

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008
Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 303.08 and enacting new Ordinance 303.08 titled, "303.08 Impounding and Booting of Vehicles; Redemption."

Recommendation: Repeal the present ordinance and enact the new ordinance by adding:

"(17) When any vehicle is parked in violation of Section 351.06." and
"(18) When any vehicle is parked in violation of Section 351.13."

Discussion: The Division of Police has recommended this change to OCC 303.08 based on changes recommended to OCC 351.06 and 351.13. the recommended addition of sections 17 and 18 to 303.08 will allow police personnel to remove vehicles in violation of these two newly revised sections.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SES 10/27/08

ORDINANCE NO. ____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 303.08 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 303.08; TITLED "IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION".

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

SECTION I: Council hereby repeals Section 303.08 entitled "Impounding and Booting of Vehicles; Redemption" and new Section 303.08 entitled "Impounding and Booting of Vehicles; Redemption" is hereby adopted as follows (new language to be adopted is in italics).

303.08 IMPOUNDING AND BOOTING OF VEHICLES; REDEMPTION

(a) Police officers are authorized to provide for the removal and impounding of a vehicle or the booting of a vehicle, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon the right of way of any road or highway or upon private residential property under the following circumstances

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations, or firefighters or workers in any other calamity.
- (2) When any vehicle has been stolen or operated without the consent of the owner.
- (3) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.
- (4) When any vehicle has been used in or connection with the commission of a felony.
- (5) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property.
- (6) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.
- (7) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.
- (8) When any vehicle has been operated by any person who is driving without a lawful vehicle license or while his license has been suspended or revoked.
- (9) When any vehicle is found for which two or more citation tags for violations of this traffic code have been issued and the owner or operator therefore has failed to respond to such citation tags as lawfully required.

- (10) When any unattended vehicle is parked so as to be in violation of Traffic Code Section 351.03.
- (11) When any unattended vehicle is parked during a snow emergency in violation of Section 351.16.
- (12) When any unattended vehicle is parked in violation of Section 351.17.
- (13) When any unattended vehicle is parked in violation of Section 351.03(r).
- (14) When any unattended vehicle is parked so as to be in violation of Oxford Code Section 351.18.
(Ord. 2515. Passed 7-1-97.)
- (15) When any unattended vehicle is parked in violation of Section 351.19.
(Ord. 2445. Passed 2-20-96.)
- (16) When vehicle is parked in violation of Section 353.03(a) upon the fourth or subsequent offense within twenty-four months.
(Ord. 2739 Passed 11-20-01.)
- (17) *When any vehicle is parked in violation of Section 351.06.*
- (18) *When any vehicle is parked in violation of Section 351.13.*

(b) Police officers are further authorized to provide for the removal and impounding or the booting of any motor vehicle when so authorized pursuant to the provisions of the Ohio Revised Code.

(c) The Police Department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefore and the place of storage, or if the vehicle is immobilized by a boot, a notice of the booting shall be placed on the windshield that explains the reason for booting and the release procedure. Any person desiring to redeem an impounded or booted vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or booted or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges, or a police officer may remove the boot after all applicable fines and fees are paid.

(d) No owner or operator shall remove a boot or an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been booted or impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima facie evidence that it was so removed by the owner or operator. Whoever violates this section is guilty of obstructing justice pursuant to Section 525.08.
(Ord. 2515. Passed 7-1-97.)

(e) Impound Fees: Fees for impounded vehicles shall be those fees adopted in the City of Oxford Fee Ordinance. These fees as set forth in the Fee Ordinance shall be paid prior to release of any vehicle from the impound lot.

(f) Towing Charges: The City of Oxford will pay towing charges for vehicles towed to the City impound lot at the request of the Oxford Police Department. The fee for the towing charges are set forth in the Oxford Fee Ordinance. Additional charges at the prevailing rate may be paid for services requiring specialized equipment or extra personnel. These charges will be reimbursed to the City prior to the release of any vehicle from the impound lot.

(g) No vehicle which has been immobilized by the Oxford Police Department, by use of a boot, may be released unless and until each and everyone of the following conditions are satisfied:

- (1) Sufficient proof is presented to the Police Department showing that all outstanding fines for violations or a bond as ordered by the Court, issued for that vehicle, have been paid in full, including any court costs.
- (2) Payment is made to the Police Department for an immobilization removal fee in the amount as set forth and established by the Oxford Fee Ordinance.

(Ord. 2667. Passed 12-21-99.)

(h) Refund: Any person found not guilty or having the charge nulled when such charges authorized and directly resulted in towing and impounding or booting, shall thereupon be refunded by the City and towing and impound fees or booting fees so paid.

(i) Courtesy Notice: Whenever a police officer chalks a tire or by any other manner commences to observe a vehicle suspected of violating the 72-hour parking prohibition, such police officer shall place under the windshield wiper of such vehicle, or other convenient place, a written notification to the effect that said vehicle is subject to towing and impoundment if it remains parked for more than 72 hours. This notice is intended as a courtesy and is not jurisdictional and proof of such notification is not required in determining guilt or innocence of a defendant.

(j) Towing Requirements:

(1) Eligibility: Any wrecker service located in the City of Oxford shall be eligible to receive calls from the Police Division for wrecker service provided such person or company agrees to provide wrecker service 24 hours per day, seven days a week, and submits proof of liability insurance as well as proof of ability to perform to the Police Division. In addition, to be placed on such eligibility list, such person or company shall sign a statement provided by the Police Division to the effect that they have received a copy of Sections (f) and (j) hereof and do agree to be bound by all terms and conditions therein contained as well as administrative rules or regulations promulgated by the Chief of Police relative to towing procedure

(2) Rotation List: The Police Division shall maintain an eligibility list of wrecker operators complying with Sections (f) and (j) hereof and the police dispatcher shall call such operators in rotation. The Chief of Police may remove the name of any wrecker service operator failing to comply with Sections (f) and (j) hereof.

(3) Owner/Operator Responsibility: Wrecker service and towing charges for any vehicle not taken to the City impound lot shall be the sole responsibility of the owner or operator of such vehicle and said charges will not be paid or collected by the City except as hereinafter provided.

(4) Emergency City Responsibility: In any emergency situation, such as street repair, water main break and snow accumulation, the Chief of Police may authorize vehicles to be moved and not taken to the impound lot. When so authorized by the Chief of Police, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

(Ord. 2515. Passed 7-1-97.)

(5) When so authorized by the Chief of Police and whenever multiple vehicles need to be towed, wrecker charges will be paid by the City at an hourly rate agreed upon and established in advance by the Chief of Police and the wrecker service.

(Ord. 2486. Passed 12-3-96.)

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRUDUCED 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: November 4, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 27, 2008
Date Prepared

Agenda Title:	PC-22-2008 Zoning Map Amendment, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford Talawanda Community Services, Applicant
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Recommendation:	Approval
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Discussion:

The Applicant requested a Zoning Map Amendment to change 1.47 acres at the southwestern corner of Oxford College Corner Pike (aka U.S. 27 North) and Reagh's Way from "R3" Multi-Family Residential District with a PUD overlay to "GB" General Business District. The Applicant has indicated that they intend to expand their Thrift/free store operations into the former Head Start building. The Family Resource Center would also like to use this opportunity for employee/workforce training. Staff presented that the subject property was approved for office space and a daycare center. Amending the zoning designation would eliminate the PUD and the property would be subject to the "GB" regulations of the Planning & Zoning Code. Furthermore, by including it into the "GB" General Business District the property would be more conforming by permitting the thrift store use and offices for the Family Resource Center "by right" as opposed to nonconforming in "R3" Multi-family Residential District.

The Planning Commission deliberated about why this was not included in the "GB" District during the 2003 Zoning Map Update and voted 7-0 to recommend *APPROVAL* to City Council on the basis that Decision Standard "B"; the proposed amendment making the zoning map conform more closely to the Comprehensive Plan, is satisfied.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<u>JHC</u>	<u>11/02/08</u>
	City Manager:		

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 5445 COLLEGE CORNER PIKE, OXFORD, OHIO AND REZONING THE PROPERTY FROM R3 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO GB (GENERAL BUSINESS) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on October 14, 2008 on the applicant Oxford Talawanda Community Services application for a Zoning Map Amendment for property located at 5445 College Corner Pike, Oxford, Ohio rezoning the property from R3 (Multi-Family Residential) District to GB (General Business) District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended granting the Zoning Map Amendment, finding that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was an appropriate use of the property.

SECTION 3: The Planning Commission found the request does comply with the intent of the Oxford Codified Ordinances and the Oxford Comprehensive Plan

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning 5445 College Corner Pike Oxford, Ohio to GB (General Business) District.

SECTION 5: Council hereby grants the rezoning request to Oxford Talawanda Community Services for the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

SECTION 6: 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>	November 4, 2008
<u>Case Number</u>	PC-22-2008
<u>Applicant Information</u>	Oxford Talawanda Community Services
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	To allow for the rezoning of property located at 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District.
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council <i>APPROVAL</i> of this zoning request.
<u>Commission Findings and Conclusions</u>	At the October 14, 2008 meeting, the Planning Commission approved the zoning map amendment on the basis that Decision Standard B, the proposed amendment making the zoning map conform more closely to the Comprehensive Plan, is satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated September 12, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Tax Map Plat 4. Property Location Map 5. Map Amendment 6. Staff Analysis 7. Zoning Map Amendment Application dated 8/28/2008 8. Quit-Claim Deed

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-22-2008

Date – October 14, 2008

APPLICATION

Applicant:	Oxford Talawanda Community Services
Location:	5445 Oxford College Corner Pike
Owner:	Diane Ruther-Vierling, Administrator
Action Request:	Zoning Map Amendment from "R3" to "GB"
Current Use:	Family Resource Center
Current Zoning	"R3" Multi-Family Residential District with PUD overlay
Surrounding Existing Land Uses:	Mix of Commercial and Single-Family Residential.

GENERAL DESCRIPTION

The subject property is located on 1.47 acres at the southwestern corner of Oxford College Corner Pike (aka U.S. 27 North) and Reagh's Way. The applicant has indicated that they intend to expand their Thrift/free store operations into the former Head Start building. The Family Resource Center would also like to use this opportunity for employee/workforce training.

SITE HISTORY

PC 02-1989: Additional Use Permit for physicians, dentists or similar offices. Request approved.
PC 09-1990: Preliminary PUD.
PC 23-1997: Additional Use Permit for office space and day care center. Request approved.
PC 34-1997: Final PUD. Lot 1952 to allow for 3; one-story office & professional buildings. Approved.
PC 18-1998: Lot Split - part of old 1952 into new 3243 and 3244. Approved.
PC 19-1998: Planned Unit Development / Amendment. Request to allow for 4 lots for Habitat for Humanity homes and a storage shed and Goodwill trailer.

SURROUNDING NEIGHBORHOOD

North: "GB" General Business – Vacant commercial lot in front of Wild Berry.
South: "GB" General Business & "R3" Multi-Family Residential – Mobile home park & single-family dwellings.
East: "R3" Multi-Family Residential – Oxford Church of God & apartment complex
West: "R3" Multi-Family Residential - Single-family dwellings & dog grooming business.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Departments and Economic Development. The following comments were returned:

Police Department:	Comments returned with no comments on this request.
Engineering:	Comments returned with no comments on this request.
Fire:	Comments returned with no comments on this request.
Econ. Dev. Dept.:	States that 95% of U.S. 27 is zoned "GB" or "LI" and would expect overtime the remaining 5% will change to "GB" zoning. States that the current use does not change significantly with the proposed use.

ZONING CODE REGULATIONS

The subject property was approved as "R3" with a PUD overlay, which allowed for office space and a daycare center. Amending the zoning designation would eliminate the PUD and the property would be subject to the "GB" regulations of the Planning & Zoning Code.

The impact to this property by including it into the "GB" General Business District will actually make the property more conforming by permitting the thrift store use and offices for the Family Resource Center "by right" as opposed to non-conforming in "R3" Multi-family Residential District.

The activities and operations of the Family Resource Center are more conducive of commercial activity than residential. Due to the PUD, any future improvements to the Center would require a lengthy review process and approval from Planning & Council for any modifications to the exteriors of the buildings or uses associated with the Family Resource Center.

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

Staff agrees that the "GB" is a more appropriate zoning designation for this property. Staff further recommends that the Planning Commission consider initiating a zone map amendment to the two residential properties just south of this property along U.S. 27 (5435 & 5427 College Corner Pike) so as not to create an island of "R3" along the frontage of U.S. 27. If the Planning Commission so desires to initiate this amendment, the properties would be nonconforming, but this would not be unusual for this part of U.S. 27 for there are approximately 14 single-family residential units and 10 multi-family residential buildings that are nonconforming in the "GB" District.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

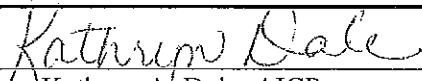
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision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

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

Map Amendments

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

SUBMITTED BY:



Kathryn A. Dale, AICP
City Planner
Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

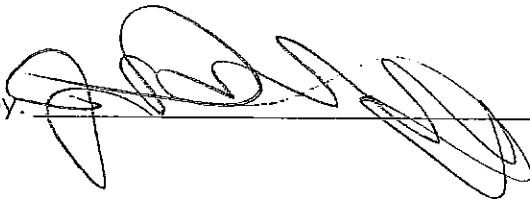
**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

 X Review Revisions Other

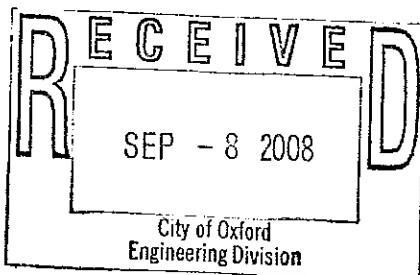
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: A. Popescu 9-17-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

**PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford
Talawanda Community Services, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: _____

SSC HVE

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-22-2008

Description:

PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District to GB (General Business) District, Oxford Talawanda Community Services, Applicant

X Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

.....
(15% OF US27 IS ZONED GB OR LI. I WOULD EXPECT
OVER TIME THE OTHER 8% WILL CONVERT TO GB ZONING.
THE CURRENT USE DOES NOT CHANGE SIGNIFICANTLY WITH
THE PROPOSED NEW USE--

Drawings reviewed by: [Signature]

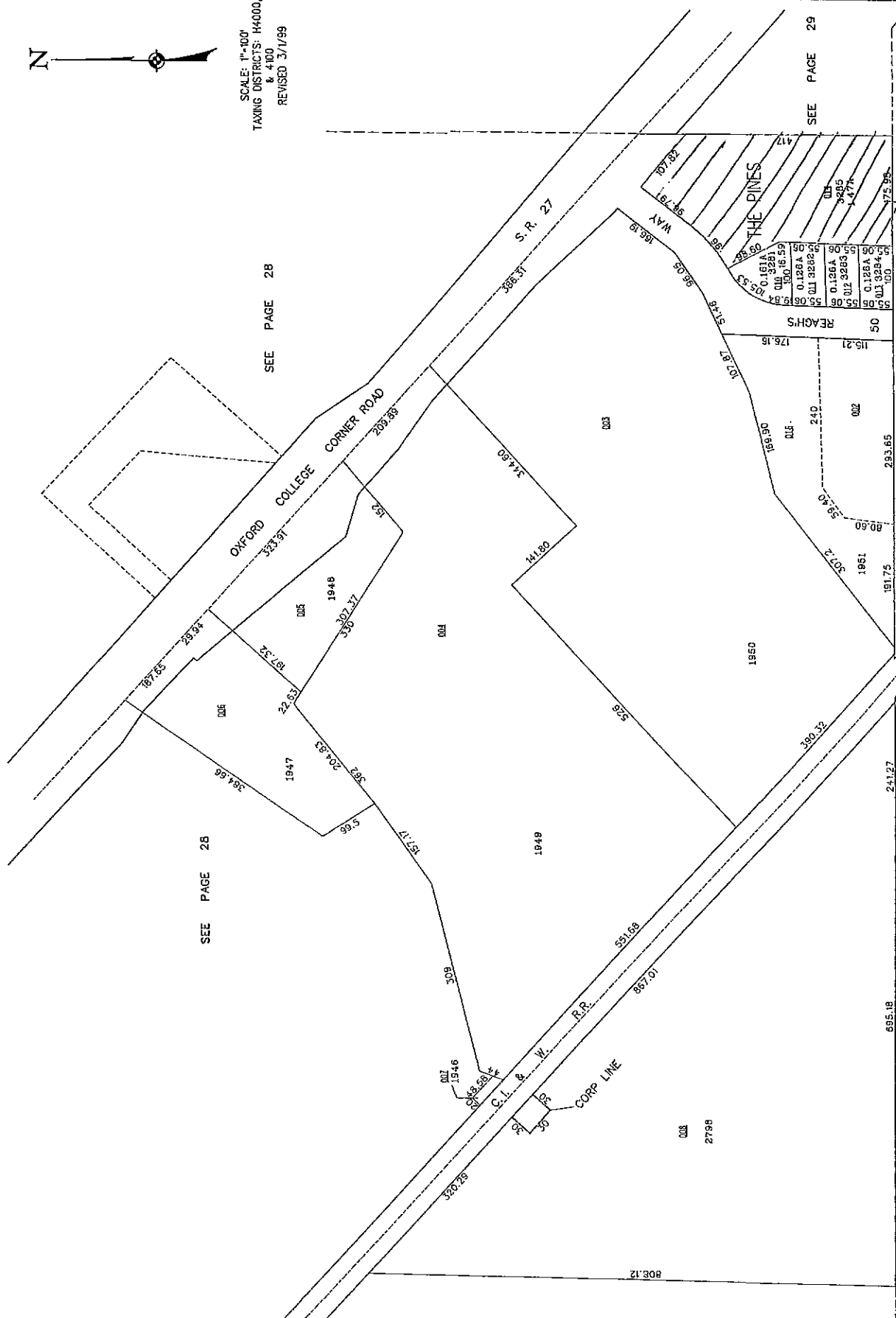
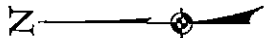
030.000

SEE PAGE 28

SEE PAGE 29

SEE PAGE 22

SCALE: 1"=100'
TAXING DISTRICTS: K4000,
& 4100
REVISED 3/1/99





PC 22-2008 Family Resource Center
"R3" to "GB"

College Corner Pike

R3

R1

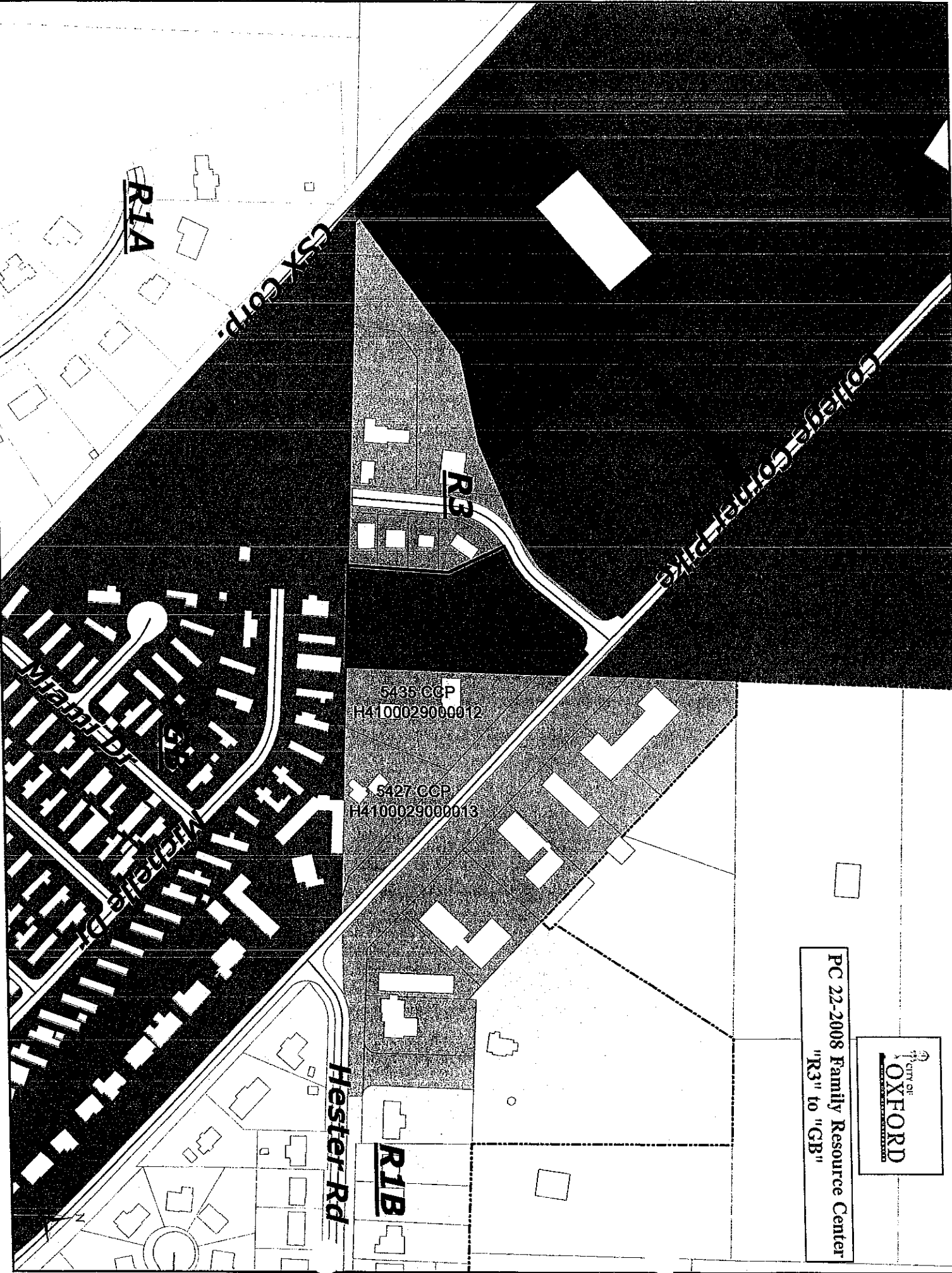
GB

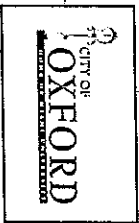
R1A

Subject Property location



PC 22-2008 Family Resource Center
"R3" to "GB"





PC 22-2008 Family Resource Center
"R3" to "GB"

R1B

R3

R1A

12/06/2008 09:19

12/06/2008 09:19

Hester Rd

Michelle Dr
College Corner Pike



Staff Analysis

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Oxford Talawanda Community Services
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: PO Box 108
Oxford OH 45056
Telephone Number(s): (513) 523-5859
Location of Property: 5445 College Corner Pike
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: Lot: 1952 Parcel: H4100030000014
Total Area: 1.47 Acres Square Feet (circle one)
Existing Use of Property: Social Service Agency with Free Clothing Room
Current Zoning: "R3" Multi-Family PUD
Proposed Zone(s): "GA" General Business
Proposed Use: Social Service Agency with Thrift Store

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

- 1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- 2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- 3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- 4) What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- 5) Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

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

SIGNATURE OF APPLICANT: Drane Ruthen-Venling Date: 8/28/08

PRINTED NAME: Drane Ruthen-Venling

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 5773

Zoning Map Amendment Application

1. What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?

The Oxford Talawanda Community Services dba The Family Resource Center is requesting a zoning change from "R3" Multi-Family PUD to "GB" General Business.

The Family Resource Center, which is requesting the zone change, is located on US 27 North. According to the 1998 Comprehensive Plan, "US 27 North is not conducive to a residential neighborhood along the road frontage in its current form." The plan strategies include: "Continuing to promote US 27 North for light industrial, light manufacturing, research and development, office and flex office space." The 1998 Plan also emphasizes work force development, "Work force development is the leading economic development priority in communities across the country. This is a very real and urgent need in the Oxford area as well. The City should work with existing job training, employment service, and educational resource groups to define how Oxford residents can receive better preparation for future jobs."

According to the proposed 2008 Comprehensive Plan, US 27 North is identified as one of the weak places in the city of Oxford. The Plan suggests the following preferred uses for US 27 North: Multi-family; public land and facilities; large scale commercial; and industrial. The Plan also lists as objectives: "Attract new businesses consistent with the skills of the local community; and, "Improve the resident workforce through new employment services." One of the strategy's also address this rezoning request; "Create strategies to specifically attract service based retailers to the...Us 27 North corridor."

2. How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.

We expect little or no change to the neighborhood around the Family Resource Center. We currently offer a free clothing room as a service to our clients. Approximately 400 clients use this clothing room on a regular basis, with about 65 client visits each week. In 2007, we had over 700 Miami students and community volunteers who came to help at The Family Resource Center. We also had over 900 community residents deliver clothing donations. With the zone change, we do not expect the number of people who visit our agency to change significantly.

3. How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?

No change expected.

4. What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).

N/A

5. Why is the current zoning classification of the property no longer appropriate?

We are requesting that our zoning be changed from "R3" Multi-Family PUD to "GB" General Business because we would like to open a Thrift Store in one of our buildings. The store would be located in Building 3, which was vacated by Head Start when they moved to Kramer School earlier this summer. This store would serve the Oxford Community, and provide a work training program for the clients we currently serve. The store would also provide some revenue to the FRC to help fund our other programs.

O.R. 6281 PAGE 2005
QUIT-CLAIM DEED

JAMES G. ROBINSON, TRUSTEE, for valuable consideration paid, grants do hereby remise, release, and forever quit claim to **OXFORD/TALAWANDA COMMUNITY SERVICES, INC.** a non-profit corporation registered and doing business in the State of Ohio (Charter No.: 522801), whose tax-mailing address is 5445 College Corner Pike, Oxford, Ohio 45056, the following **REAL PROPERTY**: Situated in the County of Butler in the State of Ohio and in the Township of Oxford, to wit:

DATE 10-22-98 DW
CONVEYANCE # 0-
FEE \$ 0-
EXEMPT 4383

PLEASE SEE EXHIBIT A

Kay Rogers, Butler Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

Prior Instrument Reference: Vol. _____, Page _____ of the Deed Records of Butler County, Ohio.

Witness his hand this 8TH day of October, 1998.

Signed and acknowledged in the presence of:

Susan Cross Lipnickey
Witness Susan Cross Lipnickey

James G. Robinson
JAMES G. ROBINSON, TRUSTEE

Victoria Bosman
Witness Victoria Bosman

9800077423
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 10-22-1998 At 10:22 am.
DEED 14.00
Book DR Vol. 6281 Pg. 2005 - 2006

STATE OF OHIO

COUNTY OF BUTLER

SS.

BE IT REMEMBERED, That on this 8TH day of October, 1998 before me, the subscriber, a Notary Public in and for said County and State personally appeared, **JAMES G. ROBINSON, TRUSTEE**, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on this day and year aforesaid.

Susan Cross Lipnickey
Notary Public



SUSAN CROSS LIPNICKEY, Attorney at Law
Notary Public - State of Ohio
My Commission Expires 12/31/2001
Section 147.03 O.R.C.

Instrument was prepared by: James G. Robinson
Attorney at Law
Oxford, Ohio 45056

TRACT 1

Situated in Lot 4, Section 16, Town 5, Range 1 Oxford Township, Butler County, Ohio, being part of Lot ~~252~~ as known and designated in upon the list of lots in the City of Oxford and more particularly described as follows:

Beginning at 5/8" rebar set at the southeast corner of said Lot 4;

thence with the south line of said Lot 4 S 89°28'00" W for 326.03 feet to a 1/2" rebar found;

thence leaving said south line of Lot 4 for the following 6 courses:

- 1) N 2°02'00" E for 165.17 feet;
- 2) N 89°28'00" E for 150.05 feet;
- 3) N 0°00'00" E for 16.59 feet;
- 4 N 27°30'15" W for 98.60 feet;
- 5) on a curve to the left having a radius of 225.00 feet, an arc distance of 96.00 feet, chord bearing N 50°16'22" E for 95.27 feet;
- 6) N 38°03'00" E for 156.85 feet to the centerline of Oxford Corner Road (S.R. 27);

thence with said centerline of Oxford College Corner Road S 49°23'00" E for 58.78 feet to a railroad spike found on the east line of said Lot 4;

thence with said east line of Lot 4 S 0°09'00" E for 413.61 feet to the point of beginning containing 2.157 acres of land more or less and being subject to all legal highways, easements, restrictions and agreements of record.

TRACT II

Situated in Lot 4, Section 16, Town 5, Range 1 Oxford Township, Butler County, Ohio, being part of Lot ~~252~~ as known and designated in upon the list of lots in the City of Oxford and more particularly described as follows:

Commencing at 5/8" rebar set at the southeast corner of said Lot 4;

thence with the south line of said Lot 4 S 89°28'00" W for 326.03 feet to a 1/2" rebar found;

thence leaving said south line of Lot 4 N 2°02'00" E for 165.17 feet to the True Point of Beginning;

thence N 2°02'00" E for 94.52 feet;

thence N 75°09'00" E for 66.77 feet;

thence N 56°14'00" E for 105.23 feet;

thence N 38°03'00" E for 168.62 feet to a railroad spike found at center line of Oxford College Corner Road (S.R. 27);

thence with said centerline of Oxford College Corner Road S 49°23'00" E for 19.97 feet;

thence leaving said Centerline of Oxford College Corner Road S 38°03'00" W for 156.85 feet;

thence on a curve to the right having a radius of 225.00 feet, an arc distance of 96.00 feet, chord bearing S 50°16'22" W for 95.27 feet;

thence S 27°30'15" E for 98.60 feet;

thence S 0°00'00" W for 16.59 feet;

thence S 89°28'00" W for 150.05 feet to the True Point of Beginning containing 0.441 acres of land more or less, subject to all legal highways, easements, restrictions and agreements of record.

The plat of survey is recorded in Vol. 35 Page 173 of Butler County Engineer's Record of Land Surveys

U.R. 6281 PAGE 2004
QUIT-CLAIM DEED

OXFORD ADVISORY WELFARE SERVICE, INC., nka OXFORD/TALAWANDA COMMUNITY SERVICES, INC., a non-profit corporation registered and doing business in the State of Ohio (Charter No.: 522801), for valuable consideration paid, grants do hereby remise, release, and forever quit claim to **JAMES G. ROBINSON, TRUSTEE**, whose tax-mailing address is Park Place West, Oxford, Ohio 45056, the following **REAL PROPERTY**: Situated in the County of Butler in the State of Ohio and in the Township of Oxford, to wit:

Entire Lot numbered One Thousand Nine Hundred Fifty-two (1952) as the same is known and designated on the list of Lots for the City of Oxford, Butler County, Ohio.

Prior Instrument Reference: Vol. 6127, Page 1194 of the Deed Records of Butler County, Ohio.

Witness their hands this 8th day of October, 1998

9800077422
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 10-22-1998 At 10:22 am.
DEED 14.00
Book OR Vol. 6281 Pg. 2004 - 2004

Signed and acknowledged in the presence of:

DATE 10-22-98 DW
CONVEYANCE # -0-
FEES -0-
EXEMPT 4382

Key Rings, Under Co. Auditor

This conveyance has been examined and the grantor has complied with section 319.202 of the revised code.

OXFORD ADVISORY WELFARE SERVICE, INC., NKA OXFORD/TALAWANDA COMMUNITY SERVICES, INC.

Witness (VICTORIA BOSMAN)

Jerome U. Conley
JEROME U. CONLEY, President

Linda K. Sprague
Witness (LINDA K. SPRAGUE)

Lisa N. Sheard
LISA N. SHEARD, Secretary

STATE OF OHIO

COUNTY OF BUTLER

SS.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be subscribed hereto by **JEROME U. CONLEY**, its President, and **LISA N. SHEARD**, its Secretary, thereunto duly authorized by resolution of its Board of Directors, this 8th day of October, 1998.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on this day and year aforesaid.

Linda K. Sprague
Notary Public

This instrument was prepared by: James G. Robinson
Attorney at Law
Oxford, Ohio



LINDA K. SPRAGUE
Notary Public, State of Ohio
My Commission Expires 7-10-2003

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: November 4, 2008

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

October 21, 2008
Date Prepared

Agenda Title:	Planning Commission Meeting Report – October 14, 2008
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Recommendation:	N/A
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DISCUSSION:

Items Related to Platting:

PC-23-2008 PRELIMINARY SUBDIVISION - South Campus Avenue proposed residential subdivision (R2MS single and two family residential) Paul Baer Family Trust, Robert Broestl, Applicant.

The Applicant is proposing 20 duplex lots and 2 single family lots and improving Poplar Street from the northern property line to Central Avenue as a result of the Planning Commission's deliberations. Wooster Place will be extended into a cul-de-sac. Rose Avenue and Bern Street are labeled as full extensions connecting Campus and the new Poplar Street extension. The Applicant has also indicated the development will occur in three phases. Three retention basins are shown on the site plan. Staff raised concerns regarding the maintenance of these and Planning Commission requested that the Applicant review if three were necessary, or if two would be sufficient to accommodate the development. The Applicant also shared that they are working with the neighboring properties to the northeast regarding flooding issues raised in previous hearings. Much discussion was had regarding the Poplar Street connection, phasing of the project and maintenance of the retention basins.

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

1. That, the maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors, and that the Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. That, vehicular access shall only be accessed from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. That, the proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. That, the tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. That, as presented, the project shall be completed in three Phases, each phase to be completed within two years (Phase 1, Rose Street Extension & Lots D1-D7 -2010; Phase 2, Bern Street Extension & Lots D8-D12 & S1 – 2012; and Phase 3, Wooster Place Extension & Lots D13-D20 & S2 – 2014). Furthermore, that the infrastructure improvements as presented, regarding the abandonment and relocation of a 12" sanitary sewer line is completed during Phase 1.
8. That, the full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2 and/or at the end of Phase 2, whichever occurs first.
9. That, perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to City's Legal Counsel.

Public Hearing:

PC-21-2008 ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner

The Applicant requested a Zoning Map Amendment to change 0.231 acres located on the southwest corner of College Avenue and Church Street from "RO" Office Residential District to "UP" Uptown District. The Applicant indicated that they have no intentions of changing the property as it will continue to be used as a restaurant. Staff presented that the proposed map amendment would have no impact to this property by including it into the "UP" Uptown District, but would actually make the property more conforming by permitting the restaurant use "by right" as opposed to a nonconforming use in "RO" Office Residential District. Should the property ownership change under the current zoning, the property may continue to be used as a restaurant or any permitted use in the "RO" District.

The Planning Commission deliberated why the "RO" district was formed and the purpose of step down zoning. Discussion also focused around the rationale of the boundary for the "UP" District. The Commission inquired the Applicant if they could provide any other reasons for this request. Only 1 of 4 Decision Standards for a Map Amendment is necessary. The Planning Commission voted 7-0 to recommend ***DENIAL*** of the request to City Council on the basis that none of the Decision Standards were met to approve the request.

PC-22-2008 ZONING MAP AMENDMENT, 5445 College Corner Pike, from R3 (Multi-family Residential) District with a PUD Overlay to GB (General Business) District, Oxford Talawanda Community Services, Applicant

The Applicant requested a Zoning Map Amendment to change 1.47 acres at the southwestern corner of Oxford College Corner Pike (aka U.S. 27 North) and Reagh's Way from "R3" Multi-Family Residential District with a PUD overlay to "GB" General Business District. The Applicant has indicated that they intend to expand their Thrift/free store operations into the former Head Start building. The Family Resource Center would also like to use this opportunity for employee/workforce training. Staff presented that the subject property was approved for office space and a daycare center. Amending the zoning designation would eliminate the PUD and the property would be subject to the "GB" regulations of the Planning & Zoning Code. Furthermore, by including it into the "GB" General Business District the property would be more conforming by permitting the thrift store use and offices for the Family Resource Center "by right" as opposed to nonconforming in "R3" Multi-family Residential District.

The Planning Commission deliberated about why this was not included in the "GB" District during the 2003 Zoning Map Update and voted 7-0 to recommend ***APPROVAL*** to City Council on the basis that Decision Standard "B"; the proposed amendment making the zoning map conform more closely to the Comprehensive Plan, is satisfied.

Other Business:

ADM-04-2008 LOT SPLIT, Spring Street and South College Avenue (Stewart Square), Part of Lot 3640, Stewart Developers, LLC, Administratively Approved

Staff shared an application for a Minor Change to an Approved PUD was reviewed and approved administratively to split off 1.686 acres - Phase 3 of the Stewart Square Development onto its own parcel. Staff assured the Commission that the new parcel, as well as the previous Phases, is still subject to the approved PUD and Final Development Plan for Stewart Square and any City Ordinances associated with the project.

Former Wal-Mart Site (S. Locust St.) Concept – Robert Fiorita – New Village Communities

Staff explained that the Applicant was requesting a conceptual review of a potential PUD Final Development Plan to determine if the proposal was substantially similar to and in conformance with the approved Preliminary Plan. The Applicant also requested any feedback or comments from the Commission regarding the concept plan. Members expressed that the Applicant should re-review some of the pedestrian connectivity points and intersections and that the commercial portion of the development would have to occur concurrently with the residential portion. The Applicant was advised to further research drainage issues that connect to the Country Club, drainage tiles under the parking lot and coverage of the ditch along S. Locust Street as well as

the radii of the access isles in the parking areas to accommodate emergency vehicles. The Commission felt that the revised plan met the approved preliminary PUD plan and indicated that the Applicant could move forward with the final PUD submission that reflects the comments from the Commission.

The next regular Planning Commission meeting is November 11, 2008 to discuss an application for a Conditional Use to allow for residential in the basement of a new structure located at 18 S. Poplar.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 10/23/08

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: November 4, 2008

Account Code # NA

Budgeted Amount: NA

Service Department

Originating Department

Michael Dreishach, Service Director

Prepared By

October 28, 2008

Date Prepared

Agenda Title: Designation of Agent for Federal Emergency Management Agency (FEMA) Application(s)

Recommendation: Approve

Discussion:

The region suffered unprecedented damage from a severe windstorm on September 14, 2008. Significant damage to the public infrastructure and utilities was sustained as a direct result of this storm.

The City of Oxford submitted a Preliminary Damage Assessment (PDA) to FEMA representatives on October 8, 2008. This assessment detailed public costs associated with the storm event including overtime, equipment, materials, and emergency contracts.

On October 24, 2008, President Bush signed a Presidential Disaster Declaration for a large area of the Midwest including Butler County. To remain eligible for possible federal assistance with expenses due to the storm, the City of Oxford must designate a "Local Applicant's Agent" to represent the city with the applications associated with FEMA Public Assistance programs.

The City Manager has recommended the Director of Service be designated as the Applicant's Agent to represent the City of Oxford in obtaining and administering federal financial assistance under the Disaster Relief Act.

A FEMA briefing has been scheduled for November 5, 2008 at the Office of the Butler County Engineer. This briefing will address eligible categories of work and expenses, and will acclimate agents to the necessary application documents for submittal to FEMA.

Approved By:

Department Head:

Initial

Date

MBD \ 10/28/08

City Manager:

_____ \ _____

RESOLUTION NO.

