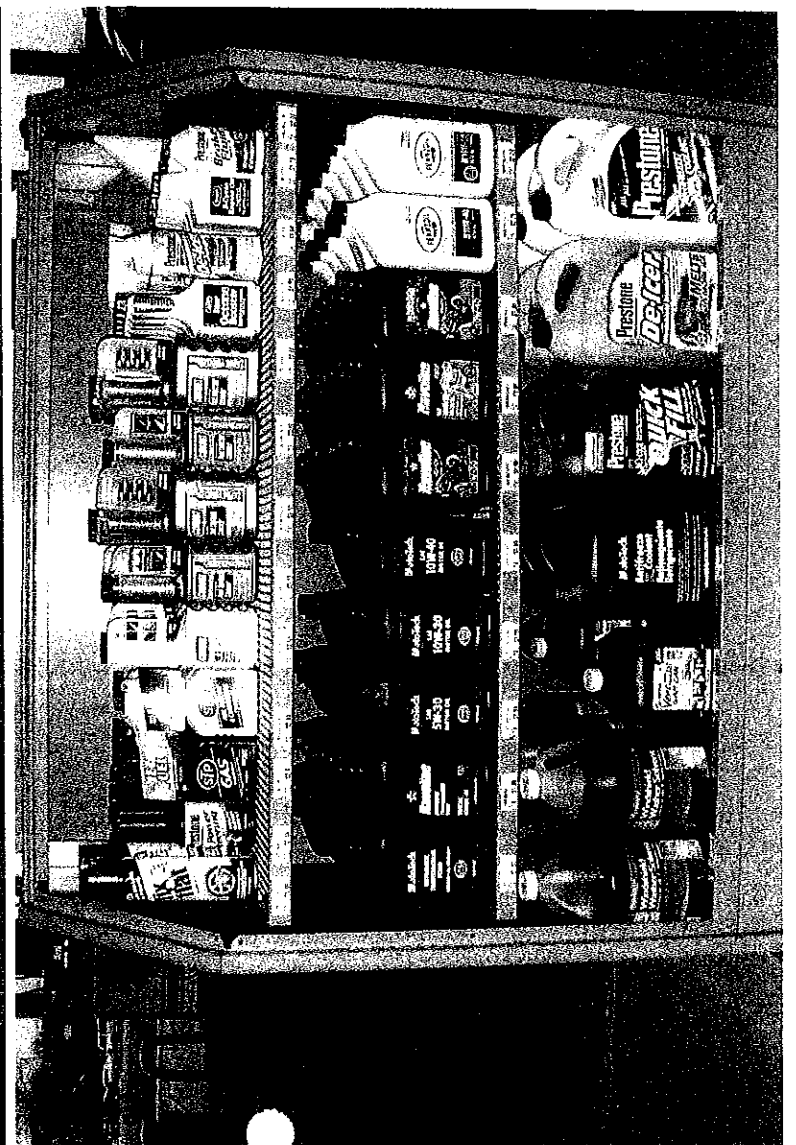
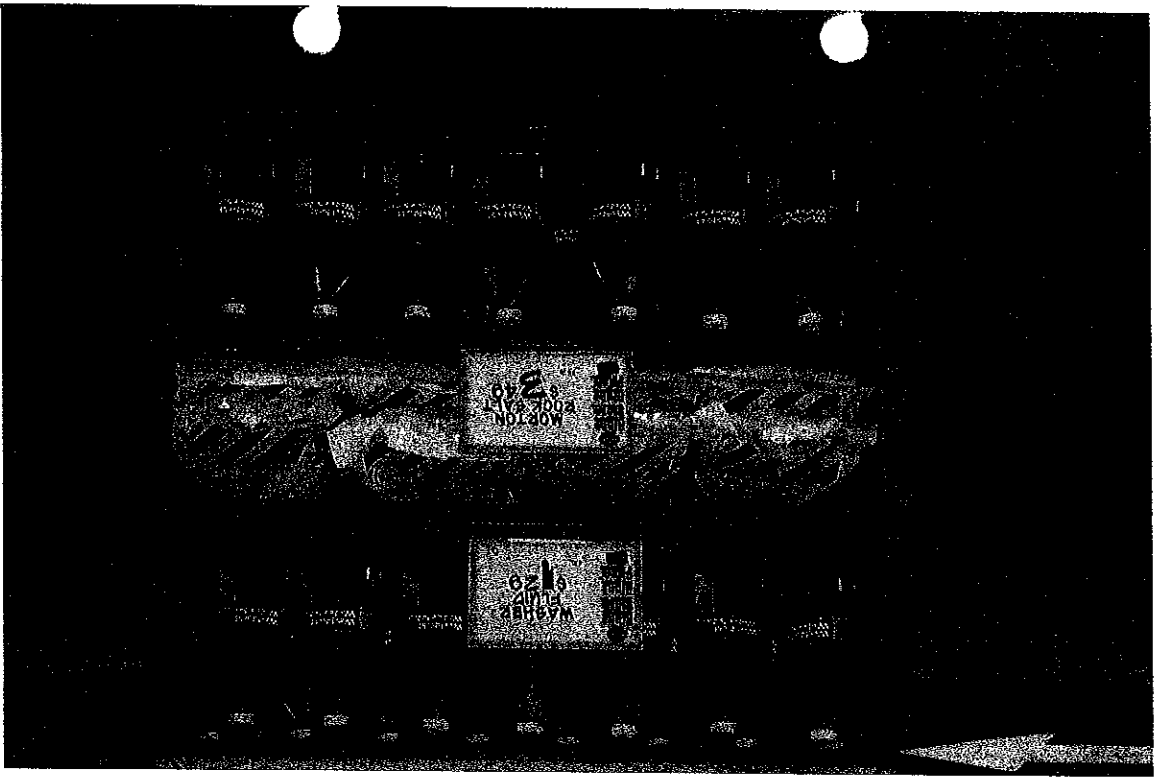
APPROVAL:

