

**Monroe Planning Commission Minutes**  
**August 16, 2016 – 6:00 pm**  
**233 South Main Street, Monroe, Ohio**

The Planning Commission of the City of Monroe met in regular session at 6:00 pm on August 16, 2016. The meeting was held at Monroe City Hall.

**Call to Order**

The meeting was called to order at 6:00 pm by Mr. Morris. Members present were James Berry, Steve Wood, Robert Routson, and Ron Tubbs.

Also present were: Kevin Chesar, Director of Development/Zoning Enforcement Officer; Kameryn Jones, Planner; Deana England, Deputy Clerk of Council; Richard Mascarella, Asst. Fire Chief.

***Public Hearing***

**Case No 2016-8-15: Consideration of amendments to various sections of the Planning and Zoning Code.**

Mr. Morris opened the public hearing

Mr. Tubbs moved to table the public hearing to hear Case No. 2016-8-16 first; Seconded by Mr. Berry. Voice vote. Motion carried.

Mr. Wood motioned to approve the minutes from the July 27, 2016 meeting; Seconded by Mr. Berry. Voice vote. Motion carried.

**Case No. 2016-8-16: Consideration of a site plan for Dunkin Donuts.**

Ms. Jones stated that Pat Gilligan with GOC Realco LLC has submitted a site plan application for a standalone Dunkin' Donuts coffee shop along State Route 63, just west of the Shell gas station and convenience store. This building will be part of a larger remodeling involving the Shell/Popeyes location which will result in a reconfiguration of the parcels within the development. The new Dunkin' site will sit on approximately 0.791 acres. The proposed restaurant is a 2,150 square foot building that will include a drive thru lane. The applicant anticipates a September start date and finishing up in April of 2017.

Ms. Jones stated that the surrounding Zoning consists of North: C-1 Commercial (Vacant property), South: C-1 Commercial (Eating and drinking establishments), West: C-1 Commercial (Vacant property), East: C-1 Commercial (Gas station, eating and drinking establishments).

Ms. Jones stated that the dumpster enclosure material type must be compatible with the principle structure materials and may not be of unfinished concrete or cinder block. Staff is requesting

clarification of the material type proposed with the recommendation to match the principle building proportionally.

Ms. Jones stated sidewalks are required along all streets and are required along State Route 63 with a sidewalk connection from SR63 to the establishment which has not been indicated. The applicant has not requested a sidewalk waiver. Within the site, entrance sidewalks must be 8 feet wide at a minimum. The main entrance sidewalk is approximately 8' wide. The side entrance sidewalk is approximately 3-4' wide.

Ms. Jones stated in regards to landscaping that the maximum lot coverage is 75%; though the site appears well within this percentage, staff will need to see a calculation. 20% of the required front yard area must be landscaped. As the front yard setback for C2 sites is 50 feet, the minimum depth of landscaping of front yard is 10 feet. The applicant appears to meet this percentage but will need to show calculation.

Ms. Jones stated that street trees are required along State Route 63 frontage with a minimum of two inches DBH. However, as the right of way may be controlled by ODOT, street trees may not be possible. Front yard trees have been provided as part of the required front yard landscaping but, further enhancement may be necessary. Of the four required street trees, the applicant has proposed 6 canopy trees along the front yard with additional landscaping. Landscape islands are required to be 135 square feet for single rows in internal parking areas. Dimensions have not been indicated by the applicant. The landscape island along on the north side along the building is missing the required 3 bushes and the island along the outer south side of the site does not indicate the required canopy tree. Some of the proposed planting (Old Gold and Fastigiata) may not meet 3' min height requirement. The applicant has indicated the Old Gold evergreen shrub will be a minimum of 3 feet with a 6 foot spread. The applicant has also noted the Fastigiata is being used as a medium tree to tolerate small spaces and potential for extreme heat.

Ms. Jones stated that the proposed site complies with architectural standards with the exception of the building elevations visible from a public street should contain windows that make up 25% of the wall area. All visible elevations comply with the exception of the drive-thru (west) elevation. Parapet walls with three-dimensional cornice treatments are required for flat roof structures. The cornice is required to be a minimum 8" perpendicular project. The proposed cap projects approximately 6"-7" and is 1'10" tall. Verification of the proposed parapet is needed from the applicant.

Ms. Jones stated that business zoning districts require a minimum of 0.2 footcandles and a maximum of 2.5 footcandles when adjacent to another commercial or industrial district. The site exceeds the maximum 2.5 footcandles within the parking area in several locations. The site appears to fall below the minimum 0.2 footcandles at the northern (rear) edge of the property outside the parking area.

Ms. Jones stated that the Fire Department reserves the right to comment during plans review. The Public Works and Police Departments had no comment at this time.

Ms. Jones stated that staff recommends approval of the site based on conditions that side entrance sidewalk be extended to meet the 8' width minimum, street sidewalk to be installed by the City at the property owner's expense at a future date, installation of a false window or other alternative on the west (drive thru) elevation, clarification of the parapet "cap" dimensions, a revised dumpster screening

plan to meet architectural requirements, a discussion on whether proposed plant types meeting Code standards, a revised photometric plan be submitted to meet maximum lighting standards, and all other staff comments be addressed.