A RESOLUTION DESIGNATING THE CITY OF OXFORD'S SERVICE DIRECTOR AS AGENT FOR THE CITY OF OXFORD TO APPLY FOR FEDERAL FINANCIAL ASSISTANCE BY REASON OF THE SEPTEMBER 14, 2008 WIND STORM.

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

SECTION 1: Council hereby designates the City of Oxford's Service Director as agent for the City of Oxford and authorizes him to apply for federal financial assistance under the Disaster Relief Act of 1974 (Public Law 93-288) by reason of the September 14, 2008 wind storm and to file the application in the appropriate state office for the purpose of obtaining and administering certain federal financial assistance.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW(STAFF)

LOCAL APPLICANT'S AGENT

Each city or county included in a Presidential disaster declaration under Public Law 93-288 may be eligible for federal assistance to repair or replace damaged public facilities (such as roads and bridges, water systems, libraries, etc.) or to provide reimbursement for the cost of disaster response (such as debris removal, evacuation, sand bagging, etc.). When this happens, the local government must designate an Applicant's Agent who will be authorized by the Board of Commissioners or the City Council/Commission to represent the county or city with federal and state agencies managing these public assistance programs.

Much of the work of an Applicant's Agent will start as soon as the disaster occurs. To save time in the first few days following a disaster, BCEMA recommends that the Applicant's Agent be designated BEFORE HAND. By doing this, the county or city will give the person selected a chance to become familiar with these programs and to establish local procedures before the disaster occurs.

The commission or council/commission should be particularly selective in naming an Applicant's Agent. The designation must be made by the action of the full body and should be recorded in the official record as any other ordinance or resolution would be. The court or council should carefully select a person who is able to perform the duties that will be assigned.

The person picked must also be able to spend the major amount of time required to do the job. Once the Applicant's Agent is selected the court or council must give the agent their support and help.

In simplest terms, the Applicant's Agent will represent the local government in managing the county or city project applications for federal disaster assistance funds. The agent will be the contact person for state and federal agencies dealing with the disaster programs. This person will be responsible for managing federal funds provided for the community, for following state and local bid and contract procedures, for maintaining auditable records and for seeing that all work is accomplished before the completion dates are reached.

The position of Applicant's Agent is highly responsible and requires a good deal of time and strong managerial skills. The person selected must have the full confidence of the Council/Commission and must be given sufficient authority to take the steps required under Federal regulations.

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT

BE IT RESOLVED BY: _____ OF: _____,
Governing Body City, County, Other Entity

THAT _____, _____,
Name of Designated Agent Official Position

is hereby authorized to execute for and in behalf of _____,
City, County, Other Entity

a public entity established under the laws of the State of Ohio, applications for the purpose of obtaining and administering certain federal financial assistance under the Disaster Relief Act of 1974 (Public Law 93-288) and to file them in the appropriate state office.

PASSED AND APPROVED THIS _____ DAY OF _____, 20 _____.

Name and Title

Name and Title

Name and Title

Name and Title

Name and Title

Name and Title

CERTIFICATION

I, _____, duly appoint _____
Title

of _____, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the _____

of _____ on the _____ day of _____, 20 _____.
Governing Body

Date

Signature

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: November 4, 2008

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

October 17, 2008

Date Prepared

Agenda Title:	Board of Zoning Appeals – October 15, 2008 Meeting Report
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Recommendation:	N/A
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PUBLIC HEARINGS:

BZA-11-2008 105 Sycamore Street, Variance to Section 1143.03(c)(2)(A) and 1143.03(c)(2)(B), front yard/back yard setbacks, Terry Dudley, Applicant

The Applicant was proposing to construct a 2-story, four-bedroom home with a covered front porch. The existing home is a nonconforming structure because it encroaches into the required front, side and rear setbacks and is proposed to be demolished. The proposed house satisfied all applicable district regulations with the exception of the front and rear yard setbacks. Due to the short depth of the lot, if the Applicant were to satisfy the front and rear yard setbacks, the Applicant would only be able to construct a 15 foot deep structure. Even if the Applicant were to satisfy the front yard setback, they would still need a rear yard variance and vice versa. The BZA voted 5-0 to **APPROVE** the request for a 10 foot front yard setback and 16.2 rear yard setback with the following conditions:

1. That, the proposed work complies in all other respects with all applicable codes, Ordinances and the City of Oxford Zoning Code.
2. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.

The next regular meeting is scheduled for November 19, 2008.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 10/20/08

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/04/08

Account Code No. #: NA

Heidi Hill
Prepared By

Budgeted Amount: NA

10/28/08
Date Prepared

Agenda Title: 2009 Fee ordinance

Recommendation: Approve

Discussion:

This memo explains the modifications to the current city code as reflected in the accompanying fee ordinance. Additions, changes, or deletions in the ordinance are shown as follows:

- Additions are in bold
- Deletions are in strikeout type
- Fees not changed are in normal type

Department heads have provided explanations for fee proposals. Additional questions regarding the basis for fees may be more fully explained by the applicable department head.

Approved By:

Department Head:
City Manager:

Initial Date

10/30

PARKS & RECREATION DEPARTMENT FEES

Most increases are for sessions, monthly or yearly registrations at a \$5.00 increase.

Preschool and summer playground are successful programs which are adjusted slightly.

Athletic field rental has not been increased since we opened the OCP, therefore we are adjusting rates at a \$5.00 increase to adjust to higher operating costs.

Municipal pool rates and rentals have increased \$5.00 to adjust for higher operating costs.

The Senior Citizen Building rental rate has increased accordingly to reflect higher operating costs and building improvements.

We have not increased drop in fees or daily fees, as these are appropriate.

COMMUNITY DEVELOPMENT DEPARTMENT FEES

Sidewalk use permit is increasing from \$50.00 to \$100.00 to offset the loss in revenue from the conditional use application fee.

POLICE DEPARTMENT FEES

Increasing the Impound/Immobilization fee for the 2nd, 3rd, 4th, etc. tow/immobilization in a calendar year.

SERVICE DEPARTMENT FEES

The increase in fees within the Service Department is due primarily to inflation and increased energy costs.

Water rates, including water and sewer capacity benefit charges, are increasing 2.5%.

Refuse rates are by contract with Rumpke Waste, all solid waste fees will increase 5% for 2009 (excluding "one-time additional pick-up and yard waste stickers that will remain the same).

ORDINANCE NO.

ORDINANCE ADOPTING FEES AND CHARGES FOR FISCAL YEAR 2009

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

SECTION 1: The City Manager recommends the Council adopt
fees for 2009 as itemized below.

A. RECREATION DEPARTMENT (A resident lives or works in the City of
Oxford.)

	<u>\$ Amount</u> <u>Residents</u>	<u>\$ Amount</u> <u>Non-residents</u>
<u>1) FITNESS</u>		
Drop-in-fees	3.50	4.00
Aerobics per class	3.00	3.25
 <u>2)WEIGHT ROOM FEES</u>		
Adults		
1 Year	85.00 90.00	90.00 95.00
6 Months	70.00 75.00	75.00 80.00
3 Months	60.00 65.00	65.00 70.00
Drop-ins	3.50	4.00
 High School		
1 Year	50.00 55.00	55.00 60.00
6 Months	40.00 45.00	45.00 50.00
3 Months	35.00 40.00	40.00 45.00
Drop-ins	3.50	4.00
 <u>3) PRESCHOOL</u> (per week)		
Mon/Wed/Fri	31.00 32.00	33.00 34.00
Tues/Thurs	22.00 23.00	24.00 25.00
 <u>5) PLAYGROUND</u> 10 WKS.		
Daily	25.00	27.00
each additional child in family	23.00	25.00
Weekly	81.00 85.00	85.00 90.00
each additional child in family	76.00 80.00	80.00 85.00

6) DAY CAMPS

Half-day:

Pre-school camps	57.00	60.00	62.00	65.00
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7) YOUTH SPORTS LEAGUES

Basketball (11 wks)

Instructional League	41.00	45.00	45.00	50.00
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Competitive League	66.00	70.00	70.00	75.00
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8) ADULT SPORTS LEAGUES

Adult softball	400.00
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Tournament	110.00
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9) RENTAL FEES

Municipal pool

Pool rental, per hour	45.00	50.00	50.00	55.00
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(minimum 2 hours)

Guard fee, per hour	9.50	10.00	10.00	12.00
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Athletic Field Rental Fees

Per game, per field (rental)	20.00	25.00	25.00	30.00
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Per game, per field (prep)	25.00	30.00	30.00	35.00
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Per hour, per field (lights)	25.00	30.00	30.00	35.00
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Per day, per field (Rental)	100.00	110.00	150.00	160.00
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Community Park Gazebo Rental	25.00	30.00
(Minimum 2 hours)		

10) MUNICIPAL POOL

Season pool passes

Family (5 or less)	115.00	120.00	120.00	125.00
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Family (6 or less)	120.00	125.00	125.00	130.00
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Adult	85.00	90.00	90.00	95.00
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High School	65.00	70.00	70.00	75.00
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Child over 3 years	60.00	65.00	65.00	70.00
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General admission

Adult	4.00	4.00
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High School	3.75	3.75
-------------	------	------

Child over 3 years	2.75	2.75
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Swimming lessons

Parent/toddler (6 mo. - 5 yr.)	32.00	35.00
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Swimming lessons (continued)

Skill Level I and II	34.00	36.00
Skill Level III thru IV	37.00	39.00
11) <u>SENIOR CITIZEN CENTER RENTAL</u>	30 50/hr one room	
(minimum 2 hour rental)	35 60/hr two rooms	
	40 70/hr three rooms	
	Plus \$1 per person deposit	

Special events and specialty class fees are established to cover the direct cost of each class/activity offered.

B. PLANNING COMMUNITY DEVELOPMENT DEPARTMENT**1) ADMINISTRATIVE ZONING REVIEW**

Building Accessory, Minor Improvements	15.00
One or Two-Family Residential	25.00
Three-Family or more Residential	50.00
Commercial	50.00
Sidewalk Use Permit	50.00 100.00
Signs (per sign)	25.00 per sign
Signs in conjunction with building application	10.00 per sign
Face changes of signs	no fee

2) BOARD OR COMMISSION REVIEW**GENERAL FEES FOR ALL BOARDS AND COMMISSIONS**

Significant changes to original application

may be subject to new fees as determined by the Community Development Director at a cost not to exceed original application.

(Revisions beyond the 3rd submittal, requiring planning or engineering review, will be charged a re-review fee per review.) 30.00

PLANNING COMMISSION

Additional Use Special Use and	
Conditional Use Permits	400.00
Alternate Landscaping Plan	25.00
Annexation	
100% owner petition	300.00 plus 1.00 per acre
Others	300.00 plus 3.00 per acre
Conceptual Review	No fee
Lot Changes	
Subdivision Development	
Preliminary	400.00 plus 10.00 per lot
Final	400.00 plus 10.00 per lot
Planned Development	
Preliminary	400.00 plus 100.00 per acre
Final	400.00 plus 100.00 per acre
Lot Consolidation	20.00

Lot Split	20.00
Zoning Amendments	
Code (per topic)	150.00
Map	150.00
All other for Planning Commission	
Review at public meeting only	25.00
Requiring one or more legal notices	100.00

HISTORIC & ARCHITECTURAL PRESERVATION COMMISSION

Certificate of Appropriateness	30.00
Sketch Review	No fee

BOARD OF ZONING APPEALS

Variance Petition	150.00
Appeal of Administrator's Decision	50.00
Appeal of HAPC Decision	100.00

3) DOCUMENTS, MAPS, & OTHER MATERIALS At Cost

C. INSPECTIONS

1) One, Two, and Three-Family Dwellings and Accessory Buildings (OBOA - Ohio Building Officials Association)

a. New Construction

Building	25.00 plus 10.00 per 100 square feet of gross floor area.
Mechanical	25.00 plus 4.00 per 100 square feet of gross floor area.
Electrical	25.00 plus 3.00 per 100 square feet of gross floor area.

b. Miscellaneous

Accessory Buildings	
0-600 square feet	40.00 per structure
601 + square feet	7.00 per 100 square feet
Furnace installation/replacement	30.00
Central air condition installation/replacement	30.00
Combination furnace/central air Installation/replacement	60.00
Minor Electric	30.00
Demolition	50.00
Alterations/Remodeling/Fire Repair	
0-600 square feet	40.00
601 + square feet	10.00 per 100 square feet
Partial permits (where granted)	50.00
Temporary Certificate of Occupancy	40.00
Swimming Pool	
In-ground	90.00
Above ground	40.00

2. Commercial and Residential Buildings (Ohio Basic Building Code)
Commercial and residential

a. New Construction

Building	120.00 plus 7.00 per 100 square feet of gross floor area, including accessory buildings
Mechanical	100.00 plus 3.00 per 100 square feet of gross floor area, including accessory buildings
Electrical	150.00 plus 2.50 per 100 square feet of gross floor area, including accessory buildings
Alterations/Remodeling/Fire Repair	80.00 plus 3.00 per 100 square feet
Fire Suppression Systems	150.00 plus 3.20 per 100 square feet of gross floor area.
Hood Suppression Systems	100.00
Hood System	80.00
Fire Alarm System	100.00 plus 1.00 per 100 square feet of gross floor area
Minor Electric	80.00
Second and Subsequent plan review	75.00 per hour

b. Miscellaneous

Demolition	80.00
Furnace/AC Replacement	80.00
Partial Permit (where granted)	100.00
Temporary Certificate of Occupancy	80.00

OBBC Surcharge

Applications covered by the OBBC will be assessed an additional 3% surcharge fee as mandated by Ohio Administrative Code Section 4101:2-1-50(b).

3. Other Fees

(Applies to both OBOA and OBBC buildings unless otherwise noted.)

Moving or relocating buildings	250.00
Building Permit Renewal	50.00
Electric Service Upgrade	35.00
Temporary Pole	30.00
Change of Building Plans (after approval)	50.00 plus cost of plan review
Fuel Storage Tank (per tank)	25.00
Sidewalk-Curb-Gutter Permit	25.00
Certificate of Use and Occupancy (not associated with building permit)	80.00
Awnings, tents	25.00
Signs	50.00
Fences	20.00
Reinspection Fee	30.00

Backflow Prevention Permit	25.00
Work without a permit	Greater of \$200.00 50.00 per day or twice the cost of the permit fee
(Starting construction without a permit)	
Gas Line (per meter)	30.00
Re-review fee (charge for Re-review of building/ Site plans for 3 rd Revision or beyond)	30.00
4. <u>Removal of structure prior to receipt of Certificate of Appropriateness</u>	50% of estimated demolition cost for each day after notification until a plan for reuse of property and a bond is filed.

5. Rental Housing Permits

Initial Establishment (or if inactive for 2 years or more)	
First unit	100.00
Each additional unit	25.00
Fraternity	300.00 for first 50 persons, 10.00 for each additional person
Annual Renewal & Ownership Transfer	
First unit	50.00
Each additional unit	25.00
Rooming house or lodging house	100.00
Fraternity	300.00 for first 50 persons, 10.00 for each additional person
Re-inspection (charge for a second site visit to re-inspection and each subsequent re-inspection. This charge also applies to additional site visits due to "no show" by agent/owner/designee)	
First unit	75.00
Each additional unit	10.00
Rooming house or lodging house	75.00
Fraternity	75.00
Board of Appeal Application	150.00

D. POLICE DEPARTMENT

Fingerprinting	15.00
Records Checks	15.00
Alarm User Permit Fees	
New Residential	20.00 annually
New Commercial/Industrial	25.00 annually
Renewal	10.00 annually
False Alarm Fees	
Residential, Commercial & Industrial	
1 to 2 Annually	No charge
Residential	
3 or more	50.00 per occurrence

False Alarm Fees (continued)

Commercial/Industrial

3 to 4 Annually	50.00 per occurrence
4 to 5 Annually	100.00 per occurrence
6 to 8 Annually	200.00 per occurrence
8 or more	400.00 per occurrence

Accident, crime, other reports	Under 20 pages, no charge
	21 or more pages, 0.05 per page

Purchase Meter time,

Fee for Special Event (Meter Bags)	5.00 per meter per day
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Signs: "No Parking by Order of
the Oxford P.D."

0.25 per sign

Impound/Immobilization Fees

100.00 1st offense
200.00 2nd offense
300.00 3rd and all subsequent for
the first day or any part
thereof
12.00 each subsequent day or any
part thereof
20.00 each subsequent day or any
part thereof for vehicles
covered or stored within a
building

Towing Charges

100.00 1st offense
200.00 2nd offense
300.00 3rd offense plus any
additional charges for services
requiring specialized equipment
or extra personnel

Parking

Street side hourly meters	0.25 per hour
Parking garage meters	0.50 per hour
10 hour meters	0.50 for two hours
Monthly garage lease	55.00 per space

Parking Collection Fees

Retrieval of vehicle record	1.95 per look up
Citations collection fee	27.00% of unpaid fine

E. FIRE/EMS DEPARTMENT

EMS Runs	BLS-E	500.00 per run
	ALS-1 E	725.00 per run
	ALS-2 E	900.00 per run
EMS Mileage Rate		12.00 per loaded mile

F. SERVICE DEPARTMENT

1) Water service

Temporary meter deposit (hydrant connection)

5/8 Inch 500.00

2 Inch 1600.00

Daily set-up and removal of device 100.00

Cost of water by volume ~~3.11~~ 3.20 per 100 cubic feet

Temporary Water Service through
an approved meter pit device prior
to meter installation:

5/8 x 3/4"	50.00	63.75
1"	130.00	165.75
1 1/2"	260.00	331.50
2"	420.00	535.50
3"	840.00	1,071.00
4"	1310.00	1,670.25
6"	2625.00	3,347.00

Bulk Water Service ~~3.11~~ 3.20 per 100 cubic feet;
requires new account fee for
service. Sanitary fees in
effect for water entering the
Sanitary system. Service
available under authority of
Service Director or his/her
designee.

Account Initiation Fee 50.00 (50% Water, 50% Sewer)

Water rates

Volume charge per 100 cu feet ~~2.31~~ 2.37

Base monthly charge Meter size

(inch): 3/4 or smaller ~~8.41~~ 8.64

1 ~~14.00~~ 14.39

1 & 1/2 ~~28.00~~ 28.77

2 ~~44.82~~ 46.05

3 ~~84.03~~ 86.34

4 ~~140.07~~ 143.92

6 ~~280.13~~ 287.83

Outside city limits 35% added to amounts above
Late fee 10%

Reconnection fee following
service termination 10.00 when past due payment is
received before 3:00 PM.
50.00 after 3:00 PM and for
weekends/holidays
reconnection

Irrigation meter 50.00

Tap-in fees

Based on tap size (inch)

1	2,500.00
2	2,845.00
4	3,500.00
6	4,325.00
8	6,525.00

On brick street Add 30.00/per sq ft of affected area

Outside City Limits

35% added to amounts above time and materials

Separate meter pits

Meter Vault and Lid (based on meter size)

5/8 & 3/4 (inch) **One** Included in tap fee; **515.00 each additional**

1 **One** Included in tap fee; **515.00 each additional**

2 **One** Included in tap fee; **515.00 each additional**

3" and greater installed by the contractor at developer's expense.

Water Meter Installation including RF remote sending unit.

5/8 & 3/4 (inch) ~~288.48~~ 300.00

1 ~~287.64~~ 335.00

1 & 1/2 ~~503.88~~ 580.00

2 ~~636.48~~ 750.00

3 ~~1,761.54~~ 2,400.00

4 ~~2,800.92~~ 3,750.00

Larger than 4 Cost to the City plus 5% 10% administrative fee.

Water Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,479.00 1,550.00
1	3,825.00 4,020.00
1 & 1/2	7,701.00 8,090.00
2	12,464.00 13,090.00
3	24,837.00 26,100.00
4	38,760.00 40,700.00
6	77,673.00 81,600.00
8	124,236.00 130,500.00
10	178,959.00 187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days

Highest rate allowable by law

New construction inspection

50.00 (initial inspection)
50.00 (re-inspection of failed work)

New Water Main Chlorination / Disinfection Inspection

150.00

New water main valve operation / And line flushing	150.00
New Water Main Hydrostatic Testing	100.00 per test
New Water Main Bacteria sampling / Testing	150.00 per event (includes outside laboratory fees)
Water main installation inspection / Outside of normal working hours	City cost for inspection expense
Fire Hydrant Flow Testing	100.00 per hydrant test
Damage to City facilities	Repair cost plus 40%

2. Sanitary Sewer service

Sewer rates

Volume charge Per 100 cu feet	3.72
Base monthly fee	3.63
Surcharges	
Excess suspended solids	0.177/lb
Excess biochemical oxygen demand	0.182/lb
Excess oil and grease	0.20/lb
Commercial preparer or server of food	0.10 per 100 cu feet
Sewage Sampling fee	75.00
Late fee	10%

Sewer Capacity benefit charges

Meter size (inch):

5/8 & 3/4	1,479.00	1,550.00
1	3,825.00	4,020.00
1 & 1/2	7,701.00	8,090.00
2	12,464.00	13,090.00
3	24,837.00	26,100.00
4	38,760.00	40,700.00
6	77,673.00	81,600.00
8	124,236.00	130500.00
10	178,959.00	187,900.00

Fifty percent of the required capacity benefit charge will become due for all lots platted at time of recording. The remaining fees will become due with application for a building permit.

Interest rate on past due capacity benefit permits unpaid after 30 days	Highest rate allowable by law
New construction and Sanitary	50.00 (initial inspection)

Lateral repair inspection	50.00 (reinspection of failed work)
	50.00 Inspection of existing sanitary lateral repairs
Sanitary Sewer Cleaning (jet truck)	220.00 280.00 per hour (1 hr. min.)
Sanitary Sewer Main Video Inspection	220.00 280.00 per hour (1 hr. min.)
Sanitary Lateral Video Inspection	220.00 280.00 per hour (1 hr. min.)
Sanitary Sewer Manhole Inspection (vacuum method)	50.00 per manhole
Staff monitoring of private contractor Video inspection	25.00 per hour (1 hr. min.)
Sanitary Sewer Low Pressure Air Test (per City specifications)	25.00 per test section
Sanitary Sewer Main Construction (inspection services beyond normal working hours - overtime expense)	Cost to City of Oxford
Sanitary sewer Lift Station District Surcharge	Charge 35% 50% surcharge to volume fee.
Locating service for private sanitary lateral	175.00 280.00 per hour (1 hr min.)
Damage to City facilities	Repair cost plus 40%
Special Wastewater Discharge Application (tank pumping, V groundwater, etc.)	25.00
Special Wastewater Contaminated Discharge Treatment	11.16 per 100 cubic feet

3. Refuse service

Monthly rate (includes \$~~2.36~~ 2.48 Recycle fee):

Non-Dumpsters	15.74 16.53
Multi-unit dwellings with four or less units	
Dumpsters (Commercial)	
Waste-wheeler customer	19.10 20.06
Two cubic yard dumpster	68.20 71.61
Three cubic yard dumpster	89.97 94.47
Four cubic yard dumpster	114.57 120.30
Six cubic yard dumpster	167.44 175.81
Eight cubic yard dumpster	219.11 230.07
Charge per additional pickup	
Waste-wheeler customer	15.60 16.38
Two cubic yard dumpster	49.40 51.87
Three cubic yard dumpster	67.67 71.05

Four cubic yard dumpster	88.82 93.26
Six cubic yard dumpster	127.46 133.83
Eight cubic yard dumpster	166.11 174.42
Recycle dumpster/wastewheeler pickup	Contract cost to the city
Dumpster rental charge	Contract cost to the city
Late fee	10%
One-time additional pickup permit Stickers	10.00 per Sticker
Yard Waste Stickers	1.50 per Sticker
Compactor Tickets	25.00 28.50 per 1 Cu. Yd.
Portable Toilet Rental and Servicing	Contract cost to city
<u>4. Cable franchise agreement fee</u>	5% of annual gross revenue

5. Miscellaneous

DVD Copies 5.00

G. ENGINEERING DIVISION

1) Design manual fees:

Water and Sanitary Sewer Improvement Specifications	30.00
Storm Water Management Design	20.00
Digital city standard drawings	15.00 per compact disc

2) Map Order

Media:

Bond	8&1/2 x 11	B/W	4.00
Bond	8&1/2 x 11	Color	4.00
Bond	11 x 17	B/W	4.00
Bond	11 x 17	Color	4.50
Bond	24 x 36	B/W	10.00
Bond	24 x 36	Color	11.00
Bond	36 x 48	B/W	18.00
Bond	36 x 48	Color	20.00
Mylar	24 x 36	B/W	12.00
Mylar	24 x 36	Color	14.00
Mylar	36 x 48	B/W	20.00
Mylar	36 x 48	Color	22.00

Blueprints

24 x 36	NA	1.50
36 x 48	NA	3.00

Dry Mounted			
	24 x 36	NA	10.00 + map fee
	36 x 48	NA	22.00 + map fee

Base and Zoning maps			
	Lots		5.00 plus media cost
	Oxford Historic District		1.00 plus media cost
	Corporation limits		Free
	Water lines		5.00 plus media cost
	Sewer lines		5.00 plus media cost

Base and Zoning maps (continued)			
	Storm sewer lines		5.00 plus media cost
	Zoning		5.00 plus media cost
	Proposed development		5.00 plus media cost
	Additional use permits		5.00 plus media cost
	P.U.D.'s		5.00 plus media cost
	Special use permits		5.00 plus media cost
	Street index		1.00 plus media cost
	Digital base map section		15.00 per diskette

3) Plans and Specifications Sales 20.00 to 500.00
 (dependent on the size of the project)

4) Document handling/forwarding fee 25.00
 to regulating agencies

H. STREET DIVISION

Street cut surface repair	Up to 40 sq.ft. - \$72.00 100.00 (or 40 linear ft of curb totaling less than 40 sq. ft.) >40 sq.ft. - \$72.00 100.00 + 1.80 2.50 per additional sq.ft.
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Work without a permit in ROW (Starting construction or without a permit)	Greater of \$200.00 50.00 per day or twice the cost of the permit fee
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Street Tree Permits	No charge
Removal of hazardous trees from private property	At cost to city plus 5% Administrative fee

Street Spills	Cost of time and materials for cleanup + 5% 10% Administrative Fee
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Right-of-way Requests	
Personnel (misc. tasks)	25.00 hr
Event Electrician	100.00 + necessary materials at cost
Road Closures/Detours	100.00 135.00
Event Trash cans	5.00

Street Signs	Cost of labor/materials used + 5% 10% administrative fee
Woodside Cemetery gravesite After 3:30 Monday-Friday And weekends	200.00 Opening and closing Additional 50.00
Street Banner Installation And removal	Single banner 60.00 75.00 Double banner 150.00

I. FINANCE DEPARTMENT

Misc. Copies (Under 20 pages) (21 or more pages)	No charge .10 per Page
Final Annual Budget Document Paper Electronic Any Other Method	No charge 5.00 per DVD/CD At cost to city
Comprehensive Annual Financial Report Paper Electronic Any Other Method	No charge 5.00 per DVD/CD At cost to city
Income tax rate	1.75%
Hotel tax rates: Hotel tax Convention tax	3.00% 3.00%
Motor vehicle license tax	5.00 per motor vehicle
Property tax rate	3.65 mills
Motor Coach or Bus (Each)	25.00 per Year
Taxicab (Each) Minimum fee per company	10.00 per Year 25.00 per Year
Vendor License	50.00 per Calendar Month, or 300.00 per Year
NSF check Fee	30.00 per Check

Collections Fee on Delinquent Accounts

Phase I	10.00 per written off account
Phase II	45.00% of the amount due on accounts more than \$250.00 35.00% of the amount due on accounts less than \$250.00

Dog License	0.75 per Tag (City Share), plus amount charged by County
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SECTION 2: Council hereby accepts the recommendation of the City Manager and authorizes the adoption of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

SECTION 3: This ordinance repeals ordinance adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

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)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: November 4, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 23, 2008

Date Prepared

Agenda Title: Report regarding the October 22, 2008 Civil Service Commission meeting.

Recommendation:

Discussion: The Civil Service Commission held their regular meeting on Wednesday, October 22, 2008. Those members present were: Phil Russo, Chair; Susan Cross Lipnickey; Fred Russell; and Charles Crain. Donna Heck, Human Resources Director; Mary Ann Eaton, Recording Secretary; Steve Schwein, Police Chief, and Robert Holzworth, Police Lieutenant, were in attendance for the City.

Mr. Adam Ebbing and his father were also in attendance.

The Commission heard the appeal of Mr. Adam Ebbing who failed the polygraph examination which was given on September 27, 2008. The commission upheld staff's recommendation to remove Mr. Ebbing from the Police Officer Eligibility List dated 10/17/08.

The Commission approved the Police Officer Eligibility List from the Civil Service Examination of September 6, 2008.

The Commission approved the Public Safety Communications Officer Eligibility List from the Civil Service Examination of October 4, 2008.

The Commission will decide at a later date whether or not they will meet in November.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

Agg / mpe 10/28/08

**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
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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 & Implementation
 - Community
- 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: November 4, 2008

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

October 27, 2008

Date Prepared

Agenda Title:	PC-21-2008 Zoning Map Amendment, 22 N. College Avenue, from RO (Office Residential) District to UP (Uptown) District, Melissa Friede, Applicant/Owner
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Recommendation:	Denial
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Discussion:

The Applicant requested a Zoning Map Amendment to change 0.231 acres located on the southwest corner of College Avenue and Church Street from "RO" Office Residential District to "UP" Uptown District. The Applicant indicated that they do not intend to change the property, as it will continue to be used as a restaurant. Staff presented that the proposed map amendment would have no impact to this property by including it into the "UP" Uptown District, but would actually make the property more conforming by permitting the restaurant use "by right" as opposed to a nonconforming use in "RO" Office Residential District. Should the property ownership change under the current zoning, the property may continue to be used as a restaurant or any permitted use in the "RO" District.

The Planning Commission deliberated why the "RO" district was formed and the purpose of step down zoning. Discussion also focused around the rationale of the boundary for the "UP" District. The Commission inquired the Applicant if they could provide any other reasons for this request. Only one of four Decision Standards for a Map Amendment is necessary. The Planning Commission voted 7-0 to recommend ***DENIAL*** of the request to City Council on the basis that none of the Decision Standards were met to approve the request.

Approved By:	Department Head:	Initial	Date
	City Attorney:	JHC	10/27/08
	City Manager:		

October 30, 2008

To Whom It May Concern;

I am writing to request that the first reading of our case, PC-21-2008—Zoning Map Amendment, RO District to UP District be postponed until the Tuesday, November 18, 2008 City Council Meeting.

We would like more time to review the decision standards for this case so that we are prepared to answer questions and defend our case.

Thank you very much.

Sincerely,

Missy Friede

Applicant, 22 N. College Avenue

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT 22 NORTH COLLEGE AVENUE, OXFORD, OHIO REZONING THE PROPERTY FROM RO (OFFICE RESIDENTIAL) DISTRICT TO UP (UPTOWN) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on October 14, 2008 on the applicant, Melissa Friede's application for a Zoning Map Amendment for property located at 22 North College Avenue, Oxford, Ohio rezoning the property from RO (Office Residential) District to UP (Uptown) District.

SECTION 2: The Oxford Planning Commission, after due deliberation, recommended to deny the proposed Zoning Map Amendment, and found that the proposed rezoning request was not in keeping with the intended characteristics of the general vicinity of the property and was not the most appropriate use of the property in question.

SECTION 3: The Planning Commission found the request did not meet the Decision Standards of the Oxford Codified Ordinances and the Oxford Comprehensive Plan

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, denies the proposed Zoning Map Amendment rezoning 22 North College Avenue Oxford, Ohio to UP (Uptown) District.

SECTION 5: Council hereby denies the rezoning request for the property as requested by the applicant, finding that the Decision Standards were not met.

SECTION 6: 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>	November 4, 2008
<u>Case Number</u>	PC-21-2008
<u>Applicant Information</u>	Melissa Friede, Applicant/Owner
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	To allow for the rezoning of property located at 22 N. College Avenue from RO (Office Residential) District to UP (Uptown) District.
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council DENIAL of this zoning request.
<u>Commission Findings and Conclusions</u>	At the October 14, 2008 meeting, the Planning Commission denied the zoning map amendment on the basis that none of the Decision Standards were met.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated September 12, 2008 2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development 3. Tax Map Plat 4. Property Location Map 5. Proposed Map Amendment 6. Plat of Survey 7. Legal Description 8. Zoning Map Amendment Application

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-21-2008

Date – October 14, 2008

APPLICATION

Applicant:	Missy Friede
Location:	22 N. College Avenue
Owner:	Missy & Steve Friede
Action Request:	Zoning Map Amendment from "RO" to "UP"
Current Use:	Nonconforming Restaurant
Current Zoning	"RO" Office Residential District
Surrounding Existing Land Uses:	Mix of Commercial, Single-Family and Multi-Family

GENERAL DESCRIPTION

The subject property is 0.231 acres located on the southwest corner of College Avenue and Church Street. The applicant has indicated that they have no intentions of changing the property and it will continue to be used as a restaurant. The structure is listed on the National Historic Registry and is located in the Uptown Historic District.

SITE HISTORY

BZA 01-1980:	Request to use the Carriage House as offices for the Jim Alexander family business and to continue its use as a part-time residence. Request was granted September 25, 1980.
1987:	Added to the National Historic Registry.
HAPC ADM-03-2003:	Request to install fence in the Historic District. Request was approved administratively.
HAPC 21-2004:	Request to replace window and door. Request approved.
BZA 08-2007:	Modification to the property of a nonconforming use, requesting variances to 1137.06(a), 1143.09(c)(4)A.1., and 1143.09(c)(4)A.2, allowing for the creation of a conforming lot and the continuation of an existing nonconforming use. Request approved.
PC-ADM-05-2007:	Lot Split administratively approved after BZA decision.

SURROUNDING NEIGHBORHOOD

North:	"RO" Office Residential – Single-family rentals.
South:	"RO" Office Residential – 2 apartment complexes and First Merchant's Bank.
East:	"RO" Office Residential & "R2MS" Single & Two-Family Residential - Mix of residential, primarily single-family rentals.
West:	"UP" Uptown District – Commercial businesses and offices.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Departments and Economic Development. The following comments were returned:

Police Department: Comments returned with no comments on this request.
Engineering: Comments returned with no comments on this request.
Fire: Comments returned with no comments on this request.
Econ. Dev. Dept.: Comments returned with no comments on this request.

ZONING CODE REGULATIONS

Any previously approved plans remain with the property if the Zone Map Amendment is approved. There will be no impact to this property by including it into the "UP" Uptown District but will actually make the property more conforming by permitting the restaurant use "by right" as opposed to non-conforming in "RO" Office Residential District. Should the property ownership change under the current zoning, the property may continue to be used as a restaurant or any permitted use in the "RO" District.

