



Agenda

Oxford City Council

Court House

TUESDAY, DECEMBER 4, 2018

EXECUTIVE SESSION

6:30 p.m.

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

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Presentation – ShareFest 2018 – Carol Michael.

B. Public Comments.

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

4. Consent Agenda.

A. Minutes of the November 20, 2018 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the November 15, 2018 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

5. Resolutions.

1. A Resolution of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for parcels on Chestnut Street and on Oak Street as set forth on Exhibit “A” attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Sam Perry, Community Development Director).



Staff Report/Resolution



Staff Report/Resolution

2. A Resolution of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for parcels located within the Heritage Vineyard Subdivision as set forth on Exhibit “A” attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Sam Perry, Community Development Director).



Staff Report/Resolution

3. A Resolution authorizing the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorizing the City of Oxford to provide emergency medical services to the western portion of Milford Township pursuant to the agreement. (Doug Elliott, City Manager).



Staff Report/Resolution

4. A Resolution accepting the bid and authorizing the City Manager to enter into a contract with W.G. Stang, LLC for the replacement of the culvert under Contreras Road east of Stone Creek Drive at a cost of \$98,320.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,832.00 for a total cost not to exceed \$108,152.00. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances.

A. First Reading

1. An Ordinance Levying Upon The Lots And Lands Enumerated In The List Of Estimated Assessments (Exhibit A) The Amounts Set Forth On Such List And Setting Forth Terms For Payment Of Assessments. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

2. An Ordinance Accepting The Planning Commission's Recommendation For Final Plan Approval Of A Planned Development For One (1) Acre Of Land At 5990 Contreras Road Oxford, Ohio 45056 To Allow The Reconfiguration Of An Existing Structure For Residential And Office Uses With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Amending Ordinance No. 3449. Supplemental Budget Ordinance Number 7 To Make Supplemental Appropriations For Fiscal Year 2018. (Joe Newlin, Finance Director)



Staff Report/Ordinance

B. Second Reading - None.

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

1. Remarks from City Council and City Staff.

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

WED - Dec 5 Environmental Commission Meeting 7:00 p.m. Municipal Building

THUR - Dec 6 Public Arts Commission of Oxford Meeting 4:30 pm. Municipal Building

TUES - Dec 11 Planning Commission Meeting 7:00 p.m.

WED - Dec 12 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

THUR - Dec 13 Civil Rights Commission Meeting 4:00 p.m. Municipal Building

MON - Dec 17 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

TUES – Dec 18 Recreation Board Meeting 11:30 a.m. Municipal Building

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

WED - Dec 19 Board of Zoning Appeals Meeting 6:30 p.m. Cancelled

MON - Dec 24 Holiday – City Offices Closed

TUES – Dec 25 Holiday – City Offices Closed

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 4, 2018

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

November 20, 2018

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into a new agreement with Milford Township, Butler County Ohio and authorizing the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to the agreement.

Recommendation: Adopt the Resolution

Discussion:

The contract between the City of Oxford and Milford Township for the provision of EMS services in the western portion of Milford Township will expire on December 31, 2018. The previous contract was for two years at \$16,200 per year. Chief Detherage and I met with the Milford Township Trustees on Monday, November 19, 2018 to discuss a new contract. A tentative agreement was reached. Under the proposed agreement, Milford Township will contribute \$20,200 per year in years 2019 and 2020 for EMS services. In 2021, the annual rate will increase to \$24,000. On the legislative agenda is a resolution authorizing the City Manager to sign a new three-year agreement with the Milford Township Trustees for the provision of EMS services in the Western portion of Milford Township.

Approved By:

Department Head:

Initial Date

City Manager:

DAE

11-30-18

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH MILFORD TOWNSHIP, BUTLER COUNTY, OHIO, AND AUTHORIZING THE CITY OF OXFORD TO PROVIDE EMERGENCY MEDICAL SERVICES TO THE WESTERN PORTION OF MILFORD TOWNSHIP PURSUANT TO THE AGREEMENT.

WHEREAS, the City Manager and the Fire Chief recommend Council authorize the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio, and authorize the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Fire Chief and hereby authorizes the City Manager to enter into a new agreement with Milford Township, Butler County, Ohio and authorizes the City of Oxford to provide Emergency Medical Services to the western portion of Milford Township, Butler County, Ohio, pursuant to an agreement in a form substantially similar to the agreement attached hereto as Exhibit "A" and acceptable to the Law Director.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**AGREEMENT BETWEEN THE CITY OF OXFORD AND
MILFORD TOWNSHIP, BUTLER COUNTY, OHIO**

This **Agreement** is made and entered into this ____ day of December, 2018, by and between the City of Oxford and Milford Township, Butler County, Ohio.

WITNESSETH:

Whereas, Milford Township desires to avail itself of the emergency medical service offered and provided by the City of Oxford for the western 18 square mile portion of Milford Township and to fairly compensate the City of Oxford for such service; and

Whereas, the City of Oxford wishes to provide such services and to be fairly compensated.

Now, therefore, it is mutually agreed and undertaken by and between the parties as follows:

1. The City of Oxford, Ohio agrees to furnish Milford Township, Ohio emergency medical services in the western 18 square mile portion of Milford Township for a period beginning January 1, 2019 and continuing through December 31, 2021, unless sooner terminated by either party as provided hereafter.
2. The City of Oxford agrees to provide the above services on a twenty-four (24) hours per day, seven (7) days per week basis for the term of this agreement.
3. Milford Township agrees to compensate the City of Oxford a total sum of \$20,200 for years 2019 and 2020. In 2021 the payment will be \$24,000. Payment for services will be due as follows: 50% (\$10,100 for years 2019 and 2020. \$12,000 for 2021) on or before January 1 of the contract year and the remaining 50% on or before June 1 of the same year.
4. The City of Oxford shall be under no obligation to provide emergency medical service for Milford Township in the event that Milford Township defaults or intentionally terminates its payments under this agreement.
5. Oxford's response under this agreement will be limited to one squad with a minimum of two EMT's for emergency medical service (EMS) calls only. Oxford will not provide routine transportation that can be handled by private ambulance service.

6. All patient transportation will be to the McCullough-Hyde Memorial Hospital only, unless the responding Oxford Fire Division crew chief determines transportation to Fort Hamilton Hospital is required for unique emergency care. The Oxford Fire Division will only provide transport to other facilities if there is an extreme medical need.
7. When an additional squad is required within the Milford Township service area, either at the same EMS emergency or another simultaneous EMS emergency; or when Oxford does not have adequate resources to respond due to a preceding fire or EMS incident within its coverage area, Oxford will request mutual aid response, first from the squad contracted for the Eastern half of Milford Township, then from surrounding departments. Oxford will not respond with a second squad into Milford Township except under an extreme circumstance or where mutual aid is not available.
8. Unless the initial dispatch indicates an on-scene injury or illness, Oxford will not automatically respond for stand-by on Milford Township fire dispatches within its response area except for reported structure fires. Subject to the limitations above, Oxford will respond to any fire scene for stand-by when the severity of the incident warrants as specifically requested by the Milford Township Fire Chief or officer-in-charge after their arrival on scene.
9. The Milford Township Fire Department will respond automatically on all motor vehicle accident or other rescue calls within Milford Township. The Milford Township Fire Department will respond as requested by Oxford for lifting assistance or other manpower assistance at any EMS emergency within Milford Township. The Milford Township Fire Department will be dispatched to all cardiac arrest calls for additional manpower.
10. The parties agree that negotiations for a new contract will begin no later than July 1, 2021.
11. The City agrees to provide general liability insurance with a limit of One Million Dollars (\$1,000,000) and to list Milford Township as an additional insured for any and all claims related to the services performed under this agreement. Milford Township agrees to carry general liability insurance with a limit of One Million Dollars (\$1,000,000) with the City of Oxford listed as an additional insured for any and all claims related to the services performed under this agreement. Each party shall be responsible for the cost of its own insurance.
12. The City of Oxford agrees to provide Milford Township with an annual report of all calls/runs in Milford Township including type of response.
13. The City of Oxford further agrees to provide Milford Township with a copy of the Comprehensive Annual Financial Report prepared by the City of Oxford,

which shall include all income received and all expenses incurred by the Fire/EMS Division.

14. This Agreement constitutes the entire understanding between the parties concerning the City of Oxford's obligation to Milford Township for providing emergency medical service in the western 18 square mile portion of Milford Township, Butler County, Ohio. Any amendment or modifications to this Agreement shall only be effective when reduced to writing and signed by both parties.
15. In order to facilitate communications between the City of Oxford and Milford Township, the following individuals are designated as the persons to whom all inquiries or communication should be directed on behalf of their respective entity:

City of Oxford
Douglas R. Elliott Jr.
City Manager
101 E. High St.
Oxford, OH 45056

Milford Township
Paul Gillespie, President
Milford Township Trustees
P.O. Box 68
Collinsville, OH 45004

16. This contract shall become effective upon its execution by both parties.
Executed on the day and date first above written.

CITY OF OXFORD, OHIO

MILFORD TOWNSHIP

Douglas R. Elliott, Jr.
City Manager
Pursuant to Resolution
No.

Paul Gillespie
Board President

Amy Butterfield
Trustee

Brad Mills
Trustee

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 4, 2018

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

November 27, 2018
Date Prepared

Agenda Title: Resolution Accepting a Petition to Create a Neighborhood Conservation Overlay District for 10 parcels at the Northeast corner of Chestnut and Oak Streets

Recommendation: Approval
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Discussion:

The legislation for creating Neighborhood Conservation Overlay Districts was adopted by City Council in 2012. The goal was to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 10 parcels contained in the proposed overlay. This overlay is near two other overlays on the south side of Chestnut Street. Owners of 9 of the 10 parcels have signed the petition initiated by resident Jim Michael. Miami University is the owner of the unsigned parcel that contains one house.

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

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

10 parcels is the minimum number required without a waiver from City Council, after Planning Commission review. Therefore, the topic could be re-visited if Miami requests removal later in this process.

Approved by:

Department Head: SP / 11-28-18

City Manager: DRE / 11.30.18

RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS ON CHESTNUT STREET AND ON OAK STREET AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY: East sides of 400 E. Chestnut and 707, 711 and 811 Oak Street

NORTH BOUNDARY: North side of 707 Oak Street

WEST BOUNDARY: Oak Street

SOUTH BOUNDARY: Chestnut Street

CIRCULATOR'S FULL NAME: James E. Michael

CIRCULATOR'S ADDRESS: 819 Oak Street

CIRCULATOR'S SIGNATURE: 

DATE SUBMITTED: 10/15/18

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

TO: Oak / Chestnut Corner Property Owners

RE: PETITION FOR RESIDENTIAL CONSERVATION OVERLAY

DATE: OCTOBER 2018

PROPOSED: That Oak / Chestnut Corner Property Owners apply for a change of zoning to apply a neighborhood conservation overlay district. **This proposed zoning limits the number of persons in a dwelling to no more than two unrelated individuals.** If the zoning is approved, homeowners may rent property but **are limited to two unrelated persons who may live in the house.** This would still allow ownership or rental of the property to a large family, a couple, one person, or two unrelated persons.

The purposes of the Conservation Neighborhood Overlay Zoning as set forth in the ordinance are:

1. To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating the types of rental properties, particularly high-occupancy properties, occupied by unrelated persons.
2. To maintain an attractive community appearance and provide a desirable living environment for residents by preserving the owner-occupier character of the neighborhood.
3. To prevent excessive traffic and parking in the neighborhoods.

Current zoning: The current zoning for our area is "single family residence", defined as no more than FOUR unrelated people living in a dwelling.

Process for a neighborhood to achieve overlay zoning:

1. In order for our neighborhood to achieve this zoning, we must submit a petition bearing signatures of the owners of at least **2/3 of the parcels (7 of 10 parcels) within 6 months of the earliest signature.**
2. If the City Clerk and the Community Development Department find the petition to be sufficient, the petition is placed before City Council for acceptance and referral to the Planning Commission.
3. If the Planning Commission recommends approval of the petition, it is returned to City Council for review and approval.
4. The entire process takes about three months.

A neighborhood resident will be contacting you soon with the opportunity to sign the petition. The signer of the petition must be the homeowner (if jointly owned, only one needs to sign). You may contact the following for information.

