



# CITY of MEDINA

## Planning Commission

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### Planning Commission Meeting

Meeting Date: March 13, 2014

Meeting Time: 7:00 pm

Present: Rick Grice, Chet Pucilowski, Janis Zachman, Jerry Lash, Paul Rose, Sandy Davis, Administrative Assistant, Justin Benko (Associate Planner), Jonathan Mendel (Community Development Director)

Absent: None

Minutes: Mr. Lash made a motion to approve the minutes from the February 13, 2014 meeting as submitted. The motion was seconded by Mr. Pucilowski.

Vote:

Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Zachman	<u>Y</u>
Rose	<u>Y</u>
Grice	<u>Y</u>
Approved	5-0

New Business:

1. P14-08 Spring Grove Cemetery City of Medina COA  
Mrs. Zachman recused herself from the case stating she is a Trustee for the Friends of the Cemetery.

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is an application for site plan review and Certificate of Appropriateness for a new city staff office building and Mears Memorial building. Mr. Mendel stated the property is zoned Public Facilities. Mr. Mendel stated this is a unique project because the Friends of the Cemetery wish to construct a new office and memorial building for Amos Mears using funds donated by the Mears family. Mr. Mendel stated this building will be built by the Friends and then donated to the City. Mr. Mendel stated it will house City Cemetery staff and provide public space for The Friends and meeting space. Mr. Mendel stated the building is planned immediately to the north of the current maintenance building. Mr.

Mendel stated the parking and yard areas will ultimately replace the existing maintenance building and outdoor storage/parking areas. Mr. Mendel stated a replacement maintenance/vehicle storage building is planned immediately north of the new north parking area, but is not part of this review. Mr. Mendel stated the site is located within the Transitional Corridor Overlay District.

Mr. Mendel reviewed the following design review guidelines:

- a. Building materials are to be compatible with and not in stark contrast to the materials used on adjacent buildings. The proposed materials are brick and wood, which will be internally harmonious within the context of the building itself and the other buildings within the cemetery and the neighboring office complex immediately to the east.

**Parking:** Mr. Mendel stated the code does not specifically list parking requirements for a cemetery, therefore staff recommends that the Planning Commission use the parking standard for Industrial uses, which permits the Planning Commission to require parking sufficient for the particular use and activity. Mr. Mendel stated the proposed activity is mainly city cemetery staff and occasionally the public inquiring about burial plots. Mr. Mendel stated this activity is very limited and has occurred without problem at this site in the past without the benefit of defined parking. Mr. Mendel stated the plan is for 20 defined parking spaces in two parking areas. Mr. Mendel stated this will be sufficient for the current and future needs of the cemetery activities. Mr. Mendel stated he recommends using the industrial standard in the code for parking. Mr. Mendel stated the new site plan formalizes parking.

Mr. Mendel stated the project required going before the Board of Zoning Appeals this evening for the new building setbacks from the east property line. Mr. Mendel stated the Board of Zoning Appeals approved a ten foot setback variance.

Mr. Mendel stated there is no signage being proposed at this time. Mr. Mendel stated the city will be doing the site plan work and will be preparing the site and building pad for the memorial building. Mr. Mendel stated the City Engineer will review the plans so there is no need for a performance bond.

Mr. Mendel stated staff recommends the Planning Commission approve the site plan and Certificate of Appropriateness as submitted.

Tony Cerny from Architectural Design Studio was present for the case. Mr. Cerny stated the site plan coordinates with the work the city has proposed for the expansion of Spring Grove Cemetery. Mr. Cerny stated the building was located to keep it up near the front for customers coming to purchase a lot but still allow the existing maintenance building to remain in place until such time that the new one can be constructed.

Mr. Cerny stated the elevation of the building was designed to mimic the details on the Chapel. Mr. Cerny stated the exterior will be brick.

Mr. Rose asked the location of the building. Mr. Cerny stated it will be directly behind the existing building to the north.

Mr. Grice asked for comments from the public. Steve Ingersoll, Operations Captain from the Fire Department asked if there is no hydrant at the site, can a hydrant be placed within 300 feet of the building. Mr. Ingersoll referenced two different possible locations for a hydrant on the site. Mr. Mendel stated the comments were referenced in the staff report and passed along to the City Engineer so that when the site plan is reviewed, it will be added to the plans.

Mr. Lash asked if the amount of parking being proposed is necessary. Mr. Cerny stated the existing parking was intended for city employees. Mr. Cerny stated the forestry employees are currently parking in various locations in the cemetery. Mr. Cerny stated the parking in the back is intended primarily for city vehicles and the curb parking were the existing maintenance building is located is intended for customers and guests.

Mr. Pucilowski made a motion to approve the site plan and a Certificate of Appropriateness for Spring Grove Cemetery as submitted with the addition of a fire hydrant to the site plan at an appropriate location as determined by staff. The motion was seconded by Mr. Lash.

Vote:

Rose	<u>Y</u>
Pucilowski	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Approved	4-0

2. P14-09 S. Court Village Albrecht Inc. PPA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this project was reviewed a number of years ago and the approvals have since expired. Mr. Mendel stated the applicant is coming back for new approvals in order to begin the project. Mr. Mendel stated the 42 acre site is located at the northwest corner of South Court Street and Highpoint Drive. Mr. Mendel stated the site is adjacent to residential development to the west, north and south. Mr. Mendel stated First Merit Bank is adjacent to the north along Court Street, an assisted living facility is adjacent along Court Street to the south, and vacant land and a McDonald's restaurant are adjacent to the east. Mr. Mendel stated the request is for a preliminary plat review on the property which is zoned C-4 but is in a Special Planning District overlay.