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

Upon entering and leaving the Uptown area, one would think this property and those on west side of N. College to the Church Street intersection are already included in the district because it is a thriving business. However, there are no other properties west of Church Street that is currently zoned "UP". This property, including those to the west, up to the alley, is part of the Uptown Historic District.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

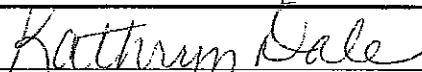
(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision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

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

Map Amendments

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

SUBMITTED BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

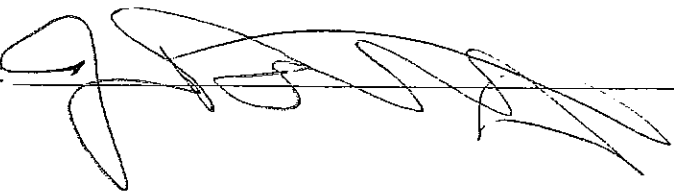
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

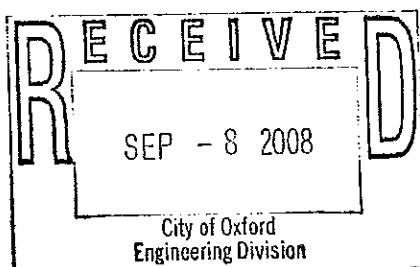
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

Drawings reviewed by: *A. Poyner* 9-17-08



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

PC-21-2008 **ZONING MAP AMENDMENT, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, Melissa Friede, Applicant, Owner**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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: _____

S. Selwa

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-21-2008

Description:

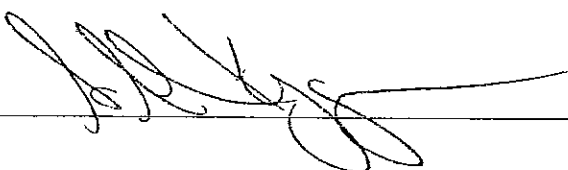
PC-21-2008 **ZONING MAP AMENDMENT**, 22 N. College Avenue, from RO (Office Residential) to UP (Uptown) District, **Melissa Friede, Applicant, Owner**

 X Review Revisions Other

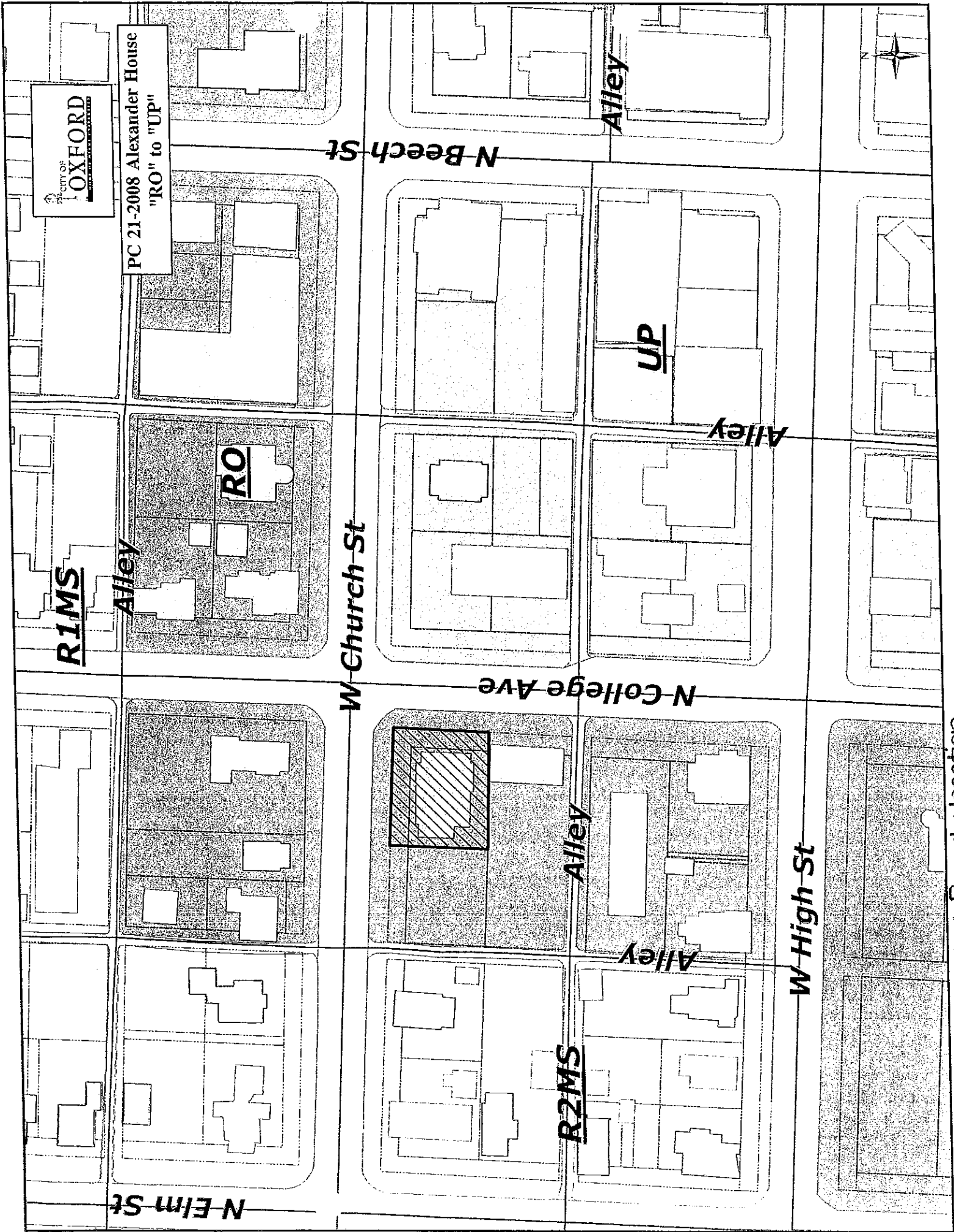
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

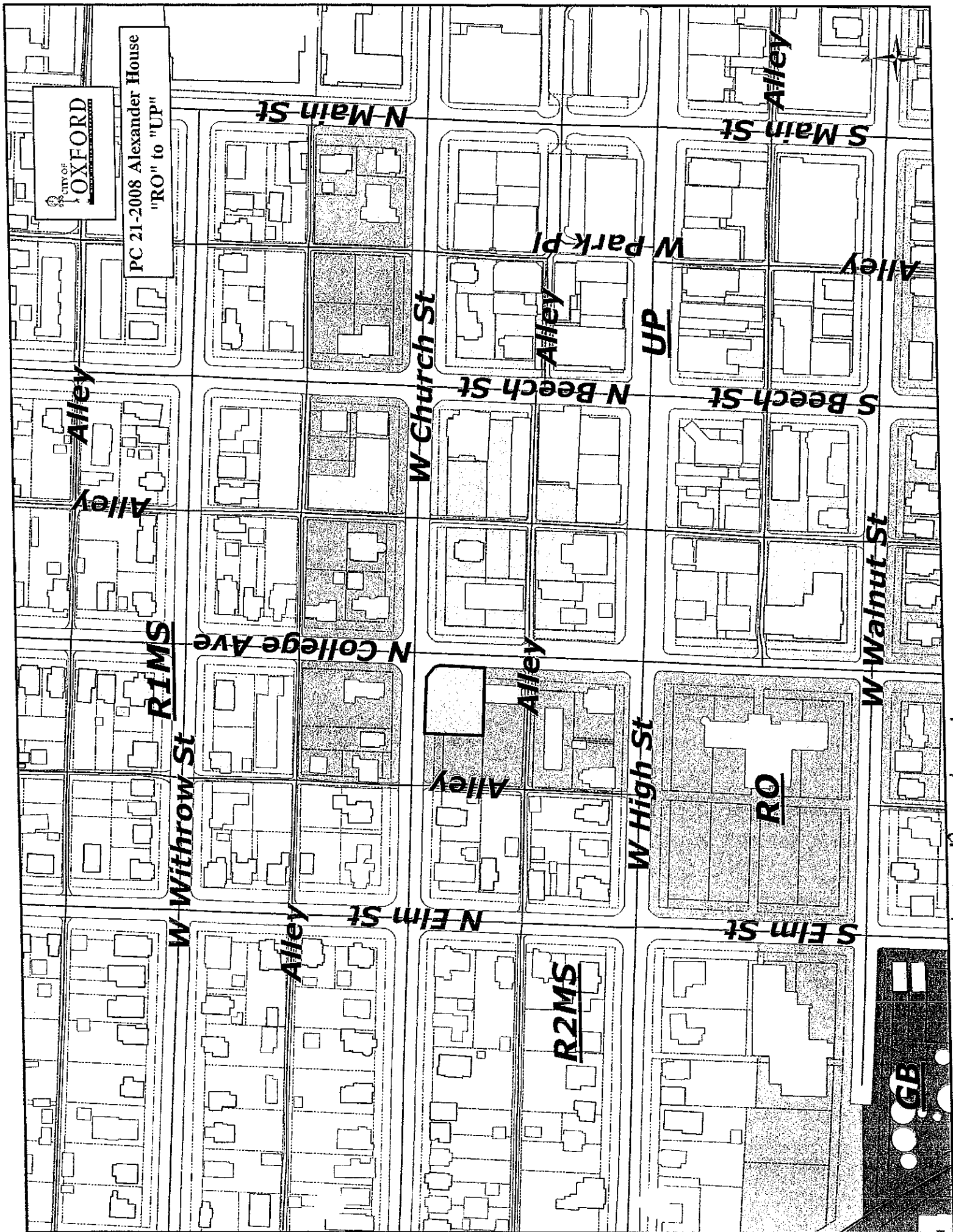
.....
Drawings are returned: w/comments without/comments

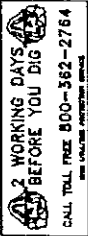
Drawings reviewed by: 





Subject Property location





APPROVED BY THE OXFORD PLANNING COMMISSION
THIS _____ DAY OF _____

PLANNING COMMISSION CHAIR _____

PLANNING DIRECTOR _____

UTILITY NOTES

ALL UNDERGROUND UTILITIES
TO BE FIELD VERIFIED BEFORE
CONSTRUCTION.

EXISTING GAS, USE AND LOT TO
BE RELOCATED TO THE PROPOSED
UTILITY EASEMENT PRIOR TO ANY
CONSTRUCTION ON TRACT A.

NOTES AND REFERENCES

NORTH BASED ON STATE PLANE
COORDINATES NAD 83 OHIO SOUTH
ZONE.

DEED REFERENCES

D.B. 6491 PG. 596-599
D.B. 5338 PG. 715
D.B. 5338 PG. 714
D.B. 6331 PG. 2337
D.B. 6331 PG. 2304
D.B. 6283 PG. 813
D.B. 1747 PG. 83
D.B. 817 PG. 83
D.B. 7131 PG. 888
D.B. 1781 PG. 821
D.B. 1440 PG. 879
D.B. 1501 PG. 879
D.B. 7228 PG. 742
D.B. 1271 PG. 298
D.B. 1753 PG. 700

SURVEY REFERENCES

D.B. N. PG. 364
D.B. 1771 PG. 298

THE PLAT OF SURVEY OF THIS PROPERTY IS
RECORDED IN VOLUME 51 PAGE 28 OF THE
BUTLER COUNTY ENGINEER'S RECORD OF LAND
SURVEYS.

TRACT A LOT COVERAGE
TRACT B 5,000 SQ. FT.
CONCRETE 582 SQ. FT.
GRAVEL 1,268 SQ. FT.
TOTAL COVERAGE
2,380 SQ. FT. X 100 = 47.60 %
5,000 SQ. FT.

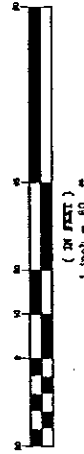
TRACT B LOT COVERAGE
TRACT B 10,047 SQ. FT.
EX. BUILDING 2,278 SQ. FT.
PORCHES 1,081 SQ. FT.
PATIO 212 SQ. FT.
WALKS 718 SQ. FT.
WALLS AND STEPS 120 SQ. FT.
TOTAL COVERAGE
4,410 SQ. FT. X 100 = 43.89 %
10,047 SQ. FT.

BUILDING COVERAGE
EX. BUILDING 2,278 SQ. FT.
PORCHES 1,081 SQ. FT.
3,359 SQ. FT. X 100 = 33.43 %
10,047 SQ. FT.

FRONT YARD = 2,887 SQ. FT.
(FROM 1/4" TO PORCH AND CELLAR DOOR)
WALK AREAS N FRONT YARD = 874 SQ. FT.
3,761 SQ. FT. X 100 = 14.81 %
3,761 SQ. FT.

LEGEND	
WATER VALVE	WATER VALVE
GAS VALVE	GAS VALVE
WATER METER	WATER METER
UTILITY POLE	UTILITY POLE
LIGHT POLE	LIGHT POLE
WATER SHUT-OFF VALVE	WATER SHUT-OFF VALVE
PAVING METER	PAVING METER
DOWNPOUT	DOWNPOUT
CLEANOUT	CLEANOUT
GUT HIRE	GUT HIRE
LARGE BRN	LARGE BRN
DIAGONAL TREE W/SIDE	DIAGONAL TREE W/SIDE
CATCH BASIN	CATCH BASIN
GROUND LIGHT	GROUND LIGHT
LIGHT POLE	LIGHT POLE
MANHOLE	MANHOLE
SANITARY MANHOLE	SANITARY MANHOLE
FREE HYDRANT	FREE HYDRANT
SSN	SSN
CONCRETE	CONCRETE
POST	POST
X - FENCE LINE	X - FENCE LINE
W - WATER LINE	W - WATER LINE
G - GAS LINE	G - GAS LINE
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
OVERHEAD CABLE	OVERHEAD CABLE
UNDERGROUND TELEPHONE	UNDERGROUND TELEPHONE
STORM SEWER	STORM SEWER
SANITARY SEWER	SANITARY SEWER

GRAPHIC SCALE



I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND
AS SHOWN, CURVE DISTANCES ARE MEASURED TO THE NEAREST 1/16" IN THE FIELD
IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE
OF OHIO.

DAVID DOUGLAS SMITH PROFESSIONAL SURVEYOR NO. 7121

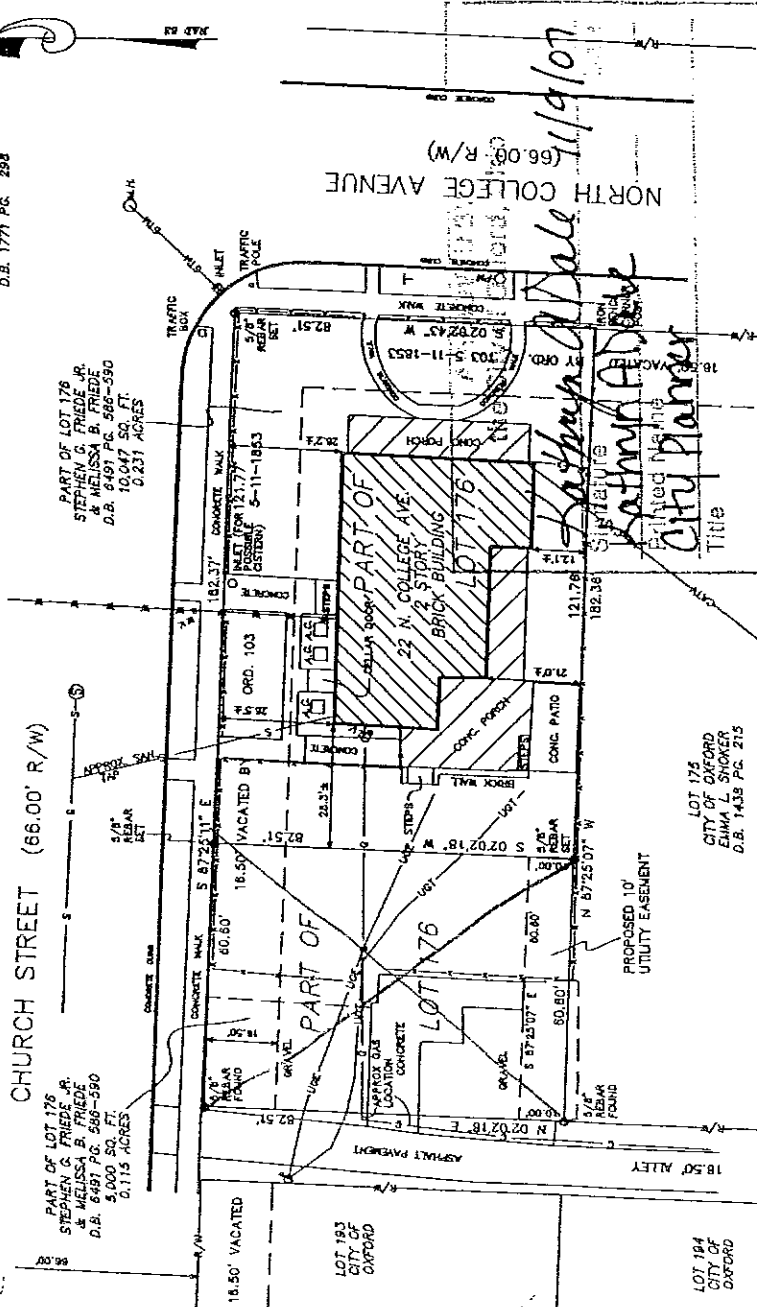
David Douglas Smith

PROJECT TITLE	
LOT SPLIT	
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH

PROJECT TITLE	22 N. COLLEGE AVE.
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH

PROJECT TITLE	22 N. COLLEGE AVE.
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
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BY	DAVID DOUGLAS SMITH

PROJECT TITLE	22 N. COLLEGE AVE.
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH
DATE	1/19/07
BY	DAVID DOUGLAS SMITH



Notes:

THIS PLAT MADE PURSUANT
TO SECTION 5713 OF THE
OHIO REVISED CODE.

DEED BOOK _____

PAGE _____

**DDS****SURVEYING, INC.****DAVID DOUGLAS SMITH, P. S.****REGISTERED LAND SURVEYOR****OHIO - INDIANA - KENTUCKY****WEST VIRGINIA - NEW YORK - VERMONT**

DDS SURVEYING, INC.

P.O. BOX 150

OXFORD, OHIO 45056

OFFICE (513) 523-4270

FAX (513) 523-4270

E-MAIL DDS4111@AOL.COM

Legal Description

0.231 acres

Situated in the City of Oxford, Butler County, Ohio, being part of Lot 176 of the said City of Oxford and being of the lands of Steven G. Friede and Melissa B. Friede, as recorded in volume 6491 pages 586 through 590 of the Butler County Recorder's Office and being more particularly described as follows:

Commencing at a 5/8" rebar found at the southwest corner of said Lot 176 of the City of Oxford, said point being on the east right-of-way of a 16.50 foot alley;

thence with the south line of said Lot 176 S 87°25'07" E for 60.60 feet to a 5/8" rebar set, said point being the **True Point of Beginning**;

thence on a new division line through said Lot 176 N 02°02'18" E for 82.51 feet to a 5/8" rebar set, said point being on the north line of said Lot 176 and on the south right-of-way of Church Street;

thence with the south right-of-way of Church Street S 87°25'11" E for 121.77 feet to a 5/8" rebar set, said point also being on the west right-of-way of College Avenue;

thence with the east line of said Lot 176 and with the west right-of-way of College Avenue S 02°02'43" W for 82.51 feet to an iron fence corner post;

thence leaving the west right-of-way of College Avenue, with the south line of said Lot 176 N 87°25'07" W for 121.76 feet to the **True Point of Beginning**, containing 0.231 acres more or less, and being subject to all legal highways, easements, restrictions and agreements of record.

Prepared by:
DDS Surveying, Inc.
October 19, 2007
Job # 27048

Kathryn A Dale 2/15/08
Kathryn A Dale
City Planner
Title
Notes:

VOLUME 51 PAGE 29
BUTLER COUNTY ENGINEER
LAND
RECORD OF SURVEYS

B5H

Case No.: PC-21-08
Date filed: 7/28/08
10/14/08 mtg

Zoning Map Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Melissa B. Friede
(Attach a letter of agency if the applicant is not the property owner.)
Mailing Address: 118 Hilltop Rd
Oxford OH 45056
Telephone Number(s): 513 255 093
Location of Property: 22 N College Avenue
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: lot 174 - 441600050001771 176 ENT & S 1642 x W 16
Total Area: 0.231 Acres / Square Feet (circle one)
Existing Use of Property: Non-conforming use - Restaurant
Current Zoning: RO
Proposed Zone(s): Uptown
Proposed Use: Conforming / Permitted use Restaurant

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at a scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of every parcel proposed to be rezoning, including those across streets, roads, alleys and highways.

Attach a statement which responds to the following questions:

- 1) What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- 2) How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- 3) How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- 4) What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- 5) Why is the current zoning classification of the property no longer appropriate?

All materials and application fee must be delivered to the office of the Planning Director, Municipal Building, 101 East High Street, Oxford, Ohio 45056. **Incomplete applications will not be processed.** Any questions should be directed to the Planning Department at (513) 524-5204. The issue will be placed on the next possible agenda.

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

SIGNATURE OF APPLICANT: [Signature] Date: 7/7/08

PRINTED NAME: Melissa B. Friede

FEE / RECEIPT
\$150 Fee Paid / Receipt Number: 14015

Submission Requirements:

Zoning Map Amendment Application

- 1) .The relationship to the proposed zone change to the City of Oxford's Comprehensive Plan is cooperative. The zone change would make the existing property use conforming rather than "non-conforming" or a use not permitted in the existing RO zone. Essentially the zoning line would continue to the other side of College Avenue rather than stop in the middle of the road.
- 2) The zone change would not affect the neighborhood in which the property is located. The business will remain the same; therefore, there should be no impact on the existing neighborhood.
- 3) Public facilities will not be affected as there are proposed changes to the use.
- 4) Not applicable: see #3.
- 5) The current zoning classification of the property is no longer appropriate because of the comprehensive plan. In the RO classification the use is not permitted and non-conforming. Changing the zoning allows the property to become conforming.

(c) Planning Commission and Council Review. The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

Text Amendments

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the public health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.

Map Amendments

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

- (d) Action by Planning Commission and Council.

- (1) The Planning Commission shall recommend to Council approval, approval with modifications, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) Council shall base its decision on the recommendation of Planning Commission and the decision standards of this section.

- (e) Implementation of Amendment.

- (1) The Zoning Administrator shall implement all Code amendments approved by Council when the ordinance approving the amendment becomes effective, regardless of when the amendment appears in the Zoning Code text or on the Zoning Map.
- (2) Zoning Code amendments do not expire.
(Ord. 2782. Passed 5-20-03.)

11-14-03

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: November 4, 2008

Account Code #: N/A

Budgeted Amount: N/A

Service Department
Originating Department

David Treleaven
Prepared By

October 24, 2008
Date Prepared

Agenda Title:	Environmental Commission Meeting of October 22, 2008
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Recommendation:	For Review and Consideration
------------------------	------------------------------

Discussion:

Environmental Commission members present at the October 22, 2008 meeting were: Vice Chair, Ms. Gisela Bahr; City Council Representative, Mr. Greig Rutherford; Secretary, Ms. Heidi Schran; and Planning Commission Representative, Mr. Ted Wong. Mr. Charlie Ford had previously notified Staff of a scheduling conflict with this meeting. Oxford citizens Mr. Vincent Hand, Ms. Pia Terranova, Ms. Maddi Bogard, Mr. Kirk Bogard, Ms. Brenna Heuberger, and Ms. Tessa Ralinovsky were also in attendance.

The OEPA-approved stormwater management plan (Plan) was discussed. Staff was requested to provide copies of the Plan to Commission members. The Commission was informed that City Council had recently discussed stormwater management with establishment of a utility and best management practices incentives mentioned. Staff was requested to contact other stormwater management and/or soil and water conservation districts to get ideas and to check Oxford's Plan against Butler County's management plan for consistency and compliancy of requirements, with the potential of land annexation(s) into Oxford in mind.

Copies of the City's codified ordinance Planning and Zoning Code (Chapter 1101) were distributed. After a brief discussion of the recently added open space cluster residential development (1101.07), Commissioners were reminded that part of the purpose of the Environmental Commission was to: "Review the City's comprehensive plan and recommend to the Planning Commission standards for the protection of the environmental quality of the City." (Chapter 135.01(d)). Staff was requested to provide copies of the comprehensive plan and the Commissioners were asked to review both the Planning and Zoning Code and the comprehensive plan prior to the November Environmental Commission meeting.

The Commission adjourned at 8:35 p.m. The next Commission meeting is tentatively scheduled for Tuesday, November 25, 2008 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room. The meeting schedule was adjusted due to the Thanksgiving Day holiday.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial	Date
<u>[Signature]</u>	<u>10/28/08</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008
Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 351.13 and enacting new Ordinance 351.13 titled, Parking in Excess of 72 hours prohibited.

Recommendation: Repeal the present ordinance and enact the new ordinance and change section (b) to read "(b) No person shall park or store a vehicle, nor allow any one else to park or store a vehicle upon private property open to public travel within the City for a period longer than seventy-two (72) consecutive hours. This section does not apply to bona fide auto repair shops when such vehicle is there for repair, storage facilities, or businesses using such vehicles in the conduct of commerce."

Discussion: The Division of Police has recommended this change to OCC 351.13 based on public complaints of "pop-up" used car lots on privately owned parking lots about the city. Such lots are often used without the permission of the property owner and vehicles are often left on these lots for extended periods of time. This change would also prohibit longer term storage of vehicles, trucks, and buses within the City.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 11/10/08

ORDINANCE NO. ____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 351.13 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 351.13; TITLED "PARKING IN EXCESS OF 72 HOURS PROHIBITED".

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

SECTION I: Council hereby repeals Section 351.13 Entitled "Parking In Excess Of 72 Hours Prohibited" and new Section 351.13 Entitled "Parking In Excess Of 72 Hours Prohibited" is hereby adopted as follows (language to be repealed is stricken through and language to be adopted is in italics):

351.13 PARKING IN EXCESS OF 72 HOURS PROHIBITED.

(a) No person shall park a vehicle upon a roadway within the City for a period longer than seventy-two (72) consecutive hours

(b) ~~Whoever violates any provision of this section shall pay a fine of fifty dollars (\$50.00). Failure to pay within thirty (30) days is a minor misdemeanor and a warrant shall be issued for arrest of the violator.~~

(b) *No person shall park or store a vehicle upon private property open to public travel, nor allow any one else to park or store a vehicle upon private property open to public travel, within the City for a period longer than seventy-two (72) consecutive hours. This section does not apply to bona fide auto repair shops when such vehicle is there for repair, storage facilities, or businesses using such vehicles in the conduct of commerce.*

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA
PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department Council Meeting

Of: November 4, 2008

Donna Heck

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

October 27, 2008

Date Prepared

Agenda Title: An Ordinance Establishing Salaries And Certain Benefits For Salaried and Hourly Full-Time And Part-Time Employees Within The Service Of The City Of Oxford, Ohio, Paid From January 1, 2009 Through December 31, 2009.

Recommendation: Approve.

Discussion: Additions/corrections are noted in bold and items to be eliminated/changed are indicated by strikeout. The changes/additions were discussed at the PIP Work Session.

The Police Department includes the third Lieutenant position which will stay in place until the Assistant to the Chief for Parking and Transportation is created and filled. At that time, the number will revert back to two Lieutenants. The Police Department has also applied for the Weed & Seed Grant. If awarded, the department will hire another Police Officer. The numbers, however, will not increase as a position was previously approved but not budgeted.

The Cost of Living Adjustment (COLA) has increased a half percent from 3.0% to 3.5% for employees not covered by a collective bargaining agreement.

The Assistant Fire Chief has been struck from the part-time position and included as a full-time position. Part-time/other Firefighters rate of pay has increased from \$12.00 to \$13.00 per hour; Fire Division Captains will receive \$14.00 per hour; Fire Division Lieutenants will receive \$13.50 per hour; Life Squad Members rate of pay has increased from \$12.00 to \$14.50/12-hr shift - one run; \$24.00 to \$29.00/24-hr shift - two runs; \$12.00 to \$14.50/addt'l hr spent on scene; and \$12.00 to \$14.50/meeting.

The Deputy Service Director has been added as a Supervisory Employee.

The Laborer positions rate of pay has increased from \$9.00 to \$12.00 per hour.

The Retirement Incentive for Department Heads has been removed.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

DGH/MAC \ 10/27/08

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SALARIES AND CERTAIN BENEFITS FOR SALARIED AND HOURLY FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE SERVICE OF THE CITY OF OXFORD, OHIO, PAID FROM JANUARY 1, 2008 9 THROUGH DECEMBER 31, 2008 9.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT THE SALARIES, WAGES AND CERTAIN BENEFITS FOR A NUMBER OF OFFICIALS AND EMPLOYEES OF THE CITY OF OXFORD BE FIXED AS FOLLOWS:

SECTION 1: The following full-time positions are hereby established with respect to position title, authorized number and pay range:

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>		
	<u><i>TYPE</i></u>	<u><i># OF EMPLOYEES</i></u>	<u><i>PAY BAND</i></u>
<i>OFFICE OF THE CITY MANAGER</i>			
City Manager	(NC)	(1)	By Contract
Assistant to the City Manager	(NC)	(1)	5
Human Resources Director/Clerk of Council	(NC)	(1)	7
Deputy Clerk of Council	(NC)	(1)	3
<i>ECONOMIC DEVELOPMENT DEPARTMENT</i>			
Economic Development Director	(NC)	(1)	7
<i>FINANCE DEPARTMENT</i>			
Finance Director	(NC)	(1)	By Contract
Accounting Manager	(C)	(1)	6
Utility Billing and Collections Supervisor	(C)	(1)	6
Payroll and Benefits Specialist	(C)	(1)	5
Utility Collections Specialist II	(C)	(1)	4
Utility Collection Spec. I.	(C)	(1)	2
Accounting Specialist	(C)	(1)	4
Accounting Assistant	(C)	(1)	2
<i>LAW DEPARTMENT</i>			
Law Director	(NC)	(1)	By Contract

PARKS & RECREATION DEPARTMENT

Parks & Recreation Director	(NC)	(1)	7
Recreation Programs Supervisor	(C)	(1)	5
Sports Activities Supervisor	(C)	(1)	5
Office Manager	(NC)	(1)	5
Receptionist	(C)	(1)	1
Custodian	(NC)	(1)	1
Recreation Programs Coordinator	(C)	(1)	3
Sports Coordinator	(C)	(1)	3

COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director	(NC)	(1)	7
Planner	(C)	(1)	6
Admin. Asst. to Director (Tech)	(NC)	(1)	5
Administrative Assistant II	(NC)	(2)	3

SAFETY DEPARTMENT - FIRE DIVISION

Fire Chief/Inspector	(NC)	(1)	7
Assistant Chief/Inspector	(NC)	(1)	6
Administrative Assistant II	(NC)	(1)	3

SAFETY DEPARTMENT - POLICE DIVISION

Police Chief	(NC)	(1)	7
Police Lieutenant	(C)	(3) *	By Contract
Police Sergeant	(C)	(6)	By Contract
Police Officer	(C)	(19)	By Contract
Public Safety Assistant	(C)	(3)	By Contract
Police Records Specialist	(C)	(1)	By Contract
Public Safety Communications Officer	(C)	(9)	By Contract
Office Manager	(NC)	(1)	5
Assistant to the Chief (Tech)	(NC)	(1)	5
Properties Custodian	(C)	(1)	1
Parking Clerk	(NC)	(1)	

SERVICE DEPARTMENT

Service Director	(NC)	(1)	7
Deputy Director	(C)	(1)	6
Environmental Specialist	(C)	(1)	5
Administrative Assistant III	(NC)	(1)	4
Custodian	(NC)	(1)	1

***Temporary increase to 3 Lieutenants.**

ENGINEERING DIVISION

City Engineer	(C)	(1)	6
Engineer	(C)	(1) *	6
*authorized - not budgeted			
Engineer-in-training (EIT)	(C)	(1)	5
Engineering Aide	(C)	(1)	4

STREETS AND MAINTENANCE DIVISION

Streets and Maintenance Manager	(C)	(1)	6
Equipment Mechanic	(C)	(2) *	5
*authorized for two - budgeted for one			
Parks Maintenance Supervisor	(C)	(1)	5
Administrative Assistant I	(C)	(1)	3
Service Workers		(10)	

WASTEWATER DIVISION

Collection

Wastewater Collection Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Wastewater Plant Manager	(C)	(1)	6
WWTP Laboratory Technician	(C)	(1)	3
Plant Mechanic II	(C)	(1)	4
Plant Mechanic I	(C)	(1)	3
Service Worker I	(NC)	(1)	1
WWTP Operators		(3)	

WATER DIVISION

Distribution

Water Distribution Manager	(C)	(1)	6
Service Workers		(4)	

Plant

Water Plant Manager	(C)	(1)	6
Utility Maintenance Technician	(C)	(1)	2
Utility Meter Reader	(NC)	(1)	1
Water Plant Operators		(2)	

TOTAL Full-Time Authorized Strength: 121 (#123 authorized-not budgeted)

NC = Non-Classified Employee
C = Classified Employee

SECTION 2: The compensation plan setting forth the range of base pay bands for each position title, being pay bands 1 through 7, is attached hereto (Attachment A) and incorporated herein as the Base Pay Band Provisions.

- A.** Adoption of this ordinance reflects a ~~3.0%~~ **3.5%** (COLA) increase of all employees not covered by a collective bargaining agreement. The Finance Director, Law Director and City Manager shall also receive the same increase to their current base salaries.
- B.** The City Manager, except as otherwise provided in the charter, is authorized to establish the starting salary not to exceed the position's market midpoint.
- C.** The City Manager is hereby authorized to increase an employee's salary not to exceed 5.0% within the same position per calendar year.
- D.** The City Manager is hereby authorized to increase an employee's salary not to exceed the market midpoint of the new position when a promotion occurs where an employee moves to a higher job classification.
- E.** Employees who are below market midpoint will receive an additional 3% annual increase for 200~~8~~ **9** provided they have a satisfactory performance evaluation.

SECTION 3: The following part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i>	
	<i># OF</i>	<i>PAY</i>
	<i><u>EMPLOYEES</u></i>	<i><u>RATE</u></i>
<i>ADMINISTRATION</i>		
Receptionist	1	\$14.00/hr
<i>FINANCE DEPARTMENT</i>		
Accounting Assistant	1	\$14.00/hr
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	5	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
Laborers	4	\$9.00 /12.00/hour
Streets & Maintenance Division		
Wastewater Collection		
Water Plant Operators	2	\$20.2528/hour
<i>SAFETY DEPARTMENT - FIRE DIVISION</i>		
Assistant Fire Chief	1	\$3,162/yr
Part-Time Firefighters	15	\$12 \$13/hr-meeting
All Other Firefighters	24	\$12 \$13/hr-meeting
Fire Division Captains	3	\$14/HR+\$650/yr (addt'l)
Fire Division Lieutenants	3	\$13.50/hr+\$350/yr (addt'l pay)
Life Squad Members	40	\$12 \$14.50/12-hr shift One run \$24 \$29/24-hr shift 2 runs \$12 \$14.50/addt'l hr spent On scene \$12 \$14.50/meeting
<i>SAFETY DEPARTMENT - POLICE DIVISION</i>		
Police Officer	6	contract base pay
Public Safety Assistant	3	contract base pay
Public Safety Communications Officer	4	contract base pay
Parking Interns	8*	\$14.00/hr *Reimbursed
TOTAL Part-Time Authorized Strength: 123 122		
<i>CITY-WIDE</i>		
Intern/Temporary Part-time		\$14.00/hour

SECTION 4: The following seasonal part-time positions are hereby established with respect to position title, authorized number and maximum compensation (rate per hour except as otherwise indicated):

<i>POSITION TITLE</i>	<i>AUTHORIZATION</i> <i># OF</i> <i><u>EMPLOYEES</u></i>	<i>PAY</i> <i><u>RATE</u></i>
<i>PARKS & RECREATION DEPARTMENT</i>		
Park/Recreation Technician	36	\$11.00/hour
Program/Facility Coordinator	3	\$14.00/hour
<i>SERVICE DEPARTMENT</i>		
<i>STREET DIVISION</i>		
Laborer	7	\$9.00 \$12.00/hour
<i>WASTEWATER DIVISION</i>		
<i><u>Plant</u></i>		
Laborer	1	\$9.00 \$12.00/hour
<i><u>Collections</u></i>		
Laborer	1	\$9.00 \$12.00/hour
<i>WATER DIVISION</i>		
<i><u>Plant</u></i>		
Laborer	1	\$9.00 \$12.00/hour

TOTAL Seasonal Part-Time Authorized Strength: 49

SECTION 5: Department Heads and Supervisory Employees.

- A. Defined.** The positions of City Manager, Finance Director, Law Director, Police Chief, Community Development Director, Service Director, Parks and Recreation Director, Fire Chief, Human Resource Director and Economic Development Director are department heads. These employees in addition to **Deputy Service Director**, Streets and Maintenance Manager, Wastewater Collection Manager, Water Distribution Manager, Water Plant Manager and Wastewater Plant Manager for the purposes of group life and accidental death and dismemberment, are considered supervisory employees.
- B. Overtime.** Department heads are salaried employees and are not entitled to overtime.

- C. **Vacation.** Department heads shall accrue vacation leave monthly at the following rates (except a first year department head who shall receive vacation accrual after the completion of the twelfth month):

After 12 months (1 year) - 120 hours
After 84 months (7 years) - 160 hours
After 156 months (13 years) - 200 hours

The City Manager is authorized to grant up to 80 hours of vacation leave during the first year of employment of a department head on the basis of extenuating circumstances.

The City Manager's vacation benefit shall be in accordance with the City Manager's contract.

- D. **Other Benefits and Provisions.** Except as superseded by the provisions of this section, department heads and supervisory employees shall be entitled to all other benefits and provisions of this ordinance applicable to full-time employees of the City of Oxford.
- E. **Sick Leave.** The Police Chief shall receive a bonus of \$310 per calendar quarter if he uses no sick leave during that quarter. If the Police Chief uses no sick leave for the calendar year, he shall receive an additional \$360. The bonus payment shall be issued at the end of each calendar quarter.
- F. **~~Retirement Incentive.~~** ~~The City shall pay seven and one half percent (7 1/2%) of the final calendar year's base salary to any department head who declares not less than fifteen (15) months prior to the retirement date their intention to retire.~~

SECTION 6: General Provisions

- A. **Pay Periods.** Employees shall be paid bi-weekly. Pay days shall be on Friday, except when City offices are closed for a holiday on Friday, in which case payday shall be the last workday preceding the holiday.
- B. **Hours of Work.** Full-time, non-salaried employees' work week shall be forty hours. When directed by their supervisor to work overtime, such employees shall be compensated at the rate of one and one-half (1-1/2) times their base rate of pay for all hours actually worked in excess of forty hours per week. An employee who is called to work following the completion of their normal work day and one-half (1/2) or more hours prior to the commencement of their next normal work day shall receive a minimum of two (2) hours compensation for such call-in at one and one-half (1-1/2) times their normal rate.

C. **Emergency Appointments.** In case of civil unrest or other like emergency, the City Manager may appoint emergency police officers or other volunteer citizens as may be necessary for temporary service during the emergency and shall report this action to the City Council at its next meeting. Such emergency appointees shall be compensated for all time actually worked on behalf of the City.

D. **Firefighters.** Firefighters are paid according to the schedule in Section 3 hereof of part-time employees. A firefighter may receive a supplement equal to one-half their ordinary job wage if their employer does not continue pay while they are away from work attending to a fire.

No Paid-on-Call or Part-time firefighter may work in excess of fifteen hundred (1500) hours in any given Calendar year or in excess of one hundred-six (106) hours in any pay period.

Any hours worked in the employee's hired capacity or similar function to their hired capacity shall be calculated as total hours worked for that pay period and year. Performing other department sanctioned duties other than those for which the employee was hired shall not be included in total hours.

E. **Shift Differential Pay.** The applicable rate of shift differential for the entire shift worked will be determined by the applicable rate for the majority of the hours in an assigned shift. If an assigned shift is evenly divided between two rates, the higher rate shall be applicable to all hours of the shift worked. A full-time employee who is assigned by their supervisor to work a shift after 4:00 p.m. and before 8:00 a.m. shall receive shift differential pay for all hours worked. The differential shall be twenty-five cents (\$0.25) per hour for all hours of a shift actually worked after 4:00 p.m. and before 12:00 midnight. The differential shall be forty-five cents (\$0.45) per hour for all hours of a shift actually worked after 12:00 midnight and before 8:00 a.m. Shift differential will be paid at its normal rate for scheduled hours worked on a holiday in addition to holiday pay. Overtime may be incurred for the work week (over 40 hours) attributable to working during a shift differential period (defined above). For purposes of calculating overtime pay, the base pay rate shall include the hourly shift differential amount. The shift differential rate used for overtime calculation will be the same rate used for shift differential as determined per the guidelines above.

SECTION 7: Employee Benefits

- A. **Uniforms.** The Police Chief shall receive credit in the same manner as the Detective Sergeant as specified in the Police Sergeants and Lieutenants contract.

The City shall provide full-time employees in the Service Department and the Parks & Recreation Department, who wear a uniform in the performance of their duties, with a uniform rental service.

- B. **Sick leave.** Sick leave shall be earned by all full-time employees at the rate of ten (10) hours per month and may be accumulated without maximum. Previously accumulated sick leave may be transferred as allowed by law. Under extraordinary circumstances, the City Manager may approve the transfer of sick leave credits from one City employee to another.

- C. **Sick Leave Incentive.** A full-time, non-contract employee shall receive an incentive of two hundred dollars (\$200.00) per calendar quarter if the employee uses no sick leave during that quarter. Use of any hours, including partial hours, of sick leave will result in the employee receiving no payment for that quarter. Any employee who uses no sick leave for a calendar year shall receive an additional two hundred dollar (\$200.00) incentive. The employee shall receive all such incentive payments at the end of each calendar quarter. Any payment shall reflect applicable federal, state, and local withholdings. Sick leave used for recuperative leave as defined in the Employee Handbook shall not be considered sick leave used for purposes of this paragraph.

As a part of the sick leave incentive, as of December 31, 2007, those employees having a sick leave balance will have those hours banked. Future accruals will not be added to the hours banked, however, all banked hours and any accruals will continue to show on the individuals pay stub to be used should the hours be needed for illness. The banked hours will be held until retirement, death or lay-off, at which time not more than 1200 banked hours may be converted to vacation time at the ratio of one-to-one for the first three hundred hours and three-to-one for the remaining nine hundred hours.

- D. **Sick leave conversion.** Prior to retirement, an employee with a banked sick leave balance of 280 hours up to a maximum of 1200 hours may convert the balance to vacation or pay at a rate of 5:1. However, there must be 240 hours remaining, and such conversion may only be made by written application to the Finance Department during the month of April, and pay, when requested, will be made on or before May 20th. Should an employee on lay-off (who has converted sick leave to vacation) return to City employment, they may within one year of reinstatement repurchase their accumulated sick leave by

repaying at the same rate as the pay-off. Such repayment may be in cash, by payroll deduction or use of newly accumulated vacation time.

