

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

January 3, 2023

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

Urbana City Council meetings will now be streamed via Facebook Live. These live streams can be found by visiting the City Council of Urbana, Ohio Facebook page via clicking on the link on the City Council's website: <https://www.urbanaohio.com/city-council.html>

All comments must continue to be made in person. Due to this, the ability to comment on City Council Facebook streams will be disabled.

- **Call to Order**
- **Roll Call**
- **Pledge of Allegiance**
- **Annual Organizational Items**
 1. President Pro Tempore Appointment
 2. Council Clerk Appointment
 3. Department Liaison Assignments
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of December 20, 2022.
- **Communications:** None
- **Board of Control:**
 1. The Board of Control recommends Council authorize the blanket purchase order list for 2023 (see attached). All blanket purchase order amounts are in the 2023 budget. **VOTE: 3-0.**

Citizen Comments: (In Person Only; Must Sign-in)

Ordinances and Resolutions

Old Business:

Third Reading:

Ordinance 4388-23: An ordinance authorizing the Indigent Defense Agreement with the Champaign County Commissioners to allow the City and County to receive partial reimbursement from the Ohio Public Defender Commission for the indigent expenses in the Champaign County Municipal Court. (Three readings required)

Ordinance 4585-23: An ordinance to amend Chapter 1339 of the Urbana Codified Ordinances, and declaring an emergency. (Three readings required, Public Hearing required)

Second Reading: None

New Business:

First Reading:

Ordinance 4586-23: An ordinance to adopt the Planning Commission recommendation denying the application to amend the City of Urbana’s official zoning map by rezoning parcel K48-25-11-02-27-001-04 currently designated BR-1 Business Residential to B-2 General Business. (Three readings required, Public hearing required)

Ordinance 4587-23: An ordinance to adopt the Planning Commission recommendation denying the application to amend the City of Urbana’s official zoning map by rezoning parcels K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-004-00, and K48-25-00-01-35-005-00 currently designated R-2 Medium Density Residential to M-1 Manufacturing. (Three readings required, Public hearing required)

- **Department Liaison Reports:**
 - **Miscellaneous Business:**
 1. Council
 2. Administration
 3. Council Clerk
 - **Next Meeting:** Tuesday, January 17, 2023
 - **Adjourn**
-

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, DECEMBER 20, 2022**

President Hess called the Public Meeting to order. This topic for discussion was amending Chapter 1339 of the Urbana Codified Ordinances, and declaring an emergency.

Mr. Feinstein stated the first change in the ordinance was to add a larger definition section, which incorporates more areas into the nuisance code. He indicated the new language streamlines abatement and makes the City's authority expressed, instead of implied. Also, the new ordinance would remove the requirement regarding the owner of record, instead allowing service to include the occupant.

Mr. Scott asked if this changed the process of appeal and what the fee was to appeal. Mr. Feinstein stated this ordinance does not change the appeal process. Mr. Carter added the appeal fee was \$50.

Mr. Paul liked the language as he believed it was a lot cleaner. He asked if a car was unregistered, but for sale, would this be a violation. Mr. Carter indicated that if the vehicle is not a nuisance, the City wouldn't necessarily care. Mr. Paul also asked whether an owner would receive notice that a renter was served. Mr. Feinstein stated the owner would receive a courtesy copy.

Ms. Truelove asked for further explanation about vacant structures. Mr. Feinstein explained how vacant structures would be nuisances under 1339.03(B)(2), (3), and (4). Ms. Truelove asked how this ordinance would apply to 405 Gwynne Street. Mr. Feinstein stated there was no owner for service purposes.

Mr. Thackery asked who completed the abatements. Mr. Brugger stated it depended on the nature of the nuisance. The City would complete the abatement if it were able.

President Hess called the Public Hearing closed at 6:16 pm.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, DECEMBER 20, 2022**

President Hess recalled the City of Urbana Regular Session Meeting to order at 6:16 pm.

City Staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Community Development Manager Doug Crabill, Zoning Enforcement Officer Preston Carter, and Fire Chief Dean Ortleib.

President Called Roll: Ms. Jumper, present; Mr. Scott, present; Mr. Paul, present; Ms. Truelove, present; Mr. Thackery, present; Mrs. Collier, absent; and Mrs. Bean, present.

Minutes

Mr. Scott moved to put the minutes of December 6, 2022 on the floor for discussion and possible approval. Ms. Jumper seconded.

No comments/corrections were made.

Voice vote on approval of the minutes: all ayes; nays, none.

Motion passed 6-0

Heritage Ohio Award Presentation for Public-Private Partnership with Legacy Place

Mr. Crabill stated the he and Mayor Bean recently received an award at a presentation at the Ohio Theatre in Toledo back in October. This was for the City's partnership with Legacy Place for the historic preservation of the Douglas, North Elementary, and South Elementary into senior living facilities. Mr. Crabill added the partnership included the City, the CEP, the school board, RSSI, Duane Miller and the development team. Currently, all fifty-one units are occupied. Mayor Bean added that it was a nice evening and he saw a lot of good projects throughout the State of Ohio.

Communications

1. Melvin Miller Park Board Meeting Minutes – October 17, 2022
2. Safety Committee Meeting Minutes from December 13, 2022

Mrs. Bean moved to put the communication on the floor for discussion and possible acceptance. Mr. Paul seconded.

Mr. Paul inquired as to the location of the pickleball courts. Mr. Brugger stated they were east of the volleyball courts, near the tennis courts.

Mr. Scott stated he wasn't aware the City could create a landbank without the County. Mr. Crabill stated that there are different powers under the Ohio Revised Code, with liability being one. Mr. Brugger added that the County would still have to finish there actions, even with a City-created landbank.

Voice vote on acceptance: all ayes; nays, none.

Motion passed 6-0.

Administrative Reports – Board of Control

1. The Board of Control recommends Council authorize a purchase order to Burton Planning Services in the amount of \$36,650.00 for the North Main Street Corridor Plan. This expense will be charged to the General Fund – Community Development and is not in the 2022 budget. **VOTE: 2-0**

Mr. Thackery moved to put this request on the floor for further discussion and possible discussion. Mr. Paul seconded.

Mr. Crabill stated this a planning initiative for redevelopment along North Main Street. This will work through overall land use on North Main from Washington Avenue to Grimes Circle. It will consist of a steering committee, stakeholder interviews and include sidewalks, utilities, etc.

Mr. Paul stated this was long overdue, as sometimes the City tends to focus on downtown or the South end of town. He believes this is a good use of external resources for specialization.

Voice vote on approval; all ayes, nays none. Passes 6-0.

Footnote – Purchase Orders \$2,501 - \$50,000 for October & November 2022

Mr. Paul inquired into the Rock N Rescue and Petzel ASAP. Chief Ortlieb explained the City was updating its rescue equipment and can now more-efficiently conduct events, such as boats, high-angles, and trains. This will help the Division use a lot less items.

Mr. Scott asked if the sludge hauling from RB Trucking was a monthly expense. Ms. Boettcher clarified that it was an as-needed expense.

***Footnote – On October 17, 2022, the Parks & Recreation Board approved the release of \$7,350 to replace the paint machine used for lining the baseball and soccer fields at Melvin Miller Park. The new paint machine was purchased from Pioneer Athletics located in Cleveland, Ohio.

No comments/questions from Council regarding this Footnote.

Citizen Comments: None

ORDINANCES AND RESOLUTIONS

Third Reading:

Resolution 2433-22: A resolution to appropriate money for the several objects and purposes which the City of Urbana, Ohio must provide for the fiscal year ending December 31, 2023. (Three readings required.)

Mr. Paul moved to put this Resolution on the floor for discussion and possible passage. Mr. Thackery seconded.

Ms. Boettcher stated she was there to answer any questions regarding next year's appropriations.

Mr. Truelove stated she felt good, as she trusted the people working on it.

Mr. Thackery stated this is something the City does every year.

Mr. Scott inquired as to exempt-expected receipts. Ms. Boettcher stated those were items that while not specifically guaranteed, the City expects every year, such as FAA grants for the airport and 403-Court improvements that were a part of Court costs.

President Hess called for a roll call for passage. Mr. Scott, yes; Mr. Paul, yes; Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Bean, yes; and Ms. Jumper, yes.

Resolution passed 6-0.

Second Reading:

Ordinance 4388-23: An ordinance authorizing the Indigent Defense Agreement with the Champaign County Commissioners to allow the City and County to receive partial reimbursement from the Ohio Public Defender Commission for the indigent expenses in the Champaign County Municipal Court. (Three readings required)

Mr. Paul moved to put the ordinance on the floor for discussion. Mr. Thackery seconded.

Mr. Feinstein stated this was a housekeeping issued to help assure indigent defendants could receive Court-appointed counsel.

Mr. Paul asked what happens if a Defendant does not want the attorney the Court assigns. Mr. Feinstein stated that at the Municipal Court, a Defendant would be out-of-luck, as they do not get to pick their attorney.

Mr. Paul stated five years before review seemed a bit long, and thought three might be better for the first review or two. Mr. Feinstein stated the statute requires within five years, but Council is always allowed to review earlier.

President Hess declared this ordinance to have had its second reading.

Ordinance 4585-23: An ordinance to amend Chapter 1339 of the Urbana Codified Ordinances, and declaring an emergency. (Three readings required, Public Hearing required)

Mr. Scott moved to put the ordinance on the floor for discussion. Ms. Jumper seconded.

Mr. Feinstein stated he believed he covered everything at the earlier public hearing.

No additional comments/questions from Council.

President Hess declared this ordinance to have had its second reading

First Reading:

Resolution 2623-22: A resolution to amend resolution 2433-21 to modify or increase appropriations within various funds of the City of Urbana, Ohio for current expenses during the fiscal year ending December 31, 2022. (Supplemental appropriations) (Suspension of rules requested)

Mr. Paul moved to suspended the rules and allow for passage of the Resolution on the first reading. Mr. Thackery seconded.

President Hess called for suspension of the rules. Mr. Paul, yes; Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Bean, yes; Ms. Jumper, yes; and, Mr. Scott, yes.

Mr. Paul moved to put this Resolution on the floor for discussion and possible passage. Mr. Thackery seconded.

Ms. Boettcher stated this was the annual supplemental appropriations to match the budget with the actual expenditures.

No comments/questions from Council.

President Hess called for a roll call for passage. Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Bean, yes; Ms. Jumper, yes; Mr. Scott, yes; and, Mr. Paul, yes.

Resolution passed 6-0.

Resolution 2648-22: A resolution approving the execution of a Community Reinvestment Area real property tax abatement between the City of Urbana, Ohio and Phoenix Drive Properties, LLC, approving a tax revenue sharing agreement, and declaring an emergency. (One reading required)

Mr. Paul moved to put this Resolution on the floor for discussion and possible passage. Mrs. Bean seconded.

Mr. Crabill stated this was a CRA request for Phoenix Drive Properties (the landowner), under which ColePak is operated. This CRA is for 8 years and 75% of the tax revenue solely for the new construction. The new construction will be approximately 90,000 square feet at Edgewood and SR 55 and create an additional 40 positions over 4 years. It also comes with a tax revenue sharing agreement with the school boards.

Ms. Truelove, Mrs. Bean, Mr. Scott, and Mr. Thackery thanked Rick Cole for creating business in Urbana. Mr. Thackery also inquired into the tax revenue sharing agreement. Mr. Crabill further explained that when the revenue from new position passes the one-million-dollar threshold, a portion of the taxes need to be distributed to the schools to counteract the reduction in property taxes the school districts would be receiving.

Mr. Paul inquired into the difference between Phoenix Drive Properties and ColePak. Mr. Pak explained it was for liability reasons.

President Hess called for a roll call for passage. Mr. Thackery, yes; Mrs. Bean, yes; Ms. Jumper, yes; Mr. Scott, yes; Mr. Paul, yes; and, Ms. Truelove, yes.

Resolution passed 6-0.

Resolution 2649-22: A resolution enacted by the City of Urbana, Champaign County, Ohio, to authorize the Director of Administration to accept grant funding and enter into an agreement under

the Ohio Department of Transportation's office of Jobs & Commerce Economic Development Program for the Miami and Edgewood radius improvement (PID 117971), and declaring an emergency. (One reading required)

Mr. Thackery moved to put this Resolution on the floor for discussion and possible passage. Mr. Paul seconded.

Mr. Crabill stated there was recently a traffic impact study regarding truck turns (turning radius) at Southeast Edgewood and Miami Street. Sutphen agreed to contribute. This showed that the turning radius was deficient as it currently stands. He continued to say ODOT conducted a site visit and very quickly offered a grant after seeing conditions. The City has already acquired the right-of-way and plans to construct during the Miami Street curb and gutters project.

Mr. Scott asked how big the radius needs to be. Mr. Crabill was unsure, but stated that the project used computer software to determine the accurate schematics. Mr. Scott then asked how this would be contracted for completion. Mr. Crabill stated the hope was to use the same contractor as the curb and gutter project.

Mr. Thackery asked if this intersection needed a traffic signal. Mr. Crabill stated that it was part of the consideration, but there is not any plans at this time.

President Hess called for a roll call for passage. Mrs. Bean, yes; Ms. Jumper, yes; Mr. Scott, yes; Mr. Paul, yes; Ms. Truelove, yes; and, Mr. Thackery, yes.

Resolution passed 6-0.

Department Liaison Reports: None

Miscellaneous Business:

Mr. Paul wished the City luck in street preparation for the upcoming winter storm. Mr. Brugger indicated the City was ready.

Mr. Scott indicated that he saw the temporary fencing around the Aldi site. Mr. Crabill added that Aldi's has an opening date scheduled for July 2023.

Chief Ortlieb stated that the safety committee meeting had great dialogue. He also added that there is only one full week for new fire fighter recruitment. There have been five applicants so far.

Mr. Brugger stated that the year 2022 has seen the fruits of a lot of hard labor. He added that the bar is going higher and the City has a good thing going. In regards to the Urbana University site, he indicated all the City knows is what the headline says. The City is here to make sure the community benefits.

Mr. Paul added that when he started in 2012, it felt like Council only dealt with emergency after emergency. He doesn't see that anymore. He tipped his hat to the City.

Mayor Bean talked about all of the expertise the City has in its staff members. He also added that the Jerusalem Second Baptist Church would have a Martin Luther King event on MLK day from 6-7 pm.

Council Clerk Steffan indicated that due to the City holidays, the next packet would be sent out on Thursday, December 29th around 1 pm. He also added that packets would not be available for pickup on that Friday or following Monday due to the City being closed.

President Hess stated he saw two accidents today on Patrick Avenue. Chief Ortlieb stated that neither one was serious.

Ms. Jumper moved to adjourn. Mrs. Bean seconded. Voice vote on approval: all ayes, nays Mr. Scott. Motion passes 5-1.

ADJOURNED AT 7:19 p.m.

NEXT SCHEDULED MEETING
January 3, 2023 at 6:00 p.m.

Council Clerk

Council President

VCC 01/03/2023

| DIV. | ACCT # | VENDOR | VEN # | DESCRIPTION | 2022 PO AMOUNT |
|---------|---------|-------------|-------|-------------------------|----------------|
| 200-117 | 543-231 | PURVIS | 6745 | AIRPORT FUEL FOR RESALE | \$ 175,000.00 |
| 100-115 | 527-221 | CCTSS, LLC | 0664 | BLANKET - IT SUPPORT | \$ 84,000.00 |
| 610-135 | 543-203 | SNF | 7545 | POLYDONE | \$ 75,000.00 |
| 605-130 | 529-207 | EJ PRESCOTT | 2901 | BLANKET SUPPLIES | \$ 65,000.00 |

BB 12/28/22

KB 12/28/22

CB 12/28/22

ORDINANCE NO. 4388-22

AN ORDINANCE AUTHORIZING THE INDIGENT DEFENSE AGREEMENT WITH THE CHAMPAIGN COUNTY COMMISSIONERS TO ALLOW THE CITY AND COUNTY TO RECEIVE PARTIAL REIMBURSEMENT FROM THE OHIO PUBLIC DEFENDER COMMISSION FOR THE INDIGENT EXPENSES IN THE CHAMPAIGN COUNTY MUNICIPAL COURT. (Three (3) Readings Required)

Department Requesting: Administration

Sponsor: Dwight Paul

WHEREAS, an Agreement has been reached and proposed to be entered into by and between the Champaign County Board of County Commissioners and the City of Urbana; and

WHEREAS, that Agreement is attached hereto and designated as “Exhibit A” in unsigned form; and

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel to indigent persons charged with a violation of a City Ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, the County has created an appointed counsel system for this municipality whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify; and

WHEREAS, the County Commissioners, pursuant to Ohio Revised Code §120.33 and Ohio Administrative Code §120-1-09, may, by a resolution, enter into a contract with a City to provide effective representation of indigent persons charged with a violation of an ordinance of the City; and

WHEREAS, the County has established a schedule of fees on an hourly basis to be paid to counsel for legal services provided under the Agreement attached;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE:

That the Director of Administration is hereby authorized and directed to enter into the attached Agreement on behalf of the City of Urbana, Ohio.

SECTION TWO:

That all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision-making bodies of the City of Urbana which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Urbana.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2022.

Mayor, City of Urbana

REVIEWED: Mark M. Finster 11/23/2022
Director of Law Date

Jumper: _____ Yay _____ Nay _____ N/A

Scott: _____ Yay _____ Nay _____ N/A

Paul: _____ Yay _____ Nay _____ N/A

Truelove _____ Yay _____ Nay _____ N/A

Thackery: _____ Yay _____ Nay _____ N/A

Collier: _____ Yay _____ Nay _____ N/A

Bean: _____ Yay _____ Nay _____ N/A

AGREEMENT

THIS AGREEMENT (the "Agreement") is made and entered into by and between the Champaign County Board of County Commissioners (the "County") and the City of Urbana (the "City").

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel to indigent persons charged with a violation of a city ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and;

WHEREAS, the County has created an appointed counsel system for this municipality whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify, and;

WHEREAS, the County Commissioners, pursuant to Ohio Revised Code §120.33 and Ohio Administrative Code §120-1-09, may by resolution enter into a contract with a city to provide effective representation of indigent persons under which the city shall reimburse the county for counsel appointed to represent indigent persons charged with a violation of an ordinance of the city, and;

WHEREAS, the County has established a schedule of fees on an hourly basis to be paid to counsel for legal services provided hereunder, and;

WHEREAS, this Agreement has been authorized by Ordinance No. _____ of the City Council of the City of Urbana passed on the _____ day of _____, _____, and by Resolution of the Champaign County Board of County Commissioners passed on _____, 20__.

NOW, THEREFORE, in consideration of the mutual promises contained herein, intending to be legally bound, the parties agree as follows:

1. The City and County agree that the judge of the municipal court may assign, by journal entry, recorded on the Court Docket, appointed counsel to represent indigent persons in the Municipal Court on or after the commencement date and during the term of this Agreement in which the defendant is indigent and charged with the commission of a criminal offense or act which is a violation of a city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
2. Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender pursuant to Ohio Revised Code §120.03, §120.05 and Ohio Administrative Code §120-1-03. In addition to indigency

determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

3. A major purpose of this Agreement is to enable the City to obtain partial reimbursement from the Ohio Public Defender Commission of attorney fees and expenses for counsel appointed in the Municipal Court for indigent persons charged with the commission of a criminal offense or act which is a violation of city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this Agreement shall be resolved in favor of obtaining this result.
4. The City agrees to reimburse the County for that portion of the costs not reimbursed by the State of Ohio for providing counsel to indigent persons charged with the commission of an offense or act which is a violation of city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
5. Payment by the City for representation of such indigent persons in the Municipal Court shall not exceed the fee schedule in effect and adopted by the Champaign County Board of County Commissioners.
6. The duration of this Agreement shall be for the term of one year commencing on January 1, 2023 and ending on December 31, 2023.
7. If either the County or the City shall fail to fulfill, in a reasonable, timely and proper manner, its obligations under this Agreement or if either party shall substantially violate any of the covenants, Agreements, or stipulations of this Agreement, then the aggrieved party shall have the right to terminate this Agreement by giving thirty days written notice of such termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this Agreement by the other party.
8. This Agreement may only be amended by written agreement signed by the parties and made a part hereof.
9. There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against the application for such employment because of race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The County shall insert a similar provision in any subcontract for services covered by this Agreement.
10. No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to

which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of and such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____, 20__.

