

Case No:
PC-2022-10



Meeting Date:
January 10, 2023

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant/Owner	HPCT Properties Inc., c/o Shane Coffman
Location	Kehr Road & Roberts Drive – Parcel ID H4100137000039
Engineer	Bayer Becker, c/o John Bayer, P.E.
Action Request	Preliminary Subdivision; remove prior Planned Development designation
Development Name	Heron Pond
Current Use	Undeveloped / Vacant Land
Current Zoning	R-1B Single-Family Medium Density Residential District
Site Area	4.57 acres
Surrounding Land Uses	Single-Family Residential to the north & south; Place of Worship/Church to the west; Agricultural to the east
Staff Recommendation	Table, pending revisions

PROPOSAL SUMMARY

The subject site on Kehr Road previously received approvals from Planning Commission and City Council for a 15-unit landownership-style community which was to be named Heron Pond. Although the most recent plat approval by Council has expired as of early December, a Final Planned Development (PD) is still valid for the site until 2026. The original plan entailed a new private street oriented north-south through the site, connecting Roberts Drive to the existing driveway serving the Cobblestone Community Church campus to the west. A homeowners association would have been responsible for maintaining the private street, stormwater quality basin, and other common amenities. The applicant has expressed to the City he no longer intends to move forward with this original plan for 15 units.

In lieu of the original plan, the applicant now proposes an alternate subdivision consisting of 9 individual lots sized according to the underlying R-1B zoning district. The new plan does not involve the creation or extension of any new public or private streets, instead relying on existing thoroughfares for access. To move forward with this new proposal, the applicant is requesting a new Preliminary Subdivision be approved, while also dissolving the prior approved Planned Development in order to avoid inconsistency with the new plan.

This type of application is what many in the planning profession would call a “straight” subdivision process, meaning the review relies primarily on the design specifications in the City’s Subdivision Regulations. Absent consideration of a Planned Development, the City has considerably less negotiating power and discretion over matters traditionally addressed by the Zoning Code such as land use, density, building architecture, amenities, and open space. Instead, the focus of a subdivision review is more about the design and function of the public and private infrastructure proposed. The Planning Commission should focus its attention on the functionality of the proposed subdivision, in terms of whether the proposed arrangement of lots and infrastructure adequately addresses any concerns related to matters such as access, utilities, landscaping, and/or natural resource preservation.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and two signs were posted at the front of the property. As of the writing of this report, no courtesy notices were returned with written comments. Staff was able to speak by phone with the President of the South Farm HOA (Mr. Mike Rudolph), who also provided remarks via email. Staff also contacted Pastor John Johnson with Cobblestone Community Church to provide details about the request and ask for feedback if possible.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker, Assistant to the City Manager	Returned without Comments
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned without Comments

SITE HISTORY

The site has been involved in numerous past applications and approvals by the City of Oxford following annexation from Oxford Township in the early 1990s. A summary of relevant case history is provided below:

- 8 Aug 1991, Preliminary Subdivision & Preliminary PUD Approval:** City Council by Ord. No. 2181 approves a preliminary subdivision plan comprising 186 single-family lots and 220 multi-family units on 94.385 acres west of Kehr Road. The applicant for this submittal was COGO Co. A condominium owners association was to be established for the common areas within the development. The subject 4 ½ acres was part of a planned multi-family area.

- **17 March 1992, Final Plat & Final PUD for South Farm Section 1:** City Council by Ord. No. 2221 approves the first section of the approved development comprising a total of 11 lots on Morgan Circle. These 11 lots were the only ones ever fully realized as part of the larger 1991 plan. The final plat was recorded with the County Recorder on January 1, 1993. This plat included a large lot north of Roberts Drive (Lot 2897), containing area attributed to the subject 4 ½ acres.
- **2 November 1993, Lot Split:** A lot split of Lot 2897 is approved by the Oxford Planning Commission and recorded with the Butler County Recorder, effectively splitting Lot 2897 into two pieces, with a piece closest to the pond renamed Lot 3046. Another split had occurred to the west, creating Lot 3045. The newly created lots (3045 & 3046) were then combined to form Lot 3047 centered on the pond area.
- **22 June 2004, Lot Split and Consolidation:** New Lot 3556 (the present day boundaries of the subject property), totaling 4.572 acres, is approved by the Oxford Planning Commission and created by consolidating Part of Old Lot 2897 with portions of Old Lot 3047. Additionally, the lot containing the pond was re-shaped out of older lots and re-formed as Lot 3555. This Plat of Survey was the first to note a 30-foot right-of-way width as measured westward from the centerline of Kehr Road.
- **16 August 2005, Conditional Use for a Place of Worship:** City Council by Ord. No. 2858 approves a Conditional Use permit to allow for development of Cobblestone Community Church. The site plan approved at the time reserved 39 acres for the church site and pond, and 19 acres for a reduced number of single-family lots (11 developed lots on Morgan Circle, and 34 undeveloped lots of which 13 were already platted as part of South Farm Section 2). The ordinance also established phasing requirements, with the final phase of necessary construction permits submitted by 2014 and substantially operational within 2 years. Therefore, the residential portion of the conditional use approval is now considered expired.
- **8 May 2007, Conditional Use Minor Amendment:** Planning Commission approves a Minor Amendment to the Cobblestone Church Plan, to allow for a larger building and modified parking layout.
- **16 March 2021, PC-2020-17, Heron Pond Preliminary Planned Development (PD):** City Council by Ord. No. 3615 approves a Preliminary PD application consisting of 15 detached single-family dwelling units along a new private street, subject to 15 conditions.
- **17 August 2021, PC-2021-18, Heron Pond Final Planned Development (PD):** City Council by Ord. No. 3631 approves a Final PD application reinforcing the prior approved Preliminary PD, subject to 6 conditions, including a requirement that all infrastructure is to be in place prior to approval of the first Building Permit. The currently approved Final PD is valid until August 17, 2026.
- **2 September 2021, Heron Pond Construction Drawings:** The detailed engineering plans for the development are approved administratively by City departments.
- **7 December 2021, PC-2021-25, Heron Pond Final Subdivision:** City Council by Ord. No. 3653 approves a final record plat for the development. The plat would have carved out 16 individual parcels, with 15 parcels being individual building pads/sites and the remaining parcel being a common area serving access, open space, and stormwater management functions. This approval expired on December 7, 2022.

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **General Lot Characteristics & Zoning Standards:** The submitted plan proposes to subdivide the 4 ½ acre site into a total of 9 lots. The intent is for each of the 9 lots to support a new single-family dwelling, consistent with the underlying R-1B single-family zoning district. The primary dimensional standards influencing lot creation in the R-1B district are a minimum lot size of 7,500 square feet, a minimum lot width of 65 feet, and a minimum lot frontage of 65 feet. Once lots are created, each dwelling that is built would need to comply with 30 foot, 8 foot and 35 foot setbacks in the front, side and rear yards respectively. Coverage limits from the Zoning Code would apply as well, inclusive of a 35% max overall lot coverage, 25% max front yard coverage, and 25% max building coverage.

From a dimensional standpoint alone, the proposed subdivision layout clearly complies with the primary zoning standards. However, in staff's view this does not necessarily mean the Planning Commission should accept the proposed layout at face value. As further commentary in this report will note, there are a number of concerns related to site access. A summary of the dimensional and access characteristics of the 9 individual lots is provided in the table below:

Lot Number	Lot Size (Sq. Ft.)	Lot Width (Ft.)	New Driveway Location
1	15,627	90 approx.	Roberts Drive
2	8,305	65 approx.	Roberts Drive
3	9,287	67 approx.	Roberts Drive
4	16,200	72 approx.	Roberts Drive
5	23,468	65	Kehr Road (shared with Lot 6)
6	22,284	65	Kehr Road (shared with Lot 5)
7	21,969	65	Kehr Road (shared with Lot 8)
8	9,750	65	Kehr Road (shared with Lot 7)
9	65,520	115 approx.	Existing Cobblestone Driveway

- **Access and Easements:** Notable subjects related to access & easements are summarized below:
 - **Cobblestone Church Driveway:** The largest of the proposed lots (Lot #9) would total 1.5 acres in size and include a substantial portion of the existing driveway serving the Cobblestone Community Church. This driveway has been in place on the subject 4.5 acres since the initial establishment of the Church in the late 2000s. Up until September 2021, the property was owned outright by the Church, thus their organization had a full bundle of rights including the right of access. Upon transfer of the property to the developer (HPCT Properties Inc.), an Access & Utility Easement was reserved over the driveway portion of the property so that the Church could retain access to its campus and not become landlocked. This type of legal arrangement made sense at the time, since the land comprising the driveway would have been owned and maintained by a future Heron Pond HOA and would have also benefitted the future Heron Pond residents by providing a second way in and out of the development (the other entry being off of Roberts Drive). In hindsight, it might have been better for the Church to retain ownership of the driveway portion as a standalone parcel as opposed to the developer acquiring the land. In consideration of the new proposal at hand, staff does not believe it makes sense for a future homeowner on proposed Lot #9 to own and be financially responsible for such a substantial portion of the existing Church driveway. Under the terms of the existing Access & Utility Easement, which runs with any successive owners, the future homeowner and Church would each be responsible for half

of all maintenance costs associated with the driveway, including snow and ice removal, sweeping, patching and paving. In addition, the proposed lot lines would essentially create a “panhandle” or “flag” lot situation, whereby the home site for Lot #9 is located behind the home site for Lot #8. The Subdivision Regulations normally prohibits panhandle lots per **Section 1101.4(409)(K)**. Vehicular traffic associated with Sunday morning service may also pose issues in terms of accessibility for a future home site solely reliant on this driveway. While the City cannot mandate the transfer or sale of property between owners, staff’s opinion is that the proposed use and function of the existing driveway area in consideration of a possible future home site is very much within the scope of consideration. For reasons as stated, it is the position of staff that one of the following alternatives be explored:

- (1) Combining home sites for Lot #8 and Lot #9 into a single home site (lot), reserving a separate non-buildable parcel for the existing driveway/entrance with the Church fully responsible for all maintenance activities; or
 - (2) Combining home sites for Lot #8 and Lot #9 into a single home site (lot), and constructing off the existing Church driveway a new shared drive serving Lot #s 5 thru 8, such that benefit, use, and maintenance responsibilities can be better distributed across multiple owners; or
 - (3) If neither (1) or (2) can be achieved, at a bare minimum the terms of the Access & Utility Easement should be revised such that there is a more equitable distribution of driveway maintenance responsibility between the future Lot #9 homeowner and the Church.
- **Kehr Road Curb Cuts:** In the 2020 Oxford Transportation Plans, Kehr Road is classified as a Minor Collector. While the Subdivision Regulations does not expressly prohibit residential driveway access onto a Minor Collector [it does so for Arterials and Major Collectors per **Section 1101.4(407)(D)**], the minimization of new driveway curb cuts is still encouraged *by using access roads, shared entrances and access management best practices* pursuant to **Section 1101.4(407)(A)**. Thus, staff believes it is within the purview of the Planning Commission to consider what an appropriate access configuration may be for future lots fronting on Kehr Road.

