



Planning Commission
Council Chambers
December 20, 2022 – 6:00 p.m.
233 South Main Street, Monroe, Ohio

Call to Order

Roll Call

Approval of the Minutes – October 18, 2022

Old Business

New Business

Public Hearing

Case No. 2022-12-16. Consideration of a Zoning Text Amendment to Section 1203.05: Minor Subdivisions of the City of Monroe Planning and Zoning Code.

Administrative Reports

Adjournment



Planning Commission Minutes
October 18, 2022– 6:00 p.m.
233 South Main Street, Monroe, Ohio

Call to Order

Mr. Kirkpatrick, Chair, called the meeting to order at 6:04 p.m.

Roll Call

Planning Commission members present: David Kirkpatrick, Brian Richards, Lindsey Pyron, Matt Frye. Members absent: Christina McElfresh

Staff members present: Tom Smith, Director of Development; Kameryn Jones, Assistant Director of Development; Jameson Cole, Planner; Michelle Layman, Planning and Zoning Specialist.

Mr. Kirkpatrick requested a motion to excuse Mrs. McElfresh from the meeting. Mr. Pyron moved to excuse Mrs. McElfresh from the meeting; seconded by Mr. Richards. Voice vote. Motion carried.

Approval of the Minutes

Mr. Pyron moved to approve the minutes of the September 20, 2022, meeting; seconded by Mr. Richards. Voice vote. Motion carried.

Old Business

None.

New Business

Mr. Kirkpatrick introduced Case No. 2022-10-13. Consideration of site plan application for Ohana Car Wash.

Mr. Cole presented the case. Mr. Cole stated the background as follows:

- Nick Dobbs, on behalf of NJDS LLC, has submitted a site plan application for a car wash facility at the corner of State Route 63 and Gateway Boulevard.
- The applicant is proposing a 5,460 square foot car wash. The car wash is a 130 FT long single wash bay capable of washing five to six cars at one time.
- The site is approximately 3.1 acres currently zoned C-2 General Commercial.

Mr. Cole reviewed the staff comments:

- Sidewalks
 - Please provide sidewalk access to the office entrance to avoid pedestrian interference with oncoming street lane traffic.
- Parking
 - Code permits three parking spaces per washing bay (vacuum stations may not be counted as a parking space) Considering the 6 stations that each car can be serviced by simultaneously as “bays”, 18 parking spots would be permitted with an absolute maximum of 20 spaces allowed.
 - Staff would note there are only 6 true parking spaces. Others function as vacuum spaces.
- Landscaping
 - Street trees shall be required every 40 foot on center at all new sites along all private and public streets located 40’ on center.
 - The length along SR63 is approximately 500 FT, requiring 13 trees.
 - The plan does not show any street trees along SR63. Please revise.
- Architectural
 - The building height is required to be a minimum of 20FT.
 - As shown the building height is under 20 FT. Please revise and provide a calculation to verify.
 - All architectural elevations of principal buildings shall consist of a base, a body, and a cap. The base occupies the lowest portion of the elevation with a height no less than 8% of wall height. The body occupies the middle portion of the elevation with a height no less than 60% of wall height, and the cap shall occupy the highest portion of the elevation with a height no less than 8% of wall height, not to exceed the height of the base. The cap shall consist of at least one of the following architectural features: cornice, parapet, awning, canopy, eaves, etc.
 - It appears some elevations may not meet this requirement. Please provide a correct calculation breakdown of these percentages for all elevations.
 - Building elevations that are visible from a public street should contain windows that occupy at least 25% of the total wall surface area.
 - Please provide calculation breakdowns of window percentages for the north, east, and south elevations.
 - Service doors or overhead retractable doors shall not be visible from any public right-of-way. Screening shall be provided to achieve at least 50% opacity up to six feet in height if the door is unable to be located per the requirements above as determined by the Planning Commission or Code Enforcement Officer as applicable. Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, or any combination thereof.
 - Please address this requirement on the south side of the building.



- The service door must be painted to match the building.

Mr. Cole reviewed the department comments:

- Fire Department:
 - “No Parking-Fire Lane” signs shall be posted along the access drive.
 - Fire reserves the right to comment during the plans review process.
- Police Department: no comment
- Engineering/Public Works Department:
 - Confirm how the water service connection will be made.
 - Call out size of water service.
 - Call out pipe material for water service.
 - If the intent is for this site to have fire service, please call out fire service line and show a dual fire service vault located adjacent to the right of way.
 - Plans need to be submitted to Butler County Water and Sewer for sanitary sewer review.

Mr. Cole presented the staff recommendation:

- Staff recommends approval of the site plan application with the following conditions:
 - Discussion and decision regarding the sidewalk requirement along the site’s ROW frontage on State Route 63.
 - Discussion and decision on the street tree requirement along State Route 63.
 - The applicant will revise architectural plans to address staff comments.
 - The applicant will screen the service doors on the south side of the building as approved by staff.
 - 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 an explanation of where the retention pond will be and asked how it will be screened.

Mr. Cole stated the only area that needs to be screened is on the south side of the building and will screen it from Gateway Blvd.



Mr. Pyron asked what has historically happened in regards to sidewalks on St Rt 63. Mrs. Jones stated Planning Commission has in most situations decided to waive the requirement.

Mr. Pyron asked what tree buffer will be used. Mrs. Jones stated there is a significant tree line on St Rt 63 that could be used but was unsure as to what the developer will be removing.

Mr. Dobbs stated they will plant and maintain trees and asked if they can clear out the brush to give a view of the business.

Mr. Dobbs spoke regarding the sidewalk stating they can put a sidewalk on their property.

Mr. Kirkpatrick verified the type of heating equipment that will be used.

Mr. Kirkpatrick asked when construction would begin. Mr. Dobbs said in March.

Mrs. Jones clarified the position of the city regarding street trees.