Mr. Mendel stated the applicant has submitted a request for preliminary plat approval associated with the development of future Acme Fresh Market grocery, retail, residential

and office development. Mr. Mendel stated the submitted plans depict an interior public street through the property and a subdivision to create seven lots.

Mr. Mendel stated the existing property was established for commercial use when annexed into the city. Mr. Mendel stated the Special Planning District regulations were established for the area in 1998. Mr. Mendel stated the applicant received Planning Commission approval for revisions to the SPD regulations in 2006. Mr. Mendel stated in 2008, the applicant received preliminary plat and preliminary site plan approval from the Planning Commission, but all 2008 approvals have expired since no associated construction work was undertaken for the project. Mr. Mendel stated therefore, the applicant is coming back to the Planning Commission for only preliminary plat review at this time.

Mr. Grice asked what is different about the submitted plat this evening and the previously approved plat. Mr. Mendel stated there is more information on this plat but the layout of the lots and the public street is the same.

Mr. Mendel stated the request submitted to Planning Commission is for a preliminary Plat approval. Mr. Mendel stated this will provide the applicant assurance on the general layout of the proposed parcels and the proposed street. Mr. Mendel stated based on approval of the preliminary plat, the applicant can proceed with the generation of detailed improvements plans for the construction of all public infrastructure. Mr. Mendel stated the improvement plans are subject to review and approval by the City Engineer. Mr. Mendel stated the applicant can then execute a construction agreement with City Council for the work and return to Planning Commission for final plat approval.

Mr. Mendel cited the following from the staff report:

**District Regulations – Section 1138:**

Mr. Mendel stated the lot and setback requirements for the development are specified as part of the SPD guidelines. Mr. Mendel stated the proposed preliminary plat is acceptable and consistent with the approved SPD.

**Preliminary Plat**

Mr. Mendel stated the applicant has proposed to construct a public street through the property and subdivide the site into seven lots. Mr. Mendel stated listed below are staff comments applicable to the preliminary plat request:

**1171 – Design Standards:**

Mr. Mendel stated pedestrian walkways: pedestrian walkways will be required along all public streets including South Court Street and Highpoint Drive. Mr. Mendel stated confirmation of such will occur as part of the improvement plans and the individual site plan approvals for the sub districts.

**Lot Lines:** Mr. Mendel stated lot lines are to be substantially at right angles to the right of way. All lot lines substantially comply.

**Access:** Mr. Mendel recommended establishing access easements to allow connection from lot #1 to Lots #3 and #5. Mr. Mendel stated an easement should establish access between lots #4 and #6.

**Proposed Public Street:** Mr. Mendel stated the proposed public street extending into the development from S. Court has a proposed name (Court Village Parkway) that is too similar to S. Court St from which it extends. Mr. Mendel suggested renaming the new street to be sufficiently distinct from S. Court Street or any other similar public street within the Medina postal delivery area.

Mr. Mendel stated the roundabout in the center of the cul-de-sac at that south end of the proposed public street should be removed because it is a substantial impediment within the proposed public right-of-way that will unnecessarily constrict regular traffic and emergency vehicle circulation. Mr. Mendel stated additionally, it will create an excessive maintenance problem for either the City in perpetuity or for the owner of the surrounding private property owner(s) if as a separate platted lot.

Mr. Mendel stated the following comments were provided by the Fire Department:

**Fire Department**

1. Court Village Parkway should be a through street to High Point Drive.
2. Fire Hydrants will need to be located every 300 feet with additional hydrants possibly being needed, we will know better hydrant locations when the sub lot buildings are submitted for review.

Mr. Mendel stated the Fire Marshall commented that emergency vehicles would not be able to get around the round-a-bout. Mr. Mendel stated staff recommends that there be no landscaped island at the end of the cul-de-sac.

Mr. Mendel stated the Fire Department has recommended the street go through to Highpoint Drive. Mr. Mendel stated reducing the number of curb cuts onto Highpoint is important. Mr. Mendel stated the Special Development Plan allows for private drives off of Highpoint.

Mr. Mendel stated the City Engineer is working with the developer on the plans.

Mr. Mendel stated staff recommends approval of the preliminary plat subject to the following:

1. Prepare and record a shared access agreement for the shared curb cut. Depict record additional shared access or circulation agreements as needed.

2. The City Engineer review and approve the improvement plans per Engineering's requirements for traffic improvement, grading, and drainage issues.

Scott Bickley from Krock Esser Engineering, Inc. was present for the case. Mr. Bickley stated the submittal is exactly the same roadway and infrastructure as was proposed years ago. Mr. Bickley stated he would like the round-a-bout as a nice decorate piece in the center of the development. Mr. Bickley stated the infrastructure is already installed and the grading has been done for the majority of the site and the major ponds are in. Mr. Bickley stated the only infrastructure remaining is the roadway, water, and sanitary.

Also present for the case was Jim Nilsen, President and Treasurer of Albrecht, Inc. Mr. Nilsen stated the plans are essentially identical to the plans approved years ago. Mr. Nilsen stated their intent is to renew the approvals and permits to proceed with the project in the 2014 construction season. Mr. Nilsen stated he would like to complete the balance of the infrastructure.