BOARD OF COUNTY COMMISSIONERS
OF CHAMPAIGN COUNTY

Witness

by _____

by _____

by _____

CITY OF URBANA, OHIO

Attest

by _____

Clerk

APPROVED AS TO FORM:

Champaign County Prosecuting Attorney

ORDINANCE NO. 4585-23

AN ORDINANCE TO AMEND CHAPTER 1339 OF THE URBANA CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY (Three (3) readings required, public hearing required. Public Hearing Advertisement date: Friday, December 9, 2022)

Department Requesting: Zoning

Sponsor: Audra Bean

WHEREAS, Chapter 1339 of the Urbana Codified Ordinances, entitled Nuisances, specifies the conditions that constitute a nuisance violation in the City of Urbana, Ohio; and

WHEREAS, Chapter 1339 of the Urbana Codified Ordinances, entitled Nuisances, specifies the process to be followed by the City to enforce violations of the conditions that constitute a nuisance violation in the City of Urbana, Ohio; and

WHEREAS, the City Council of Urbana, Ohio recognizes that nuisance violations have become increasingly prevalent in the City, and that enforcement of violations have likewise become increasingly challenging for the Zoning Department of the City of Urbana, Ohio; and

WHEREAS, Chapter 1339 of the Urbana Codified Ordinances was established on November 28, 2000, over twenty (20) years ago; and

WHEREAS, the City Council of Urbana, Ohio deems it necessary and appropriate to update Chapter 1339 of the Urbana Codified Ordinances; and

WHEREAS, the proposed changes to Chapter 1339, entitled Nuisances, is marked as Exhibit A and is attached hereto and incorporated herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE:

That the attached Exhibit A is deemed by the City Council of Urbana, Ohio to be appropriate and necessary, and to serve the health, safety, welfare and best interests of the citizens of Urbana, Ohio.

SECTION TWO:

That by the passage of this Ordinance, the attached Exhibit A is hereby adopted and passed into law by the City Council of Urbana, Ohio, to be effective at the earliest date permitted by law.

SECTION THREE:

All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION FOUR:

This ordinance shall become effective on January 3, 2023.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2022.

Mayor, City of Urbana

REVIEWED: W. H. Pennington 11/30/2022
Director of Law Date

Jumper: _____ Yay _____ Nay _____ N/A

Scott: _____ Yay _____ Nay _____ N/A

Paul: _____ Yay _____ Nay _____ N/A

Truelove _____ Yay _____ Nay _____ N/A

Thackery: _____ Yay _____ Nay _____ N/A

Collier: _____ Yay _____ Nay _____ N/A

Bean: _____ Yay _____ Nay _____ N/A





CHAPTER 1339 Nuisances

- 1339.01 Definitions.
- 1339.02 Public nuisances prohibited.
- 1339.03 ~~Notice to abate.~~ **Notice of Violation; Order for Removal; Abatement**
- 1339.04 ~~Time for abatement.~~ **Summary Abatement**
- 1339.05 Appeals.
- 1339.06 Board of Nuisance Appeals.
- 1339.07 ~~Summary abatement.~~
- 1339.08 ~~Abatement by City; collection of costs.~~
- 1339.99 Penalty.

CROSS REFERENCES

- Nuisances - see Ohio R.C. Ch. 3767
- General nuisance violations - see GEN. OFF. Ch. 521
- Vacant Building Enforcement Program – see Ch. 1341**
- Weed Control – see Ch. 1343**

1339.01 DEFINITIONS.

(a) As used in this chapter, "Public Nuisance" means any of the following activities, circumstances or conditions:

- (1) Open storage of building materials in a residential district in excess of one year; and
- (2) Any accumulation upon any lot of land of earth, rubbish, or other material which attracts rats, vermin, or insects in such a manner that it endangers the public health, safety, welfare or property; and
- (3) The suffering, permitting, allowing to remain or maintaining of rubbish, refuse or junk, which includes but is not limited to wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes or ashes, or discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi-airtight containers or any other waste material upon public or private property contrary to these Codified Ordinances or regulations of the Board of Health; and
- (4) The maintenance or allowance of building materials upon public or private property constitutes a public nuisance if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty days after such materials are placed upon a premise. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, any storage of building materials or deposit of the same upon any property shall consist of building materials being placed at least six inches off the ground at any time; and
- (5) There is located upon any lot of land or in any building or structure located thereon rubbish, or other material in such an amount that it constitutes a fire hazard; and

(6) The storage of a motor vehicle in an inoperative or unlicensed condition **any unlicensed or out-of-repair vehicle, automotive parts, or scrap metal** upon public or private property. ~~for more than thirty days without being stored in an enclosed garage or other accessory building.~~

(7) The continued vacancy of a structure or building resulting in lack of reasonable or adequate maintenance of the building or structure and grounds.

(8) A vacant building or structure which is open and not secured against unauthorized entry; and

(9) A building or structure, or any portion, member, appurtenance or ornamentation thereof, which is likely to fail or become detached, dislodged or to collapse and thereby injure persons or damage property.

(10) Weeds which are spreading or maturing seeds, or about to do so, ragweed, goldenrod, poison ivy, poison oak or any other noxious or poisonous weeds or vines; or

(11) Grass in excess of ten inches; or

(12) Roots of trees which obstruct any portion of a sewer located on City property or within City easements; or

(13) Shrubs or bushes located within twenty feet of the intersection of two or more streets and abutting either the sidewalk or the normal sidewalk location if the shrubs or bushes exceed two feet in height above the surface of either the sidewalk or the normal sidewalk location; or

(14) A tree, plant, bush or shrub the branches or trunk of which obstruct or impede traffic on any street or public place. Branches overhanging within nine feet of the surface of any sidewalk or within thirteen and one-half feet of the surface of any street shall be deemed prima facie to obstruct or impede traffic thereon; or

(15) A tree or branch of any tree which is in danger of falling due to decay or rot or any other reason, or any tree which contains any disease or insects which can spread to other trees; or

(16) Any other condition, existing or which has been declared a Nuisance by the Ohio Revised Code.

(b) "Owner" means any of the following:

~~(a)~~ (1) Any person, corporation, partnership, limited partnership, limited liability partnership, or any shareholder, officer, trustee, partner, agent or employee of any of the above who has care, custody, control or charge of a premises or part thereof, has logical title to the premises, or has done any act to maintain or operate the premises.

~~A:~~ (a) "Maintaining or operating the premises" shall include without limitation, entering into a public utility contract, obtaining a building or demolition permit or obtaining any other permit or license relating to the premises.

~~(b)~~ (2) The vendor or vendee under a land installment contract who has care, custody, control or the right to enter on the premises or real property.

~~(c)~~ (3) "Premises" means a lot, plot or parcel of land, including the building or structures thereon.

(c) "Unlicensed or out-of-repair vehicle" means:

(1) **Any motor vehicle which meets the requirements of Ohio R.C. 4513.63(B) through (E) that is left uncovered and in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property; or**

- (2) Any motor vehicle required to display license plates and not having the current year license plates affixed thereto, or having illegal plates, and left for a period of more than ten (10) days, unless completely enclosed in a building or garage; or
 - (3) Any motor vehicle which is so damaged or out-of-repair as to render it incapable of being moved under its own power; and left for a period of more than ten (10) days, unless completely enclosed in a building or garage; or
 - (4) Any other vehicle or contrivance meant to be propelled by power other than human power; designed to travel along the ground by use of wheels, treads, runners or slides; intended to transport persons or property or pull machinery, including, but not limited to, trailers, tractors and campers; and that is incapable of being moved if propelled by the appropriate mode of power or used for its intended purpose due to extensive damage, including, but not limited to, missing wheels, tires, treads, runners or slides; and which has been left for a period of more than ten (10) days, unless completely enclosed in a building or garage.
- (d) "Refuse" embraces only such matter as was either in fact noxious or has been refused and abandoned by its owner as worthless.
- (e) "Automobile parts" means and includes any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.
- (f) "Scrap metal" means and includes pieces of or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful in its originally intended purpose.

1339.02 PUBLIC NUISANCES PROHIBITED.

(a) No owner, tenant or other person or legal entity in charge or possession of property shall create, permit or allow a public nuisance to exist upon such property.

(b) Whenever the Director of Administration determines a public nuisance exists he shall, in accordance with the procedures set forth herein, give or cause to be given, a notice to the owner, tenant or other person or legal entity in charge or possession of the property to abate the nuisance, or he may cause the nuisance to be abated if the person upon whom the notice to abate is served fails to do so. The Director may delegate his authority hereunder by administrative rule.

~~1339.03 — NOTICE TO ABATE.~~

~~—(a) The notice to abate shall describe the activity, circumstance or condition constituting the public nuisance, designate the subsection of Section 1339.01 being violated, describe the steps necessary to be taken to abate the nuisance, state the time limits within which abatement shall take place and advise the recipient of the right of appeal.~~

~~—(b) The notice to abate may be served upon an owner, tenant or any other person or legal entity in charge of or in possession of the property.~~

~~—(c) Service of the notice to abate shall be by one of the following methods:~~

~~—(1) By delivering a copy of the notice to the person or other entity responsible for the property; or~~

~~— (2) By posting the notice in a conspicuous place upon the subject property in a form approved by the Director of Administration upon such property for a period of at least five days; or~~

~~— (3) By ordinary first class mail addressed to the responsible person or entity at the property or last known address of the person or entity's residence or place of business; or the agent of a business identified by the Ohio Secretary of State corporation and business records;~~

~~— (4) By certified mail, upon failure of the responsible person or entity within 30 days of a first class mailing to address the public nuisance in accordance with the time for abatement outlined in Section [1339.04](#), addressed to the same residential or business address used in the first class mailing, with instruction to forward, return receipt requested, provided that the certified envelope is not returned with an endorsement showing failure of delivery; or~~

~~— (5) By publication to the City's Website for a 30-day period concurrently with publication once each week for three consecutive weeks in a newspaper of general circulation in Champaign County when the name, usual place of residence or business or existence of such person or legal entity is unknown and cannot with reasonable diligence be ascertained or in the event all other methods in subsections (c)(1) through (4) fail to effect delivery of the notice.~~

1339.03 NOTICE OF VIOLATION; ORDER FOR REMOVAL; ABATEMENT.

(a) In the event of a violation of Section 1339.02, the Director of Administration or his/her authorized representative shall give a notice of violation to the owner, occupant or person having charge or lawful possession of the premises upon which the violation occurs to cease such violation. Such notice of violation shall be in writing, and shall include a description of the violation and a statement of the penalties for noncompliance. It shall be served upon the owner, occupant or person having charge or lawful possession of the premises either personally or at the usual place of residence of such owner, occupant or person having charge or lawful possession of such premises or by registered or certified mail addressed to such person's last known place of residence. It may also be served by posting the notice in a conspicuous place upon the subject property in a form approved by the Director of Administration upon such property for a period of at least five days; or by publication to the City's Website for a 30-day period concurrently with publication once each week for three consecutive weeks in a newspaper of general circulation in Champaign County when the name, usual place of residence or business or existence of such person or legal entity is unknown and cannot with reasonable diligence be ascertained or in the event all other methods contained herein fail to effect delivery of the notice.

(b) If the person served with the notice of violation as provided in subsection (a) hereof fails to cause such violation to cease within ten (10) days of the date upon which service of the notice of violation is perfected, the Director of Administration or his/her authorized representative shall remove or cause to be removed the materials which constitute the violation.

1. In the case of unlicensed or out-of-repair vehicles, they shall be disposed of in the manner provided by law at Ohio R.C. 4513.61 and 4513.62. All expenses of removal and/or of disposal shall be charged against the owner of the material which constitutes the violation or the owner of the premises on which the violation occurred, and shall be in addition to any fine, cost or penalty assessed in relation to a criminal prosecution under this chapter.

2. In the case of the continued vacancy of a structure or building resulting in lack of reasonable or adequate maintenance of the building or structure and grounds, they shall be addressed as described in Chapter 1341 of the Urbana Codified Ordinances.

3. In the case of a vacant building or structure which is open and not secured against unauthorized entry, they shall be addressed by taking whatever steps are reasonably necessary to secure the vacant building or structure.

4. In the case of a building or structure, or any portion, member, appurtenance or ornamentation thereof, which is likely to fail or become detached, dislodged or to collapse and thereby injure persons or damage property, they shall be addressed by taking whatever steps are reasonably necessary to prevent the detachment, dislodging or collapsing of said building or structure, or any portion, member, appurtenance or ornamentation thereof.

5. In the case of weeds which are spreading or maturing seeds, or about to do so, ragweed, goldenrod, poison ivy, poison oak or any other noxious or poisonous weeds or vines; or grass in excess of ten inches, they shall be addressed in the manner provided in Chapter 1343 of the Urbana Codified Ordinances.

(c) When the Director of Administration has issued a notice under subpart (a) hereof and the nuisance has not been abated by the owner, occupant or person having charge or in lawful possession of the premises, the Director of Administrator and/or his/her authorized representative is authorized, when necessary to take abatement action hereunder, to enter upon the premises on which a violation has occurred, including private property, for the purpose of enforcing the provisions of this chapter.

(d) When the Director of Administration has acted to abate a nuisance as described above, s/he shall serve an invoice for the costs thereof upon the owner, occupant or person having charge or lawful possession of the premises in the manner described in subpart (a) hereof. If the cost remains unpaid after thirty (30) days from the service of such notice, s/he may, at his/her sole discretion, collect the costs either by an action at law brought in the name of the City against the owner, occupant or person having charge or lawful possession of the premises on which the violation occurred, or by certifying the costs to the County Auditor for placement on the real estate tax duplicate of the premises on which the violation occurred, and collection in the same manner as other taxes.

1339.04 SUMMARY ABATEMENT.

(a) Should the Director of Administration find that because of a public nuisance, the public safety, health or welfare is in immediate danger and is of sufficient severity to require summary abatement, he may give notice as provided for in Section 1339.03 and require that the nuisance be abated within twenty-four hours, and that if not abated within that time, it shall be abated by the City and the cost thereof assessed and collected as provided for in Section 1339.08. ~~1339.03. The notice, however, in this instance, shall be served only upon the owner of record of the property affected, and any legal and equitable lienholders of record.~~

(b) The appellate procedure provided for in Section 1339.05 shall also apply in the case of summary abatement, except that:

(1) The time for filing an appeal shall be within twenty-four hours from the time of service of the notice to abate;

(2) The transmission of the notice and papers by the Director shall be within twenty-four hours from the time he received the notice of appeal;

(3) The hearing by the Board shall be held within seventy-two hours after it receives the notice and papers from the Director and a decision shall be rendered within forty-eight hours of the hearing.

~~1339.04 TIME FOR ABATEMENT.~~

~~—Within ten days after receipt of the service of the notice to abate as provided for in Section [1339.03](#), the person served shall complete abatement. Upon written application to the Director of Administration, he may extend the time for completion up to an additional thirty days.~~

1339.05 APPEALS.

(a) The decision of the Director of Administration determining that a public nuisance exists may be appealed, administratively, to the Board of Nuisance Appeals.

(b) The appeal shall be filed within ten days after the service of the notice to abate provided for in Section [1339.03](#) and shall be perfected by filing a written notice of appeal with the Director specifying the grounds of appeal. The Director shall within three days transmit to the Board the notice of appeal and notice to abate and all other paper in his possession upon which his decision was made.

(c) Within seven days after receiving the notices and papers from the Director, the Board shall fix a time for a hearing of the appeal and shall give the appellant ten days prior written notice of the time and place of the hearing.

(d) The appellant shall be entitled to appear at the hearing on appeal in person and may be represented by counsel. Similarly, the Director shall be entitled to appear in his own behalf and be represented by counsel.

(e) The procedure on appeal shall be as the Board shall determine and it may accept the testimony of witnesses and receive documentary evidence.

(f) On appeal, the Board shall consider the matter de novo and shall either affirm the decision of the Director or enter the decision the Director should have made. A majority of the Board shall be required for a decision.

(g) The Board shall decide all appeals within thirty days after the hearing, in writing, which written decision shall be transmitted to the appellant and the Director.

1339.06 BOARD OF NUISANCE APPEALS.

(a) A Board of Nuisance Appeals is hereby created and shall consist of three members appointed by the Mayor, each for a term of three years. The Mayor may also fill vacancies for the unexpired term of the member affected. In the case of the initial appointments to the Board, one member shall be appointed for one year, one for two years and one for three years.

(b) The Board shall elect a chairman and shall adopt rules necessary to the conduct of its affairs. Two members shall constitute a quorum. The Board shall also keep written records of its proceedings and hearings before it, which shall be kept on file with the Clerk of Council.

~~1339.08 ABATEMENT BY CITY; COLLECTION OF COSTS.~~

~~—(a)— If the recipient of the notice to abate provided for in Section [1339.03](#) fails to comply with the notice to abate and not file a timely appeal, or, having filed a timely appeal which is decided adversely to him, continues to fail to abate the nuisance, the Director of Administration shall take whatever action is reasonably necessary to abate the public nuisance and may collect the actual costs and expenses thereof as well as all incidental and consequential administrative costs and expenses incurred by the City. However, prior to abating the nuisance, the Director shall give fifteen days' prior written notice of his intention, describing the steps to be taken, to the owner of record of the property affected, and also to any legal and equitable lienholders of record. The written notice shall be served in accordance with the provision of Section [1339.03](#) (c).~~

~~—(b)— The costs of abatement may be collected any of the following ways:~~

~~—(1)— By commencing a civil suit; or~~

~~—(2)— By the Clerk of Council certifying to the County Auditor the total costs to be placed upon the County tax duplicate as a lien upon the property affected and collected as other taxes and remitted to the City. The costs so certified shall become a lien upon the property affected as of the date they are entered on the tax duplicate.~~

~~(Ord. 4119. Passed 11-28-00.)~~

1339.99 PENALTY.

(a) Whoever violates Section [1339.02](#) (a) shall be guilty of a minor misdemeanor.

(b) Each day a violation occurs constitutes a separate offense.

(c) If, within three years of the date of the violation, the offender has been previously convicted under this chapter, or a substantially similar municipal ordinance, or a violation of Ohio Revised Code for littering or nuisance, the offense is a fourth-degree misdemeanor.

ORDINANCE NO. 4586-23

AN ORDINANCE TO ADOPT THE PLANNING COMMISSION RECOMMENDATION DENYING THE APPLICATION TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING PARCEL K48-25-11-02-27-001-04 CURRENTLY DESIGNATED BR-1 BUSINESS RESIDENTIAL TO B-2 GENERAL BUSINESS. (Three (3) readings required, Public Hearing required. Public Hearing Advertisement date: Friday, January 6, 2023)

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on November 28, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on November 28, 2022, the City of Urbana Planning Commission recommended by a 3-1 vote to *deny* the application to rezone Parcel K48-25-11-02-27-001-04 from BR-1 Business Residential District to B-2 General Business District (*See Exhibit A, attached hereto and incorporated herein*); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, January 17, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE: The recommendation of the Planning Commission to deny the application to rezone Parcel K48-25-11-02-27-001-04 from BR-1 Business Residential District to B-2 General Business District is hereby adopted.

SECTION TWO All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing under Urbana Codified Ordinance 1113.09, with notice by publication pursuant to Urbana City Charter Section 2.16, on October 10, 2020.

SECTION THREE: This ordinance shall become effective at the earliest time provided by law.


President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2022.

Mayor, City of Urbana

REVIEWED:  12/22/2022
Director of Law Date

Jumper: ____ Yay ____ Nay ____ N/A

Scott: ____ Yay ____ Nay ____ N/A

Paul: ____ Yay ____ Nay ____ N/A

Truelove: ____ Yay ____ Nay ____ N/A

Thackery: ____ Yay ____ Nay ____ N/A

Collier: ____ Yay ____ Nay ____ N/A

Bean: ____ Yay ____ Nay ____ N/A

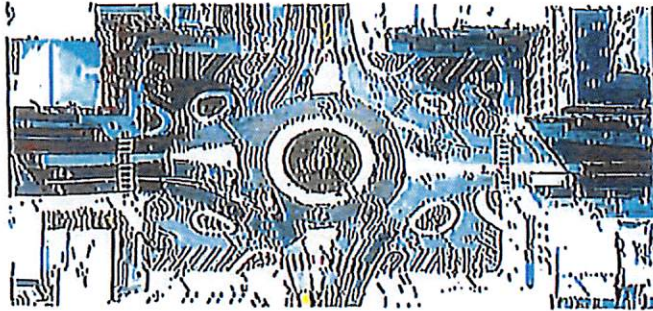


City of Urbana Planning Commission

November 28, 2022 – 6:00 pm

Agenda

- **Call to Order – 6:00 pm**
 - Call to Order
 - Pledge of Allegiance
 - Roll Call
 - Rules of the Meeting
- **Prior Meeting Minutes**
 - October 24, 2022
- **Old Business**
- **New Business**
 - PC-2022-26 – ColePak – 1030 S. Edgewood Ave. – Site Plan Review – Building Addition
 - PC-2022-27 – Von Commercial Industries – K48-25-11-02-27-001-04 – Zoning Map Amendment
 - PC-2022-28 – John Schilliger - K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, K48-25-00-01-35-005-00 – Zoning Map Amendment
- **Miscellaneous Business**
- **Adjourn**



City of Urbana Planning Commission Rules of the Meeting

Greetings and thank you for attending this evening's meeting. We like to start the meeting by covering some ground rules for procedures. It is the role of the Planning Commission to:

1. Continuously review the effectiveness and appropriateness of the Planning & Zoning Text and recommend such changes or amendments it feels would be appropriate.
2. Review all proposed amendments to the Planning & Zoning Text and the zoning district map and make recommendations in the best interest of the public in general to City Council.
3. Review all Planned Unit Development applications and make recommendations in the best interest of the public in general to City Council.
4. Review and act on site plans, including sign permit applications.

We shall begin with approval or disapproval of any minutes from the previous Planning Commission meeting.