The proposed subdivision shows a total of 4 lots with direct frontage on Kehr Road (not counting Lot #9 where frontage is taken up by the existing Church driveway). Early on in discussions between the City and the applicant, staff expressed that the number of new curb cuts onto Kehr Road should ideally be reduced as much as possible. In response to this request, the applicant has proposed 2 curb cuts serving these 4 lots, where each cut services a single driveway shared between 2 lots. Such an arrangement could be similar to an existing situation in town at the Muskopf Farms subdivision, where 4 single-family lots are accessed by 2 curb cuts off Brookville Road. Other alternatives to this access arrangement that the Planning Commission could consider are as follows:

- (1) Shared/common driveway stemming south off of the existing Cobblestone driveway, serving up to 4 home sites, thus resulting in more dispersed benefit for land comprising the existing Church driveway per discussion in the preceding section above; or
- (2) Shared/common driveway with 1 single curb cut off Kehr Road, serving up to 4 home sites, and thus avoiding the need to bring the land comprising the Cobblestone driveway into the fold (this option would be dependent on the existing driveway being transferred back to the Church); or

(3) Four (4) individual driveway curb cuts onto Kehr Road, one per lot, thus a more conventional approach to access.

- **Landscaping and Tree Preservation:** The developer previously provided a Tree Survey with their original Planned Development application submitted in December of 2020. Upon visiting the site again on December 28, 2022, it appeared that all of the vegetation previously documented was still in existence on the site, as earth movement for the original project never commenced. The data on existing trees previously collected is actually displayed in a subdued (grayed out) fashion on the newest submitted landscaping plan. Since a more conventional subdivision layout is now desired, this changes the way that tree preservation and planting requirements are applied to the site. With the present proposal, there is a strong likelihood that 10 mature trees located along the southern and eastern boundaries of the site (adjacent to existing roadways) would be removed in order to accommodate re-grading and/or driveways for the new dwelling units/lots. Apart from these 10 trees, another 5 mature trees are shown to be located along the western side of the site adjacent to the pond. *Section 1148.05(a)* specifies that any trees located in front or side yards, and any areas within 15 feet of built structures, are exempt from required replanting. Despite the possibility that no new trees would be required to be planted in order to replace caliper inches lost, other plantings will still be required regardless – those being front yard trees (minimum of 1 per lot) and street trees. Consistent with *Chapter 935* of the Oxford Codified Ordinances, the applicant proposes street trees along both Roberts Drive and Kehr Road. Because of the unimproved nature of the existing Kehr Road thoroughfare with side drainage ditches as opposed to curb & gutter, the planting of trees in this area may not make sense. Staff instead recommends the planting of these street trees be left up to the discretion of the Service Department, in an effort to better ensure there is no improper interference with existing drainage systems.
- **Lighting:** There is one existing lamp post on the north side of Roberts Drive, immediately opposite Morgan Circle. *Section 1101.4(406)(F)(1)* of the Subdivision Regulations requires a street light within 50 feet of every intersection and at every interval not exceeding 400 feet. Based on this standard, the developer will need to install at least one new street lamp on Roberts Drive.
- **Non-Vehicular Mobility:** In the Subdivision Regulations, *Section 1101.4(405)(A)(1)* requires sidewalks not less than 5 feet in width to be constructed along both sides of all streets, unless otherwise determined by the Planning Commission. The developer has agreed to construct a new 5-foot wide concrete sidewalk along Kehr Road, as had been required by City Council for the original Heron Pond plan. In addition, *Section 1101.4(405)(B)(2)* requires bike paths to be installed in accordance with the Thoroughfare Plan; the developer would also be meeting this requirement by installing a new 10-foot wide asphalt path along the north side of Roberts Drive, which follows the currently planned route for the Oxford Areas Trails System (OATS) as appears in the City's 2020 Transportation Plans. One important point to note is that the asphalt path appears to be approximately 175 feet shorter than what was shown on the original Heron Pond plan; this is because the land owned by the South Farm HOA (which includes the pond and associated green space) is no longer included as part of the submittal. If the newest Heron Pond proposal were approved as-is and the nearby South Farm Phase 2 project came to fruition as planned, the end result would be a gap in trail segments along Roberts Drive. Staff recommends the original planned bike path segment, inclusive of the 175 or so additional feet, be included as part of the new Preliminary Subdivision; but only if the South Farm HOA approves of the pathway construction and necessary right-of-way dedication on their land.
- **Stormwater Management:** In the submitted narrative letter, the applicant explains that the existing pond located west of the site (on land owned by the South Farm HOA) will provide the necessary stormwater management for the development. The applicant further states that the 9 new residences planned for Heron Pond would become members of the HOA, thus it is implied that

future HOA dues from these residents would help contribute toward the maintenance of the pond and the surrounding green space. Furthermore, the courtesy environmental review performed by Butler County Soil & Water Conservation District noted that there is a high water table and greater shrink swell potential in this area per the NRCS Soil Survey. The developer, and any future builders that may be involved with the project, should therefore take steps to ensure foundation slabs and basements are constructed in way to resist damage and/or flooding.

- **Signage:** There is an existing gateway sign for the South Farm subdivision located at the southwest corner of Roberts Drive and Kehr Road, which should in essence remain untouched by the proposed development. A twin gateway sign previously existed at the northwest corner as well, but that sign was removed sometime after May 2019 (a “wagon wheel” decorative element still remains). The proposed plan does not show any new planned gateway signage for this area, or any other area of the subject site. If any signage were added at a later time, it would be subject to the standards in **Section 1151.05(d)(2)** of the Zoning Code which includes a height limit of 6 feet, a width limit of 12 feet, and a sign face maximum of 48 square feet.
- **Utilities:** Sanitary and water mains currently exist along Kehr Road and Roberts Drive, and the developer intends for the future dwelling units to tap in to these existing utilities. A series of fire hydrants currently exist along the east side of Kehr Road, as well as one on the north side of Roberts Drive in proximity to proposed Lot #1. The applicant requests the City of Oxford relocate the Roberts Drive hydrant to make way for the planned OATS bike path. As is typical for any development, the relocation of any utilities to make way for necessary construction of subdivision infrastructure will be at the financial cost of the developer. Lastly, the applicant plans a location for a new cluster mailbox (CBU) on the north side of the Cobblestone driveway, about 100 feet away from the front property line along Kehr Road. Staff has reached out to USPS for comment on the proposed CBU and has yet to receive a formal response.

STAFF RECOMMENDATION

There are no decision criteria for a Preliminary Subdivision application, as the review is based on meeting the design standards in **Section 1101.4** of the Subdivision Regulations, inclusive of meeting the spirit of the “General Statement” provisions found in **Subsection 400** (see Appendix A).

In consideration of the provisions in **Section 1101.4**, staff recommends **tabling** the Preliminary Subdivision application at this time, pending additional discussion with relevant stakeholders and appropriate revisions to the plan as necessary. This recommendation should not be construed as a recommendation for denial, as a subdivision layout of some fashion which adheres to the underlying R-1B standards must ultimately be approved in consideration of the Subdivision Regulations. The applicant has a right to subdivide and develop the property for single-family usage per the Zoning Code.

The primary concerns contributing to the recommendation to table are as follows:

1. In staff’s opinion, Lot #9 coalesces the interests of a future residential homeowner and the interests of Cobblestone Church in an undesirable way in terms of providing proper access and dividing up maintenance responsibilities per the existing easement. Staff believes the spirit of the Subdivision Regulations supports maintaining separation between the new residential lots and the existing means of access for the Church. Lot #9 should ideally be shrunk down to serve only the area comprising the existing driveway, with a stipulation that it be a “non-buildable” parcel so that a dwelling unit could not be built on it.
2. Alternative options for access from Kehr Road should be explored. If a shared/common driveway is to be pursued per Planning Commission guidance, the plans will need to be redesigned with engineering considerations in mind and reviewed again by City departments including Engineering

and Fire. A potential advantage of a shared driveway option could be retention of existing mounding and fencing along the Kehr Road site frontage.

If however the Planning Commission is inclined to recommend approval of the Preliminary Subdivision **as presently designed**, staff recommends the following approval conditions:

1. The applicant shall work with Cobblestone Community Church in reaching an agreement on revising the terms of the Access & Utility Easement situated along the existing driveway, such that the terms are acceptable to the Church and reasonably suitable for a future residential homeowner purchasing Lot #9.
2. New access easements shall be created as necessary for any shared driveways off of Kehr Road, and included as part of a future record plat.
3. The planting of street trees in the right-of-way along Kehr Road shall be to the discretion of the Service Department, in consideration of possible interference with drainage or the creation of some other health or safety hazard.
4. Construction of the asphalt bike path, together with right-of-way dedication as necessary, shall be continued to the western edge of the South Farm HOA parcel as had been planned for the original Heron Pond development; this condition shall only be enforced if the South Farm HOA approves of said improvements on their land.
5. Grading and construction work for the planned sidewalk and bike path shall be complete prior to issuing zoning approval for any Building Permit.
6. Financial responsibility for the provision of utilities, inclusive of hydrant relocation as may be necessary, shall be borne by the applicant not the City of Oxford.
7. Cluster Box Unit (CBU) installation shall be per City staff discretion, with opportunity for review/comment by USPS.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: January 4, 2023

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, **Section 1143.02** provides the base zoning standards for the R-1B zoning district. **Section 1101.4** in the Subdivision Regulations sets forth design and construction standards for subdivisions.