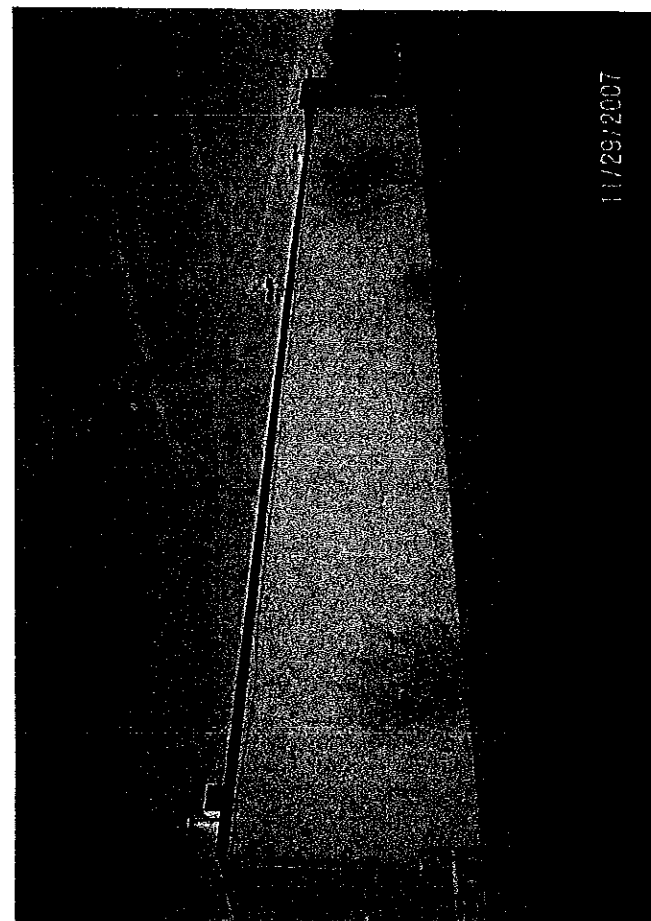
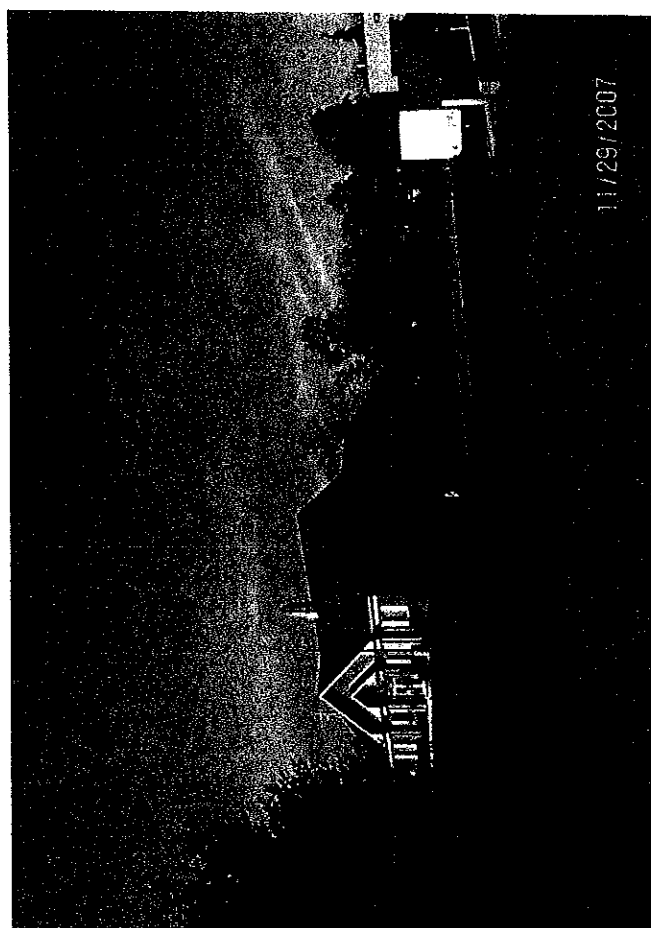
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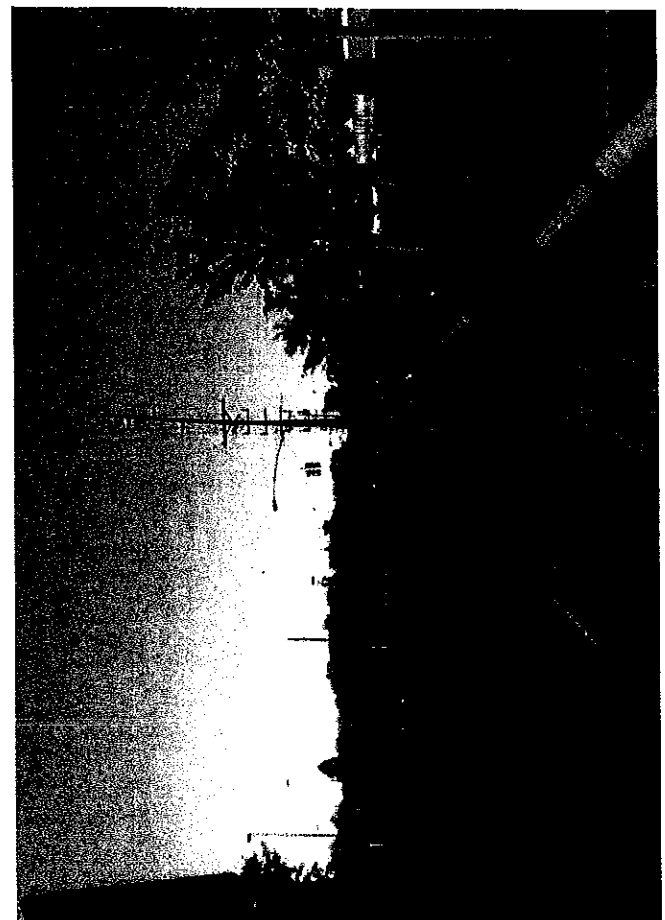