Mr. Wood expressed concern in regards to sharing a dumpster area with proposed Popeye's location.

Pat Gilligan with Baldwin Buildings stated that this same set up is also used in other locations and has not been an issue.

Mr. Morris asked the applicant for clarification from the applicant regarding the customer use of the western sidewalk and entrance.

Mr. Gilligan indicated that the side entrance is intended to be used for employees running products out to drive through customers and not as customer entrance. He also stated that the widening would impede the drive through lane.

Mr. Morris stated understanding of the issue on the western side, however he suggested extending the eastern sidewalk to the edge of the parking stalls adjacent to the building, with minimum 8 foot width to allow proper customer access.

Mr. Berry motioned to approved Case No. 2016-8-16 Consideration of a site plan for Dunkin Donuts with the following conditions: all Staff comments are met, final landscape plan is submitted, a revised photometric plan be submitted to meet maximum lighting standards, West side dumpster screening is revised to meet architectural standards, 8 foot sidewalk on northern 3 parking spaces is added, exception on the west side sidewalk, and façade color change or false window installed on west side to meet architectural standard as determined by staff; Seconded by Mr. Tubbs. Voice vote. Motion carried

Mr. Berry motioned to un-table Public Hearing Case No. 2016-8-15: Consideration of amendments to various sections of the Planning and Zoning Code at 6:38 pm; Seconded by Mr. Tubbs. Voice vote. Motion carried.

**Case No 2016-8-15: Consideration of amendments to various sections of the Planning and Zoning Code.**

Mr. Chesar stated that typically he brings Code updates on an annual basis. These updates are mostly minor corrections and clarifications.

Mr. Chesar stated Planning Commission will also hear potential regulations related to permitting chickens in residential areas and other issues.

Mr. Chesar stated in the table of Permitted Uses, Parking Lots need to be corrected from "P" Permitted to "PS" Permitted with Standards, as well as adding the Code section link. The Code section links for Religious Places of Worship and Solar Farms also needed to be corrected.

Mr. Chesar stated that under the definition for Recreational Vehicle, additional examples were added based on recent property maintenance related issues.

Mr. Chesar stated that additional language regarding accessory structure height was necessary to clarify that accessory structures should be subordinate in size and use to the principal structure.

Mr. Chesar stated the intent of the Code is to prohibit truck stops in the city and there is some confusion as Truck Terminals, but not Truck Stops, are currently clearly listed as prohibited. Freestanding Drive-Through Facilities, such as Denny's, are currently permitted in certain areas but will be suggested to be completely prohibited. Staff is asking for Planning Commission input.

Mr. Chesar stated that there needs to be discussion of whether new driveways and unenclosed patios, or concrete pads, require a zoning permit in addition to a right-of-way permit.

Planning Commission advised to strike the 30% front yard lot coverage maximum as it has presented issues with residences with larger garages.

Mr. Chesar stated under the table of Permitted Uses a correction has been made to show Solar Panels are required zoning permits.

Mr. Chesar stated a clarification should be made for both business and residential zoning districts that only one principal building/use is permitted per lot. In the case of lots in business zoning districts, more than one building or use may be permitted if they are related in some way, such as a business park or research facility or campus.

Mr. Chesar stated the "lot coverage" definition in the Code should be changed from impervious surface for residential and maybe to include commercial parcels. Particularly in residential areas, residents are using porous and impervious pavers that allow them to exceed our maximum lot coverage percentage. The intent of these maximums is to preserve green space, particularly in residential lots. Planning Commission guidance is requested by staff.

Mr. Chesar stated the maintenance section of the Code currently only applies to commercial properties. The correction would add language to require property owners of residential lots to maintain landscaped areas.

Mr. Chesar stated current architectural standards, particularly for industrial projects, are not producing the quality of building the City wants. For example, regulations are supposed to define the front façade entrance area, yet developers are not meeting regulations. Mr. Chesar suggested creating more flexibility in the Code by requiring sites to meet Code by choosing from a list of architectural elements to address entrances and façade articulation. Staff requested further feedback from Planning Commission on altering industrial architecture standards.

Mr. Chesar stated that wayfinding signs are permitted and the area and size restriction is proposed to be removed.

Mr. Chesar stated Addiction Services/Protective Care Facilities are not currently present in the Code. This term refers to housing and treatment facilities such as halfway houses and drug and alcohol rehabilitation centers. Planning Commission may wish to discuss how to define and locate these facilities within the City, if at all.

Mr. Chesar stated applicants for commercial site plans are utilizing internal front yard areas between the building and parking area to count toward the required 10 feet of landscaping which can cause the site to appear bare. Staff requested guidance from Planning Commission.

Mr. Chesar stated because of the City's intent to prevent truck stops from locating in the City, gas stations should be limited in the number of semi trailer refueling stations. Staff suggests limiting this number to no more than 5 semi trailer refueling stations and prohibiting semi trailer parking other than for temporary stacking purposes.