Mr. Nilsen stated originally they had submitted a detailed landscape plan which was approved and they were committed to putting this in the center of the round-a-bout which he believes was designed large enough to accommodate fire trucks. Mr. Nilsen stated it can be removed if desired. Mr. Nilsen stated the curb cut on Rt. 3 was designed for the office portion, the curb cut for the retail will be off of South Point Drive, and the curb cut for residential is not shown yet. Mr. Nilsen stated it could become an extension off of the round-a-bout over to Highpoint or it could become a curb cut farther to the west on Highpoint. Mr. Nilsen stated Court Street Development owns that parcel.

Mr. Nilsen stated the two large storm water ponds are in. Mr. Nilsen stated the storm sewers are also in. Mr. Nilsen stated this is a mixed use property and has much greater restrictions on access points and signage.

Mr. Nilsen stated he is not opposed to cross access agreements on their development and they currently have one in place and negotiated with Court Street Development going from the northwest corner of the Acme Store going straight north cutting into the interior roadway to allow access to the out-lot that abuts against the water tower on Rt. 3.

Mr. Nilsen stated until all the parcels are brought to the board for some type of development plan, to request cross access easements at this time is premature. Mr. Nilsen stated until each one of the parcels are developed, cross access easements cannot be developed.

Mr. Lash asked Mr. Nilsen if he is ok with changing the street name. Mr. Nilsen stated he is fine with it. Mr. Nilsen stated he would like the name to tie into the South Court Village theme. Present for the case was Captain Steve Ingersol from the Fire Department. Mr. Grice asked Mr. Ingersol why there were no objections to the round-a-bout when the plan was approved previously. Mr. Grice asked what has changed. Mr. Mendel stated he believes it was just time and a more critical look at the plan this time around.

Mr. Rose asked how the fire trucks would get around the round-a-bout. Mr. Ingersol stated the ladder trucks are just under fifty feet and weigh 74,000 pounds and take up 18 feet when set up. Mr. Ingersol stated the Fire Marshall stated the round-a-bout was not in the original plan or he would have never approved it. Mr. Ingersol stated their concern is if there is an emergency and they need to set up the ladder truck, they are stuck because they cannot get other equipment in or out. Mr. Ingersol stated it would be very difficult to maneuver the ladder truck through a parking lot. Mr. Ingersol stated they feel it will put residents and businesses in jeopardy because they will not be able to get the equipment in that they need.

Mr. Ingersol stated they would like to see the road go straight through to Highpoint with no cul-de-sac to go around because it is too difficult.

Mr. Ingersol stated this is similar to Nottingham Court in Medina which is a bottleneck.

Mr. Mendel stated to keep the aesthetic amenity, the applicant could work with the Fire Department and Engineering to increase the turning radius around the island by increasing the circumference.

Mr. Lash asked if the fire truck could enter where the trucks and semis enter the parking lot. Mr. Mendel gave an orientation to the access points at the site. Mr. Ingersol stated the Codified Ordinances have a requirement of two access points with a minimum of 18 feet wide and 24 feet to set up equipment. Mr. Nilsen stated one of the access points is a 35 foot wide access. Mr. Ingersol stated the access points are coming off of one street. Mr. Ingersol stated they are not comfortable with being blocked in.

Mr. Rose stated he would think the ladder trucks would be set up closer to the building. The fire department stated it depends on the situation. Mr. Nilsen stated when the Acme store is built, there will be four spots to get onto the property all around the building. Mr. Ingersol stated those are not the ones they are worried about. Mr. Nilsen stated he cannot control what he does not know. Mr. Nilsen stated he is working within the regulations of the Special Planning District which states there must be three access points. Mr. Nilsen stated the idea is to create cross traffic with walkability, bike paths and so forth. Mr. Nilsen the concept of the SPD is to make sure this large development in the heart of a residential area, fits within the context of all the residential development by limited access points, signage, and so forth.

Mr. Nilsen stated he can only control two access points. Mr. Nilsen stated if you start to move the curb cuts, you will eliminate a retail building that is key to the entire development. Mr. Nilsen stated this is not what the city nor Acme wanted.

Mr. Grice stated the radius of the cul-de-sac must have been established with the fire trucks in mind. Mr. Nilsen stated this cul-de-sac was designed for that wide kind of turn.

Mr. Pucilowski stated if another developer comes in to develop the residential area, the Planning Commission will have some control over where the streets are located and how

wide they are when they request site plan approval. Mr. Pucilowski stated he feels in terms of the plan that before them now, they can skip that part at this time and handle it when it comes before them. Mr. Pucilowski stated in terms of the fire department request, is there confirmation that the turning radius is not adequate for the truck to go around. Mr. Ingersol stated they would need to pull the manufacturers stats on the turning radius to verify it.

Mr. Rose stated cul-de-sac landscaping can be a challenge for the city for plowing. Mr. Nilsen stated he is not opposed to removing the landscaping but it was something in the original approval was an aesthetic feature and may have been something the city requested.

Mrs. Zachman asked Mr. Nilsen if he could defer action on this one month in order for the fire department to determine the impact of the round-a-bout.

Mr. Grice stated there is thirty days if the applicant tables the case. Mr. Mendel suggested a motion with the condition that the item is addressed within the improvement plan process and the final plat process. The board agreed that would make sense.

Mr. Rose made a motion to approve the preliminary plat as submitted with the following staff recommendations:

1. Rename the new street to be sufficiently distinct from S. Court Street or any other similar public street within the Medina postal delivery area
2. The round-a-bout to remain and be referred back to the City Fire Department Internally for review

The motion was seconded by Mrs. Zachman.

Vote:

Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Rose	<u>Y</u>
Zachman	<u>Y</u>
Grice	<u>Y</u>
Approved	5-0

Mr. Grice recommended the city look at the cul-de-sac requirements to make sure they are adequate for newer fire equipment. Mr. Mendel stated he will look into it.