James E. Michael, 819 Oak Street, 523-3129

Petition for Oak Chestnut Neighborhood Conservation Overlay District, Oxford, Ohio

EXHIBIT 'A'

Petition Initiator: Jim Michael, 819 Oak Street

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

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

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/3/18	400 E CHESTNUT ST/ H4100107000018	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000019	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	E CHESTNUT ST/ H4100107000022	JEFFREY J AND MOLLY J WANKO	Molly J. Wanko	
10/2/18	400 E CHESTNUT ST/ H4100107000023	JEFFREY J & MOLLY J WANKO	Molly J. Wanko	
10/3/18	707 OAK ST/ H4000107000036	PRESIDENT & TRUSTEES OF THE MIAMI UNIVERSITY OXFORD OHIO		DID NOT SIGN
10-12-18	711 OAK ST/ H4000107000035	CLAWSON PROPERTIES II LLC	Clawson Properties II LLC Barbara B. Clawson	BAR
10-2-18	811 OAK ST/ H4100107000034	JOAN E PARKS	Joan E. Parks	
10-2-18	819 OAK ST/ H4100107000017	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000021	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	
10-2-18	OAK ST/ H4100107000020	JAMES E & SARAH K MICHAEL TRS	Sarah K. Michael TTEE	



Oak St

Oak St

E Chestnut St

Cedar Dr

E Chestnut St

Harris Dr

707

711

811

819

400

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: December 4, 2018

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Nov. 29, 2018

Agenda Title: Oxford Recreation Board Meeting, 11/15/18

Recommendation: Approve

Attendance: Present: Ken Bogard, Holli Morrish, Craig Bennett; Wes Cole; Kevin Ackley, Edna Southard, Council Representative
Liaisons: Casey Wooddell, City Staff; Deanna Barbour, Secretary

Discussion:

Mr. Ken Bogard called the meeting of the Oxford Recreation Board to order on Thursday, November 15th at the Oxford Municipal Building at 11:35am.

Report from Recreation Director: Mr. Wooddell advised construction on the new pool is progressing. Foundation has been poured and parking lot work is coming soon. The goal is to have the first layer of blacktop before winter. Weekly progress photos are being taken by Mr. Wooddell and aerial photos by the service department.

Mr. Wooddell discussed the fundraising campaign, adding he would update the potential donors list for all members and to continue asking local businesses, organizations, committees and community members. OPRD is working with several individuals about specific donations, including potentially free swim lessons.

Mr. Ackley asked for more information about new pool pass prices, so Mr. Wooddell shared the proposed amounts recommended in the budget for 2019, adding they were derived from a comparison of six other aquatic centers in the region.

Mr. Wooddell briefed the members about the Veterans Day ceremony from the previous weekend, as well as the upcoming Holiday Fest on Saturday, December 1st.

Mr. Cole provided updates regarding Talawanda athletics, noting a recent signing day held for a few athletes going to play college sports. He also mentioned the school district is currently seeking a new head football coach, after the previous one resigned.

Old Business:

FUNDRAISING – Mr. Wooddell noted again that he'll send out updated lists of potential donors, and encouraged board members to continue disbursing information about the fundraising opportunities. Mr. Wooddell also noted that all elementary students at Kramer, Marshall and Bogan received brochures in their Friday folders.

New Business:

Ms. Morrish provided updates on the status of the school mascot. The committee working on this aspect narrowed it down to two options (Option 1: no change; Option 2: remove the Indian head logo and shorten mascot from Braves to Brave). Each option will be presented in a report to the School Board members. Once those reports are complete, the board may elect to vote on the subject.

Next meeting: Tuesday, December 18 at 11:30am – Oxford Municipal Building.

Meeting Adjourned: 12:30pm.

Approved By:

Initial Date

Department Head:

CDW \ 11/28/2018

City Manager:

DRE \ 11/30/18

A regular meeting of the Oxford City Council was called to order by Mayor, Kate Rousmaniere on Tuesday, November 20, 2018 at 7:00 p.m. Those members present were Steve Dana, Glenn Ellerbe, David Prytherch, Chantel Raghu, Mike Smith and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. John Jones, Police Chief; Mr. Sam Perry, Community Development Director; Mr. Alan Kyger, Economic Development Director; Ms. Amy Blankenship, Assistant Law Director and Ms. Mary Ann Eaton, Clerk of Council.

ADJOURN TO EXECUTIVE SESSION

Mr. Dana moved to adjourn to Executive Session Immediately in accordance with Ohio Revised Code Section 121.22(G)1 for the purpose of discussing the Law Director position and appointments to Boards and Commissions. Ms. Southard seconded. The motion was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ADJOURN FROM EXECUTIVE SESSION

Mr. Dana moved to adjourn from Executive Session at 7:38 p.m. Mr. Ellerbe seconded. The motion passed 7-0-0.

PLEDGE OF ALLEGIANCE

Mayor Rousmaniere requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Dana moved to appoint the following members of Council to various Boards and Commissions: himself and Mr. Smith to the Planning Commission, Ms. Southard to the Recreation Board, Ms. Southard to the HAPC, Mr. Ellerbe and Mr. Prytherch to the Community Improvement Corporation, Mr. Ellerbe to the Student Community Relations Commission, Ms. Raghu to the Environmental Commission, Mr. Ellerbe and Mr. Prytherch to the Housing Advisory Commission, Mr. Smith and Mayor Rousmaniere to the Firefighters Dependents Board, Ms. Raghu and Mayor Rousmaniere to the Woodside Cemetery Board, himself as the OKI Representative, Mayor Rousmaniere to the Senior Citizens Board of Trustees, himself to the Butler County Land Use Coordinating Committee.

Ms. Southard to the Public Arts Commission of Oxford and Ms. Raghu to the Enjoy Oxford Board. Mr. Smith seconded. The motions passed 7-0-0.

PUBLIC COMMENTS

Mr. David Brown, Butler County Auditor's Office, updated Council with regard to the purchase of dog tags, gasoline station skimmers, fuel quality testing, and the Weights and Measures Department's activities.

Mayor Rousmaniere thanked Mr. Brown for the update.

CONSENT AGENDA

MINUTES

Minutes of the November 6, 2018 City Council Meeting (Mary Ann Eaton, Clerk of Council)

REPORT

Report regarding the November 7, 2018 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTIONS

A Resolution No. 7027 authorizing the City Manager to request advanced payment of property taxes to the City in 2019 from Butler County. (Joe Newlin, Finance Director)

A Resolution No. 7028 declaring certain City property no longer needed for any municipal purpose as surplus and authorizing its advertisement and sale to the highest bidder at public auction or internet auction. (John Jones, Police Chief)

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

RESOLUTION **HOLIDAY PARKING**

A Resolution No. 7029 authorizing the City Manager to waive parking meter fees on High Street, East Park Place, West Park Place, Poplar Street, Main Street, and Beech Street between Walnut Street and Church Street, and in the southern (2-hr) section of Lot 52 from 9:00 a.m. on December 17, 2018 until 6:00 p.m. on December 31, 2018. The two hour restriction for meters in these locations shall remain in effect. (John Jones, Police Chief)

Chief Jones advised the proposed Resolution was for the annual waiver of parking meter fees in the Uptown District during the Holiday Season. Chief Jones noted there was low demand for parking at that time and he felt it was good for the businesses. Chief Jones reiterated that the two hour restriction will remain in effect and will be enforced. Chief Jones noted the City received complaints last year of people using the spaces for too many hours at a time.

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

Mayor Rousmaniere inquired why the dates of December 17-31 were chosen and Chief Jones advised those were the dates most of the schools were on break.

Ms. Southard noted she felt enforcing the two hour limit was responsive to the complaints received.

Ms. Southard moved to adopt Resolution No. 7029. Mr. Dana seconded. The motion passed 7-0-0.

ORDINANCES **SECOND READING**

ORDINANCE **OVERLAY DISTRICT**

An Ordinance No. 3490 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R1A (Single Family Low Density Residential) District For 77 Parcels Located On Fairfield Road, Tollgate Drive, Erickson Drive, Albert Circle, Robin Court And Bull Run Drive. (Sam Perry, Community Development Director)

Mr. Perry advised the petition was submitted by Mr. Jeff McDonald and noted he had no new information since the First Reading of the Ordinance.

Mr. Dana inquired if this was the 16th or 17th overlay district and Mr. Perry advised it was the 16th.

Mr. Jeff McDonald, thanked Council for ending this process.

Mayor Rousmaniere noted 94% of the residents signed the petition and inquired if there was a reason the other 6% did not sign it. Mr. McDonald indicated there may have been some language barriers.

Mr. Prytherch inquired if Council should go through the decision standards before voting on the proposed Ordinance. Ms. Blankenship advised she felt the record of the Planning Commission's deliberation was sufficient in this instance. Mr. Prytherch noted it appeared to him it met all of the decision standards as set forward by the Planning Commission.

Mr. Dana moved to adopt Ordinance No. 3490. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW CHAPTER 933

An Ordinance No. 3491 Repealing Oxford Codified Ordinance Chapter 933 Entitled Refuse For Compacting And Adopting New Oxford Codified Ordinance Chapter 933 Entitled Refuse For Compacting At City Transfer Station To Clarify The Intent Of Chapter 933 And The Associated Fees. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised this was a housekeeping issue which would clarify Chapter 933, and noted all fees should be located in the Fee Ordinance since they are subject to change.

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

Mr. Prytherch noted he appreciated staff's efforts to clean up the language.

Mr. Dana moved to adopt Ordinance No. 3491. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
HOTEL/MOTEL TAX

An Ordinance No. 3492 Modifying The Requirements For The Disposition Of Hotel/Motel Tax Receipts By Amending Section 183.03 Of The Oxford Codified Ordinances. (Doug Elliott, City Manager)

Mr. Elliott advised the Ordinance proposes to increase the percentage of the convention tax the City donates to Enjoy Oxford from 94% to 100%. Mr. Elliott noted the estimated payment to Enjoy Oxford for 2019 was \$265,000. Mr. Elliott recommended Council adopt the Ordinance and noted Ms. Greene was in attendance if Council had any questions for her.

Ms. Jessica Greene, thanked Council for their confidence in Enjoy Oxford's work and noted they looked forward to promoting the City of Oxford in 2019.

Mayor Rousmaniere advised the Oxford Visitors Bureau used to receive a flat amount of funding from the General Fund. Mr. Elliott noted it was changed from a set amount out of the General Fund to a percentage amount. Mr. Elliott noted at that time it was decided to give the Visitors Bureau 94% of the 3% convention tax.

Ms. Southard noted she was concerned with using percentages rather than dollar amounts for funding offices. Mr. Elliott advised it had been a percentage amount since 2009. Mr. Prytherch noted the Ordinance could be revisited if Council felt the need to. Ms. Southard advised she was not questioning the wonderful work done by Enjoy Oxford and noted she was questioning the use of a percentage when funding a particular project or a particular office.

Mr. Dana moved to adopt Ordinance No. 3492. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: Ms. Southard (1)

ABS: None (0)

ORDINANCE **2019 APPROPRIATIONS**

An Ordinance No. 3493 To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2019. (Joe Newlin, Finance Director)

Mr. Newlin highlighted the City's budget for 2019 as shown on pages 76 through 81 of Council's Packet.

Mr. Prytherch thanked the Finance staff for the work that brings the City to this point. Mr. Prytherch advised he felt the budget was carefully crafted which he appreciated. Mr. Prytherch noted at the end of the process there were some things Council talked about which were included in the proposed budget which he also appreciated.

Mayor Rousmaniere pointed out that the composting trial which Ms. Raghu proposed was included in the budget. Mayor Rousmaniere noted Council was receiving praise for that initiative.

Mr. Smith moved to adopt Ordinance No. 3493. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED TRANSFERS

An Ordinance No. 3494 Outlining Budgeted Transfers For the City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed the transfer Ordinance as shown on pages 86-87 of Council's Packet and advised when the transfers would be made throughout the year. Mr. Newlin answered several questions from Council.

Mr. Dana moved to adopt Ordinance No. 3494. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
BUDGETED ADVANCES

An Ordinance No. 3495 Outlining Budgeted Advances For the City Of Oxford, State Of Ohio, During The Fiscal Year Ending December 31, 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed the Advance Ordinance as shown on pages 90-91 of Council's Packet.

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

Mr. Newlin and Mr. Elliott addressed questions from Council.

Mr. Dana moved to adopt Ordinance No. 3495. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
2019 FEES

An Ordinance No. 3496 Adopting Fees And Charges For Fiscal Year 2019. (Joe Newlin, Finance Director)

Mr. Newlin addressed three changes to the fee Ordinance since the first reading.

