



**Oberlin Planning Commission
Wednesday, September 3, 2014, 4:30 p.m.
City Hall Conference Room #2
85 South Main Street, Oberlin, Ohio**

Members

Present: Peter Crowley, Bryan Stubbs and Ellen Mavrigh.

Members

Absent: Tony Scott and Matt Adelman.

Others

Present: Gary Boyle; Wendie Fleming, Secretary to the Design Review Subcommittee; Sharon Soucy, Council Liaison; Scott Broadwell; Valerie Urbanik; Major Harrison; Aliza Weidenbaum and Mark Chesler.

Chair Crowley called the meeting to order at 4:30 p.m.

1. Approval of the August 6, 2014 Meeting Minutes.

Mavrigh indicated that she had a correction to the August 6, 2014 meeting minutes. She advised that on the first page, the seventh line down that begins with "safety" the minutes read "Fire Department safety concerns." She stated that she would like the wording "as noted in the July 1, 2014 Department comments" to be added after "Fire Department safety concerns." Mavrigh noted that a little farther down on the first page, she would like the same wording "as noted in the July 1, 2014 Department comments" to again be added after "Fire Department safety concerns." Stubbs made a motion to approve the minutes with the corrections suggested by Mavrigh. Mavrigh seconded. Motion carried unanimously.

2. Application for Sign Permit, Proposed Wall-Mounted Sign, Lorain National Bank, 49 South Main Street.

Boyle advised that this application seeks approval of the installation of a wall-mounted, illuminated sign on the building's front or west elevation. He indicated that the proposed sign would have an overall length of about 38 ft. 2 1/8 in., and a height of 1 ft. 11 1/8 in. resulting in a sign surface area of approximately 73.69 sq. ft. Boyle stated that this sign will feature individual aluminum letters to be installed on the building's canopy or overhang. The proposed signage would be "halo-illuminated" by white LED lighting.

Boyle noted that the proposed sign is similar in style and size to the former LorMet Credit Union sign and it would be in the same location as that sign. He further advised that the sign complies with the Sign Code and also complies with the design standards of the Zoning Code. He added that the Design Review Subcommittee considered this application at its meeting on September 3, 2014 and moved to recommend approval of the sign to the Planning Commission as submitted.

Mavrich asked if the font depicted in the sketch of the sign would be the actual font that is used? Boyle stated that Figure 4 of the staff report shows the proposed font. He advised that it is his understanding that this is Lorain National Bank's corporate font. Mavrich stated that she finds the sign to be acceptable but the font depicted on the sketch of the sign is not the same font as the temporary sign that is currently on the building. Stubbs indicated that the lettering on the temporary sign appears to be more compressed than what is being proposed for the wall-mounted signage.

Mavrich made a motion to accept the recommendation of the Design Review Subcommittee and to approve the sign as submitted. Stubbs seconded. Motion carried unanimously.

Mavrich noted for the record that this meeting is being audio recorded and that this is a new procedure. She indicated that she felt recording the meeting was a good idea.

3. Proposed Amendment to Zoning Procedures, Chapter 1327 of the Zoning Ordinance.

Boyle stated that staff had reported at the Commission's meeting on August 6, 2014 that consideration is being given to possible revisions to the zoning procedures found in "Chapter 1327: Amendments" of the Zoning Ordinance. He advised that the proposed revisions would clarify and update procedures related to amendments to the Zoning Map or text changes to the Zoning Ordinance. Boyle indicated that City Council at its meeting on August 18, 2014, by motion, referred those proposed revisions to the Planning Commission for a report and recommendation.

Boyle advised that he and the Law Director had discussed the revisions to "Chapter 1327" which will strengthen the Commission role so that it can initiate recommendations to City Council instead of waiting for Council to initiate the process. He further indicated that this proposed amendment would also require a super majority vote to overturn a recommendation made by the Planning Commission instead of just a simple majority vote by Council as is currently the case. Boyle explained that the current process for any text change or Zoning Map change to be considered and advised that either the owner of a property must initiate the zoning change or City Council can refer a zoning change matter to the Commission for a recommendation and a report. The proposed amendments would allow the Commission to also initiate a proposed text or Zoning Map change. This proposed change is considered to be desirable as the Planning Commission should have the ability to initiate amendments to the Zoning Map or text as part of its duties and role in making plans and maps as well as policy to implement to the community's Comprehensive Plan.