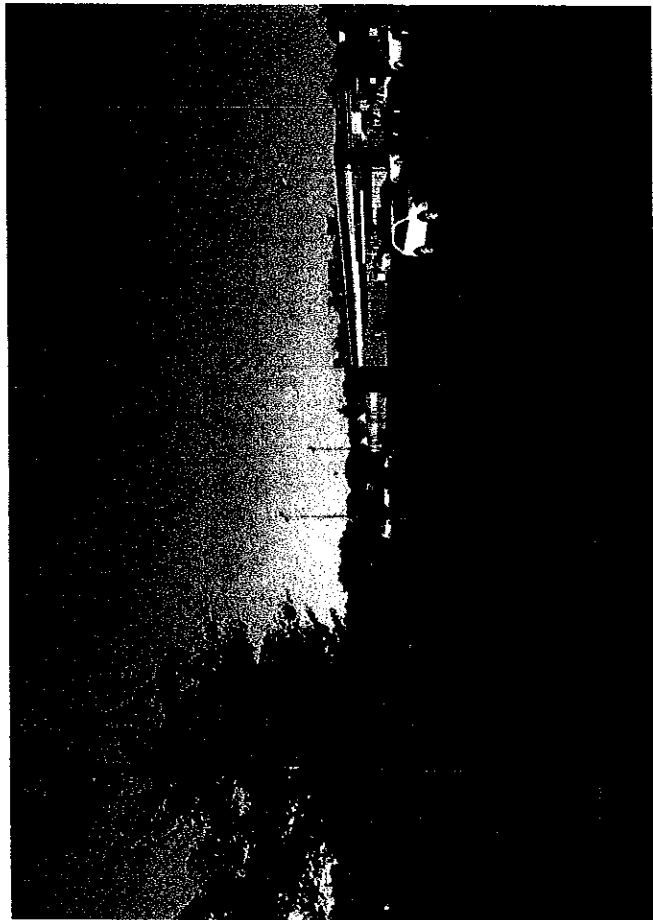
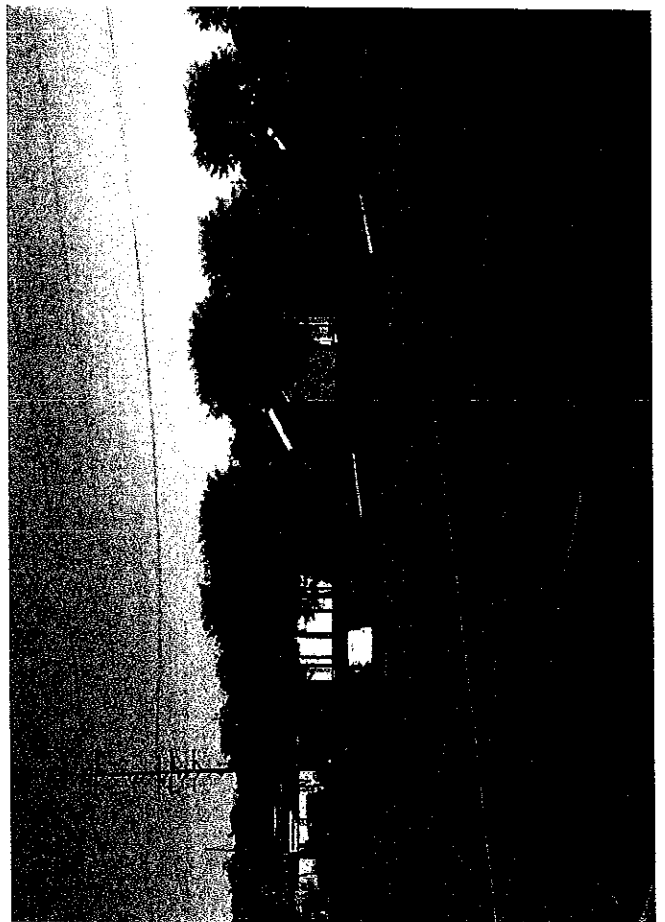
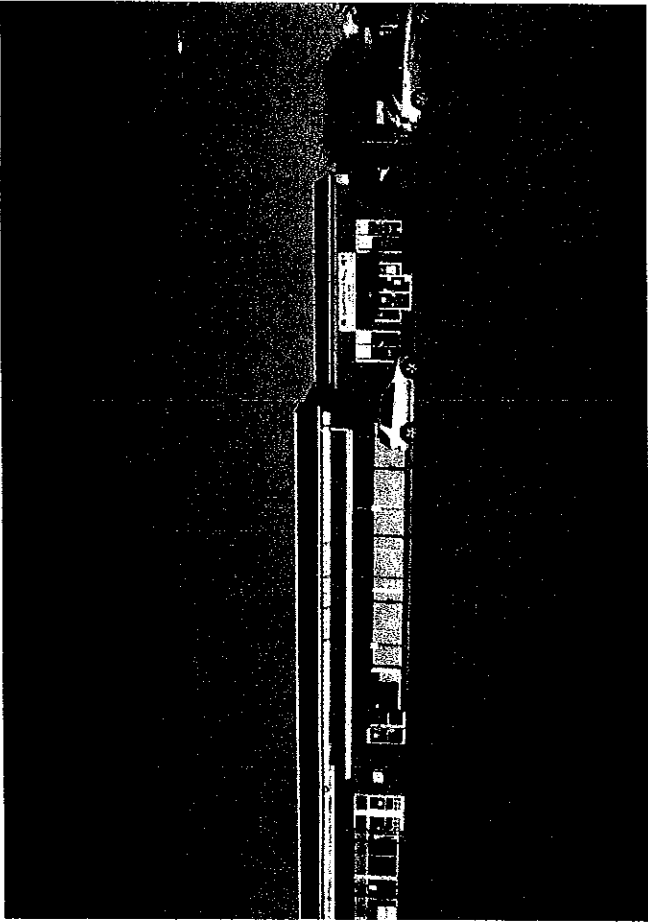
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