Mr. Chesar stated that due to the State of Ohio's new legislation regarding medical marijuana, Planning Commission may want to consider regulations related to medical marijuana growing and dispensaries.

Planning Commission stated it did not wish to discuss regulations regarding medical marijuana at this time.

Mr. Chesar stated the Code requires sidewalks to be a minimum of 5 feet wide. In downtown districts, Mr. Chesar suggested to increase the minimum width to 8 feet to increase walkability in this area.

Mr. Morris discussed that not enough right of way may not be present to allow 8 foot wide sidewalks in the downtown district and that staff may want to further reconsider the impact of the requirement.

Mr. Chesar stated that street trees could potentially not be required per Code if the developer chooses to utilize "private driveways" in commercial developments. Adding a street tree requirement for private drives will clarify the intent and require trees along private commercial drives internal or external.

Mr. Chesar stated dumpster wall damage protection existed in the previous Code but was not included in the current Code. A correction with this language will be added back to ensure curb or bollards to protect from damage to the screening when the dumpster container is moved and/or emptied.

Mr. Chesar stated a specialized attorney will be brought in to look into regulations regarding swingers' clubs and massage parlors. Massage parlors currently exist under the Code as "personal service establishments." However, due to human trafficking concerns, they may need to be defined and regulated further.

Mr. Chesar stated staff has been asked to bring residential chicken regulations before Planning Commission. Regulations may consider a limited number of chickens, prohibiting roosters as many other jurisdictions do, locations, setbacks, minimum lot size, coop requirement, coop area, architectural standards for the coops, obtaining consent from surrounding property owners, prohibition of commercial use and slaughtering on property.

Mr. Chesar stated most jurisdictions permit between 4 and 6 chickens with no roosters permitted. Typically they are only allowed in the rear yard though setbacks vary from 15 feet to 100 feet from adjacent property lines.

Mr. Chesar stated chickens could be regulated from a minimum lot size or density approach. For example, chickens could only be permitted in lots over 0.5 or 0.75 acres or set a maximum of 4 chickens for lots smaller than 0.5 acres, 8 for lots 0.5 to 1 acre, and 16 for lots 1-5 acres.

Planning Commission stated with the number of HOA communities in the city, this regulation may only apply to a limited number of properties. Planning Commission requested some sort of mapping detailing which properties would be affected at the 0.5, 0.75, and 1 acre level outside of HOA neighborhoods.

Mr. Chesar stated chickens are typically required to be housed in a coop. Regulations then might include minimum and maximum coop areas and heights, which is typically 6 feet.

Mr. Chesar stated architectural standards may be necessary and could be regulated under the same standards as other accessory uses.

Mr. Chesar stated Planning Commission may also want to consider if the chickens are allowed to roam in the rear yard or if a pen or run would be required and if a pen or run would be held to size and material regulations.

Mr. Chesar stated some cities require surrounding property owner consent in order to have residential chickens. Some cities also require privacy fencing.

Mr. Chesar stated chickens in residential areas should not be used for commercial purposes. Mr. Chesar also noted storage of feed to prevent attraction of wild animals as well as disposal of manure should be considered to prevent a nuisance or health hazard. Additionally, the City should consider whether the City could enforce removal of the chickens in case of a public health issue.

Mr. Chesar stated most jurisdictions prohibit the slaughter of chickens and have established disposal standards for chickens.

Mr. Chesar stated permits are required sometimes on an annual basis to ensure compliance with regulations.

Mr. Chesar stated because chickens are considered a farm animal, that Planning Commission should consider whether other farm animals such as ducks, mini pigs, mini ponies, pygmy goats, and other similar "domesticated" farm animals should be permitted and regulated for residential use.

#### Other Discussion

Mr. Chesar stated the Kaitlin Way properties have been purchased by a developer for single-family development. Building permits have been submitted for 3 of the 15 lots.

Mr. Chesar stated the proposed models are virtually all the same mirror images, which is concerning as the PUD called for variation among the houses. The PUD concepts provided at the time by Dallis homes showed a variety of architectural elements and both one and two-story models.

Mr. Routson stated he is familiar with these developers as they have built similar homes in Trenton, Ohio. Mr. Routson suggested staff may wish to travel to Trenton to see these constructed models.

Planning Commission stated the current elevation types were not appropriate given the PUD's call for variation and requested staff follow up with the developer to discuss adding different models.

Mr. Chesar stated that he has heard concerns from Planning Commission regarding the construction of the Rivertown building. Staff verified the front yard setback is likely accurate based on approved site plans.

Planning Commission indicated that staff should further research the various issues.

Mr. Chesar stated that his intent is to bring final updates in the near future for a Planning Commission recommendation to City Council.

Mr. Berry moved to close Public Hearing Case No. 2016-8-15 at 7:42 pm. Seconded by Mr. Wood. Voice vote. Motion carried.

Planning Commission Adjourned at 7:43 pm

Respectfully Submitted by:

Deana England  
Executive Assistant/Deputy Clerk of Council