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

Mr. Dana moved to adopt Ordinance No. 3496. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3497 Amending Ordinance No. 3449. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2018. (Joe Newlin, Finance Director)

Mr. Newlin addressed the Supplemental Budget Ordinance as shown on pages 112-113 of Council's Packet.

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

Mr. Smith moved to adopt Ordinance No. 3497. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3498 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF Debt Service. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance creates a new fund to account for the Southpointe TIF debt service in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of the Southpointe TIF issuance and debt service payments.

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

Mr. Smith moved to adopt Ordinance No. 3498. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3499 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 1 Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Southpointe TIF District 1 receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of Southpointe TIF District receipts and transfers to the Southpointe TIF District debt service fund. Mr. Newlin advised the State Auditor ask the City to create 5 TIF Districts to record all of the receipts properly.

Mr. Elliott advised the TIF Districts represented separate parcels that could be sold at some point in time.

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

Mr. Dana moved to adopt Ordinance No. 3499. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3500 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 2 Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Southpointe TIF District 2 receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of Southpointe TIF District receipts and transfers to the Southpointe TIF District debt service fund.

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

Mr. Dana moved to adopt Ordinance No. 3500. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3501 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 3 Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Southpointe TIF District 3 receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of Southpointe TIF District receipts and transfers to the Southpointe TIF District debt service fund.

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

Mr. Smith moved to adopt Ordinance No. 3501. Ms. Southard seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3502 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 4 Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Southpointe TIF District 4 receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of Southpointe TIF District receipts and transfers to the Southpointe TIF District debt service fund.

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

Mr. Dana moved to adopt Ordinance No. 3502. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3503 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Southpointe TIF District 5 Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Southpointe TIF District 4 receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all of Southpointe TIF District receipts and transfers to the Southpointe TIF District debt service fund.

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

Mr. Prytherch advised he felt what is being done with the TIF Districts requires a lot of staff labor and noted there was a learning curve involved. Mr. Prytherch advised he felt this was being done because Council's arm is twisted behind its back. Mr. Prytherch noted he would like Council to proactively say, lets do something big, and this shows the capacity to do it. Mr. Prytherch noted TIF's were a tool Council could use and advised he appreciated all of the labor that went into it. Mr. Prytherch noted his hope Council could muster the energy for things they choose more often in the future.

Mr. Elliott advised as City Manager he did not like to criticize previous Council members or their decisions. Mr. Elliott noted the City was honoring an agreement that was signed many years ago.

Mr. Kyger advised there was a lot of history involved with this project and Council was seeing the very end of an agreement that was entered into in 2006. Mr. Kyger provided a PowerPoint regarding TIF's and explained they do a lot of good things.

Mr. Kyger noted the Development Agreement in question did a lot of good things too. Mr. Kyger advised a TIF was a way to create financing for projects. Mr. Kyger showed a film from 1997 in which former Mayor Snavelly talked about transportation and the amount of semi-trucks coming through the City causing damage to the brick streets. Mr. Kyger advised the film was produced in conjunction with Miami University with the mission being transportation in the community and developing some remedies. Mr. Kyger noted in 1998 the City got on board with a transportation project that was to build a 4 lane highway from I-75 to the Miller Brewery Plant and the City wanted to try to get the same highway to come all the way to Oxford. Mr. Kyger advised obviously that did not happen. Mr. Kyger noted with the Butler County Engineer's Office and OKI a new study was created called the Northwestern Butler County Transportation Study Area which was a highly controversial study. Mr. Kyger advised it was voted on with an almost 50-50 tie and noted the result of that came up with a plan which called for a connector road that would take 27 over to 73 and also to 725. Mr. Kyger advised once that was passed by OKI and the City of Oxford it was a great plan although there was no money for it. Mr. Kyger noted a collaboration of Miami University and City of Oxford representatives went to Washington D.C. on repeated attempts and secured \$19,000,000 in Federal earmarked money from Senator DeWine to try to implement the plan. Mr. Kyger showed a slide of the Southpointe site noting it was in Oxford Township at the time and the Butler County Commissioners approved it as a development. Mr. Kyger noted the developer wanted to annex into the City to obtain City water and sanitary services and the City wanted access through the property for the connector road. Mr. Kyger advised the City also wanted a potential economic development and noted the property was zoned to be a Tech Park. Mr. Kyger noted the connector road did not happen and the Tech Park did not happen. Mr. Kyger noted the Butler County Emergency Management Agency was in the process of selecting a new location and wanted to locate in the Tech Park area and advised McCullough Hyde was looking at expanding to the Tech Park as well. Mr. Kyger noted the connector road changed politically and got voted out. Mr. Kyger advised the Southpointe developer was going to donate to the City a 100 foot right-of-way which was reduced to a 60 foot right-of-way. Mr. Kyger noted the agreement was if the \$19,000,000 that was secured did not pay for the road there would be another funding mechanism in place to help pay for the road. Mr. Kyger advised the funding mechanism was the TIF. Mr. Kyger noted as the value of a piece of property increases the funds are diverted to a public improvement. Mr. Kyger showed a slide and discussed how a TIF works and how they can be beneficial. Mr. Kyger advised the development agreement was entered into by both parties fully expecting to get a reward out of it. Mr. Kyger noted economic development and transportation were the two drivers on the City's side of the agreement.

Mr. Dana advised he felt the history was very instructive and noted he was glad Mr. Kyger presented it.

Mr. Prytherch noted he felt a TIF was a good tool and advised he felt the City entered into most of the development agreement as a good faith partner.

Mayor Rousmaniere thanked Mr. Kyger for providing the presentation noting it was very helpful.

Ms. Southard noted she felt it was important for the information provided by Mr. Kyger to be in the record.

Mr. Smith moved to adopt Ordinance No. 3503. Mr. Dana seconded. The Ordinance was adopted by the following roll call:

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

NAY: Mr. Ellerbe (1)

ABS: None (0)

ORDINANCE
NEW FUND

An Ordinance No. 3504 Approving The Creation Of A New Fund For The 2019 Operating Budget To Provide For Oxford Area Trail Property Tax Receipts. (Joe Newlin, Finance Director)

Mr. Newlin advised the proposed Ordinance would create a new fund to account for Oxford Area Trail property tax receipts in the 2019 operating budget. Mr. Newlin noted this was an accounting method to record all Oxford Area Trail property tax receipts and the transfers associated with the project.

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

Mayor Rousmaniere inquired when the property tax receipts would start arriving and Mr. Newlin advised in February of 2019.

Mr. Dana moved to adopt Ordinance No. 3504. Mr. Smith seconded. The Ordinance was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

DISCUSSION
SHORT TERM RENTAL PROPERTY

Mr. Elliott advised staff was trying to provide some direction with respect to Short Term Rental legislation. Mr. Elliott noted staff has drafted the following recommendations:

Require registration for all short term rentals regardless of permit or inspection requirement to maximize the potential for education prior to the need for enforcement.

Prohibit stand alone short term rentals (non owner occupied) rather than have a process to allow them, a conditional use process could be added later if deemed necessary.

Remove references to Neighborhood Conservation Overlay Districts because staff would like to propose the 'no more than two unrelated' limit for part of the R1A and R1B Districts next year.

Limit the total annual number of days to 30 for any one STR.

Reduce the days per stay limit from 14 to 5 (adaption or creation of a new transient lodging definition)

Require a permit and inspection if over a certain number of stays (probably 5 per year)

Mr. Perry noted another benefit of the registration was to have a relationship with the operators so staff can educate them about some of the public safety issues. Mr. Perry advised that would also be done for landlords operating apartments and noted they would be informed that after 5 stays per year they would need an inspection and a permit. Mr. Perry advised he felt that was a proactive measure rather than trying to track down the violators.

Mr. Ellerbe inquired if this would apply to the R1 District and Mr. Perry advised it would be based on the type of dwelling unit.

Mr. Elliott inquired if Council wanted another Work Session on Short Term Rentals or have another discussion. Mr. Elliott suggested a Council member could propose legislation that incorporates the above recommendations to move the process forward.

Mr. Dana and Mr. Prytherch recused themselves from the discussion.

Mayor Rousmaniere advised she would like to see new legislation with the above changes included. Mr. Ellerbe noted he felt a Work Session would be appropriate. Mayor Rousmaniere advised Council could have a Work Session at their next meeting to look at newly drafted legislation. Mayor Rousmaniere noted the issue was whether to have a Work Session before the next Council meeting or a discussion afterwards. Mayor Rousmaniere also suggested having a Work Session on December 18th since an Executive Session was already scheduled for December 4th. Mr. Elliott noted the legislation would not be in place by the first of the year and advised he would rather Council take their time and make sure they were all in agreement. Mayor Rousmaniere suggested staff prepare a draft proposal incorporating the above language and have a Work Session on December 4th or December 18th.

ANNOUNCEMENTS

Mr. Elliott referred to the “earmarked” funds that Mr. Kyger mentioned earlier and advised part of the earmark went towards the US27 South improvement project. Mr. Elliott noted the total project cost was 11.2 million dollars. Mr. Elliott advised the local share was \$181,000 which amounts to 1.6% for the local share. Mr. Elliott noted this was made possible through the federal earmark and advised the City was also able to utilize toll revenue credits from the State of Ohio for most of the local share. Mr. Elliott noted he felt this represents an outstanding investment on the part of the City which will serve the City for many years to come.

Mr. Elliott updated Council and the public on the proposed new contract between the City of Oxford and Milford Township for the provision of EMS services in the western portion of Milford Township. Mr. Elliott advised this will be an agenda item for the next Council Meeting.

Mr. Elliott noted City offices will be closed Thanksgiving Day and the day after and wished everyone a Happy Thanksgiving.

Mr. Dreisbach updated everyone on the clean-up work following the ice storm of last week noting there was significant damage in town with downed tree limbs. Mr. Dreisbach updated everyone on the City's leaf pick-up program.

Mr. Dreisbach noted City staff was almost done with the holiday lighting project and advised the lights will be activated the Friday after Thanksgiving.

Mr. Dreisbach updated everyone on the new traffic pattern on SR73 noting new cross walks were installed with rapid flash beacons and green bike boxes at SR73 and Patterson Avenue.

Mr. Dreisbach updated everyone on the new aquatic center project noting it was going very well and it was on schedule for opening in May.

Mr. Dreisbach advised the new Police Station project at the former Municipal Building was 50% complete.

Ms. Southard inquired what happens when cars are parked on the streets and the Service Department can not get to the curbs where the leaves are. Mr. Dreisbach advised the Service Department uses the period of Thanksgiving when a lot of the students are gone to focus leaf collection efforts in the Mile Square.

Chief Jones referred to the "No Shave November" campaign and advised OPD was participating in the program again this year with the proceeds going towards "Team Quintin". Chief Jones advised Quintin was suffering from a leukemia relapse and was scheduled to undergo a bone marrow transplant. Chief Jones noted he was proud of his staff for stepping up whether or not they participated in the "No Shave November" campaign.

Chief Jones asked citizens to be vigilant about reporting suspicious activity over the Thanksgiving Holiday when a lot of people are out of town. Chief Jones encouraged everyone to check OPD's website for crime prevention tips for burglary protection. Chief Jones advised OPD also did vacant house checks for those who request it over the holidays.

Chief Jones encouraged anyone interested in purchasing a Christmas Tree to visit the Lion's Club Christmas Tree sale in the Uptown Park.

Mr. Perry advised the HAPC was working on a code update that a consultant assisted with. Mr. Perry noted 300 letters were being sent tomorrow to Historic District property owners and business owners to get public feedback. Mr. Perry advised 2 Open Houses were scheduled for December 5th to get additional feedback before going through the Planning Commission and Council for Zoning Text Amendments.

Mr. Perry referred to Mr. Prytherch's comment about Decision Standards and noted he would like to work with Ms. Blankenship to devise a way to better reflect what the Planning Commission's discussion was on a given issue.

Mr. Perry provided an update on the recent Planning Charrette.

Mr. Kyger relayed all of the pertinent information regarding the holiday events taking place in town.

Ms. Eaton wished everyone a happy and safe Thanksgiving.