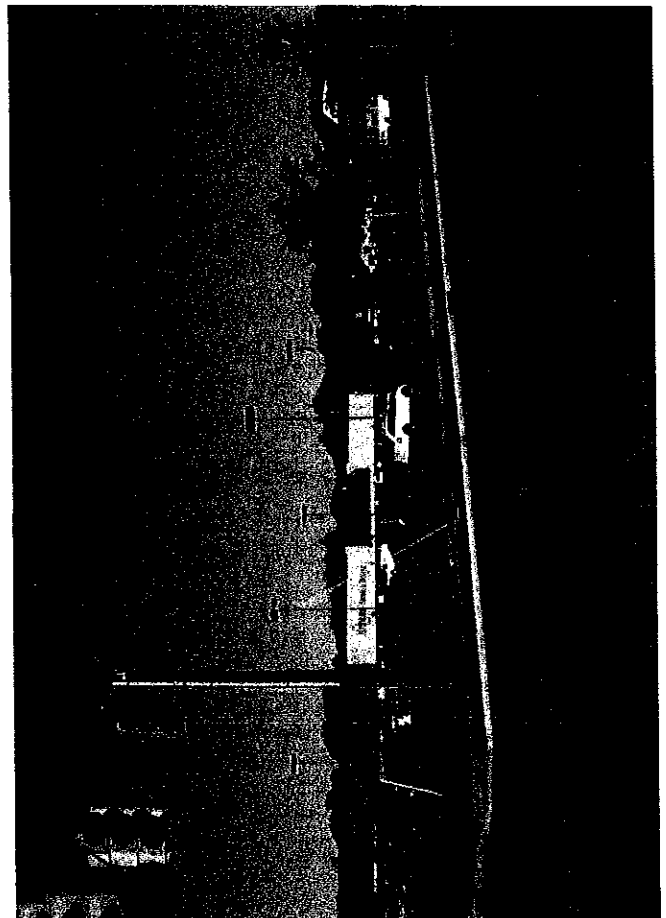
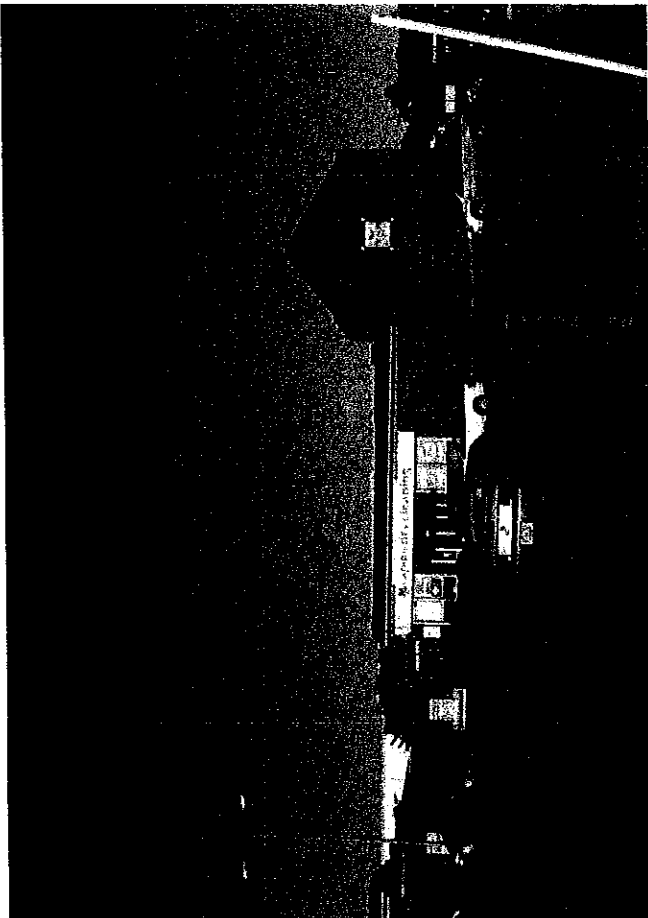
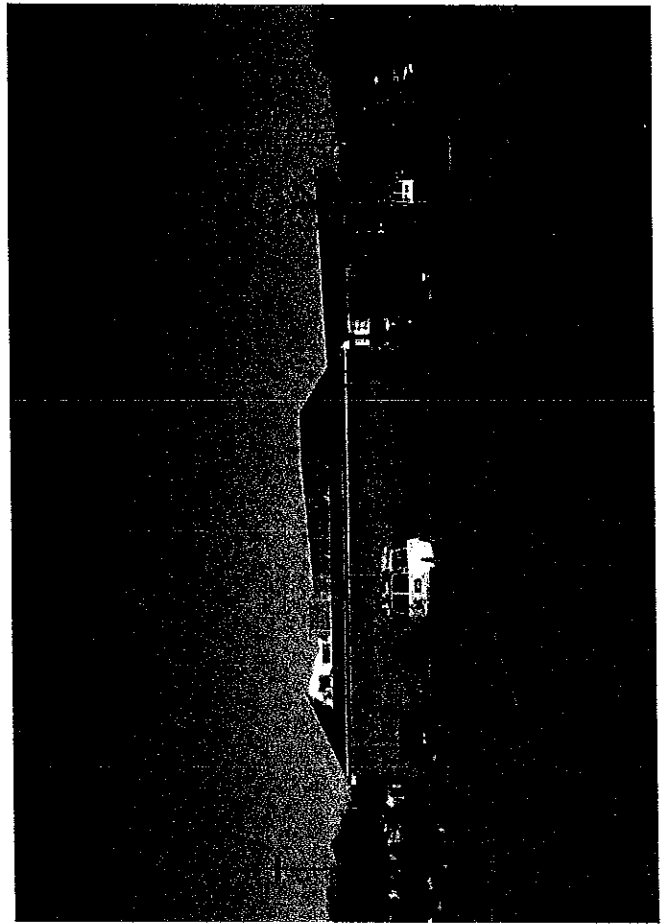
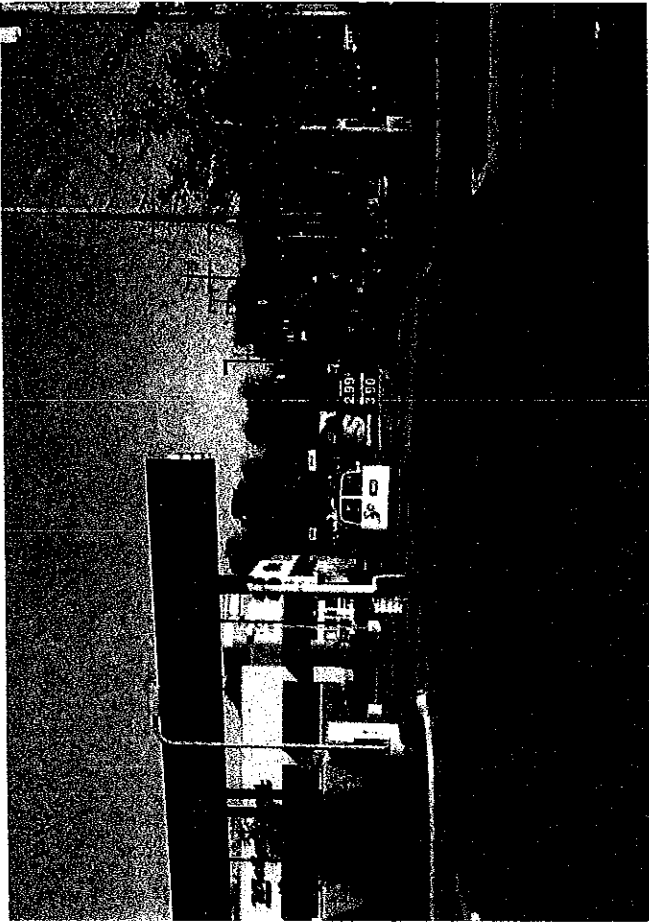