- E. Funeral Leave.** Full-time employees will be permitted to use up to three (3) days funeral leave per calendar year for such time as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. After exhausting this annual allowance, an employee will be permitted to use up to three (3) days of sick leave as may be reasonably needed for the purpose of attending the funeral of a member of their immediate family. In no case shall an employee use more than a combined total of three (3) days funeral and/or sick leave for a single funeral. Immediate family shall be construed to mean spouse, child, parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, spouse's grandparent or grandchild. Leave of absence without pay is allowed for other funerals when approved by the employee's supervisor.
- F. Payment of Health Insurance Premiums.** For each full-time, employee (forty hours per week) and Law Director who participates in the City group medical insurance programs, the City will pay eight hundred fifty dollars (\$850.00) per month per employee during the effective period of this Ordinance for health/medical insurance, major medical, prescription insurance, dental insurance and vision care insurance. The Employee will pay \$12.87 for single coverage and \$29.61 for family coverage, each pay period, with deductions being made from gross pay before taxes resulting in the cost being reduced to \$9.27 for single and \$21.32 for family.
- G. Holiday Schedule.** There shall be fourteen (14) paid holidays for full-time employees as follows:

New Year's Day (January 1)
Martin Luther King, Jr. Day (third Monday in January)
Washington/Lincoln Day (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving
Christmas Eve Day (The day preceding or following
Christmas Day holiday as designated by the City
Manager)
Christmas Day (December 25)
Four (4) Personal Days - 32 Hours

New employees hired during the year shall have their Personal Hours pro-rated based on initial hire date. With the exception of employees who work a continuous schedule, holidays falling on a Saturday shall be observed on the preceding Friday and holidays falling on a Sunday shall be observed on the following Monday.

- H. Pay for Work on Certain Holidays.** Any full-time employee, department heads excluded, who is required by the employee's supervisor to work on a designated holiday as a part of the employee's regularly scheduled duty and within the employee's normal hours of work shall receive pay in an amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked by the employee between the hours of 12:01 a.m. and 12:00 midnight, inclusive, on the designated holiday. When such an employee works on a holiday, the employee shall be entitled to an additional day off in lieu of the holiday.

Employees called to work on a designated holiday (to perform a special project or emergency repair) may receive pay in the amount equal to one and one-half (1-1/2) times the employee's base hourly rate of pay for all hours actually worked on the holiday in addition to the eight hours straight time pay for the holiday at the discretion of the City Manager.

When a calendar holiday falls on either weekend day(s) (including Christmas Eve and Christmas), the following rules apply:

- a) If an employee works the designated holiday, the employee is entitled to:
 - 1) One and one-half (1-1/2) times their base hourly rate for the hours worked, and
 - 2) a paid day to be taken at another time.
- b) If an employee works a true calendar holiday(s) that falls on Saturday or Sunday, the employee is entitled to pay at one and one-half (1-1/2) times the base hourly rate for the hours worked.

- I. Group Life and Accidental Death and Dismemberment Insurance.** The City will pay 100% of the premium for these fringe benefits for coverage in an amount equal to the employee's annual base salary, except that the amount of the insurance coverage provided will be subject to a reduction schedule included in the group policy. Such reductions generally begin at age 65 and are subject to ADEA regulations. These fringe benefits apply only to full-time employees working at least forty (40) hours per week and the Law Director. The City will pay 100% of the premium group life insurance coverage on the Police Chief in an amount equal to one and one-half (1-1/2) times the Police Chief's annual salary.

For each firefighter, the City will pay 100% of the premium for a Firefighter's Accident Policy, not to exceed \$10,000 in insurance coverage.

J. Longevity Bonus Pay. Longevity Bonus Pay will only be paid to eligible employees who accrue the required years of service on or before December 31, 2008 ~~9~~ and are full-time employees of the City on or before December 31, 2008 ~~9~~. To be eligible for Longevity Bonus Pay an employee must meet both requirements.

No partial or proportionate Longevity Bonus Pay will be paid. An employee shall accrue one year of service for twelve consecutive months of full-time employment. Part-time employees who become full-time employees may use hours worked as a part-time employee towards years of credit. Credit will not be given for partial years of service.

Full-time employees who leave the City's employment and are eligible to receive longevity pay based on the anniversary date in 2008 ~~9~~ shall be given the appropriate longevity payment with final pay. All other eligible employees will receive Longevity Bonus pay in November 2008 ~~9~~. All eligible full-time employees shall be paid in accordance with the following schedule. Contract employees shall be paid according to the appropriate contracts. The Chief of Police shall be paid longevity according to the current schedule in the Police Supervisors' contract.

After 5 years - \$450	After 18 years - \$775
After 6 years - \$475	After 19 years - \$800
After 7 years - \$500	After 20 years - \$825
After 8 years - \$525	After 21 years - \$850
After 9 years - \$550	After 22 years - \$875
After 10 years - \$575	After 23 years - \$900
After 11 years - \$600	After 24 years - \$925
After 12 years - \$625	After 25 years - \$950
After 13 years - \$650	After 26 years - \$975
After 14 years - \$675	After 27 years - \$1000
After 15 years - \$700	After 28 years - \$1025
After 16 years - \$725	After 29 years - \$1050
After 17 years - \$750	After 30 years - \$1075

- K. Vacation.** An employee shall accrue vacation monthly at the following rate unless otherwise covered by a collective bargaining unit (except a first year employee who shall receive the employee's vacation accrual after the completion of the twelfth month):

After 12 months	(1 year)	- 80 hours
After 24 months	(2 years)	- 88 hours
After 48 months	(4 years)	- 96 hours
After 60 months	(5 years)	- 104 hours
After 72 months	(6 years)	- 112 hours
After 84 months	(7 years)	- 120 hours
After 96 months	(8 years)	- 128 hours
After 108 months	(9 years)	- 136 hours
After 120 months	(10 years)	- 144 hours
After 132 months	(11 years)	- 152 hours
After 144 months	(12 years)	- 160 hours
After 156 months	(13 years)	- 168 hours
After 168 months	(14 years)	- 176 hours
After 180 months	(15 years)	- 184 hours
After 192 months	(16 years)	- 192 hours
After 204 months	(17 years)	- 200 hours

The City Manager is authorized to grant up to 40 hours of the employee's vacation leave to be used in advance of their first year anniversary on the basis of extenuating circumstances.

- L. Reimbursement.** Employees authorized and required by the assigned supervisor to drive personal vehicles on official City business shall be reimbursed for actual miles driven at the IRS standard mileage rate in effect. Employees who are out of the City on official business or at authorized training functions shall be reimbursed for meals at the actual meal cost not to exceed IRS recognized per diem rate including those rates for high cost cities (receipts are required). The City Manager is authorized to adopt specific procedures regarding travel reimbursement.

SECTION 8: Disability Income Continuation Benefit

Each full-time employee of the City of Oxford, who is disabled to the extent that the employee cannot perform regular duties as a result of injuries sustained in an identifiable incident while in the course of public employment with the City, not through the employee's own negligence, shall after exhaustion of the employee's accumulated sick leave, continue to receive, for a period not to exceed one calendar year from the date of sick leave exhaustion, an amount of compensation equivalent to the employee's full salary less any and all funds received from all public or private agencies by way of pension, compensation or indemnity for such disability. The employee shall make application for "Temporary Total" disability compensation under Workers' Compensation law of Ohio.

Provided that where the disability is of a type or nature which will prevent the employee from returning to municipal employment, the employee shall apply for such available benefits of said funds or money that may accrue to the employee and be payable from the Public Employees Retirement System or Police and Fire Pension Fund. Provided further, that in the case of firefighters, the initial determination and recommendation of compensation shall be made by the Firefighters Dependents Board. The City Manager shall cause the employee to be examined, by a physician of the City's choice, to determine the extent of the disability and may require subsequent examinations during the period of disability.

SECTION 9: Applicability

Irrespective of any language or wording herein above, this ordinance shall not be, and no provision or portion hereof shall be, applicable to any employee of the City of Oxford employed pursuant to a written contract relative to wages and working conditions. This entire ordinance is effective and applicable only as to employees whose employment is not covered pursuant to the terms and conditions of a written contract with the City.

SECTION 10: Repeal of Conflicting Ordinances

All other ordinances and resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 11: 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)

ATTACHMENT A
CITY OF OXFORD OHIO
PAY BANDS (2009)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
PAY BAND 7		
Annual	\$56,462.00	\$91,297.00
Hourly	\$27.1451	\$43.8929
PAY BAND 6		
Annual	\$43,912.00	\$70,139.00
Hourly	\$21.1115	\$33.7206
PAY BAND 5		
Annual	\$37,624.00	\$57,027.00
Hourly	\$18.0884	\$27.4168
PAY BAND 4		
Annual	\$33,067.00	\$50,059.00
Hourly	\$15.8975	\$24.0668
PAY BAND 3		
Annual	\$29,961.00	\$45,430.00
Hourly	\$14.4043	\$21.8413
PAY BAND 2		
Annual	\$28,028.00	\$42,473.00
Hourly	\$13.4750	\$20.4197
PAY BAND 1		
Annual	\$25,329.00	\$38,361.00
Hourly	\$12.1774	\$18.4427

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Council Meeting Of: October 21, 2008

Account Code No. #: Not Applicable

Budgeted Amount: Not Applicable

Police
Originating Department

Steve Schwein
Prepared By

October 6, 2008
Date Prepared

Agenda Title: An Ordinance Amending Zoning Code Regulations Pertaining to Chapter 311.05, Storage Units/Portable Storage Units."

Recommendation: Recommend passing the Ordinance

Discussion: Passing this ordinance will prohibit the placement of portable storage units on public streets, roads, highways, right of ways, and sidewalks within the City of Oxford, authorize police removal of such units illegally placed, and provide for penalties for such unauthorized placement.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SPS 1/10/08

ORDINANCE NO.

AN ORDINANCE AMENDING OXFORD CODE OF ORDINANCES CHAPTER 311, STREET OBSTRUCTIONS AND SPECIAL USES, TO ADD NEW SECTION 311.05, STORAGE UNITS.

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

SECTION I: The Oxford Codified Ordinance Section 311.05, Storage Units, be adopted and is hereby enacted as follows with the new language in italics.

311.05 STORAGE UNITS

(a) No person shall park, place or have deposited a storage unit on a public street, road, highway, right-of-way or sidewalk in the City of Oxford.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle of traffic offense, whoever violates this section is guilty of a misdemeanor of the forth degree, If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: October 21, 2008

Steve Schwein

Account Code No. #: Not Applicable

Prepared By

Budgeted Amount: Not Applicable

September 25, 2008

Date Prepared

Agenda Title: An Ordinance repealing Oxford City Code 351.06 and enacting new Ordinance 351.06 titled, "351.06 Selling, Washing, or Repairing vehicle upon roadway or on private property open to public travel"

Recommendation: Repeal the present ordinance and enact the new ordinance and change section (a) by inserting the words, "or private property open to public travel, unless written permission by the private property owner is posted on the vehicle" after the word "roadway" and before the word "any."

Discussion: The Division of Police has recommended this change to OCC 351.06 based on public complaints of "pop-up" used car lots on privately owned parking lots about the city. Such lots are often used without the permission of the property owner and vehicles are often left on these lots for extended periods of time.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 10/08

ORDINANCE NO. _____

AN ORDINANCE REPEALING OXFORD CODE OF ORDINANCES SECTION 351.06 AND ADOPTING NEW OXFORD CODE OF ORDINANCES SECTION 351.06; TITLED "SELLING, WASHING, OR REPAIRING VEHICLE UPON ROADWAY OR ON PRIVATE PROPERTY OPEN TO PUBLIC TRAVEL".

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

SECTION I: Council hereby repeals Section 351.06 Entitled "Selling, Washing, Or Repairing Vehicle Upon Roadway" and new Section 351.06 entitled "Selling, Washing, Or Repairing Vehicle Upon Roadway Or On Private Property Open To Public Travel" is hereby adopted as follows (language to be adopted is in italics):

351.06 SELLING, WASHING, OR REPAIRING VEHICLE UPON ROADWAY
OR ON PRIVATE PROPERTY OPEN TO PUBLIC TRAVEL

(a) No person shall park upon a roadway any vehicle displayed for sale, or operate or park on any roadway any vehicle for the primary purpose of displaying advertising.

(b) *No person shall park upon private property open to public travel any vehicle displayed for sale or any vehicle displayed for the primary purpose of advertising, unless written permission by the private property owner is posted on the vehicle.*

(c) Upon any roadway no person shall repair, wash, polish or clean any vehicle, or park any vehicle for the purpose of so doing. This section shall not be construed to prohibit the making of such necessary emergency repairs as will permit a vehicle to proceed.

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

MAYOR

ADOPTED:

ATTEST:

DEPUTY CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: PRUE DANA
PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: November 4, 2008

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

October 27, 2008
Date Prepared

Agenda Title:	PC-23-2008 Preliminary Subdivision-South Campus Avenue A Proposed Residential Subdivision in a R2MS Single and Two-Family Mile Square Residential District, Paul Baer Family Trust, Robert Broestl, Applicant/Agent
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Recommendation:	Approval
------------------------	-----------------

Discussion:

The Planning Commission held a public hearing on this subdivision proposal for 20 duplex lots and two single-family lots, while improving Poplar Street from the northern property line to Central Avenue as a result of the Planning Commission's deliberations. Wooster Place will be extended into a cul-de-sac. Rose Avenue and Bern Street are labeled as full extensions connecting Campus and the new Poplar Street extension. The Applicant indicated the development would occur in three phases. Three retention basins are shown on the site plan. Staff raised concerns regarding the maintenance of these and Planning Commission requested that the Applicant review if three were necessary, or if two would be sufficient to accommodate the development. The Applicant also shared that they are working with the neighboring properties to the northeast regarding flooding issues raised in previous hearings. Much discussion was had regarding the Poplar Street connection, phasing of the project and maintenance of the retention basins.

After discussion, the Planning Commission voted 7-0-0 to approve this preliminary subdivision with the following conditions:

1. That, the maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. That, vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. That, the proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
6. That, the tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.
7. That, as presented, the project shall be completed in three Phases, each phase to be completed within

two years (Phase 1, Rose Street Extension & Lots D1-D6 -2010; Phase 2, Bern Street Extension & Lots D7-D14 & S1 – 2012; and Phase 3, Wooster Place Extension & Lots D15-D20 & S2 – 2014). Furthermore, that the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12” sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.

8. That, the full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
9. That, perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to City’s Legal Counsel.

Approved By:		Initial	Date
	Department Head:	<u>JHC</u>	<u>10/27/08</u>
	City Attorney:	<u> </u>	<u> </u>
	City Manager:	<u> </u>	<u> </u>

ORDINANCE NO. _____

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY APPROVAL OF THE CAMPUS COMMONS SUBDIVISION WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 14, 2008, the purpose of which was to accept public comment on PC-23-2008 the proposed Preliminary Campus Commons Subdivision application.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the Preliminary Campus Commons Subdivision application with conditions.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and the applicant's application and all documents filed by the applicant and incorporates the same herein and hereby approves the application of the applicant for the Preliminary Campus Commons Subdivision, subject to the following conditions:

- a. The maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's legal Counsel.
- b. A pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
- c. Vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
- d. Vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
- e. The proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards.
- f. The tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan.

- g. As presented, the project shall be completed in three phases, each phase to be completed within two years (Phase 1, Rose Street Extension and Lots D1-D6 by 2010; Phase 2, Bern Street Extension and Lots D7-D14 and S1 by 2012; and Phase 3, Wooster Place Extension and Lots D15-D20 and S2 by 2014). Furthermore, the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1.
- H. The full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.
- I. Perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to the City's Legal Counsel.

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>	November 4, 2008
<u>Case Number</u>	PC-23-2008
<u>Applicant Information</u>	Robert Broestl, Applicant
<u>Requested Action</u>	Preliminary Subdivision
<u>Summary of Request</u>	To Allow for a Proposed Residential Subdivision (R2MS single and two family residential)
<u>Public Hearing Information</u>	On October 14, 2008 a public hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on September 12, 2008.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 to recommend to City Council <i>APPROVAL</i> of the preliminary subdivision: 1. That, the maintenance of the pedestrian walking path and retention areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recoded with the Final Development Plan, and acceptable to the City's Legal Counsel. 2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street. 3. That, vehicular ingress/egress to the existing Campus Courts Apartments shall be accessed only from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated. 4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue. 5. That, the proposed pedestrian walking path(s) is paved in accordance with the City of Oxford's sidewalk standards. 6. That, the tree plan presented is submitted as part of the Final Development Plan, in accordance with the City of Oxford Chapter 935.05 Official Street Tree Species List and Street Tree Plan. 7. That, as presented, the project shall be completed in three Phases, each phase to be completed within two years (Phase 1, Rose Street Extension & Lots D1-D6 -2010; Phase 2, Bern Street Extension & Lots D7-D14 & S1 – 2012; and Phase 3, Wooster Place Extension & Lots D15-D20 & S2 – 2014). Furthermore, that the infrastructure improvements as presented, regarding the abandonment and relocation of an existing 12" sanitary sewer line going through the parking lot of Campus Courts Apartments is completed during Phase 1. 8. That, the full connectivity of Poplar Street from the northern property line to Central Avenue shall be complete within 2 years from the start of Phase 2.

9. That, perpetual easements to the drainage basins are granted to the Homeowners Association and acceptable to City's Legal Counsel.

**Commission Findings
and Conclusions**

At the October 14, 2008 meeting, the Planning Commission approved the preliminary subdivision with conditions listed above.

**Exhibits Submitted to the
Commission**

1. Staff Report dated September 12, 2008
2. Interoffice Review Transmittal Sheets from Fire, Engineering, Police & Economic Development
3. PowerPoint Presentation by Robert Broestl dated October 14, 2008
4. Public Comment by Brinley Varchol, dated October 14, 2008
5. Letter of Agency
6. Preliminary Subdivision Application dated August 28, 2008
7. Memorandum from Robert Broestl
8. Plat of survey
9. Lot & Street Layout
10. Storm Water Management Plan
11. Utility Layout
12. Tree Planting Plan

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-23-2008

Date – October 14, 2008

APPLICATION

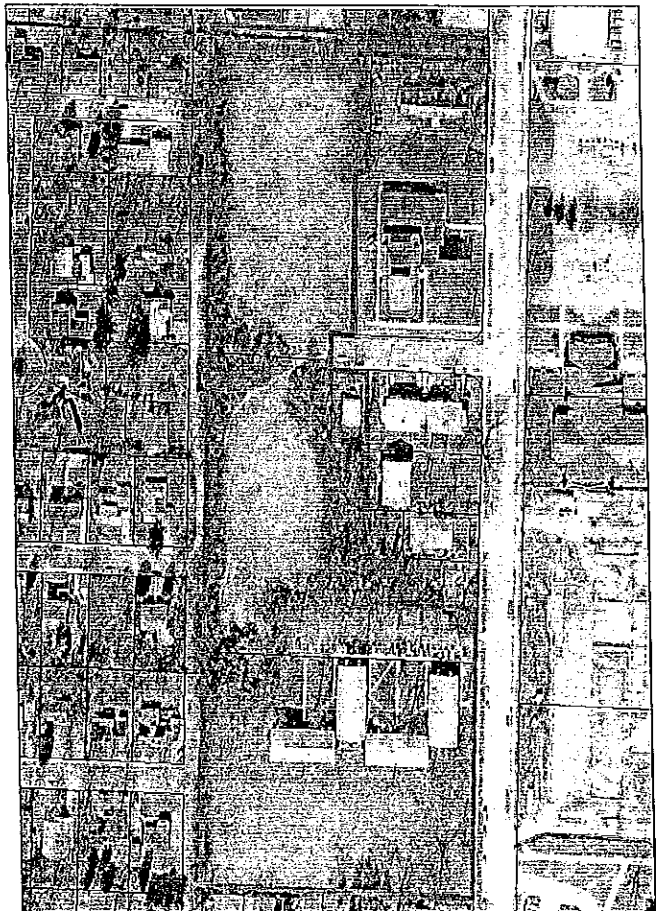
Applicant:	Paul W. Baer Trust Properties, LLC/ Robert Broestl, P.E.
Location:	South Poplar and Campus Avenue; 540 S. Campus Avenue Parcel ID: H4100103000092, H4100103000095, H4100103000097, & H4100106000150
Owner:	Paul W. Baer, Trust
Action Request:	Preliminary Subdivision Plan
Current Use:	Vacant Lots
Current Zoning	R2MS
Surrounding Existing Land Uses:	Residential and Miami University

GENERAL DESCRIPTION

The subject site consists of approximately 5.45 gross acres (7.81 gross acres including Campus Courts Apartment Complex). The Applicant is proposing 20 duplex lots and 2 single family lots (S1 existing on Bern Street and S2 located on the cul-de-sac of Wooster). The application has been modified since earlier this year to accommodate the additional right-of-way requirement along Poplar Street, improve Poplar Street from the northern property line to the new Rose Avenue extension and to ensure that all new lots meet the minimum underlying zoning requirements in regards to lot size and width.

The Applicant is also proposing to place the existing nonconforming Campus Courts Apartment Complex (48 existing units; 12 units per building; 4 buildings) on a conforming lot for the apartment complex (1.98 acres for the existing apartment complex is required and 2.36 acres is provided). The existing Campus Courts Apartment Complex satisfies all underlying zoning district regulations as well for setbacks and lot coverage.

According to the site plan, the Applicant indicates that Wooster Place would be extended into cul-de-sacs. Rose Avenue and Bern Street are labeled as full extensions connecting Campus and Main. The Applicant has also indicated the development will occur in three phases.



SITE HISTORY

- PC# 21-2006: January 2007: The Applicant requested acceptance for a residential Preliminary Planned Development from the Planning Commission for a 39-unit apartment complex. Motion to Deny the request 6-1-0.
- February 2007: Applicant withdrew application from proceeding to City Council.
- PC# 13-2007: July 2007: Applicant requested approval of a Preliminary Subdivision from the Planning Commission for 22 duplex lots and 1 single family lot. The Planning Commission tabled to obtain more information from Engineering regarding additional Poplar Street right-of-way.
- August 2007: Continued the Planning Commission hearing. Motion to recommend approval to City Council with conditions 6-0-0.
- August 30, 2007: Applicant requested that the City Council hearing be postponed for them to further consider their options and to acquire legal opinion regarding the Planning Commission and Engineering's recommendation requiring additional right-of-way being dedicated for Poplar Street.
- PC#10-2008: May 2008: Applicant requested approval of a Preliminary Subdivision from the Planning Commission for 22 duplex lots and 1 single family lot. The Planning Commission recommended 6-0 denial of the application because it failed to meet Oxford Planning and Zoning Code 1101.03(b). The design and layout of the subdivision did not conform with the requirements in Section 1101.05(d)(3) "no lot shall have an area or width less than that required by applicable sections of the zoning code." The proposed layout indicated that there were proposed lots that did not meet the minimum lot size and/or lot width of the R2MS site development standards.
- June 2008: Applicant withdraws application for PC# 10-2008.

SURROUNDING NEIGHBORHOOD

The site is located in the Mile Square and is west of the Miami University campus. The surrounding neighborhood is primarily residential to the north, west and south. There is a mix of single-family and multi-family units surrounding the property including the Faith Evangelical Lutheran Church and Delta Sigma Pi Fraternity to the northeast.

COMPREHENSIVE PLAN

Land Use Element of the Comprehensive Plan; Mile Square Subarea:

A. Concerns

Land use concerns in the Mile Square focus on several important and complicated issues, the over abundance of rental property, crowded living conditions, property maintenance issues related to rental property and a declining physical environment, including infrastructure.

These issues have combined in the Mile Square in a way that divides the City's historic center. The Mile Square combines a mix of housing types, which include student-oriented, where a majority of the rental housing stock is located, as well as associated crowded living conditions and parking problems. The Mile Square also has owner-occupied, single-family homes that are well-maintained and create a strong sense of neighborhood due to the stability of the population.

The Mile Square's traditional grid pattern has broken down in some cases. On the eastern side it has merged with the Miami University campus. On the west side of Locust Street the business district has grown into the Square. Truck traffic also bisects the Square.

B. Strategies

1. Continuing to house a mix of uses.
The Mile Square should continue to house a mix of uses, reflecting its dynamic development character and environment. However, the emphasis should be preserving single-family homes and small neighborhood. See Housing, Objective 5.
2. Undertaking a detailed survey to delineate subareas in Mile square based on the land use and density. However, to enable the City to make sound land use decision, a block-by-block survey that delineates land use, density and zoning. Such information will provide a sound basis for deciding future zoning decisions, tracking development trends and monitoring regulations to ensure the land use balance doesn't shift to a point where the Mile Square becomes less diverse.
3. Establishing a policy to discourage future right-of-way vacation.
4. Completing missing road segments, perhaps as property is developed or redeveloped.
5. Supporting the pedestrian orientation of the Mile Square through the maintenance and replacement of sidewalks, alleys and street trees.
6. Arriving at off-street parking solutions and integrating the City's recent parking study into the transportation element of this Plan to arrive at a final set of agreeable actions.

AGENCY COMMENTS

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

Police:	Requests that Poplar Street be extended to Central Avenue.
Fire:	Comments returned with no comments on this request.
Engineering:	Comments attached
Econ. Dev.:	Supports the connectivity.

PUBLIC COMMENT FORMS

To date no comment forms have been received.

STAFF ANALYSIS

The applicant has indicated that the development will occur in three phases. To date the Applicant has not indicated an exact timeline of the phasing, but has suggested that the economy of the real estate market will determine when construction will be completed. Staff suggests discussing with the applicant potentially placing a condition that the Poplar Street and Rose Avenue extensions are completed within one year of City's approval of the Final Development Plan.

The site plan indicates a 50-foot gap between Lot D7 & D8 along the proposed Poplar Street Extension. Staff suggests that a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street. Vehicular access shall be limited to the current driveway from Campus Avenue, unless the Campus Avenue curb cut is eliminated, thus filtering all vehicular traffic to this complex away from utilizing Campus Avenue which is an emergency route.

Lot D18 is an irregular lot with frontage on the proposed Wooster Place extension and Campus Avenue. Vehicular access to this lot shall only be permitted from Wooster Place. Furthermore, a 6-foot gravel

pedestrian walking path is indicated along this lot for access from Wooster Place and Campus Avenue. This path should following the City's sidewalk standards; loose gravel is not an acceptable material. Additionally, the plans note that a Homeowners Association will be responsible for maintaining the pedestrian path as well as the proposed retention basins.

There are three retention basins shown on the site plan. The northern and southern most retention basins are located at the rear of multiple lots. The middle basin is located on the reconfigured lot for the Campus Courts Apartment Complex. As aforementioned, the plans note that a Homeowners Association will be responsible for maintaining the proposed retention basins. However, staff has concerns that ultimately the responsibility of maintenance will fall upon the property owners of these individual lots. Furthermore, staff questions that a Homeowners Association will maintain the retention basin located on the apartment complex property if this property is later sold and is not technically part of the proposed subdivision. A copy of the Homeowners Association Covenants will be required as part of the submission for the Final Development Plan and must be acceptable to the City's Legal Counsel.

Lot D13, Lot D18 and D19 have approximately 25' of buildable depth. Any future decks or patios for these units are required to meet the setback requirements. Future requests for variances of these buildings would not be looked upon favorably.

Prior to any approval, staff recommends that the Planning Commission consider the following conditions:

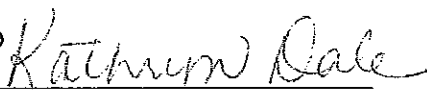
1. That, the maintenance of the pedestrian walking path and retentions areas are the sole responsibility of the property owner and its successors and that Homeowners Association Covenants are recorded with the Final Development Plan, and acceptable to the City's Legal Counsel.
2. That, a pedestrian path is provided from the edge of the existing Campus Courts parking lot, westward to Poplar Street.
3. That, vehicular access shall be only be accessed from Campus Avenue and shall not be permitted from Poplar Street, unless the Campus Avenue curb cut is eliminated.
4. That, vehicular ingress/egress to D18 shall only be accessed from Wooster Place and shall not be permitted from Campus Avenue.
5. That, the proposed pedestrian walking path is paved in accordance with the City of Oxford's sidewalk standards.

RECOMMENDATION

Not applicable.

SUBMITTED

BY:



Kathryn A. Dale, AICP

City Planner

Community Development Department

DATE: September 12, 2008

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

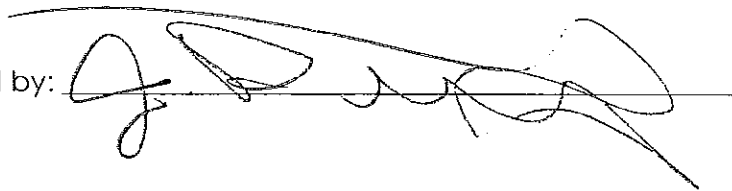
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** 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:



Date: 9/8/08

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

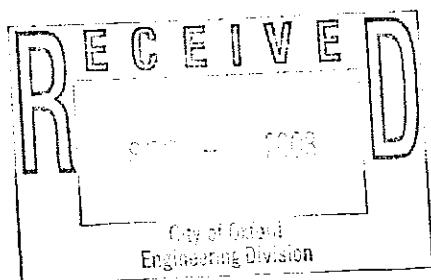
Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:

A. Popescu 10-8-08





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: Baer Family Trust
Preliminary Subdivision Plan – Campus Commons

DATE: October 8, 2008

The following are our comments on the “Preliminary Subdivision Plan – Campus Commons”, dated August 26, 2008, and received by the Engineering Division on September 8, 2008.

Please note that, at this time, our comments address only the information required to be presented on a preliminary plan.

- Within the limits of the proposed development there are water mains, sanitary sewer mains, and storm sewers that are not indicated on the submittal.
- Is any section of the development within a floodplain?

In addition to the above comments, previously, the Engineering Division addressed issues related to the status of the utilities within the proposed development. Those issues must be addressed by the construction plans.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

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

*Is it possible to extend S Poplar St
to Central Ave as a part of this
project?*

Drawings reviewed by: J. Baer



Is it possible to extend S. Poplar Street to Central Avenue as a part of this project?

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 9/8/08

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-23-2008

Description:

PC-23-2008 **PRELIMINARY SUBDIVISION - South Campus Avenue** proposed residential subdivision (R2MS single and two family residential) **Paul Baer Family Trust, Robert Broestl, Applicant**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **10/6/2008** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

ON A PERSONAL NOTE, I LIKE THE CONNECTIVITY
OF THE STREETS -

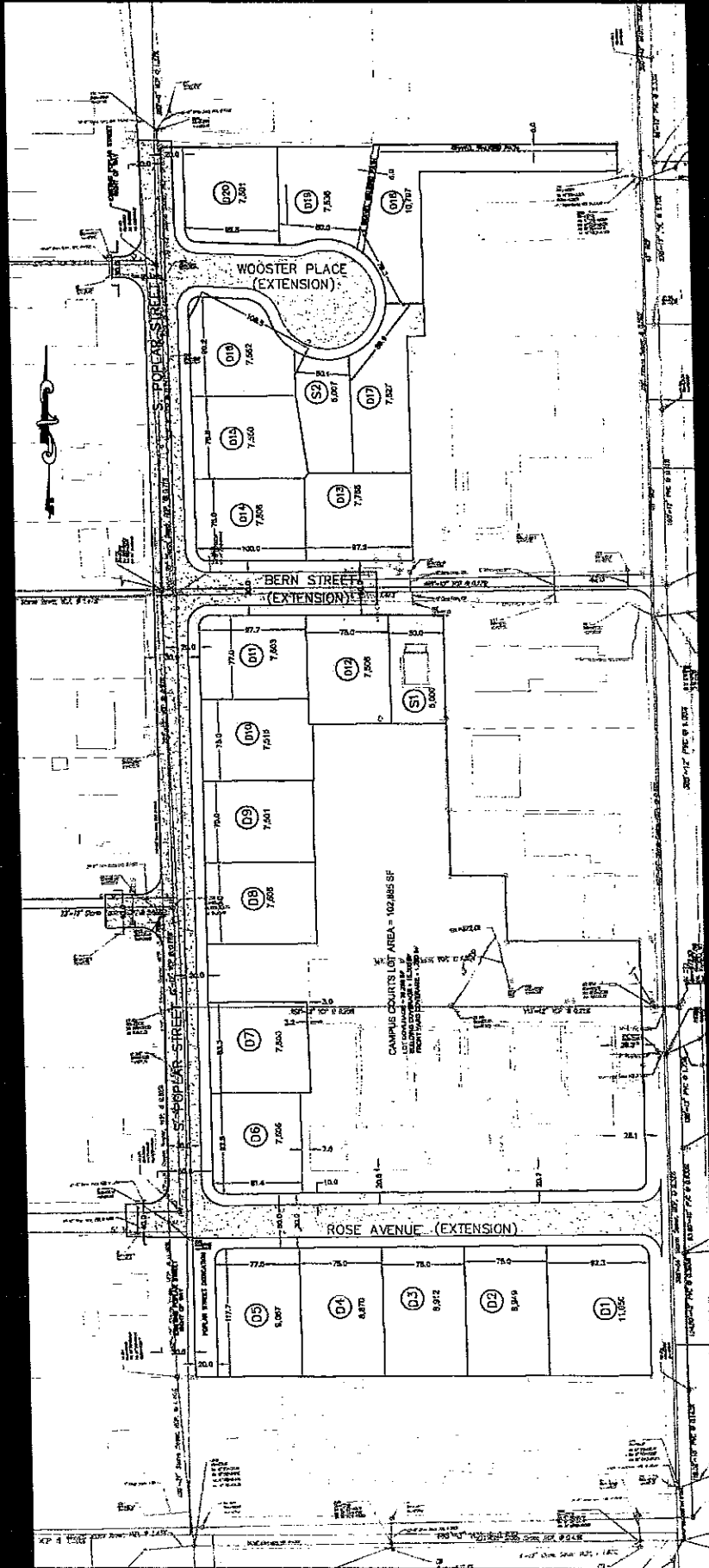
Drawings reviewed by: 

**+ CAMPUS COMMONS
PRELIMINARY
SUBDIVISION**

**PLANNING COMMISSION
MEETING**

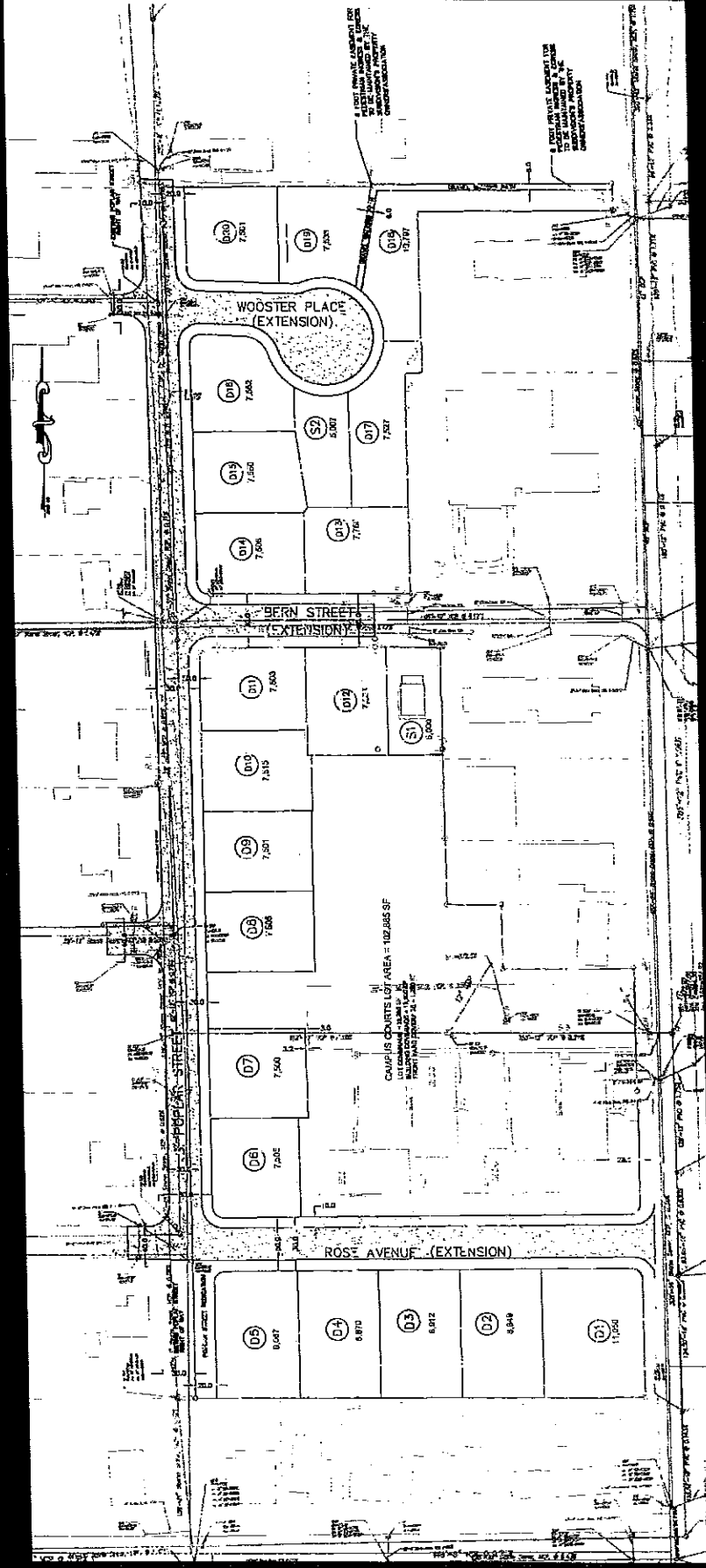
October 14, 2008

CAMPUS COMMONS LOT LAYOUT



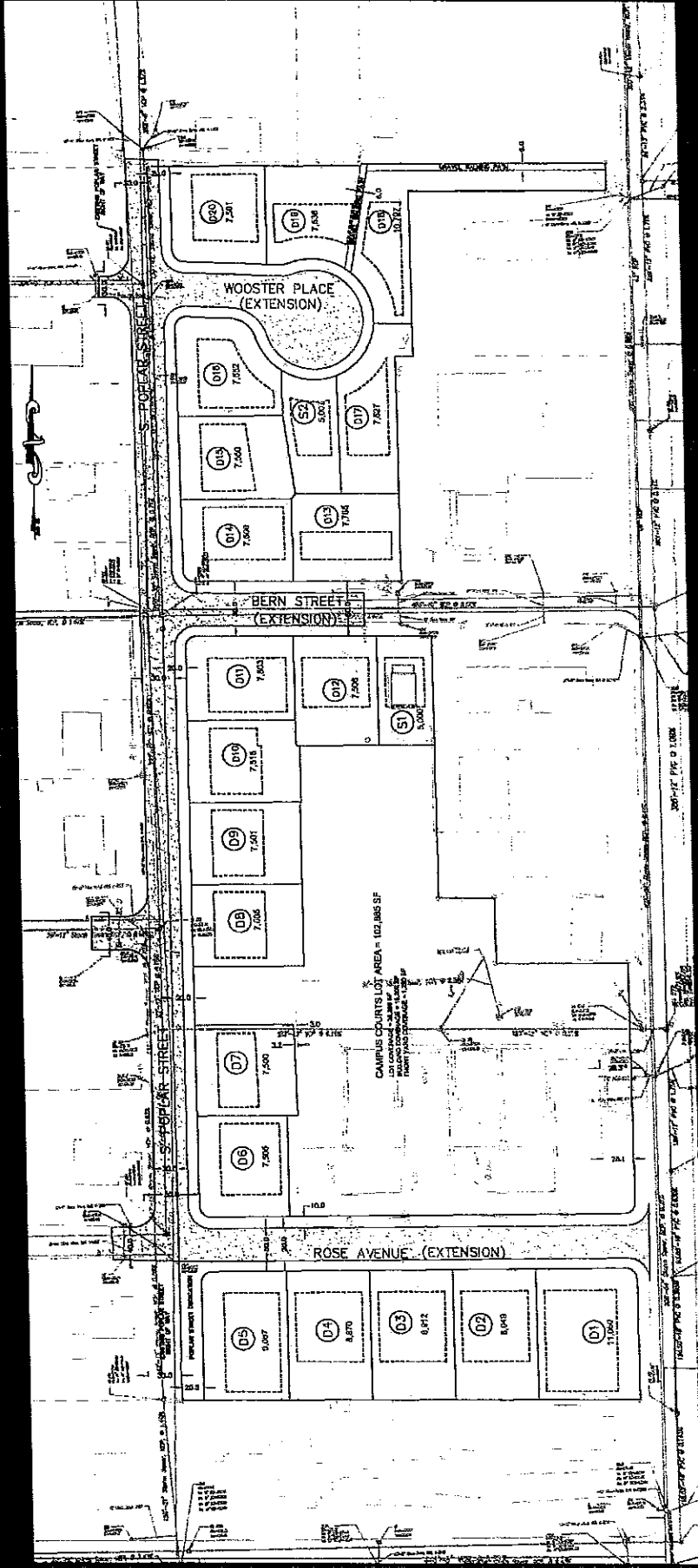
- 20 DUPLEX LOTS (75' MINIMUM WIDTH AND 7,500 SF MINIMUM AREA)
- 2 SINGLE FAMILY LOTS (50' MINIMUM WIDTH AND 5,000 SF MINIMUM AREA)
- CONFORMING LOT FOR CAMPUS COURTS APARTMENTS