Ms. Raghu noted by the nature of where she lives in the Mile Square she has the opportunity to talk to members of the Police Division often. Ms. Raghu advised recently a drunk driver hit two parked cars and drove off and noted within 30 minutes OPD found him in a bar and arrested him. Ms. Raghu advised OPD traced the bleeding coolant from the car to a local bar. Ms. Raghu recounted another incident where she saw a couple sneaking around her backyard and they ended up breaking into someone's house. Ms. Raghu advised OPD arrested the couple which she was shocked about. Ms. Raghu noted one of the couple arrested went to school with her husband here in Oxford and had a disadvantaged background. Ms. Raghu stated when Council looks at the budget for 2020 she would like to see how to make sure the children in elementary, middle and high school end up being functional adults who pay taxes and work instead of people the City pays money to arrest and incarcerate. Ms. Raghu suggested looking at innovative ways to educate new parents or look at after school programs and noted she felt that would be advantageous for everyone. Ms. Raghu advised she felt through children was the place to try to break a cycle.

Mr. Ellerbe wished everyone a safe and healthy Thanksgiving and noted he would like to talk about food safety. Mr. Ellerbe noted he had seen some reports in the news about produce that individuals get from grocery stores that is not exactly healthy. Mr. Ellerbe advised families to make sure they inspect their food, vegetables and livestock to make sure it is safe to eat and to cook all food to a temperature that will kill things that may reside in it.

Mr. Dana thanked the Service Department for their efforts in cleaning up downed tree limbs and debris after the recent ice storm and noted they were very thorough.

Mr. Dana congratulated Jessica Greene for her organizing and fundraising on behalf of the OATs project which he felt was an outstanding amenity for the Oxford area.

Mr. Smith noted the Veteran's Day Celebration was great and thanked the Parks and Recreation Department for organizing the event.

Mr. Smith noted his hope everyone would have a nice Thanksgiving.

Ms. Southard advised the Empty Bowls event was a tremendous success and noted veterans were given free meals which was made possible by the Rotary Club.

Ms. Southard advised the final Uptown Farmers Market for this season took place on Saturday and noted a Winter Farmers Market will be held once a month.

Mr. Prytherch agreed that the Street Department did an awesome job after the recent ice storm noting they were on it right away.

Mr. Prytherch advised a year ago Council discussed snow removal on sidewalks and noted each Councilor had tasks to work on. Mr. Prytherch advised the idea was to obtain a pro-active approach and avoid thinking about enforcement. Mr. Prytherch noted there were also conversations about how the Business Improvement District might deal with it. Mr. Prytherch asked Council to put this topic on the radar so they could work on continuous improvement of sidewalk clearance.

Mr. Prytherch wished everyone a Happy Thanksgiving.

Mayor Rousmaniere thanked Mr. Dreisbach for responding to her email on a Sunday about what to do with all of the downed tree limbs.

Mayor Rousmaniere thanked everyone for staying for a late meeting.

Mr. Dana moved to adjourn at 9:38 p.m. Mr. Smith seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 4, 2018

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

November 27, 2018
Date Prepared

Agenda Title: Resolution Accepting a Petition to Create a Neighborhood Conservation Overlay District for Heritage Vineyard Subdivision
--

Recommendation: Approval
--

Discussion:

The legislation for creating Neighborhood Conservation Overlay Districts was adopted by City Council in 2012. The goal was to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment. The ordinance restricts residential properties to be rented to no more than two unrelated individuals. Without the overlay, properties can be rented for up to four unrelated occupants. Families are not limited in number. The process to establish an overlay district begins by a petition with signatures of at least two-thirds of parcel owners within the proposed district. The petition goes before City Council for acceptance and referral to the Planning Commission as a zoning map amendment. There have been seventeen (17) petitions that have come before the City Council since 2014.

There are a total of 32 parcels contained in the proposed overlay (27 for Phase 1 development). No homes have been built but lots do exist for future development. Streets and utilities construction is underway. The Overlay was not a condition of the planned development approval but the developer (Bryan Price) committed to the City that it would be done. This overlay abuts the existing Country Club Drive/Olde Farm/Contreras Road Overlay created in 2015.

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

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

Approved by:

	Initial	Date
Department Head:	<u>SP</u>	<u>11-28-18</u>
City Manager:	<u>DRE</u>	<u>11-30-18</u>

RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR PARCELS LOCATED WITHIN THE HERITAGE VINEYARD SUBDIVISION AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



4676 Somerville Road • Oxford, Ohio 45056
Office / Fax 513-523-1212 • Cell 513-615-4138

RECEIVED

11-15-18

City of Oxford

October 22, 2018

Mr. Sam Perry
Community Development Director
15 S. College Avenue
Oxford, Ohio 45056

Re: Heritage Vineyard
Neighborhood Conservation Overlay District

Dear Mr. Perry,

Pursuant to Oxford Zoning Code Chapter 1146, Strait Gate Homes LLC requests City Council to accept this letter as their petition for the initiation of a Zoning Map amendment to create a Neighborhood Conservation Overlay District within the boundaries of the Heritage Vineyard subdivision. Said Overlay District would limit the use of the lots to not more than two unrelated persons per dwelling unit. An exhibit showing the boundary of the Heritage Vineyard Subdivision is enclosed.

Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

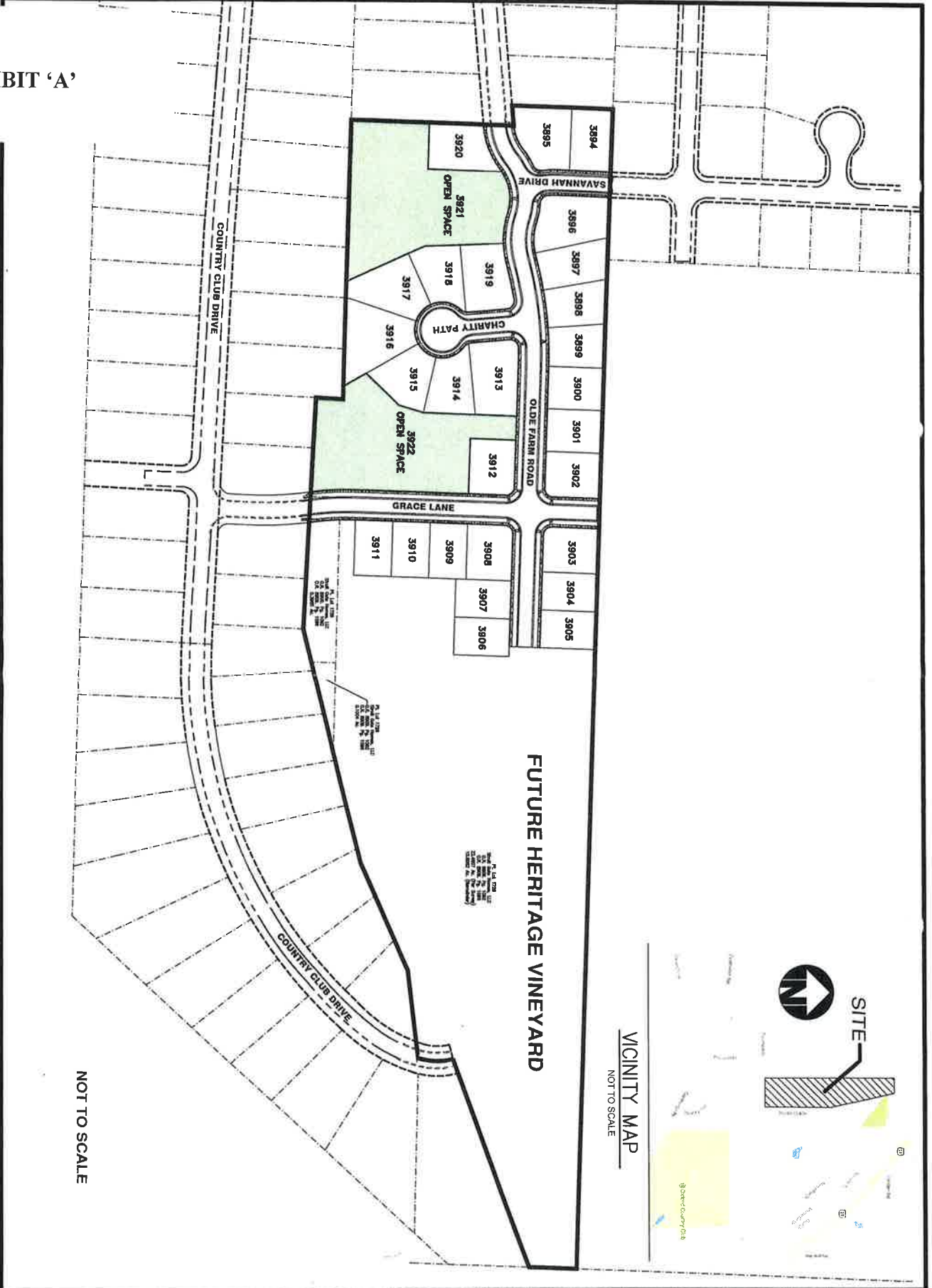
Bryan Price
Strait Gate Homes LLC

Enclosure

Cc: Etta Reed, Bayer Becker

Welcome Home.

EXHIBIT 'A'



NOT TO SCALE

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: December 4, 2018

Account Code #: 141.720.51450

Budgeted Amount: \$190,000

Service Department
Originating Department

Michael Dreisbach, Service Director
Prepared By

November 19, 2018
Date Prepared

Agenda Title: Contract for the Replacement of a Culvert under Contreras Road East of Stone Creek Dr.

Recommendation: Approve

Discussion: On September 5, 2017, the Oxford City Council approved Resolution No. 5091 authorizing Staff to apply for Ohio Public Works Commission (OPWC) funding for the replacement of a 21" culvert on Contreras Road approximately 475' east of Stone Creek Dr.. The City was awarded grant funding for the project with terms of OPWC paying 69% of project costs not to exceed \$113,850. The City shall pay 31% of project costs and any amount exceeding the OPWC maximum limit.

The 2013 Capital Improvement Budget includes \$190,000 for the implementation of this project. The City developed plans and specifications for this project and advertised for bids in the *Hamilton Journal* and *Oxford Press* on November 2 and 9, 2018. Bids were opened on November 16, 2018 with seven (7) bidders responding with the following results:

W. G. Stang, LLC	\$ 98,320
SmithCorp, Inc.	99,960
Rock & Ballauer Exc., Inc.	101,408
Smith Construction	107,940
R.B. Jergens Const.	110,228
Ford Development Co.	113,087
Adleta Construction	117,591

W.G. Stang, LLC (Stang) has completed several contracts with the City, and we have been very pleased with their work product. It is Staff's recommendation that the City Council authorize the City Manager to enter into a contract with W.G. Stang, LLC, for the replacement of the Contreras Road culvert for \$98,320.00. Staff is requesting a 10% contingency in the amount of \$9,832.00; therefore the amount not to exceed for this contract would be \$108,152.00. Should the Council award this contract, construction is tentatively scheduled for the summer of 2019. Based on the contract amount, the City will be paying 31% of costs for the project, an amount of \$33,527.12, including possible contingencies. The Ohio Public Works Commission will reimburse the City for the non-local portion of the project.

Approved By:

Department Head:

City Manager:

Initial Date
MBD 11/19/18

DRE 11-30-18

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH W.G. STANG, LLC FOR THE REPLACEMENT OF THE CULVERT UNDER CONTRERAS ROAD EAST OF STONE CREEK DRIVE AT A COST OF \$98,320.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT (10%) OF THE CONTRACT PRICE OR \$9,832.00 FOR A TOTAL COST NOT TO EXCEED \$108,152.00.

WHEREAS, on September 5, 2017 Oxford City Council adopted Resolution No. 5091 authorizing staff to apply for Ohio Public Works Commission (OPWC) funding for the replacement of the culvert under Contreras Road east of Stone Creek Drive; and

WHEREAS, the City was awarded grant funding for the project with terms of OPWC paying 69% of the project costs not to exceed \$113,850.00. The City shall pay 31% of project costs and any amount exceeding the OPWC maximum limit. The local share of funding for this project is forecast to be \$33,527.12; and

WHEREAS, the Capital Improvement Budget includes \$190,000.00 for the implementation of this project; and

WHEREAS, the City developed plans and specifications for this project and advertised for bids in the *Journal News* and the *Oxford Press* on November 2, 2018 and on November 9, 2018; and

WHEREAS, the lowest and best bid for this project was provided by W.G. Stang, LLC in the amount of \$98,320.00.