1143.02 R-1B Single-Family Medium Density Residential District.

- (a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.
- (b) Uses.
 - (1) Permitted uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.
 - C. Day Care Home Type B family.
 - (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes for transients.
 - E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
 - (1) Lot requirements.
 - A. Minimum lot area 7,500 sq. feet
 - B. Minimum lot width 65 feet
 - C. Minimum lot frontage 65 feet (not applicable to cul-de-sac lots)
 - (2) Yard requirements.
 - A. Minimum front yard depth 30 feet
 - B. Minimum rear yard depth 35 feet
 - C. Minimum side yard width 8 feet on each side
 - (3) Structural requirements.
 - A. Maximum building height 35 feet
 - (4) Lot coverage.
 - A. Lots with vehicular access from a public street
 - 1. Lot total – 35 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 25 percent of front yard
 - B. Lots with vehicular access from a rear or side alley, and no access from a public street
 - 1. Lot total – 40 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 15 percent of front yard

1101.4 – Design standards and construction standards.

400 – General Statement

- (A) In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure:
 - (1) Convenient and safe streets;
 - (2) Creation of useable lots;
 - (3) Provision of space for public utilities;
 - (4) Reservation of land for recreation uses;
 - (5) To minimize the impact on natural resources and the environment, and
 - (6) To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.
- (B) The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out
 - (1) To minimize
 - (a) The effect on ground water and aquifer recharge;
 - (b) Excavation and embankment;
 - (c) Unnecessary impervious cover; and
 - (d) The complete removal of mature trees.
 - (2) To provide adequate access to lots and sites; and
 - (3) To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

401 – Suitability of Land

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions which may endanger health, life, safety, or property and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

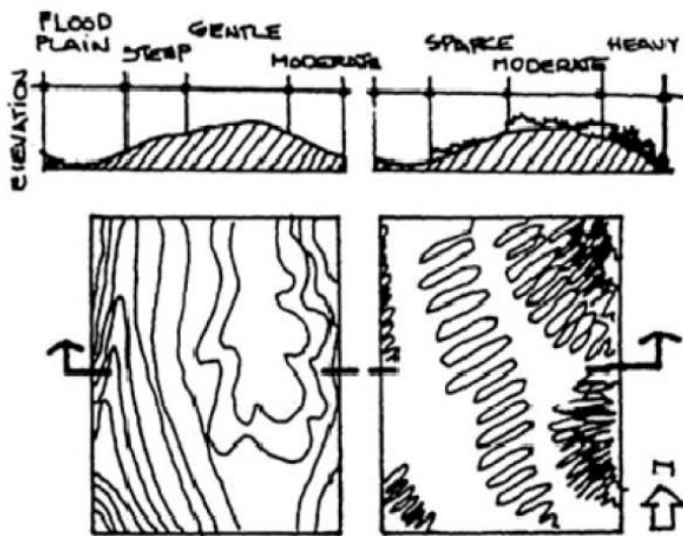
402 – Sensitive Development Areas

- (A) A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be subdivided that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.
- (B) For the Preliminary Subdivision Plat, the applicant must create an inventory of sensitive areas identified in Section 402 (d) 1-8 from publicly available resources such as OEPA, ODNR, HAPC, FEMA, USFWS, OHPO, OKI, Butler County Soil and Water Conservation District, and other public entities. This information shall be provided with the preliminary application. Design of the subdivision shall be based on a site analysis provided by the applicant.
- (C) After the approval of the Preliminary Subdivision Plat, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide report of the analyses following current professional norms for the discipline. It will

be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council

- (D) Design of the subdivision shall be based on the site analysis provided by the applicant. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:
- (1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.
 - (2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.
 - (3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
 - (4) Habitats of endangered wildlife, as identified on federal and state lists.
 - (5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.
 - (6) Aquifers and tributary drainage systems.
 - (7) Tree growth areas or urban forested areas containing native mature trees.
 - (8) Any area as identified on Map 3.3 of the Comprehensive Plan.
- (E) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm Water Best Management Practices and Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual.
- (F) If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:
- (1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.

- (2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.



403 – Typical Sections

Subdivisions shall be designed and constructed to conform to the Typical Sections incorporated by reference herein as Attachment H. The Typical Sections adopted as the standards for construction and design in the City are the following:

- (A) Principal Arterial street typical section;
- (B) Minor Arterial street typical section;
- (C) Major Collector street typical section;
- (D) Minor Collector street typical section;
- (E) Local street typical section;
- (F) Alley typical section;
- (G) Typical cul-de-sac details;
- (H) Temporary turn around;
- (I) Dead End/ Stub Street typical section (Hammerheads);
- (J) Multi-Use Path typical section;
- (K) Utility typical section; Utility locations;
- (L) Tree Protection Detail
- (M) Tree Survey
- (N) Typical Lot Consolidation/Split;
- (O) Standard Plat of Survey;
- (P) Record Plats
- W.1: Standard Record Plat Title Sheet;
- W.2: Standard Record Plat.

404 – Streets

The purpose of a street network is to connect spatially separated places and to enable movement from one place to another. More specifically, the street network provides continuous and direct routes; provides greater emergency vehicle access; provides convenience and safety to drivers and pedestrians and to provide access to residents for goods and services.

Although the Planning Commission has established general street guidelines, many of the specific technical standards governing the Public Streets are regulated by the City of Oxford's Engineering Division.

- (A) Relation to Adjoining Street System
 - (1) The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas, or their proper

projection where adjoining land is not subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the possible future development of adjacent tracts. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not ensure continuity of the existing street system.

- (2) Offset streets shall be avoided within a proposed subdivision and adjacent to an existing subdivision.
- (3) The street and alley arrangement(s) shall be such, so as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (4) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication or near duplication of other street names.
- (5) Wherever the tract to be subdivided abuts a dedicated or platted half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted.
- (6) Any subdivision with its main entrance onto an Arterial or Collector street shall provide a 25% wider opening at the entrance to the subdivision than the rest of the subdivision street width, unless otherwise determined by the Planning Commission.

(B) Street Classifications

- (1) The classification of all proposed streets shall be determined by the Planning Commission and shall conform to the Official City Thoroughfare Plan. The proposed use of the street, type of traffic and future traffic volume shall also be considered in determining the classification of a street.

Street Classifications:

- (a) Principal Arterial
- (b) Minor Arterial
- (c) Major Collector
- (d) Minor Collector
- (e) Local streets
- (f) Alleys

(C) Street Improvements

- (1) All public streets in residential subdivisions shall be the minimum width necessary to safely and adequately accommodate the vehicular traffic needs specific to the proposed subdivision, while balancing the needs of safe alternative modes of transportation. In all instances, street widths shall be measured from back-to-back of the installed curb. Minimum street width requirements are contained in Attachment H.
- (2) The City Engineer shall determine the need for a traffic impact study, based upon the level of impact of this development upon surrounding traffic flow and safety.
- (3) All street and public ways shall be constructed to their full specified width and to the appropriate grade and shall be surfaced in accordance with applicable standard specifications of the City. Such construction shall be subject to inspection by the City Engineer prior to release of the performance bond by Council. It is the duty of the subdivider to give proper notification to the City Engineer:
 - (a) Before the commencement of the work;
 - (b) Twenty-four hours prior to seeking an inspection; and
 - (c) At the end of the one-year maintenance improvements.
- (4) Proposed streets shall intersect one another and existing street(s) at right angles as topography and other limiting factors allow.
- (5) Street grade shall be designed to the Ohio Department of Transportation Highway Design Manual and acceptable to the City Engineer.
- (6) Where a tract of land is of such size, location or contour, preventing a lot arrangement directly related to a normal street design, there may be established

one or more, dead-end/stub streets or other arrangements, provided that proper access shall be given to all lots from a dedicated street.

- (7) A cul-de-sac, dead-end/stub street or loop street shall not exceed 500 feet in length unless otherwise approved by the Planning Commission due to topography or unusual circumstances. (See also Section 405(B)(4))
- (8) All subdivisions shall have at least two (2) entrances to an existing street system unless otherwise determined by the Planning Commission. The spacing of the entrances shall be separated and in accordance with traffic engineering standards.

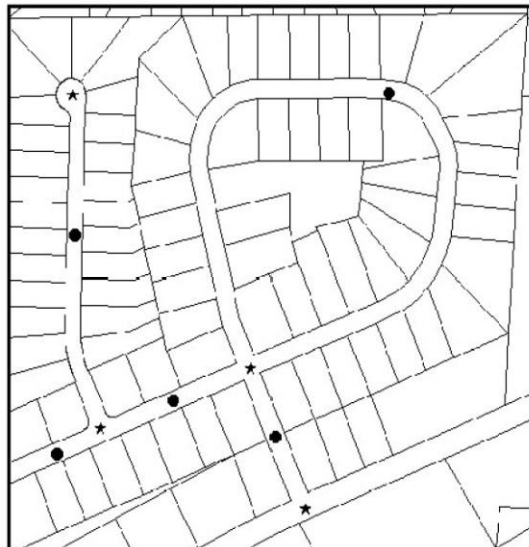
(D) Street Connectivity

The purpose of this section is to support the creation of a highly connected transportation system within the City in order to enhance traffic circulation efficiency for drivers, pedestrians, and bicyclists; promote various modes of transportation; connect neighborhoods to each other and to local destinations such as schools and parks; reduce emergency response times; reduce vehicle miles of travel and travel time; increase effectiveness of municipal services delivery.

- (1) The following standard shall be met in all new residential development in order to increase connectivity.