CAMPUS COMMONS PROPOSED STREETS



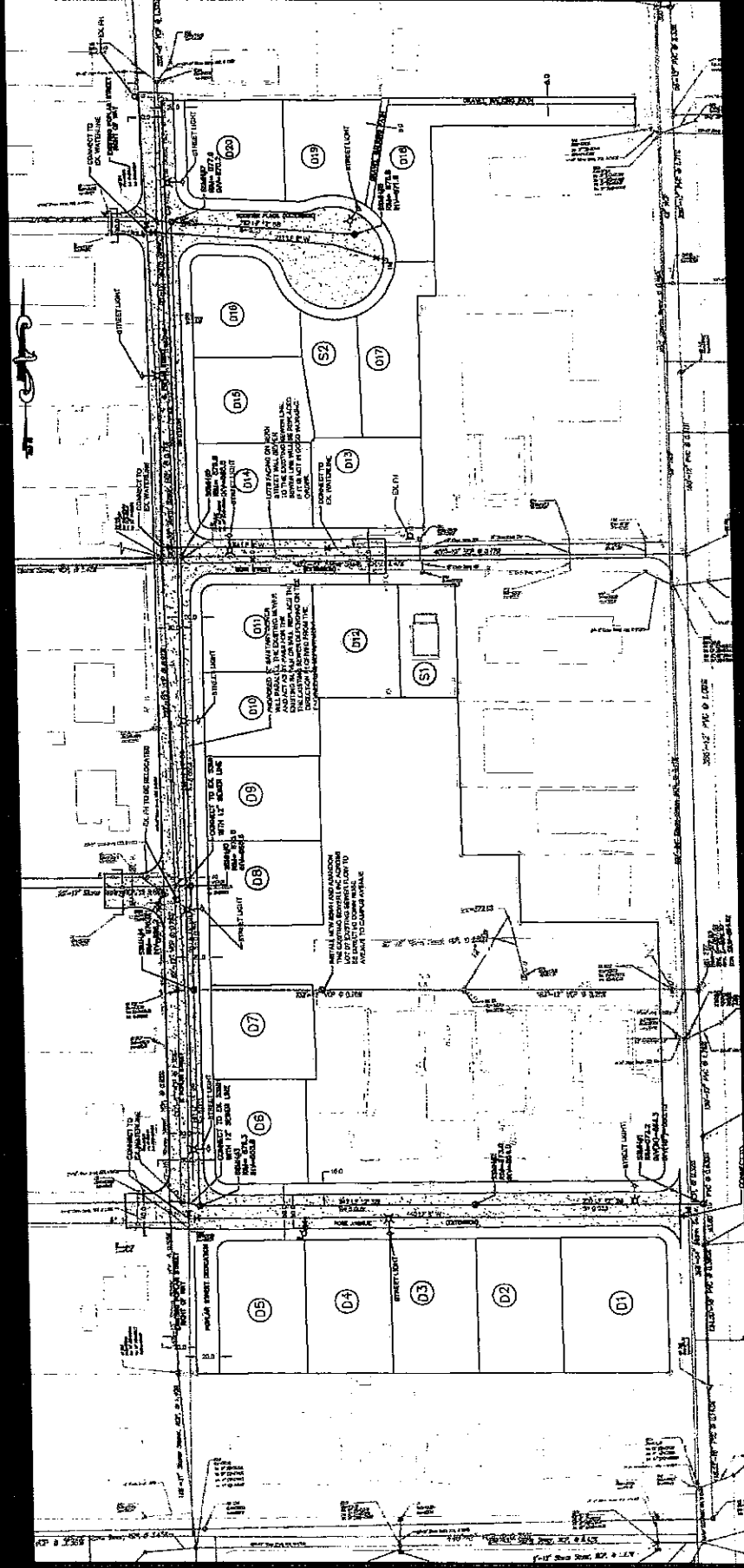
- A 20' DEDICATION ALONG THE WEST PROPERTY LINE FOR S. POPLAR STREET
- S. POPLAR STREET CONSTRUCTED FROM THE N. PROPERTY LINE TO ROSE AVENUE
- ROSE AVENUE EXTENDED THROUGH TO S. CAMPUS AVENUE
- BERN STREET EXTENDED TO INTERSECT WITH S. POPLAR STREET
- WOOSTER PLACE EXTENDED TO END IN CUL-DE-SAC
- SIDEWALKS AND WALKING PATH IMPROVE PEDESTRIAN ACCESS TO CAMPUS AVE.
- WALKING PATH TO BE CONSTRUCTED OF GRAVEL, ASPHALT, OR CONCRETE

CAMPUS COMMONS BUILDING ENVELOPES



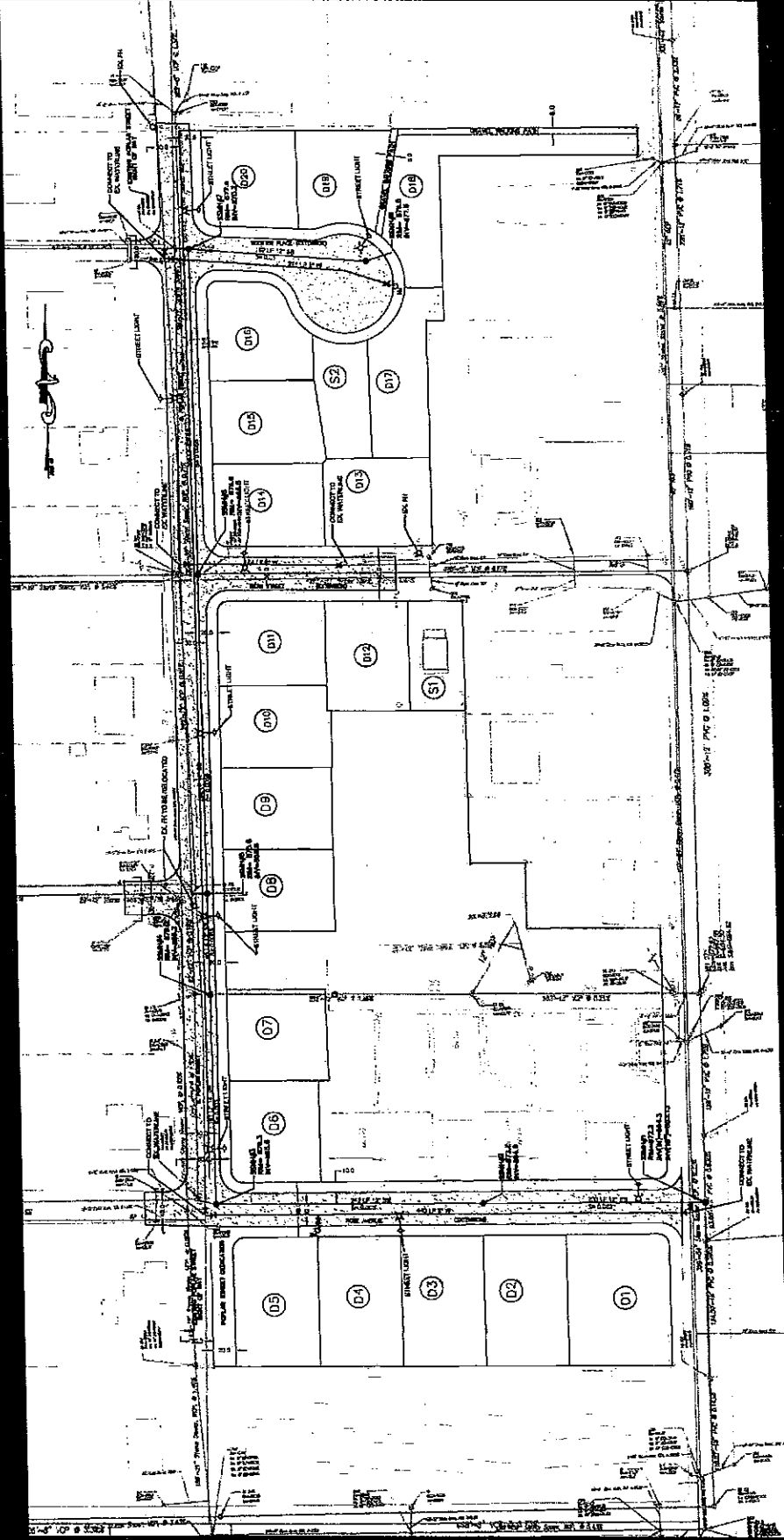
- MAXIMUM BUILDABLE AREA SHOWN BASED ON ZONING SET BACKS
- BUILDINGS WILL HAVE SMALLER FOOTPRINT THAN THE AREAS SHOWN
- MAXIMUM BUILDING SIZE WILL NOT EXCEED 35% LOT COVERAGE
- LOT D18'S IRREGULAR SHAPE ALLOWS FOR PEDESTRIAN ACCESS TO CAMPUS AVE.
- LOT D18'S VEHICULAR ACCESS WILL BE FROM WOOSTER PLACE

CAMPUS COMMONS PROPOSED UTILITIES - SANITARY SEWER



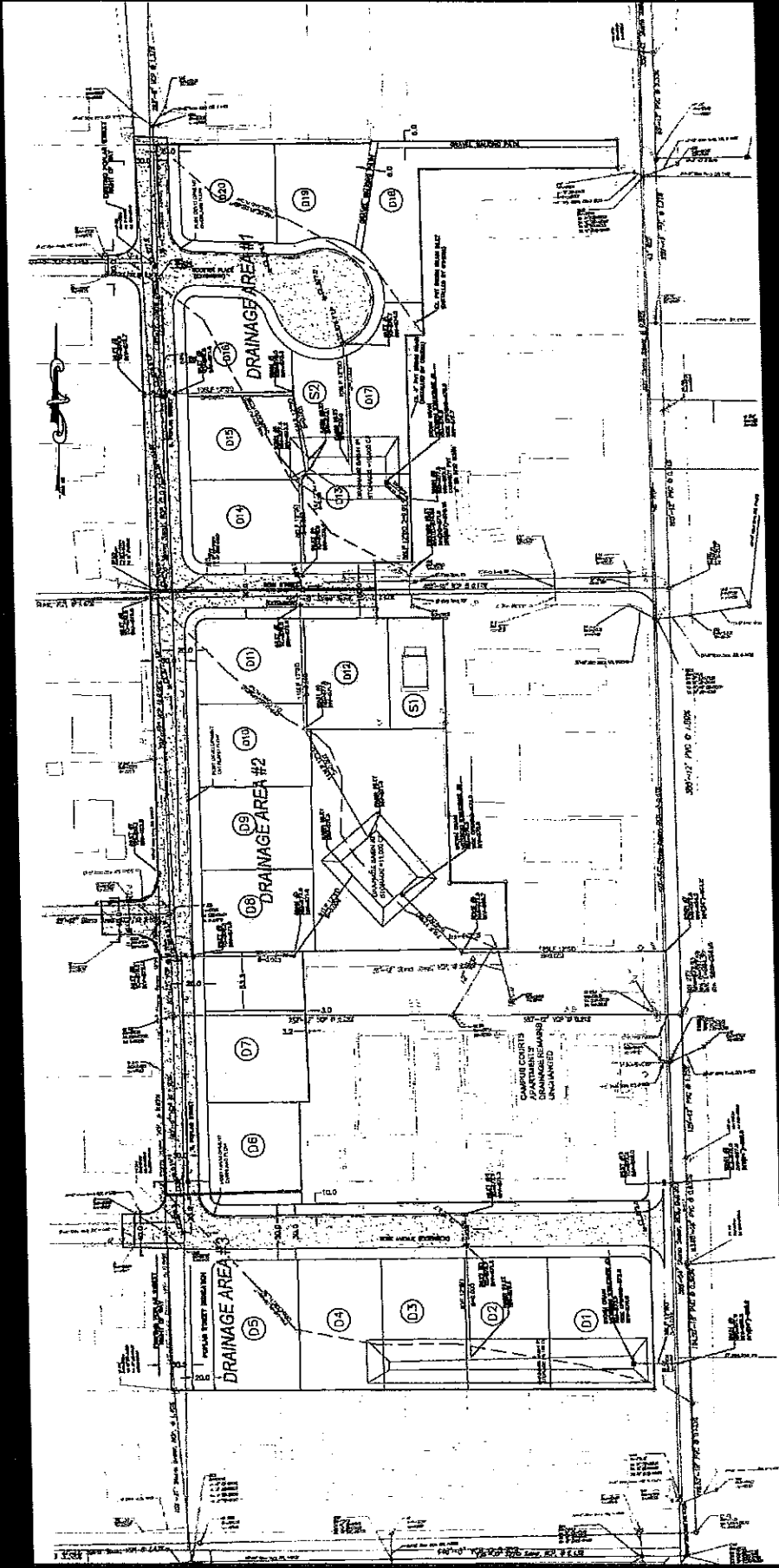
- EXISTING SANITARY SEWER FLOWS FROM THE WEST TOWARD THE DEVELOPMENT
- UPGRADE THE SEWER IN POPLAR ST. TO ACCEPT EXISTING & PROPOSED FLOWS
- RE-ROUTE SEWER LINE FLOWING THROUGH CAMPUS COURTS TO ROSE AVE.
- CONSTRUCT SEWER LINE IN WOOSTER PLACE
- UTILIZE EXISTING SEWER LINE IN BERN STREET AND UPGRADE AS NECESSARY

CAMPUS COMMONS PROPOSED UTILITIES - WATER



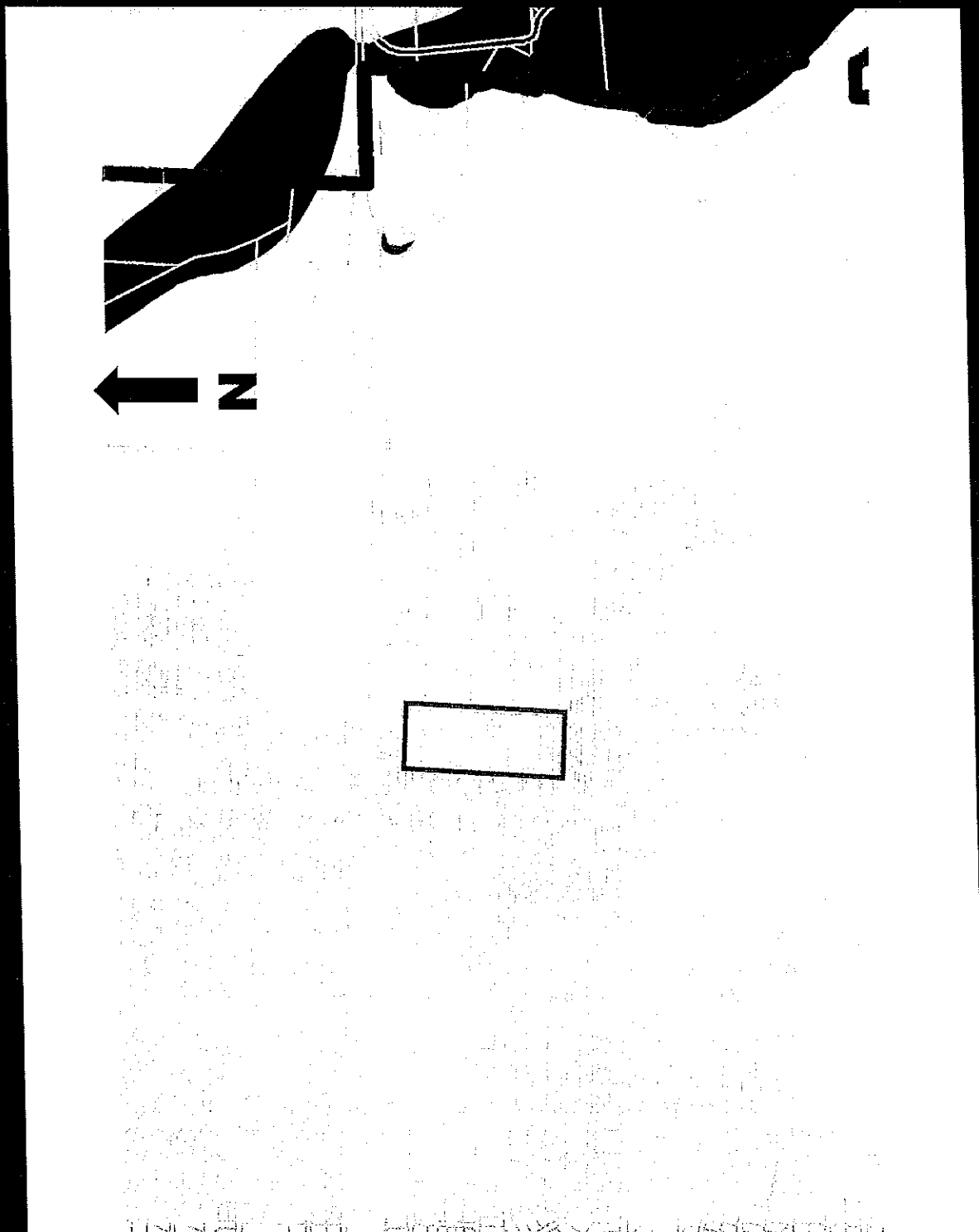
- EXISTING WATER MAIN LOCATED IN S. POPLAR R/W AND S. CAMPUS AVENUE
- NEW WATER LINES IN ROSE AVENUE, BERN STREET, AND WOOSTER PLACE
- INSTALL FIRE HYDRANTS

CAMPUS COMMONS STORM WATER MANAGEMENT

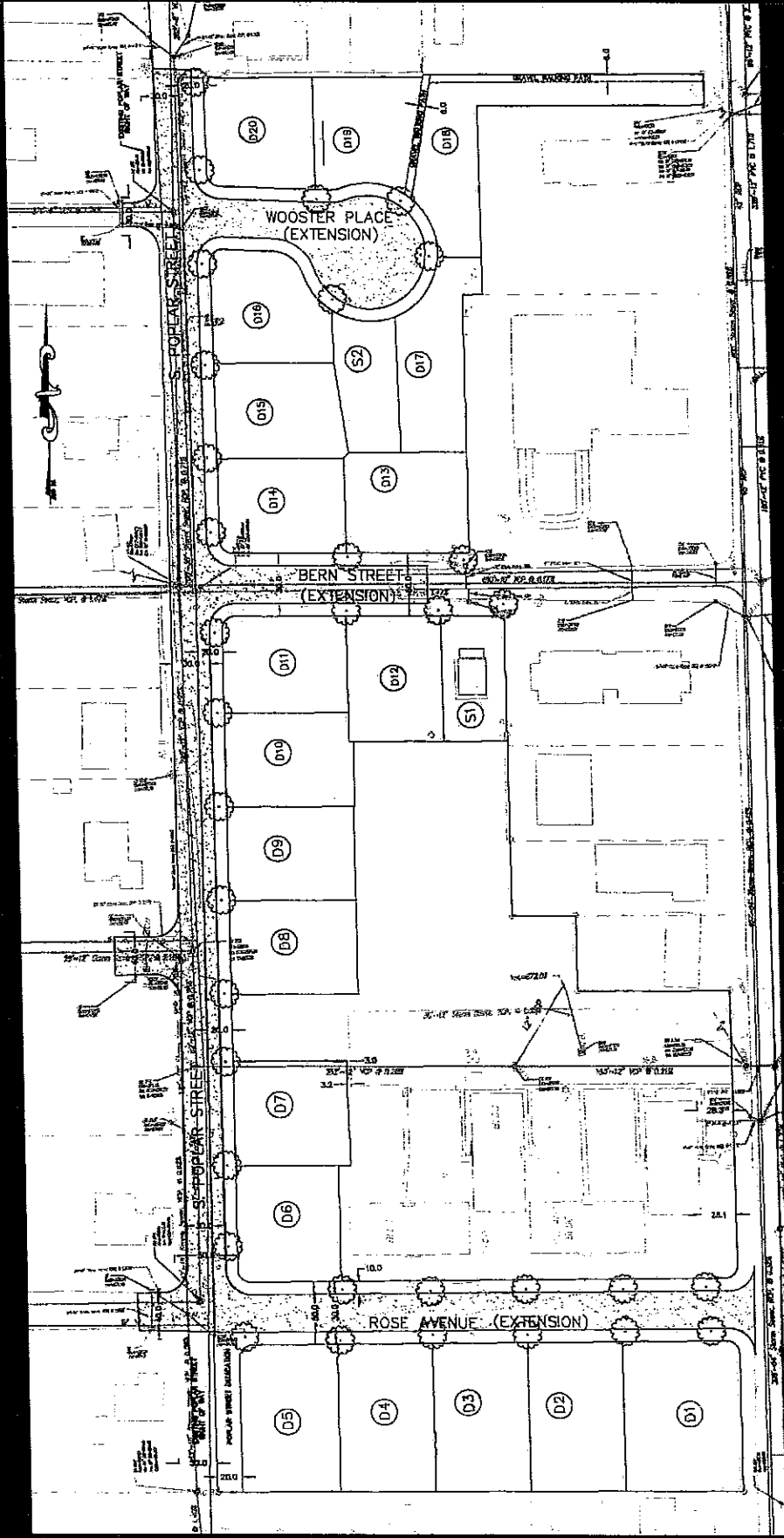


- POST DEVELOPMENT STORM WATER RUNOFF EQUAL PREDEVELOPMENT FLOWS
- THE DEVELOPMENT CONSTRUCTS 3 STORM WATER DETENTION BASINS
- STORM WATER DETENTION BASINS ARE SIZED TO CONTAIN A 100 YEAR STORM
- THE DETENTION BASINS METER THE FLOWS OUT TO THE PREDEVELOPMENT LEVEL
- STORM WATER PIPES AND DETENTION BASINS TO BE LOCATED IN EASEMENTS

BUTLER COUNTY FLOOD PLAIN MAP

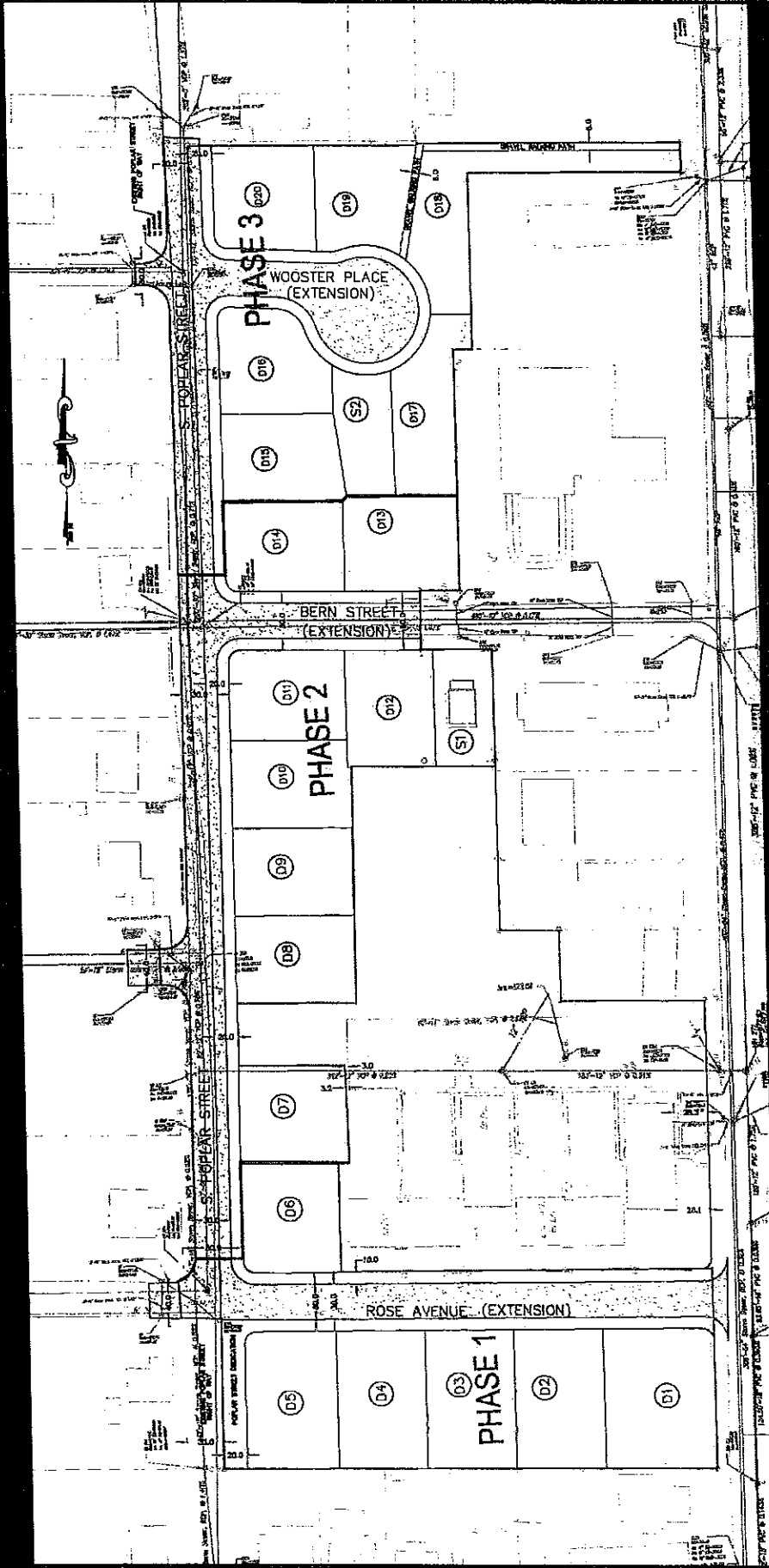


CAMPUS COMMONS TREE PLANTING PLAN



- TREE PLACEMENT AND SPECIES ALONG THE STREET TO BE COORDINATED WITH PLANNING & ENGINEERING
- WHERE POSSIBLE ADDITIONAL TREES WILL BE ADDED AT THE BACK OF THE LOTS

CAMPUS COMMONS PHASING PLAN



- PROJECT PHASING DEPENDANT ON THE ECONOMY AND THE REAL ESTATE MARKET
- PHASE 1 LOTS D1 THROUGH D6 – WITHIN TWO YEARS AFTER PLAN APPROVAL
- PHASE 2 LOTS D7 THROUGH D14 & LOT S1 – TWO YEARS (ECONOMY DEPENDANT)
- PHASE 3 LOTS D15 THROUGH D20 & LOT S2 –TWO YEARS (ECONOMY DEPENDANT)

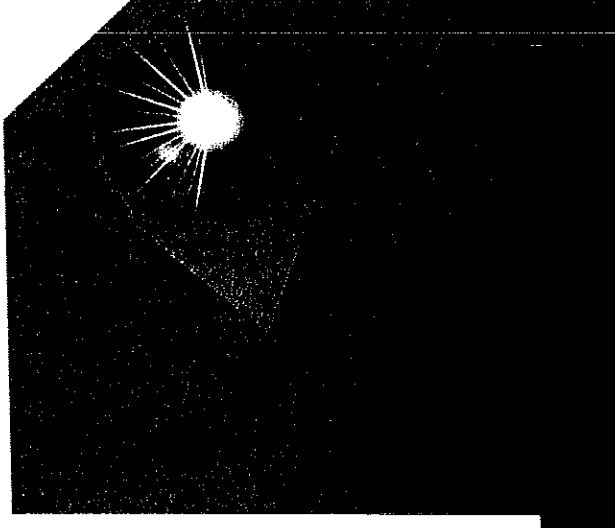
CAMPUS COMMONS HOME OWNER'S ASSOCIATION



- HOA WILL BE A NONPROFIT CORPORATION UNDER OHIO LAW
- THE HOA MEMBERS WILL BE ALL LOT OWNERS
- THE OWNER OF CAMPUS COURTS APARTMENTS WILL GRANT AN EASEMENT TO THE HOA FOR CONSTRUCTION AND MAINTENANCE OF A DETENTION BASIN AND STORM DRAIN PIPES ON ITS LAND
- THE HOA'S BOARD OF DIRECTORS WILL MAKE ASSESSMENTS AGAINST LOT OWNERS FOR THE UPKEEP OF DETENTION BASINS, STORM DRAIN PIPES AND THE WALKING PATH

**Comments on
Planning Commission
Case # PC-23-2008
Baer Trust Properties
Preliminary Subdivision Plan**

**Presented by
Brinley & Dorothy Varchol
109 Oberlin Ct, Oxford, Ohio**



Background

- ▲ The City of Oxford (first laid out as the Village of Oxford in 1810) had, as its original boundaries, the “Mile Square”
- ▲ The concept was to provide a town, made up of businesses and residences, providing a symbiotic relationship with Miami University
- ▲ The 1998 Comprehensive Plan establishes a Vision for Oxford that includes:
 - Creating a welcoming and inclusive community open to all citizens
 - Preserving greenspace and expanding parkland
 - Enhancing the livability and affordability of Oxford area housing
 - Managing land use which accommodates growth with a moderate population increase

Background

(continued...)

- ▲ The 1998 Comprehensive Plan also states:
 - Housing conditions in Oxford must be improved to ensure that quality living environments are available to all residents
 - The housing market must be broadened to provide a full range of housing options
 - The City should continue to target available resources that facilitate affordable housing
 - In general, population densities should be reduced in the Mile Square, with the exception of High Street
 - An increase in the amount of owner-occupied housing must be made if the City is to stabilize and improve the Mile Square

Results

- ▲ Based on comments and input from the community, all of these same themes are echoed in the current draft of the 2008 Comprehensive Plan
- ▲ So, how have we fared since 1998? Obviously, not so well
 - The number of owner-occupied houses as diminished drastically
 - Trees, landscaping, and greenspace are all on the decline
 - Population density has increased throughout the Mile Square

Changes to the Neighborhood 1998 - 2008

- ▲ When my wife and I moved to Oxford in 1998 our neighborhood (Wooster, Oberlin Ct, Linden and South Poplar) included:
 - 22 Owner Occupied Homes
 - 1 Student Rental

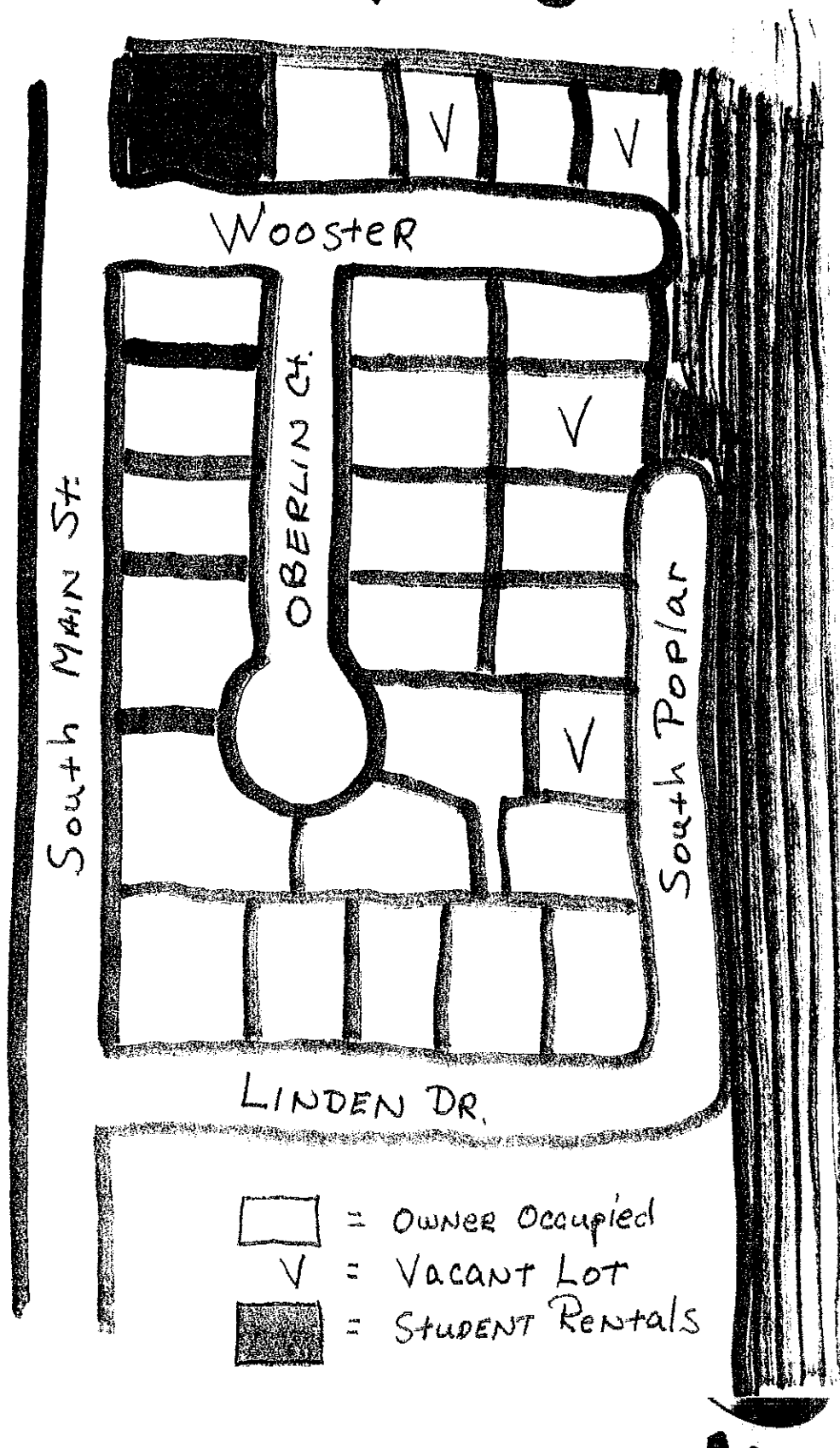
- ▲ In 2008, the changes are dramatic. Our neighborhood now includes:
 - 6 Owner Occupied Homes
 - 18 Student Rentals
 - 1 University Rental

Wooster, Oberlin, Linden & S. Poplar

1998

1998

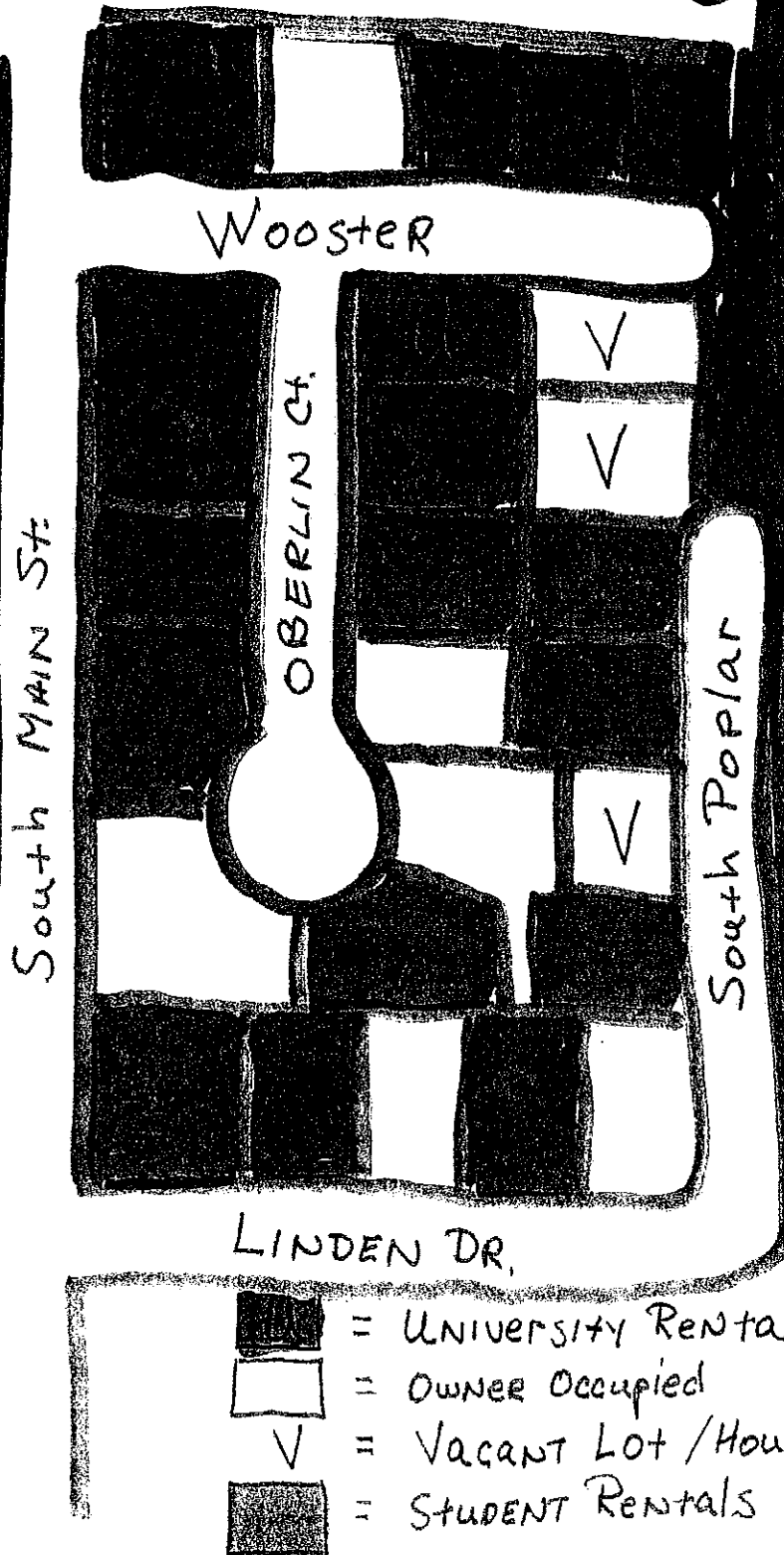
6



Wooster, Oberlin, Linden & S. Poplar

2008

2008



So, What's the Impact

- ▲ Children no longer play in the yards or on the streets of the Mile Square. There were nearly a dozen children in our neighborhood alone, in 1998
- ▲ Yards are littered with beer cans, empty pizza boxes, and the left over remnants of the weekend parties
- ▲ Trees, landscaping, and general property appearances are deteriorating. Can we keep our "Tree City" status?
- ▲ Noise, late night parties, and overflowing trash cans are the rule rather than the exception
- ▲ Parking continues to get worse

What's the Impact of this new Subdivision

- ▲ By approving this Subdivision, as presented, the City is basically giving up on the Vision of the Comprehensive Plan, to say nothing of our 1810 Charter
- ▲ The noise and danger from the increased traffic flow and student density will destroy the residential charm of this last vestige of an owner-occupied area of the Mile Square
- ▲ The greenspace, East of S. Poplar, will be destroyed. "Connectivity" is a great buzz word for city and traffic planners, but they aren't the ones who have to live with, or next to, the increased traffic, or the loss of trees and barriers

IT'S A SHAME

- ▲ My wife and I have empathy with the developers
- ▲ They have tried to satisfy the requests of both the residents and the city planners, only to be thrown a last minute curve ball by Engineering; requiring them to dedicate a portion of their property to a S. Poplar Street right-of-way that they weren't planning to develop
- ▲ Now, here we are, almost two years later, back to where we were in 2006, with the elimination of the trees and the development of S. Poplar – against the previous objections of both the residents and former members of the Planning Commission and City Council
- ▲ **Please, don't give up on your city residents, don't give up on owner-occupied housing in the Mile Square, and don't approve this Subdivision!!**



first financial wealth resource

Another step on the path to success

ACT AS AGENT LETTER

August 7, 2008

Oxford Planning Commission
And Oxford City Council
Oxford, Ohio 45056

Dear Sirs:

Please let this letter serve as our authorization for Robert E. Broestl, PE, and Michael J. Stegman and Thomas Dierling, legal co-counsel, to act as our Agents for the Campus Commons Subdivision Application process. Mr. Broestl, Mr. Stegman, and Mr. Dierling will be representing First Financial Bank, Trustee for the Paul W. Baer Trust Properties, LLC, Trust Under Will.