Mr. Pyron asked for a motion to approve Case No. 2022-10-13 consideration of a site plan application for Ohana Car Wash with the following conditions:

- The committee agrees to waive the sidewalk requirement along the site's right-of-way frontage on State Routh 693
- The applicant agrees to meet the street tree requirement along State Routh 63 using existing and supplemental landscaping
- The applicant will revise architectural plans to address staff comments
- The applicant will screen the service doors on the south side of the building as approved by staff
- 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.

Seconded by Mr. Richards.

Roll call vote; motion carried

Mr. Kirkpatrick introduced Case No. 2022-10-14. Consideration of site plan application for Sunbelt Rentals.

Mr. Cole presented the case. Mr. Cole stated the background as follows:

- Josh Bratton on behalf of Agree Development, LLC has submitted a site plan application for Sunbelt Rentals.



- The applicant is proposing a 19,040 square foot building where 14,040 SF will house maintenance space and wash space and 5,000 SF will serve as the leasing office.
- The property is approximately 3.1 acres and is zoned C-2 General Commercial.
- The applicant anticipates a construction start of March 2023 and completion in October 2023.

Mr. Cole reviewed the staff comments:

- General-
 - Please provide detail on the site plan regarding the storage area at the rear of the site and show the access/circulation drive (with dimensions) around the storage area as well as a location plan for equipment, etc.
- Landscaping-
 - A minimum 20% of the required front yard area with a minimum 6 foot wide area adjacent to the right of way for all nonresidential uses shall be continuously landscaped with trees, shrubs, planting beds and/or perennials.
 - Please show the calculations for the front yard landscaping requirement.
 - Outdoor storage areas shall be required to be fully screened with a solid fence or wall, not to exceed 14 feet in height.
 - The proposed chain link type fences may not suffice for screening purposes. A solid fence would be required (slats or mesh lining is not permitted).
 - Service doors or overhead retractable doors shall not be visible from any public right-of-way. Screening shall be provided to achieve at least 50% opacity up to six feet in height if the door is unable to be located per the requirements. Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, or any combination thereof.
 - Service doors are visible on both sides of the building.
 - The solid fencing requirement for the outdoor storage component (comment above) may assist in screening the service doors on either side of the building.
- Architectural-
 - All architectural elevations of principal buildings shall consist of a base, a body, and a cap. The base occupies the lowest portion of the elevation with a height no less than 8% of wall height. The body occupies the middle portion of the elevation with a height no less than 60% of wall height, and the cap shall occupy the highest portion of the elevation with a height no less than 8% of wall height, not to exceed the height of the base. The cap shall consist of at least one of the following architectural features: cornice, parapet, awning, canopy, eaves, etc.



- It appears a majority of the elevations may meet this requirement. However, please provide a calculation breakdown of these percentages for all elevations. Please revise.
- Please provide a sample of the metal siding material proposed to ensure it is a type permitted per code.
- Siding of any type shall not occupy more than 35% of any elevation facing a public right-of-way.
 - It appears the front facing elevation may exceed this requirement. Please provide a calculation to ensure the proposed siding does not exceed this amount.
- Building elevations visible from a public street are required to contain windows that occupy at least 25% of the total wall surface area.
 - It appears the front facing elevation may meet this requirement. However, please provide a calculation to show this requirement is met for all elevations visible from a public street.
- Facades visible from a public street that are 60 FT wide or wide shall incorporate wall offsets of at least 2 FT deep and 20 FT wide every 40 FT at minimum.
 - Please revise for all visible elevations (north, east, south sides).
- Photometric-
 - Submit an updated lighting plan based on the updated site plan and ensure it meets all minimums per 1209.04(C).

Mr. Cole reviewed department comments:

- Fire Department:
 - The FDC should not be blocked on the northeast corner of the site.
 - Fire reserves the right to comment during plans review.
- Police Department:
 - No comment
- Public Works/Engineering:
 - Confirm how the water service connection will be made.
 - Indicate pipe material on water service.
 - Call out size of commercial water service and fire service.
 - Locate dual fire service vault adjacent to the right of way.
 - Plans need to be submitted to Butler County Water and Sewer for sanitary sewer review.
 - Driveway width should be wide enough to accommodate one lane in and one late out. The southern edge of the pavement should line up directly opposite the southern edge of pavement if the Thornton's driveway across Gateway.
 - Striping and associated signage changes on Gateway will be required to provide for the northbound left turn lane. The southbound left turn lane with a stop bar entering Thornton's shall be removed



- Consultant review is ongoing, and comments will be given once the review is complete.

Mr. Cole reviewed the staff recommendation:

- Staff recommends approval of the site plan application with the following conditions:
 - The applicant will revise the landscape plan to address staff comments.
 - The applicant will revise the lighting plan to address staff comments.
 - The applicant will revise the architectural elevations 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. Richards asked for further explanation of the first general comment. Mr. Cole reviewed.

Mr. Bratton on behalf of Agree Development, LLC asked for clarification on two items. He asked for clarification regarding the window glazing requirement. He stated they didn't design the north and south elevations to meet this requirement due to the significant landscaping buffering and because it is 240 feet from the public right-of-way.

Mrs. Jones stated the city can discuss "line of sight" analysis and that the city will work with them after the fact if okay with Planning Commission.

Mr. Frye asked about the fencing. Mrs. Jones stated that fencing falls under the "all landscaping" section.

Mr. Frye moved to approve Case No. 2022-10-14 Consideration of a site plan application for Sunbelt Rentals with the following conditions:

- The applicant will revise the landscape plan to address staff comments.
- The applicant will revise the lighting plan to reflect the updated site plan and to address staff comments.
- The applicant will revise the architectural elevations 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 equip 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 completed.
- All other staff comments to be met and any future engineering review requirements.
- A GIS compatible file of finalized plans be submitted.