Old Business:

1. P13-20/P13-26 Code & Map Amendments City of Medina COA

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this case has been in process since 2012 with recommendations forwarded to council which were then rescinded by the Planning Commission in order for Mr. Mendel to review them. Mr. Mendel stated he reviewed the code and he supports the majority of the recommended

changes. Mr. Mendel stated the changes afford more administrative flexibility that will help development move quicker and easier. Mr. Mendel stated on Page 1 through 3 of the staff report outline the major items that have been changed through this process prior to his arrival to the city.

Mr. Mendel stated there a few items that he recommends changing. Mr. Mendel stated the changes are in the staff report which is attached as exhibit A.

Mr. Mendel stated 820 Lafayette listed on Table 2 is currently zoned R-2 but it is a commercial industrial building as the former Sandridge Facility. Mr. Mendel stated it is proposed as C-1 but due to the type of building, he feels C-1 limits the re-use of the property. Mr. Mendel stated it is built as a higher intensity commercial building. Mr. Mendel stated he feels C-3 would be a more appropriate zoning. Mr. Mendel stated this was not changed in the staff report however it is his recommendation.

Mr. Lash stated there was quite a bit of discussion on that property. Mr. Rose stated he believes it was recommended as C-3 but after a lengthy discussion, the Board recommended C-1 to make it consistent with the surrounding C-1 zoning.

Mr. Mendel stated he makes the recommendation that the Planning Commission approve the changes provided in the staff report Exhibit A and also the draft map and text that was created in 2012 with the note that the 820 Lafayette be changed to C-3 zoning rather than C-1.

Mr. Grice asked for any comments from the public. Stan Scheetz, 225 E. Liberty Street, Medina stated he is an Attorney representing several property owners on North Court Street. Mr. Scheetz stated he is very much in favor of all of the recommendations that staff has made. Mr. Scheetz stated he noted that the rear property line setbacks were not addressed in the C-3 District which is currently set at 30 feet. Mr. Scheetz stated in many communities, there are rear yard setbacks as small as ten or twenty depending on access around the buildings. Mr. Scheetz stated if the code is to allow flexibility in the design community to fill the square footage that exists, he would like to see the 30 foot requirement adjusted.

Bill Frantz, Partner at Sandridge LLC, and President of Sandridge Foods commented. Mr. Frantz stated he believes 820 Lafayette was originally an industrial building before much of the residential was built. Mr. Frantz stated his notice recommended changing to the zoning to C-1 and he would like clarification on the setback requirements for C-1. Mr. Grice stated with the recommendation it would be very minimal difference. Mr. Mendel stated with C-3 there would be no required setback to a commercial zoned property and no front yard setback required. Mr. Mendel stated it will be required to have a 30 foot rear yard and 75 foot side yard when adjacent to residential. Mr. Mendel stated on the south property line, the building is built almost to the lot line. Mr. Mendel stated it is currently non-conforming and would remain non-conforming.

Mr. Mendel stated if it is changed to C-3, it could not be used for industrial purposes but it would have the full range of commercial uses.

Mr. Mendel stated if the building was demolished, a new building would need to meet the 30 foot setback requirement. Mr. Mendel stated if it was destroyed by more than 50% of its replacement value due to fire or Act of God, it may need to be built to the required 30 foot setback however, the Board of Zoning Appeals has historically been flexible about allowing the building to be built as it was.

Mr. Mendel stated the building can remain as it is in perpetuity if not destroyed. Mr. Frantz stated he would like the Board to consider the C-3 zoning for 820 Lafayette.

Medina County Commissioner Steve Hambley, 144 N. Broadway, commented that the proposed changes were reviewed by the Commissioners and Chris Jakab. Mr. Hambley stated one of the things noted was a concern about any type of remodeling or major renovations would require a business that has its main entrance on the main street to keep it and remodel it. Mr. Hambley stated this could affect the future Courthouse renovations. Mr. Hambley stated in the current plan there is only one operating entrance and in the remodeling plan, the main entrance would be maintained from the rear to accommodate the newer parking deck.

Mr. Hambley stated he would like it to be put on the records that the Commissioners in the future would still have the flexibility to keep the main entrance on the rear and not be forced to build another entrance and be forced to secure two entrances.

Mr. Grice stated he cannot speak to that standard but in many instances the verbiage is "should be" vs "shall be". Mr. Grice stated this gives the Planning Commission the flexibility to approve it.

Mr. Mendel stated that requirement is probably in the TCOV Design Standards and he will check on it.

Mr. Pucilowski made a motion to recommend to City Council the Planning & Zoning Code and proposed map amendments as submitted in Exhibit A with the changes as noted:

1. 820 Lafayette Rd. to be rezoned to C-3

Mr. Lash seconded the motion.

Mrs. Zachman asked the board about changing the rear setbacks to eliminate or drastically reduce them to provide flexibility for each lot. Mr. Grice stated they would still need to meet the standards if they are adjoining residential. Mr. Scheetz stated he is referring to commercial to commercial properties. Mr. Grice stated the Fire Department may have comments regarding no access around the building.

Mr. Mendel stated he would recommend amending it to zero rear setback on commercial to commercial but require as it currently is amended when adjacent to residential with C-1 at 25 ft. when adjacent to residential, C-3 at 75 feet when adjacent to residential. The board agreed that would be acceptable.

Joyce Keifer from Keifer equipment on Liberty Street commented. Ms. Keifer asked about screening. Ms. Keifer asked if screening will need to be added if this is approved. Mr. Mendel stated only if there is a significant change to the building.