Following the approval or disapproval of minutes, each application shall be reviewed in the following manner:

1. The acting secretary shall read the application. And the City of Urbana staff shall read staff comments.
2. The acting chair shall ask for comments from the applicant or applicants.
3. The acting chair shall ask for comments from the public in support of the application and then for comments from the public against the application.
4. The Planning Commission shall discuss the application and the acting chair shall invite a motion from the Planning Commission. The board members shall make a motion to approve or deny the application.

After all applications have been discussed and addressed, any miscellaneous business shall be brought before the Planning Commission. Finally, we shall adjourn the meeting.



Planning Commission
October 24, 2022 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Eric Samuelsson; Jennifer Dunham-Young; Richard Kerns; Bill Bean

Member(s) Absent: Steve Brandeberry; Tasha Abrahms

Guests Present: Brian Maxwell

Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: It was moved by Eric Samuelsson to accept the previous meeting minutes. It was seconded by Mr. Kerns.

Discussion:

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

Old Business – Application(s)

None

Application, Staff Comments/Recommendations:

Action:

Discussion:

Vote:

5 (Yay) – 0 (Nay)



Action:

None.

Discussion:

Vote:

None.

PC-2022-25 – Phoenix Ag LTD – 1210 Norwood Ave – Site Plan Review – Building Addition

Application, Staff Comments/Recommendations:

Mr. Carter read the application and gave an overview of what will be happening if approved. This is for the Phoenix Ag spec. building which came through in the spring. Work is underway is getting the site ready for the initial plan that came through. This was treated as an addition rather than as a separate project. This will be an additional 288,00 square feet on the west side of the structure which has already been approved. The staff recommends approval contingent on the very few comments including something with fire which is already being addressed, and engineering asked for relabeling to meet city requirements. A full plan set was submitted as if the structure was already there. The total project will be just under 1 million square feet.

The board had no questions.

Action:

It was moved by Mr. Bean and seconded by Mrs. Dunham-Young to accept the application.

Discussion:

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Miscellaneous

Action:

Mr. Carter noted there will be a larger warehouse project coming likely in November as well as a re-zoning request which will be the first requested re-zoning since Mr. Carter started in his position. They are hoping to transition from residential to manufacturing. He does anticipate neighbor presence.

Mr. Carter also noted that the November meeting will be the Monday after Thanksgiving and the December meeting will be a week early to avoid Christmas scheduling conflicts.

Mr. Brugger offered some updates on the new housing development. He anticipates ground breaking later in 2023. Mr. Carter said they will likely visit Planning Commission in the Spring in 2023.

Discussion:



STAFF REPORT

Project Case No.: PC-2022-26
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: ColePak
Property Address: 1030 S. Edgewood Ave.
Current Zoning: M-1

Request Summary:

The applicant is requesting a site plan review for an additional 90,000 square feet to be added to the existing building.

Key Issue Summary:

Please see the Technical Review Comments below. These were the main issues identified by City of Urbana Staff.

Preliminary Staff Recommendation:

The initial recommendation of the staff, made with the information available at the time, is for APPROVAL of this application *contingent upon all outstanding TRC/Staff Comments being addressed and incorporated into the plans and all necessary variances being obtained.* This recommendation does not include considerations of public input or applicant responses to the staff report.

| Interdepartmental – Technical Review Committee | |
|--|--|
| Standards | Comments: |
| Airport | <ul style="list-style-type: none"> No Comments Noted |
| Community Development | <ul style="list-style-type: none"> Sheet C1.02 and Sheet C1.03-Culvert is misspelled in multiple places as “Culvurt”. Add zoning table to C1.02 with relevant information for application to zoning code. Existing use; proposed use; zoning district; adjacent zoning districts; property area (lot size) in acres; existing building square footage, including existing office; proposed square footage of addition; total square footage of facility (post construction); lot coverage: % building, % non-permeable surfaces, % permeable surfaces; flood zone designation. Add setbacks to sheet C1.02 from property lines/right of way lines for proposed addition, including distance from State Route 55 right of way to new addition at closest point. |



| | |
|--------------------|---|
| | <ul style="list-style-type: none">• Add a table that summarizes existing parking, added parking, required handicapped parking, required van accessible parking across the site in accordance with Chapter 1133. The minimum parking requirement for the site/facility is 1.1 spaces for each employee based on the working period when the maximum number of employees are employed on the premises.• Add dimensioning for all parking driveways and parking space dimensions, including dimensioning for handicapped spaces.• The office parking lot appears to have an additional existing handicapped parking space that is not shown on the plan drawing as handicapped (See Google Street View image).• Add directional arrows through the parking areas in order to delineate traffic flow to the truck docks through the employee parking areas and to direct vehicles through the employee parking areas.• Some of the existing handicapped parking areas do not have raised signage. Please add a plan note to bring these existing handicapped spaces into compliance with state law. See city engineering standard 1167.21: https://www.urbanaohio.com/uploads/1/2/4/6/124631710/1167.21.pdf• Add any relevant city standard engineering drawings (available online) where applicable to the plan set.• The temporary stone to be placed for construction purposes shall be removed and seeded upon project completion. Add a plan note accordingly.• Since the existing pavement is only being striped differently to facilitate additional parking on site, no parking lot landscaping is required. However, the owner may want to consider adding landscape trees or evergreens to the site where appropriate. |
| Engineering | <ul style="list-style-type: none">• Sheet C1.02 – Keep the fire line outside the right-of-way when rerouting it. It is shown in the right-of-way for a short time south of the addition.• Sheet C1.03 – Label all the contours on the grading plan. Please add the grading contours for the forebay and micropool to show the contractor how to build it since the SWPPP narrative implies their construction.• Regarding the SWPPP<ul style="list-style-type: none">○ Show a tributary area map in the SWPPP narrative. This will help explain which areas go to which basin (existing or proposed). You can reference it in the Design Summary Section.○ Provide and show inlet protection on existing catch basins #13 and #14 nearest the dirt work. Also call it out on the proposed inlets once installed.○ Protect the dry well opening in some manner during construction to prevent clogging (straw bale barrier?).○ Provide and show the concrete washout location.• Regarding the Stormwater Detention<ul style="list-style-type: none">○ I have checked the detention volume needed versus what I think is provided (although providing the contours will help). You’ve provided more than enough detention as well as an acceptable release rate. Although your calculations don’t follow the rational method, I can follow the SCS curve number method and believe it has provided ample detention along with the water quality detention as well.• Sheet C5.01 – The detail for the Protective Apron at Culvert Outlet may have the wrong table attached to the graphic. The depth and length of the apron need spelled out.• Sheet C5.01 – Add details for inlet protection, the straw bale barrier (if used) and the concrete washout area.• Sheet C5.02 – “Reinforced” is spelled wrong in a couple spots in the pavement detail. Also, is “air-entrained” concrete meant?• Sheet C5.02 – Please add the word “Temporary” to the detail entitled 8” Stone Road. |



| | |
|---------------------------|--|
| | <ul style="list-style-type: none">• Sheet C5.02 – Replace the fire hydrant and restraining joint details with our standards, 1167.51 and 1167.52, respectively. The latest version can be found on our website at https://www.urbanaohio.com/standards--regulations.html.• If lights are added to the exterior (parking lots or building lights), a photometric plan will need submitted. If wall packs are the only thing planned, we would be OK with the submission of the manufacturer's provided light contour graphics. |
| Fire | <ul style="list-style-type: none">• Please provide Building construction type• Please provide Building addition use group• Addition dimension is 250' wide x 360' length, Existing building dimensions• Any fire wall separation between new addition and existing building• 360degree access around the building. Ohio Fire Code (OFC) Section 503 Fire Apparatus Access Roads, 503.1.1 Building and Facilities, 503.1.2 Additional Access, 503.2.1• Hydrant specs are not most current city specs• Hydrant was removed, not showing relocation of hydrant or new hydrants• Confirm Fire line size new and existing, connected to fire pump• Fire flow calculations |
| Parks & Rec | <ul style="list-style-type: none">• No Comments Noted |
| Police | <ul style="list-style-type: none">• No Comments Noted |
| Street | <ul style="list-style-type: none">• No Comments Noted |
| Public Works/Sewer | <ul style="list-style-type: none">• No Comments Noted |
| Water | <ul style="list-style-type: none">• The fire line is an issue but I am sure the fire department will address this issue as well. For my part, that line will need to be identified as to its exact location so we can map it and the bad part that broke last year will need to be relocated and replaced. |
| Zoning | <ul style="list-style-type: none">• For the new 71 new parking spaces on the north side of the property:<ul style="list-style-type: none">○ Please provide the space dimensions○ Please provide the drive aisle dimensions• Please provide the total maximum number of employees onsite at a given time to calculate total spaces required |

Planning Commission Options:

The Planning Commission, by motion and vote, may approve the application as presented, approve the application with conditions, table the application for more information, or deny the application as presented.



SITE PLAN REVIEW APPLICATION

CITY OF URBANA, OHIO

205 S Main St, Urbana, Ohio 43078

937.652.4322/FAX 937.652.4306

Date _____

Application Number PC-2022-26

Fee _____

PLEASE NOTE: INCOMPLETE APPLICATIONS *WILL NOT BE ACCEPTED.*

Submittal of an application does not constitute acceptance for processing until the Zoning Officer reviews the application for accuracy and completeness.

PROPERTY OWNER/APPLICANT INFORMATION

Name Colepak Phone 937-652-3910

Address 1030 S Edgewood Ave, Urbana, Ohio 43078

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, parcel number) _____

1030 S Edgewood Ave, Urbana, Ohio 43078. At the corner of 55 and S Edgewood.

Zoning M-1 Total Land Area _____ Square Ft. or 17.773 acres

Present Land Use Warehouse and manufacturing

Describe Project (i.e. type of use, other project characteristics, etc.): _____

90,000 sf warehouse addition and additional pavement.

PROJECT DESCRIPTION

Please give a brief description of the project: _____

90,000 sf warehouse addition and additional pavement.

PROFESSIONAL SERVICES

Architect/Designer/Engineer Collin Link Phone 937-539-0132

Address 3271 State Route 508, Bellefontaine, Ohio 43311

I certify that the information contained herein including attachments is correct to the best of my knowledge. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and subsequent approval thereof.

Applicant's signature/date



The City of Urbana | Department of Zoning and Compliance
 205 South Main Street, Urbana, Ohio 43078 | ZoningandCompliance@ci.urbana.oh.us | (937) 652-4322 | www.urbanaohio.com

New Construction Application

Permit #: _____ Fee: _____ Paid

Applicant Information

Name:

Mailing Address:

Phone Number:

Email:

Project Address:

Project Contact (Contractor, Project Manager, Etc):

Project Contact Phone Number:

Project Contact Email:

Property Parcel ID:

Property Subdivision:

Property Lot Number:

Property Zoning District:

FEMA Floodplain Designation:

Estimated Cost of Construction:

*** Owner Information**

*** Information of the person responsible for the project. If we needed to contact someone about the project, who would that be?**

*** Please provide a copy of the property's legal deed, description, and plat map section. This information can be obtained at the Champaign County Recorders Office.**

*** This information can also be found on the Property Card at the Champaign County Auditors website: <http://champaignoh.ddti.net/>.**

*** The Zoning Officer will fill in this information during their review.**

*** Used for tracking purposes only.**

Work Type

Choose One:

- Residential
- Commercial
- Industrial

Choose All That Apply:

- Principal Structure (New Building or Building Addition)
- Accessory Structure (Shed, Detached Garage, Deck, Etc)
- Fence

Proposal

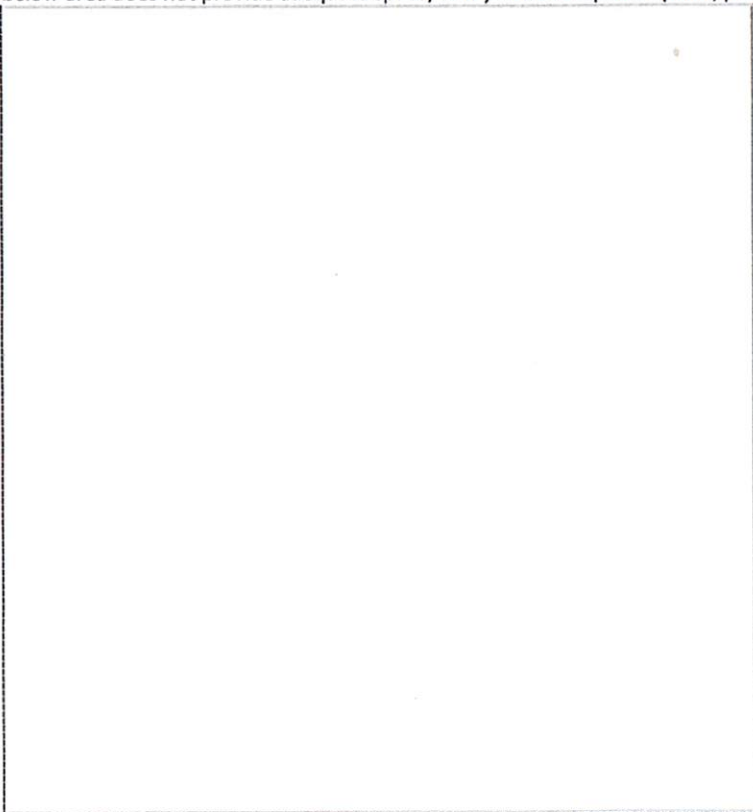
District Regulations:

| | R1 | | R2 | | R3 | | BR-1 | | B-2 | | M-1 | | Residential | Non-Residential |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-----------------|
| | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | Fence | |
| Front Setback | 35' | | 25' | | 25' | | 25' | | 40' | | 50' | | 0** | |
| Side Setback | 15' | 5' | 6' | 5' | 10' | 5' | 5' | | 0' | | 10' | 5' | 0** | |
| Rear Setback | 30' | 10' | 30' | 10' | 30' | 10' | 20' | 10' | 30' | | 40' | | 0** | |
| Max Height | 35' | 20' | 35' | 20' | 40' | 20' | 40' | 20' | 40' | 20' | Variable* | | 6' | 8' |
| Lot Occupancy | 25% | | 30% | | 30% | | 50% | | 40% | | 50% | | N/A | |
| Min. Floor Area | 1,200 | N/A | 850 | N/A | 800 | N/A | 800 | N/A | N/A | | N/A | | N/A | |

*Maximum height is the distance between the nearest point of the structure and the doses adjacent right-of-way line.
 **Fences cannot be placed closer than 3' from any right-of-way line and cannot be placed within platted utility easements without utility release letters obtained from all utility companies that have rights to said easement.

Site Plan:

If below area does not provide adequate space, or if you have separate plans, please attach.



Show:

- Lot Shape & Dimensions
- North Arrow
- Adjacent Street Names
- Existing Structures
- Proposed Structures with:
 - Dimensions
 - Setbacks

Example:

| | |
|--|---------------------------------|
| Structure Width (ft): <u>1,162.0</u> | Front Setback (ft): <u>50.0</u> |
| Structure Depth (ft): <u>250.0</u> | Side Setback (ft): <u>60.0</u> |
| Structure Area (sq. ft.): <u>299,886.0</u> | Rear Setback (ft): <u>190.0</u> |
| Structure Height (ft): <u>30.5</u> | Lot Occupancy (%): <u>38.9</u> |

This is my application for a New Construction Permit. I have the authority to file this application, have read this application in its entirety, and certify the information contained herein and all attachments are correct to the best of my knowledge. I understand that I am solely responsible for the information contained herein that all structures shall be built exactly as stated in this application and be compliant with the Planning and Zoning Code. I understand this application may be denied or that any permit issued based on this application may be revoked.

Applicant Signature: *Collin Smith*

Date: October 25, 2022

C1.01

DATE: 11/15/2011
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN



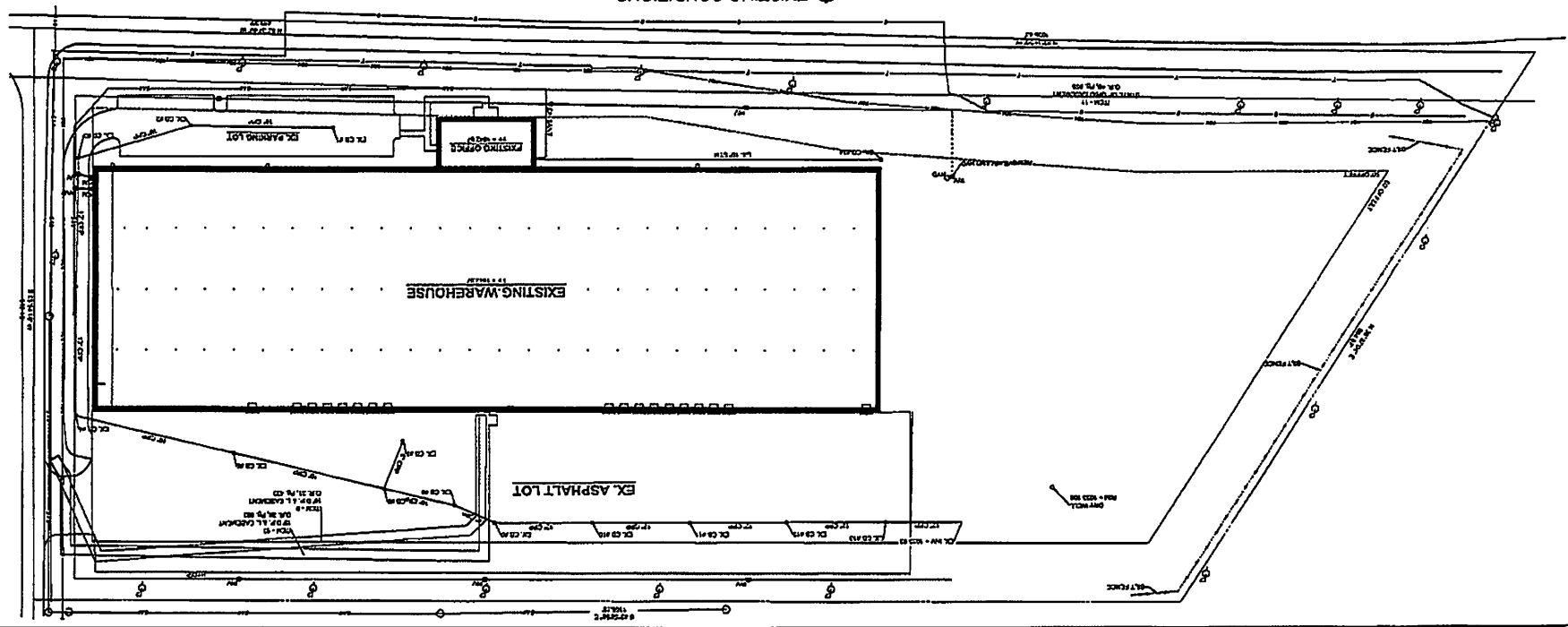
| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | ISSUED FOR PERMITS | 11/15/2011 |
| 2 | ISSUED FOR PERMITS | 11/15/2011 |
| 3 | ISSUED FOR PERMITS | 11/15/2011 |
| 4 | ISSUED FOR PERMITS | 11/15/2011 |
| 5 | ISSUED FOR PERMITS | 11/15/2011 |
| 6 | ISSUED FOR PERMITS | 11/15/2011 |
| 7 | ISSUED FOR PERMITS | 11/15/2011 |
| 8 | ISSUED FOR PERMITS | 11/15/2011 |
| 9 | ISSUED FOR PERMITS | 11/15/2011 |
| 10 | ISSUED FOR PERMITS | 11/15/2011 |

COLEPAK WEST ADDITION
COLEPAK
1000 SOUTH COLEPAK AVENUE
DUNSMITH COUNTY

OWNER
SOLUTIONS
1000 SOUTH COLEPAK AVENUE
DUNSMITH COUNTY

CONTRACTOR
DAVIDS
1000 SOUTH COLEPAK AVENUE
DUNSMITH COUNTY

ENGINEER
J. B. BROWN
1000 SOUTH COLEPAK AVENUE
DUNSMITH COUNTY



EXISTING CONDITIONS

| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | ISSUED FOR PERMITS | 11/15/2011 |
| 2 | ISSUED FOR PERMITS | 11/15/2011 |
| 3 | ISSUED FOR PERMITS | 11/15/2011 |
| 4 | ISSUED FOR PERMITS | 11/15/2011 |
| 5 | ISSUED FOR PERMITS | 11/15/2011 |
| 6 | ISSUED FOR PERMITS | 11/15/2011 |
| 7 | ISSUED FOR PERMITS | 11/15/2011 |
| 8 | ISSUED FOR PERMITS | 11/15/2011 |
| 9 | ISSUED FOR PERMITS | 11/15/2011 |
| 10 | ISSUED FOR PERMITS | 11/15/2011 |

SWPPP/SSC NOTES:

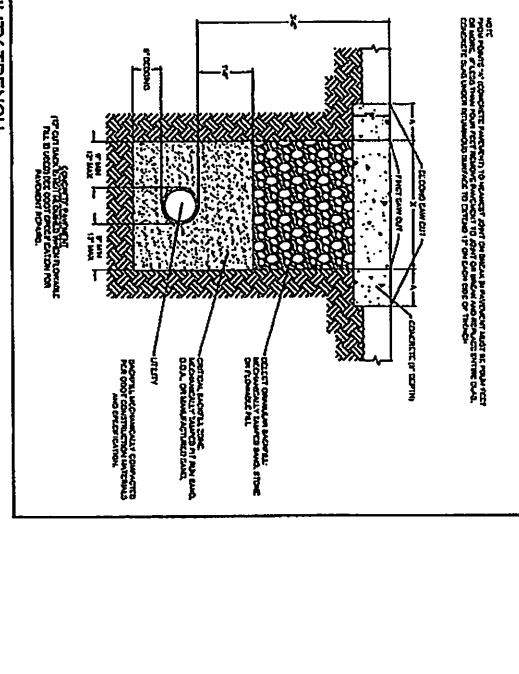
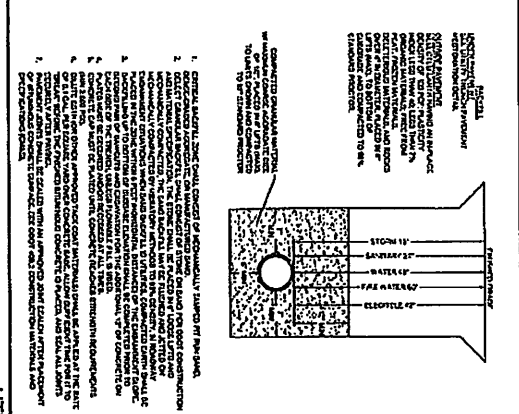
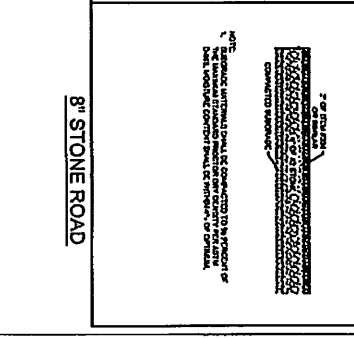
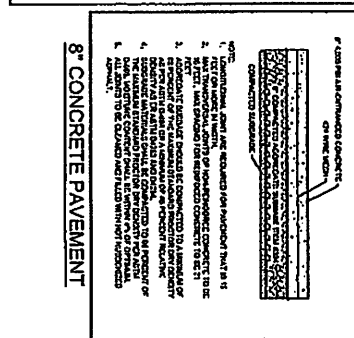
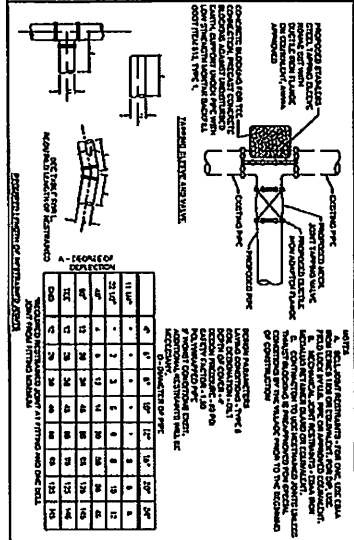
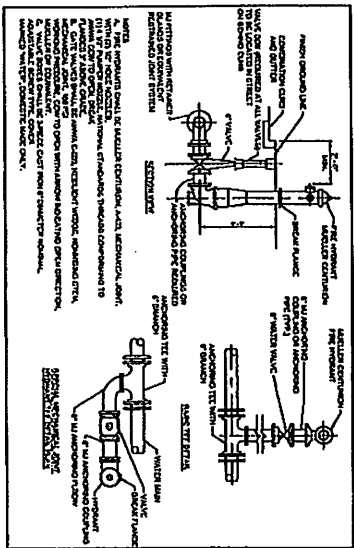
1. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
2. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
3. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
4. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
5. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
6. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
7. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
8. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
9. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.
10. THE SWPPP/SSC PLAN SHALL BE REVIEWED AND APPROVED BY THE LOCAL HEALTH DEPARTMENT AND LOCAL WATER TREATMENT PLANT BEFORE CONSTRUCTION BEGINS.

SWPPP/SSC CONSTRUCTION SCHEDULE:

CONSTRUCTION SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF CONSTRUCTION.

CONSTRUCTION SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF CONSTRUCTION.

CONSTRUCTION SHALL BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF CONSTRUCTION.



COLEPAK WEST ADDITION
COLEPAK
 1633 SOUTH EDGEWOOD AVE.
 URBANA, OHIO 43078
 CHANGPAH! COUNTY

CONTRACTOR
Link
 1515 N. W. 10TH AVE.
 MIAMI, FL 33136

OWNER
COLEPAK
 1633 SOUTH EDGEWOOD AVE.
 URBANA, OHIO 43078

DATE
 11/11/2023

PROJECT
 UTILITY TRENCH

NO. OF SHEETS
 5

SHEET NO.
 C5.02

SCALE
 AS SHOWN

DATE
 11/11/2023

BY
 [Signature]

CHECKED BY
 [Signature]

APPROVED BY
 [Signature]

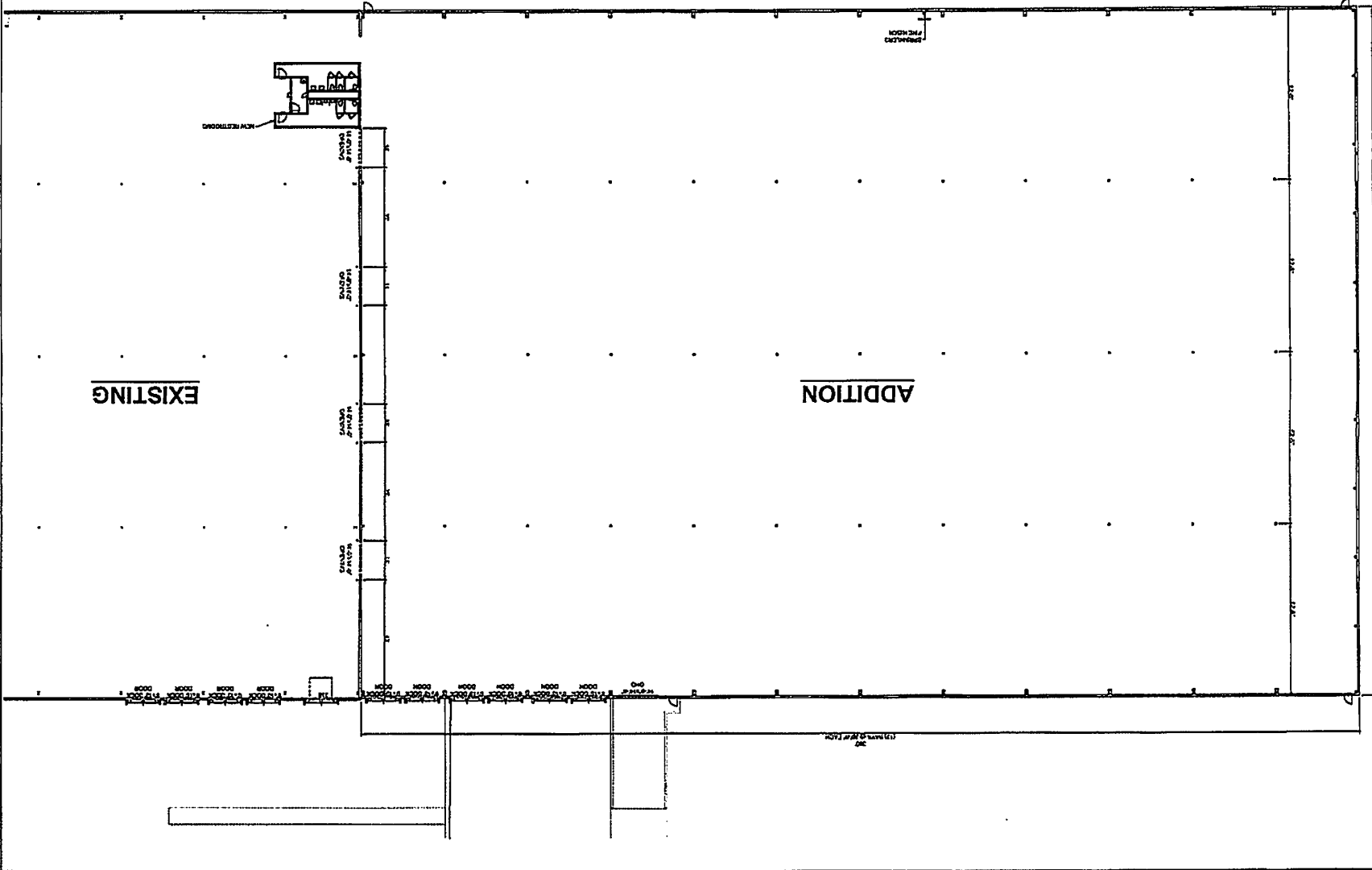
PROJECT LOCATION
 [Location]

PROJECT NO.
 [Number]

DATE
 11/11/2023

FLOOR PLAN

SCALE: 1/8" = 1'-0"



A1.02

DATE: 08/20/2014
 PROJECT: COLEPAK WEST ADDITION
 DRAWING NO: A1.02
 SHEET NO: 01



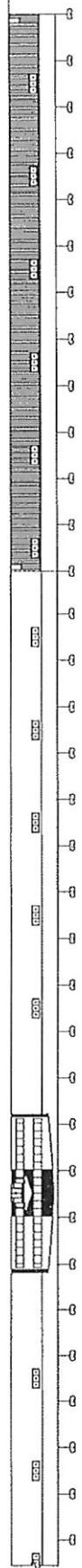
OWNER: COLEPAK WEST ADDITION
 ARCHITECT: DAVID L. SMITH
 CONTRACT NO. 14-0000000000

| NO. | DESCRIPTION | DATE |
|-----|--------------------|------------|
| 1 | ISSUED FOR PERMITS | 08/20/2014 |
| 2 | ISSUED FOR PERMITS | 08/20/2014 |
| 3 | ISSUED FOR PERMITS | 08/20/2014 |
| 4 | ISSUED FOR PERMITS | 08/20/2014 |
| 5 | ISSUED FOR PERMITS | 08/20/2014 |
| 6 | ISSUED FOR PERMITS | 08/20/2014 |
| 7 | ISSUED FOR PERMITS | 08/20/2014 |
| 8 | ISSUED FOR PERMITS | 08/20/2014 |
| 9 | ISSUED FOR PERMITS | 08/20/2014 |
| 10 | ISSUED FOR PERMITS | 08/20/2014 |

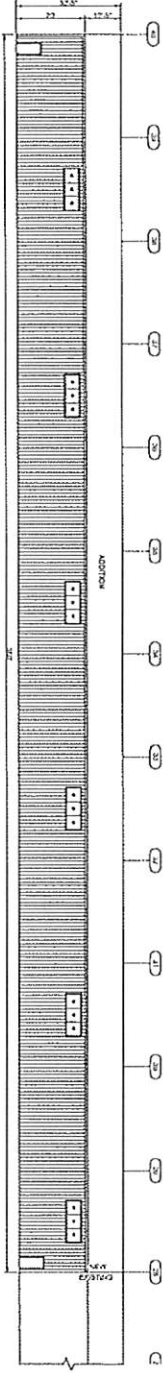
COLEPAK WEST ADDITION
 COLEPAK
 1000 SOUTH EPHRAIM AVE
 DAYTON, OH 45424

OWNER: COLEPAK WEST ADDITION
 ARCHITECT: DAVID L. SMITH
 CONTRACT NO. 14-0000000000

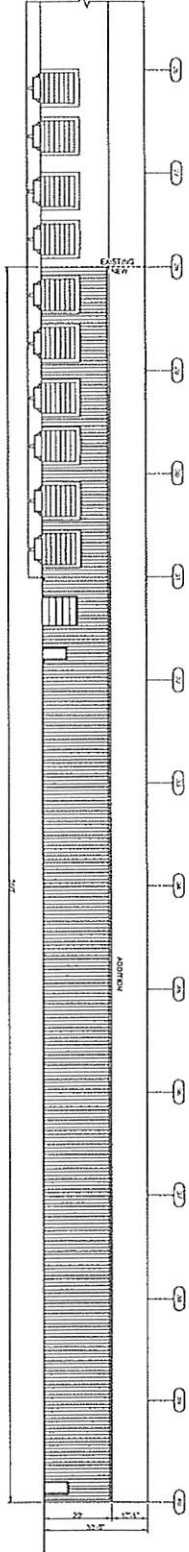




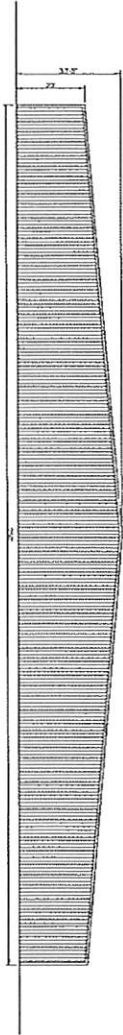
WIDE SOUTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

| | | | | | | | |
|--|---|---|---|--|--|---|--|
| | DATE: _____ DRAWN BY: _____ CHECKED BY: _____ PROJECT NO.: _____ SHEET NO.: _____ | OCCUPANT: _____ ARCHITECT: _____ CONTRACTOR: _____ ENGINEER: _____ | DATE: _____ BY: _____ REVISION: _____ | COLEPAK WEST ADDITION COLEPAK 1033 SOUTH EDGEWOOD AVE. BLOOMINGDALE, ILL. 61710 CHAMPAIGN COUNTY | OWNER: COLEPAK 1033 SOUTH EDGEWOOD AVE. BLOOMINGDALE, ILL. 61710 | CONTRACTOR: CLARK CONSTRUCTION 1033 SOUTH EDGEWOOD AVE. BLOOMINGDALE, ILL. 61710 | DESIGNER: S&K ENGINEERING 1033 SOUTH EDGEWOOD AVE. BLOOMINGDALE, ILL. 61710 |
| | A2.01 | PROJECT NO.: _____ SHEET NO.: _____ | DATE: _____ BY: _____ REVISION: _____ | | | | |



STAFF REPORT

Project Case No.: PC-2022-27
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: Neal Hillard/Von Commercial Investments
Property Address: K48-25-11-02-27-001-04
Current Zoning: BR-1 Business Residential

Request Summary:

Proposal to update the City of Urbana Official Zoning Map by rezoning parcel K48-25-11-02-27-001-04 currently designated BR-1 Business Residential to B-2 General Business.

Standards for Zoning Map Amendments:

All recommendations by Planning Commission for Official Zoning Map amendments shall be consistent with the City's adopted plans, goals, and policies, and the following:

- (a) Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:
 - (1) There has been a change in demand for land which alters the information upon which the Official Zoning Map is based.
 - (2) A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Zoning Map, is inadequate to meet the demands for such development.
 - (3) Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (4) There is an error in the text of this Part or the Official Zoning Map as enacted.
- (b) No residentially zoned district shall be recommended by Planning Commission to be rezoned to a non-residential district unless such proposed rezoning site is contiguous to land in the proposed zoning district classification.
- (c) In addition to the findings required to be made by subsection (b), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
 - (1) The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
 - (2) The suitability of the property in question for the uses permitted under the proposed zoning.
 - (3) The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
 - (4) The effect of the proposed rezoning on surrounding uses.
 - (5) The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.



PC-2022-27

ZONING MAP AMENDMENT (REZONING) APPLICATION

APPLICANT INFORMATION

Name: Neal D. Hillard / Von Commercial Investments LLC
 Address: 3138 Mt Tabor Rd.
 City: W. Liberty State: Ohio ZIP Code: 43357
 Phone: 937-604/8269 Email: nhillard@von.com Property: Owner Tenant Agent

PROJECT / PROPOSAL

GENERAL INFORMATION

Address(es): 1637-1639 US 36 Urbana Ohio 43078
 Parcel ID(s): K-48-25-11-02-27-001-09
 Present Zoning District: BR-1 Present Use: land
 Proposed Zoning District: B2 Proposed Use: Any Use in B-2 (Commercial)

STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:

THERE HAS BEEN A CHANGE IN DEMAND FOR LAND WHICH ALTERS THE INFORMATION UPON WHICH THE OFFICIAL ZONING MAP IS BASED.

If so, please explain. This lot is part of the Kroger/TSC Anchored Scioto Square. New ownership is re-investing in the development and is marketing this parcel

A STUDY INDICATES THAT THERE HAS BEEN AN INCREASE IN THE DEMAND FOR LAND IN THE REQUESTED ZONING DISTRICT, AND AS A RESULT, THE SUPPLY OF LAND WITHIN THE CITY IS INADEQUATE TO MEET THE DEMANDS FOR SUCH DEVELOPMENT.

If so, please explain. This lot is part of a large B-2 tract that is 100% commercial in a very dense B-2 district and would fit for restaurant, QSR and small retail uses

PROPOSED USES CANNOT BE ACCOMMODATED BY SITES ALREADY ZONED IN THE CITY

If so, please explain. There are no other sites adjacent to Anchor tenant Kroger in Urbana

THERE IS AN ERROR IN THE OFFICIAL ZONING MAP

If so, please explain N/A



FINDINGS OF FACT

In addition the findings required above, findings shall be made by the Planning Commission on each of the following matters based on the evidence provided:

COMPLIANCE WITH ADOPTED PLANS, GOALS, AND POLICIES

Please explain how the proposed zoning map amendment would comply with or deviate from the City's adopted plans, goals, and policies.

This very small sliver parcel would fit cleanly in the B-2 parcel currently zoned and would add tax value to the city & school if developed.

SUITABILITY

Is the proposed use permitted within the proposed zoning district?

Need B-2 for commercial uses to be compatible with Scioto Square

ADEQUACY OF PUBLIC FACILITIES

Please explain how the proposed use would access public facilities such as transportation, utilities, and any other required public services.

all are adequate & present

SURROUNDING USES

Please explain the anticipated effect of the proposal on the surrounding uses.

nothing that would be changed from current with exception of additional traffic on SR 29

ECONOMIC VIABILITY

Please explain the anticipated effect of the proposal on the economic viability of existing developed and vacant land within the City.

Revitalization is paramount for this center to regain its vibrancy & health. Bringing new tenants & users to the center and Urbana will assist in this gentrification process



APPLICANT SIGNATURE

AFFIDAVIT

I certify that I have the authority to file this application, have read the application in its entirety, and that all information and attachments are true and correct to the best of my knowledge. I understand that submittal of an application does not constitute acceptance for processing until the Planning & Zoning Department reviews the application for accuracy and completeness.