Seconded by Mr. Richards
Voice vote; motion carried

Public Hearing

Mr. Kirkpatrick opened the Public Hearing for Case No. 2022-10-15. Consideration of Zoning Map Amendment and associated Planned Unit Development regarding 20.91 acres of property at Roden Park Drive and Crossings Boulevard from C-4 Gateway Commercial Planned Unit Development to R-4 Multi-Family Residential Planned Unit Development.

Mr. Kirkpatrick stated the following: The request will be presented by staff. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn. Planning Commission has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by the Planning Commission. Mr. Kirkpatrick asked all those wishing to speak during this public hearing (including staff) to stand and raise their right hand to be sworn in.

Having been sworn in, Mrs. Jones presented Case No 2022-10-15

Mrs. Jones presented the background as follows:

- Park Place Development has submitted applications for a Zoning Map Amendment and Planned Unit Development regarding a proposed "landominium" development on property located at the corner of Roden Park Drive and Crossings Boulevard.
- The applicant proposes an 83-unit attached single-family development.
- The site is approximately 20.91 acres currently zoned C-4 Gateway Commercial PUD.



- The current Planned Unit Development governing this property, Shops of Monroe Crossings, calls for a larger commercial and retail development for this property

Mrs. Jones reviewed the staff comments and current code implications:

- The current zoning of C-4 PUD does not permit residential development of any kind.
- An application to rezone the property from its current C-4 Gateway Commercial PUD classification to R-4 Multi-Family Residential PUD is required in order to accommodate this proposal. The Zoning Map Amendment and Planned Unit Development process requires a public hearing at the Planning Commission level and at City Council, which ultimately decides such proposals.
- Within the Planning and Zoning Code, the purpose of the Planned Unit Development is to offer a certain amount of flexibility within the Code in order to encourage innovative design and to avoid monotony sometimes associated with larger developments.

Architectural Standards:

- Front elevations must incorporate variation in mass through methods such as wall offsets 2 feet deep, bay windows, façade color changes, use of pilasters/columns, roofline changes, etc.
 - Based on the elevations provided, it appears wall offsets, façade color changes, columns/pilasters, use of bay windows, and roofline changes have been incorporated.
- Side and rear elevations must contain a minimum 50% brick or stone.
 - As all elevations are entirely brick and/or stone, this requirement is met.
- Front and side facades (on buildings located on street corners) must include a minimum of three design elements:
 - one or more dormer windows/cupolas
 - a recessed entrance
 - covered porches
 - pillars/posts/pilasters
 - one or more bay windows with 12 inch projection from the façade
 - eaves with a minimum 6 inch projection from the façade plane
 - parapet wall with articulated design, which entails design variation rather than a simple rectilinear form
 - multiple windows with minimum four inch trim
 - The front and side elevations appear to show multiple windows, recessed entrances with covered porches, use of bay windows, and pillars/posts.
- Open Space Standards:

- Buffer yard Type A required as proposed multi-family use adjacent to single-family residential use. The conceptual plan does provide buffer to be developed along its borders with the existing single-family development sides abutting Koehler Drive and Bayberry Lane but not the same amount of buffer along the south side abutting Crossings Boulevard.
- Formal and informal open space would be required. Based on 20.91 acres, 1.05 acres of formal open space (programmed space) and 4.18 acres of informal open space (passive space) would be required. Open space cannot come from unusable areas such as easements, streams, flood areas, etc. The preliminary site plan shows about 1.13 acres of formal open space that the applicant states will be for walking trails, sitting areas, and shelters
- Subdivision Design Standards:
 - Per current plan, the applicant deviates from City standards in regards to street tree placement, where street trees are required in the tree lawn (between curb and sidewalk). The applicant has shown street trees behind the sidewalk.
 - Along Roden Park Drive, the 8-foot path shown along the site frontage ends short of the intersection at Cold Water Drive. As discussed in previous meetings and work sessions, the applicant has stated there is no room for walk due to the culvert location near the creek.
 - Staff suggests the multiuse path be widened to a 10-foot path, a standard reflective of current ODOT recommendations for such multi-user trails. Further, Staff recommends the applicant work with staff, particularly Engineering, to extend the trail further along Roden Park Drive towards Cold Water Drive, while still stopping short of the culvert. As the City looks to expand connectivity throughout Monroe, the multiuse path in this particular area is important to creating the necessary links to connect this subdivision towards the existing path on Jerry Couch Boulevard and into Monroe Bicentennial Commons with the Monroe section of the Great Miami River Trail.
 - Along Cold Water Drive, no street trees are proposed as required.

Mrs. Jones reviewed staff comments-Comprehensive Plan Implications

- Pedestrian Connectivity:
 - A major component of the comprehensive plan is connectivity. To follow through on this community value for walkability, the comprehensive plan prioritizes developments that are not auto-focused, that include community gathering space, and have varied architectural characteristics to create a sense of place.
 - Since their original application, the developer has made great improvements in regards to connectivity. Staff would refer back to the recommendation regarding the multiuse path along Roden Park Drive.



- Density and Growth:
 - The Future Land Use Map designates this site as Mixed Residential, which includes single-family detached homes, townhomes, and duplexes at a maximum 4 units per acre density. This use is intended for suburban and infill development and should emphasize connectivity and walkability. The proposed development is 3.97 dwelling units per acre, which is just under the proposed maximum density for this land use designation and well under the 8 units per acre currently permitted by Code for the R-4 Multi-family zoning district.
- Design Goals:
 - In terms of vision and look of higher density housing, the Comprehensive Plan utilizes the follow example images of what mixed residential housing should look like. Notably, these examples move away from rear-facing garages and emphasize front porches, stoops, and varied architectural elements.

Mrs. Jones presented the staff comments-Zoning Map Amendment Criteria:

This proposed project includes both a Zoning Map Amendment and a Planned Unit Development (PUD). Staff comments below will respond to the review criteria for both processes.