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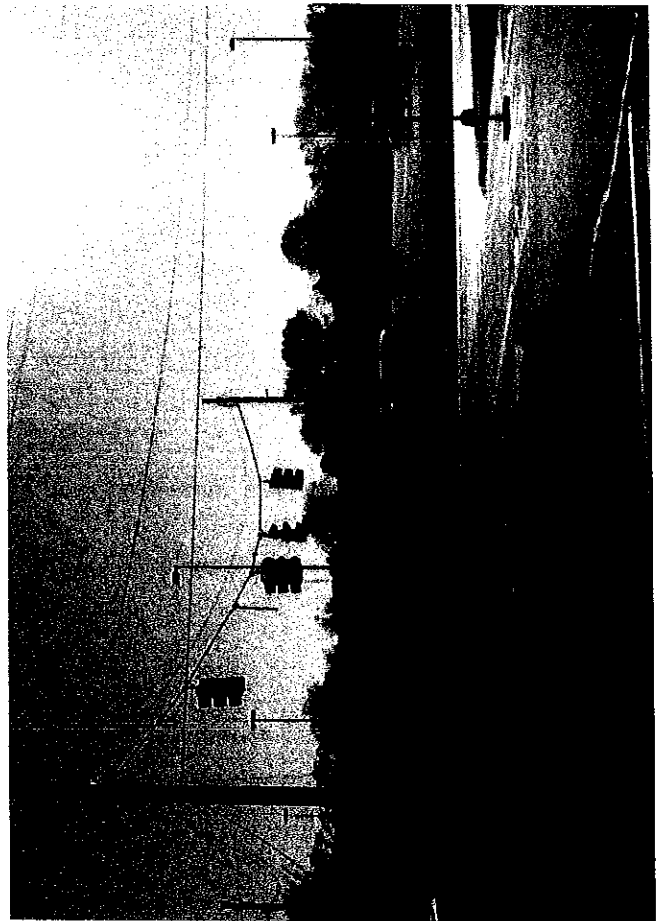
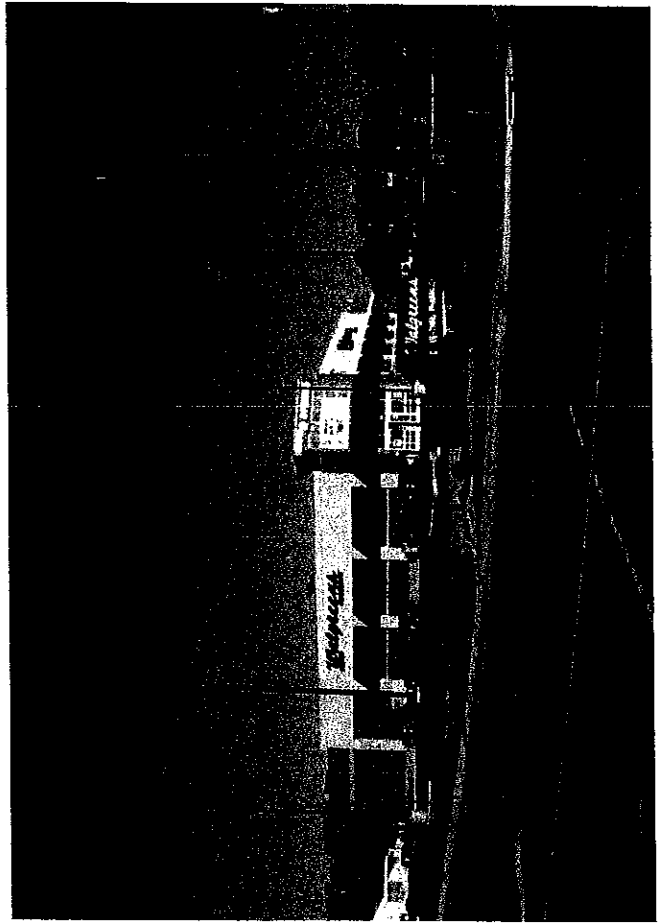