WHEREAS, the City Manager and the Service Director recommend Council accept the bid of W.G. Stang, LLC. for the replacement of the culvert under Contreras Road east of Stone Creek Drive at a cost of \$98,320.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,832.00 for a total cost not to exceed \$108,152.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Service Director and accepts the bid of W.G. Stang, LLC for the replacement of the culvert under Contreras Road east of Stone Creek Drive at a cost of \$98,320.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,832.00 for a total cost not to exceed \$108,152.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with W.G. Stang, LLC for the replacement of the culvert under Contreras Road east of Stone Creek Drive at a cost of \$98,320.00 plus a contingency amount of ten percent (10%) of the contract price or \$9,832.00.00 for a total cost not to exceed \$108,152.00.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 5091

A RESOLUTION OF COUNCIL SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR OHIO PUBLIC WORKS COMMISSION ISSUE 1 FUNDS IN THE AMOUNT OF \$113,850.00 TO BE USED FOR THE RECONSTRUCTION OF THE CULVERT ON CONTRERAS ROAD BETWEEN STONE CREEK DRIVE AND OLDE FARM ROAD.

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

SECTION 1: Council, having determined the reconstruction of the culvert on Contreras Road between Stone Creek Drive and Olde Farm Road to be beneficial to the City, hereby supports the use of grant funds to assist with the cost.

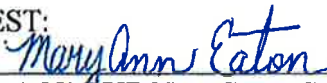
SECTION 2: Council hereby authorizes the City Manager to submit a grant application to the Ohio Public Works Commission requesting Issue 1 funds for the reconstruction of the culvert on Contreras Road between Stone Creek Drive and Olde Farm Road.

SECTION 3: The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: September 5, 2017

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: December 4, 2018

Account Code #: Not Applicable

Budgeted Amount: Not Applicable

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

November 19, 2018

Date Prepared

Agenda Title: An Ordinance to Levy Assessments for Curb, Gutter, and Sidewalk Repairs

Recommendation: Approve

Discussion:

Through a series of Resolutions, the City has caused the repair of deficient curb, gutter, and sidewalk on parcels identified in the attached Exhibit "A" including:

March 2018 *Resolution No. 6068 – Declaring the necessity to make improvements*
May 2017 *Resolution No. 6085 – Authorizing a contract to perform the improvements*
October 2018 *Resolution No. 7023 – Determination of the total cost of assessment by lot*

The proposed assessment costs were advertised as required by Ohio Revised Code; no objections were received from parcel owners as detailed in Exhibit "A". Upon passage of this Ordinance, an owner may pay cash for the assessment within 30 days. Otherwise, the amount will be levied to the owner's property tax bill and must be paid in five (5) annual installments with City assessed interest on deferred payments at a rate of 5%.

Staff recommends City Council approve this assessment Ordinance, and authorize the City Manager or his designee to take all steps necessary to cause the amounts listed in Exhibit "A" to be levied upon the lots and lands enumerated in the listing.

Approved By:

Department Head:

Initial Date
MB 11/19/18

City Manager:

DRE 11/30/18

ORDINANCE NO.

AN ORDINANCE LEVYING UPON THE LOTS AND LANDS ENUMERATED IN THE LIST OF ESTIMATED ASSESSMENTS (EXHIBIT A) THE AMOUNTS SET FORTH ON SUCH LIST AND SETTING FORTH TERMS FOR PAYMENT OF ASSESSMENTS.

WHEREAS, in accordance with Section 729.07 of the Ohio Revised Code, Council filed a list of estimated assessments (Exhibit A) with the Clerk of City Council and ordered it open for public inspection; and

WHEREAS, pursuant to Ohio Revised Code Section 729.08, Council published a notice in the *Journal News*, beginning October 21, 2018 and ending November 4, 2018 stating that the list of estimated assessments (Exhibit A) was on file with the Clerk of City Council and was available for public inspection; and

WHEREAS, the Clerk of City Council has received no written objections to the assessments.

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

SECTION 1: Property owners shall be assessed the actual cost over five years as set forth on Exhibit "A" attached hereto.

SECTION 2: Property owners may pay the assessment in five (5) annual installments with interest on deferred payments at 5%. Conversely, property owners may pay the assessment in cash within 30 days after passage of this Ordinance.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

EXHIBIT 'A'

2018 Curb, Gutter, & Sidewalk Replacement & Construction

PROPERTY LIST

Final Quantities											
Direct Address	Street Name	Property Owner	Parcel #	Uneal Ft Curb	Square Feet Sidewalk	Square Feet Sidewalk thru driveway	Square Ft Drive Apron	Square Ft Apron Remove Only	Final Cost	Estimated Cost	Cost Difference
15	E SYCAMORE	OBW LLC	H4100007000137	35	50	0	66		\$2,738.50	\$3,019.00	-\$280.70
30	E SYCAMORE	TONY MILLER BUILDERS LLC	H4000011000018	0	25				\$222.50	\$1,000.00	-\$777.50
101	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000139	25		0	96		\$2,226.80	\$2,089.00	\$137.80
401	N POPLAR	RODRIGO AND MYERS INVESTMENTS LLC	H4100011000004	40					\$1,712.00	\$1,600.00	\$112.00
104	E SYCAMORE	MPR IV LLC	H4100011000003	30	75	100	120		\$4,387.50	\$3,860.00	\$527.50
105	E SYCAMORE	TERRY MICHAEL DUDLEY	H4100007000140	5	25				\$436.50	\$400.00	\$36.50
117	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000206	0	50				\$445.00	\$800.00	-\$355.00
118	E SYCAMORE	PENSCO TRUST CO LLC	H4100010000036	10	100	25	36		\$1,999.50	\$1,749.00	\$250.50
119	E SYCAMORE	ROBERT L BLACKBURN TR	H4100007000205	5	25				\$436.50	\$800.00	-\$363.50
120	E SYCAMORE	DUDLEY PRIME PROPERTIES LLC	H4100010000037		100				\$890.00	\$800.00	\$90.00
324	N CAMPUS	ROBERT L BLACKBURN TR	H4100007000204	88	0		0		\$3,766.40	\$5,130.00	-\$1,363.60
323	N CAMPUS	AK OXFORD PROPERTIES LLC	H4100006000026	97	50				\$4,596.60	\$6,680.00	-\$2,083.40
217	E SYCAMORE	MARCIA G BRADLEY	H4000006000027	40	275				\$4,159.50	\$3,800.00	\$359.50
224	E SYCAMORE	GOLD DUST PROPERTIES LLC	H4000010000047		75				\$667.50	\$800.00	-\$132.50
322	E UNIVERSITY	KEITH E & PENNY GREGORY	H4000006000028	57	50		72		\$3,752.20	\$4,128.00	-\$375.80
301	E SYCAMORE	NPEF CORP & ALPHA PHI OF ZETA BETA TAU HOUSE CORP	H41000060000115	55	25	0			\$2,576.50	\$3,850.00	-\$1,273.50
314	E BISHOP	DELTA KAPPA EPSILON	H41000060000121	45	175				\$3,483.50	\$3,800.00	-\$316.50
401	E SYCAMORE	ALPHA CHAPTER HOUSE ASSN OF SIGMA CHI FRATERNITY	H41000060000137	68	125				\$4,022.90	\$4,320.00	-\$297.10
320	TALLAWANDA	PHI KAPPA TAU CHAPTER HOUSE ASSN	H4100006000138 & H4100006000139	50	25	100	90		\$4,437.00	\$5,310.00	-\$873.00
1011	ARROWHEAD	H&P PROPERTIES INC	H40001140000012	0	150				\$1,335.00	\$2,280.00	-\$945.00
1014	ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	H41001140000037	0	120				\$1,068.00	\$1,760.00	-\$692.00
1018	ARROWHEAD	OXFORD OFF CAMPUS STUDENT HOUSING LTD	H41001140000038	20	130				\$2,013.00	\$2,640.00	-\$627.00
1021	ARROWHEAD	D & J OXFORD ENTERPRISES LLC	H40001140000059	53	0		200		\$4,678.40	\$4,560.00	\$118.40
1027	ARROWHEAD	MARY BARONE	H41001140000059	0	25	25			\$470.00	\$1,225.00	-\$755.00
1031	ARROWHEAD	JAW REALTY LLC	H41001140000057	0	25	0	70		\$1,066.00	\$2,495.00	-\$1,429.00
1032	ARROWHEAD	DAVID C SABO	H41001140000041	20	255				\$3,868.00	\$3,515.00	\$353.00
1035	ARROWHEAD	JASON & STEPHANIE REYNOLDS	H41001140000056	20		75	70		\$1,699.50	\$1,430.00	\$269.50
1036	ARROWHEAD	ROBERT W BLACK & SHANA ROSENBERG	H41001140000042	21			60		\$1,621.80	\$1,780.00	-\$158.20
1039	ARROWHEAD	SHAWN MICHAEL & ELIZABETH ANN SEXTON TR	H41001140000055	64	50	0	75		\$4,087.95	\$4,660.00	-\$572.05
97	ACORN	NANCY M WELLS & JOHN L REILLY	H41001290000002	31		20	76		\$2,440.60	\$2,509.00	-\$68.40
103	ACORN	JEFFREY L TRIPLETT	H41001290000004	44	50		40		\$2,810.20	\$2,720.00	\$90.20
107	ACORN	HARLEY D AND BRITTANY N ISAACS	H41001290000005	20	50	0			\$1,301.00	\$1,425.00	-\$124.00
109	ACORN	ALAN S MARCUS	H41001140000046	34	0		45		\$1,997.45	\$2,565.00	-\$567.55
114	ACORN	S.S. RAMA RAO PAPPU	H40001140000054	50	75				\$2,807.50	\$3,600.00	-\$792.50
115	ACORN	JOSEPH W LEONARD & ETSUKO LEONARD CO TR	H40001140000048	53			60		\$2,991.40	\$2,660.00	\$331.40
119	ACORN	CHRISTOPHER G & GRACIA M AGHESON	H41001140000049	60	25		0		\$2,790.50	\$3,635.00	-\$844.50
120	ACORN	DAVID WALSH & SUSAN HURST	H41001140000053	30			75		\$2,187.75	\$1,875.00	\$312.75
123	ACORN	DAVID L FORRESTER	H41001140000050	26	50		100		\$3,257.80	\$2,790.00	\$467.80
124	ACORN	NICOLE & CHRISTOPHER L SHIPLETT	H41001140000052	5					\$214.00	\$200.00	\$14.00
127	ACORN	CHRISTINE R STARKEY	H40001140000051	24	0		105		\$2,292.45	\$2,305.00	-\$12.55
SUBTOTALS FOR BID SCHEDULE I PROPERTIES				1225	2255	395	1456	0	\$93,954.80		

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: December 4, 2018

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

November 26, 2018
Date Prepared:

PC-2018-27, FINAL PLANNED DEVELOPMENT 5990 Contreras Road, finalizing previously approved 2015 Preliminary Plan Ordinance 3334 for up to 3 units

Recommendation: Approval with conditions

Discussion:

The Preliminary Plan was approved in 2015 with a one year extension granted in 2017. There have not been any changes to the proposal. This Final Planned Development is unusual compared to others in that no visible demolition or construction is proposed. It is essentially more than what is permitted 'by-right' of R1B zoning but less than what could be allowed if rezoned.

The 5,000 square foot home is currently permitted as a two-unit dwelling prior to the creation of the R1B district. Per the Preliminary approval granted by Council in 2015 either a third dwelling unit or professional office could be added to the interior; but not both.

The owner does not have a professional office user planning to occupy the building but is requesting to finalize the plan rather than have another extension of the Preliminary through 2019.

Notice was mailed to surrounding property owners, a staff report was provided and comments from the applicant and public were heard. Since an exact plan of what the third unit would be was not defined, staff suggested some parameters to minimize the potential for nuisance to the surrounding neighborhood. The Commission took some of the suggestions of staff and all but one of the conditions from Preliminary Ordinance 3334, recommending approval with a 6-0-1 vote (one abstention).

The recommended conditions are as follows: 1) All conditions of Ordinance 3334 except for compliance with the RO district. 2) Professional office limited to 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously. 3) If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

Approved By:

Department Head:
City Manager:

SP / 11-28-18
DRE / 11-30-18

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

WHEREAS, Council hereby finds that the Planning Commission held a public hearing on November 13, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Final Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

- a. All conditions of Ordinance No. 3334 shall apply with the exception of condition 'g' regarding compliance with the RO District.
- b. The professional office hours shall be limited to 8:00 a.m. to 8:00 p.m. and no more than two customers shall be present simultaneously.
- c. Should the third dwelling unit or professional office tenant not be substantially established within two years of the Final Plan approval, the Final Planned Development approval shall become void.