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Boyle outlined the various proposed changes to Chapter 1327 which include:

(a) Section 1327.01 Initiation of Zoning Map or Text Change

Boyle noted that the Zoning Ordinance currently provides that City Council on its own or as a result of receipt of a request from a property owner may amend the Zoning Map or text after such a request has been considered by the Planning Commission.

The proposed change to this section of the Zoning Ordinance would clarify that changes to the Zoning Map or text changes may continue to be initiated by Council or a property owner, and that the Planning Commission on its own may also initiate such changes.

(b) Section 1327.02 Petition and Fee

Boyle stated that the Zoning Ordinance presently requires that any person seeking a zoning change for property must file a petition with Council requesting that change as well as submitting a draft ordinance and plat (if applicable) and the names and addresses of property owners of record within 200 feet of the property proposed to be changed. Such a petition must also be accompanied by the fee established by ordinance (i.e. \$250.00).

He advised that the proposed amendments would provide that petitions to amend the Zoning Map or text be filed with the Planning Commission, and a copy filed with City Council. Such a change would be more efficient time-wise as the Commission would not need to wait for petition to be referred to it by Council.

Boyle indicated that the proposed change to this section would also simplify the filing requirements by requiring that only a petition and fee be filed. He stated that staff is of the opinion that it is somewhat unreasonable to ask a property owner to prepare an ordinance since such ordinance must be drafted in a manner consistent with accepted protocol and is usually drafted by the Law Director, Planning staff and the City Clerk. In addition, the City will be sending notice of any future public hearing on an amendment so staff in all cases already prepares a list of property owners to be notified from County records in an effort to ensure that all affected parties are sent notice.

(c) Section 1327.03 Review

Boyle advised that the Zoning Ordinance now states that the Planning Commission is to be afforded not less than thirty (30) days to consider and report to Council on a petition or amendment referred to it (Section 1327.01).

Boyle indicated that the proposed Code change would continue to provide that a minimum review period (i.e. 30 days) by the Commission and would require that the Commission's review be completed within a reasonable time period (i.e. 60 days). He noted that the review of such

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matters has been generally completed in almost all instances in less than the maximum time period proposed.

Boyle stated that the proposed change to the Code would continue to provide the Commission with the ability to recommend “approval, disapproval or modification of any Zoning amendment or referral to it by Council. . .”.

(d) Section 1327.04 Council Hearing

Boyle advised that the Zoning Ordinance under Section 1327.03 currently provides that City Council, subsequent to receipt of recommendations and a report from the Planning Commission, shall hold a public hearing prior to the adoption of any amendment, and that thirty (30) days notice of the hearing be provided.

He stated that the suggested amendment to the Zoning Ordinance would continue to require that City Council receive a recommendation from the Commission on any amendment and that Council hold a public hearing with thirty (30) days notice being provided by publication of the hearing date, time and place at least once in a newspaper of general circulation, and by mailing notices to any petitioner and property owners within 200 feet of the proposed amendment.

(e) Section 1327.05 Action by Council

Boyle indicated that the Zoning Ordinance now provides that City Council may only enact an ordinance consistent with the recommendation of the Planning Commission “unless passed or approved by a majority of the full membership of Council” (Section 1327.01).

Boyle noted that the proposed language in this section would require that any Planning Commission recommendation to disapprove an amendment would need the “concurring votes of not less than five-sevenths (5/7) of the members of Council” to enact a change not recommended by the Commission. That provision is seen as strengthening the Planning Commission’s ability to see its recommendations adopted by Council.

(f) Section 1327.06 Effect of Failure to Notify Interested Persons

Boyle stated that the Zoning Ordinance, under Section 1327.04, presently provides that “failure to notify any owner or occupant of property” shall not invalidate any ordinance that is enacted if such failure was not intentional. That language is fairly typical in zoning ordinances.

The proposed language in this new section continues that provision in a somewhat simpler manner.

Boyle advised that the Commission should receive this report for its information, and stated that the Commission can further consider this matter at its October 1st meeting so that a recommendation can be forwarded to City Council for their likely consideration in November of this year.

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Stubbs noted that these updates appear to make this process more efficient than how it is currently worded in the Code. Mavrich indicated that these changes are partially the way the City thought the process already worked and it was brought to our attention that it was not written that way in the Code. Boyle stated that this is partially correct, but further advised the Commission has in the past made detailed recommendations but did not necessarily see all of the draft ordinances. He stated that earlier this year when the Commission considered the rezoning for the Spencer's property on West Lorain Street, some questions arose about this procedure so the rezonings, including the Spencer's, were brought back so that the Commission could review and approve the draft ordinances on these rezonings. Boyle noted that staff, at the May 28, 2014 meeting had indicated that amendments to the rezoning process should be considered to make the process more efficient and to reduce the timeframe for rezoning a property.