Applicant Signature: *[Handwritten Signature]* Date: 10-26-2022

FOR OFFICE USE ONLY

PLANNING & ZONING STAFF

Date Received: 10-27-2022 Fee Paid: 10-27-2022

Case Number: PC-2022-27 Public Hearing Date:

This application has been reviewed and is found to be complete

Zoning Officer Signature: _____ Date: _____

PLANNING COMMISSION

Motion to: (Check One) Recommend Approval Recommend Denial Recommend Approval with Conditions Table

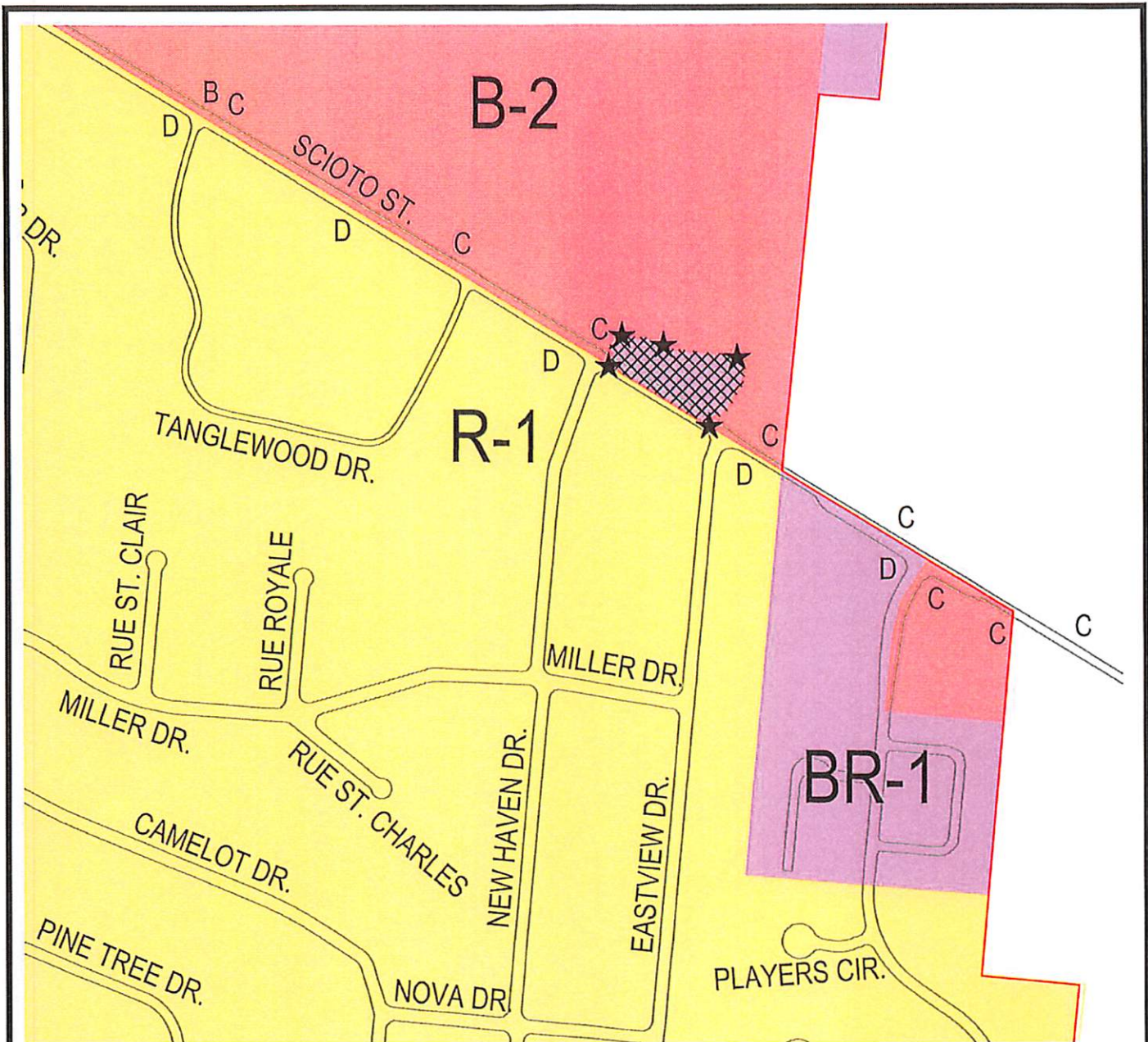
Motion Made By: _____ Motion Seconded By: _____

| | | | | |
|------------|-----------------------------|-----------------------|---------------------|------------------------------|
| Roll Call: | Steve Brandeberry _____ | Eric Samuelsson _____ | Richard Kerns _____ | Kimberly Gordon-Brooks _____ |
| | Jennifer Dunham Young _____ | Kerry Brugger _____ | Bill Bean _____ | Tasha Abrams _____ |

If Approved with Conditions, please state the specific conditions for approval:









| |
|--|
| |
| |
| |
| |
| |

PC Chairperson Signature: _____ Date: _____



 Proposed B-2



| | | | |
|---|--------------------------------|---|---------------------------------------|
|  | R-1 LOW DENSITY RESIDENTIAL |  | B-2 GENERAL BUSINESS |
|  | R-2 MEDIUM DENSITY RESIDENTIAL |  | B-3 CENTRAL BUSINESS |
|  | R-3 HIGH DENSITY RESIDENTIAL |  | M-1 MANUFACTURING |
|  | BR-1 BUSINESS RESIDENTIAL |  | CITY CENTER HERITAGE OVERLAY DISTRICT |
| ID: | DATE: | REVISION: | |
| | | | |

★
**SCIOTO STREET
 REZONING (SR 29)**
 ZONING MAP
 PROPOSED CHANGE:
 BR-1 TO B-2
 ★

CITY OF URBANA
 DIVISION OF ENGINEERING
 205 S. Main Street • Urbana, Ohio 43078
 Fax: (837) 652-4306
 Phone: (837) 652-4324

TYLER L. BUMBALOUGH, P.E.
 CITY ENGINEER

**CITY OF URBANA
 PROPOSED ZONING MAP AMENDMENT**

| | |
|--|--------------------|
| FILE G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg | PAGE 11/15/2022 |
| DATE 11/15/2022 | SCALE 1" = 400' |

Exhibit A



STAFF REPORT

Project Case No.: PC-2022-28
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: John Schilliger
Property Address: K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, K48-25-00-01-35-005-00
Current Zoning: R-2 Medium Density Residential

Request Summary:

Proposal to update the City of Urbana Official Zoning Map by rezoning parcels K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, and K48-25-00-01-35-005-00 currently designated R-2 Medium Density Residential to M-1 Manufacturing.

Standards for Zoning Map Amendments:

All recommendations by Planning Commission for Official Zoning Map amendments shall be consistent with the City's adopted plans, goals, and policies, and the following:

- (a) Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:
 - (1) There has been a change in demand for land which alters the information upon which the Official Zoning Map is based.
 - (2) A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Zoning Map, is inadequate to meet the demands for such development.
 - (3) Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (4) There is an error in the text of this Part or the Official Zoning Map as enacted.
- (b) No residentially zoned district shall be recommended by Planning Commission to be rezoned to a non-residential district unless such proposed rezoning site is contiguous to land in the proposed zoning district classification.
- (c) In addition to the findings required to be made by subsection (b), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
 - (1) The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
 - (2) The suitability of the property in question for the uses permitted under the proposed zoning.
 - (3) The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.



-
- (4) The effect of the proposed rezoning on surrounding uses.
 - (5) The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.



ZONING MAP AMENDMENT (REZONING) APPLICATION

APPLICANT INFORMATION

Name: *John Schillinger*
 Address: *1357 Clark Rd*
 City: *Urbana* State: *Ohio* ZIP Code: *43078*
 Phone: *737-653-488* Email: *N/A* Property: Owner Tenant Agent

PROJECT / PROPOSAL

GENERAL INFORMATION

Address(es): *104-106-114.5 Chardon Ave*
 Parcel ID(s): *K48-25-00-01-35-002-00; K48-25-00-01-35-003-00; K48-25-00-01-35-004-00*
 Present Zoning District: *R2* Present Use: *Storage Shop*
 Proposed Zoning District: *M1* Proposed Use: *Automotive Repair*

STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:

THERE HAS BEEN A CHANGE IN DEMAND FOR LAND WHICH ALTERS THE INFORMATION UPON WHICH THE OFFICIAL ZONING MAP IS BASED.

If so, please explain. *at this time there is a demand for more automotive repair in this area*

A STUDY INDICATES THAT THERE HAS BEEN AN INCREASE IN THE DEMAND FOR LAND IN THE REQUESTED ZONING DISTRICT, AND AS A RESULT, THE SUPPLY OF LAND WITHIN THE CITY IS INADEQUATE TO MEET THE DEMANDS FOR SUCH DEVELOPMENT.

If so, please explain.

PROPOSED USES CANNOT BE ACCOMMODATED BY SITES ALREADY ZONED IN THE CITY

If so, please explain. *There is a lack of land in this area for this kind of business*

THERE IS AN ERROR IN THE OFFICIAL ZONING MAP

If so, please explain

not that I know of it is ok

K48-25-00-01-35-004-00
K48-25-00-01-35-005-00



FINDINGS OF FACT

In addition the findings required above, findings shall be made by the Planning Commission on each of the following matters based on the evidence provided:

COMPLIANCE WITH ADOPTED PLANS, GOALS, AND POLICIES

Please explain how the proposed zoning map amendment would comply with or deviate from the City's adopted plans, goals, and policies.

✓

SUITABILITY

Is the proposed use permitted within the proposed zoning district?

Yes, the use is permitted within the proposed zoning district.

ADEQUACY OF PUBLIC FACILITIES

Please explain how the proposed use would access public facilities such as transportation, utilities, and any other required public services.

Utilities are already there, transportation services are available.

SURROUNDING USES

Please explain the anticipated effect of the proposal on the surrounding uses.

I can't see any effect on anyone. It's a state of mind thing, it's all within the thought that you can do it.

ECONOMIC VIABILITY

Please explain the anticipated effect of the proposal on the economic viability of existing developed and vacant land within the City.

I can't see any anticipated effect on the economic area except to help it.



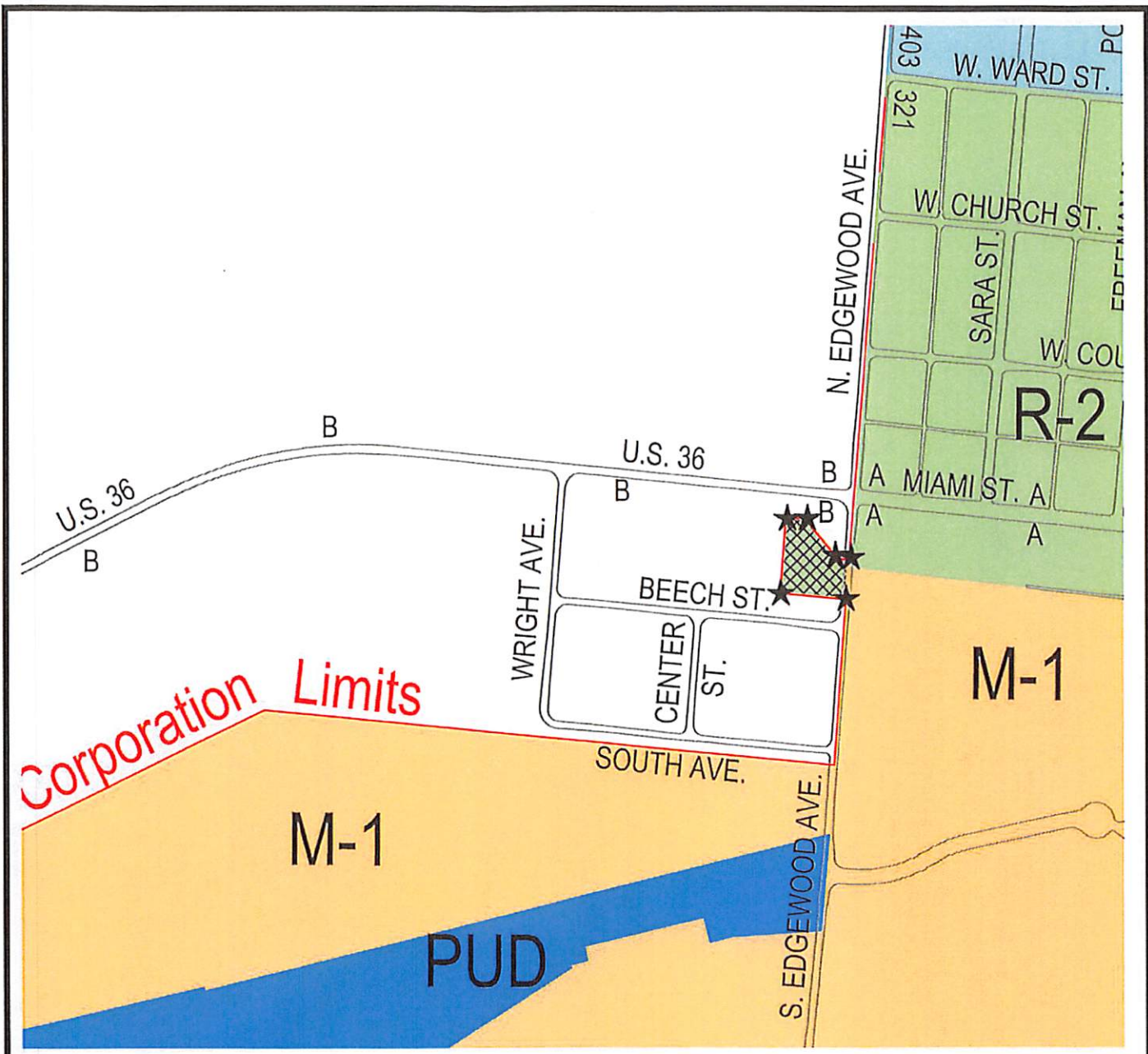
APPLICANT SIGNATURE

AFFIDAVIT

I certify that I have the authority to file this application, have read the application in its entirety, and that all information and attachments are true and correct to the best of my knowledge. I understand that submittal of an application does not constitute acceptance for processing until the Planning & Zoning Department reviews the application for accuracy and completeness.









Applicant Signature: *John Schilliger*

Date: *Oct 17, 2020*



 Proposed M-1



| | | | |
|---|------------------------------|---|---------------------------------------|
|  | R-1 LOW DENSITY RESIDENTIAL |  | B-2 GENERAL BUSINESS |
|  | R-2 MED. DENSITY RESIDENTIAL |  | B-3 CENTRAL BUSINESS |
|  | R-3 HIGH DENSITY RESIDENTIAL |  | M-1 MANUFACTURING |
|  | BR-1 BUSINESS RESIDENTIAL |  | CITY CENTER HERITAGE OVERLAY DISTRICT |

★
S. EDGEWOOD AVE.
REZONING

ZONING MAP
PROPOSED CHANGE:
R-2 TO M-1
★

CITY OF URBANA
DIVISION OF ENGINEERING
205 S. Main Street • Urbana, Ohio 43078
Fax: (837) 652-4306
Phone: (837) 652-4324

TYLER L. BUMBALOUGH, P.E.
CITY ENGINEER

CITY OF URBANA
PROPOSED ZONING MAP AMENDMENT

| ID: | DATE: | REVISION: |
|-----|-------|-----------|
| | | |

| | | | |
|----------|--|-------|-----------|
| FILE | G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg | PAGE | 22/22 |
| DRAWN BY | TLB | SCALE | 1" = 400' |
| DATE | 11/15/2022 | | |

Exhibit A



Planning Commission

November 28, 2022 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Eric Samuelsson; Richard Kerns; Bill Bean

Member(s) Absent: Kimberly Gordon-Brooks; Jennifer Dunham-Young; Tasha Abrams; Steve Brandeberry

Guests Present: Audra Bean; Wade Wylie (Colepak); Neal Hillard (Von Investments); Cheryl Cave; Jim Cave; John Schellinger; Heidi Stewart

Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: It was moved by Eric Samuelsson to accept the previous meeting minutes. It was seconded by Mr. Bean.

Discussion:

Vote:

4 (Yay) – 0 (Nay)

Motion Passed.

Old Business – Application(s)

None

Application, Staff Comments/Recommendations:

Action:

Discussion:

Vote:



5 (Yay) – 0 (Nay)
Motion Passed.

New Business – Application(s)

PC-2022-26 – ColePak – 1030 S. Edgewood Ave. – Site Plan Review – Building Addition

Application, Staff Comments/Recommendations:

Mr. Carter read the details of the application. This is a 90,000 square feet addition on the west side of the existing building. The recommendation from staff is for approval tonight contingent upon them working through the staff comments and questions. There were questions from different departments about the fire line being shown within the City right-of-way. There are notes about the proposed additional parking needing some dimensions and details. Most of the rest was grammatical and spelling items. This was granted a variance from the BZA earlier in the month due to the corner of the addition encroaching on the set back requirements from State Route 55 by 5 feet. That was approved earlier in the month. There are a few other notes from the fire department that the City and Colepak is working on.

Wade Wylie attended from the construction contractor to answer any questions. Mr. Brugger asked if the contractor has any concerns they will not be able to address any of the comments which came back from the staff. Mr. Wylie said he did not think any of it would be a major issue. The fire line issue is the larger one they have spoke about a lot but they are confident they can accommodate.

Action:

It was moved by Mr. Samuelsson pending satisfaction of staff comments and seconded by Mr. Bean to accept the application.

Discussion:

Vote:

4 (Yay) – 0 (Nay)
Motion Passed.

PC-2022-27 – Von Commercial Industries – K48-25-11-02-27-001-04 – Zoning Map Amendment

Application, Staff Comments/Recommendations:

Mr. Carter provided the details of the application. This is the out-lot by Kroger with frontage on 29. It is current zoned BR-1 which is business residential. The application wants to rezone this to B-2. The immediate side North of the lot is already zoned B-2. Across the street is residential. The BR-1 code was updated last year and they expended some of the uses of the BR-1 but it is still relatively constrained. This change would allow for fast food, fueling, etc.

Neal Hilliard spoke and stated he is the owner. He wants to change it to make it continuous with the B-2 and he feels that land would have a lot more opportunity zoned as B-2.



Cheryl Cave spoke. She lives on New Haven Drive and lives directly across from the proposed re-zoned parcel. She stated the zoning was established before Kroger came to protect and create a barrier between the residential area and that business space.

Mr. Carter noted that he does believe there will be limitations for the use of this lot because of agreements with Kroger regarding proximity. He also noted that he does not have any documentation stating why this was zoning as it currently is.

Mr. Bean said he would be interested to know what the restrictions are from Kroger. Mr. Hilliard said its basically anything that could be a competition to Kroger such as convenient store, gas station, etc.

Mr. Samuelsson asked Mr. Hilliard what he is hoping or planning to put on that lot if the request is approved. Mr. Hilliard said they are thinking about maybe a small coffee shop. This is a 0.8-acre lot.

Mr. Carter noted that anything proposed to be built there would still have to meet lot occupancy, setback requirements, other zoning codes, and would still be required to come back to this board for approval.

Mrs. Cave spoke again and restated that this zoning of this lot was created many years ago to create a buffer between the homes and whatever was to go where Kroger is now. She stated there were homes there before that were torn down and then they changed the zoning to create that buffer.

Mr. Kerns noted he remembers homes being removed from that space as well. Mr. Carter also noted that the surrounding area is all B-2 besides from this parcel in question. Mr. Brugger asked if the Planning Commission would approve this application if it would still need to go to Council. Mr. Carter explained this would then have to be approved by Council if the PC approved it first. Which means Council could still turn it down. It would have to go through 3 readings at Council before the map would actually be updated.

Someone asked if this lot were to be developed, if the entrance and exit would be straight out onto 29 because that area is already so hard to pull out onto. Mr. Carter stated that any development that could happen there, again would have to come back to Planning Commission and that would be addressed. Mr. carter also noted there is a standard for the City of how many curb cuts can happen within a certain distance. Therefore, it likely would be addressed to ensure traffic is not an issue if this plot were to be developed further.

Action:

It was moved by Mr. Samuelsson and seconded by Mr. Kerns to DENY the application.

Discussion:

Vote:

3 (Yay) – 1 (Nay)
Motion Passed.



Application, Staff Comments/Recommendations:

Mr. Carter explained the details of this application. There are 5 parcels in questions which are just South of the Miami Street and Edgewood intersection. These lots are just on the inside of the City limits. They are currently zoned R-2, proposed to be zoned M-1. Just across Edgewood and slightly south from these lots is zoned M-1 where the ODOT property is. However, this is historically a residential area with residential being the majority of the area including the houses across Edgewood and across Miami.

Mr. Schellinger spoke and stated he was wanting to change this to M-1 because of the ODOT garage. He noted there is only one house on these lots and he does have a tenant in that house. However, he noted the tan pole barn is 40feet by 60 feet and then the next lot over is a 2-bedroom, 1-bathroom house on a full basement. The next lot over had a house at one point but is just 16 feet by 24 feet garage on the property. He noted this property would be a good craft shop or a place for someone to “tinker”. He had someone reach out 3 years ago about maybe putting an auto repair shop on the lot. Mr. Schellinger did not want to sell at the time. However, that person has come back with interest to buy it for that purpose again. Therefore, Mr. Schellinger wants to re-zone it to manufacturing instead of the residential.

Mr. Kerns had no questions.

Mr. Samuelsson stated he is not sure this would be a good fit in this area given the zoning.

Mr. Carter stated if all of these parcels were rezoned, this would just create a non-conforming use wit the house still being on the property. Obviously, the City would not require the house to be torn down but it would be non-conforming so if the house were destroyed, it would not be able to be rebuilt there.

Mr. Bean stated he does not like the idea of moving it to M-1 given all of the residential houses surrounding the property in question even though most of the homes are in the township. He stated he would like to know exactly what is going into those lots to make the decision to moved it to M-1, and does not want to make the decision to allow it to be M-1 without any good plans of M-1 use.

Mr. Brugger asked if utilities are already there. Mr. Schellinger stated there are utilities ran to the house where his tenants live but not to the rest of the lots at this time. He did note that the one barn has the lines but no utility at this time and all of the lots at some point had utilities ran.

Mr. Brugger also noted that all of these lots are separate parcels and therefore would have to be combined to one parcel to be developed for M-1 use anyway.

Heidi Stewart came and spoke against the application. She and her husband live on Beech Street. She noted that due to the further development down Edgewood, traffic is atrocious at times, there is a burnt house on the corner as of right now, there are too many truckers which caused to have the bus stop moved because the kids had to walk up Edgewood which does not have sidewalks and the traffic is getting to be too heavy. She also noted the house that is adjacent to the M-1 was trashed until he fixed it up. That being said, she feels that corner coming off of Miami street onto Edgewood is already too tight and a mess and so adding a manufacturing use onto that corner does not make sense. Its already too hard to pull out onto Edgewood from



Beech street. She stated anytime there is an accident at Miami St and Edgewood, the traffic flies down their street. She feels this change would create more traffic and further extend and already hazardous situation.

Mr. Schellinger stated the parcels she is talking about is the house south of his property that has burned and there are rats, and cats that run the property now. Mr. Brugger asked if they have contacted the Township about that given that house is within the township limits and not the City. Mrs. Stewart explained they have reached out to the township several times with no real solutions. Mr. Schellinger went to a township meeting about it. They showed him paperwork that proves they are working to have that house cleaned up.

Action:

It was moved by Mr. Bean and seconded by Mr. Samuelsson to DENY the application.

Discussion:

Vote:

4 (Yay) – 0 (Nay)
Motion Passed.

Miscellaneous

Action:

Discussion:

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

Adjournment

Action:

It was moved by Mr. Samuelsson to adjourn and it was seconded by Mr. Bean.