Sincerely,

A handwritten signature in black ink, reading "Kathy D. Carmack".

Kathy D. Carmack
First Vice-President/Trust Officer
First Financial Bank

Preliminary Subdivision Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: Paul W. Baer Trust Properties, LLC / Robert Broestl, PE
(Attach a letter of agency if the applicant is not the property owner)

Mailing Address: 30 Park Terrace Court
Walnut Creek, CA 94597

Telephone Number(s): (925) 945-6987

Name of Subdivision: Campus Commons

Location of Property: South Campus Avenue, South Poplar Street

Legal Description: See attached Plat of Survey

Zoning District: R2MS

Number of Lots: 22

Total Acreage: 5.45 Acres

Surveyor/Engineer: DDS Surveying Brosey Surveying Company

Address: 318 S. College Ave. 4045 Stillwell Rd.
Oxford, OH 45056 Hamilton, OH 45013-9172

Phone Number: (513) 523-4270 (513) 863-0237

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 list _____

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: Robert Broestl Date: 8-29-08

PRINTED NAME: Robert Broestl

FEE / RECEIPT

\$400.00 + \$100.00 per acre Fee Paid / Receipt Number: \$ 945.00 [#] 839814

Memorandum

Date: August 28, 2008
To: City of Oxford Planning Department
From: Robert Broestl, PE
Re: Baer Family Trust
Preliminary Subdivision Plan for Campus Commons

The proposed Campus Commons Subdivision is located within the City of Oxford Mile Square and is located between S. Campus Avenue on the east and the unimproved right of way for S. Poplar Street on the west. The land to be developed consists of four separate parcels. Campus Courts Apartments straddles the lot line of two of the four parcels. One of the parcels currently has a single family house on the land. The combined land area of all four parcels equals 7.81 acres. The area set aside for the Campus Courts Apartments parcel is 2.36 acres, leaving 5.45 acres for the development.

The topography of the land is fairly flat, sloping from the northwest to the southeast. A majority of the land consists of grassy fields with a few pockets of trees in the middle and trees around the property edges. There are no water courses flowing through or around the property. Existing utilities (sanitary sewer, water and storm drain) are located in the streets and easements directly adjacent to the property.

The proposed development consists of 20 duplex lots with 75 foot minimum widths with 7,500 square foot minimum lot area and 2 single family lots with 50 foot minimum widths with 5,000 square foot minimum lot area. The proposed 30 foot wide roads in a 50 foot right of way match or exceed the character of the existing roads surrounding the development. Rose Avenue will be extended to its intersection with S. Campus Avenue, Bern Street will be extended to intersect with S. Poplar Street and Wooster Place will be extended to end in a cul-de-sac for emergency vehicle turn-around. The development will dedicate 20 feet of property along the western property line for S. Poplar Street. Poplar Street will be constructed from the end of the existing S. Poplar Street at the north property line to the extension of Rose Avenue on the south. With the construction of S. Poplar Street it is anticipated that the traffic generated by this development will use S. Poplar Street and the newly constructed roads and avoid using the existing neighborhood streets to the west.

This development will also improve pedestrian traffic heading to the Miami University Campus from the neighborhoods to the west of the proposed subdivision with the construction of concrete sidewalks as part of the street improvements. In addition a 6' wide pedestrian path will be constructed from the end of Wooster Place to S. Campus Avenue. The pedestrian path will be unfenced, constructed of gravel and maintained by a Property Owners Association.

The development of the property is scheduled to be completed in three phases. The timing of when a phase will be constructed depends on the economy and the real estate market. The proposed phasing is as follows:

- Phase 1 – Subdivision lots D1 through D6 including the construction of Rose Avenue and necessary utilities.
- Phase 2 – Subdivision lots D7 through D14 and Lot S1, including Bern Street, S. Poplar Street from Rose Avenue to Bern Street and necessary utilities.
- Phase 3 – Subdivision Lots D15 through D20 and lot S2 including S. Poplar Street to the north property line, Wooster Place and necessary utilities

The existing sanitary sewer flows toward the development from the west down Wooster Place, Oberlin Court (by easement), Linden Drive, and Rose Avenue to a sanitary sewer main located in the existing S. Poplar Street right of way. The sanitary sewer then flows through a pipe that is located in the Campus Courts Apartment parking lot to the sanitary sewer main in S. Campus Avenue. The development plans to upgrade the sanitary sewer line in S. Poplar Street to be able to accept the existing flows and the proposed flows from the new lots. The upgrade will be just for the sewer lines adjacent to, and running through the development. No sanitary sewer upgrades are planned for the sewer lines to the west of the development, as they will not be affected. The sewer flows currently flowing through the Campus Courts Apartments will be rerouted through a new sewer line in Rose Avenue to connect to the sewer main located in S. Campus Avenue.

Existing water mains currently exist in the S. Poplar right of way, Bern Street and S. Campus Avenue. The development will utilize these water mains to connect new water mains through the project along with the necessary number of fire hydrants to provide fire protection. The new water mains will be sized to provide the necessary pressure and fire flows for the development.

The storm water management plan for the development includes the construction of three detention basins that will contain the post development storm water run-off flows and meter the flow out to the predevelopment level. The basins are sized to contain the storm water run-off from a 100 year storm. Since the storm water run-off flows will be metered to match the existing flows from the undeveloped land the existing storm drain pipes should be adequately sized to accept the metered flows from the development.

- 1) Source documents are as shown herein.
- 2) Occupation in general fits Survey except as shown.
- 3) Munimentation found is in good condition.
- 4) —O— Indicates 5/8" iron rod with 1" dia. cap (set) unless otherwise noted.
- 5) Subject to all comments first of record.

PLAT OF SURVEY

part outlets of 15
city of Oxford
Butler County, Ohio

For: PAUL W. Baer Trust
Date: June 22, 2005
Scale: 1"=60'

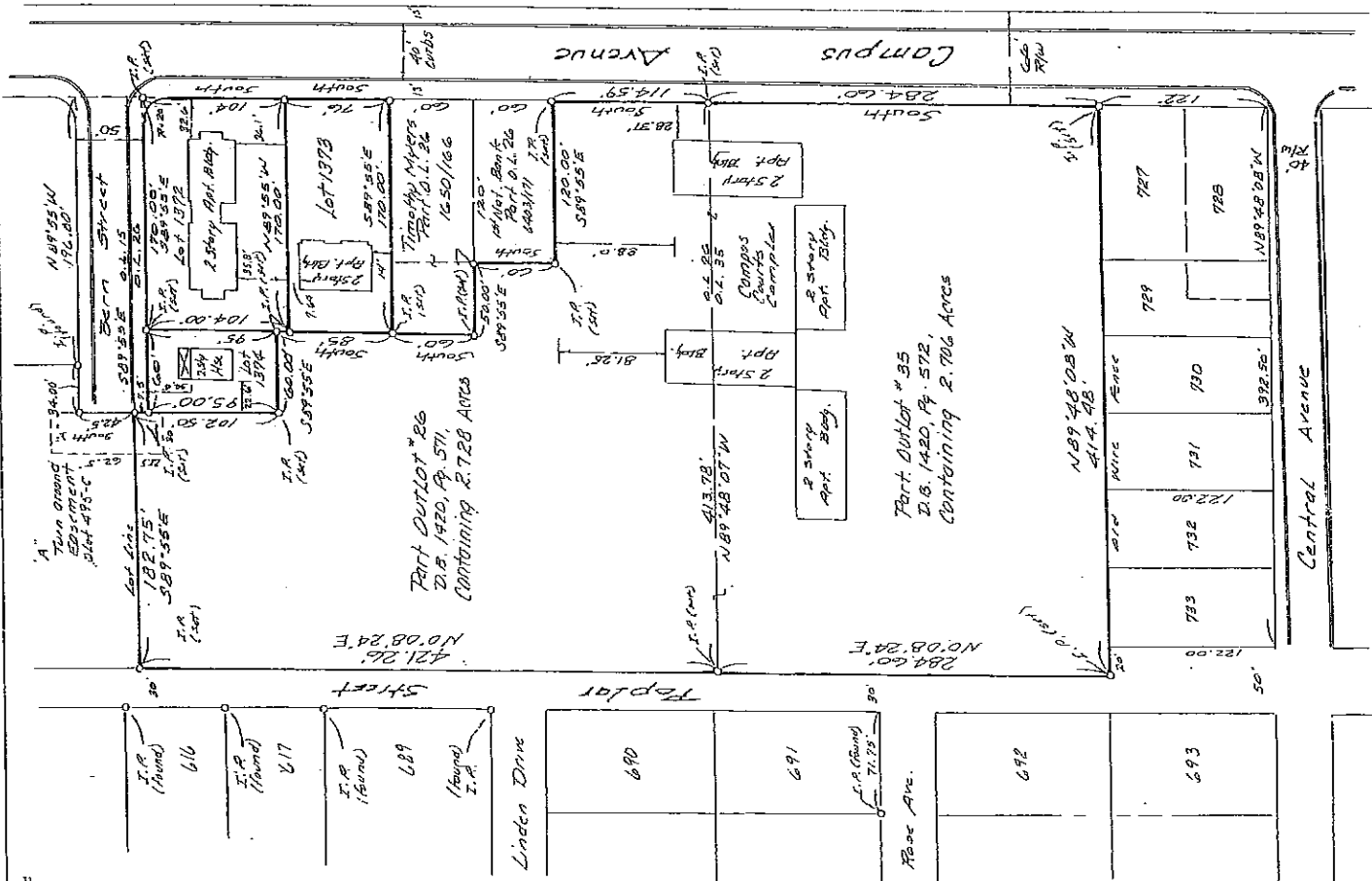
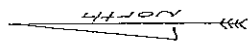
By: Brosey Surveying Company
Hamilton, Ohio.

I certify that the hereon plotted property was measured to acceptable Survey Standards only.

David R. Boring
Registered Surveyor, 6492 in Ohio



Bearings shown hereon are based
on an assumed meridian and are
used to determine angles only.



NOTES

- 1) Source documents are as shown hereon.
- 2) Occupation in general fits Survey except as shown.
- 3) Monumentation found is in good condition.
- 4) —O— indicates 5/8" iron rod with I. D. cap (set) unless otherwise noted.
- 5) Subject to all comments and restrictions of record.

PLAT OF SURVEY

For: Fred M. Barr Trust
Date: June 27, 2005
Scale: 1"=60'

Butler County, Ohio

By: Brasey Surveying Company

Hamilton, Ohio.



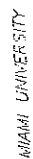
I certify that the hereon planned property was measured to acceptable Survey Standards only.

Registered Surveyor, 6492 in Ohio



AUGUST 2008

SCALE 1"=50'



(20) DUPLEX LOTS (75' MIN. WIDTH & 7,500 SF MIN. AREA)
(2) SINGLE FAMILY LOT (50' MIN. WIDTH & 5,000 SF MIN. AREA)

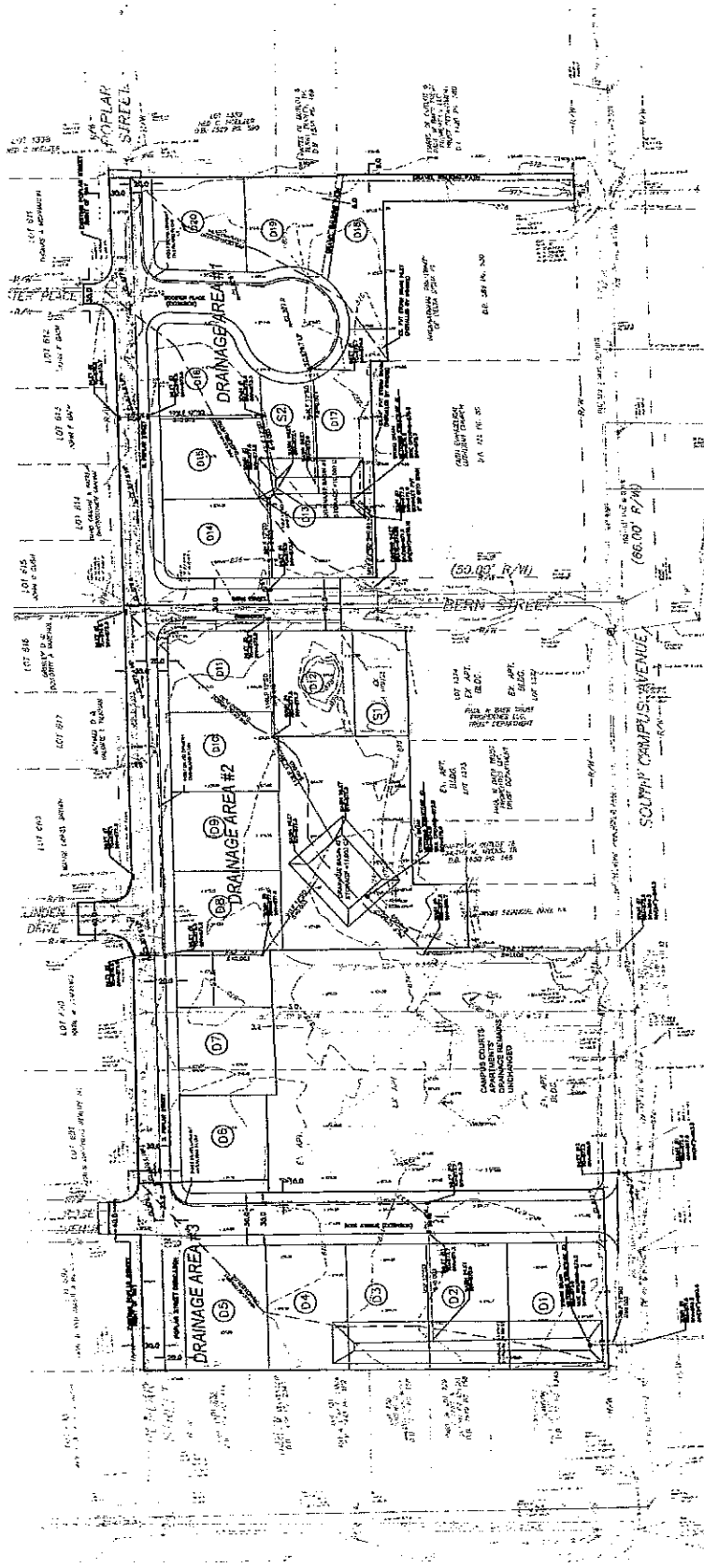
PHASE 1 - LOTS D1 THROUGH D6
PHASE 2 - LOTS D7 THROUGH D14 INCLUDING LOT S1
PHASE 3 - LOTS D15 THROUGH D20 INCLUDING LOT S2



VICINITY MAP
SCALE 1" = 1,000'

AUGUST 2008

SCALE 1"=50'

[illegible]

PROPOSED RESIDENTIAL SUBDIVISION
CAMPUS COMMONS
PAUL W. BAER TRUST PROPERTIES
OH

OXFORD, OH

10020	3/3	AUGUST 26, 2008
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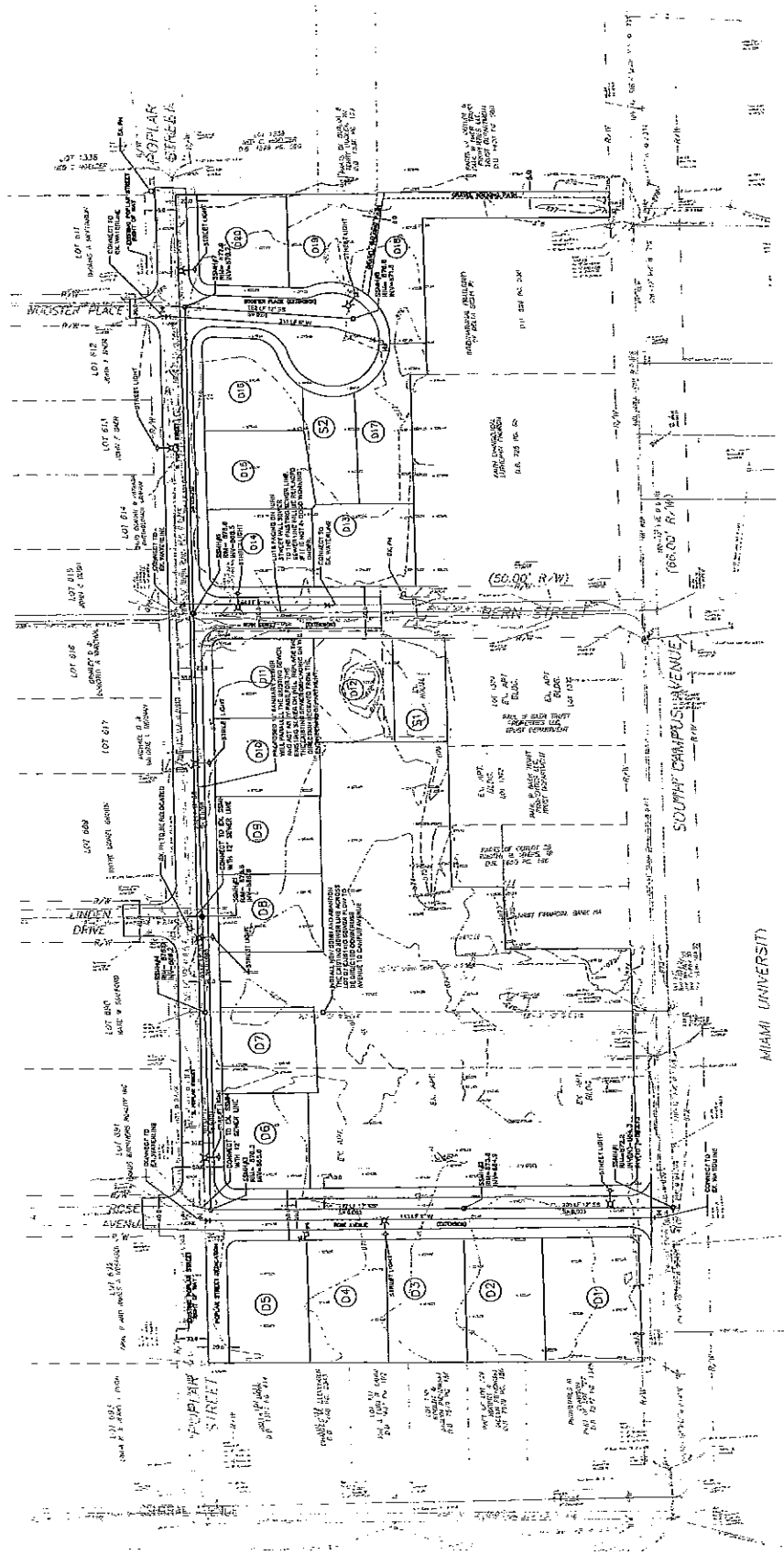
ROBERT BROESTL
CIVIL ENGINEERING & LAND PLANNING
PHONE (925) 685-4569





BY	DATE	REVISION

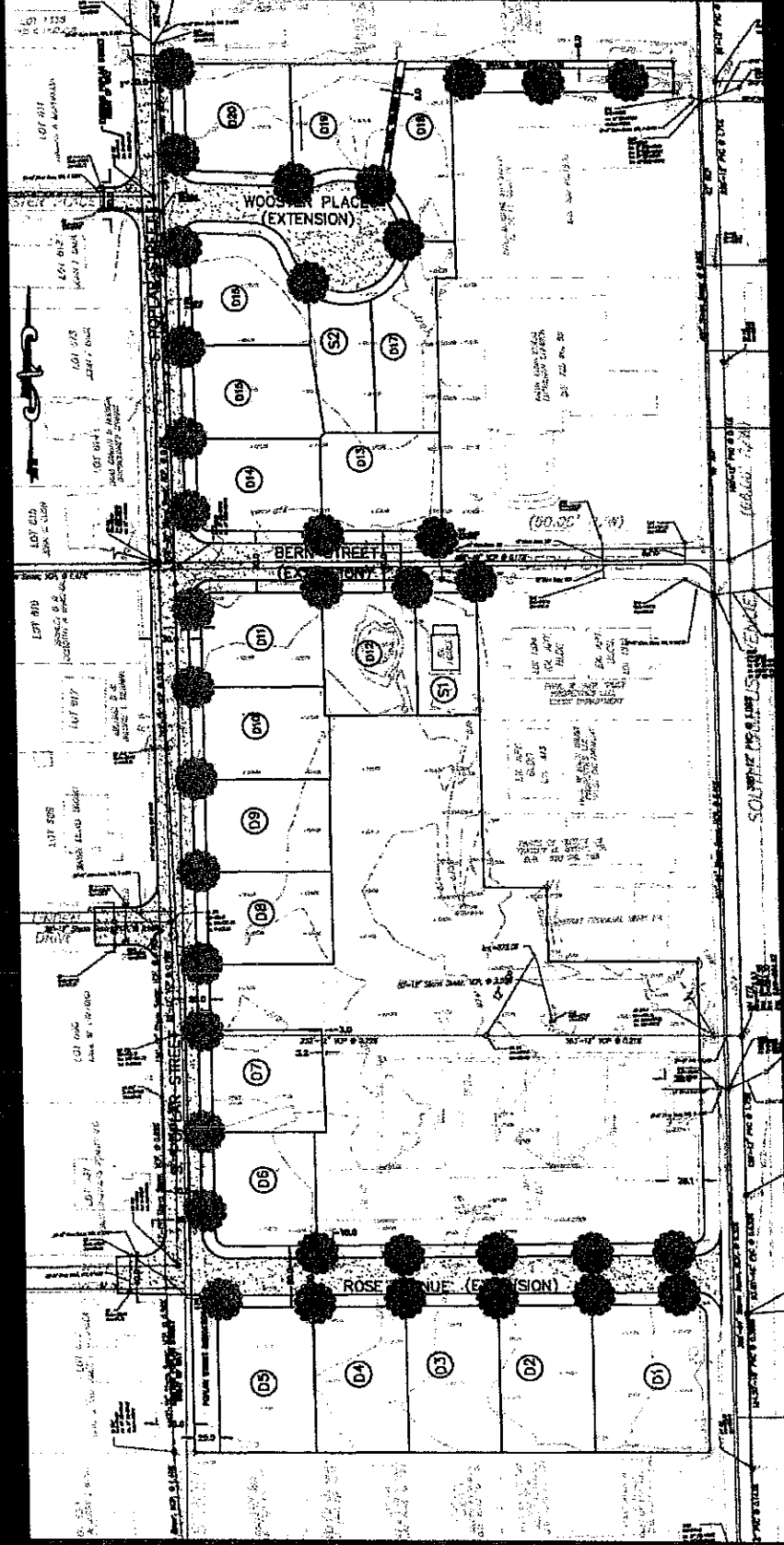
**PRELIMINARY SUBDIVISION PLAN
UTILITY LAYOUT
CAMPUS COMMONS
AUGUST 2008**



MIAMI UNIVERSITY

LARGER DRAWINGS ARE AVAILABLE IN THE PLANNING DEPARTMENT
DURING NORMAL BUSINESS HOURS.

CAMPUS COMMONS TREE PLANTING PLAN



- TREE PLACEMENT AND SPECIES ALONG THE STREET TO BE COORDINATED WITH PLANNING & ENGINEERING
- WHERE POSSIBLE ADDITIONAL TREES WILL BE ADDED AT THE BACK OF THE LOTS

**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:	<table><tr><td>Department Head:</td><td>Initial</td><td>Date</td></tr><tr><td>City Attorney:</td><td><i>JHC</i></td><td>10/13/08</td></tr><tr><td>City Manager:</td><td><i>[Signature]</i></td><td>10/13/08</td></tr></table>	Department Head:	Initial	Date	City Attorney:	<i>JHC</i>	10/13/08	City Manager:	<i>[Signature]</i>	10/13/08
Department Head:	Initial	Date								
City Attorney:	<i>JHC</i>	10/13/08								
City Manager:	<i>[Signature]</i>	10/13/08								

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

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.
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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: City Attorney: City Manager:	<table><tr><th>Initial</th><th>Date</th></tr><tr><td><i>JHC</i></td><td>10/13/08</td></tr><tr><td><i>DRB</i></td><td>10/14/08</td></tr></table>	Initial	Date	<i>JHC</i>	10/13/08	<i>DRB</i>	10/14/08
Initial	Date							
<i>JHC</i>	10/13/08							
<i>DRB</i>	10/14/08							

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:

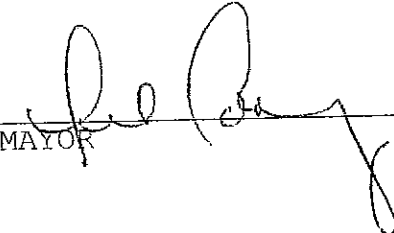
SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on October 10, 2006, for the purpose of considering the request of The Architectural Group, Incorporated, agent for the applicant, for a conditional use permit for a Miami University Community Credit Union branch 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

Parks and Recreation
Original Department

Council Meeting Of: 11/4/08

Account Code No. #: N/A

Gail Brahier
Prepared By

Budgeted Amount: N/A

10/31/08
Date Prepared

Agenda Title:

Recreation Board Meeting – 10/16/08

Recommendation: N/A

Discussion:

In attendance: Brandy Darby, Chair, Jon Ralinovsky, Kevin Marks,
Council Representative Ken Bogard. Staff members: Gail Brahier, Deanna Barbour

Ms. Darby mentioned she would like to give another Board member the opportunity to serve as Chair. Ms. Brahier recognized Ms. Darby has served for several years, and she will put it on the Agenda for a Board vote at the November meeting.

Oxford Area Trails – Ms. Brahier noted she and the City's Economic Development Director attended a meeting with the property owner of a key piece of land for the trail located between 732 and Kehr Rd. They advised the property owner of Ohio's immunity law; which holds harmless property owners adjacent to a trail from any liability associated with the safety of the trail users. Mr. Bogard asked for a map which shows the progress of the Oxford Area Trails. Ms. Brahier noted she has asked the Planning Dept. to assist with creating a map which highlights segments of the trail in which easements are granted, or are ready to be developed.

Mr. Bogard shared with the Board information regarding the City's purchase of land on Rt. 732, the status of the police/court facility, and the recent changes to the Thoroughfare Plan.

Ms. Brahier reviewed the proposed 2009 Budget for Parks and Recreation, updated the Board on the progress at the Municipal Pool, and the resurfacing of the baby pool. She mentioned the fall projects in progress: painting of the TRI ball field fence, adding mulch to the trail at the Community Park, and the installation of the shade structure for the playground (early 2009). Ms. Darby said the shade structure would last longer if the canvas were to be taken down and stored each winter.

~ continue ~

Approved By:

Department Head:
City Attorney:
City Manager:

Initial \ Date

GB \ 10/31/08

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Ms. Darby inquired about the Habitat project on Hester Road and future plans for the mobile home park. Mr. Bogard explained the Habitat project. He noted over 60 vacant trailers have been removed from the mobile home site. He also informed the Board about the proposed center for social services to be located by the mobile home park.

Mr. Marks thanked the Department for working with SAY Soccer regarding the upcoming tournament. He asked how the Department chose coaches for basketball regarding parents and college students. Ms. Brahier noted the Department strives to have 2/3 parents and 1/3 college, but it depends on how many parents volunteer to coach. In a situation where both a parent and a college student have volunteered, they are asking them to co-coach. Ms. Darby mentioned she thinks the college students should be co-coaches when there is an option. Ms. Brahier noted the Department will wait until all volunteers have offered to coach before assigning teams.

Next Meeting – November 20, 4 pm, Oxford Senior Center

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/04/08

Heidi Hill
Prepared By

Account Code No. #: see below

Budgeted Amount: _____

10/28/08
Date Prepared

Agenda Title: 2008 SUPPLEMENTAL BUDGET #5

Recommendation: Approve

Discussion:

Supplements to the 2008 Budget

General Fund

Community Assistance

Township – Knolls Estate Tax 11,517.00

Additional appropriation needed to pay Oxford Township for Estate tax the City of Oxford received for a resident of the Knolls of Oxford. (\$148,392 received this month)

Community Assistance

Oxford Visitor's & Convention Bureau 11,500.00

Additional appropriation needed to assist the VCB the additional leasing cost of the building they are currently leasing for 2009 calendar year.

Advance to Capital Improvement Fund

From fund balance 4,000.00

Additional advance needed to keep the fund balance positive.

Transfer to Housing Trust Fund

From prior year PO and current year appropriation 10,000.00

When the Housing Trust Fund was approved earlier this year, a transfer of funds was not included in the legislation. For 2008 we budgeted 5,000 in the general fund for the Housing Trust, we are requesting to transfer the funds to the Housing Trust Fund. There is also an open purchase order from 2007 for 5,000 that was encumbered that we would like to be transferred to the Housing Trust Fund as well.

Claims/Settlements paid 1,500,000.00

From fund balance

Appropriation needed to cover the cost of the settlement for the Western Knolls lawsuit. Funds transferred from Capital Improvement Fund.

Hotel Tax Agency Fund

Transfer to General Fund 3,148.00

Payment to VCB 8,500.00

Transfer of excess funds to General Fund. Additional appropriation needed to assist the VCB the additional leasing cost of the building they are currently leasing for 2009 calendar year.

CDBG Fund

Return Advance to General Fund 59,370.00

Appropriation needed for the return advance of CDBG funds to the General Fund from a prior supplemental budget advancing to the CDBG fund.

Capital Improvement Fund

Decrease is set-aside for Police/Court facilities. (1,500,000.00)

Transfer to General Fund 1,500,000.00

Transfer needed to cover the cost of the settlement for the Western Knolls lawsuit.

Approved By:

Department Head:

City Manager:

Initial Date

10/29/07

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2990. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 5 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.

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

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

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

HOTEL TAX AGENCY FUND 120	8,500.00
GENERAL FUND 110	11,517.00

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

GENERAL FUND 110	11,500.00
HOTEL TAX AGENCY FUND 120	8,500.00
HOTEL TAX AGENCY FUND 120	3,148.00
GENERAL FUND 110	4,000.00
GENERAL FUND 110	11,517.00
GENERAL FUND 110	10,000.00
CAPITAL IMPROVEMENT FUND 141	(1,500,000.00)
CAPITAL IMPROVEMENT FUND 141	1,500,000.00
CDBG FUND 126	59,370.00

SECTION 4: The following transfers be executed:

Transfer from:

HOTEL TAX AGENCY FUND 120	3,148.00
GENERAL FUND 110	10,000.00
CAPITAL IMPROVEMENT FUND 141	1,500,000.00

Transfer to:

GENERAL FUND 110	3,148.00
AFFORDABLE HOUSING TRUST FUND 212	10,000.00
GENERAL FUND 110	1,500,000.00

SECTION 5: The following increase/(decrease) in estimated revenues be made:

GENERAL FUND 110	3,148.00
AFFORDABLE HOUSING TRUST FUND 212	10,000.00
GENERAL FUND 110	1,500,000.00

SECTION 6: The following advances be executed:

Advance from:

GENERAL FUND 110	4,000.00
CDBG FUND 126	59,370.00

Advance to:

CAPITAL IMPROVEMENT FUND 141	4,000.00
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GENERAL FUND 110

59,370.00

SECTION 7: The following increase/(decrease) in estimated revenues
be made:

CAPITAL IMPROVEMENT FUND 141

4,000.00

GENERAL FUND 110

59,370.00

SECTION 8: The following increase/(decrease) in appropriations
from unencumbered balances be made:

GENERAL FUND 110

1,500,000.00

SECTION 9: In all other respects, Ordinance No. 2990 shall remain
in full force and effect.

SECTION 10: This ordinance shall take effect immediately upon its
adoption.

MAYOR

ADOPTED: _____

ATTEST:

DEPUTY CLERK OF CITY COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 11/4/08

Heidi Hill

Account Code No. #: _____

Prepared By

Budgeted Amount: _____

10/30/08
Date Prepared

Agenda Title: 2009 BUDGET

Recommendation: Approve

Discussion:

This ordinance reflects the 2009 Operating and Capital Proposed Budget as presented and discussed with City Council in the work sessions on October 16th and October 21st. The 2009 Original Budget as presented October 21st was changed to reflect the following recommendations as discussed in the Council work session:

General Fund

Council listened to presentations from the following agencies and their funding requests which are included in the budget ordinance:

<u>Agency</u>	<u>Awarded</u>
Oxford Community Arts Center	\$ 15,000
Oxford Community Foundation	\$ 36,000
Oxford Senior Citizens	\$ 18,000
The Family Resource Center	\$ 35,000
Oxford College Corner Clinic	\$ 3,000
Oxford Visitors and Convention Bureau	\$ 55,500
TOTAL GENERAL FUND COMMUNITY ASSISTANCE	\$162,500

The Family Resource Center will also retain funding for the housing assistance program, the utility assistance program, and the Empower One program for total funding of \$80,000.

Approved By:

Department Head:
City Manager:

Initial Date

Heidi Hill 10/30/08

General Fund

Funding was added for the salary increases for certifications within the Fire Department for the part time and volunteers based on the level of certification.

Funding was added for the settlement for the Western Knolls land purchase.

Water Fund and Sewer Fund

Funding was added to include the promotion for 2 employees, 1 within the water division and 1 within the sewer division. This is a part of the Career Advancement Program. Funding was also added for part time workers within the water and sewer divisions.

Capital Improvement Fund

A reduction for the bond proceeds for the Police/Court Facilities was made, which therefore reduced the appropriation for the facilities. This was done to account for the transfer to the General Fund for the payment of the settlement for the Western Knolls land purchase.

ORDINANCE NO.

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OXFORD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009.

