



Planning Commission
Council Chambers
June 21, 2022 – 6:00 p.m.
233 South Main Street, Monroe, Ohio

Call to Order

Roll Call

Approval of the Minutes – May 17, 2022

Old Business

New Business

Public Hearing

Case No. 2022-6-6. Consideration of a Conditional Use Application for Duke Energy

Administrative Reports

Adjournment



Planning Commission Minutes
May 17, 2022 – 6:00 p.m.
233 South Main Street, Monroe, Ohio

Call to Order

Mr. Kirkpatrick, Chair, called the meeting to order at 6:00 p.m.

Roll Call

Planning Commission members present: David Kirkpatrick, Christina McElfresh, Lyndsey Pyron, and Matt Frye. Member absent: Brian Richards.

Staff members present: Tom Smith, Director of Development; Kameryn Jones, Assistant Director of Development; Angela S. Wasson, Assistant to the City Manager/Clerk of Council; Jameson Cole, Planner; Michelle Layman, Planning and Zoning Specialist.

Approval of the Minutes

Mr. Richards moved to approve the minutes of the March 15, 2022 meeting; Motion made by Mr. Pyron; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Business

- I. Case No. 2022-5-4. Consideration of Site Plan Application for Four Seasons Car Wash.

Mr. Cole stated that Christian Stone, on behalf of Cincinnati Commercial Contracting, has submitted a site plan application for the Four Seasons Car Wash. The applicant is proposing a 4,572 square foot car wash. The car wash is a 125 FT long single wash bay capable of washing five to six cars at one time. The site is approximately 1.07 acres currently zoned C-2 General Commercial. The applicant anticipates starting construction in July and completing by January 2023. Mr. Cole reviewed access management regulations siting:

- Access management regulations would state drives should be lined up across from one another when possible, and that access points should be spaced appropriately.
 - The proposed access for this site of Clarence F. Warner Dr does not line up with the recently approved access of the CCC North site on the north side.
 - As proposed, the current site would be split from the remaining acreage to the west, which would either necessitate shared access or a new access point for this undeveloped lot with limited space to do so.
 - Engineering will continue to work with the developer on access as it relates to future development on Clarence F. Warner.



Mr. Cole reviewed rules regarding sidewalks:

- Minimum 5-foot walk is required along both private and public streets as well as a sidewalk connection to the building/use.
 - A 5-foot walk has been shown along Clarence F Warner, but none is shown along State Route 63
 - No walkway connection to the building itself has been proposed.

Mr. Cole reviewed access regarding parking:

- Access drives must be a minimum of 20 Ft wide.
 - The access drive does not meet the minimum width in select areas. These areas are points of ingress and egress from the stacking lanes.

Mr. Cole reviewed landscaping regulations:

- Street trees shall be required every 40 feet on center at all new sites along all private and public streets located 40' on center.
 - This requirement has not been met on State Route 63 where the length is approximately 230 FT, requiring 5 trees. Perimeter landscape trees cannot count towards meeting the street tree requirement along SR 63.
- The access drive landscaping quantities and the physical plants do not match on the landscape plan.

Mr. Cole reviewed screening regulations:

- As a reminder, screening walls may not be constructed of unfinished concrete or cinder block.

In regards to department comments, Mr. Cole advised:

- Fire Department: No comment. Reserves right to comment during plans review.
- Police Department: No comment.
- Engineering/Public Works Department: Engineering review ongoing

Mr. Cole reviewed the staff recommendations:

- Discussion and decision on waiver of the required 5-foot sidewalk along State Route 63.
- Discussion and decision on the street tree requirement along State Route 63.
- The landscaping plan be revised to correct the quantities and physical planting on the plan.
- As a reminder, all landscaping must meet all minimum species and size requirements and be detailed appropriately on the plan.
- As a reminder, all ground mounted, and rooftop equipment must be appropriately screened as approved by Staff.
- All Engineering review comments be addressed.
- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.



- Digital files of final plans compatible with City GIS be submitted.
- All other Staff comments be met.

Mr. Kirkpatrick asked if Christian Stone could give a background on what they plan to do to make the widths of the drives proper. Mr. Stone states they are placed at a certain width due to safety concerns. Mr. Stone states the way they are currently planned is the safest way to go about this. Mr. Kirkpatrick states he is concerned about the roof top equipment being screened properly. Mr. Stone asked the architect to come up to speak about this. He states the plans show an adequate height to cover the equipment regardless of the direction. He states they met the 20 FT height requirement and have raised the central portion. Effort to screen the equipment has been taken.