Recommendations and decisions on text or map amendments shall be based on consideration of the following criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts

- Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
 - When the current zoning and PUD were established in 2007, this site was part of a vision for a larger commercial development. Since that time, only a very small portion of the overall PUD area has developed as commercial. Given this history and the current overall trends regarding commercial development, it is possible a different use may be more viable in this area.
- Whether the proposed amendment is consistent with the comprehensive plan or other applicable city plans;
 - The current Comprehensive Plan designates this property as “Mixed Residential”, allowing for a variety of lot sizes and housing types (single-family, duplexes, townhomes) with a maximum density 4 units per acre.



The proposed development is just shy of 4 units per acre, thus meeting this requirement.

- The Comprehensive Plan calls for these developments to be well connected and pedestrian friendly. Garage locations are encouraged to be located on the rear or side of the unit, with access to parking through an alleyway. The proposed development does include sidewalk on all internal streets. On the main street frontages, there are existing 8-foot multiuse trails as well as a proposed 8-foot multiuse trail that would extend along a portion of the north side of Roden Park Drive. Staff is proposing the north side Roden Park trail be widened and extended further up Roden Park Drive.
- Whether the proposed amendment is consistent with the purpose of this code;
 - The Planning and Zoning Code states “the purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the comprehensive plan, or that are necessary to advance the health, safety, and general welfare of the City.” With this in mind, the proposed amendment may be consistent with the purpose of the Code in its ability to react to changed conditions over time. The proposal does generally fit the future land use map for density.
- Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;
 - The proposed amendment may work to address a community need. As demonstrated in the Comprehensive Housing Study adopted in early 2019 and the Comprehensive Plan adopted in 2021, Monroe is very homogenous in its housing stock (single-family homes on relatively small lots) but can support a variety of housing types ranging from apartments to brownstones to larger estate lots. In the context of the overall Future Land Use Map, various areas have been designated for future residential growth in order to meet the stated population growth of about 6,000 people over the next 20-25+ years. Developing this property for residential may help to meet that goal.
 - As stated by the applicant, the project will provide Monroe residents additional housing options and also provide the residential traffic necessary to the remaining commercial PUD closer to Route 4.
- Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
 - The proposed amendment does not appear to negatively affect the health, safety, morals, and general welfare of the public. The streets are now



proposed to be public, therefore built to public standards, per feedback from the public and safety services.

- Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation;
 - The proposed project would certainly have some impact on the existing natural environment, as any development would on a previously undeveloped site. City development standards as enforced by staff, Planning Commission, and City Council would ensure proper development of any new site.
- Whether the proposed amendment will ensure efficient development within the City; and
 - The proposed project could be seen as a natural progression from some of the more dense single-family lots in Monroe Crossings to the commercially zoned property as one approaches Route 4.
- Whether the proposed amendment will result in a logical and orderly development pattern.
 - As indicated previously, the development may fit in the context of the denser areas of Monroe Crossings while also serving as a “step up” in density as one approaches the commercial property closer to Route 4 and areas for future development closer to the Butler Tech and Monroe Bicentennial Commons property.

Mrs. Jones presented the staff comments-Planned Unit Development Review Criteria:

This proposed project involves both a Zoning Map Amendment and a Planned Unit Development (PUD). As such, the Staff comments respond to the review criteria for both processes.

It shall be the duty of the Planning Commission and City Council to investigate and determine that the proposed PUD plan complies with the following conditions:

- The PUD plan is consistent with the intent and purpose of the Comprehensive Plan;
 - The proposed PUD plan is consistent with the intent and purpose of the Comprehensive Plan in that it assists in creating the diversity of housing stock Monroe needs and is very close to the maximum density designated for this site by the Comprehensive Plan.
- The plan is in compliance with the standards of this chapter;



- The plan at this preliminary stage appears to be in compliance with the standards of this chapter.
- The plans are in compliance with the other applicable standards of this code, including but not limited to, architectural standards, off-street parking, signage, and landscaping; and
 - The preliminary plans appear to be in compliance with the standards of the current code with a few noted exceptions.
- The property adjacent to the area included in the plan will not be adversely affected.
 - Current property owners in Monroe Crossings have contacted the City with their concerns regarding the proposed project. Residents have named the potential for increased traffic, impact on schools, property values, and elimination of vacant property that some say served as visually appealing open space as adverse impacts.

Mrs. Jones presented the department comments as follows:

- Fire Department: Fire reserves the right for further review with plan submittal.
- Police Department: No comment.
- Engineering/Public Works Department:
 - The multi-use path on the north side of Roden Park Drive should be extended further towards Cold Water Drive.
 - Per ODOT Multimodal Design Manual, 5.3.1 Width and Clearances, the minimum shared use path width should be 10' wide.
 - Going forward, as we continue to plan multi-use paths in the City, we should be considering 11' minimum to best allow for 2-way operation, or even 12' wide paths.

Mrs. Jones presented the public comments as follows:

- Public comment received at the time of the finalization of the staff report (10/13/22) has been included in the packet to Planning Commission.
- Public comment received after the finalization of the staff report will be presented to Planning Commission at the 10/18/22 meeting.

Mrs. Jones presented the staff recommendation as follows:

- In the case of Zoning Map Amendment and Planned Unit Development proposals, Planning Commission acts as a recommending body to City Council. Planning Commission may choose to recommend approval, recommend approval with conditions, or recommend denial of the applications.
- If Planning Commission wishes to recommend approval of this zoning map amendment and draft Planned Unit Development Agreement, Staff would recommend incorporating the following conditions:



- The landscape plan be revised to provide the following:
 - Street trees be moved to the tree lawn on both sides of all internal streets.
 - Street trees be moved to the tree lawn along Roden Park Drive.
 - Street trees every 40 feet on center be provided in the tree lawn on Cold Water Drive.
- The applicant will widen the multiuse path on the north side of Roden Park Drive to 10 feet wide and extend the path further along Roden Park Drive towards Cold Water Drive with appropriate safety signage for users at the trail's stopping point as coordinated with and approved by the City Engineer.