Mr. Pucilowski amended his motion to include a recommendation to include a zero rear yard setback for commercial properties adjacent to commercial properties.

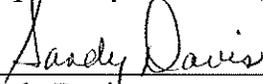
Mr. Lash seconded the amended motion.

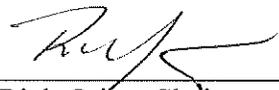
Vote:

Lash	<u>Y</u>
Grice	<u>Y</u>
Pucilowski	<u>Y</u>
Zachman	<u>Y</u>
Rose	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,

  
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Sandy Davis

  
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Rick Grice, Chairman



**CITY of MEDINA**  
**Planning Commission**  
**March 13, 2014 Meeting**

**EXHIBIT A**

**Case No:** P13-20 & P13-26

**Applicant:** City of Medina

**Subject:** 2013 Zoning Code Text & Map Amendment

**Submitted by:** Jonathan Mendel, Community Development Director

The Zoning Code and Zoning Map amendments were reviewed by the Planning Commission at the July 2013 and August 2013 public hearings. The Planning Commission made recommendations at both hearings to forward the proposed text and map amendments to the City Council for public hearing.

At the February 13, 2014 meeting, the Planning Commission rescinded the recommendations from 2013 and the zoning code and amendments are being brought back to the Commission for further review in total and in particular related to several sections and standards staff has determined require additional scrutiny and changes. Below is a table of the various updates/changes to the zoning code reviewed in 2013:

1103: General Provisions	Penalty fees are proposed for increase – these fees are only collected as part of court filings
1105: Definitions	This section would be expanded with additional definitions added so that each type of use permitted is described in a definition format
1107: Admin & Enforcement	Change clarifying BZA public notice to occur 10 days before hearing
1108 Fee Schedule	Fees – The fee schedule would be removed from the zoning code and be separate document adopted by Council. This would allow fee changes through Council Ordinance rather than through zoning code amendment. The fees will also be merged with building fees to create a single fee schedule for applicants
1109 Site Plan Review	<ul style="list-style-type: none"> <li>• Added administrative approval for minor developments – 10% expansions and less than 1,000 sq ft</li> <li>• Added requirement that adjoining property owners get notice of site plan requests</li> <li>• Design Review Guidelines – added several additional items including               <ol style="list-style-type: none"> <li>1. Blank walls shall not be permitted on public faces.</li> <li>2. The use of long unbroken building facades shall be avoided.</li> <li>3. The front door to a building shall be visible from the street.</li> <li>4. Big box commercial/retail to be reduced in scale</li> <li>5. Clarify industrial properties have a reduced standard</li> </ol> </li> </ul>

1113 General Regulations	<ul style="list-style-type: none"> <li>• Minor clarification edits</li> <li>• Permit three accy building instead of two, existing sq ft caps still apply</li> <li>• Clarify that swimming pools are structures subject to permits/setbacks</li> <li>• Regulations permitting limited number of chickens/farm animals</li> <li>• Infill compatibility stds for established residential neighborhoods</li> </ul>
1114 Special Planning District	the PUD text and the SPD text were merged and revised into this section
1115 OC District	Open space conservation district – added text referencing the Balanced Growth plans as a resource
1116 Overlay Districts (TOCV)	<ul style="list-style-type: none"> <li>• Administrative TCOV approvals allowed for minor projects</li> <li>• TCOV design guidelines added as appendix</li> <li>• Clarify – if a major renovation or expansions occurs, the full site must met TCOV standards</li> </ul>
1127 R-4 District	Minimum dwelling units size restrictions removed from definitions sections and placed in district regs
1129 MU District	<ul style="list-style-type: none"> <li>• Removed requirement to submit photos – staff will complete as needed</li> <li>• Revised parking requirements to allow PC and staff to deviate from some requirements</li> </ul>
1131 Commercial Business	District title revised to Commercial Service
1135 C2 Central Business District	<ul style="list-style-type: none"> <li>• Additional development standards added to encourage storefront type development with parking in the rear</li> <li>• Building maximum size removed for areas outside the Historic District</li> <li>• No density cap for residential development</li> <li>• Minimum front yard changed to require zero setback</li> <li>• Allowance for up to 60 ft building height</li> <li>• Buildings must have the public entrance facing the street</li> </ul>
1137 C-3 General Commercial	<ul style="list-style-type: none"> <li>• Retail over 80,000 sq ft becomes conditional use</li> <li>• C-4 is removed and consolidated into C-3</li> </ul>
1138 C-4 Planned Commercial	C-4 – this section was removed and merged into the C-3 as they were very similar
1141 I-1 Industrial	<ul style="list-style-type: none"> <li>• I-1 (Industrial) – permitted use text simplified and updated to current terminology</li> <li>• conditional use for recreational facilities</li> </ul>
1145 Parking Standards	<ul style="list-style-type: none"> <li>• Parking Standards – parking standards updated to current terminology</li> <li>• Maximum parking count added in addition to minimum count</li> <li>• No more than one curb cut permitted for residential property</li> <li>• Clarify text that residential lots must have hard surface driveway</li> </ul>
1147 Signs	<ul style="list-style-type: none"> <li>• Wording changes to clarify but not policy change</li> <li>• Allowance of two sq ft neon sign in Historic District</li> </ul>
1149 Screening and Landscaping	new section regulating buffers between non-compatible uses, removed some landscaping text from other code areas
1151 Non-conforming Use	<ul style="list-style-type: none"> <li>• Numerous clarifications to ease readability</li> <li>• Revision to allow replacement of non-conforming residential structure</li> <li>• Additional text regarding enlargement of non-conforming structures</li> </ul>
1153 Conditional Use	Planned Unit Development standards removed as it would be combined with the special planning district
1155 Supplemental Regs	<ul style="list-style-type: none"> <li>• New section regulating fences (previously in the Building Code), performance stds, outdoor sales/storage, dumpsters and donation boxes, solar panels, wind turbines, home occupation, boat/trailer parking</li> <li>• in-law suites added as new allowance – secondary residence but not a separate apartment</li> </ul>