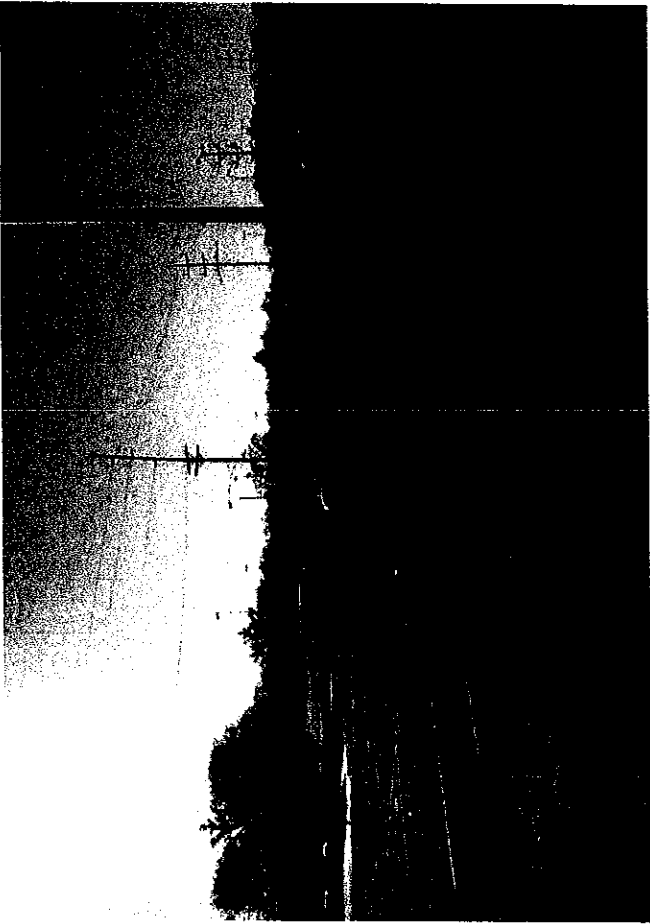
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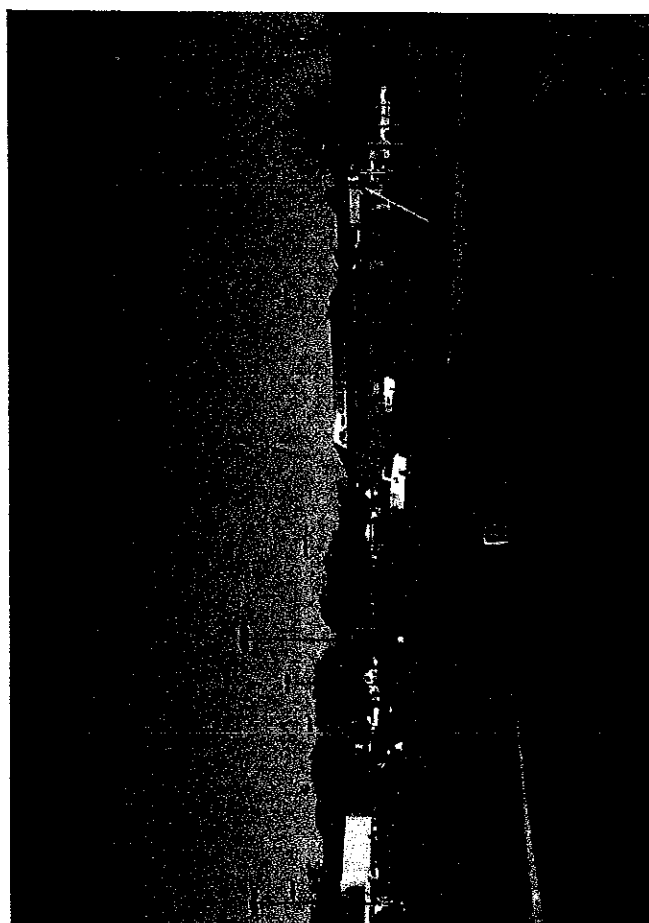
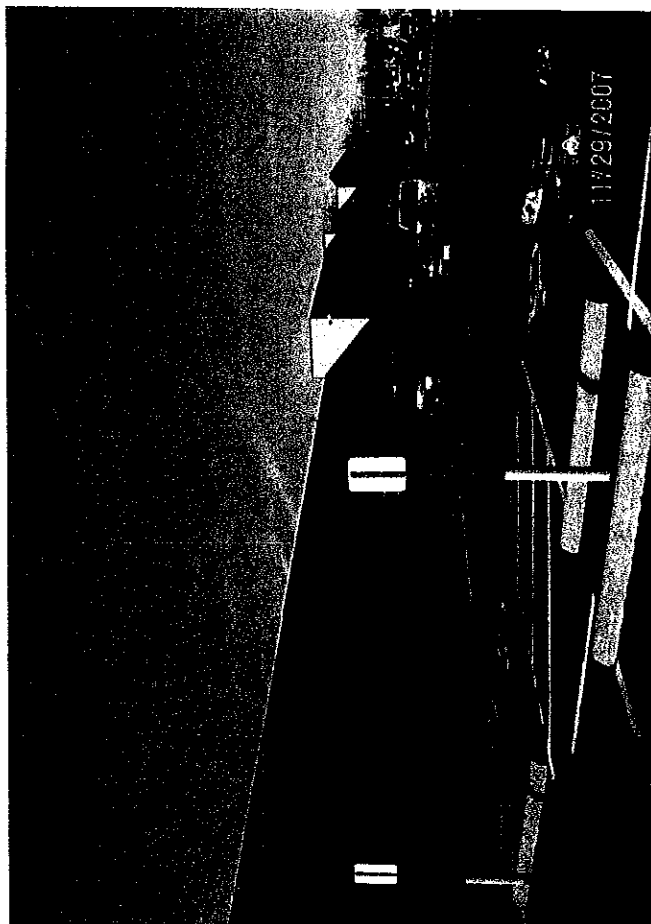