- (a) Any residential development shall be required to achieve a connectivity index of 1.2 or greater unless the Planning Commission determines that this requirement is impractical due to topography, existing development, and/or natural features. A connectivity index is a ratio of the number of street links (road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads).

The following illustration provides an example of how to calculate the index. Street links on existing adjacent streets that are not part of the proposed subdivision are not included in the connectivity index calculation. The measure of connectivity is the number of street links divided by the number of nodes. Nodes exist at street intersections as well as cul-de-sac heads. Links are the stretches of road that connect nodes. Stub outs shall also be considered as links. In this example, there are five (5) links (circles) and four (4) nodes (stars); therefore, the connectivity index is 1.25.



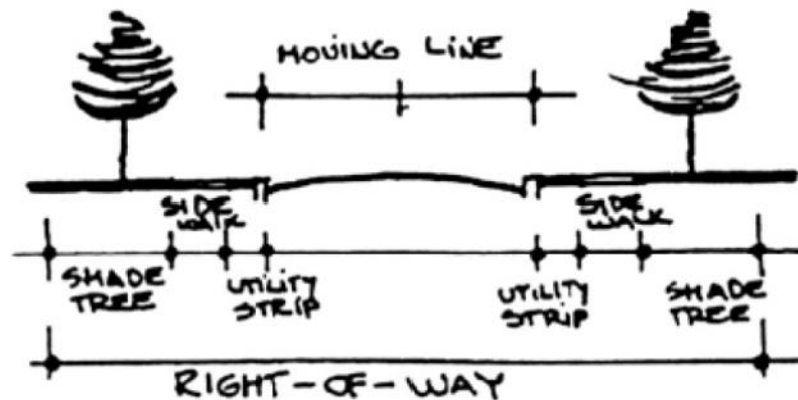
(E) Private Streets

- (1) No primary access into a subdivision shall be a private road.

- (2) Private streets shall conform to the minimum street standards, including construction materials, unless otherwise approved by the Planning Commission upon the City Engineer's recommendation.
 - (a) Sidewalks are required along a private street as required on public streets.
- (3) Any proposed private street shall serve a minimum of six (6) lots in order to be platted and recorded as a private street.
- (4) All lots utilizing a private street for access shall be provided with an access easement and maintenance agreement, to be noted on the Record Plat and to be outlined with the appropriate covenants and restrictions as to ensure that the private street is appropriately maintained. Such maintenance agreement shall be acceptable to the Planning Commission and Law Director.
- (5) The Planning Commission may require passing lanes, turnarounds, and overhead and width clearances as necessary to accommodate, public utility and fire and emergency vehicles.

(F) Rights-of-Way

Defined as a general term identifying land or property, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way shall include the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final Record Plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels, provided the size of the lot for zoning purposes shall be determined by the applicable zoning resolution.



- (1) The right-of-way width required shall reflect future development as indicated by the Thoroughfare Plan and the Typical Section Drawings in Attachment H herein.
- (2) When a road is not referenced in the City of Oxford Thoroughfare Plan, or the Typical Section Drawings in Attachment H, the right-of-way width shall be established per the recommendation of the City of Oxford Engineer, and shall be approved by the Planning Commission.
- (3) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, sidewalks, utilities, graded areas and shade trees.
- (4) The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street unless otherwise approved by the City Engineer and Planning Commission.

(G) Street Signage

Street signs, regulation signage, and warning signs shall be erected by the subdivider before building permits for homes are obtained. The subdivider shall maintain such signage until such time when the City accepts the streets for public use. All regulatory and warning signs

shall meet the Ohio Manual of Uniform Traffic Control Devices. All signage shall be regulated by the City of Oxford Engineering Division.

(H) Parking

- (1) Off-street parking lots shall follow the Vehicle Management Chapter 1149 of the Zoning Code including landscaping, screening and lighting.

405 – Pedestrian/Multi-Use Paths

(A) Sidewalks

- (1) Concrete sidewalks, not less than five feet in width, shall be constructed along both sides of all streets, both private and public, and shall be in accordance with the City of Oxford's Curb, Gutter & Sidewalk Specifications Manual unless otherwise determined by the Planning Commission.
- (2) Sidewalks shall be required as a continuation of any existing sidewalk adjoining the lands to be subdivided.
- (3) It shall be the responsibility of the subdivider, prior to the release of the performance bond, to install any missing sidewalk segment on any undeveloped lots and in accordance with Section 106.

(B) Bike Paths/ Walking Trails

- (1) All bike paths or walking trails shall be elevated and/or distinguished from driving surfaces through the use of durable, low maintenance, hard surface materials such as asphalt, concrete, or other material approved by the City Engineer, to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (2) Bike paths shall be installed in accordance with these regulations, the City of Oxford Comprehensive Plan, Thoroughfare Plan and Typical Section Drawings in Attachment H.
- (3) All proper easements, dedication and maintenance shall be recorded on the Record Plat.
- (4) Cul-de-sacs that exceed 300 feet in length shall provide a multi-use path and easement at the end of such cul-de-sac. The purpose of this is to provide connectivity to neighboring subdivisions as well as emergency access.

406 – Infrastructure

(A) Water Lines

An approved public water supply shall be provided for each lot within the subdivision areas and shall be in accordance with the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual. Fire hydrants shall be installed in all subdivisions wherever required by the City Engineer and the Fire Chief in accordance with Ohio Fire Code and NFPA standards.

(B) Sanitary Sewers

The subdivider shall install sanitary sewer lines to serve each lot. All such sewer lines shall be constructed in accordance with regulations and requirements the City of Oxford Water and Sanitary Sewer Improvement Specifications Manual, the Sanitary Sewer Pump Station Requirements and under the inspection of the City Engineer.

(C) Storm Drainage

All necessary facilities, either underground pipe or drainage ditches, shall be installed to provide adequate disposal of surface water, groundwater and the waters of any natural watercourse and shall be in accordance with the City of Oxford Storm Water Management Design Manual.

(D) Detention/Retention

All necessary detention or retention facilities shall be installed in accordance with the City of Oxford Storm Water Management Design Manual.

(E) Utilities

Items of work which pertain to underground utilities, such as gas mains, electric lines and telephone cables, shall be constructed according to the standards and specifications of the utility company involved. Every effort shall be made to have all utilities provided underground.

(F) Street Lights

- (1) One street light shall be installed in conformance with the Ohio Department of Transportation specifications within 50 feet of every intersection created by the subdivision, at the end of a cul-de-sac or dead end/stub street, and at intervals not exceeding 400 feet. A street light shall have a fixture of at least 9,500 lumens. The City Engineer may vary from the spacing standards where the City Engineer determines that public safety or professional engineering design practice makes it necessary to vary the spacing standards.
 - (2) Streetlights shall be designed, with appropriate lamps and reflectors, to minimize light pollution.
 - (3) Light poles shall be consistent with the overall architectural theme and scale of the site.
 - (4) Streetlights along the sidewalks shall not exceed 16' in height in accordance with Chapter 1149 of the Planning and Zoning Code. Streetlights for the purpose of illuminating an intersection, parking facility or roadway for safety purposes shall not exceed 32' in height.
- (G) Sedimentation and Erosion Control
The subdivider shall comply with all requirements of Ohio's Standards for Stormwater Management Land Development and Urban Stream Protection, City of Oxford Storm Water Management Design Manual and subsequent amendments or revisions, as hereby incorporated into these regulations. In the development of a subdivision, the subdivider shall not cause or allow earth-disturbing activities that can pollute a public or private surface ditch, subsurface drainage, stream, river or lake. The subdivider shall also, to the greatest extent possible, take steps so that sediment will not be deposited onto an adjoining property or public right-of-way. Adequate control of soil erosion and sedimentation, through the use of best management practices with both temporary and permanent measures, shall be used during all phases of clearing, grading, and construction to conserve soil resources and to maintain existing water quality. The Engineering Division will continuously monitor site development and efforts of sedimentation and erosion control.

407 – Driveways

- (A) Minimizing driveway access points or curb cuts by using access roads, shared entrances and access management best practices shall be encouraged.
- (B) All lots using common driveways shall provide a driveway easement and maintenance agreement noted on the Record Plat.
- (C) Driveways shall have a maximum grade of eight (8%) percent.
- (D) Residential driveway access shall not be permitted onto Principal and Minor Arterials or Major Collector streets. Subdivisions shall be designed to encourage residential driveway access by using, but not limited to, alleys, access roads or common driveways.
- (E) Shared driveways shall serve a maximum of three (3) lots and shall not exceed three hundred (300') feet unless otherwise determined by the Planning Commission.
- (F) Driveways shall be in accordance with Chapter 1149 of the Planning and Zoning Code and the Curb, Gutter, Sidewalk Manual.

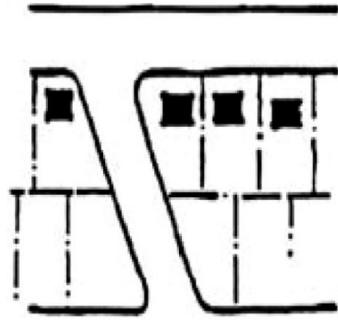
408 – Blocks

Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and the applicable zoning district, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography. Irregularly shaped blocks, blocks intended for dead end/stub and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.

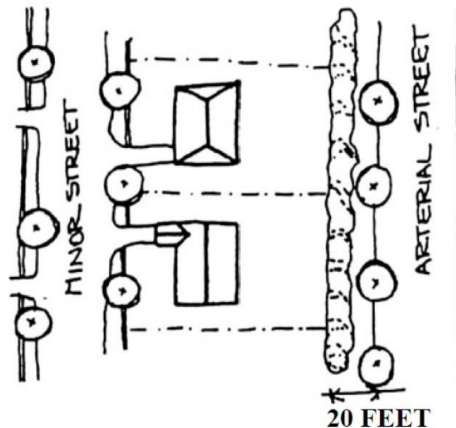
- (A) The maximum block length shall be 800 feet.
- (B) Where blocks are over 600 feet in length, a public walkway which traverses the block may be required to be dedicated and installed by the subdivider.
- (C) In platting residential lots, the depth of the block should not exceed 350 feet.
- (D) Blocks in the traditional gridiron pattern should consist of two tiers of lots and an alley right-of-way easement may be required to separate them where appropriate to continue an existing alleyway.