Riparian setbacks	To be added to the subdivision regulations at a later date
Infill standards	Design controls for residential infill in existing neighborhoods
General revisions	<u>Maximum lot coverage</u> (impervious surface) standards added to all districts <u>Pedestrian Connection</u> – pedestrian connection required between the front door and public sidewalk in the CS, C1, C2, C3, and PF districts
Appendix	TCOV Stds – <ul style="list-style-type: none"> <li>• Minor text clarifications</li> <li>• Additional clarification of text for renovations to existing buildings</li> <li>• Allowance for minor projects to be approved administratively</li> <li>• Design standards 6 and 7 edited to strengthen to need for compatible design but soften the requirement to preserve existing historic materials.</li> </ul>

The following are the individual code sections that staff has determined need additional review and changes to optimize this process and deal with unintended consequences from the code and map amendments drafted so far.

Also, in order to complete the map amendment (rezoning) process the lists of properties targeted for rezoning are included in this report.

### Proposed changes to the draft zoning code text

1. There are two small errors in the proposed text where the text dollar amounts did not match the numerical text in Section 1103.99. The fixes are yellow highlighted.

#### **1103.99 PENALTY**

Any person, firm or corporation who violates any provision of this Zoning Ordinance or supplements or amendments thereto, shall be fined not less than ~~fifty~~ one hundred ~~and fifty~~ dollars (~~\$50.00~~ \$150.00) nor more than ~~one~~ ~~five~~ hundred dollars (~~\$100.00~~ ~~\$250.00~~ ~~\$500~~). Each day's continuation of a violation shall be deemed a separate offense.

2. The proposed maximum lot coverage (LC) in the C-1 and C-3 districts (75% in C-1 and 85% in C-3) are excessive when coupled with the mandatory buffer and screening requirements in Chapter 1149. The LC maximum will overly restrict site design and redevelopment potential. The intent of a LC maximum is to minimize stormwater runoff. This is already dealt with by the City's on-site stormwater management standards and practices administered by the Engineering Department. Lastly, the inclusion of the LC requirement will add another duplicative layer of site design restriction and, most important, instantly create extensive nonconformities throughout many of the City's already commercially developed areas. This will have negative unintended consequences throughout the City.

In addition to the proposed maximum lot coverage, the minimum required yards (Front and Side) in the C-1 and C-3 are excessive when the site is not adjacent to residential. Requiring 20 to 50 foot minimum building setbacks unnecessarily restricts site design and will create significant nonconformities on existing properties which were developed under different zoning district. It is recommended that no

minimum front and side setbacks be required when a development site is adjacent to non-residential zoning district.

The proposed changes to the LC and setback requirements are shown below highlighted in yellow.

**1133.05 LOT DEVELOPMENT STANDARDS**

Lots in the C-1 Local Commercial District shall adhere to the following standards:

Minimum Lot Size	• None
Minimum Lot Width at Building Line	• None
Minimum Lot Frontage	• 40 Feet
Maximum Lot Depth	• None
Minimum Usable Open Space	• None
Maximum Lot Coverage	• <del>75%</del>
Maximum Building Size	• None
Maximum Building Width	• None
Minimum Front Yard	• <del>50 Feet</del>
Minimum Rear Yard	<ul style="list-style-type: none"> <li>• 25 Feet for Principal Use or Structure</li> <li>• 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District</li> <li>• 20 Feet for an Accessory Use or Structure</li> </ul>
Minimum Side Yard	<ul style="list-style-type: none"> <li>• <del>25 Feet for Principal Use or Structure</del></li> <li>• 50 Feet for Principal Use or Structure if Adjacent to a Residential District</li> <li>• 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District</li> <li>• 20 Feet for Accessory Use or Structure</li> </ul>
Maximum Height	<ul style="list-style-type: none"> <li>• 35 Feet for Principal Use or Structure</li> <li>• <del>20</del> 15 Feet for Accessory Use or Structure</li> </ul>
Minimum District Size	• n/a

**1137.05 LOT DEVELOPMENT STANDARDS**

Lots in the C-3 General Commercial District shall adhere to the following standards:

Minimum Lot Size	• None
Minimum Lot Width at Building Line	• None
Minimum Lot Frontage	• 40 Feet
Maximum Lot Depth	• None
Minimum Usable Open Space	• None
Maximum Lot Coverage	• <del>85%</del>
Maximum Building Size	• None
Maximum Building Width	• None
Minimum Front Yard	• <del>50 Feet</del>

<b>Minimum Rear Yard</b>	<ul style="list-style-type: none"> <li>• 30 Feet Principal Use or Structure</li> <li>• <del>10</del> 20 Feet for an Accessory Use or Structure</li> </ul>
<b>Minimum Side Yard</b>	<ul style="list-style-type: none"> <li>• <del>20 Feet for Principal Uses or Structure</del></li> <li>• 75 Feet for Principal Uses when Adjacent to a Residential District</li> <li>• When Adjacent to a Residential District, at least 25 Feet shall be Landscaped for Screening Purposes</li> <li>• <del>10</del> 20 Feet for an Accessory Use or Structure</li> </ul>
<b>Maximum Height</b>	<ul style="list-style-type: none"> <li>• 40 Feet for Principal Use or Structure</li> <li>• 20 Feet for Accessory Use or Structure</li> </ul>
<b>Minimum District Size</b>	• n/a