Crowley indicated that these proposed amendments appear to be well thought out. He then asked how an individual could petition the Planning Commission to have amendments made to the Zoning Code text. Would that be done by writing a letter? Boyle stated that because of the way the Code is currently worded, the only way for an individual to petition to have an amendment made to the Zoning Code would be for that individual to file a request to City Council with the Clerk of Council and then Council would refer it to the Planning Commission for review and a recommendation or City Council. Any recommendation made by the Commission would then be submitted to City Council for its review and approval. He indicated that if the proposed amendments to Chapter 1327 are adopted by City Council, the Commission could also initiate a change.

Crowley asked if the Code was changed to permit the Commission to initiate a change to the Zoning Code instead of City Council, would a fee still be required? Boyle advised that a fee would still be required along with the submission of a completed Application Form for a rezoning by an individual but not if initiated by the Commission. He noted that if a text amendment was being requested, a summary outlining the nature of text change to be considered would need to be submitted by the petitioner. Boyle stated that in either case, City Council would still ultimately decide whether to adopt the change or not.

Crowley asked if there was a request to change the minimum square footage for the ground floor of a house in one or more of the residential zoning districts, what would the process be? Boyle stated that the request would need to be submitted to City Council and once the matter was referred by Council the Planning Commission, the Commission would consider the request and make a recommendation back to Council. Crowley asked if the changes to Chapter 1327 are adopted, what would the process be? Boyle stated that a request could then be submitted to the Commission and a copy of the request would be sent to City Council. He advised that the change in procedure would help to reduce the time frame to consider a matter since the Commission would not need to wait for a referral to come from City Council before it could begin considering a request.

Mavrich asked if there would be a report on the changes to Chapter 1327 for the Commission to review at its next meeting? Boyle advised that this matter would be on the Commission's next

agenda for consideration and the staff report on this matter outlines the proposed changes. Mavrich asked if this amendment would be the only way for the Commission to initiate a text change to the Code? Boyle advised that this is the case and indicated that this matter and the proposed amendments were discussed on a number of occasions with the Law Director in response to comments of an individual who questioned the Commission's recommendation on the Spencer's rezoning on West Lorain Street. He indicated that staff is of the opinion that the Commission should have the ability to initiate changes to both the text of the Zoning Code as well as the Zoning Map.

Boyle noted that this report was submitted to the Commission for its information and the Commission can further consider this in October. The Commission received this report and referral for its information.

4. Parking of Commercial and Recreational Vehicles in Residential Districts.

Boyle indicated that the City has received more complaints recently concerning the parking or storage of recreational vehicles in residential zoning districts.

Boyle provided the Commission with an update on this matter and he advised that staff is continuing to work on potential Code changes for review at a future meeting and that a report on this matter would likely be forwarded to the Commission for review in October. Stubbs stated that regulations for construction trailers, cranes, bucket/boom trucks, etc. should also be considered in addition to regulations based on truck/vehicle weight. Boyle agreed and indicated that staff is considering those types of vehicles as well. He noted that the Police Department has been helpful in providing input on this matter since that department enforces these regulations.

Boyle stated that a he anticipates that report and draft regulations would be forwarded to the Commission for its October meeting.

5. Update – Mobile Vending Operations.

Boyle advised that the Oberlin Business Partnership (OBP) recently held an open forum for local businesses regarding mobile food vending operations and that staff is awaiting receipt of the final report and recommendation from that organization in order to provide input to the Commission on regulations for mobile food vendors. He noted that if the report is not received from the OBP soon, the Commission should just proceed with consideration of regulations. Boyle indicated that many of the individuals at the OBP's forum thought that permitting mobile food vending operations at special City-wide events was acceptable to them and that mobile food vendors could possibly operate downtown outside of normal business hours. He advised that otherwise, most businesses did not support mobile vendors during business hours for various reasons including the likelihood of impact on parking spaces, litter, etc.

Boyle indicated that draft regulations would likely be forwarded to the Commission for its review in October.

6. Other Business.

Boyle reported that a revised site plan was just received for the Gateway Hotel and that it is currently under review by staff. He advised that staff has also met with the Fire Chief to further discuss the possibility of parking on East College Street. Boyle indicated that a Demolition Permit was recently issued for demolition of a portion of the hotel and the one-story commercial building on East College Street and a Permit for the hotel's foundation and building "shell" was issued today. He stated that there would still be several additional permits that would need to be applied for and approved in order to complete this project.