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

SECTION 1: To provide for the current expenses and expenditures of the City of Oxford during the fiscal year ending December 31, 2009, the following sums be and they are hereby set aside and appropriated as follows:

GENERAL FUND

SECURITY OF PERSONS & PROPERTY

Personnel Services	4,693,754
Other Services & Charges	<u>792,682</u>
Total Appropriation	5,486,436

PUBLIC HEALTH AND WELFARE

Personnel Services	-
Other Services & Charges	<u>179,000</u>
Total Appropriation	179,000

LEISURE TIME ACTIVITIES

Personnel Services	924,678
Other Services & Charges	<u>433,395</u>
Total Appropriation	1,358,073

COMMUNITY ENVIRONMENT

Personnel Services	463,754
Other Services & Charges	<u>360,550</u>
Total Appropriation	824,304

GENERAL GOVERNMENT

Personnel Services	858,557
Other Services & Charges	<u>1,587,283</u>
Total Appropriation	2,445,840

CAPITAL IMPROVEMENTS

Personnel Services	-
Other Services & Charges	<u>6,500</u>
Total Appropriation	6,500

TRANSFERS TO OTHER FUNDS

Personnel Services	-
Other Services & Charges	<u>1,854,398</u>
Total Appropriation	1,854,398

TOTAL GENERAL FUND APPROPRIATIONS \$ **12,154,551**

STREET FUND

Personnel Services	626,732	
Other Services & Charges	<u>177,000</u>	
TOTAL STREET FUND APPROPRIATIONS		\$ 803,732

STATE HIGHWAY IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>25,000</u>	
TOTAL STATE HIGHWAY IMPROVEMENT FUND APPROPRIATIONS		\$ 25,000

PARKING FUND

Personnel Services	365,541	
Other Services & Charges	<u>350,231</u>	
TOTAL PARKING FUND APPROPRIATIONS		\$ 715,772

PARKING IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>60,000</u>	
TOTAL PARKING IMPROVEMENT FUND APPROPRIATIONS		\$ 60,000

CAPITAL IMPROVEMENT FUNDS

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Personnel Services	-	
Other Services & Charges	<u>260,000</u>	
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUND APPROPRIATIONS		\$ 260,000

COMMUNITY DEVELOPMENT BLOCK GRANT LOAN FUND

Personnel Services	-	
Other Services & Charges	<u>500,000</u>	
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUND LOAN FUND APPROPRIATIONS		\$ 500,000

CAPITAL EQUIPMENT FUND

Personnel Services	-	
Other Services & Charges	<u>414,576</u>	
TOTAL CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$ 414,576

CAPITAL IMPROVEMENT FUND

Personnel Services	-	
Other Services & Charges	<u>1,442,493</u>	
TOTAL CAPITAL IMPROVEMENT FUND APPROPRIATIONS		\$1,442,493

WATER FUNDS**WATER (OPERATING) FUND**

Personnel Services	1,121,889		
Other Services & Charges	<u>1,772,538</u>		
TOTAL WATER (OPERATING) FUND APPROPRIATIONS		\$	2,894,427

WATER IMPROVEMENT FUND

Personnel Services	-		
Other Services & Charges	<u>735,000</u>		
TOTAL WATER IMPROVEMENT FUND APPROPRIATIONS		\$	735,000

WATER CAPACITY FUND - NE

Personnel Services	-		
Other Services & Charges	<u>6,875</u>		
TOTAL WATER CAPACITY FUND - NE APPROPRIATIONS		\$	6,875

WATER CAPACITY FUND - NW

Personnel Services	-		
Other Services & Charges	<u>92,500</u>		
TOTAL WATER CAPACITY FUND - NW APPROPRIATIONS		\$	92,500

WATER CAPACITY FUND - SE

Personnel Services	-		
Other Services & Charges	<u>92,500</u>		
TOTAL WATER CAPACITY FUND - SE APPROPRIATIONS		\$	92,500

WATER CAPACITY FUND - SW

Personnel Services	-		
Other Services & Charges	<u>92,500</u>		
TOTAL WATER CAPACITY FUND - SW APPROPRIATIONS		\$	92,500

WATER CAPITAL EQUIPMENT FUND

Personnel Services	-		
Other Services & Charges	<u>95,875</u>		
TOTAL WATER CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$	95,875

SEWER FUNDS**SEWER (OPERATING) FUND**

Personnel Services	1,300,712		
Other Services & Charges	<u>1,726,050</u>		
TOTAL SEWER (OPERATING) FUND APPROPRIATIONS		\$	3,026,762

SEWER IMPROVEMENT FUND

Personnel Services	-		
Other Services & Charges	<u>436,500</u>		
TOTAL SEWER IMPROVEMENT FUND APPROPRIATIONS		\$	436,500

SEWER CAPITAL EQUIPMENT FUND

Personnel Services	-		
Other Services & Charges	<u>106,155</u>		
TOTAL SEWER CAPITAL EQUIPMENT FUND APPROPRIATIONS		\$	106,155

STORM WATER FUND

Personnel Services	-	
Other Services & Charges	40,000	
TOTAL STORM WATER FUND APPROPRIATIONS		\$ 40,000

REFUSE FUNDS**REFUSE (OPERATING) FUND**

Personnel Services	133,947	
Other Services & Charges	1,620,156	
TOTAL REFUSE (OPERATING) FUND APPROPRIATIONS		\$ 1,754,103

LANDFILL POST-CLOSURE INVESTMENT FUND

Personnel Services	-	
Other Services & Charges	199,200	
TOTAL LANDFILL POST-CLOSURE INVESTMENT FUND APPROPRIATIONS		\$ 199,200

OTHER FUNDS**HOTEL AND CONVENTION TAX FUND (AGENCY FUND)**

Personnel Services	-	
Other Services & Charges	164,000	
TOTAL HOTEL AND CONVENTION TAX FUND APPROPRIATIONS		\$ 164,000

LIFE SQUAD GIFT FUND

Personnel Services	-	
Other Services & Charges	13,500	
TOTAL LIFE SQUAD GIFT FUND APPROPRIATIONS		\$ 13,500

AFFORDABLE HOUSING TRUST FUND

Other Services & Charges	10,000	
TOTAL AFFORDABLE HOUSING TRUST FUND		\$ 10,000

EMPLOYEES (HEALTH INSURANCE) BENEFITS FUND

Personnel Services	-	
Other Services & Charges	1,265,795	
TOTAL EMPLOYEE BENEFITS FUND APPROPRIATIONS		\$ 1,265,795

INTERNAL SERVICE FUND

Personnel Services	-	
Other Services & Charges	326,784	
TOTAL INTERNAL SERVICE FUND APPROPRIATIONS		\$ 326,784

LAW ENFORCEMENT TRUST FUND

Personnel Services	-	
Other Services & Charges	123,650	
TOTAL LAW ENFORCEMENT TRUST FUND APPROPRIATIONS		\$ 123,650

ENFORCEMENT & EDUCATION FUND

Personnel Services	-	
Other Services & Charges	6,000	
TOTAL ENFORCEMENT & EDUCATION FUND		
APPROPRIATIONS		\$ 6,000

BOARD OF BUILDING STANDARDS FUND (AGENCY FUND)

Personnel Services	-	
Other Services & Charges	1,500	
TOTAL BOARD OF BUILDING STANDARDS FUND		
APPROPRIATIONS		\$ 1,500

OXFORD NATURAL GAS REFUND FUND (AGENCY FUND)

Personnel Services	-	
Other Services & Charges	150	
TOTAL SPECIAL ASSESSMENTS FUND		
APPROPRIATIONS		\$ 150

SPECIAL ASSESSMENTS

Personnel Services	-	
Other Services & Charges	40,000	
TOTAL SPECIAL ASSESSMENTS FUND		
APPROPRIATIONS		\$ 40,000

DEBT SERVICE FUNDS

1999 PARKS IMPROVEMENT BOND FUND

Personnel Services	-	
Other Services & Charges	324,398	
TOTAL 1999 PARKS IMPROVEMENT FUND		
APPROPRIATIONS		\$ 324,398

WATER BOND RETIREMENT FUND

Personnel Services	-	
Other Services & Charges	929,350	
TOTAL WATER BOND RETIREMENT FUND		
APPROPRIATIONS		\$ 929,350

TOTAL 2009 BUDGET APPROPRIATIONS	\$29,153,648
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SECTION 2: The existing cash-flow advance (loan) to the CDBG fund from the General Fund for \$150,000 is hereby re-advanced for one year through the period ended December 31, 2009 in the amount of \$150,000.

SECTION 3: The City Auditor (Finance Director) is hereby authorized to draw warrants upon the City Treasury from the amounts appropriated in this ordinance whenever claims are made, with the approval of the City Manager, where appropriate, and are legally contracted for in accordance with the law.

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

MAYOR

ADOPTED: _____

ATTEST: _____
DEPUTY CLERK OF COUNCIL

INTRODUCED BY: PRUE DANA

PREPARED BY: 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
Prepared By

Account Code No. #:

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 Woche, AICP, Applicant, Agent

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:

Department Head:
City Attorney:
City Manager:

Initial Date

<i>JHC</i>	10/13/08
<i>[Signature]</i>	10/17/08

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. 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: 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

Certification of Action

Oxford Planning Commission

Recommendation to City Council

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

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

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-16-2008

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

APPLICATION

Applicant:	Jonathan Woche, 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</u> sq.ft.
Fairfield Rd.: 529.81’	1,059.62 sq.ft.	
Other (non-R/W facing):		<u>123.84</u> sq.ft.
	6,829.62 sq.ft.	<u>647.48</u> sq.ft.

***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
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 Wocher, AICP, Applicant, Agent**

 X Review Revisions Other

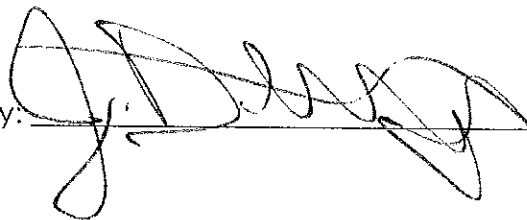
Comments or status update requested by: Lynn Taylor

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

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.

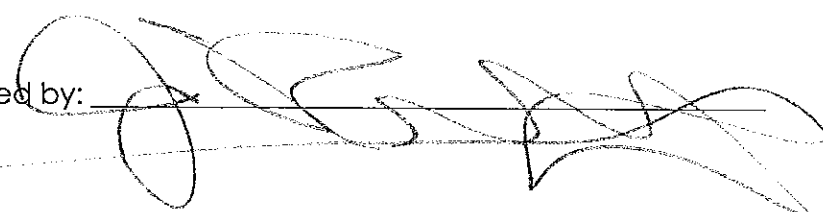
☒ Review ☐ Revisions ☐ Other

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:

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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

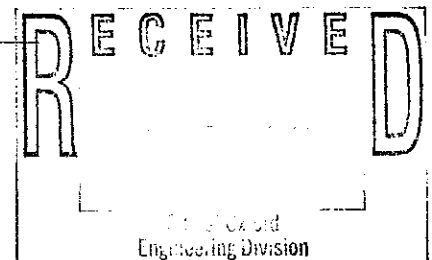
Please return no later than: **9/2/2008** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

SEE MEMO DATED 9-3-08

Drawings reviewed by: A. Popescu *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 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

SEE MEMO DATED 7-24-08.

Drawings reviewed by:

A. C. Pinner 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.

Date: 8/26/2008

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**

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

Drawings reviewed by: Sepp
8/22/8

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

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 Schweir

- (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:

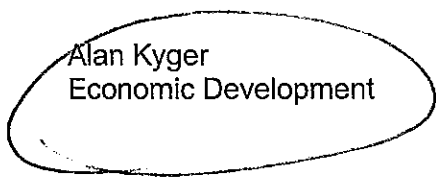
While there will be some loss in green space in creating this drive-through the question returns to will the community be better or worse with this expansion?

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 Goldner

Address:

5995 Fairfield Rd suite #5

Oxford Oh. 45056

Telephone:

Home: 513 523 1192

Work:

513 523 2275

COMMENTS:

Love Kroger's! Give them the Drive Through, they already have a pharmacy. **DO NOT** Grant the request for Gas Station 3 stations in row is unneeded in that small intersection area Marathon/Speedway on corner already.

Tim Goldner
From: Tim Goldner
5995 Fairfield Road

8/15/08
Date

'Love Kroger's! Give them the drive through, they already have a pharmacy. **DO NOT** Grant the request for a gas station 3 stations in row is unneeded in that small intersection area Marathon/Speedway on corner already.

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

Does not support another gas station on
this corner. Would like to see Kroger
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:

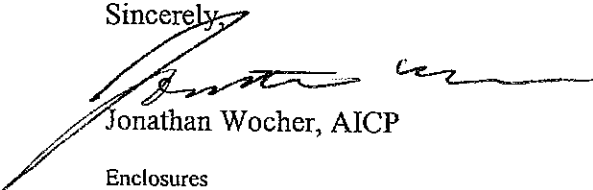
On behalf of Kroger and Schottenstein Property Group, I am transmitting the enclosed material to provide revised updated plans for review by the City of Oxford of a Conditional Use for the pharmacy drive-thru service and fuel center that is part of the expansion of the Kroger store in the Tollgate Shopping 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,

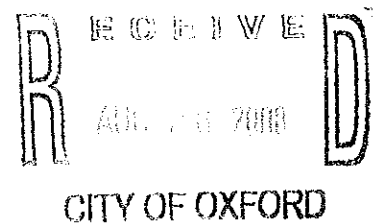


Jonathan Wocher, AICP

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.

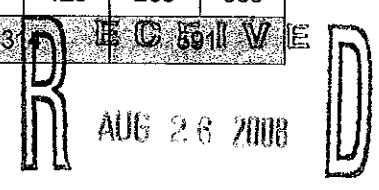
^ Fuel Station trips reduced by 30% to account for internal trips between the various retail uses within the shopping center (including the expanded Kroger) and the Kroger Gas Station

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		603	

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		317		611	



 AUG 26 2008

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.

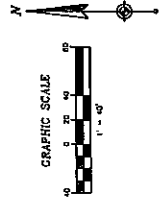
- A. The Kroger store is a permitted use and the drive-through pharmacy service and fuel center are conditional uses permitted within the "GB" General Business Zoning District as specified in the Planning and Zoning Code Section 1143.12.
- B. The proposed use of the site will satisfy the general intent 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

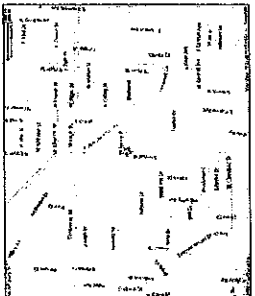
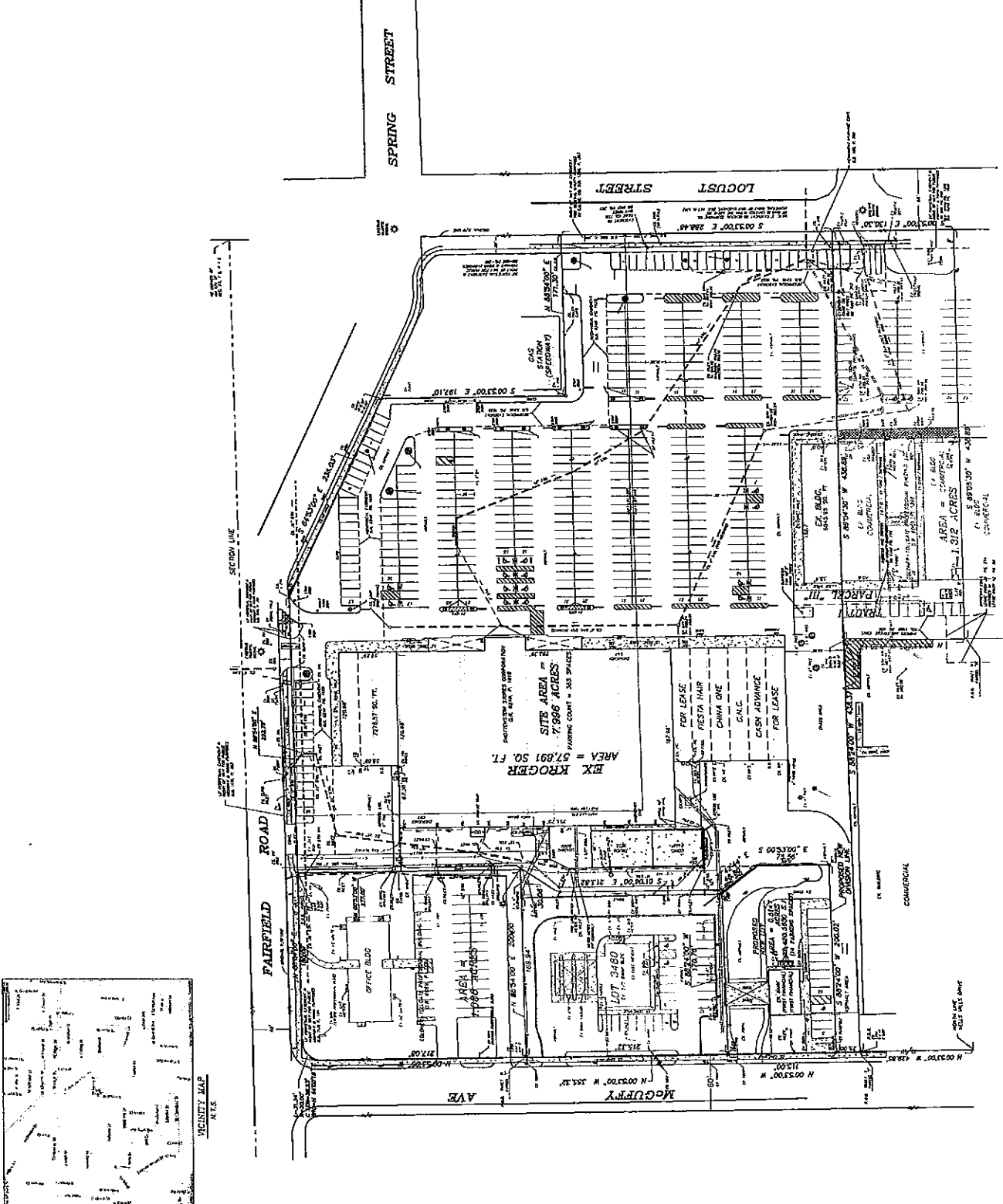
The following summarizes the revisions to the Kroger Site plan being submitted on August 26 in response to the staff report dated August 12, 2008, in response to comments at the meeting with city staff on August 21, and to reflect an updated Kroger floor plan.

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.



CURRENT ZONING - "B" (GENERAL BUSINESS)

- LEGEND**
- EXISTING LOT LINES
 - EXISTING BUILDING FOOTPRINTS
 - EXISTING DRIVEWAYS
 - EXISTING SIDEWALKS
 - EXISTING CURBS
 - EXISTING STREETS
 - EXISTING UTILITIES
 - EXISTING TREES
 - EXISTING FENCES
 - EXISTING LIGHTS
 - EXISTING SIGNAGE
 - EXISTING LANDSCAPE
 - EXISTING PAVING
 - EXISTING DRAINAGE
 - EXISTING EROSION CONTROL
 - EXISTING SECURITY
 - EXISTING ACCESS
 - EXISTING EGRESS
 - EXISTING PARKING
 - EXISTING TRAFFIC
 - EXISTING SIGNALS
 - EXISTING INTERSECTIONS
 - EXISTING RAILROADS
 - EXISTING AIRPORTS
 - EXISTING MARINAS
 - EXISTING PORTS
 - EXISTING CANALS
 - EXISTING DAMS
 - EXISTING BRIDGES
 - EXISTING TUNNELS
 - EXISTING TOWERS
 - EXISTING MOUNTAINS
 - EXISTING HILLS
 - EXISTING VALLEYS
 - EXISTING PLAINS
 - EXISTING DESERTS
 - EXISTING TUNDRA
 - EXISTING SAVANNAH
 - EXISTING JUNGLE
 - EXISTING SWAMP
 - EXISTING BAY
 - EXISTING OCEAN
 - EXISTING LAKE
 - EXISTING RIVER
 - EXISTING CREEK
 - EXISTING STREAM
 - EXISTING BROOK
 - EXISTING POND
 - EXISTING WETLAND
 - EXISTING WOODLAND
 - EXISTING PRAIRIE
 - EXISTING MEADOW
 - EXISTING PASTURE
 - EXISTING FARM
 - EXISTING RANCH
 - EXISTING ESTATE
 - EXISTING TRACT
 - EXISTING PARCEL
 - EXISTING LOT
 - EXISTING BLOCK
 - EXISTING DISTRICT
 - EXISTING ZONE
 - EXISTING AREA
 - EXISTING REGION
 - EXISTING STATE
 - EXISTING COUNTRY
 - EXISTING WORLD



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Please verify information shown on this plan.
 We warrant that the information shown on this plan
 was obtained from reliable sources. It is the
 responsibility of the user to verify the accuracy of the
 information and to obtain any necessary permits.
 appropriate utility company for their location.

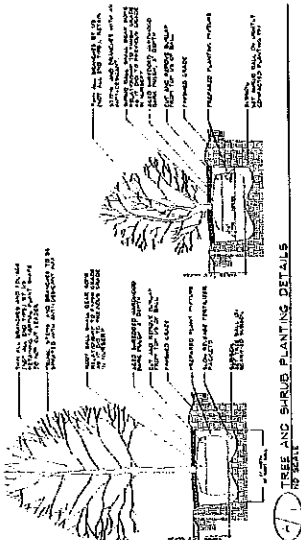


NO.	DATE	BY	CHKD.
1	10/27/00	W. JACOBSON	
2	11/01/00	W. JACOBSON	
3	11/01/00	W. JACOBSON	
4	11/01/00	W. JACOBSON	
5	11/01/00	W. JACOBSON	

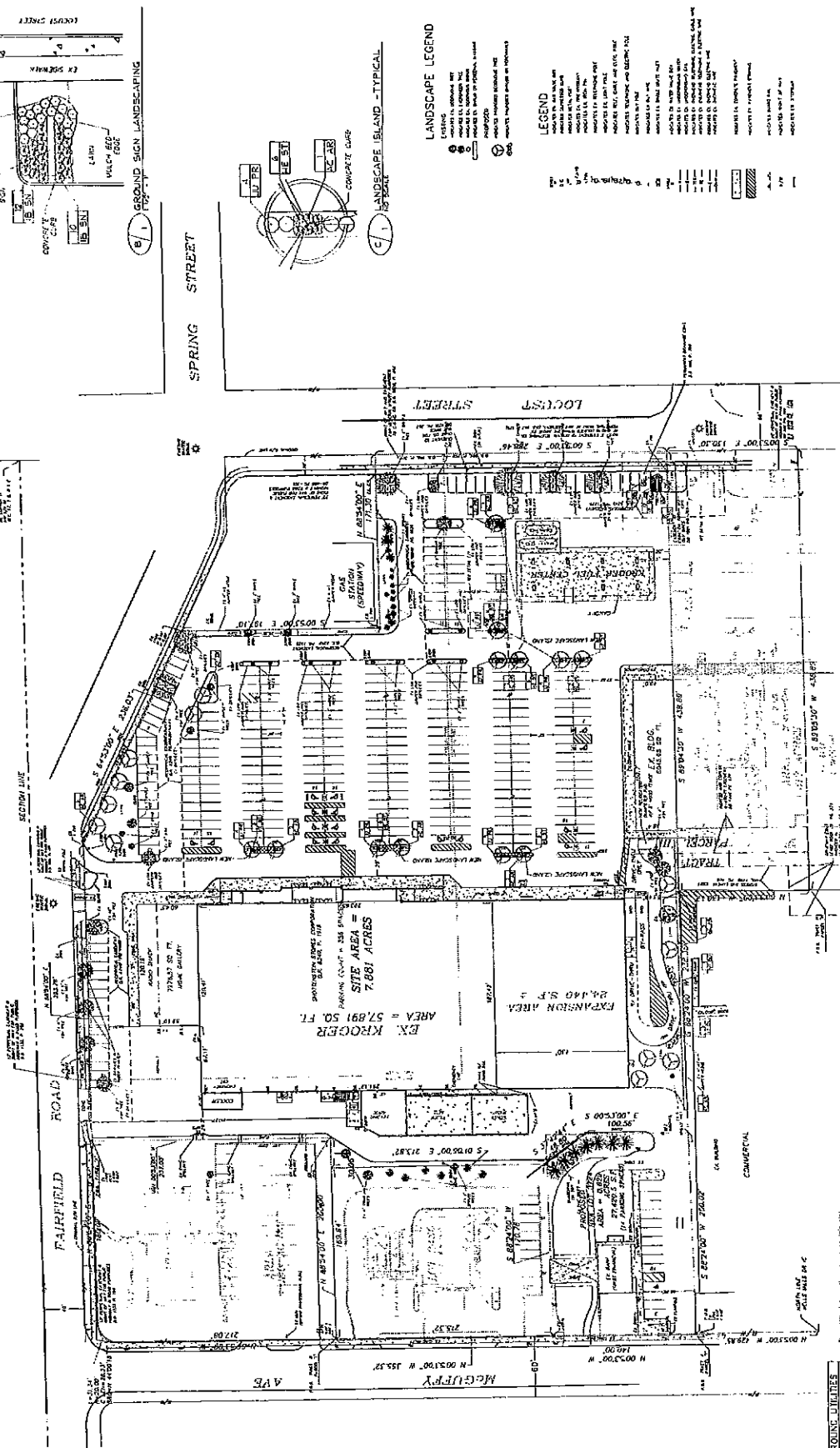
PROJECT: 27-2500
SHEET: 1 OF 1
DATE: 11/01/00
BY: W. JACOBSON
CHKD.: W. JACOBSON

LANDSCAPE PLAN
TOLKATE SHIPPING CENTER
SECTION 27, TOWN S, RANGE E1
BUTLER COUNTY, OHIO

40000000 412
TOLKATE
Drawn by: W. JACOBSON
Scale: 1" = 100'



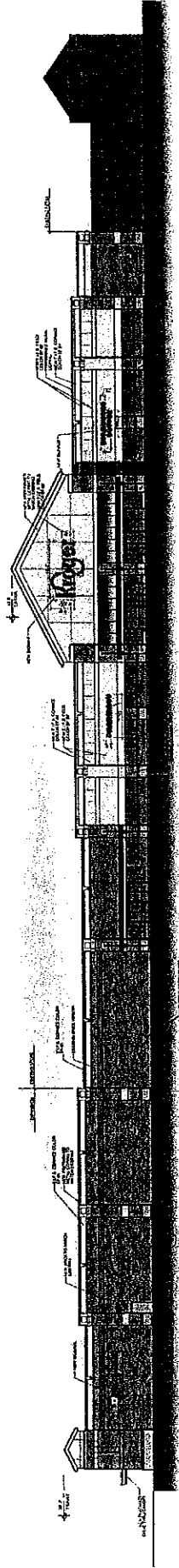
PLANT SCHEDULE	COMMON NAME	BOTANICAL NAME	SIZE	QTY	COND.	REMARKS
1	AMERICAN HAWTHORN	CRATAEGUS ALBIFLORA	2 1/2" DIA.	25	BIB	PLANTED 10/1
2	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
3	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
4	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
5	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
6	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
7	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
8	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
9	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1
10	DOGWOOD	CORNUS FLORIDA	2 1/2" DIA.	25	BIB	PLANTED 10/1



LANDSCAPE LEGEND
 EXISTING
 PROPOSED
 PLANTING
 PLANTING NOTES
 PLANTING SCHEDULE
 PLANTING DATE
 PLANTING BY
 PLANTING CHECKED
 PLANTING APPROVED

LEGEND
 EXISTING
 PROPOSED
 PLANTING
 PLANTING NOTES
 PLANTING SCHEDULE
 PLANTING DATE
 PLANTING BY
 PLANTING CHECKED
 PLANTING APPROVED

UNDERGROUND UTILITIES
 BEFORE YOU DIG
 1-800-485-7864
 1-800-485-7864
 1-800-485-7864



FRONT ELEVATION - EAST



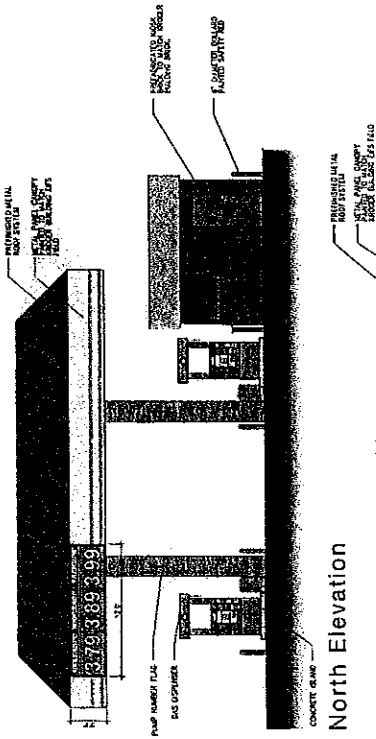
SIDE ELEVATION - SOUTH

Kroger A412, Oxford, OH



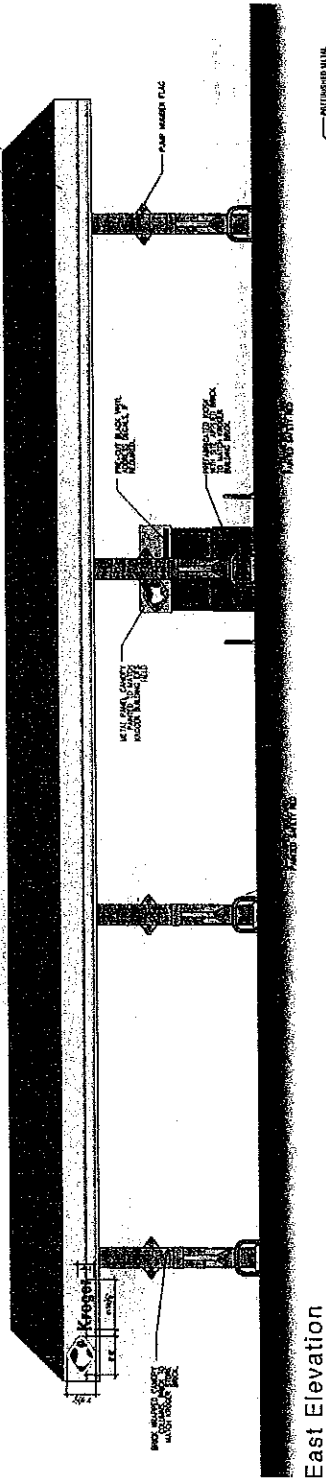
900508.05 Cole + Russell Architects
AN LITTON + SHAW COMPANY

08-25-08

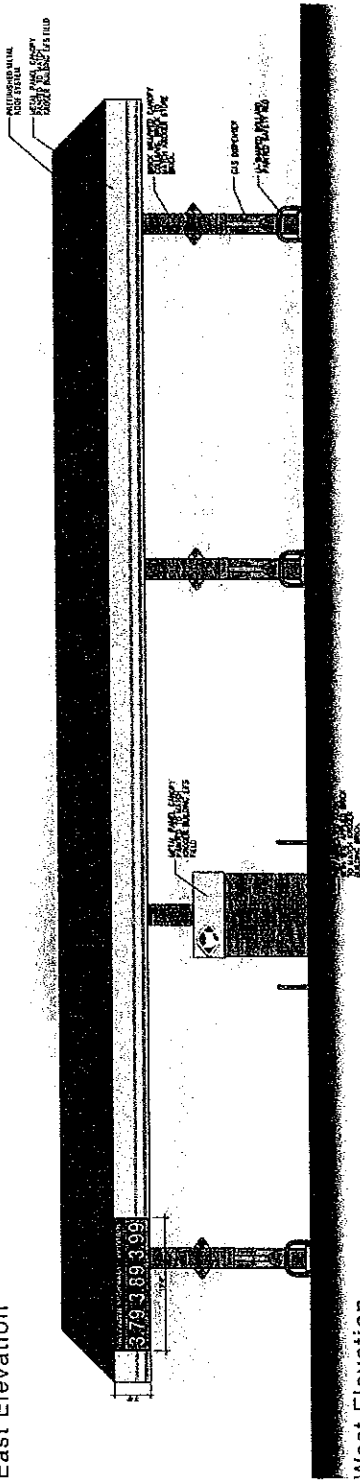


South Elevation

North Elevation



East Elevation



West Elevation

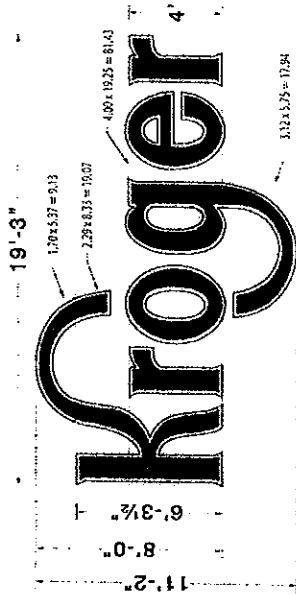
Kroger A412, Oxford, OH

Fuel Center

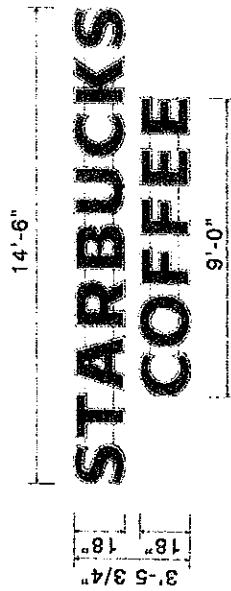
06-25-08

900508.05 Cole + Russell Architects
3000 Atlantic City Blvd., Suite 200
Atlantic City, NJ 08401
Tel: 609/426-1100
Fax: 609/426-1101
E-mail: info@coleandrussell.com
Web: www.coleandrussell.com

[illegible]



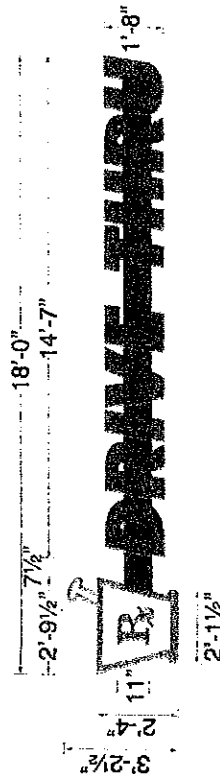
"Kroger" Sign
127.57 sf



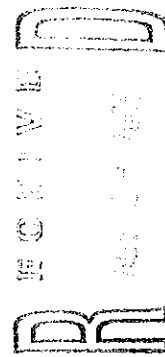
"Starbucks Coffee" Sign
39.57 sf



"Pharmacy" Sign
15.46 sf



"Rx Drive-Thru" Sign
33.25 sf



CITY OF OXFORD

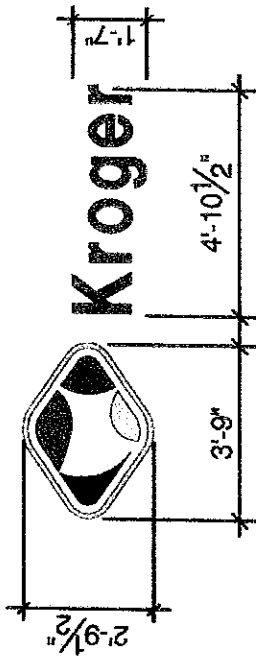
Kroger A412, Oxford, OH

Signage Calculations - Kroger Store

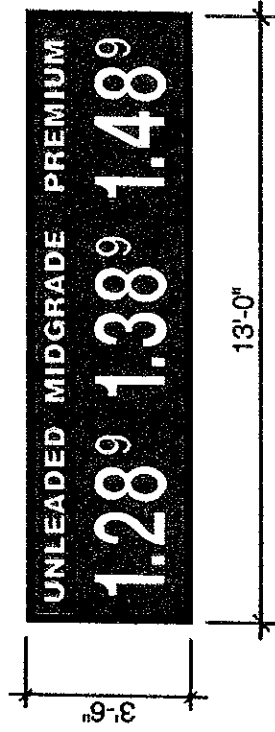
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900508.05

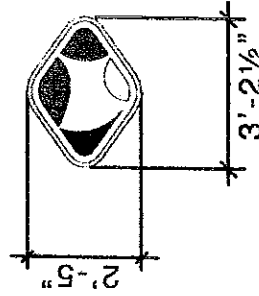
City of Oxford



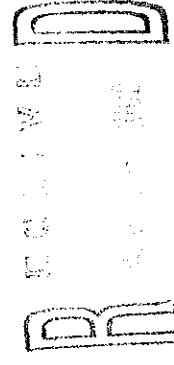
Fuel Logo with "Kroger"
Sign 13.75 sf
2 sets 27.5 sf total



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

Signage Calculations - Fuel Center

Kroger A412, Oxford, OH

06-25-08

900508.05

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

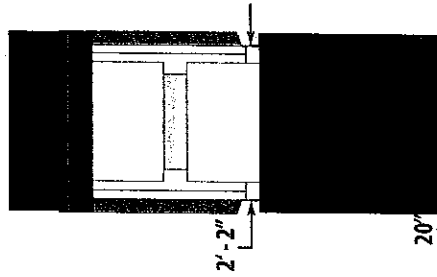
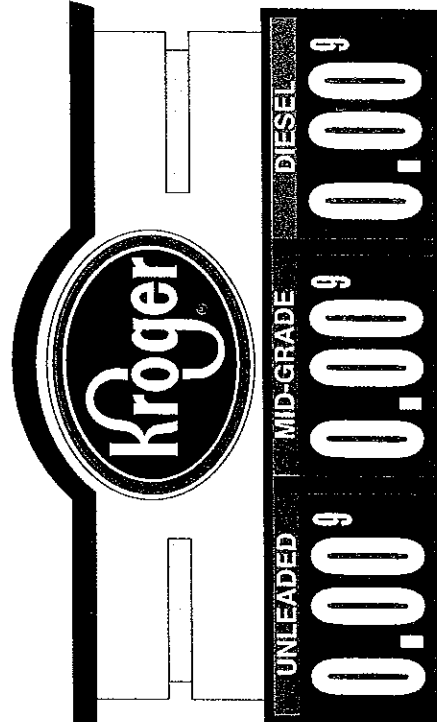
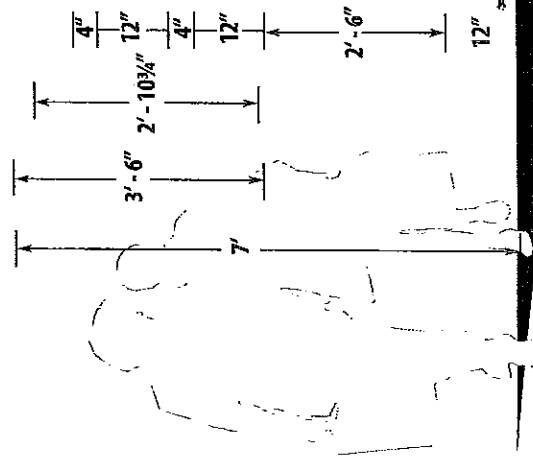
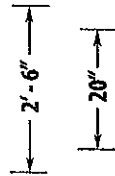
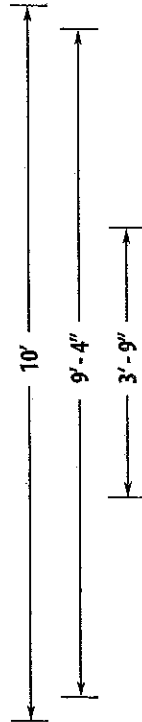
- Direct burial steel.
- 2' diameter x required depth per engineer's sealed drawing.