3. The C-3 district designates “Bar or Tavern” as a Conditionally Permitted Use, but it is a permitted use in the C-2 district. The C-3 district is a higher intensity commercial district and uses permitted in the lower intensity district (C-2) are generally permitted uses in the C-3 district. There is no logic in requiring “Bar or Tavern” as a conditionally permitted use in the higher intensity district, when it is a permitted use in the lower intensity district. Therefore, it is recommended that “Bar or Tavern” become a permitted use in the C-3 district and removed from the list of conditionally permitted uses in the C-3 district. The changes are yellow highlighted.

**1137.02 PRINCIPALLY PERMITTED USES**

The following uses shall be permitted as of right in the C-3 General Commercial District:

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• Club, Lodge or Fraternal Organization	• <b>Bar or Tavern</b>
	• Passenger Transportation Agency and Terminal	• Commercial Entertainment
		• Commercial Recreation
		• Convenience Retail
		• Drive-In Establishments including Restaurants and Theaters
		• Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		• Hotel or Motel
		• Mixed Use Building –

		Residential Excluded from Ground Level Floor
		<ul style="list-style-type: none"> <li>• Motor Vehicle Truck, Trailer and Farm Implement Sales, Rental or Leasing – New or Used</li> </ul>

Principally Permitted Uses – Continued from previous page		
Residential	Public/Semi-Public	Commercial
		<ul style="list-style-type: none"> <li>• Motor Vehicle, Truck, Trailer and Farm Implements Repair, Service and Storage (Excluding Body Work, Painting and Engine Work)</li> </ul>
		<ul style="list-style-type: none"> <li>• Off-Street Parking Lot, Garage or Deck</li> </ul>
		<ul style="list-style-type: none"> <li>• Office – Professional, Medical and Administrative</li> </ul>
		<ul style="list-style-type: none"> <li>• Other Similar Uses as Determined by the Planning Commission</li> </ul>
		<ul style="list-style-type: none"> <li>• Personal and Professional Services</li> </ul>
		<ul style="list-style-type: none"> <li>• Plant Greenhouse</li> </ul>
		<ul style="list-style-type: none"> <li>• Restaurant</li> </ul>
		<ul style="list-style-type: none"> <li>• Retail less than 80,000 square feet in size</li> </ul>
		<ul style="list-style-type: none"> <li>• Veterinary Office or Hospital in Enclosed Building</li> </ul>
		<ul style="list-style-type: none"> <li>• Wholesale Establishments</li> </ul>

**1137.04 CONDITIONALLY PERMITTED USES**

The following uses shall be permitted as conditionally permitted uses in the C-3 General Commercial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

Residential	Public/Semi-Public	Commercial
<ul style="list-style-type: none"> <li>• Multi-Family Dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation Use</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Bar or Tavern</del></li> </ul>
	<ul style="list-style-type: none"> <li>• Educational Institution for Higher Education</li> </ul>	<ul style="list-style-type: none"> <li>• Car Wash</li> </ul>
	<ul style="list-style-type: none"> <li>• Publicly Owned or Operated Governmental Facility<sup>3,7,8,11</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Child Day Care Center and Nursery<sup>2,5,9,11,14</sup></li> </ul>
	<ul style="list-style-type: none"> <li>• Public Utility<sup>1,10,11</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Conference Center, Banquet Facility or Meeting Hall<sup>1,3,7,11,12,14</sup></li> </ul>
	<ul style="list-style-type: none"> <li>• Religious Place of Worship<sup>1,3,7,11,12,14</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Cremation Facility</li> </ul>

	<ul style="list-style-type: none"> <li>• Wireless Telecommunications Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Hospital<sup>1,2,3,5,7,9,11,14</sup></li> </ul>
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Conditionally Permitted Uses – Continued from previous page		
Residential	Public/Semi-Public	Commercial
		<ul style="list-style-type: none"> <li>• Motor Vehicle Filling Station with or without Convenience Retail<sup>5,7,17,30,32</sup></li> </ul>
		<ul style="list-style-type: none"> <li>• Open Air Building materials Sales and Lumber Yard</li> </ul>
		<ul style="list-style-type: none"> <li>• Outdoor Dining</li> </ul>
		<ul style="list-style-type: none"> <li>• Personal and Professional Services with Drive-Thru</li> </ul>
		<ul style="list-style-type: none"> <li>• Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions</li> </ul>
		<ul style="list-style-type: none"> <li>• Restaurant with Drive-Thru or Drive In</li> </ul>
		<ul style="list-style-type: none"> <li>• Retail larger than 80,000 square feet in size</li> </ul>
		<ul style="list-style-type: none"> <li>• Sexually Oriented Business<sup>36</sup></li> </ul>

4. Inflatable signs are often a problem within the City and are not specified in the zoning code. Below are simple changes (underlined and yellow highlighted) to the “Animated Sign” definition and “Prohibited Signs” sections of the proposed zoning code. These simple changes will make enforcement easier.

**1105.0147 SIGN**

**B. ANIMATED SIGN**

“Animated Sign” means any sign that is inflatable, uses intermittent, flashing, rotating or moving lights, or movement of the sign or some element thereof, to depict action or create a special effect or scene.