409 – Lots

- (A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Consideration should be given to natural features and sites of historical significance.



- (B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.
- (C) Through lots (extending from one parallel street to the other) are discouraged to avoid problems between adjoining owners, creating double frontage lots and to reduce the number of streets.
- (D) No lot shall have an area or width less than that required by applicable sections of the Zoning Code except those pursuant to the Open Space Residential Development Regulations.
- (E) Where corner lots back upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.
- (F) All utility easements on individual lots shall be in accordance with the Record Plat and Street Standards of Attachment H herein.
- (G) Each lot shall front (abut) on an approved street.
- (H) Lots may not be created in a new, proposed subdivision, by dividing land at the end of stub streets in adjacent, existing subdivision(s), such stub streets being intended to promote continuity of street systems in adjoining subdivisions, unless otherwise determined by the Planning Commission.



- (I) Twenty (20') feet minimum, of additional lot depth or a buffer strip, in accordance with the landscape standards of Chapter 1149 of the Zoning Code, Chapter 935 of the Codified Ordinance and Section 410 below, may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property.

- (J) Lands abutting State or Federal highways, collector streets, or arterials should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also to minimizing interference with traffic on such trafficways as well as the accident hazard.
- (K) Panhandle or flag lots are specifically prohibited.
- (L) All lot numbers shall be assigned by the Butler County Auditor's office and addresses will be provided by the City of Oxford Community Development Department.

410 – Landscape Plan

- (A) A landscape plan shall be submitted with each plat application for proposed developments in accordance with Chapter 1149 of the Zoning Code and Chapter 935 of the City of Oxford Codified Ordinance, unless an exception is granted by the Planning Commission pursuant to these Regulations.
 - (1) The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements.
 - (2) Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction such as but not limited to the Tree Protection Detail.
 - (3) The landscape plan shall demonstrate compliance with the requirements of Chapter 1148.
- (B) Buffering

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Multi-use paths are permitted in the buffer area. Every subdivider shall provide sufficient buffering or additional lot depth when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need to shield;

 - (1) Neighboring properties from any adverse external effects of a development; or
 - (2) The development from negative impacts of adjacent uses such as streets or railroads.
 - (3) Requirements
 - (a) Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons.
 - (b) All plantings shall be installed according to accepted horticultural standards.
 - (c) A five (5') foot minimum buffer width from parking lots, garbage collection, utility areas, and loading and unloading areas shall be provided.
 - (d) Twenty (20') foot width minimum from all other land uses.
 - (i) When adjoining undeveloped, vacant or agricultural land, such buffer width may be reduced to ten (10') feet.

In high-density developments, when building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from the property line.

411 – Maintenance of Improvements

Whenever any subdivision contains park areas, sewage treatment plants, water systems, drainage facilities or any other improvements to be used in common by persons living in the subdivision and which improvements cannot be maintained or are not maintained by an existing public agency, the deed restrictions applicable to the subdivision shall contain provisions establishing trusteeships and assessment procedures that will enable adequate care and maintenance to be provided for such improvements at the cost of persons residing in the subdivision.

412 – Deed Restrictions and Covenants

Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual

owners share common responsibilities for the cost and upkeep of common open space, private driveways or streets, park areas, sewage treatment plants, water systems, drainage facilities or other facilities and the enforcement of the covenants and restrictions relating to the development. Any restrictions or easements; declaration of covenants, bylaws of a Home Owner's Association and its incorporation; Declaration of Condominium Ownership or other covenants, if any, shall be reviewed and approved by the City of Oxford Law Director and shall be recorded with the Record Plat. Enforcement of said Restrictions and Covenants is not the responsibility of the City.



Butler Soil and Water Conservation District

1802 Princeton Road, Suite 300
Hamilton, Ohio 45011
Telephone: (513) 887-3720
Fax: (513) 785-6668
www.butlerswcd.org

Zachary Moore
City of Oxford
15 S. College Avenue
Oxford, Ohio 45056

December 30th, 2022

Subject: Heron Pond Natural Resource Review

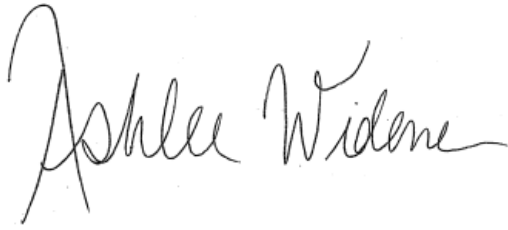
Dear Mr. Moore,

This letter and attachments provide our review of natural resources of the new Heron Pond Preliminary Plat submission to the City of Oxford. The Butler Soil & Water Conservation District (SWCD) checklist established with the City of Oxford was reviewed and the following are items to note.

- Sean Hudson's previous note stated that the NRCS Soil Survey rates soils in this area as having shrink swell potential and foundation slabs in this development may require additional engineering to resist damages.
- Hudson also stated there is a high water table where units 1-7 were previously planned. The high water table is now where all 9 units are planned and may negatively impact construction, especially of basements.
- A note is to be placed on the Final Plat: **"High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precautions to ensure the basement stays dry."**
- The tree list for planting includes some non-native species: the Green Vase Sawleaf Zelkova (*Zelkova serrate*), Turkish Filbert (*Corylus cournu*), Maidenhair Tree (*Ginkgo biloba* 'Autumn Gold' TM). The Zelkova is highly susceptible to ice damage. Planting natives is encouraged to help support local wildlife.

Butler SWCD is not a regulatory agency; therefore, this information is technical advice to address natural resource concerns before future developed. If you have any additional questions or concerns, please do not hesitate to contact us at (513) 887-3720.

Sincerely,

A handwritten signature in black ink that reads "Ashlee Widener". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Ashlee N. Widener
Water Resource Specialist,
Butler Soil and Water Conservation District



PC-2022-10

**Surrounding
Property Owners
Notifications Map**

Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  16.5' Vacated ROW
-  Building Footprint



1 inch = 150 feet

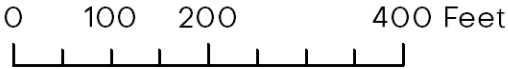
Prepared on Tuesday, November 29, 2022

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.

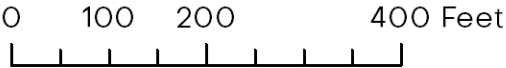


Location Map

 Site



Location Map





Internal Use Only:	
Case No.	PC-2022-10
Date Filed	11/28/2022

Preliminary Subdivision Application

Applicant Information

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

Name *	HPCT Properties Inc
Mailing Address *	5282 W Booth Road
City, State & Zip Code *	Liberty, IN 47353
Telephone Number(s) *	765-580-0378
Email Address	shanebcoffman@aol.com

Engineer/Surveyor Information

Name *	Bayer Becker
Mailing Address *	110 South College Avenue
City, State & Zip Code *	Oxford, Ohio 45056
Telephone Number(s) *	513-336-6600
Email Address	johnbayer@bayerbecker.com

Location and Lot Information

Location of Property *	4147 Kehr Road					
Legal Description *	H4100-00-137-000-039					
Zoning District *	R-1B PD	Proposed Lots *	9	Total Area *	4.57	Acres

Requirements and Documentation

Plat

Twenty (20) copies of the plat on bond. Drawing size must be at least 17x22" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The preliminary plat shall show:

No.	Required Item Description
1	20 sets (17" x 22" minimum)
2	Electronic version of all documentation submitted (PDF preferred)
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a northing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line.
4	The name, mailing address, and telephone number of the applicant and owner.
5	Letter of Agency. (A statement from the owner that the applicant is entitled to apply on his or her behalf.)

No.	Required Item Description
6	Attach a written, detailed description of the request.
7	Metes and bounds description of the property (Legal Description).
8	Vicinity Map
9	The zoning district in which the site is located.
10	Required Fee.
11	Number of proposed lots.
12	Preliminary Plat shall show the following:
12	A. The location of present property and section lines, streets, buildings, lakes and watercourses.
12	B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres.
12	C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line.
12	D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements.
12	E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.
12	F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.
12	G. North point, scale and date.
12	H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.
12	I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.
12	J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.
12	K. Any existing building(s) to remain or to be razed.
12	L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved.
12	M. If and how the proposed subdivision will be subdivided in Phases.
12	N. Site Analysis as stipulated in Section 402(b).
12	O. Landscaping Plan
12	P. Building Concepts, as applicable.
12	R. Any other information that may be necessary as determined by Staff.

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.

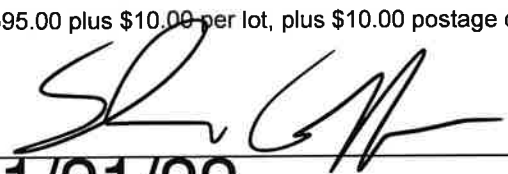
Fees & Receipt

The required fee for preliminary plan is \$595.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *


11/21/22

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required copies of the preliminary plans containing all required information as attachments and a check for the fee 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 Department 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 City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>

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

November 23, 2022

Zachary Moore
City of Oxford
Planner / GIS Coordinator
15 South College Avenue
Oxford, Ohio 45056

Re: Heron Pond Preliminary Plat
4147 Kehr Road
Oxford, Ohio 45056

Dear Mr. Moore,

Enclosed please find the following items in support of HPCT Properties INC's application for Preliminary Subdivision approval for the above noted project:

- 1) Executed Preliminary Subdivision Application
- 2) List of property owners within 200 feet of the site
- 3) Legal description of the property
- 4) Existing Access Easement Documentation
- 5) Written request for removal of planned development overlay
- 6) Preliminary Plat
- 7) Preliminary Landscape Plan

It is understood that an invoice will be provided by City of Oxford staff for fee payment for this project.