Mr. Pyron asked if the city streets will now be city owned. Mrs. Jones verified that yes, they will be city owned streets.

Mr. Stewart, the project engineer, spoke regarding the development. Mr. Stewart stated the developer supports the Zoning Code and the Comprehensive Plan.

Mr. Stewart stated they have lowered the density to 83 units. Mr. Stewart reviewed the open green space plans. He also stated they can move the street trees as the City has requested. Mr. Stewart asked that the hiker/biker trail be the standard 8 ft wide at this time. He also noted they have added a 5ft sidewalk on Coldwater Drive. Mr. Stewart reviewed the exterior materials being used to construct the development sighting they will now have a solid brick wrap on all four sides.

Mr. Kirkpatrick asked for any proponents that wanted to speak to do so at this time.

Mr. Kirkpatrick asked for any opponents that want to speak to come forward.

Marlene Munday, member of the HOA board of Monroe Crossings, came up to speak. She stated she is not necessarily for or against the project. She stated the community is concerned about the two entrances being proposed. She stated there are already traffic issues in that area, especially at Bayberry and Crossings Boulevard. Ms. Munday stated there is a lot of activity in that area.

Ms. Munday stated the developer has mentioned this development being for the "empty nester" demographic. Ms. Munday stated that in her opinion "empty nesters" don't buy two story homes. She stated three-bedroom units will draw younger families which presents two concerns, school overcrowding and the residents of the new development using the Monroe Crossings amenities that are funded by their HOA dues. She sighted there are no playgrounds currently in the plans and would like the developer to consider changing this.



Ms. Munday stated the homeowners in Monroe Crossings are concerned about the look of the units. She stated the plans say they will not be “cookie cutter” looking units but the proposed units are just that. She stated the homes in Monroe Crossings don’t have metal roofs but that these homes do. She stated the homes don’t depict what is in Monroe Crossings. Ms. Munday stated homeowners have been reaching out to the HOA and they are calling the proposed homes tackey and ugly. Ms. Munday stated that in the plans they say the units will be owner occupied. She asked who will be insuring that is the case. Ms. Mundy asked if there is adequate parking for the units on their streets. Ms. Mundy also asked what the prices of the units will be. Ms. Munday asked if the new hiker/biker trails that will be in front of the development will be maintained by the new developments HOA.

Angela Fiszlewicz who lives in Monroe Crossings stated she would rather have this development than a CVS. She referred to the property lines and buffer zone between Bayberry and the new development and asked where they are. She stated some residents have fences up but now, could be over property lines.

Mr. Kirkpatrick stated fences that have already been put up that may encroach on the property lines are protected in the state of Ohio and they wouldn’t be made to take them down.

Etta Reed stated the buffer is 35 feet from the property line and that the mound that is currently there will remain. They plan to supplement what is there by adding landscaping to the mound.

Mr. Pyron asked if someone could address the question regarding cost of the units.

Mr. Stewart stated they will be priced between \$350,000 and \$400,000. Mr. Stewart addressed the question about the access points. He referred to the City for this due to requirements from the Fire Department. Mr. Stewart stated in regards to design, colors can be changed, they would be using different color brick to change up the look.

John Heinkel stated he agrees with the other speakers who have come up to speak. He stated he drives the route twice a day and feels the traffic is terrible. He stated the parks are small and won’t be able to hold the excess children. He stated when he purchased his home, he was told there would be commercial real estate in this area and that there would be similar residential areas. He feels this goes against the original plans for the development.

Mr. Kirkpatrick sighted the Comprehensive Plan stating the City has recognized areas in the city that could have this type of residential housing and that this was one of them.



He stated residents of Monroe said this is the type of housing they would like to see in the city.

Ms. Jones stated that there will be updates to the zoning code over the next year or so that will align it with the Comprehensive Plan.

Mr. Kirkpatrick requested a motion to accept the documents submitted for the record.

Mr. Richards moved to accept the documents for the record. Seconded by Mr. Pyron. Voice vote. Motion carried.

Mr. Kirkpatrick requested a motion to close the public hearing.

Mr. Frye moved to close the public hearing. Seconded by Mr. Pyron. Voice vote. Motion carried.

Mr. Pyron asked the developer if they will have to move the sidewalks due to the changes with the trees. Ms. Reed stated they will follow the City's guidelines on this. Mr. Pyron also asked about curbs and Ms. Reed states they will follow the City's guidelines on this as well.

Mr. Richards asked what the current specifications are for multiuse pathways. Mrs. Jones stated there currently isn't a standard. Mrs. Jones went on to say that at an internal staff meeting with the city engineer it was brought up that ODOT's standard is 10 feet. Mrs. Jones stated the current paths on Crossings and Roden Park are currently 8 feet asphalt paths. She also stated the city installed path on Jerry Couch Boulevard is 10 feet. Mr. Smith stated the Ohio code is proposing to move to 12 feet in order to accommodate the different modes of transportation. Ms. Reed stated the plans they have drawn up are just mimicking what the city already has.

Mr. Frye asked for clarification about the hiker/biker path on Roden Park. He questioned what would happen if they install the hiker/biker path on Roden 8 feet wide but then the other parcel at the corner of Roden Park and Routh 4 was developed and a 10 foot path was installed.

Mr. Kirkpatrick stated he spoke to the school superintendent who said 25% of the residents in this development would typically have 1 to 2 kids.

Mr. Kirkpatrick asked if when the homes are purchased will the buyer have a say in the color scheme. Mr. Willis stated there is a variation of colors and materials that will be used for the development.

Mr. Willis also stated the target market isn't those with children or retired but young professionals and empty nesters.



Ms. Munday asked if her questions could be addressed with the developer. Mr. Pyron stated they have addressed the question of the price and the need for two entrances.