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

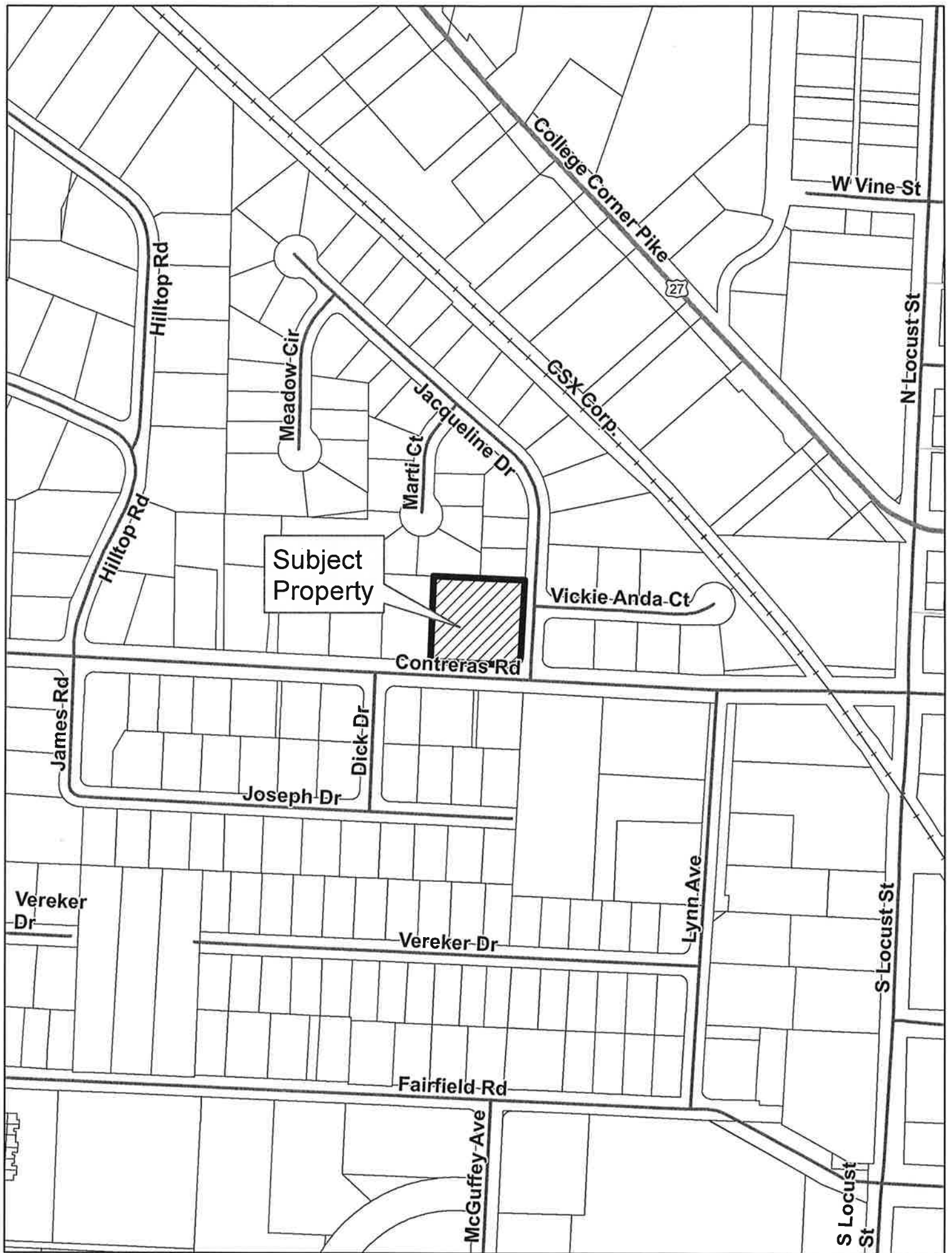
MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)



ORDINANCE NO. 3334

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES 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 13, 2015, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Preliminary Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

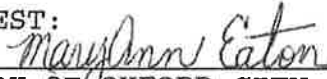
- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford Zoning Code Section 1159.17).
- b. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
- c. The office use shall be limited to a maximum of 2,500 square feet.
- d. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

- e. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
- f. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
- g. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-27

Date –November 13, 2018

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Constance McCarthy
Action Request:	Final Planned Development
Current Use:	Two-Family Dwelling
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking a Final Planned Development approval for the property. The application request is to finalize the 2015 Preliminary Planned Development to reconfigure the existing residence into a maximum of three (3) dwelling units, with potentially one of the units being a professional office. Currently the property is a permitted two-family dwelling.

There is a multi-family dwelling neighborhood to the east, single family to the south, north and west. This area is also in close proximity to the Lynn Avenue commercial corridor.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received as of this writing.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23	Preliminary Planned Development – approved with conditions
PC-2015-23	One year extension approved December 12, 2017 – due to expire 12-12-18

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Not returned.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code.

ANALYSIS

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This type of Final Planned Development is uncommon because no construction is actually proposed. The only construction that may happen would be interior reconfiguration. Anything else substantial such as exterior or site changes would have to come back for Commission review. Minor changes could potentially be approved administratively. There is no clear detail for an actual professional office tenant with this proposal. The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether. If proper parameters are placed on the office tenant with this final plan, the predictability can be ensured for neighborhood. Some minor tweaking to the conditions placed on the preliminary plan Ordinance #3334 can resolve the case.

RECOMMENDATION

Based upon the 2015 staff findings, the current final plan application and staff discussions with both the applicant and the owner, a recommendation of approval can be forwarded to City Council with the following conditions:

1. All conditions of Ordinance 3334 apply with the exception of removal of condition 'g' regarding compliance with the RO district.
2. The professional office tenant shall be limited to no more than 10 customers per day within the previously approved parameters of 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously.
3. The professional office tenant shall be limited to no more than 1 non-resident employee present at any given time.
4. If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

SUBMITTED

BY:



Sam Perry
Community Development Director

DATE: November 8, 2018

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

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

Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will

not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Preliminary Planned Development
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned with comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides the frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial uses with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

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

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The Zoning Code assumes that a planned development is appropriate **ONLY** if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City of the neighborhood in which it is proposed.

The Applicant 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.

The focus of this report will be analyzing the proposal based upon the Decision Standards.

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.***

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.***

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

- (3) The uses and site plan will satisfy the general intent of this Zoning Code.***

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.***

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

(5) The size and shape of the site are sufficient for the proposed planned development.

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

(6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

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

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

(8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

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

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

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

Staff analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: October 6, 2015

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

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

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

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will

not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

OXFORD PLANNING COMMISSION

Meeting Minutes
Tuesday, October 13, 2015
7:30 p.m.

Call to Order

Those members present: David Prytherch, Richard Keebler, Kate Rousmaniere, and Peter McCarthy.

Those members excused: Robert Bell, and Richard Daniels.

Staff members present: Jung-Han Chen, Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Approval of Minutes of the September 8, 2015 Planning Commission Meeting

Mr. McCarthy asked for a correction to a motion that the Petitioner will design end units to include windows on all sides of buildings facing streets on page six of the agenda. Mr. McCarthy stated that Mr. Bell made this motion.

Mr. Benson made motion to approve the minutes as corrected. Ms. Rousmaniere seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

Mr. Bill Houk, 6 Bull Run, stated he was representing the Kiwanis and wanted to make the Planning Commission aware that a fundraiser to rent out some of their personal homes for parents and graduation weekends was taking place. Mr. Houk stated that the Kiwanis have selected to use airbnb to rent and manage those houses that people are donating. Mr. Houk expressed the importance of bringing awareness of these types of things to all of the Commissions and City Council. Mr. Houk also stated that he felt it would be in the Planning Commission's best interest to investigate this idea and help eliminate service fees charged by airbnb.

Ms. Barb Ellison, also representing the Kiwanis, stated that for every dollar raised goes to the Oxford community mostly to benefit children in need. Ms. Rousmaniere clarified Mr. Houk's comments, that if you rented your house through airbnb that the money would go back to the Kiwanis. Ms. Ellison stated that airbnb provides the marketing.

Mr. Prytherch noted that the renting out of properties for special events has been sneaking up for some time and could be a problem if continued to go unchecked.

Mr. Dean Scales and Ms. Erica Savage, from Kenosha, Wisconsin stated they were interested in opening a brewery tap room in Oxford. Mr. Scales described the location and felt it would be a good place to open their brewery. Mr. Scales stated they had found a great location for a nano brewery to be located at 5958 Fairfield Road. Mr. Scales explained their philosophy. Mr. Scales stated they had visited the neighbors and local business owners and have received a big thumbs up even from their close neighbors.

Mr. Prytherch thanked Mr. Scales noting that this would be a Conditional Use application. Mr. Keebler referred to possible problems with setbacks and parking.

Reports from Commissions, Boards, Committees & Staff

Mr. Benson reported on behalf of the HAPC about the Building Doctor Program that took place recently and having two very well informed members of the Ohio History Connection provide lecture and visits to sites of private owners. Mr. Benson and the HAPC hope this will be the first of many opportunities.

Ms. Rousmaniere reported on the Environmental Commission stating that they had met and discussed how they could help the Planning Commission with pending zoning code updates regarding conservation development and to bring suggestions for revisions to their next meeting.

Items Related to Platting

There was none.

Items Related to Zoning

PC-2015-22 CONDITIONAL USE, 10 University Avenue, to allow for shared use parking, Paul Brokamp, Applicant/Agent

Mr. Benson made motion to enter into public hearing PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry provided an overview to allow for a conditional use for shared parking between two adjacent lots. Mr. Perry stated that the garage was being used for 10 University Avenue and was not on the same lot as the home. Mr. Perry noted that the zoning code required parking and site access conditions be brought into compliance as part of an addition to a structure. Mr. Perry provided a description of the site and stated that the addition would occur on the rear of the home. Mr. Perry referred to Sections 1149.02 and 1147.03 describing parking and site access and off-site and shared use parking. Mr. Perry stated that currently the parking/storage of vehicles was not on the same lot as the house and therefore the shared parking across the lot line would have to be eliminated, or variances applied for or a conditional use is reviewed and approved.

Mr. Perry noted that the Planning Commission can make recommendations to City Council regarding Conditional Uses. Mr. Perry stated that there would need to be a condition placed that the lots be consolidated as they have proposed. Mr. Perry stated that the existing shared parking and pavement setbacks were legal nonconforming conditions; however, the addition would require them to be corrected. Mr. Perry stated that the applicant chose to go the conditional use route versus altering the site or applying for variances. Mr. Perry then referred to the additional shared/off-street parking and other nonconformities of inadequate drive aisle and parking space setback, two lots without street frontage, inadequate lot width and inadequate rear setbacks. Mr. Perry stated that the applicant proposed to bring into conformance three of the four nonconformities and that they would be consolidating five of the six lots. The sixth lot would be considered a through lot. A Recorded Easement will be established to formalize the off-site parking. Mr. Perry noted that consolidating all of the lots would make two structures on the same lot.

Mr. Brokamp, the applicant, spoke and stated that he felt Mr. Perry provided the information accurately.

Mr. Keebler made motion to close public hearing. Mr. McCarthy seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Keebler felt the Planning Commission should recommend not waiving the recorded easement agreement as it needed to be there.

Decision Standards were reviewed:

The proposed use is in fact a Conditional Use in the zoning district in which it is proposed. Yes

The use and site will satisfy the general intent of this Zoning Code. Yes

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

The size and shape of the site are sufficient for the proposed use. Yes

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

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. Will not

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. Response- parking is the accessory use.

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

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

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. Yes

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. Will not

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

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. Yes

Conditions were discussed.

Ms. Rousmaniere made motion of a condition that five lots for 10 University shall be consolidated into one and that the sixth lot shall remain separate; and a Recorded Easement will be established to formalize the off-site parking. Mr. Keebler seconded the motion.

AYE: Mr. Benson, Ms. Rousmaniere, Mr. McCarthy, Mr. Keebler, Mr. Prytherch (5)

NAY: None (0)

ABS: None (0)

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

Mr. Keebler made motion to enter into Public Hearing PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy recused himself from discussion.

Mr. Chen provided an overview of the site stating it was one acre and that the Butler County Auditor information identified it as one acre. Mr. Chen also stated that the Planning Commission has the authority to waive the dimensional requirement.