The subject property is zoned R-1B Single-Family Medium Density Residential District with a planned development overlay. Under a separate letter, HPCT Properties INC has requested that City Council remove the planned development overlay from this property.

Heron Pond is a single-family residential subdivision consisting of 9 lots along Kehr Road and Roberts Drive. All lots are designed to meet the site development regulations for R1-B zoning.

A 5-foot-wide sidewalk is proposed along the west side of Kehr Road. A 10-foot-wide asphalt path is proposed along the north side of Roberts Drive which is understood to become a part of the Oxford Area Trails (OATs). Site improvements to construct this section of the OATs includes relocation of an existing fire hydrant along Roberts Drive. HPCT Properties requests that the fire hydrant relocation be performed by the City of Oxford prior to paving of the trail. In conjunction with these improvements and the City of Oxford Transportation Plans, additional right-of-way dedication is proposed along the north side of Roberts Drive and the west side of Kehr Road.

The development will be served by City of Oxford utilities. The existing sanitary sewer and water mains along Kehr Road and Roberts drive will serve the proposed residences. The existing pond located west of the site will provide stormwater management necessary for the development. Residences of Heron Pond will become members of the Home Owners Association which currently maintains the existing pond.

Please place this item on the January 10th Planning Commission Meeting agenda. Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John A. Bayer'.

John A. Bayer, PE
Associate
Bayer Becker
513.336.6600
johnbayer@bayerbecker.com

November 23, 2022

Mr. Zachary Moore
City Planner / GIS Coordinator
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

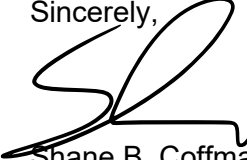
Re: Heron Pond
Planned Unit Development Overlay Removal

Dear Mr. Moore,

HPCT Properties INC herein requests that the Planned Unit Development Overlay be removed from the 4.97-acre property located at the northwest corner of Kehr Road and Roberts Drive, more specifically Parcel No. H4100-137-000-039. This request is being made to permit development of the property as a single-family residential subdivision in accordance with the R-1B Single Family Medium Density Residential District.

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

Sincerely,


Shane B. Coffman
HPCT Properties INC



Property Owners within 200 feet:

H4100132000014
COBBLESTONE COMMUNITY CHURCH INC
4191 KEHR RD
OXFORD OH 45056 9292

H4100137000040
SOUTH FARM OWNERS ASSOC INC
221 MORGAN CIR
OXFORD OH 45056 9404

H4100132000017
SOUTH FARM DEVELOPMENT LLC
3225 INDIAN CREEK RD
OXFORD OH 45056 9244

H4100117000043
WILLIAM D & MARY L WARREN
5855 K BELL ST
OXFORD OH 45056

H4100117000067
H4100117000066
MICHAEL S & SANDRA L CASON
4211 KEHR RD
OXFORD OH 45056 9293

H4000117000055
JIMMY R MARCUM
5845 K BELL ST
OXFORD OH 45056 9261

H4100117000054
JEFFREY THOMAS KRUTH
5839 K BELL ST
OXFORD OH 45056

H4100117000053
MARY N BURNS
1155 TOBE LEWIS RD
LYNX OH 45650

H4100117000052
KYLE & NANCY WALKER
5825 K BELL ST
OXFORD OH 45056 9261

H4000117000049
TIMARA WILBURN
4225 KEHR RD
OXFORD OH 45056 9293

H4100117000072
DANIEL FLACK
4215 KEHR RD
OXFORD OH 45056 9293

H4000116000054
DANIEL B AND NANCY L CURTISS
14 GARDENIA DR
OXFORD OH 45056

H4100116000032
DEBRA A RAMSEY
11 GARDENIA DR
OXFORD OH 45056 2583

H4100116000033
TROY AND DEBRA ALLBRIGHT
13 GARDENIA DR
OXFORD OH 45056 2583

H4000132000015
ABRAHAM A AND EULIN M KURANGA
5797 BOOTH RD
OXFORD OH 45056 9042

H4100137000001
DONALD W AND KIMBERLEE K SMITH
201 MORGAN CIR
OXFORD OH 45056

H4100137000002
JOSEPH & WILLIAM EVEN
205 MORGAN CIR
OXFORD OH 45056 9404

H4100137000010
JENNIFER BEARDSLEE
204 MORGAN CIR
OXFORD OH 45056 9403

H4100137000011
PATRICIA L & MICHAEL A RUDOLPH
200 MORGAN CIR
OXFORD OH 45056 9403

H4100137000049
JOHN BOYLE ETAL
3225 INDIAN CREEK RD
OXFORD OH 45056 9244

Date: May 27, 2021

Description: Lot #3556
Cobblestone Community Church

Location: City of Oxford
Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of Miami River, Section 34, Town 5, Range 1, City of Oxford, Butler County and being all of Lot #3556 of the City of Oxford and being the lands of Cobblestone Community Church as recorded in Official Record 7665, Page 632 of the Butler County, Ohio Recorder's Office and being further described as follows.

Commencing at the southwest corner of said Lot #3556 and being southeast corner of Lot #3555 of the City of Oxford and being the lands of South Farm Owners Association (4.204 Ac.) as recorded in Official Record 7389, Page 1791 of the Butler County, Ohio Recorder's Office and being on the northerly right of way of Roberts Drive and being the **True Point of Beginning**;

thence, leaving the northerly boundary of said Roberts Drive and with the easterly boundary of said Lot #3555 and with the westerly boundary of said Lot #3556 for the following five courses:

- 1.) North 39° 08' 43" West, 134.42 feet;
- 2.) North 18° 32' 17" East, 170.28 feet;
- 3.) North 00° 49' 13" West, 147.22 feet;
- 4.) North 56° 32' 43" West, 100.36 feet;
- 5.) North 64° 25' 13" West, 166.87 feet to the southerly boundary of Lot #2667 of the lands of Sandra Lynn Cason as recorded in Official Record 9620, Page 907 of the Butler County, Ohio Recorder's Office;

thence, leaving the southerly boundary of said Lot #3555 and with the southerly boundary of said Lot #2667 and with the northerly boundary of said Lot #3556, South 86° 11' 00" East, 594.99 feet to the westerly right of way of Kehr Road and being the southeast corner of said Lot #2667 and being the northeast corner of said Lot #3556;

thence, leaving said Lot #2667 and with the westerly right of way of said Kehr Road, South 02° 46' 47" West, 512.02 feet to the northerly right of way of said Roberts Drive;

thence, leaving the westerly right of way of said Kehr Road and with the northerly right of way of said Roberts Drive and with the southerly boundary of said Lot #3556 for the following four courses:

- 1.) with a curve to the right, having a central angle of 90° 00' 54", a radius of 30.00 feet, an arc length of 47.13 feet and a chord bearing and distance of South 47° 46' 21" West, 42.43 feet;
- 2.) with a curve to the right, having a central angle of 21° 34' 47", a radius of 261.54 feet, an arc length of 98.51 feet and a chord bearing and distance of North 78° 14' 10" West, 97.92 feet;
- 3.) North 73° 51' 10" West, 43.29 feet;

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

- 4.) with a curve to the left having a central angle of $39^{\circ} 18' 06''$, a radius of 197.89 feet, an arc length of 135.74 feet and a chord bearing and distance of North $86^{\circ} 52' 16''$ West, 133.10 feet to the **True Point of Beginning** containing 199,153 square feet or 4.5719 acres of land, more or less and being subject to all easements, legal highways, restrictions and agreements of record.



- SITE DOES NOT CONTAIN MAPPED FLOODPLAIN AND IS DENOTED AS ZONE X PER FEMA COMMUNITY PANEL 39017C0151F, DATED OCTOBER 19, 2018.
- PER THE NRCS WEB SOIL SURVEY, MUCH OF THE SITE CONTAINS PRIME FARMLAND. HOWEVER, THE PROPOSED SINGLE FAMILY RESIDENTIAL USE WILL BE COMPARABLE TO THE ADJACENT USES.
- THE SITE IS NOT LOCATED WITHIN AREAS NOTED BY THE CITY OF OXFORD HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION.
- THE SITE DOES NOT CONTAIN ANY MAPPED WETLAND PER THE NATIONALS WETLANDS INVENTORY MAP ADMINISTERED BY THE U.S. FISH AND WILDLIFE SERVICE.
- THE SUBJECT SITE IS NOT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.
- OK! ENVIRONMENTAL RESOURCES AND GREENSPACE MAPPING DOES NOT DENOTE ANY ENVIRONMENTAL RESOURCES WITHIN THE PROJECT SITE.
- THE SITE CONTAINS VERY MINIMAL AREAS OF STEEP SLOPES GREATER THAN 15% (APPROXIMATELY 0.27 ACRES). THE SITE DOES NOT CONTAIN ANY AREAS STEEPER THAN 25%.



GENERAL NOTES

- TREE LOCATIONS MAY NEED TO BE ADJUSTED FOR FUTURE DRIVEWAYS

CHAPTER 935.05 STREET TREE SPECIES TO BE PLANTED

- THE TREE PLAN CONTAINS A LIST OF OFFICIAL STREET TREE SPECIES FOR THE CITY OF OXFORD

- PLANTED AT 2" DBH

CHAPTER 935.06 SPACING

- MIN. SPACING: SMALL TREES: 30FT, MEDIUM TREES: 40FT, LARGE TREES: 50FT
- ALL NEWLY PLANTED STREET TREES SHALL BE PLANTED EQUAL DISTANCE BETWEEN THE SIDEWALK AND THE CURB.

SECTION 1148.03 STREET TREE REQUIREMENTS:

TREES SHALL BE PLANTED IN THE TREE LAWN OR OTHER APPROPRIATE AREAS IN THE STREET RIGHTS-OF-WAY AS REQUIRED IN CHAPTER 935.