Vote:

4 (Yay) – 0 (Nay)
Motion Passed.

ORDINANCE NO. 4587-23

AN ORDINANCE TO ADOPT THE PLANNING COMMISSION RECOMMENDATION DENYING THE APPLICATION TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING PARCELS K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, AND K48-25-00-01-35-005-00 CURRENTLY DESIGNATED R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 MANUFACTURING. (Three (3) readings required, Public Hearing required. Public Hearing Advertisement date: Friday, January 6, 2023)

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on November 28, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on November 28, 2022, the City of Urbana Planning Commission recommended by a 4-0 vote to *deny* the application to rezone Parcels K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, AND K48-25-00-01-35-005-00 currently designated R-2 Medium Density Residential to M-1 Manufacturing (*See Exhibit A, attached hereto and incorporated herein*); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, January 17, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE: The recommendation of the Planning Commission to deny the application to rezone Parcels K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, AND K48-25-00-01-35-005-00 currently designated R-2 Medium Density Residential to M-1 Manufacturing is hereby adopted.

SECTION TWO All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing under Urbana Codified Ordinance 1113.09, with notice by publication pursuant to Urbana City Charter Section 2.16, on October 10, 2020.

SECTION THREE: This ordinance shall become effective at the earliest time provided by law.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2022.

Mayor, City of Urbana

REVIEWED:  12/22/2022
Director of Law Date



| | | | |
|-----------|-----------|-----------|-----------|
| Jumper: | _____ Yay | _____ Nay | _____ N/A |
| Scott: | _____ Yay | _____ Nay | _____ N/A |
| Paul: | _____ Yay | _____ Nay | _____ N/A |
| Truelove: | _____ Yay | _____ Nay | _____ N/A |
| Thackery: | _____ Yay | _____ Nay | _____ N/A |
| Collier: | _____ Yay | _____ Nay | _____ N/A |
| Bean: | _____ Yay | _____ Nay | _____ N/A |

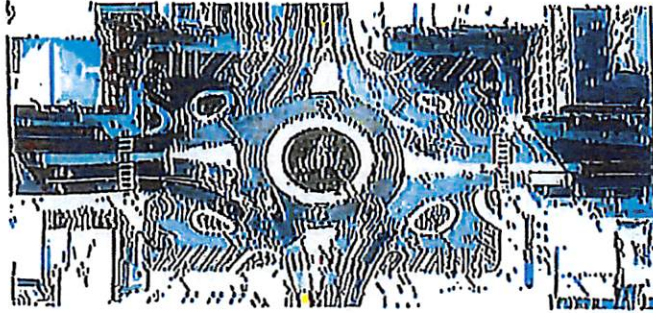


City of Urbana Planning Commission

November 28, 2022 – 6:00 pm

Agenda

- **Call to Order – 6:00 pm**
 - Call to Order
 - Pledge of Allegiance
 - Roll Call
 - Rules of the Meeting
- **Prior Meeting Minutes**
 - October 24, 2022
- **Old Business**
- **New Business**
 - PC-2022-26 – ColePak – 1030 S. Edgewood Ave. – Site Plan Review – Building Addition
 - PC-2022-27 – Von Commercial Industries – K48-25-11-02-27-001-04 – Zoning Map Amendment
 - PC-2022-28 – John Schilliger - K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, K48-25-00-01-35-005-00 – Zoning Map Amendment
- **Miscellaneous Business**
- **Adjourn**



City of Urbana Planning Commission Rules of the Meeting

Greetings and thank you for attending this evening's meeting. We like to start the meeting by covering some ground rules for procedures. It is the role of the Planning Commission to:

1. Continuously review the effectiveness and appropriateness of the Planning & Zoning Text and recommend such changes or amendments it feels would be appropriate.
2. Review all proposed amendments to the Planning & Zoning Text and the zoning district map and make recommendations in the best interest of the public in general to City Council.
3. Review all Planned Unit Development applications and make recommendations in the best interest of the public in general to City Council.
4. Review and act on site plans, including sign permit applications.

We shall begin with approval or disapproval of any minutes from the previous Planning Commission meeting.

Following the approval or disapproval of minutes, each application shall be reviewed in the following manner:

1. The acting secretary shall read the application. And the City of Urbana staff shall read staff comments.
2. The acting chair shall ask for comments from the applicant or applicants.
3. The acting chair shall ask for comments from the public in support of the application and then for comments from the public against the application.
4. The Planning Commission shall discuss the application and the acting chair shall invite a motion from the Planning Commission. The board members shall make a motion to approve or deny the application.

After all applications have been discussed and addressed, any miscellaneous business shall be brought before the Planning Commission. Finally, we shall adjourn the meeting.



Planning Commission
October 24, 2022 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Eric Samuelsson; Jennifer Dunham-Young; Richard Kerns; Bill Bean

Member(s) Absent: Steve Brandeberry; Tasha Abrahms

Guests Present: Brian Maxwell

Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: It was moved by Eric Samuelsson to accept the previous meeting minutes. It was seconded by Mr. Kerns.

Discussion:

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

Old Business – Application(s)

None

Application, Staff Comments/Recommendations:

Action:

Discussion:

Vote:

5 (Yay) – 0 (Nay)



Action:

None.

Discussion:

Vote:

None.

PC-2022-25 – Phoenix Ag LTD – 1210 Norwood Ave – Site Plan Review – Building Addition

Application, Staff Comments/Recommendations:

Mr. Carter read the application and gave an overview of what will be happening if approved. This is for the Phoenix Ag spec. building which came through in the spring. Work is underway is getting the site ready for the initial plan that came through. This was treated as an addition rather than as a separate project. This will be an additional 288,00 square feet on the west side of the structure which has already been approved. The staff recommends approval contingent on the very few comments including something with fire which is already being addressed, and engineering asked for relabeling to meet city requirements. A full plan set was submitted as if the structure was already there. The total project will be just under 1 million square feet.

The board had no questions.

Action:

It was moved by Mr. Bean and seconded by Mrs. Dunham-Young to accept the application.

Discussion:

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

Miscellaneous

Action:

Mr. Carter noted there will be larger warehouse project coming likely in November as well as a re-zoning request which will be the first requested re-zoning since Mr. Carter started in his position. They are hoping to transition from residential to manufacturing. He does anticipate neighbor presence.

M. Carter also noted that the November meeting will be the Monday after Thanksgiving and the December meeting will be a week early to avoid Christmas scheduling conflicts.

Mr. Brugger offered some updates on the new housing development. He anticipates ground breaking later in 2023. Mr. Carter said they will likely visit Planning Commission in the Spring in 2023.

Discussion:



STAFF REPORT

Project Case No.: PC-2022-26
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: ColePak
Property Address: 1030 S. Edgewood Ave.
Current Zoning: M-1

Request Summary:
 The applicant is requesting a site plan review for an additional 90,000 square feet to be added to the existing building.

Key Issue Summary:
 Please see the Technical Review Comments below. These were the main issues identified by City of Urbana Staff.

Preliminary Staff Recommendation:
 The initial recommendation of the staff, made with the information available at the time, is for APPROVAL of this application *contingent upon all outstanding TRC/Staff Comments being addressed and incorporated into the plans and all necessary variances being obtained.* This recommendation does not include considerations of public input or applicant responses to the staff report.

| Interdepartmental – Technical Review Committee | |
|--|--|
| Standards | Comments: |
| Airport | <ul style="list-style-type: none"> No Comments Noted |
| Community Development | <ul style="list-style-type: none"> Sheet C1.02 and Sheet C1.03-Culvert is misspelled in multiple places as “Culvurt”. Add zoning table to C1.02 with relevant information for application to zoning code. Existing use; proposed use; zoning district; adjacent zoning districts; property area (lot size) in acres; existing building square footage, including existing office; proposed square footage of addition; total square footage of facility (post construction); lot coverage: % building, % non-permeable surfaces, % permeable surfaces; flood zone designation. Add setbacks to sheet C1.02 from property lines/right of way lines for proposed addition, including distance from State Route 55 right of way to new addition at closest point. |



| | |
|--------------------|---|
| | <ul style="list-style-type: none">• Add a table that summarizes existing parking, added parking, required handicapped parking, required van accessible parking across the site in accordance with Chapter 1133. The minimum parking requirement for the site/facility is 1.1 spaces for each employee based on the working period when the maximum number of employees are employed on the premises.• Add dimensioning for all parking driveways and parking space dimensions, including dimensioning for handicapped spaces.• The office parking lot appears to have an additional existing handicapped parking space that is not shown on the plan drawing as handicapped (See Google Street View image).• Add directional arrows through the parking areas in order to delineate traffic flow to the truck docks through the employee parking areas and to direct vehicles through the employee parking areas.• Some of the existing handicapped parking areas do not have raised signage. Please add a plan note to bring these existing handicapped spaces into compliance with state law. See city engineering standard 1167.21: https://www.urbanaohio.com/uploads/1/2/4/6/124631710/1167.21.pdf• Add any relevant city standard engineering drawings (available online) where applicable to the plan set.• The temporary stone to be placed for construction purposes shall be removed and seeded upon project completion. Add a plan note accordingly.• Since the existing pavement is only being striped differently to facilitate additional parking on site, no parking lot landscaping is required. However, the owner may want to consider adding landscape trees or evergreens to the site where appropriate. |
| Engineering | <ul style="list-style-type: none">• Sheet C1.02 – Keep the fire line outside the right-of-way when rerouting it. It is shown in the right-of-way for a short time south of the addition.• Sheet C1.03 – Label all the contours on the grading plan. Please add the grading contours for the forebay and micropool to show the contractor how to build it since the SWPPP narrative implies their construction.• Regarding the SWPPP<ul style="list-style-type: none">○ Show a tributary area map in the SWPPP narrative. This will help explain which areas go to which basin (existing or proposed). You can reference it in the Design Summary Section.○ Provide and show inlet protection on existing catch basins #13 and #14 nearest the dirt work. Also call it out on the proposed inlets once installed.○ Protect the dry well opening in some manner during construction to prevent clogging (straw bale barrier?).○ Provide and show the concrete washout location.• Regarding the Stormwater Detention<ul style="list-style-type: none">○ I have checked the detention volume needed versus what I think is provided (although providing the contours will help). You've provided more than enough detention as well as an acceptable release rate. Although your calculations don't follow the rational method, I can follow the SCS curve number method and believe it has provided ample detention along with the water quality detention as well.• Sheet C5.01 – The detail for the Protective Apron at Culvert Outlet may have the wrong table attached to the graphic. The depth and length of the apron need spelled out.• Sheet C5.01 – Add details for inlet protection, the straw bale barrier (if used) and the concrete washout area.• Sheet C5.02 – "Reinforced" is spelled wrong in a couple spots – in the pavement detail. Also, is "air-entrained" concrete meant?• Sheet C5.02 – Please add the word "Temporary" to the detail entitled 8" Stone Road. |



| | |
|---------------------------|--|
| | <ul style="list-style-type: none">• Sheet C5.02 – Replace the fire hydrant and restraining joint details with our standards, 1167.51 and 1167.52, respectively. The latest version can be found on our website at https://www.urbanaohio.com/standards--regulations.html.• If lights are added to the exterior (parking lots or building lights), a photometric plan will need submitted. If wall packs are the only thing planned, we would be OK with the submission of the manufacturer’s provided light contour graphics. |
| Fire | <ul style="list-style-type: none">• Please provide Building construction type• Please provide Building addition use group• Addition dimension is 250’ wide x 360’ length, Existing building dimensions• Any fire wall separation between new addition and existing building• 360degree access around the building. Ohio Fire Code (OFC) Section 503 Fire Apparatus Access Roads, 503.1.1 Building and Facilities, 503.1.2 Additional Access, 503.2.1• Hydrant specs are not most current city specs• Hydrant was removed, not showing relocation of hydrant or new hydrants• Confirm Fire line size new and existing, connected to fire pump• Fire flow calculations |
| Parks & Rec | <ul style="list-style-type: none">• No Comments Noted |
| Police | <ul style="list-style-type: none">• No Comments Noted |
| Street | <ul style="list-style-type: none">• No Comments Noted |
| Public Works/Sewer | <ul style="list-style-type: none">• No Comments Noted |
| Water | <ul style="list-style-type: none">• The fire line is an issue but I am sure the fire department will address this issue as well. For my part, that line will need to be identified as to its exact location so we can map it and the bad part that broke last year will need to be relocated and replaced. |
| Zoning | <ul style="list-style-type: none">• For the new 71 new parking spaces on the north side of the property:<ul style="list-style-type: none">○ Please provide the space dimensions○ Please provide the drive aisle dimensions• Please provide the total maximum number of employees onsite at a given time to calculate total spaces required |

Planning Commission Options:

The Planning Commission, by motion and vote, may approve the application as presented, approve the application with conditions, table the application for more information, or deny the application as presented.



SITE PLAN REVIEW APPLICATION

CITY OF URBANA, OHIO
205 S Main St, Urbana, Ohio 43078
937.652.4322/FAX 937.652.4306

Date _____

Application Number PC-2022-26

Fee _____

PLEASE NOTE: INCOMPLETE APPLICATIONS *WILL NOT BE ACCEPTED*.
Submittal of an application does not constitute acceptance for processing until the Zoning Officer reviews the application for accuracy and completeness.

PROPERTY OWNER/APPLICANT INFORMATION

Name Colepak Phone 937-652-3910

Address 1030 S Edgewood Ave, Urbana, Ohio 43078

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, parcel number) _____
1030 S Edgewood Ave, Urbana, Ohio 43078. At the corner of 55 and S Edgewood.

Zoning M-1 Total Land Area _____ Square Ft. or 17.773 acres

Present Land Use Warehouse and manufacturing

Describe Project (i.e. type of use, other project characteristics, etc.): _____
90,000 sf warehouse addition and additional pavement.

PROJECT DESCRIPTION

Please give a brief description of the project: _____
90,000 sf warehouse addition and additional pavement.

PROFESSIONAL SERVICES

Architect/Designer/Engineer Collin Link Phone 937-539-0132

Address 3271 State Route 508, Bellefontaine, Ohio 43311

I certify that the information contained herein including attachments is correct to the best of my knowledge. I understand that knowingly falsifying this information may be grounds for the denial or revoking of this application and subsequent approval thereof.

A handwritten signature in cursive script that reads 'Collin Link'.

Applicant's signature/date



New Construction Application

Permit #: _____ Fee: _____ Paid

Applicant Information

Name:

Mailing Address:

Phone Number:

Email:

Project Address:

Project Contact (Contractor, Project Manager, Etc):

Project Contact Phone Number:

Project Contact Email:

Property Parcel ID:

Property Subdivision:

Property Lot Number:

Property Zoning District:

FEMA Floodplain Designation:

Estimated Cost of Construction:

***Owner Information**

***Information of the person responsible for the project. If we needed to contact someone about the project, who would that be?**

***Please provide a copy of the property's legal deed, description, and plat map section. This information can be obtained at the Champaign County Recorders Office.**

***This information can also be found on the Property Card at the Champaign County Auditors website: <http://champaignoh.ddtl.net/>.**

***The Zoning Officer will fill in this information during their review.**

***Used for tracking purposes only.**

Work Type

Choose One:

Choose All That Apply:

- Residential
- Commercial
- Industrial

- Principal Structure (New Building or Building Addition)
- Accessory Structure (Shed, Detached Garage, Deck, Etc)
- Fence

Proposal

District Regulations:

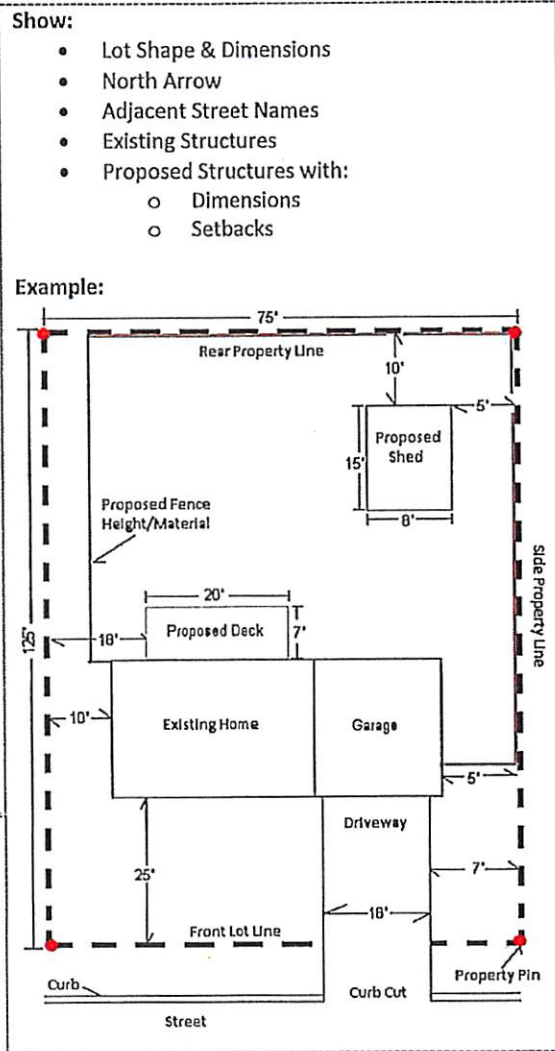
| | R1 | | R2 | | R3 | | BR-1 | | B-2 | | M-1 | | Residential | Non-Residential |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-----------------|
| | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | Principal | Accessory | | |
| Front Setback | 35' | | 25' | | 25' | | 25' | | 40' | | 50' | | 0'' | |
| Side Setback | 15' | 5' | 6' | 5' | 10' | 5' | 5' | | 0' | | 10' | 5' | 0'' | |
| Rear Setback | 30' | 10' | 30' | 10' | 30' | 10' | 20' | 10' | 30' | | 40' | | 0'' | |
| Max Height | 35' | 20' | 35' | 20' | 40' | 20' | 40' | 20' | 40' | 20' | Variable* | | 6' | 8' |
| Lot Occupancy | 25% | | 30% | | 30% | | 50% | | 40% | | 50% | | N/A | |
| Min. Floor Area | 1,200 | N/A | 850 | N/A | 800 | N/A | 800 | N/A | N/A | | N/A | | N/A | |

*Maximum height is the distance between the nearest point of the structure and the closest adjacent right-of-way line.

**Fences cannot be placed closer than 3' from any right-of-way line and cannot be placed within platted utility easements without utility release letters obtained from all utility companies that have rights to said easement.

Site Plan:

If below area does not provide adequate space, or if you have separate plans, please attach.

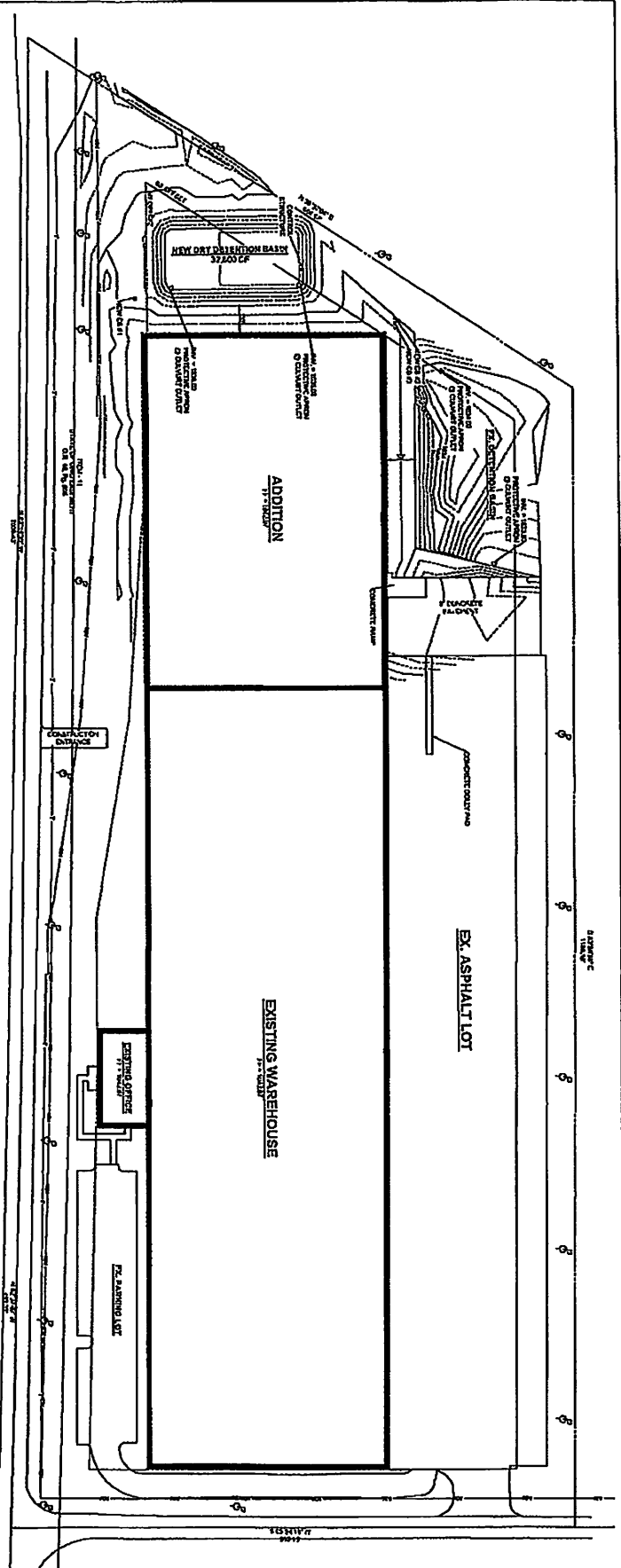


| | |
|--|---------------------------------|
| Structure Width (ft): <u>1,162.0</u> | Front Setback (ft): <u>50.0</u> |
| Structure Depth (ft): <u>250.0</u> | Side Setback (ft): <u>60.0</u> |
| Structure Area (sq. ft.): <u>299,888.0</u> | Rear Setback (ft): <u>190.0</u> |
| Structure Height (ft): <u>30.5</u> | Lot Occupancy (%): <u>38.9</u> |

This is my application for a New Construction Permit. I have the authority to file this application, have read this application in its entirety, and certify the information contained herein and all attachments are correct to the best of my knowledge. I understand that I am solely responsible for the information contained herein that all structures shall be built exactly as stated in this application and be compliant with the Planning and Zoning Code. I understand this application may be denied or that any permit issued based on this application may be revoked.