Mr. Chen noted that the Planning Commission would need to look at the potential impact on the neighborhood and that the applicants were requesting approval for a maximum of three dwelling units and potentially a professional office.

Mr. Chen stated that at this time the parking configuration could potentially be 11-14 spaces and that they were changing the site from a single-family use to a mixed use. There was also a concern for generated traffic. Mr. Chen noted that this was a legitimate concern.

Mr. Chen noted that this was an odd case as the structure was not a common one seen in Oxford nor located on a one acre site. Mr. Chen noted that the current use could continue as it is (a two family). Mr. Chen noted that professional office variations could occur.

Mr. Chen stated he felt that the Planning Commission should support the structure's historic significance; however, he felt it should be limited to a two-family and office.

Ms. Rousmaniere inquired if a planned development could include the redesign of an existing building. Mr. Chen responded that a planned development was very flexible and provided leverage of the Planning Commission to decide what conditions need to be placed on it.

Mr. Prytherch inquired about the definition of a professional office. Mr. Chen responded with examples uses such as insurance agency, real estate, and architect office. Mr. Benson inquired if this was a self-determined category. Mr. Chen noted that the Planning Commission could stipulate what they think best for that site.

Mr. Benson inquired who was the final authority to determine land area. Mr. Chen responded the surveyor. Mr. McHugh responded that the Planning Commission does have the authority to waive that requirement.

Mr. Scott Webb spoke. Mr. Webb provided a PowerPoint. Mr. Webb provided a history of the property. Mr. Webb shared the neighboring properties. Mr. Webb reviewed the zoning map. Mr. Webb reviewed the 2003 zoning map amendment and its effect on the site.

Mr. Webb described what the property could become should it be decided to take down the structure. Mr. Webb reviewed the decision standards. Mr. Webb described the design and dimensional requirements, noting that the lot coverage was substantially less than what was allowed. Mr. Webb noted that additional parking area was available and would maintain the open space and lot coverage regulations.

A professional office would require a building permit for a change of use. Staff could at that time determine whether it was appropriate or not.

Mr. Webb stated it met the goals of the Comprehensive Plan and felt the planned development served the goals of the owners and the City.

Mr. Webb stated that the owners have received no interest in the house as it is currently (a solely single family use).

Mr. Webb noted that any changes proposed to an approved planned development would return to the Planning Commission for evaluation.

It was noted that there was an existing attached apartment; therefore, there would be two additional dwellings.

Mr. Benson inquired about student rentals and felt the discussion had only been about owner occupancy. Mr. Webb responded that they were not talking about student rentals and were not implying it as becoming student rentals.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to the Butler County Auditor site and stated the site said .91 acres, not one acre. Ms. Zien reviewed previous appearances in front of the Planning Commission regarding this property and that the owners have made no attempt to hire a competent realtor. Ms. Zien stated she felt the price too high for the property and that anything but a single family was wrong. Ms. Zien stated she considered this as spot zoning. Ms. Zien referred to the current rental permit for the property.

Ms. Zien stated that a 3 family dwelling and allowance for 11 parking spots would cause a disturbance to the neighborhood.

Mr. Benson made motion to close Public Hearing. Ms. Rousmaniere seconded the motion.

Mr. Keebler made motion to approve PC-2015-23. Ms. Rousmaniere seconded the motion.

Mr. Keebler stated he believed this property was an anomaly. Mr. Keebler described the surrounding

properties and felt the property was improperly rezoned in 2003 thus limiting what could be done with the property. Mr. Keebler stated he wanted to assure it remained. Mr. Keebler read aloud his recommendations for conditions:

The use shall be limited to a maximum of 3 dwelling units or 2 dwelling units and 1 professional office limited to those uses specifically enumerated in Oxford Zoning Code 1159.17).

Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4-persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code 1146.02 (a) and (b).

The office use shall be limited to a maximum of 2,500 sq. ft. Any sign for the Professional Office shall conform to Oxford Zoning Code 1151.05 (1), except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress the new uses and with any required changes to be designed and constructed in consideration and observance of the historical features of the structure.

The hours of operation of the professional office shall be limited to 8 am to 8 pm.

The PUD shall in all other respects comply with Oxford Zoning Code 1143.09 RO Office Residential District. Mr. Webb noted that there were plenty of spaces for parking.

Mr. Benson stated that he liked Mr. Keebler's proposed conditions. Mr. Benson added though that the inevitable question is can they trust what they will get would be the same as what was proposed. Mr. Keebler responded that he wasn't aware of any time they had been burnt on a PUD; however, they have been burnt on zoning changes.

Mr. Prytherch stated that he felt a planned unit development was the best solution; that zoning section 1145.01. gave him a level of comfort since conditions could be set, and that they want to have more conditions than less.

Mr. Benson stated that he was concerned about universal accessibility.

Mr. McHugh referred to placing a condition regarding hours of operation and if the Planning Commission would want to reduce those allowable hours. Discussion followed. Mr. McHugh stated they had a condition for the applicant to provide a survey. Discussion followed. Mr. McHugh noted that the Planning Commission has the right to waive the dimensional requirements.

Mr. Prytherch inquired if staff conditions were similar to Mr. Keebler's. Mr. Chen responded that when the applicant submitted their proposal staff would see if they are met.

Discussion of hours of operation followed. Hours of operation shall be 8 a.m. to 8 p.m.

Ms. Rousmaniere stated she didn't like the rezoning of this property but did like adaptive reuse. Ms. Rousmaniere felt Mr. Keebler's conditions fit with neighbor concerns.

Mr. Keebler made motion that the 7 conditions as discussed be added to the approval of PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Decision Standards were reviewed:

The proposed planned development is in fact permitted in the zoning districts in which it is proposed. Yes

If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA

The uses and site plan will satisfy the general intent of this Zoning Code. Yes

The uses and site plan will be compatible with the general intent of the Comprehensive Plan. Yes

The size and shape of the site are sufficient for the proposed planned development. Yes

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

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. Should not Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. NA

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

Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. No

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. Yes

The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. Yes

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

AYE: Benson, Rousmaniere, Keebler, Prytherch (4)

NAY: None (0)

ABS: McCarthy (1)

Old Business

There was none.

New Business

There was none.

Other Business

There was none.

Items Under Consideration for Future Discussion - Commercial District Diversification *
Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Keebler made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting was adjourned at 9:24 p.m.

City of Oxford
Inter-Office Review Transmittal Sheet



Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by:


PRINTED NAME

Date: 10-16-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: Scott Otto Date: 10/30/18

Scott Otto
PRINTED NAME

Date: October 10, 2018

From: Community Development Department

X	Review	Revisions	Other
---	--------	-----------	-------

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

Drawings reviewed by:

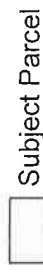
Date:

PRINTED NAME

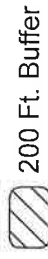


PC-2018-27 **Surrounding** **Property Owners** **Notifications Map**

Legend



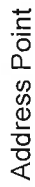
Subject Parcel



200 Ft. Buffer



Oxford Corp. Limit



Address Point

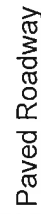


Parcel

16.5' Vacated ROW



Building Footprint



Paved Roadway



1 inch = 100 feet

Prepared on Wednesday, October 24, 2018

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



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a proposed Planned Development at 5990 Contreras Road.

Thank you,

Constance McCarthy
Signed: *Peter McCarthy*
Peter & Constance McCarthy

10/10/18
Date:



Internal Use Only:

Case No.

PC-2018-27

Date Filed

9/28/18

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

Applicant Information

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

Name *

Scott Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Peter & Constance McCarthy

Mailing Address *

5990 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker Engineers & Surveyors

Mailing Address *

318 South College Ave.

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-4270

Email Address

ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property *

5990 Contreras Road

Legal Description *

See Attached

Zoning District *

R-1

Total Area *

1

Acres

Submission Requirements and Documentation

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

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

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

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

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

(b) Final Plan.

- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
- (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
- (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
- (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

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

Decision Process

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

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *



Date *

9/28/2018

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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

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

Sam Perry
Community Development director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Residential Planned Development
5990 Contreras Road

August 28, 2015

Dear Sam,

Please accept this letter as a formal request for a Final review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development at 5990 Contreras Road.

Attached, please find a document addressing compliance with the Design Guidelines of a Residential Planned Development

The attached proposal has been prepared for and with the help of the following:

Property Owners:

Peter & Constance McCarthy
5990 Contreras Road
Oxford, Ohio 45056

Architect:

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

Surveyor:

Bayer Becker Inc.
318 South College Avenue
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Survey of the Property is included with this application
- B. The Site currently contains a large residence with a small efficiency apartment located above the existing attached garage and a separate detached garage.

- C. The property is currently zoned R-1. The 2003 City-wide Zoning Map Amendment made the property non-conforming based on its current configuration as a two-family residence.
- D. Description of the Proposed Planned Development.
1. Planned Development is intended to allow a potential reconfiguration of the existing residence into a maximum of (3) dwelling units as approved in the Preliminary Planned Development.
 2. The Planned Development application is also to allow a potential professional office in the existing residence, as would be allowed in the R-3 or RO Residential Zoning Districts. Permitted uses include professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar type professions as approved in the Preliminary Planned Development.
 3. Hours of operation for such a professional office would be limited to 7:00 am to 8:00 pm. as approved in the Preliminary Planned Development.
 4. The phasing of the Planned Development would be based on the potential tenant/owner of the property, and be contingent the requirements of the combination of residential and professional office uses.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
1. The proposed use(s) are similar to the existing land uses in the area, as this house currently sits between R-3 uses and R-1 uses, and near the Lynn Street GB Commercial District.
 2. The proposal contained herein, is based on the adaptive re-use of the existing structures on the site, and does not include expansion of the building, nor any new construction.
 3. Neither residential uses nor professional offices involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 4. The size of the lot in relation to the location of the existing structure and the existing privacy fences provides a buffer between this proposed planned development and the neighboring properties.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right.
- G. The Planned Development is necessary and desirable for the neighborhood and the community, serving as a means by which this historic property can be saved through adaptive re-use.
- The owners have investigated and/or applied for various zoning map amendments to allow other uses, but have met significant resistance at Planning Commission & City Council. Planned Developments provide the neighbors protection from the uses that would have been permitted by-right if the zoning district were changed.
- H. All public utilities are existing & adequate for the proposed adaptive re-use/reconfiguration of the existing historic structure.
- I. The traffic impact would minimal. The residential portion of the structure does not significantly increase traffic, and the potential professional office likewise generates

very little traffic. Pedestrian access is accounted for through existing sidewalks along each street

- J. There are no proposed easements or covenants or restrictions on the land or existing structures.
- K. Mailing addresses of adjacent property owners are attached.
- L. Other pertinent information:

The Application for a Planned Development was undertaken to allow for the various uses as described in order to allow the adaptive reuse of this grand old home for a potential new owner.

Now that the house is under contract, the current owners are looking to finalize the parameters of the approved preliminary planned development for the new owners prior to the property changing ownership.