Boyle advised that the Commission's next regularly scheduled meeting is set for September 24, 2014, however, due to staff vacation schedule, he suggested that the Commission's next meeting be held on October 1, 2014. He stated that there are currently no applications pending that would require review before the October 1st meeting and noted that because he would be on vacation until September 18th, it would be extremely difficult to prepare staff reports, etc. in order to meet on September 24th. The Commission agreed that its next meeting would be on October 1, 2014.

Crowley stated that a letter was received from Carl McDaniel who lives at 495 East College Street. Mr. McDaniel's letter requests that the Commission consider reducing minimum ground floor square footage required for dwellings in residential districts in order to accommodate the building of green homes. Boyle noted that currently, the Zoning Code does not give the Commission the authority to initiate a Zoning Map or text change at this time, however, as discussed earlier in the meeting, amendments to Chapter 1327 to allow the Commission to have that authority are under consideration. Mavrach advised that the Commission should consider this matter. Crowley indicated that the Zoning Code currently states that the ground floor area of a house is calculated from the inside walls and that the minimum ground floor area varies from 720 sq. ft. to 1200 sq. ft. depending on the zoning district. He noted that this is a large range. Mavrach asked what zoning districts allow a minimum ground floor area of 720 sq. ft.? Boyle stated that the minimum ground floor area of 720 sq. ft. is required for "R-1"/Single-Family Dwelling District and "R-2"/Dwelling District.

Boyle indicated that the minimum ground floor area regulations for Oberlin's residential zoning districts are very typical of what other communities have in their Zoning Codes. He stated that different zoning districts allow different densities, this is the reason for the range in minimum ground floor area requirements. Boyle noted that "R-1A" District is Oberlin's most restrictive zoning district.

Crowley advised that in green building, decreasing the square footage of the ground floor area often is desirable to achieve the desired energy efficiency. He suggested that there be incentives to build green houses in all of the City's zoning districts. Crowley stated that a with a smaller ground floor area than is required in a particular zoning district does not necessarily reflect the value of the house as often green houses are more expensive than conventionally built houses.

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Mavrich indicated that some subdivisions have their own rules and regulations on the size, type, appearance, etc. of houses that are built there and suggested that these rules should be eliminated as well to accommodate green houses. Crowley noted that the proposed redevelopment of Green Acres should encourage the building of green homes. Boyle advised that the any redevelopment of the City-owned Green Acres property would be likely be done under the "PD"/Planned Development District zoning which provides for design flexibility and as far as any private covenants or restrictions that are established by developers it is unlikely that the City would be able to prohibit those covenants which are between private parties.

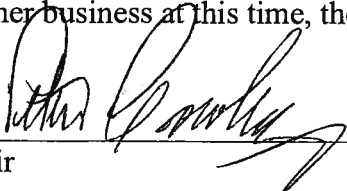
Mavrich asked how changes in this area could be initiated? Crowley asked how the Commission can make sure that the Code does not inhibit the building of green homes and how the Commission can incentivize green building? Boyle reiterated that the Commission cannot initiate a text change to the Zoning Code at this time. Mavrich asked if the Commission could, in the meantime, start to explore this matter? Crowley indicated that the Commission could start research and then make a recommendation to City Council if the changes to Chapter 1327 are adopted. Mavrich asked if the Commission can ask staff to begin researching this matter. Crowley advised that it can.

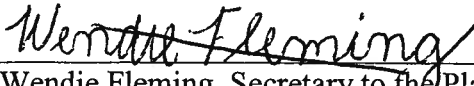

Stubbs indicated that it would be best to take a holistic approach to this matter. He noted that staff's time is limited as far its ability to research incentives, etc. and suggested that that possibly the Oberlin Project could be contacted in order to help conduct research and the Commission can help with the research. Mavrich asked how can the Commission contact the Oberlin Project? Stubbs advised that Sean Hayes, Director of the Oberlin Project can be contacted to ask for assistance. He further indicated that possibly this research could be a project for Oberlin College students to do. Mavrich asked if staff could send a letter to Sean Hayes asking for assistance in researching green housing. Boyle advised that staff can contact the Oberlin Project on behalf of the Commission.

Stubbs stated that he would compile a list of names of individuals or groups that may be able assist with the research on green homes and incentives. Mavrich indicated that she would as well.

7. Adjournment.

There being no further business at this time, the meeting was adjourned at 5:15 p.m.


Peter Crowley, Chair

 
Wendie Fleming, Secretary to the Planning Commission