Mrs. Pyron asked if the city had any comments regarding the widths of the drives. Mrs. Jones states the city and fire have been in meetings and that all agree the proposed widths are okay.

Mr. Pyron asked if there are any sidewalks in front of Speedway on 63. There are none currently. Mrs. McElfresh states this is the only waiver given on sidewalks.

Mrs. McElfresh asked Mrs. Jones if Clarence F Warner has been dedicated yet. Mrs. Jones states it hasn't and that it would be up to the property owner/developer. Mrs. McElfresh is concerned about Clarence F Warner not being a dedicated public road. Mr. Stone states he believes the plan is to eventually dedicate it as a public drive. Mrs. McElfresh asked if this could happen before the opening. Mr. Stone states no. Mrs. Jones states if this is done to retain the flexibility without the front yard set back becoming an issue.

Mr. Frye asked if there was a dumpster on site. Mrs. Jones verified there is.

Mr. Kirkpatrick asked for a motion to approve Case No. 2022-5-4.

Mr. Pyron made a motion to approve Case No. 2022-5-4 with the following conditions:

- Discussion and decision on waiver of the required 5-foot sidewalk along State Route 63.
- Discussion and decision on the street tree requirement along State Route 63.
- The landscaping plan be revised to correct the quantities and physical planting on the plan.
- As a reminder, all landscaping must meet all minimum species and size requirements and be detailed appropriately on the plan.
- As a reminder, all ground mounted, and rooftop equipment must be appropriately screened as approved by Staff.
- All Engineering review comments be addressed.



- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.
- Digital files of final plans compatible with City GIS be submitted.
- All other Staff comments be met.

Mr. Frye seconded the motion to approve Case No. 2022-5-4.

Mr. Kirkpatrick states we have a second motion to approve Case No. 2022-5-4 with the following conditions:

- Discussion and decision on waiver of the required 5-foot sidewalk along State Route 63.
- Discussion and decision on the street tree requirement along State Route 63.
- The landscaping plan be revised to correct the quantities and physical planting on the plan.
- As a reminder, all landscaping must meet all minimum species and size requirements and be detailed appropriately on the plan.
- As a reminder, all ground mounted, and rooftop equipment must be appropriately screened as approved by Staff.
- All Engineering review comments be addressed.
- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.
- Digital files of final plans compatible with City GIS be submitted.
- All other Staff comments be met.

Mr. Kirkpatrick asked for a roll call vote:

Mr. Frye: yes

Mr. Kirkpatrick: yes

Mrs. McElfresh: yes

Mr. Pyron: yes

Motion carried and approved

2. Case No. 2022-5-5. Consideration of Site Plan Application for Gateway Tire

Mrs. Jones states Marshall Construction Company, LLC has submitted a site plan application for an expansion to the existing Gateway Tire building located at 100 Corridor Park Dr. The expansion will be 128,360 SF of additional warehousing space. The existing space is 173,674 SF comprised of administrative office area and warehousing. The



property is approximately 22 acres zoned L-1 Light Industrial. The applicant anticipates a construction start date this summer and completion near the end of this year. Mrs. Jones reviewed images of the property location. Mrs. Jones shared and reviewed the site plan. Mrs. Jones shared and reviewed the building plans. Mrs. Jones shared and reviewed the landscaping plans.

Mrs. Jones reviewed rules regarding sidewalks:

- In new developments, a 5-foot sidewalk is required to be constructed in the public right-of-way along Corridor Park Drive. A sidewalk connection from the public walk to the site is also required.
- The applicant has requested waiver of the 5-foot walk and associated walkway connection to the site.

Mrs. Jones reviewed parking:

- For a storage/warehousing use, 1 per 1,250 SF required. The code permits the applicant by right to reduce or increase the parking count by 10%. Based on 128,360 square feet, 103 spaces are required. 10% waiver by right would require an absolute minimum of 93 parking spaces
 - 20 parking spaces are provided to be installed with the building expansion with 74 shadow parking spaces shown for future needs
- Code may permit up to 50% reduction in parking spaces with remaining required amount shown in shared and/or shadow parking.
 - The applicant has shown the remaining required parking via shadow parking in two separate areas along the southwest and southeast portions of the site.