SECTION 1148.04 TREE PLANTING REQUIREMENTS:

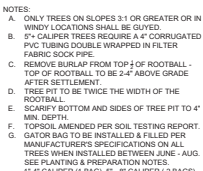
- (b) (1) RESIDENTIAL SINGLE-, TWO- & THREE- FAMILY STANDARDS:
- ON SINGLE-FAMILY LOTS, A MINIMUM OF ONE (1) TREE FOR EACH UNIT SHALL BE PLANTED WITHIN THE CORRESPONDING REQUIRED FRONT YARD AREA.
- (d) EACH REQUIRED TREE SHALL BE INSTALLED AT A MINIMUM TWO (2) INCH CALIFER AND MUST BE A SPECIES THAT APPEARS ON THE CITY'S TREE LIST

SECTION 1148.05 TREE PRESERVATION REQUIREMENTS:

- (a) **TREE REPLANTING**
- (1) ALL EXISTING TREES TEN (10) INCHES DBH OR GREATER IN SIZE SHALL BE REPLACED AT A RATE OF "1" CALIPER FOR EVERY 2" CALIPER REMOVED, EXCEPT AS PROVIDED IN SUBSECTION (2) BELOW.
- (2) FOLLOWING TREES SHALL BE EXEMPTED FROM REQUIRED PLANTING:
- TREES WITHIN FUTURE PUBLIC RIGHTS-OF-WAY OR PRIVATE ACCESS WAYS
 - TREES WITHIN THE BUILDING FOOTPRINT OF PROPOSED STRUCTURES OR WITHIN 15 FEET FROM THE PERIMETER OF SUCH STRUCTURES
 - TREES THAT ARE DAMAGED, DECAYED, OVERMATURE, INTERFERE WITH UTILITY LINES, OR ARE AN APPROPRIATE HAZARD TO TRAFFIC SPECIES FOR THAT SPECIFIC LOCATION.
 - TREES REMOVED FOR A STORMWATER RETENTION POND OR DETENTION
 - TREES WITHIN FIVE (5) FEET OF A HARD-SURFACED PARKING AREAS, DRIVEWAYS OR WALKWAYS.
 - TREES REMOVED FOR NECESSARY UTILITY INSTALLATIONS OR WITHIN UTILITY EASEMENTS
- FOR INDIVIDUAL SINGLE-FAMILY LOTS, ALL TREES WITHIN THE FRONT AND SIDE YARDS. ALL EXISTING TREES TO BE REMOVED SHALL BE EXEMPT FROM REPLACEMENT DUE TO BEING LOCATED WITHIN 15' OF PROPOSED BUILDINGS, 3 TREES NEEDED FOR REPLACEMENT

PLANT SCHEDULE ZONING MINIMUM						
GEORGIAN TREES	QTY	BT/TANGIAL NAME	COMMON NAME	TYPE	MIN. SIZE	
ACE MOU	4	Acer saccharum 'Green Mountain' TM	Green Mountain Sugar Maple	B & B	2.0' Cal	
COR TUR	3	Corylus californica	Turkish Filbert	B & B	2.0' Cal	
GIN AUT	4	Ginkgo biloba 'Autumn Gold'	Maenhoffer Tree	B & B	2.0' Cal	
GLE IM2	5	Gleditsia inaequalis 'Imperial'	Imperial Honey Locust	B & B	2.0' Cal	
ULM MOR	4	Ulmus x 'Morton Accolade' TM	Morton Accolade Elm	B & B	2.0' Cal	
ZEL GRE	4	Zelkova serrata 'Green Vase'	Green Vase Sawleaf Zelkova	B & B	2.0' Cal	

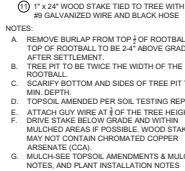




NOT TO SCALE

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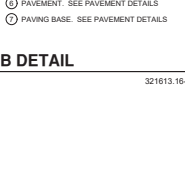
329343.46-06



(2) NO

(2) NO

329343.46-03



4 NO

4 NO

321613.16-11

[illegible][illegible]

A. STRIP STOCK TO ITS FULL DEPTH AT AREAS IMPACTED AND AT ALL AREAS TO BE RE-GRASSED AND RESURFACED. STRIP STOCK, STRIPPING OUTSIDE THE Drip LINE OF TREES TO REMAIN TO THE IMPACT OF THE DRAINAGE OF TREES TO REMAIN.
 B. COORDINATE WITH THE OWNER PRIOR TO ESTABLISHING STOCK STORAGE AREAS. C. LAY STOCK PILES FOR PROPER DRAINAGE AND TO PREVENT EROSION. THE REUSE OF STOCKPILE TOPSOIL WITHIN THE PROJECT SITE MUST BE APPROVED FOR PLACEMENT BY LANDSCAPE ARCHITECT.
 ALL TOPSOIL SHALL BE SHREDDED, CLEAN, AND UNIFORM IN QUALITY FREE FROM HARD CORK STUFFY CLAY, PARTIALLY DISINTEGRATED STONE, LIMESTONE, SLAG, OR OTHER UNDESIRABLE MATERIALS. TOPSOIL SHALL CONSIST OF THE FOLLOWING PERCENTAGES OF SAND, SILT, AND CLAY PASSING THROUGH A 2.00 MM (10/60) SIEVE
 - ORGANIC CONTENT - BETWEEN 3% - 10% ORGANIC MATTER
 - pH - SALT RANG FROM 6.0 - 7.5
 - SAND - 70% TO 85%
 - SILT - 10% TO 15%
 - CLAY - 10% TO 30%

A. CONTRACTOR SHALL PROVIDE OWNER WITH A MINIMUM ONE YEAR WRITTEN WARRANTY FOR LABOR AND MATERIALS.

B. CONTRACTOR SHALL WARRANT EXTERIOR PLANTS AGAINST DEFECTS, INCLUDING DETHING AND UNDESIRABLE GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF PROPER MAINTENANCE, CHANGING CLIMATIC CONDITIONS, AND OTHER FACTORS THAT ARE BEYOND CONTRACTOR'S CONTROL.

C. WARRANTY SHALL INCLUDE SPECIFIC WARRANTY PROVISIONS FROM DATE OF ACCEPTANCE OF PLANTS, TREES, SHRUBS, AND COVERDS, AND OTHER EXTERIOR PLANTS.

D. WARRANTY SHALL BE LIMITED TO ONE REPLACEMENT OF EACH EXTERIOR PLANT, EXCEPT FOR TREES AND TREES FOR WHICH REPLACEMENT SHALL BE LIMITED TO ONE REPLACEMENT REQUIREMENTS.

E. WARRANTY FOR IRRIGATION SERVICE SHALL INCLUDE START-UP, DRAINAGE SHALL BE GUARANTEED FOR ONE YEAR, AND WILL INCLUDE START-UP, WINTERIZATION, AND SECOND SEASON START-UP. WARRANTY SHALL INCLUDE ALL LABOR, MATERIAL, TOOLS, AND EQUIPMENT AS NECESSARY TO PROVIDE IRRIGATION SERVICE. CONTRACTOR SHALL BE RESPONSIBLE AND ADJUSTED PROPERLY FOR APPROPRIATE WATER DELIVERY TO ALL PLANT MATERIAL.

A. REFER TO BID DOCUMENTS AND COMPLY WITH ALL STATE & LOCAL REQUIREMENTS REGARDING APPROVED WORK TIMES, SCHEDULING OF INSTALLATION, AND ALL OTHER REQUIREMENTS.

[illegible]

EXAMINE AREAS TO RECEIVE PLANTS FOR COMPLIANCE WITH REQUIREMENTS AND SPECIFICATIONS. PLANTS SHALL BE DELIVERED TO THE PROJECT SITE AND UNLOAD ONLY AFTER UNSATISFACTORY CONDITIONS ARE CORRECTED.

3. PROTECT EXISTING TREES AND SHRUBS FROM DAMAGE DUE TO OTHER FACTORS AND AREAS AND EXISTING PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.

4. INITIAL EROSION CONTROL MEASURES TO PREVENT EROSION OR DISPLACEMENT OF SOIL SHALL BE INSTALLED IMMEDIATELY AFTER PLANTING OPERATIONS IN EXPOSED AREAS, PROPERTIES AND WALKWAYS.

5. PROTECT EXISTING TREES AND SHRUBS USING POWER SAWY TO PROVIDE ADEQUATE FLIM OVER TRUNKS (BETWEEN WRAPPING), BRANCHES, STEMS, TWIGGS, AND FOLIAGE TO PREVENT DAMAGE TO PLANTS. WRAPPING SHALL BE INSTALLED IMMEDIATELY AFTER MOVED IN FULL LEAF. SAWN PLANT DISCANT AT NURSERY BEFORE MOVING AND AGAIN TWO WEEKS AFTER PLANTING. WRAPPING SHALL BE INSTALLED IMMEDIATELY AFTER PLANTING.

6. WRAP TREES AND SHRUBS WITH FARBURG PARBUC OVER TRUNKS, BRANCHES, STEMS, TWIGGS, AND FOLIAGE TO PREVENT DAMAGE TO PLANTS. WRAPPING SHALL BE INSTALLED IMMEDIATELY AFTER PLANTING.

7. TRANSPORTATION:

8. LAY OUT AND PROTECT EXISTING TREES AND BED GEODES FOR ALL 4" TENOR PLANTINGS. STAKE LOCATIONS, OUTLINE AREAS, ADJUST LOCATIONS WHEN REQUESTED BY THE LANDSCAPE ARCHITECT. STAKE LOCATIONS SHALL BE SET BY THE LANDSCAPE ARCHITECT AND ACCEPTANCE OF LAYOUT PRIOR TO PLANTING. TREES SHALL BE SITED IN THE FIELD BY THE LANDSCAPE ARCHITECT WHERE NOTED ON THE PLAN. CONTAIN THE PLANTS AND TREES TO THE

ACCESS AND UTILITY EASEMENT

HPCT Properties, Inc., an Indiana Corporation ("Grantor), whose address is 5282 West Booth Road, Liberty, Indiana 47353, for valuable consideration paid, grants, with general warranty covenants, to Cobblestone Community Church, Inc., an Ohio nonprofit corporation ("Grantee," whether one or more), whose address is 4191 Kehr Road, Oxford, Ohio 45056, a perpetual, non-exclusive easement for purposes of ingress and egress, both pedestrian and vehicular, and for all customary private road purposes, on, over and across the real property described in Exhibit A, as well as a perpetual, nonexclusive easement for general utility purposes, together with the right to construct, operate, maintain, repair, replace and/or remove any facilities that may be necessary for the supply of gas, water, electrical power, sewage and waste disposal, drainage, telephone, communications, cable television or other utilities on, over and across the real property described in Exhibit A (the easements granted herein are the "Access and Utility Easement").