**1147.10 PROHIBITED SIGNS**

All signs not expressly permitted in this Chapter, or exempt from regulation pursuant to this Chapter, shall be prohibited in the City. Such signs shall include but not be limited to the following:

- A. Abandoned signs.
- B. Billboard signs.
- C. All other off-premises signs, except temporary signs for civic or community affairs of a public or semi-public nature, not for private gain.
- D. Pole signs with a single pole.

- E. Temporary changeable copy signs.
- F. Rooftop signs except those signs that appear to be a continuation of the face of the building or a mansard roof so long as the sign does not extend above the upper edge of the mansard roof line.
- G. Animated and **inflatable** signs.
- H. Signs painted on sidewalks.
- I. Signs attached to trees, utility poles, streetlights, and public benches including benches at bus stops.
- J. Mobile signs, except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the right-of-way than the front line of the principal building.
- K. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- L. Signs erected or attached to accessory structures and fences.
- M. Internal illumination of all or part of the roof.
- N. Any sign not specifically authorized by this Chapter.

### **Proposed zoning map amendments**

In 2013, extensive rezonings of properties throughout the City were proposed and reviewed by the Planning Commission. Recommendations to City Council were made by the Planning Commission for the rezoning, but were rescinded by the Planning Commission at the February 13, 2014 meeting, and need to be reviewed and recommended to the City Council again.

Staff has reviewed the rezonings and the reasoning for them and is satisfied that the rezonings as proposed are still appropriate. The following outline the various rezoning categories and the specific properties being rezoned (the existing 2009 zoning map and the draft zoning map are attached to this report):

<b>Parcel/Area</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Notes</b>
West Liberty and State Rd 028-19A-20-082 028-19A-20-007 028-19A-20-008 028-19A-20-009 028-19A-20-084 028-19A-20-065 028-19A-20-064 028-19A-20-063 028-19A-20-067 028-19A-20-090	C-2	C-3	C-2 District is being revised to a Central Business District Zoning – parcels zoned as C-2 outside the downtown area are proposed to be revised  This area contains fairly intensive commercial uses and would abut the C-3 zoning across State Road
Lafayette and Ryan Road 028-19C-09-035 028-19C-08-106 028-19C-08-107 028-19C-08-108	C-2	C-3	C-2 District is being revised to a Central Business District Zoning – parcels zoned as C-2 outside the downtown area are proposed to be revised

028-19C-08-109 028-19C-08-110 028-19C-08-111 028-19C-08-112 028-19C-08-113 028-19C-08-114 028-19C-08-115 028-19C-08-116 028-19C-08-117 028-19C-08-118 028-19C-08-119 028-19C-08-130 028-19C-08-131			These parcels contain one multi-family condominium development (permitted in the C-3) a restaurant, beauty salon facility, and a multi-tenant commercial facility.
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Parcel/Area	Current Zoning	Proposed Zoning	Notes
North Court and South Court Commercial area	C-4	C-3	C-4 district is being removed from the code as the present C-3 and C-4 are similar in regulations
Former C-2 districts outside the CBD –  N Court & Homestead: 028-19A-17-105 028-19A-17-106 028-19A-17-107 028-19A-17-108 028-19B-14-002 028-19B-14-003	C-2	C-1	C-2 District is being revised to a Central Business District Zoning – parcels zoned as C-2 outside the downtown area are proposed to be revised - Currently developed with office uses abutting residential
East Homestead 028-19B-14-004	R-3	C-1	Outlying parcel developed as commercial abutting property on North Court Street
Former C-2 districts outside the CBD –  Harding & Court 028-19A-13-130 028-19A-13-131 028-19A-13-191 028-19A-13-192 028-19B-09-050-055 028-19B-14-001 028-19A-13-125 028-19A-13-126 028-19A-13-132  Lafayette & Lake 028-19C-12-023 028-19C-12-022 028-19C-12-044  Lafayette & Ryan 028-19C-08-009 028-19C-08-010 028-19C-08-011	C-2	C-3	C-2 district is being revised to a Central Business District Zoning – parcels zoned as C-2 outside the downtown area are proposed to be revised

028-19C-08-012 028-19C-08-013 028-19C-08-051 028-19C-08-015 028-19C-08-016 028-19C-08-017 028-19C-08-058 028-19C-08-019 028-19C-08-059 028-19C-08-020 028-19C-08-021 028-19C-09-221 028-19C-09-207 028-19C-08-022 028-19C-09-001 028-19C-09-002 028-19C-09-003 028-19C-09-004 028-19C-09-222 028-19C-09-006 028-19C-09-200 028-19C-09-006 028-19C-09-007 028-19C-09-008 028-19C-09-009	C-2	C-3	C-2 District is being revised to a Central Business District Zoning – parcels zoned as C-2 outside the downtown area are proposed to be revised -
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**Table 2-** Additional Properties for consideration to have current development align with applicable Zoning District

Parcel/Area	Current Zoning	Proposed Zoning	Notes
820 Lafayette 028-19C-08-131	R-2	C-1	Currently developed with office/light industrial building formerly Sandridge
West Liberty at Medina Street 028-19A-20-044, 028-19A-20-045, 028-19A-20-075, 028-19A-20-076, 028-19A-20-077	M-U	C-1	Current uses are the Medina Steak and Seafood Co, vacant land, and storefront at 602 West Liberty

**Recommendation**

Staff recommends the Planning Commission approve the 2013 amendments to the zoning text (including the additional changes provided by staff in this report) and the zoning map amendments as presented in 2013 and delineated again in this report.