Ms. Munday asked if there is any way the street entrances could be shifted. Ms. Munday asked if there is an HOA for this development to maintain their public areas. Mr. Pyron stated the developer was shaking their heads “yes”.

Mr. Frye asked if the HOA would be in charge of getting any additional playground equipment. The developer answered “yes”.

Mrs. Jones stated the developers target market is not families with children so the developer wouldn't put in parks/playgrounds to market to families with children. Our code does not say a playground has to be there.

Mr. Willis stated their target market is young professionals. Each unit will be 3 bedroom, 2 ½ bathrooms with finished basements.

There was some inaudible discussion had as well.

Mr. Pyron moved to approve and recommend Council approve Case No. 2022-10-15. Consideration of a zoning map amendment and associated planned unit development regarding 20.91 acres of property at Roden Park Drive and Crossings Boulevard from C-4 Gateway Commercial Planned Unit Development to R-4 Multi-Family Residential Planned Unit Development with the following conditions:

- The landscape plan be revised to provide the following:
 - Street trees be moved to the tree lawn on both sides of all internal streets.
 - Street trees be moved to the tree lawn along Roden Park Drive.
 - Street trees every 40 feet on center be provided in the tree lawn on Cold Water Drive.
- The applicant will widen the multiuse path on the north side of Roden Park Drive to 10 feet wide and extend the path further along Roden Park Drive towards Cold Water Drive with appropriate safety signage for users at the trails stopping point at coordinated with and approved by the city engineer.

Seconded by Mr. Richards.

Roll call vote. Four ayes. Motion carried.

Mrs. Jones stated the November meeting has been rescheduled. Mrs. Jones stated the Development Department is completing interviews with firms for the zoning code changes.



Adjournment

Mr. Frye motioned to adjourn the meeting. Seconded by Mr. Pyron. Voice vote. Motion carried.

The Planning Commission meeting adjourned at 8:07 p.m.

Respectfully submitted,

Michelle Layman
Planning and Zoning Specialist



CITY OF MONROE
Inter-Office Correspondence

TO: Members of the Monroe Planning Commission
FROM: Tom Smith
Development Director
DATE: December 20, 2022
RE: Information Packet for December 20, 2022 Planning Commission Meeting at 6:00 p.m.

I. Case No. 2022-12-16— Consideration for a Zoning Text amendment to Section 1203.05: Major Subdivisions of the City of Monroe Planning and Zoning Code.

A. Background

- City staff has identified areas of vulnerability to Section 1203.05: Major Subdivisions of the City's code leaving the city unprotected concerning development agreements and bonds for major subdivisions (5 lots or more).
- Currently the City does not:
 1. require a development agreement for major subdivisions.
 2. require that a development agreement be recorded with a final plat.
 3. clarify when specific bonds are eligible for release.
- On September 20, 2022, The Planning Commission reviewed proposed code text amendments to Section 1203.05 and made a recommendation to council for approval.
- In their meeting held on November 22, 2022, the council, in accordance with staff's recommendation, made a motion to deny the proposed text amendments. The basis for staff's recommendation for denial was due to incomplete content pertaining to the criteria required in a development agreement and the staff review process of a development agreement. These criteria are further expressed with greater clarity in Exhibit A.

B. Staff Comments

- **General:**
 - Zoning text amendments are regulated pursuant to the review criteria of section 1203.03(e). The proposed amendments to Section 1203.05 present significant safeguards to the City in terms of the overall quality of improvements installed and the terms for their construction making them consistent with the purposes of the comprehensive plan and future implementation of the code.
 - Implementing the practice of requiring development agreements for major subdivisions will better express and define project rules and regulations specific to the property; state commitments and policies related to the project; outline agreements and standards pertaining to the development; and establish specific time frames and completion dates for the development to better preserve the quality of the subdivision to be constructed.
 - These practices enhance efficient development in the city that will logical and orderly development patterns.
 - The newly presented proposal includes supplementary steps to the major subdivision process, namely the criteria required of a development agreement and the review process of the development agreement.
 - The proposed legislation further clarifies improvements involving the right-of-way and includes language surrounding the terms for bond release of Erosion and Sediment Control, and Storm Water Detention and Quality Bonds mitigating adverse impacts to the environment.

C. Applicable Codes

1203.03. Zoning Text and Map Amendments.

- (A) PURPOSE. City Council may amend the text of this code or the zoning map pursuant to the procedure set forth in this section. The purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the comprehensive plan, or that are necessary to advance the health, safety, and general welfare of the City.
- (B) APPLICABILITY. This section shall apply to requests to amend the text of this code or the Official Zoning Map of the City of Monroe, hereafter referred to as the "zoning map".
- (C) INITIATION.
 - (1) Pursuant to Section 1203.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for amendment;
 - (2) The Planning Commission may make a motion to initiate a text or zoning map amendment; or
 - (3) City Council may initiate a text or zoning map amendment by recommendation or referral to the Planning Commission.
- (D) PROCEDURE. The review procedure for a text or zoning map amendment shall be as follows:
 - (1) *Step 1—Pre-application Conference.*
 - a) If the amendment is initiated by the property owners, the applicant shall meet with the Code Enforcement Officer for a pre-application conference before submitting an application for an amendment to the zoning map or text, unless waived by the Code Enforcement Officer.
 - b) The applicant shall supply preliminary information to the Code Enforcement Officer in a form established by the Development Department. Such information shall be submitted at least three business days prior to the pre-application conference.
 - c) The purpose of the pre-application conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this code and the Comprehensive Plan prior to the submission of an application.
 - (2) *Step 2—Application.*
 - a) The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.
 - b) If the applicant fails to submit an application within 180 days of the pre-application conference (Step 1), the applicant shall be required to begin the review procedure again from the pre-application conference (Step 1).
 - c) Amendments initiated by City Council through legislation shall be referred to the Planning Commission for review.
 - (3) *Step 3—Staff Review and Staff Report.*