Grantor is the owner of the real property described in Exhibit A. Grantee is owner the real property described in Exhibit B. The easements granted herein are for the benefit of Grantee's said real property. The portion of the Grantor's real property on, across, over which the easements apply (the "Easement Area") is legally described in Exhibit C. Grantor's real property is the servient tenement and Grantee's property is the dominant tenement regarding all of the easements granted herein. The easements herein are appurtenant and shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors and assigns of Grantor and Grantee and as to all future owners of Grantor's real property described in Exhibit A and Grantee's real property described in Exhibit B.

This Access and Utility Easement is granted subject to the following terms and conditions:

1. Other Consistent Uses. Grantor reserves the right to use the Easement Area for any purposes not inconsistent with rights granted by this Easement.

2. Indemnification; Restoration of Property. Grantee by its acceptance of this Access and Utility Easement shall indemnify, defend and hold Grantor harmless against any claims, damages, losses or expenses arising as a result of Grantee's exercise of the rights granted by this Easement, but excepting any claims, damages, losses or expenses to the extent caused by the negligent acts or omissions of Grantor or Grantor's agents, employees or contractors, or others for whom Grantor is responsible.

If any damage to Grantor's property is caused by Grantee's exercise of its rights under this Access and Utility Easement, Grantee, at Grantee's expense, shall promptly restore any disturbed areas as nearly as possible to the condition existing prior to the occurrence of the damage.

3. Building Restriction. No buildings or other structures shall be constructed in the Easement Area by Grantor, nor shall Grantor cause any excavating or filling to be done which, in the reasonable judgment of Grantee, would impair Grantee's exercise of the rights granted by this Easement or its ability to maintain its utility facilities. Grantor reserves the right, however, to construct driveways, sidewalks, surface roads and similar improvements across the Easement Area.

4. Title. Grantor covenants with Grantee that Grantor is the owner of the Easement Area described above and has full power to convey the rights conveyed by this Easement. Grantor warrants and will defend the same against the claims of all persons, subject, however, to (a) all legal highways, (b) easements, covenants and restrictions of record, (c) real estate taxes and

assessments not yet due and payable and (d) zoning, building and other applicable laws, codes and regulations.

5. Maintenance of Easement Area. Grantor and Grantee shall jointly maintain in a reasonably clean and orderly condition the driveway in the Easement Area. The maintenance and repair obligations with respect to the driveway in the Easement Area shall include, but not be limited to, snow and ice removal, sweeping, patching and paving, with Grantor and Grantee each responsible for one half of any such expense respectively.

With respect to any utility facilities now or hereafter located in the Easement Area for the benefit of Grantee, responsibility for maintaining, repairing and replacing easement facilities shall be born by Grantee.

Prior instrument reference: Deed Volume 9717, Page 1928, Butler County, Ohio, Records.

SIGNED this 31st day of August, 2021.

HPCT PROPERTIES, INC., an Indiana corporation

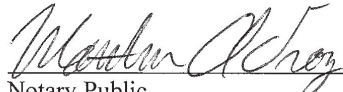
By: 
Name: ChristyAnne Coffman
Its: President

STATE OF OHIO)
) SS
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me this 31st day of August, 2021 by ChristyAnne Coffman, President of HPCT Properties, Inc., an Indiana corporation, on behalf of said corporation.

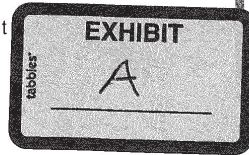


MATTHEW A. TROY
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My Commission has no Expiration Date
Section 147.03 R.C.


Notary Public

This Instrument Prepared By: Matthew A. Troy, Esq., 29 N. Beech St., Oxford, Ohio 45056.

Date: August 20, 2021
 Description: Lot #3556
 Access and Utility Easement
 Location: City of Oxford
 Butler County, Ohio



Situated in the State of Ohio, Congress Lands West of the Miami River, Sections 27 and 34, Town 5, Range 1, City of Oxford, Butler County and being an Access and Utility Easement in part of Lot #3556 of the lands of HPCT, Inc. as recorded in Official Record 9717, Page 1928 of the Butler County, Ohio Recorder's Office and being further described as follows:

Commencing at the northeast corner of said Lot #3556 and being on the westerly right of way of Kehr Road; thence leaving the northerly line of said Lot #3556 and with the westerly right of way of said Kehr Road, South 02° 46' 47" West, 41.11 feet to the **True Point of Beginning**;

thence, continuing with the westerly right of way of said Kehr Road, South 02° 46' 47" West, 79.21 feet; thence, leaving the westerly right of way of said Kehr Road and through said Lot #3556 for the following four courses:

- 1) North 83° 01' 46" West, 93.67 feet;
- 2) North 77° 51' 05" West, 60.33 feet;
- 3) North 61° 17' 06" West, 139.32 feet;
- 4) North 86° 25' 36" West, 195.72 feet to the easterly boundary of Lot #3555 and being the lands of South Farm Owners Association, Inc. as recorded in Official Record 7389, Page 1792 of the Butler County, Ohio Recorder's Office;

thence, with the easterly boundary of said Lot #3555, North 64° 25' 13" West, 78.46 feet;

thence, leaving the easterly boundary of said Lot #3555 and through said Lot #3556 for the following six courses:

- 1) South 86° 29' 22" East, 282.88 feet;
- 2) South 82° 10' 30" East, 58.87 feet;
- 3) South 75° 35' 35" East, 56.84 feet;
- 4) South 78° 16' 51" East, 76.55 feet;
- 5) South 82° 58' 58" East, 28.94 feet;
- 6) North 89° 14' 00" East, 44.70 feet to the **True Point of Beginning**.

The above description was prepared from an easement exhibit prepared by Bayer Becker, David Douglas Smith, Professional Surveyor #7121 in the State of Ohio, August 20, 2021.

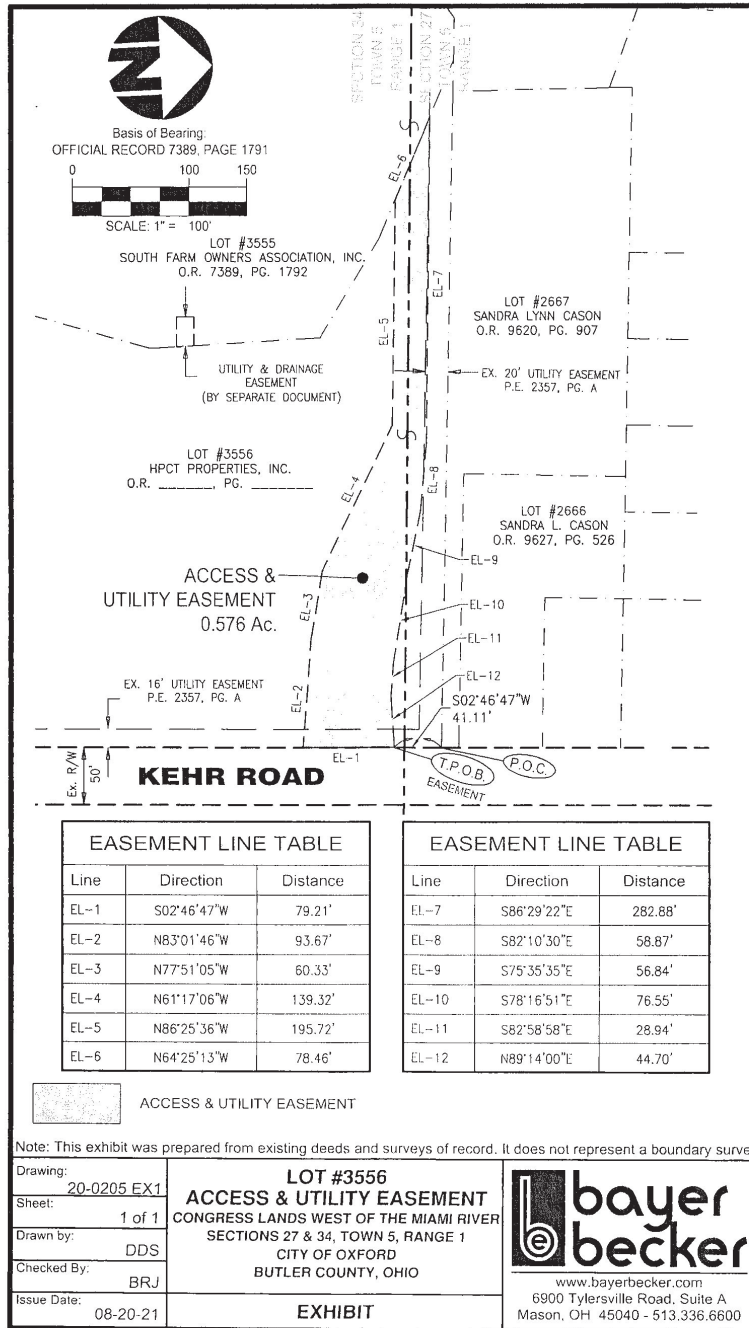
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 513-834-6151

209 Grandview Drive
 Fort Mitchell, KY 41017
 859-261-1113

<http://www.bayerbecker.com>



Note: This exhibit was prepared from existing deeds and surveys of record. It does not represent a boundary survey.

Drawing: 20-0205 EX1
 Sheet: 1 of 1
 Drawn by: DDS
 Checked By: BRJ
 Issue Date: 08-20-21

LOT #3556
ACCESS & UTILITY EASEMENT
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTIONS 27 & 34, TOWN 5, RANGE 1
CITY OF OXFORD
BUTLER COUNTY, OHIO

EXHIBIT