The Approved Planned Development included no construction, changes in utilities, or paving, so no engineering review is required. Nothing has changed or been added to the structure or site since the Preliminary Planned Development was approved, and no new construction is proposed.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

SITE DESIGN

PER SECTION 1145.12

LAND AREA: 49,564 SF. (1 ACRE)
 LAND USE: MULTI-FAMILY RESIDENTIAL & PROFESSIONAL OFFICE
 RESIDENTIAL DENSITY: 10% OF UNDERLYING R-1A ZONING DISTRICT
 R-1A = 15,000 SF. PER DWELLING UNIT = 2.9 DWELLING UNITS
 10% OF 2.9 = 3.2 DWELLING UNITS
 (2) OCCUPANTS = (3) DWELLING UNITS = MAX (4) PER DWELLING
 DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK: 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERIMETER SETBACK = 25'
 OPEN SPACE:

MIN 20% OF LOT NOT INCLUDING SETBACK AREAS
 4,740 OPEN SPACE AREA #1
 4,474 OPEN SPACE AREA #2
 9,214 SF. = 21%

LOT COVERAGE:

MAX 75% ENCLOSED BUILDINGS
 3,491 SF. EXISTING RESIDENCE
 5,320 SF. EXISTING ACCESSORY STRUCTURE
 4,021 SF. = 9.25%
 MAX 35% LOT TOTAL
 4,021 SF. = ENCLOSED BUILDINGS
 5,321 SF. = DRIVES, SIDEWALKS & PATIOS
 9,418 SF. = 21.62% EXISTING
 + 820 SF. = FUTURE COMMERCIAL PARKING
 + 442 SF. = FUTURE RESIDENTIAL PARKING
 10,670 SF. = 34.48% TOTAL

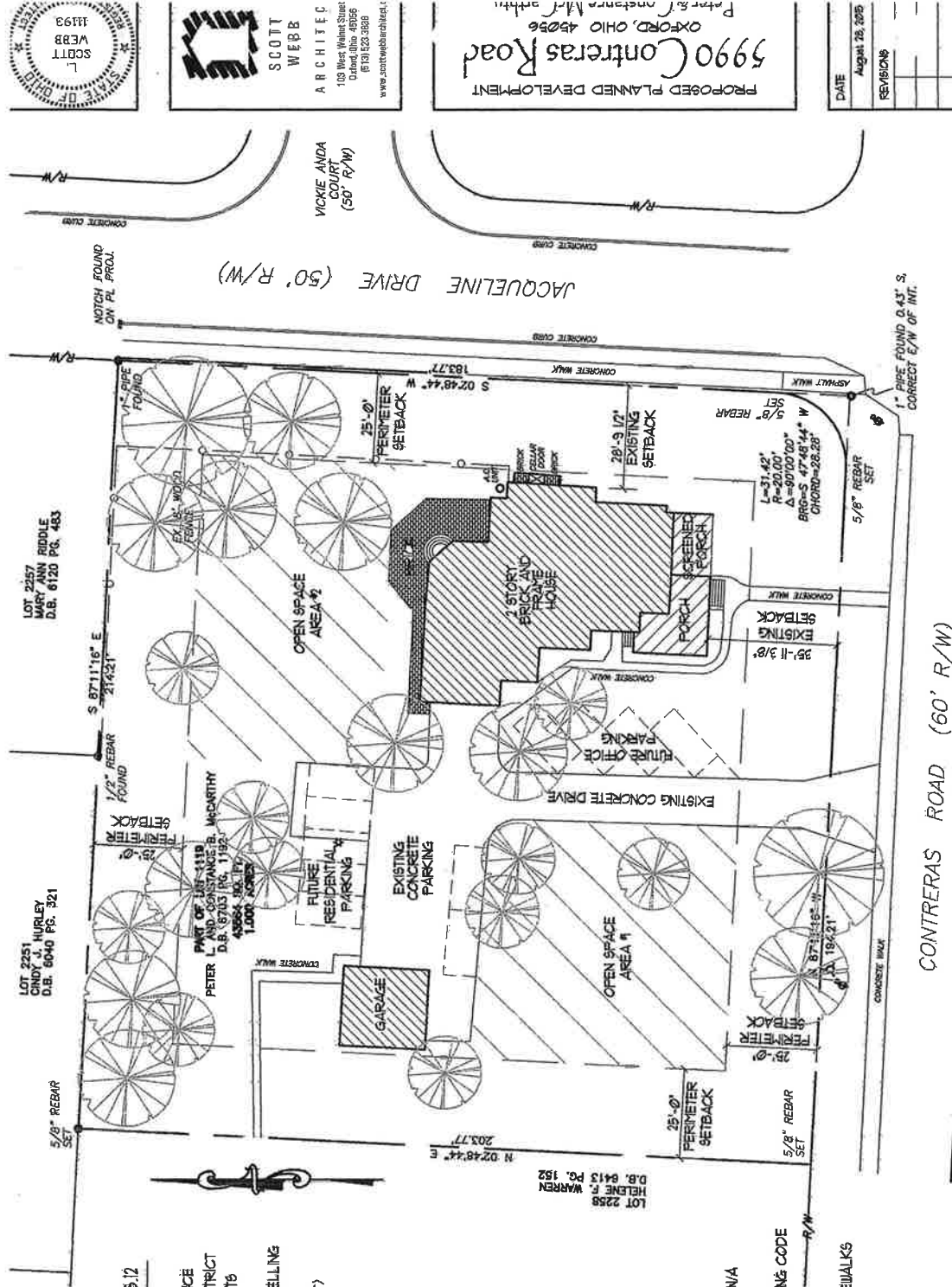
ENVIRONMENTAL:

100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A
 LANDSCAPING & SCREENING:
 EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE
 ACCESS & MOBILITY:
 DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD
 PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS
 UTILITIES & INFRASTRUCTURE:
 NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE

SITE PLAN

1" = 30'-0"

ALL STRUCTURES, DRIVES, WALKS & LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE



SCOTT WEBB
 ARCHITECT
 103 West Walnut Street
 Columbus, OH 43206
 (614) 432-5855
 www.scottwebbarchitect.com

5990 Contreras Road
 OXFORD, OHIO 45056
 PROPOSED PLANNED DEVELOPMENT

DATE	August 28, 2008
REVISIONS	

A-1

Lynn Taylor

From: Sam Perry
Sent: Tuesday, November 13, 2018 9:45 AM
To: Lynn Taylor
Subject: FW: PC-2018-27

For tonight and the file

SAM PERRY, AICP
Director
Community Development Department
sperry@cityofoxford.org
513-524-5204 phone
513-524-5266 fax
15 S. College Ave., Oxford, OH 45056

cityofoxford.org

NOTICE: This email communication is informal in nature and is for general guidance and information purposes only. It is not intended to serve as an administrative ruling, decision, determination, or interpretation by the Community Development Department. If you have a question relating to a specific permit application, variance request, interpretation of the Oxford Planning and Zoning Code, or other matter requiring administrative action, please direct a written inquiry to the Community Development Department, 101 East High Street, Oxford, OH 45056.

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

From: Frances Liu <usliu@aol.com>
Sent: Monday, November 12, 2018 10:42 PM
To: snaves51@gmail.com; radaniels45@yahoo.com; mikesmith@yahoo.com; Steve Dana <sdana@cityofoxford.org>; Shanarosenberg@gmail.com; coreywatt@hotmail.com; cablackmar@yahoo.com; Sam Perry <sperry@cityofoxford.org>
Subject: PC-2018-27

Dear Planning Commission members,

It's been a long time since I served on Oxford's Planning Commission but I sometimes look online and see what is new (or going to be new) in Oxford.

After getting settled in Fort Mill, SC, I became active on the Board of Zoning Appeals here and currently serve as Chair. Because of this, I read about the above case and was curious about one aspect of it.

It appears that there is a recommendation to Council for approval with conditions that include:

- *The professional tenant shall be limited to no more than ten customers per day with no more than two customers present simultaneously.

- *The professional office tenant shall be limited to no more than one non-resident employee present at any given time.

We sometimes place conditions on variances but I'm just intrigued to know how the above conditions can be policed and enforced and what is the penalty, after approval, for not following these conditions.

Thank you for entertaining my questions from far away. Thank you for your continued service to Oxford!

Sincerely,

Frances Liu

Sent from my iPhone

Lynn Taylor

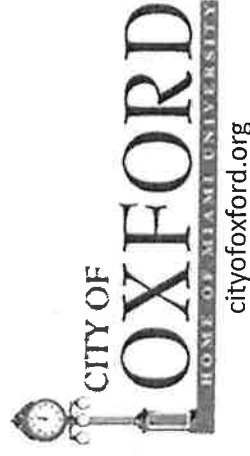
From: Sam Perry
Sent: Tuesday, November 13, 2018 9:45 AM
To: Lynn Taylor
Subject: FW: At the Dec. 12, 2017 PC meeting....

For tonight and the file

SAM PERRY, AICP
Director

Community Development Department
sperry@cityofoxford.org
513-524-5204 phone
513-524-5266 fax

15 S. College Ave., Oxford, OH 45056



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From: Kathleen Zien <zienkl@hotmail.com>
Sent: Monday, November 12, 2018 10:11 PM
To: Sam Perry <sperry@cityofoxford.org>; radaniels45 <radaniels45@yahoo.com>; snaves51@gmail.com; Steve Dana <sdana@cityofoxford.org>; Shanarosenberg@gmail.com; michael smith (HAPC) NEW <smithml3@miamioh.edu>; cablackmar@yahoo.com; coreywatt@hotmail.com
Subject: At the Dec. 12, 2017 PC meeting....

Monday, Nov: 12, 2018 10:15 PM

The Planning commission granted a one year extension to the McC's for Preliminary PUD 2015-23 at the Dec. 12, 2017 PC meeting 11 months ago.
The next one year extension would have been up for discussion next month.

Mr. Chen's [old] comment on pg. 55 of that Dec. 2017 agenda indicates "If the scope of the approved prelim. plan has not changed and the proposed use and site plan still satisfy the decision standards, the PC shall grant a 1 yr. extension. No more than 2 extensions shall be granted."

So, that gave the McC's another year's extension until Dec. 2018.
If they asked for the same allowable one year extension this year, they could have rec'd (*perhaps*), the 2nd of two that are permitted thru Dec. 2019.

Planner Sam Perry's ANALYSIS on p. 5 of the agenda: "The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether."

There is no 'simply' in all of this. Don't kid yourself.

By shrewdly asking for approval of a Final PUD, they get to start all over again with another two full years!!!

IF there has been no significant change(s) from the prelim. to the final, why is any applicant given such a generous grace period -- a 2 yr. do-over?

An extension(s) can virtually be up to 4 yrs., taking advantage of 're-do's' every year for a prelim. until that runs out and again 2 more for the Final....

Why is this starting again from scratch to another 2 yr. starting marker?

This is foot dragging at its best and taking advantage of wordsmithing prelim. vs. final (even if there are no changes) by the owner who just isn't selling that house!

I question the wisdom of future administrative approvals for this case vs. returning to the Board. Some applicants, applications and requests certainly stand out more than others. This is ONE of those city cases!

No matter what a future change might be for any part of this property or home, take it to the board.

Do NOT make administrative decisions for this address behind closed doors.

We've already watched the twists and turns on this property for 9 long years.

The S.Perry Analysis continues on p. 5: "The only construction that may happen would be interior reconfiguration. Anything else substantial such as exterior or site changes would have to come back for Commission review."

BRING IT BACK to a FULL BOARD at a publicized meeting -- Whatever the change(s) is!

Sam, you're trying to "sell it" too hard. "the predictability can be ensured for [the] neighborhood." NOTHING CAN BE ENSURED or INSURED on this case!

S.Perry: "Some minor tweaking to the conditions placed on the PUD Ordinance #3334 can resolve the case."

There is NO minor TWEAKING on this address.
It's all important!

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to City Manager

Finance
Originating Department

Council Meeting Of : 12/4/2018

Account Code No. : see below

Budgeted Amount : _____

Joe Newlin

Prepared By

11/28/2018

Date Prepared

Agenda Title: 2018 Supplemental Budget #7

Recommendation: Approve

Issue 1

To make adjustment to budget for additional personnel expenditures related to oversight of 2018 CBDG grant

Action Needed:

Revenue Side

N/A

Expense Side

General (110) 15,000.00 Additional expenditures for personnel cost

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

Issue 2

To make adjustment to budget for expenditures Rumpke refuse expenses

Action Needed:

Revenue Side

N/A

Expense Side

Refuse (341) 29,000.00 Additional expenditures for Rumpke

Net Effect on Fund Balance/(s) (29,000.00)
Increase/(Decrease)

Issue 3

To make adjustment to budget for additional revenue and expenditures for 2019 OVI patrols

Action Needed:

Revenue Side

OVI (419) 305.00 OVI Grant 2019

Expense Side

OVI (419) 21,326.09 Lead Agency Salaries & Fringe Benefits
OVI (419) (10,043.32) Other Agency Salaries & Fringe Benefits

Net Effect on Fund Balance/(s) (10,977.77)
Increase/(Decrease)

Total Net Effect on Fund Balance/(s) (54,977.77)
Increase/(Decrease)

Breakdown by Fund

General (110) (15,000.00)
Refuse (341) (29,000.00)
OVI (419) (10,977.77)

Net Effect on Fund Balance/(s) (54,977.77)

Increase/(Decrease)

Approved By:

Department Head:

City Manager:

Initials

Date

 , 11/28/18
DRE , 11/30/18

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3449. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 7 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2018.

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

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

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

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

OVI Task Force Fund 419	305.00
-------------------------	--------

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

General Fund 110	15,000.00
Refuse Fund 341	29,000.00
OVI Task Force Fund 419	21,326.09
OVI Task Force Fund 419	(10,043.32)

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

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

MAYOR

ADOPTED:

ATTEST: _____

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)