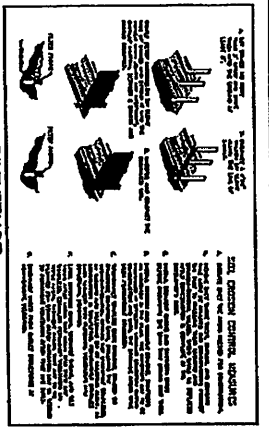
Applicant Signature: *Collin Linder*

Date: October 25, 2022

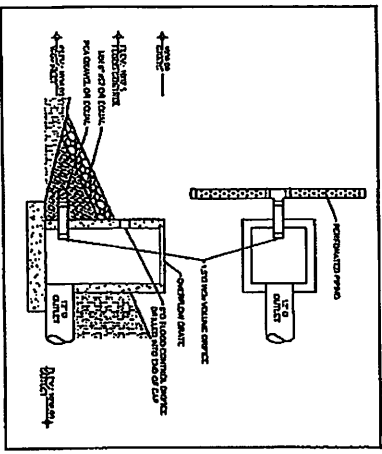


GRADING PLAN
SCALE 1" = 10'

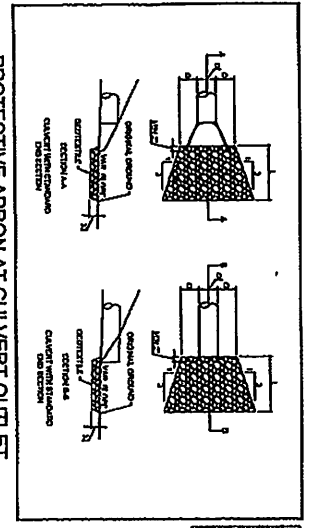
| | | | |
|--|---|-----------------------------|--------------------------|
| | OWNER COLEPAK 1032 SOUTH EDGEWOOD AVE. URBANA, OHIO 43178 CHAMPAIGN COUNTY | CONTRACTOR | ENGINEER |
| | DATE 11/11/11 | PROJECT NO. C1.03 | SCALE 1" = 10' |



SILT FENCE
TEMPORARY EROSION CONTROL

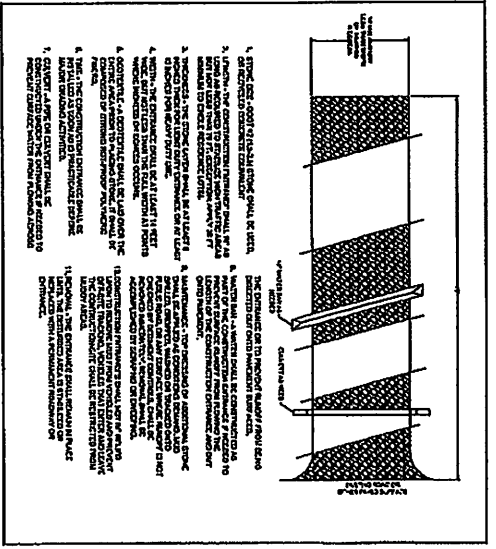


CONTROL STRUCTURE



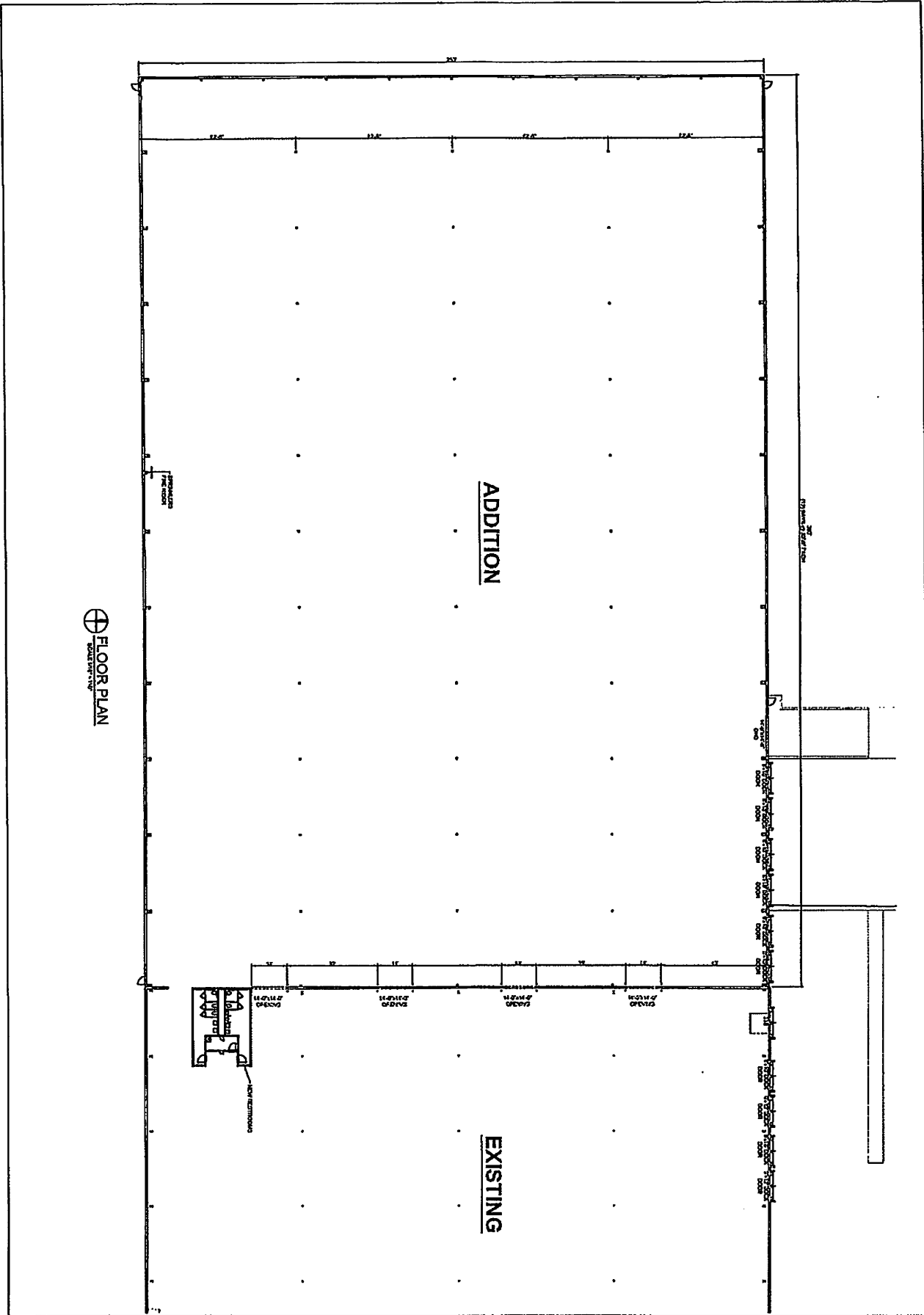
PROTECTIVE APRON AT CULVERT OUTLET

| NO. | DATE | BY | CHKD. | APP'D. |
|-----|----------|------------|-------|--------|
| 1 | 10/10/01 | J. COLEPAK | | |
| 2 | 10/10/01 | J. COLEPAK | | |
| 3 | 10/10/01 | J. COLEPAK | | |
| 4 | 10/10/01 | J. COLEPAK | | |
| 5 | 10/10/01 | J. COLEPAK | | |
| 6 | 10/10/01 | J. COLEPAK | | |
| 7 | 10/10/01 | J. COLEPAK | | |
| 8 | 10/10/01 | J. COLEPAK | | |
| 9 | 10/10/01 | J. COLEPAK | | |
| 10 | 10/10/01 | J. COLEPAK | | |



CONSTRUCTION ENTRANCE

| | | | | |
|--|---|---|--|---|
| | PROJECT NO. C5.01 SHEET NO. | OWNER COLEPAK 1188 S.W. 11th Ave. Ft. Lauderdale, FL 33304 | CONTRACTOR 1188 S.W. 11th Ave. Ft. Lauderdale, FL 33304 | DESIGNER 1188 S.W. 11th Ave. Ft. Lauderdale, FL 33304 |
| | DATE: 10/10/01 DRAWN BY: J. COLEPAK CHECKED BY: J. COLEPAK APPROVED BY: J. COLEPAK | SCALE: AS SHOWN PROJECT: COLEPAK WEST ADDITION SHEET: C5.01 | 1550 SOUTH EDGEWOOD AVE. URBANA, OHIO 43178 CHAMPAGNE COUNTY | 1188 S.W. 11th Ave. Ft. Lauderdale, FL 33304 |



FLOOR PLAN

ADDITION

EXISTING

A1.02

| | | |
|------|-----|-------------|
| DATE | NO. | DESCRIPTION |
| | | |
| | | |
| | | |



DESIGNED BY
CHECKED BY
DATE

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

COLEPAK WEST ADDITION
COLEPAK
 1030 SOUTH EDGEWOOD AVE.
 URBANA, OHIO 43078
 CHAMPAGNE COUNTY

OWNER
COLEPAK
 1030 SOUTH EDGEWOOD AVE.
 URBANA, OHIO 43078





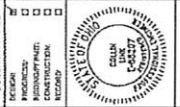
M. J. M. ENGINEERS, INC.
10000 W. 12TH AVENUE
DENVER, CO 80202

COLPAK
10000 W. 12TH AVENUE
DENVER, CO 80202

COLPAK WEST ADDITION

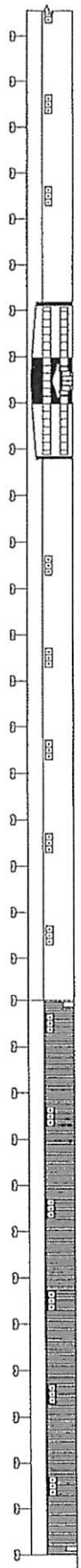
1000 SOUTH DEWOLF AVE.
CHRYSLER COUNTY
DENVER, CO 80202

| | |
|-------------|--|
| DATE | |
| REVISION | |
| DESCRIPTION | |
| BY | |
| CHECKED | |
| DATE | |

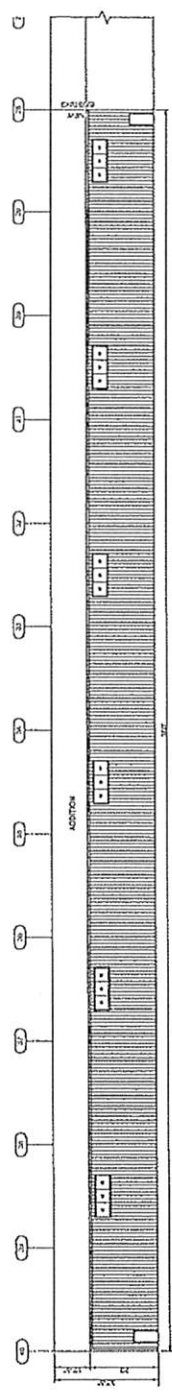


DATE: _____
DRAWN BY: _____
CHECKED BY: _____
SCALE: _____

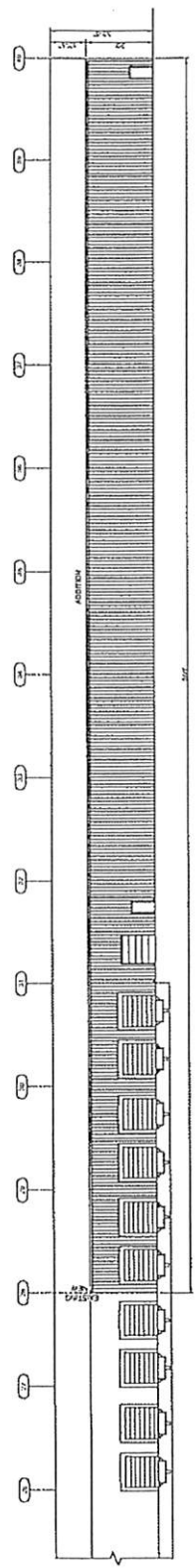
A2.01



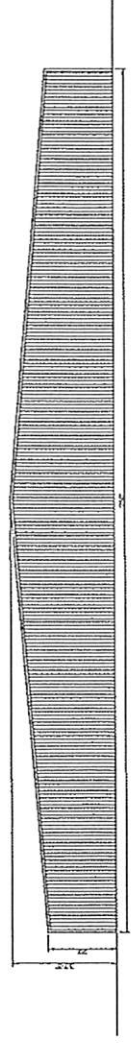
WIDE SOUTH ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"



STAFF REPORT

Project Case No.: PC-2022-27
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: Neal Hillard/Von Commercial Investments
Property Address: K48-25-11-02-27-001-04
Current Zoning: BR-1 Business Residential

Request Summary:

Proposal to update the City of Urbana Official Zoning Map by rezoning parcel K48-25-11-02-27-001-04 currently designated BR-1 Business Residential to B-2 General Business.

Standards for Zoning Map Amendments:

All recommendations by Planning Commission for Official Zoning Map amendments shall be consistent with the City's adopted plans, goals, and policies, and the following:

- (a) Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:
- (1) There has been a change in demand for land which alters the information upon which the Official Zoning Map is based.
 - (2) A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Zoning Map, is inadequate to meet the demands for such development.
 - (3) Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (4) There is an error in the text of this Part or the Official Zoning Map as enacted.
- (b) No residentially zoned district shall be recommended by Planning Commission to be rezoned to a non-residential district unless such proposed rezoning site is contiguous to land in the proposed zoning district classification.
- (c) In addition to the findings required to be made by subsection (b), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
- (1) The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
 - (2) The suitability of the property in question for the uses permitted under the proposed zoning.
 - (3) The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
 - (4) The effect of the proposed rezoning on surrounding uses.
 - (5) The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.



ZONING MAP AMENDMENT (REZONING) APPLICATION

APPLICANT INFORMATION

Name: *Neal D. Hillard / Von Commercial Investments LLC*
 Address: *3138 Mt Tabor Rd.*
 City: *W. Liberty* State: *Ohio* ZIP Code: *43357*
 Phone: *937-604/8269* Email: *nhillard206@gmail* Property: Owner Tenant Agent

PROJECT / PROPOSAL

GENERAL INFORMATION

Address(es): *1637-1639 US 36 Urbana Ohio 43078*
 Parcel ID(s): *K-48-25-11-02-27-001-09*
 Present Zoning District: *BR-1* Present Use: *land*
 Proposed Zoning District: *B2* Proposed Use: *Any Use in B-2 (Commercial)*

STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:

THERE HAS BEEN A CHANGE IN DEMAND FOR LAND WHICH ALTERS THE INFORMATION UPON WHICH THE OFFICIAL ZONING MAP IS BASED.

If so, please explain. *This lot is part of the Kroger/TSC Anchored Scioto Square. New ownership is re-investing in the development and is marketing this parcel*

A STUDY INDICATES THAT THERE HAS BEEN AN INCREASE IN THE DEMAND FOR LAND IN THE REQUESTED ZONING DISTRICT, AND AS A RESULT, THE SUPPLY OF LAND WITHIN THE CITY IS INADEQUATE TO MEET THE DEMANDS FOR SUCH DEVELOPMENT.

If so, please explain. *This lot is part of a large B-2 tract that is 100% commercial in a very dense B-2 district and would fit for restaurant, QSR and small retail uses*

PROPOSED USES CANNOT BE ACCOMMODATED BY SITES ALREADY ZONED IN THE CITY

If so, please explain. *There are no other sites adjacent to Anchor Knant Kroger in Urbana*

THERE IS AN ERROR IN THE OFFICIAL ZONING MAP

If so, please explain *N/A*



FINDINGS OF FACT

In addition the findings required above, findings shall be made by the Planning Commission on each of the following matters based on the evidence provided:

COMPLIANCE WITH ADOPTED PLANS, GOALS, AND POLICIES

Please explain how the proposed zoning map amendment would comply with or deviate from the City's adopted plans, goals, and policies.

This very small sliver parcel would fit cleanly in the B-2 parcel currently zoned and would add tax value to the city & schools if developed.

SUITABILITY

Is the proposed use permitted within the proposed zoning district?

Need B-2 for commercial uses to be compatible with Scioto Square

ADEQUACY OF PUBLIC FACILITIES

Please explain how the proposed use would access public facilities such as transportation, utilities, and any other required public services.

all are adequate & present

SURROUNDING USES

Please explain the anticipated effect of the proposal on the surrounding uses.

nothing that would be changed from current with exception of additional traffic on SR 29

ECONOMIC VIABILITY

Please explain the anticipated effect of the proposal on the economic viability of existing developed and vacant land within the City.

Revitalization is paramount for this center to regain its vibrancy & health. Bringing new tenants & users to the center and Urbana will assist in this gentrification process



APPLICANT SIGNATURE

AFFIDAVIT

I certify that I have the authority to file this application, have read the application in its entirety, and that all information and attachments are true and correct to the best of my knowledge. I understand that submittal of an application does not constitute acceptance for processing until the Planning & Zoning Department reviews the application for accuracy and completeness.