- a) Upon determination that a text or zoning map amendment application is complete, the Code Enforcement Officer shall refer the application to the Planning Commission and shall schedule a public hearing.
- b) Prior to the Planning Commission hearing at which the text or map amendment is scheduled for review, the Code Enforcement Officer shall review the application and prepare a staff report.
- (4) *Step 4—Planning Commission Review and Recommendation.*
 - a) The Planning Commission shall review a text or zoning map amendment application during a public hearing, and shall consider the staff report from the Code Enforcement Officer and the review criteria of this section.
 - b) Within 60 days of referral of the application, the Planning Commission shall submit a written recommendation to City Council. The Planning Commission shall recommend approval, approval with some modification, or disapproval.
- (5) *Step 5—City Council Review and Decision.*
 - a) Following receipt of the recommendation from the Planning Commission (Step 4), City Council shall set a time for a public hearing on the proposed amendment.
 - b) After the public hearing, City Council shall either adopt or deny the recommendations of the Planning Commission, or adopt some modification thereof.
 - c) In the event City Council modifies or denies the recommendations of the Planning Commission, a vote of not less than five City Council members shall be required.
- (E) REVIEW CRITERIA. Recommendations and decisions on text or map amendment shall be based on consideration of the following criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.
 - a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
 - b) Whether the proposed amendment is consistent with the comprehensive plan or other applicable city plans;
 - c) Whether the proposed amendment is consistent with the purpose of this code;
 - d) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;
 - e) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
 - f) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation;
 - g) Whether the proposed amendment will ensure efficient development within the City; and
 - h) Whether the proposed amendment will result in a logical and orderly development pattern.

- (F) **PLANNED UNIT DEVELOPMENTS.** Planned Unit Developments (PUDs) shall be subject to the review procedure established in Chapter 1206: Planned Unit Developments.

D. Department Comments

- **Fire Department:**
 - No comment.
- **Police Department:**
 - No comment.
- **Public Works/Engineering:**
 - No comment.

E. Fiscal Impact

- Further mitigated the risk of accepting a development of substandard.

F. Staff Recommendation

- That the Planning Commission make a recommendation for approval to the City Council as follows:

Motion to recommend a zoning text amendment to Section 1203.05: Major Subdivisions as submitted in Exhibit A.

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1203.05. Major Subdivisions.

(D) PROCEDURE. The review procedure for a major subdivision shall be as follows:

(1) *Step 1—Pre-application Conference.*

- a) The applicant shall meet with the ~~Code Enforcement Officer~~City for a pre-application conference before ~~submitting an application~~ for a major subdivision.
- b) The applicant shall supply preliminary information to the ~~Code Enforcement Officer~~City in a form established by the Development Department.
- c) The purpose of the pre-application conference shall be to discuss the proposed subdivision, review submittal requirements, ~~and~~ discuss compliance with the provisions of this code, ~~and define development agreement terms, project rules, and regulations-~~ prior to the submission of an application.
- d) Subsequent to the pre-application conference with the ~~Code Enforcement Officer~~City, the applicant may consult with, at a minimum, the ~~City Engineer~~engineering staff, fire department and the County Soil and Water Conservation District. The applicant shall also consult with the agencies having jurisdiction for sanitary sewer or water, where applicable.

(2) *Step 2—Application and Official Filing of the Preliminary Plat.*

- a) The applicant shall submit an application in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.
- b) The preliminary plat shall be submitted as part of the initial application.
- c) Upon determination by the ~~Code Enforcement Officer~~City that the application is complete, the preliminary plat shall be accepted as being officially filed.
- d) The application and the official filing of the preliminary plat shall be in accordance with the applicable submittal deadlines of the Planning Commission.
- e) If the applicant fails to submit a complete application and preliminary plat within 180 days of the pre-application conference (Step 1), the applicant shall be required to begin the review procedure again from the pre-application conference.

(3) *Step 3—Staff Review and Staff Report on the Preliminary Plat.*

- a) Upon determination that the application for a major subdivision is complete, the ~~Code Enforcement Officer~~City shall transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, fire department, agencies having jurisdiction for water and/or sanitary sewer, or other agencies the ~~Code Enforcement Officer~~City deems appropriate.
- b) Such agencies shall supply comments and recommendations to the ~~Code Enforcement Officer~~City prior to the regularly scheduled Planning Commission meeting where the preliminary plat will be reviewed.
- c) Prior to the Planning Commission meeting where the preliminary plat is scheduled for review, the ~~Code Enforcement Officer~~City shall review the preliminary plat and prepare a staff report.

(4) *Step 4—Review and Decision on the Preliminary Plat by the Planning Commission.*

- a) The Planning Commission shall not consider a major subdivision unless the preliminary plat is officially filed (Step 2).

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- b) The Planning Commission shall hold a public meeting to review and decide on the preliminary plat. The Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
- c) If the Planning Commission denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Planning Commission, or an appeal is granted by City Council.
- d) Appeal of a Decision by Planning Commission to Court of Common Pleas.
 - i) If the Planning Commission denies the application for a preliminary plat, the applicant may appeal the decision to the applicable court of common pleas within 30 days of the Planning Commission's decision.
 - ii) An appeal pursuant to this section shall be initiated by filing a written appeal of the administrative decision with the ~~Code Enforcement Officer~~City.
 - iii) The applicant shall submit an application in accordance Section 1203.02: Common Review Requirements.
 - iv) Upon receiving the written appeal of the Planning Commission's decision on a preliminary plat, the Development Department shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Clerk of Council. This material shall constitute the record of the appeal.
 - v) The City Council shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section 1203.02(H): Public Notification for Public Hearings.
 - vi) Any person affected by the appeal may appear at the public hearing and testify in person, or by attorney or agent.
 - vii) The City Council shall render a decision on the appeal without unreasonable delay. The Clerk of Council shall notify the appellant in writing of the decision of the City Council.
 - viii) A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

(5) Step 5—Submission of Development Agreement

A development agreement is a legislative action of the City of Monroe. A development agreement shall expressly define the development project rules and regulations for the development of specific property(s); commitments and policies related to the development of the property(s); and agreements and standards pertaining to the development of specific property(s). The development agreement shall also outline specific time frames, phasing, and other completion dates for the development of the property(s).