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
 LOC:

DATE: 6/23/08
 SCALE: 3/8" = 1'-0"
 BY: Brian Marco
 REP: Vince Klusty

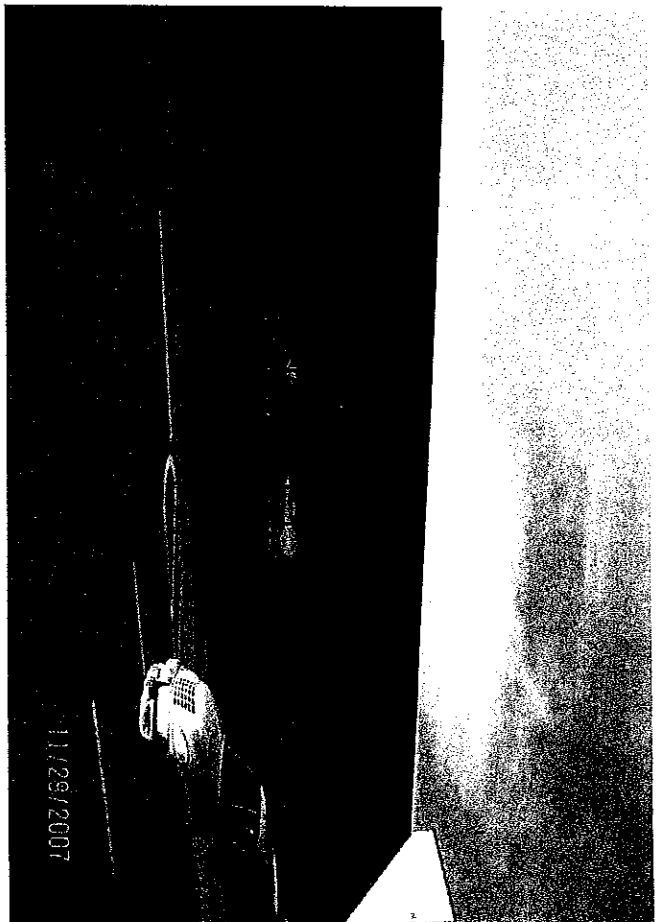
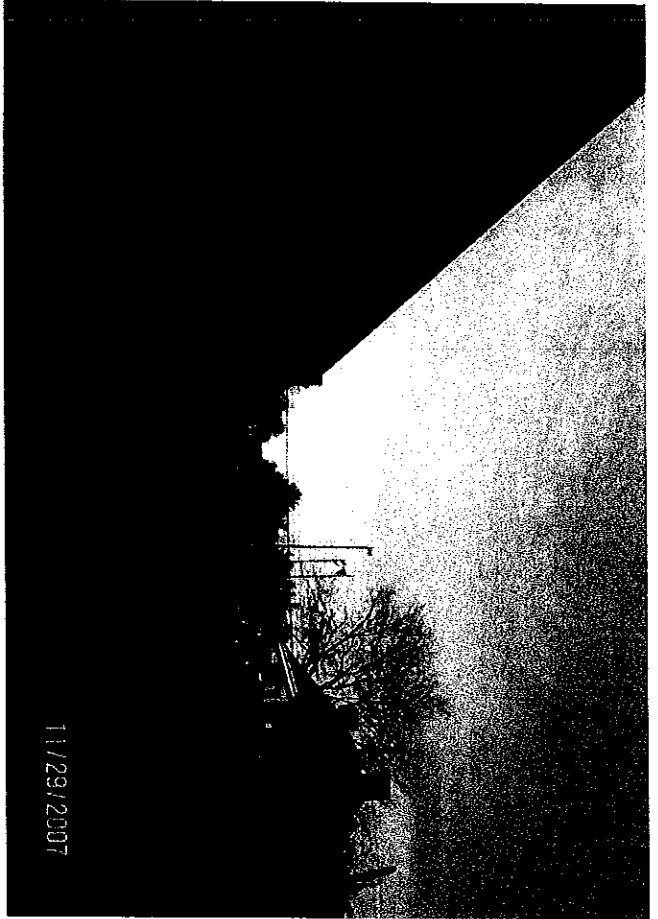
APPROVED BY:
 LANDLORD
 APPROVAL:

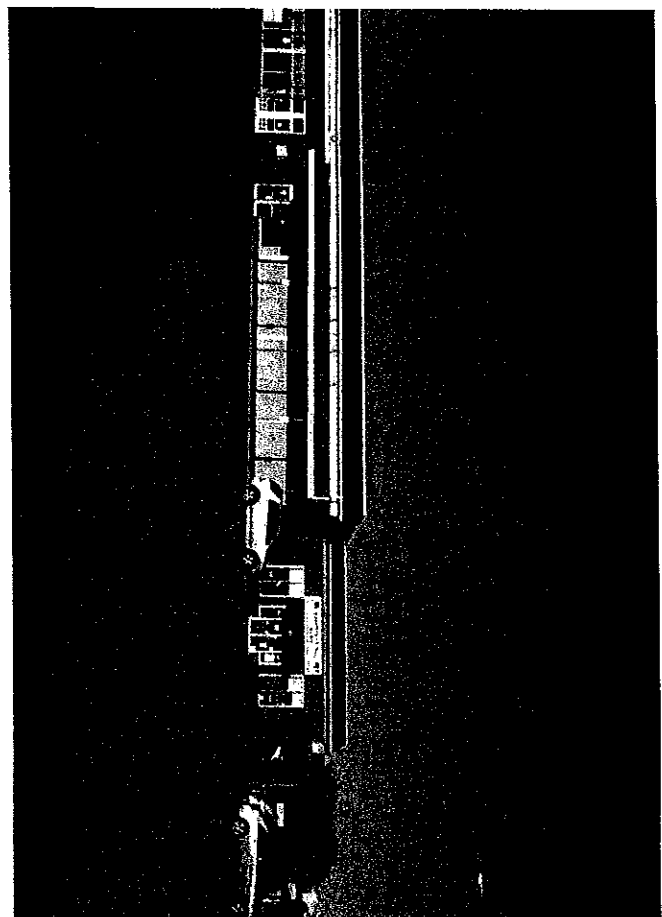
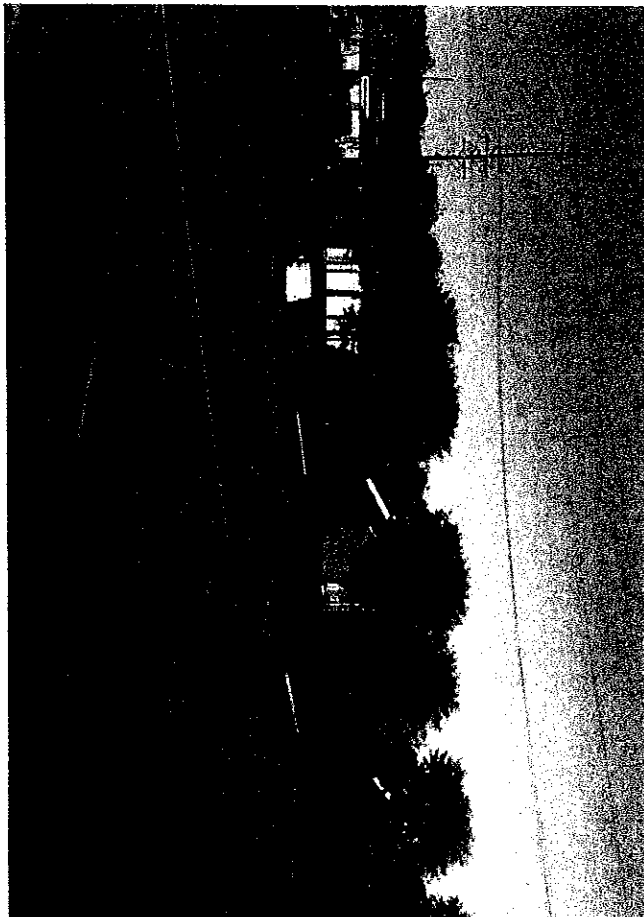
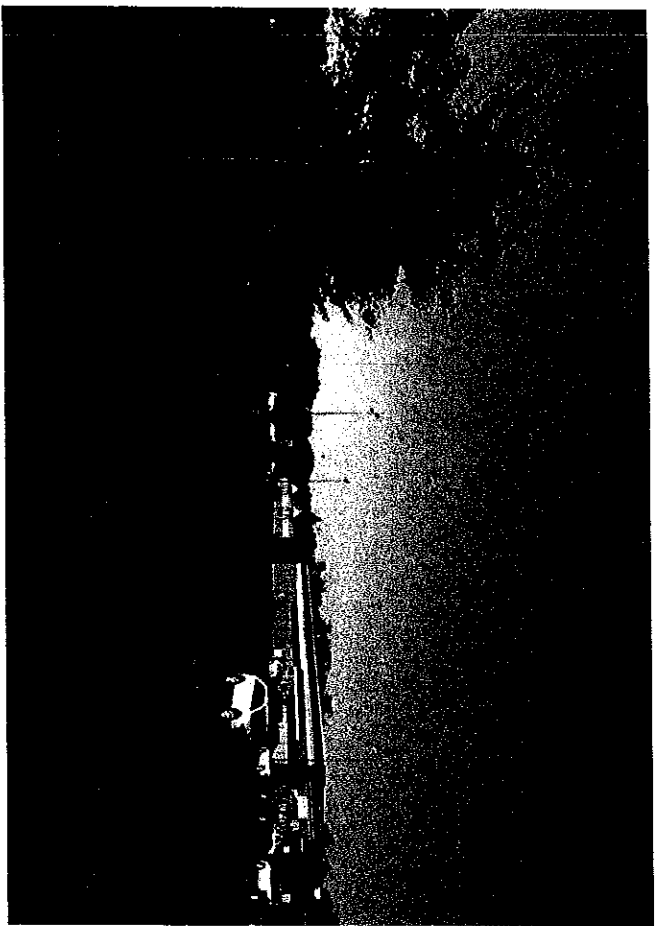
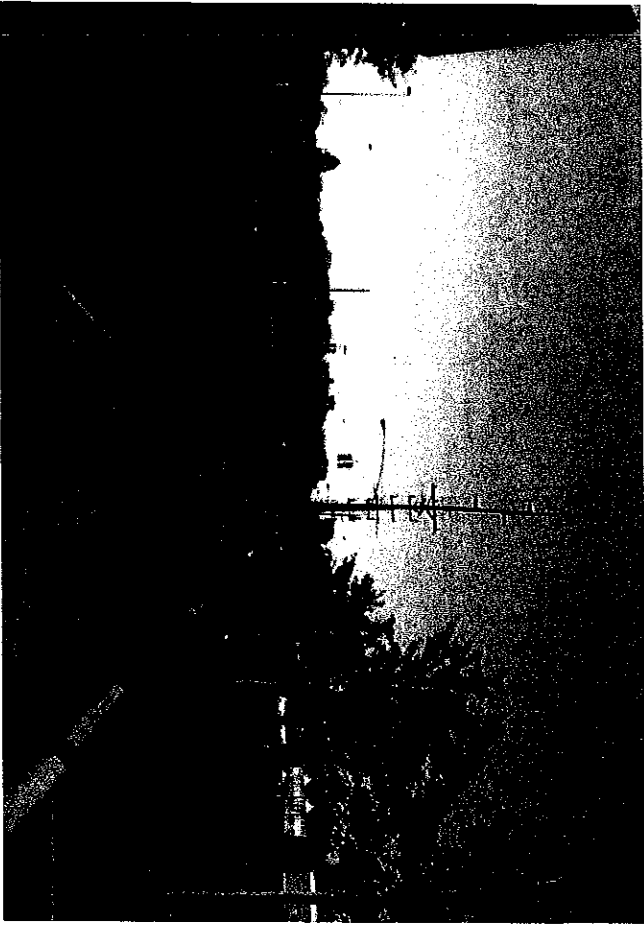
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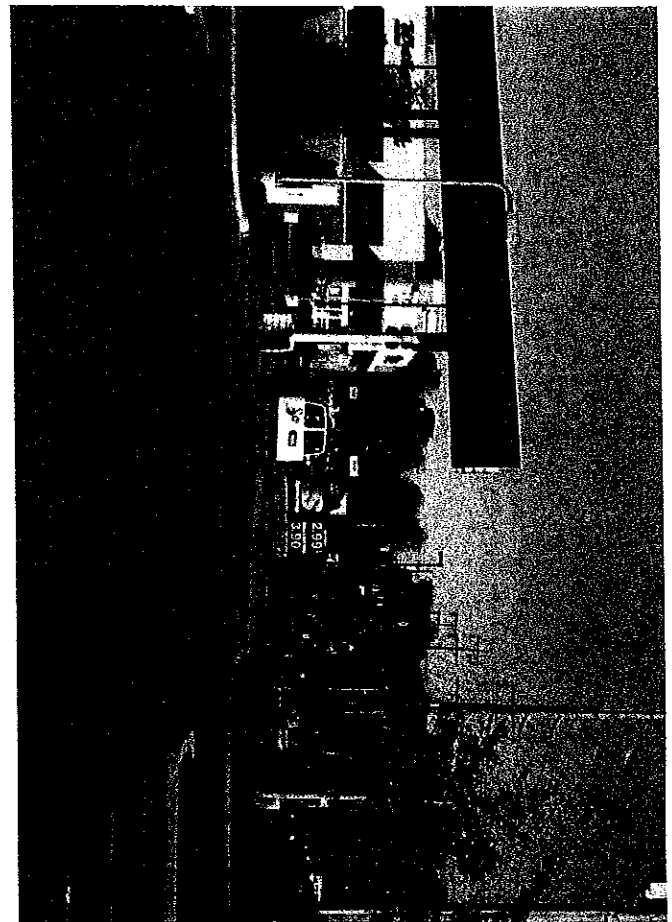
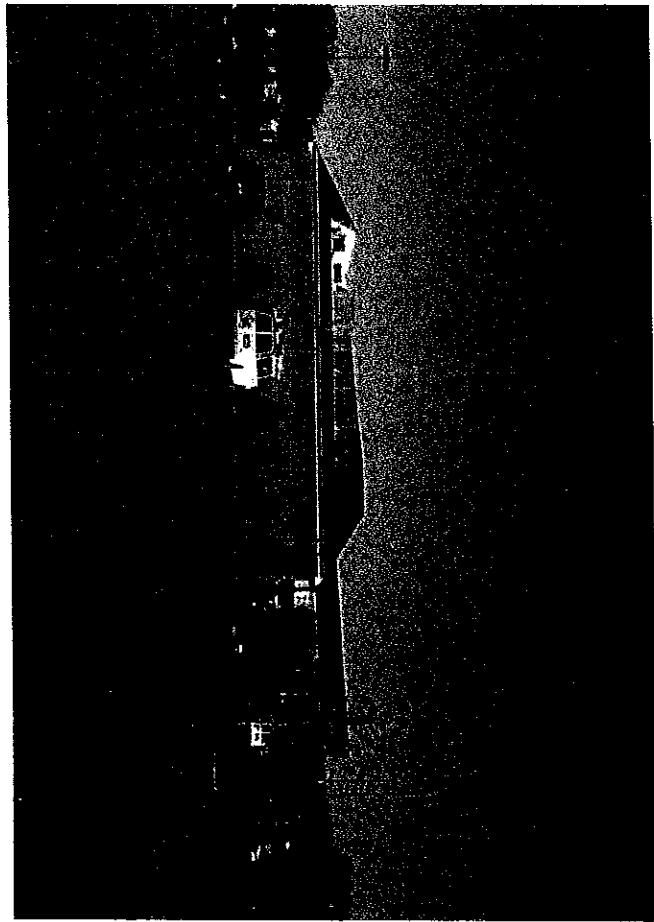
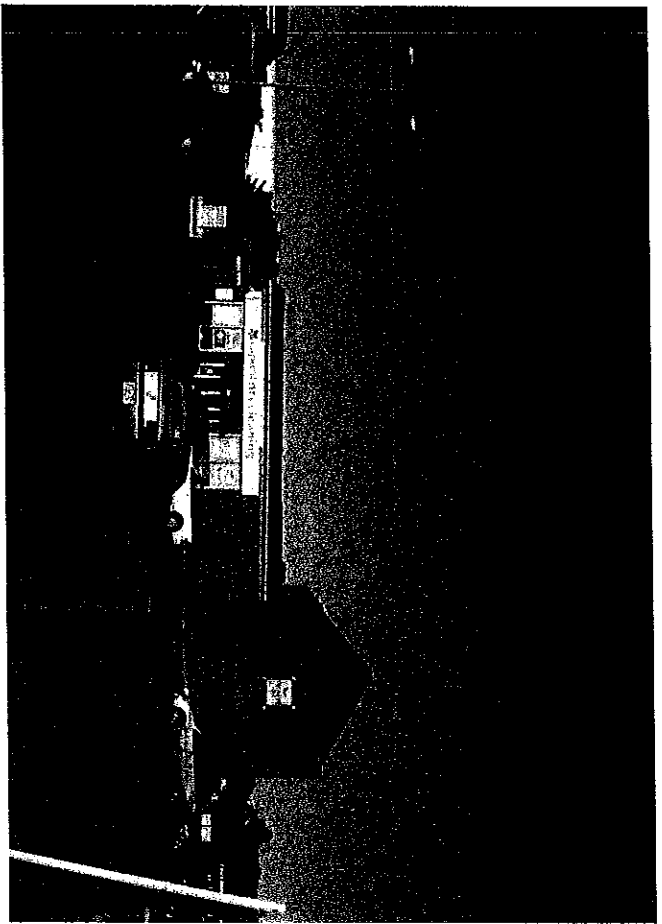
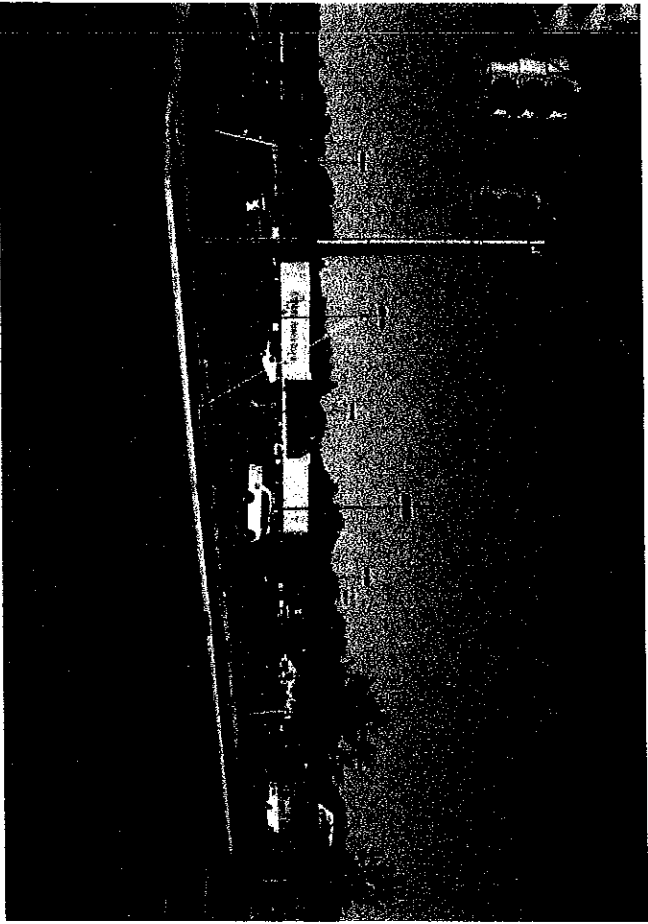
DATE:

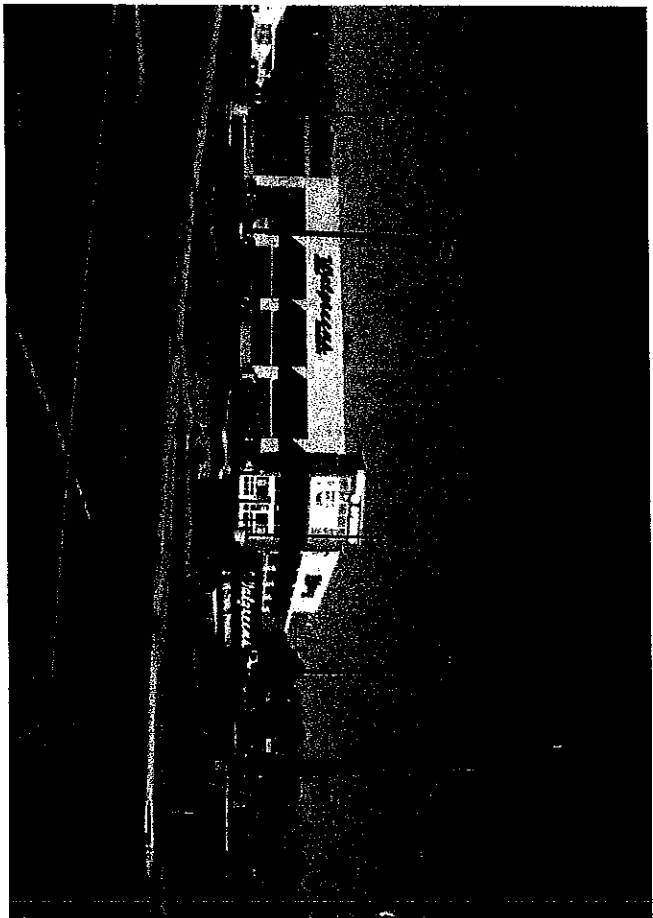
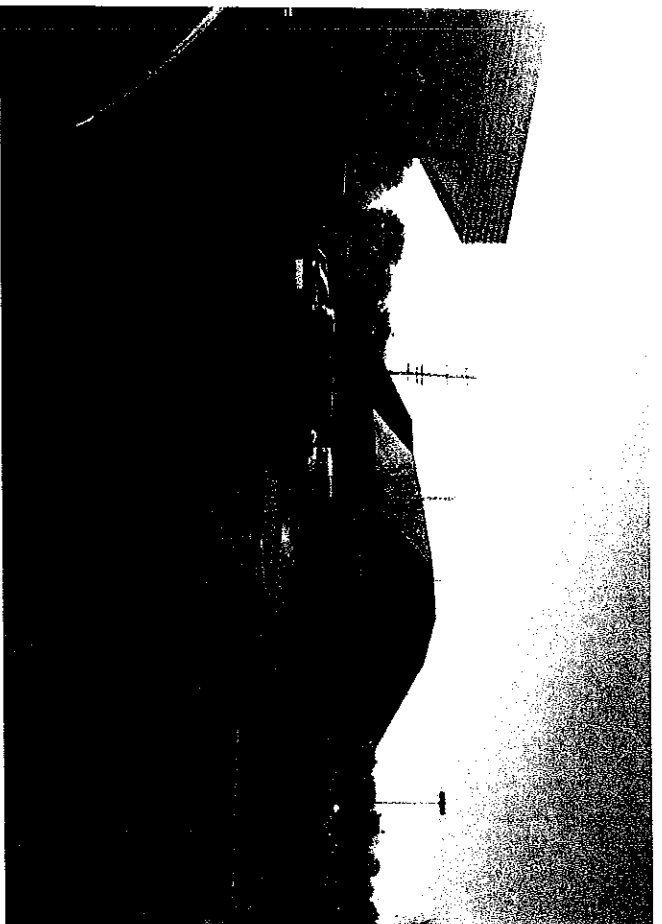
All designs and specifications are the sole copyrighted property of Victory Sign Associates, Inc. Any unauthorized use, copying, or reproduction is a violation of Federal Copyright law and will be subject to prosecution.

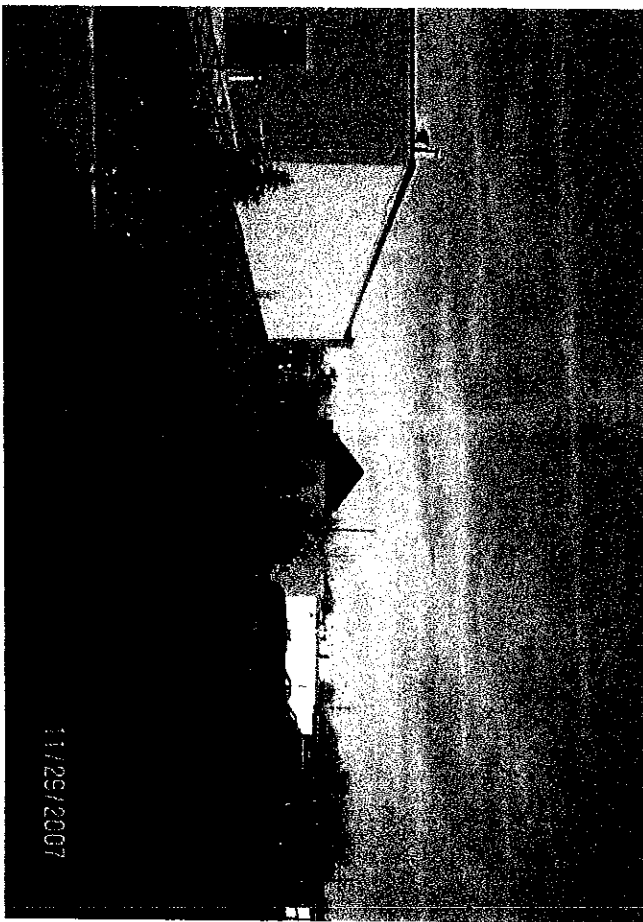
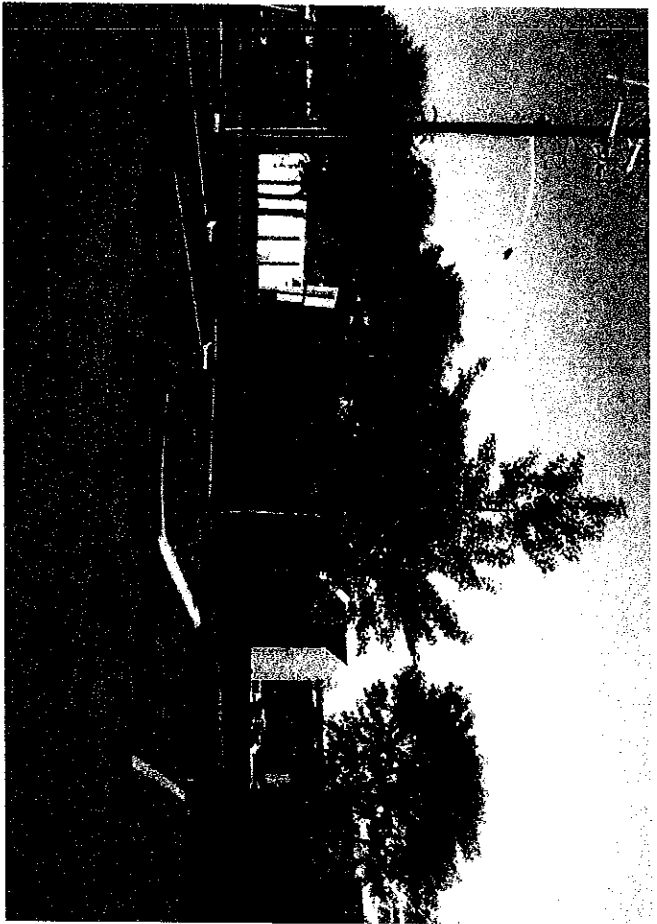
DRAWING NO:





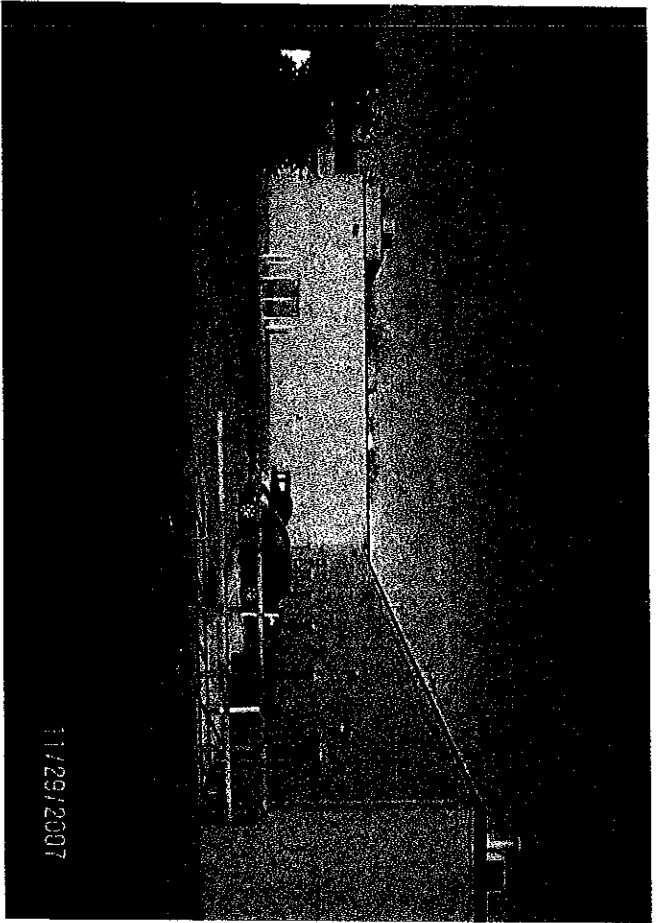
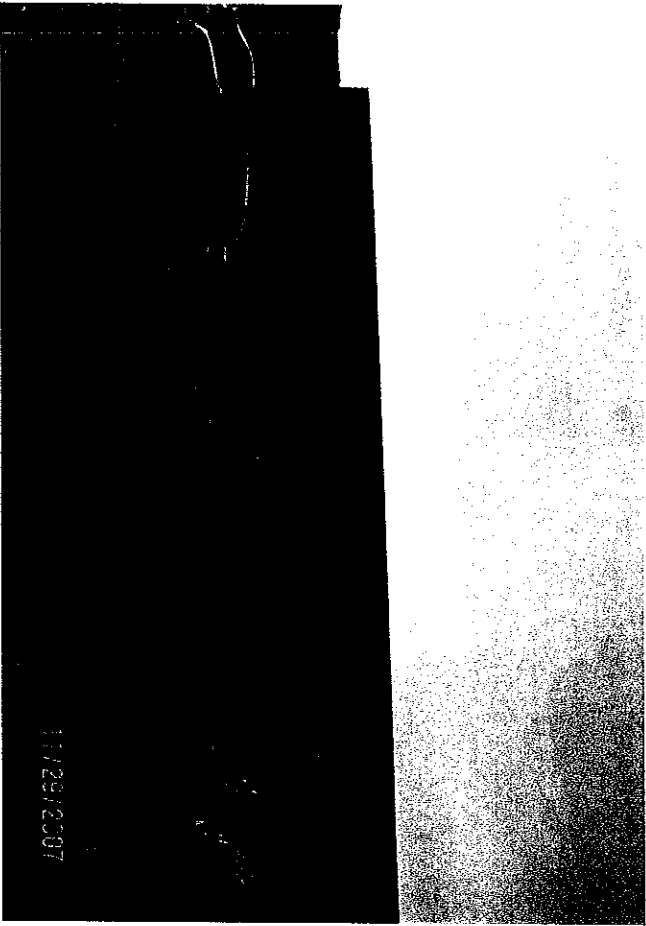






11/29/2007

11/29/2007



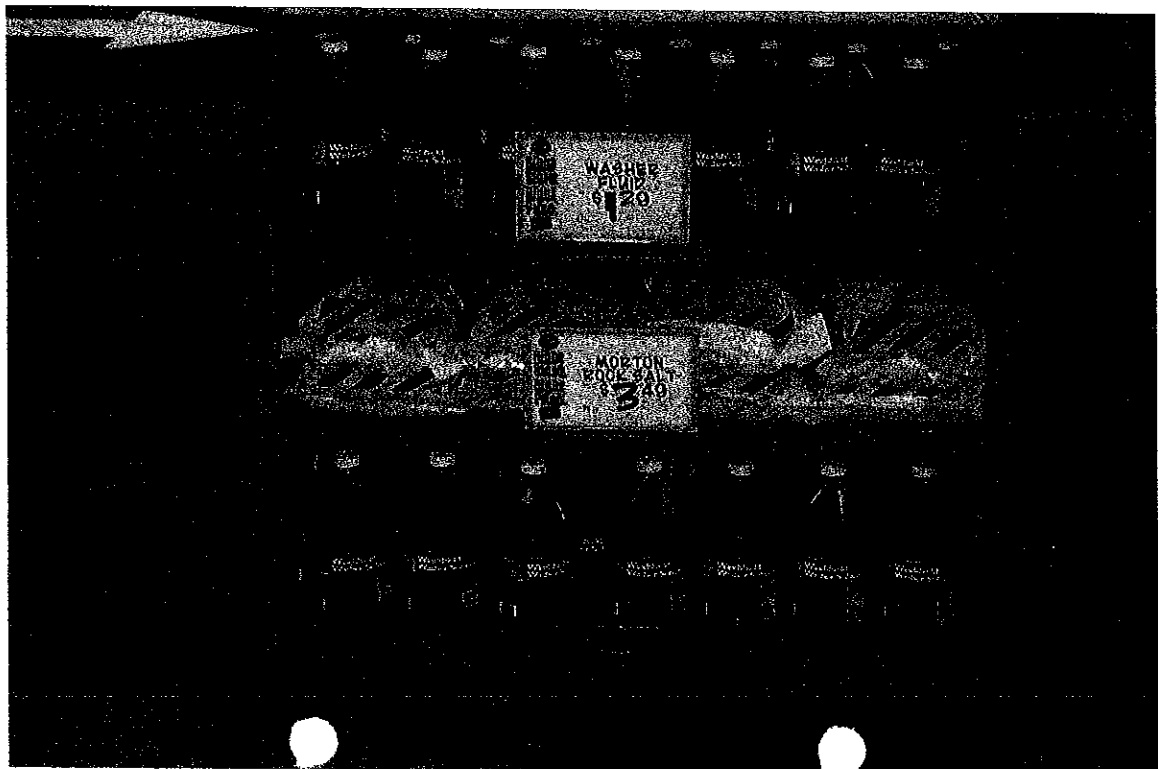
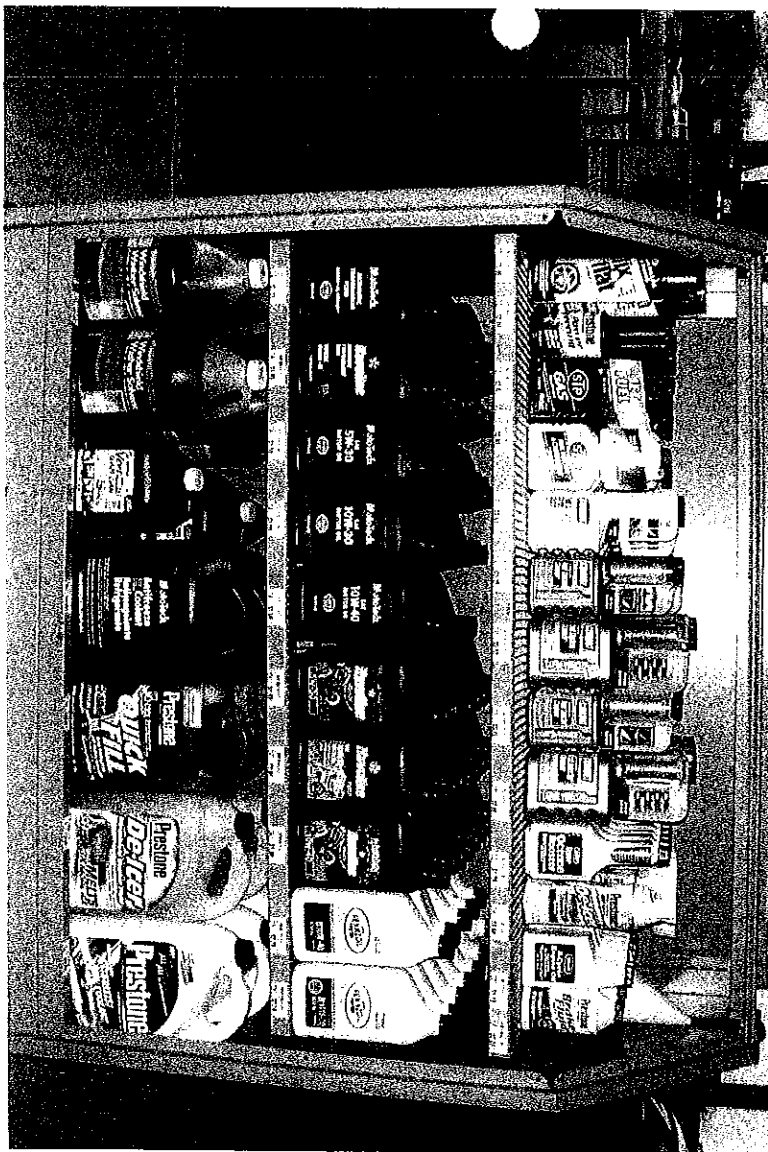


EXHIBIT "A"

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
5800053288	OR	6249	1919	DEED

July 15, 2008

Description: Schottenstein Stores Corporation Tract
8.511 Acres

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

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

The above described tract contains 8.511 Acres of land.

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

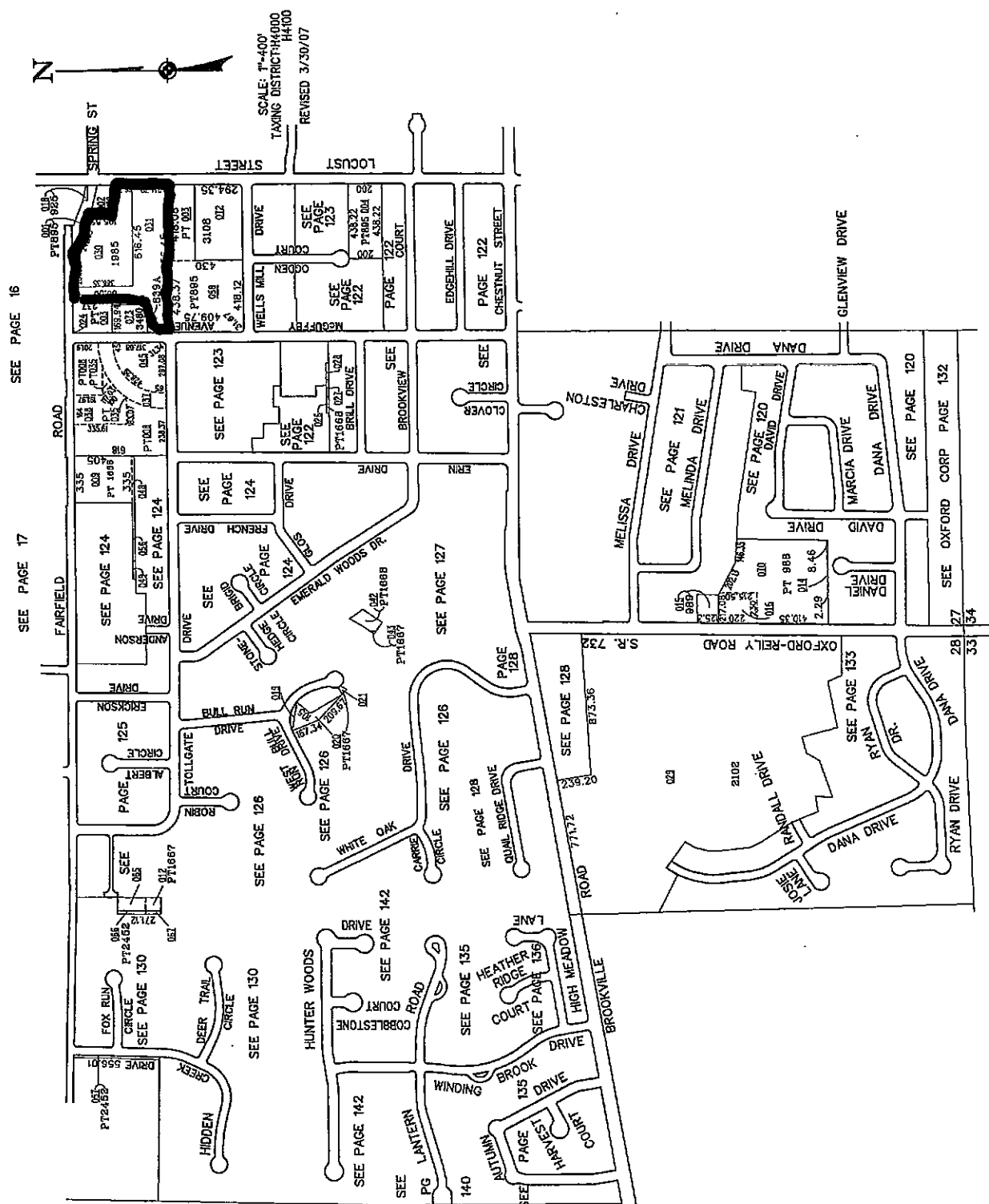
July 22, 2008

Description: New Lot 3724
0.5147 Acres

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

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

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



June 25, 2008



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

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

Dear Mr. Wocher:

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

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

Sincerely,

A handwritten signature in dark ink, appearing to be 'DEG', written over a horizontal line.

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 Woche, 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