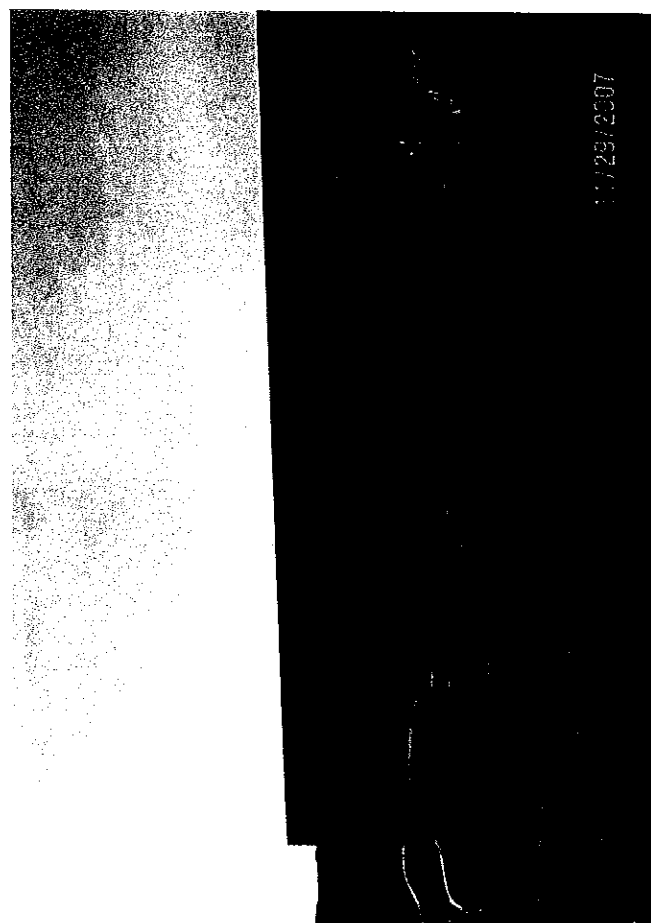
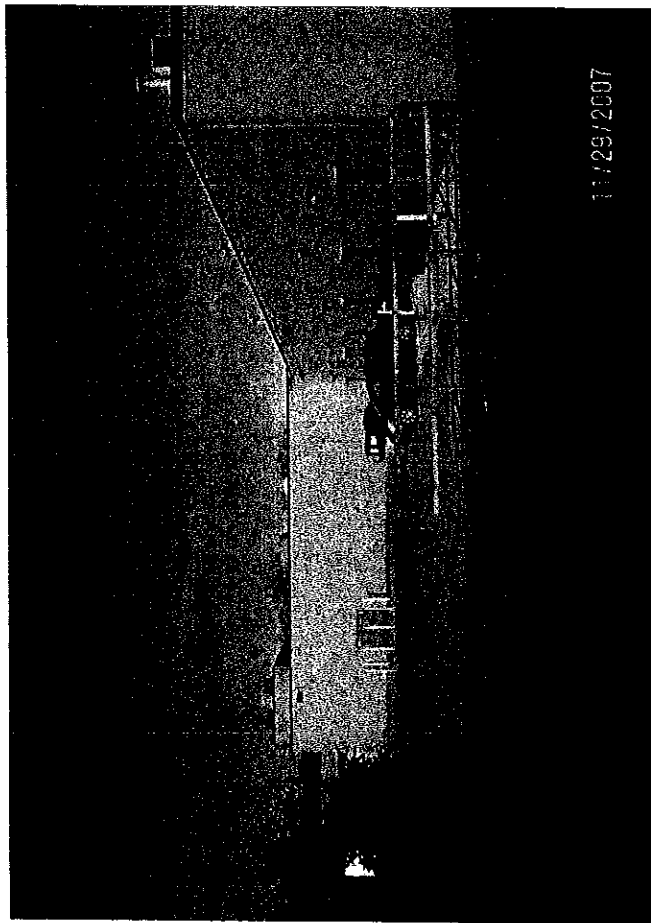