Mrs. Jones reviewed landscaping:

- Street trees (canopy tree with minimum 40 FT mature height) are required every 40 FT on center in the public right-of-way along Corridor Park Drive.
 - Canopy trees have been provided but do not appear to be placed in the public right-of-way.

Mrs. Jones reviewed plans for screening:

- Buffer Type B required along south, east, and west sides of the property (expansion portion of site only) as all sides of the expansion area are surrounded by commercially zoned property, focusing on the south and west sides of the expansion area.
 - The applicant has chosen option 2 or Buffer Type B.
 - Along the west side, 5 canopy trees are required with 7 proposed, 35 understory trees and required with 24 proposed and 174 shrubs are required with 155 shrubs proposed.
 - Along the south side (approximately 732 linear feet), a significant portion of the property is restricted by a 180-foot wide electrical easement for



overhead utilities. Therefore, the applicant proposed buffering approximately 400 feet of the south side, a 174 linear foot area and 220 linear foot area, outside of that easement area.

- Based on these two proposed areas only, the buffer is deficient by 10 understory trees. Staff suggest placing these 10 remaining trees as well as the remaining 19 shrubs and 9 understory trees deficient along the west side buffer in the area shows in blue below. Staff would accept evergreen trees, canopy trees, or a combination as an alternative to understory trees in this area.

Mrs. Jones reviewed photometric plans:

- The lighting plan submitted appears to show the site is under-lit in two small areas along the access drive and parking areas where the minimum required is 0.3 fc. Please revise.

Mrs. Jones reviewed department comments:

- Fire Department:
 - Radio survey study for coverage within building.
 - Fire reserves the right to comment during plan review.
- Police Department: No comment.
- Public Works/Engineering: Engineering under review.

Mrs. Jones reviewed the staff recommendation:

- Discussion and decision on the waiver request regarding the sidewalk required a long Corridor Park Drive.
- Discussion and decision on the placement of required street trees outside of the right-of-way along Corridor Park Drive.
- The landscape plan be revised based on staff comments.
- The lighting plan be revised to address staff comments.
- As a reminder, minimum size and species requirements related to landscaping must be met.
- As a reminder, if ground mounted or rooftop equipment becomes necessary in the future, screening will be required.
- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.
- All other Staff comments to be met and any future Engineering review requirements.
- A GIS compatible file of finalized plans be submitted.

Mr. Kirkpatrick asked to review the plan again. Mr. Kirkpatrick questioned if they required a sidewalk, would it have to run around existing property too. Mrs. Jones states it would



just run around the new area. Mr. Kirkpatrick states it would look odd to put a sidewalk in.

The developers explained the way Gateway Tire operates. They stated they don't have many employees as most duties are run via machines.

David Cain, project engineer, discussed street trees. He states the issue with some of the trees being put at 9 FT would be that they would grow into the existing utility lines.

Mr. Pyron states they can work with the City on the placement of the trees.

Mrs. Jones states she is okay with the trees being setback.

Mr. Cain states they will also look at the landscape plan regarding the 19 shrubs. They will look at putting them up as additional screening.

Mrs. McElfresh asked with the new addition, how many more employees do they plan on hiring for the new wing. The developer states he isn't in charge of hiring employees but in his experience, they haven't brought in many more employees. He said the office staff would remain the same. Most work will be run via machines. Mrs. McElfresh asked about overhead lighting. Mr. Cain states they will be putting additional lighting up.

Mr. Kirkpatrick asked for a motion to approve Case No. 2022-5-5.

Mr. Frye made a motion to approve Case No. 2022-5-5 with the following conditions:

- Discussion and decision on the placement of required street trees outside of the right-of-way along Corridor Park Drive.
- The landscape plan be revised based on staff comments.
- The lighting plan be revised to address staff comments.
- As a reminder, minimum size and species requirements related to landscaping must be met.
- As a reminder, if ground mounted or rooftop equipment becomes necessary in the future, screening will be required.
- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.
- All other Staff comments to be met and any future Engineering review requirements.
- A GIS compatible file of finalized plans be submitted.

Mrs. McElfresh seconded the motion to approve Case No. 2022-5-5.



Mr. Kirkpatrick states we have a second motion to approve Case No. 2022-5-5 with the following conditions:

- Discussion and decision on the placement of required street trees outside of the right-of-way along Corridor Park Drive.
- The landscape plan be revised based on staff comments.
- The lighting plan be revised to address staff comments.
- As a reminder, minimum size and species requirements related to landscaping must be met.
- As a reminder, if ground mounted or rooftop equipment becomes necessary in the future, screening will be required.
- The applicant will be responsible for maintenance (mowing, etc.) of the right-of-way adjacent to the developed site once improvements are complete.
- All other Staff comments to be met and any future Engineering review requirements.
- A GIS compatible file of finalized plans be submitted.