Applicant Signature: *[Handwritten Signature]* Date: *10-26-2022*

FOR OFFICE USE ONLY

PLANNING & ZONING STAFF

Date Received: *10-27-2022* Fee Paid: *10-27-2022*

Case Number: *PC-2022-27* Public Hearing Date:

This application has been reviewed and is found to be complete

Zoning Officer Signature: Date:

PLANNING COMMISSION

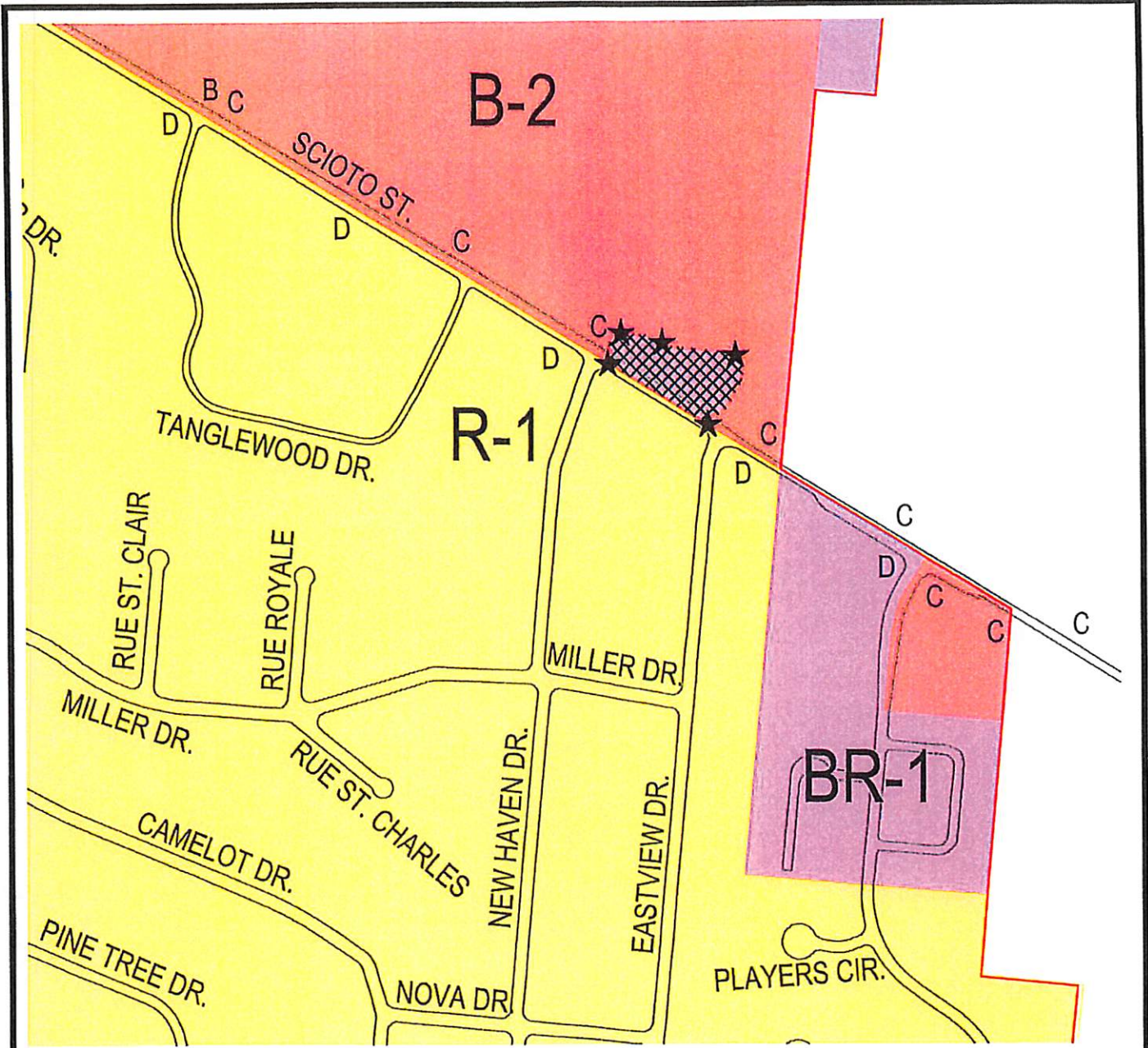
Motion to: (Check One) Recommend Approval Recommend Denial Recommend Approval with Conditions Table


Motion Made By: Motion Seconded By:

| | | | | |
|------------|----------------------------|----------------------|--------------------|-----------------------------|
| Roll Call: | Steve Brandeberry ____ | Eric Samuelsson ____ | Richard Kerns ____ | Kimberly Gordon-Brooks ____ |
| | Jennifer Dunham Young ____ | Kerry Brugger ____ | Bill Bean ____ | Tasha Abrams ____ |

If Approved with Conditions, please state the specific conditions for approval:

PC Chairperson Signature: Date:



 Proposed B-2



| | | | |
|---|--------------------------------|---|---------------------------------------|
|  | R-1 LOW DENSITY RESIDENTIAL |  | B-2 GENERAL BUSINESS |
|  | R-2 MEDIUM DENSITY RESIDENTIAL |  | B-3 CENTRAL BUSINESS |
|  | R-3 HIGH DENSITY RESIDENTIAL |  | M-1 MANUFACTURING |
|  | BR-1 BUSINESS RESIDENTIAL |  | CITY CENTER HERITAGE OVERLAY DISTRICT |

★
**SCIOTO STREET
 REZONING (SR 29)**
 ZONING MAP
 PROPOSED CHANGE:
 BR-1 TO B-2
 ★

TYLER L. BUMBALOUGH, P.E.
 CITY ENGINEER

CITY OF URBANA
 DIVISION OF ENGINEERING
 205 S. Main Street • Urbana, Ohio 43078
 Fax: (937) 652-4306
 Phone: (937) 652-4324

**CITY OF URBANA
 PROPOSED ZONING MAP AMENDMENT**

| | | |
|-----|-------|-----------|
| CD: | DATE: | REVISION: |
| | | |

FILE: G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg
 USER: TLB
 PLOT DATE: 11/15/2022
 SCALE: 1" = 400'

Exhibit A



STAFF REPORT

Project Case No.: PC-2022-28
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: John Schilliger
Property Address: K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, K48-25-00-01-35-005-00
Current Zoning: R-2 Medium Density Residential

Request Summary:

Proposal to update the City of Urbana Official Zoning Map by rezoning parcels K48-25-00-01-35-001-00, K48-25-00-01-35-002-00, K48-25-00-01-35-003-00, K48-25-00-01-35-004-00, and K48-25-00-01-35-005-00 currently designated R-2 Medium Density Residential to M-1 Manufacturing.

Standards for Zoning Map Amendments:

All recommendations by Planning Commission for Official Zoning Map amendments shall be consistent with the City's adopted plans, goals, and policies, and the following:

- (a) Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:
 - (1) There has been a change in demand for land which alters the information upon which the Official Zoning Map is based.
 - (2) A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Zoning Map, is inadequate to meet the demands for such development.
 - (3) Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (4) There is an error in the text of this Part or the Official Zoning Map as enacted.
- (b) No residentially zoned district shall be recommended by Planning Commission to be rezoned to a non-residential district unless such proposed rezoning site is contiguous to land in the proposed zoning district classification.
- (c) In addition to the findings required to be made by subsection (b), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
 - (1) The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
 - (2) The suitability of the property in question for the uses permitted under the proposed zoning.
 - (3) The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.



-
- (4) The effect of the proposed rezoning on surrounding uses.
 - (5) The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.



ZONING MAP AMENDMENT (REZONING) APPLICATION

APPLICANT INFORMATION

Name: *John Schilling*
 Address: *1351 Clark Rd*
 City: *Urbana* State: *Ill* ZIP Code: *61801*
 Phone: *937-653-4888* Email: *N/A* Property: Owner Tenant Agent

PROJECT / PROPOSAL

GENERAL INFORMATION

Address(es): *104-106-114.5 Edgewood Ave*
 Parcel ID(s): *K48-25-00-01-35-002-00; K48-25-00-01-35-003-00; K48-25-00-01-35-001-00*
 Present Zoning District: *R2* Present Use: *Storage Shop*
 Proposed Zoning District: *M1* Proposed Use: *Automotive Repair*

STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:

THERE HAS BEEN A CHANGE IN DEMAND FOR LAND WHICH ALTERS THE INFORMATION UPON WHICH THE OFFICIAL ZONING MAP IS BASED.

If so, please explain. *at least there is a demand for more automotive repair in that area*

A STUDY INDICATES THAT THERE HAS BEEN AN INCREASE IN THE DEMAND FOR LAND IN THE REQUESTED ZONING DISTRICT, AND AS A RESULT, THE SUPPLY OF LAND WITHIN THE CITY IS INADEQUATE TO MEET THE DEMANDS FOR SUCH DEVELOPMENT.

If so, please explain.

PROPOSED USES CANNOT BE ACCOMMODATED BY SITES ALREADY ZONED IN THE CITY

If so, please explain. *There is a lack of land in this area for this kind of business*

THERE IS AN ERROR IN THE OFFICIAL ZONING MAP

If so, please explain

not that I know of it is ok.

K48-25-00-01-35-004-00
K48-25-00-01-35-005-00



FINDINGS OF FACT

In addition the findings required above, findings shall be made by the Planning Commission on each of the following matters based on the evidence provided:

COMPLIANCE WITH ADOPTED PLANS, GOALS, AND POLICIES

Please explain how the proposed zoning map amendment would comply with or deviate from the City's adopted plans, goals, and policies.

[Handwritten mark]

SUITABILITY

Is the proposed use permitted within the proposed zoning district?

Yes, the use is permitted and is consistent with the proposed zoning.

ADEQUACY OF PUBLIC FACILITIES

Please explain how the proposed use would access public facilities such as transportation, utilities, and any other required public services.

Utilities are already there, transportation services are available.

SURROUNDING USES

Please explain the anticipated effect of the proposal on the surrounding uses.

I can't see any effect on anyone. It's a state of the art building, it's all within the 200 ft setback.

ECONOMIC VIABILITY

Please explain the anticipated effect of the proposal on the economic viability of existing developed and vacant land within the City.

I can't see any anticipated effect on the economic area except to help it.



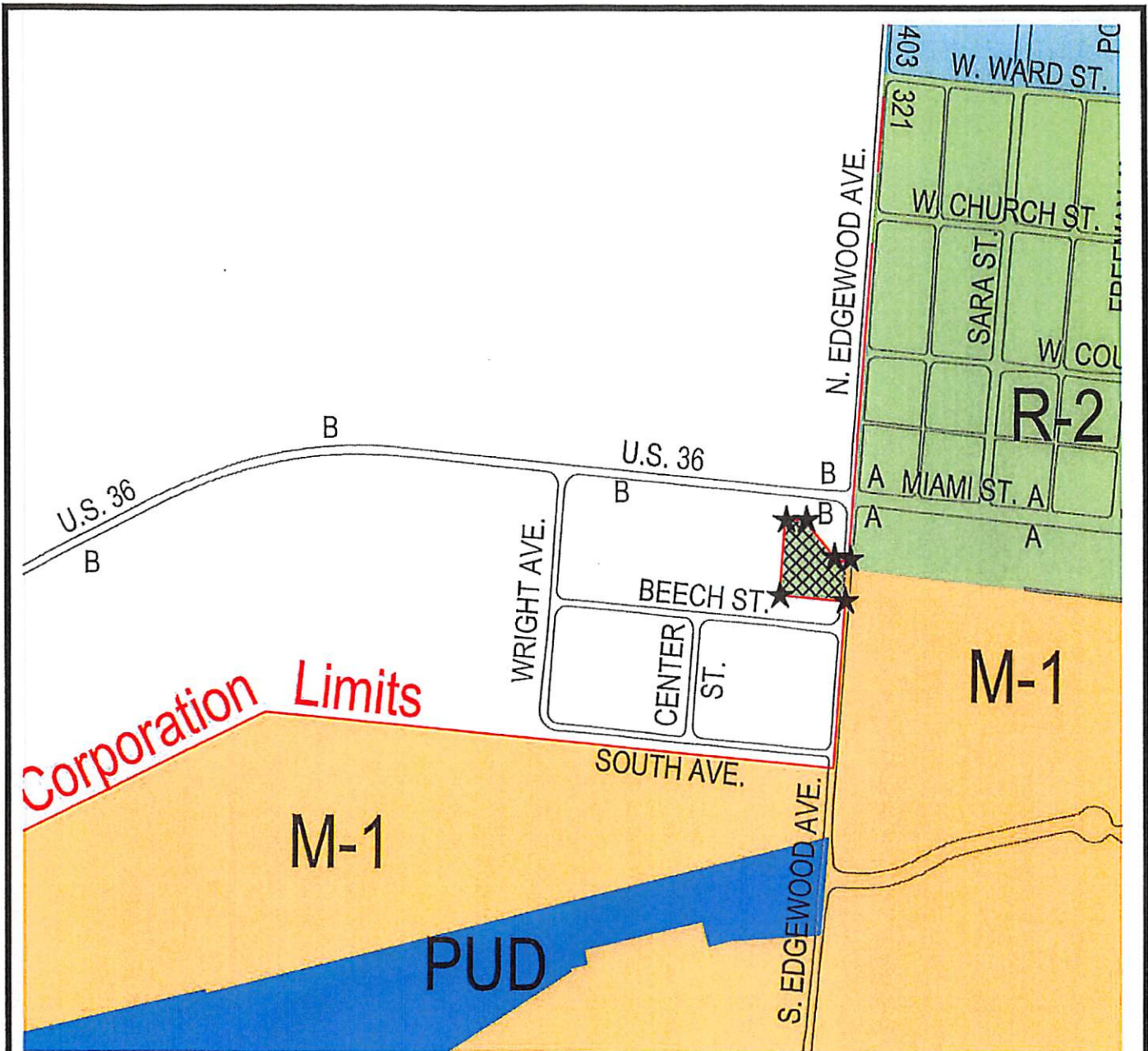
APPLICANT SIGNATURE

AFFIDAVIT

I certify that I have the authority to file this application, have read the application in its entirety, and that all information and attachments are true and correct to the best of my knowledge. I understand that submittal of an application does not constitute acceptance for processing until the Planning & Zoning Department reviews the application for accuracy and completeness.

Applicant Signature: *John Schilliger*

Date: *05.17.2020*



Corporation Limits



Proposed M-1



| | | | |
|----|--------------------------------|-----------|---------------------------------------|
| | R-1 LOW DENSITY RESIDENTIAL | | B-2 GENERAL BUSINESS |
| | R-2 MEDIUM DENSITY RESIDENTIAL | | B-3 CENTRAL BUSINESS |
| | R-3 HIGH DENSITY RESIDENTIAL | | M-1 MANUFACTURING |
| | BR-1 BUSINESS RESIDENTIAL | | CITY CENTER HERITAGE OVERLAY DISTRICT |
| D: | DATE: | REVISION: | |
| | | | |

★
S. EDGEWOOD AVE.
REZONING

ZONING MAP
PROPOSED CHANGE:
R-2 TO M-1
★

CITY OF URBANA
DIVISION OF ENGINEERING
205 S. Main Street • Urbana, Ohio 43078
Fax: (937) 652-4306
Phone: (937) 652-4324

TYLER L. BUMBALOUGH, P.E.
CITY ENGINEER

CITY OF URBANA
PROPOSED ZONING MAP AMENDMENT

| | | | |
|--------|--|-----------|------------|
| FILE | G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg | | PAGE |
| COUNTY | TLB | SCALE | DATE |
| | | 1" = 400' | 11/15/2022 |

Exhibit A



Planning Commission

November 28, 2022 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Eric Samuelsson; Richard Kerns; Bill Bean

Member(s) Absent: Kimberly Gordon-Brooks; Jennifer Dunham-Young; Tasha Abrams; Steve Brandeberry

Guests Present: Audra Bean; Wade Wylie (Colepak); Neal Hillard (Von Investments); Cheryl Cave; Jim Cave; John Schellinger; Heidi Stewart

Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

Reading of Rules of the Meeting

Action: Kerry Brugger read the rules of the meeting.

Prior Meeting Minutes

Action: It was moved by Eric Samuelsson to accept the previous meeting minutes. It was seconded by Mr. Bean.

Discussion:

Vote:

4 (Yay) – 0 (Nay)

Motion Passed.

Old Business – Application(s)

None

Application, Staff Comments/Recommendations:

Action:

Discussion:

Vote:



5 (Yay) – 0 (Nay)
Motion Passed.

New Business – Application(s)

PC-2022-26 – ColePak – 1030 S. Edgewood Ave. – Site Plan Review – Building Addition

Application, Staff Comments/Recommendations:

Mr. Carter read the details of the application. This is a 90,000 square feet addition on the west side of the existing building. The recommendation from staff is for approval tonight contingent upon them working through the staff comments and questions. There were questions from different departments about the fire line being shown within the City right-of-way. There are notes about the proposed additional parking needing some dimensions and details. Most of the rest was grammatical and spelling items. This was granted a variance from the BZA earlier in the month due to the corner of the addition encroaching on the set back requirements from State Route 55 by 5 feet. That was approved earlier in the month. There are a few other notes from the fire department that the City and Colepk is working on.

Wade Wylie attended from the construction contractor to answer any questions. Mr. Brugger asked if the contractor has any concerns they will not be able to address any of the comments which came back from the staff. Mr. Wylie said he did not think any of it would be a major issue. The fire line issue is the larger one they have spoke about a lot but they are confident they can accommodate.

Action:

It was moved by Mr. Samuelsson pending satisfaction of staff comments and seconded by Mr. Bean to accept the application.

Discussion:

Vote:

4 (Yay) – 0 (Nay)
Motion Passed.

PC-2022-27 – Von Commercial Industries – K48-25-11-02-27-001-04 – Zoning Map Amendment

Application, Staff Comments/Recommendations:

Mr. Carter provided the details of the application. This is the out-lot by Kroger with frontage on 29. It is current zoned BR-1 which is business residential. The application wants to rezone this to B-2. The immediate side North of the lot is already zoned B-2. Across the street is residential. The BR-1 code was updated last year and they expended some of the uses of the BR-1 but it is still relatively constrained. This change would allow for fast food, fueling, etc.

Neal Hilliard spoke and stated he is the owner. He wants to change it to make it continuous with the B-2 and he feels that land would have a lot more opportunity zoned as B-2.



Cheryl Cave spoke. She lives on New Haven Drive and lives directly across from the proposed re-zoned parcel. She stated the zoning was established before Kroger came to protect and create a barrier between the residential area and that business space.

Mr. Carter noted that he does believe there will be limitations for the use of this lot because of agreements with Kroger regarding proximity. He also noted that he does not have any documentation stating why this was zoning as it currently is.

Mr. Bean said he would be interested to know what the restrictions are from Kroger. Mr. Hilliard said its basically anything that could be a competition to Kroger such as convenient store, gas station, etc.

Mr. Samuelsson asked Mr. Hilliard what he is hoping or planning to put on that lot if the request is approved. Mr. Hilliard said they are thinking about maybe a small coffee shop. This is a 0.8-acre lot.

Mr. Carter noted that anything proposed to be built there would still have to meet lot occupancy, setback requirements, other zoning codes, and would still be required to come back to this board for approval.

Mrs. Cave spoke again and restated that this zoning of this lot was created many years ago to create a buffer between the homes and whatever was to go where Kroger is now. She stated there were homes there before that were torn down and then they changed the zoning to create that buffer.

Mr. Kerns noted he remembers homes being removed from that space as well. Mr. Carter also noted that the surrounding area is all B-2 besides from this parcel in question. Mr. Brugger asked if the Planning Commission would approve this application if it would still need to go to Council. Mr. Carter explained this would then have to be approved by Council if the PC approved it first. Which means Council could still turn it down. It would have to go through 3 readings at Council before the map would actually be updated.

Someone asked if this lot were to be developed, if the entrance and exit would be straight out onto 29 because that area is already so hard to pull out onto. Mr. Carter stated that any development that could happen there, again would have to come back to Planning Commission and that would be addressed. Mr. carter also noted there is a standard for the City of how many curb cuts can happen within a certain distance. Therefore, it likely would be addressed to ensure traffic is not an issue if this plot were to be developed further.

Action:

It was moved by Mr. Samuelsson and seconded by Mr. Kerns to DENY the application.

Discussion:

Vote:

3 (Yay) – 1 (Nay)
Motion Passed.



Application, Staff Comments/Recommendations:

Mr. Carter explained the details of this application. There are 5 parcels in questions which are just South of the Miami Street and Edgewood intersection. These lots are just on the inside of the City limits. They are currently zoned R-2, proposed to be zoned M-1. Just across Edgewood and slightly south from these lots is zoned M-1 where the ODOT property is. However, this is historically a residential area with residential being the majority of the area including the houses across Edgewood and across Miami.

Mr. Schellinger spoke and stated he was wanting to change this to M-1 because of the ODOT garage. He noted there is only one house on these lots and he does have a tenant in that house. However, he noted the tan pole barn is 40feet by 60 feet and then the next lot over is a 2-bedroom, 1-bathroom house on a full basement. The next lot over had a house at one point but is just 16 feet by 24 feet garage on the property. He noted this property would be a good craft shop or a place for someone to “tinker”. He had someone reach out 3 years ago about maybe putting an auto repair shop on the lot. Mr. Schellinger did not want to sell at the time. However, that person has come back with interest to buy it for that purpose again. Therefore, Mr. Schellinger wants to re-zone it to manufacturing instead of the residential.

Mr. Kerns had no questions.

Mr. Samuelsson stated he is not sure this would be a good fit in this area given the zoning.

Mr. Carter stated if all of these parcels were rezoned, this would just create a non-conforming use wit the house still being on the property. Obviously, the City would not require the house to be torn down but it would be non-conforming so if the house were destroyed, it would not be able to be rebuilt there.

Mr. Bean stated he does not like the idea of moving it to M-1 given all of the residential houses surrounding the property in question even though most of the homes are in the township. He stated he would like to know exactly what is going into those lots to make the decision to moved it to M-1, and does not want to make the decision to allow it to be M-1 without any good plans of M-1 use.

Mr. Brugger asked if utilities are already there. Mr. Schellinger stated there are utilities ran to the house where his tenants live but not to the rest of the lots at this time. He did note that the one barn has the lines but no utility at this time and all of the lots at some point had utilities ran.

Mr. Brugger also noted that all of these lots are separate parcels and therefore would have to be combined to one parcel to be developed for M-1 use anyway.

Heidi Stewart came and spoke against the application. She and her husband live on Beech Street. She noted that due to the further development down Edgewood, traffic is atrocious at times, there is a burnt house on the corner as of right now, there are too many truckers which caused to have the bus stop moved because the kids had to walk up Edgewood which does not have sidewalks and the traffic is getting to be too heavy. She also noted the house that is adjacent to the M-1 was trashed until he fixed it up. That being said, she feels that corner coming off of Miami street onto Edgewood is already too tight and a mess and so adding a manufacturing use onto that corner does not make sense. Its already too hard to pull out onto Edgewood from



Beech street. She stated anytime there is an accident at Miami St and Edgewood, the traffic flies down their street. She feels this change would create more traffic and further extend and already hazardous situation.

Mr. Schellinger stated the parcels she is talking about is the house south of his property that has burned and there are rats, and cats that run the property now. Mr. Brugger asked if they have contacted the Township about that given that house is within the township limits and not the City. Mrs. Stewart explained they have reached out to the township several times with no real solutions. Mr. Schellinger went to a township meeting about it. They showed him paperwork that proves they are working to have that house cleaned up.

Action:

It was moved by Mr. Bean and seconded by Mr. Samuelsson to DENY the application.

Discussion:

Vote:

4 (Yay) – 0 (Nay)

Motion Passed.

Miscellaneous

Action:

Discussion:

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Adjournment

Action:

It was moved by Mr. Samuelsson to adjourn and it was seconded by Mr. Bean.

Vote:

4 (Yay) – 0 (Nay)

Motion Passed.