EXHIBIT "A"

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

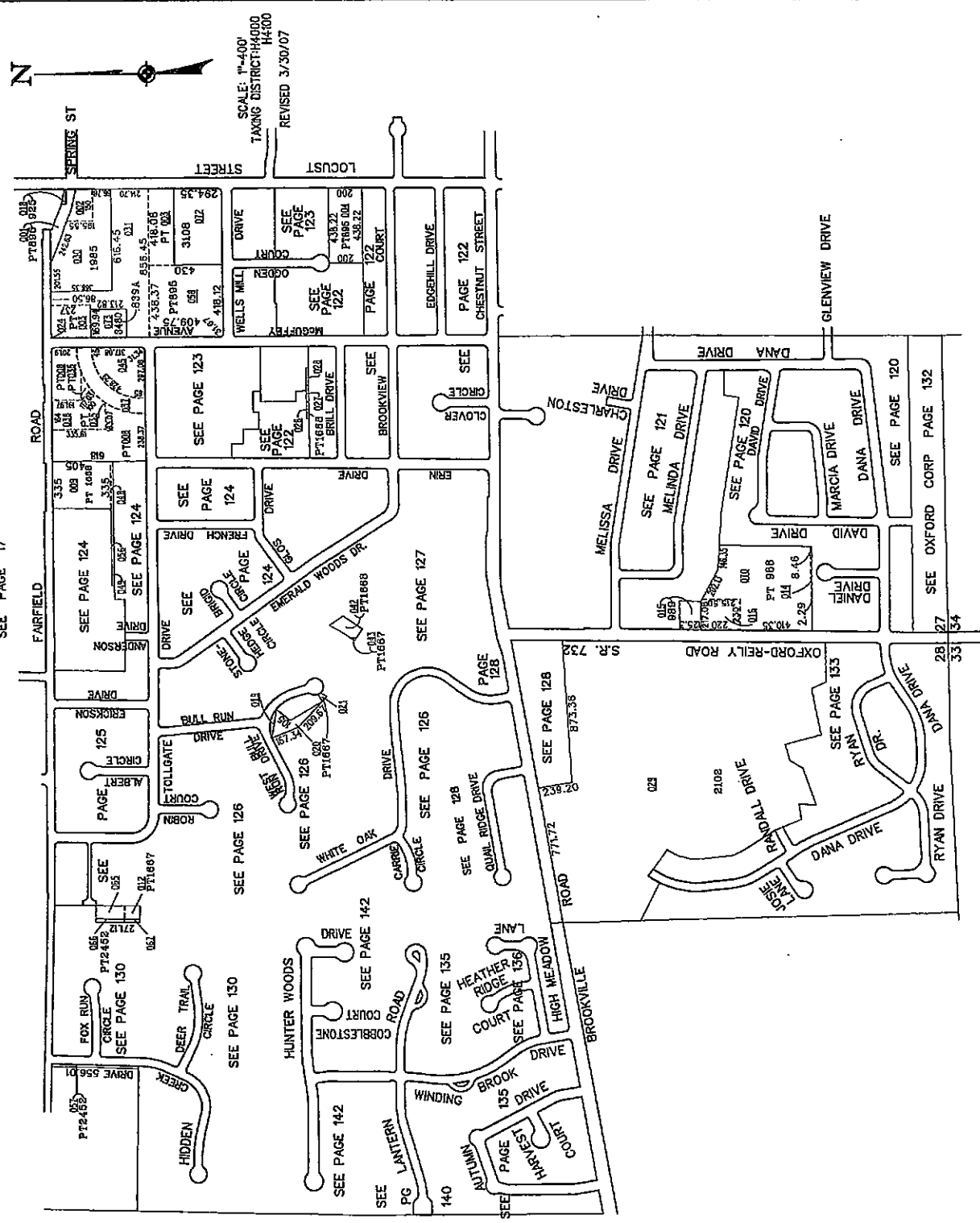
Description: New Lot 3724
0.5147 Acres

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..

SEE PAGE 17 SEE PAGE 16



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 read 'Dirk E. Greene'.

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

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.

ORDINANCE ACCEPTING THE RECOMMENDATION 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.

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

SECTION I: Council hereby finds in accordance with Section 1147.02 of the Codified Ordinances of the City of Oxford, 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 to deny the Conditional Use Permit application submitted by Jonathan Woher, AICP, Applicant, Agent, to allow for a gas station in the General Business (GB) District located along South Locust Street, Oxford, Ohio.

SECTION II: During the public hearing held on September 9, 2008 the City of Oxford Planning Commission applied each of the General Decision Standards set forth in Section 1147.02(c)(2) of the City of Oxford's Planning and Zoning Code to the Conditional Use Permit application submitted by Jonathan Woher. The Planning Commission members determined that the Conditional Use Permit application did not meet the following General Decision Standards set forth in Section 1147.02(c)(2) finding that:

- C. The use and site will not be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are not sufficient for the proposed use.
- E. The use will be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will 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.

Based on the fact that the Conditional Use Permit application did not satisfy each of the General Decision Standards as is required by Section 1147.02(c)(2) of the City of Oxford's Planning and Zoning Code, the City of Oxford Planning Commission denied the application submitted by Jonathan Woher, AICP, Applicant, Agent, for a Conditional Use Permit to allow for a gas station along South Locust Street, Oxford, Ohio.

SECTION III: Council hereby accepts the recommendation of the Planning Commission and the reports submitted by the Planning Commission and incorporates the same herein and further denies the application submitted by Jonathan Woher, AICP, Applicant, Agent, to allow for a gas station along South Locust Street, Oxford, Ohio.

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)