Mr. Kirkpatrick asked for a roll call vote:

Mr. Kirkpatrick: yes

Mrs. McElfresh: yes

Mr. Pyron: yes

Mr. Frye: yes

Motion carried and approved.

New Business

Mrs. Jones welcomed Mr. Smith as the new Director of Development. Mrs. Jones said there will be a couple cases in June.

Adjournment

Mr. Pyron moved to adjourn; seconded by Mr. Frye. Voice vote. Motion carried.

The Planning Commission meeting adjourned at 6:52 p.m.

Respectfully submitted,

Michelle Layman
Planning and Zoning Specialist



CITY OF MONROE
Inter-Office Correspondence

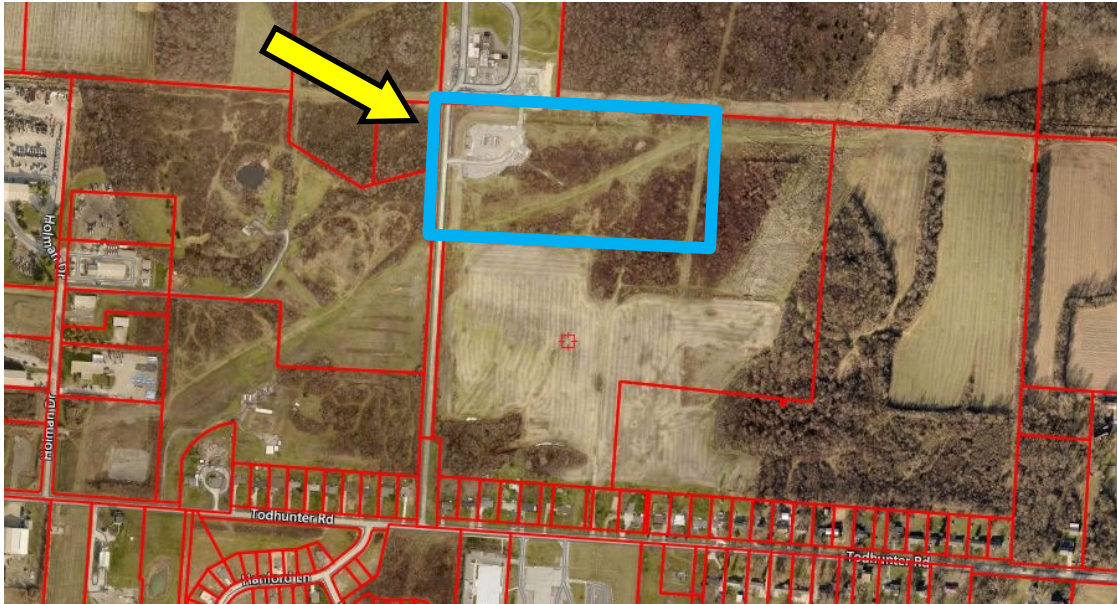
TO: Members of the Monroe Planning Commission
FROM: Kameryn Jones
Assistant Development Director

DATE: June 21, 2022
RE: Information Packet for June 21, 2022 Planning Commission Meeting at 6:00 p.m.

I. Case No. 2022-6-6— Consideration of Conditional Use Application for Duke Energy

A. Background

- Nathan Meyer, on behalf of Duke Energy, has submitted a conditional use permit application regarding a new public utility communication structure to be located at 602 Todhunter Road.
- The applicant is proposing a 300-foot tall communication structure at their existing property off Todhunter Road. The structure is proposed to be used only for internal communication purposes for Duke Energy.
- The site is approximately 20 acres currently zoned A-1 Large Scale Agriculture.



Overhead View of Property



Zoning Map of Proposed Site and Surrounding Properties



At Entrance on Todhunter Road



Northbound on Access Drive



Facing North on Access Drive



Facing North on Todhunter Road

B. Staff Comments

- Wireless Telecommunications Facilities (cell towers) as defined in the Code are regulated under 1204.04(C)(8).
- Within that section, noncommercial facilities are exempted from a conditional use permit except when the height of the facility/structure is below the height restriction of 140 FT.
- While the applicant's use for the structure is considered to be noncommercial as it is only intended for Duke Energy's private use, the new facility must still be conditionally approved by Planning Commission to allow the structure at 300 FT tall, which exceeds the maximum height restriction of 140 FT for new cell towers.
- Relevant Code sections are below:

f) Exceptions from a Conditional Use Permit

- i) Notwithstanding anything to the contrary in this section, no conditional use permit shall be required for those non-commercial exceptions noted in the definition of wireless telecommunications facilities.
- ii) All wireless telecommunications facilities existing on or before the effective date of this chapter shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility must comply with this section.

Wireless Telecommunications Facilities

Wireless telecommunication facilities may include a "telecommunications tower" and "tower" and "telecommunications site" and "personal wireless facility" and means a structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority, excluding those used exclusively for the City's fire or police or exclusively for private, noncommercial radio and television reception, private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this chapter.

k) Height

- i) The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- ii) The maximum permitted height of a new tower shall be 140 feet unless varied due to siting constraints or other site factors (i.e. limiting the number of new towers) as conditionally approved by Planning Commission.

In reviewing a conditional use application, Planning Commission shall consider whether there is adequate evidence that the proposed conditionally permitted use is consistent with the following standards:

(1) The conditional use is consistent with the spirit, purpose and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.

The majority of the parcels immediately surrounding the site of the proposed structure are either owned by Duke Energy or Cleveland Cliffs. The only exception is 860 Holman Avenue, which is undeveloped but was recently rezoned for Light Industrial.

The applicant states the comprehensive plan identifies Duke Energy as the electric provider to the City of Monroe and approval of the proposed facility will allow Duke Energy to better service the City of Monroe and its residents, businesses and public facilities by giving Duke the ability to improve its internal communications.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

The proposed structure will be harmonious with the existing surrounding uses of the property. The surrounding properties to the north, south, and east are all utility related uses. The property to the west is undeveloped but zoned industrial. There is an existing tower adjacent to the proposed location of the tower part of this application.

(3) The proposed conditional use is to be located in a district wherein such use may be permitted, subject to the requirements of this chapter.

The proposed use is conditionally permitted in the A-1 zoning district.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards.

The proposed use is exempted from the use-specific provisions because it is a noncommercial utility use.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The proposed structure will be adequately accessed and serviced.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets.

The proposed structure is located off an access drive a significant distance from its public ingress/egress off Todhunter Road.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use.

The proposed structure will comply with applicable development standards with requested exceptions noted in their application. The exceptions are related to screening requirements, requirements for a balloon test, and the height limitation of 140 feet. As this is a private, noncommercial structure, there are certain commercial use related requirements that are not applicable.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

The uses immediately surrounding the proposed structure will not be negatively impacted. They are similar utility or energy related uses.

(9) The proposed use will not be detrimental to the economic welfare of the community.

This parcel has been owned by a utility and functioned with an existing tower for a number of years. While there is residential further south towards Todhunter, the proposed structure does not appear to be detrimental to the economic welfare of the community.

(10) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.

The applicant states the structure is unmanned and does not produce excessive noise, smoke, fumes, glare, or odor not comparable to other uses permitted in the zoning district. Trips are typically no more than 1-2 per month unless in the event of an emergency.

(11) The proposed use will not be detrimental to property values in the immediate vicinity.

As previously stated, this parcel has been owned by a utility and functioned with an existing tower for a number of years. The proposed structure may not be detrimental to the properties immediately surrounding the use as they are industry and/or utility related uses.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed use will not impede development of surrounding properties.

C. Department Comments

- **Fire Department:** No comment. Reserves right to comment during any applicable plans review.
- **Police Department:** No comment.
- **Engineering/Public Works Department:** No comment.

D. Staff Recommendation

- Planning Commission shall either approve, approve with conditions, deny, or table the request for a conditional use permit. The Planning Commission, by a majority vote of the members present at the meeting, may extend the period of review.⁷
- If the conditional use permit is denied, the Planning Commission shall make a finding, in writing, justifying the denial of the conditional use permit and provide a copy of the findings to the applicant.
- In granting approval, the Planning Commission may prescribe appropriate conditions and safeguards in conformance with the intent and purposes of this code for the protection of nearby property and the public health, safety and general welfare. The Planning Commission shall authorize the Code Enforcement Officer to issue the conditional use permit with notation of conditions thereon or attached thereto.
- Staff recommends approval of the conditional use application with any conditions as specified by Planning Commission.