Contents of a development agreement shall include:

- a) A description of the uses permitted on the property and any uses specifically prohibited.
- b) The density of proposed uses, including minimum lot area, minimum lot width, maximum percentage of lot coverage, minimum setbacks, and maximum building height.
- c) Provisions for the reservation or dedication of land for proposed public purposes.
- d) The proposed timing and phasing for the construction of public improvements.

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- e) Assurances that all public facilities (streets, water, sewer, EMS/fire, and police will be available as they are needed to serve the development.
- f) Provisions to protect environmentally sensitive lands, and neighboring residential and commercial subdivisions through mitigation of anticipated impacts caused from the development onto the public.
- g) Provisions for public improvements in excess of what is required by current City code or law.
- h) The scope of Traffic Impact Study defined in this code.
- i) The proposed timing and phasing of the development project.
- j) The termination date of the development agreement.
- k) Terms and conditions relating to financing of public improvements.

(6) Step 6 – Staff Review of Development Agreement

- i. The development agreement shall be borne by the applicant and shall conform to the preliminary and final plat. The City shall distribute copies of the development agreement to all applicable staff for review, comments, and recommendations. The review agencies shall provide comments and recommendations for the development agreement to the City. A copy of the development agreement shall be marked and returned to the applicant for corrections, if necessary.
- ii. If found to be satisfactory by the City, the development agreement shall be forwarded onto City Council for review. Improvements shall not be constructed until such time as the City has accepted and approved of the development agreement, preliminary plat, and construction drawings.
- iii. The development agreement shall be recorded with the applicable county recorder prior to the construction of any public improvements. Any development agreement not recorded six (6) months following Council approval shall be deemed null and void.
- iv. The development agreement may be modified or terminated by the mutual consent of the developer and the City. The City Council may, at its option, modify or terminate a development agreement based upon evidence that a developer, or successor interest, has not complied with the terms or conditions of the agreement.

(75) Step 75—Submission of the Construction Drawings.

- i) The applicant's engineer shall prepare construction drawings, which shall conform to the approved ~~development agreement and the~~ preliminary plat and include all work to be performed. In cases where the applicant proposes to develop the subdivision in phases, construction drawings shall be submitted for each individual phase.
- ii) The applicant shall supply the construction drawings to the ~~Code Enforcement Officer~~City in a form and number established by the Development Department.
- iii) If the applicant finds, in the process of preparing construction drawings, that the approved ~~development agreement and~~ preliminary plat is not workable and changes in layout are required, the applicant shall inform the ~~Code Enforcement Officer~~City and City Engineer. The ~~Code Enforcement Officer~~City may require that a revised ~~development agreement and~~ preliminary plan be submitted for re-approval following Steps 2 through 4 above.
- iv) The City Engineer shall accept performance bonds pursuant to Section 1203.05(1): Bonding Requirements.

(86) Step 86—Staff Review and Decision on the Construction Drawings.

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- a) The ~~Code Enforcement Officer~~City shall distribute copies of the construction drawings to the City Engineer and, where applicable, the applicant shall submit the construction drawings to the agencies having jurisdiction for sanitary sewer or water, the Ohio Environmental Protection Agency, and any other applicable agencies.
- b) The review agencies shall provide comments and recommendations on the construction drawings to the ~~Code Enforcement Officer~~City.
- c) A copy of the construction drawings shall be marked and returned to the applicant's engineer for corrections, if necessary.
- d) If found to be satisfactory by the City Engineer, the original tracing shall be submitted for approval signature by the ~~Code Enforcement Officer~~City, City Engineer, and the agencies having jurisdiction over sanitary sewer or water (where applicable).
- e) Improvements shall not be constructed until such time as the City has accepted the performance bond, and the City and other applicable agencies have approved the construction drawings. The applicant is required to participate in a pre-construction meeting and file all bond documents with the City Engineer prior to commencing construction of improvements.

(97) Step 97—Filing of the Final Plat.

- i) The applicant shall submit the final plat in accordance with Section 1203.02: Common Review Requirements and with the provisions of this chapter.
- ii) Upon determination by the ~~Code Enforcement Officer~~City that the final plat has been properly submitted, the final plat shall be accepted as being filed.
- iii) The application and the official filing of the final plat shall be in accordance with the applicable submittal deadlines of the Planning Commission.
- iv) The final plat submission shall include the submission of a development agreement and construction drawings for the corresponding phase(s) of development.

(108) Step 108—Staff Review and Staff Report on the Final Plat.

- a) Upon determination that the application for a final plat is complete, the ~~Code Enforcement Officer~~City shall transmit copies of the application for review by the City Engineer and other applicable agencies the ~~Code Enforcement Officer~~City deems appropriate.
- b) The City Engineer and agencies shall supply comments and recommendations to the ~~Code Enforcement Officer~~City prior to the regularly scheduled Planning Commission meeting where the final plat will be reviewed.
- c) Prior to the Planning Commission meeting where the final plat is scheduled for review, the ~~Code Enforcement Officer~~City shall review the final plat and prepare a staff report.

(119) Step 119—Review and Recommendation on the Final Plat by the Planning Commission.

- a) The Planning Commission shall hold a public meeting to review and make a recommendation on the final plat. The Planning Commission shall take one of the following actions:
 - i) The Planning Commission shall give a favorable recommendation on the final plat authorizing its secretary, or any other officer of the Planning Commission, to indicate such approval and the date on the tracing of the final plat.
 - ii) If the construction drawings have not been approved by the City Engineer (Step 6) by the time of the Planning Commission's scheduled meeting, the final plat may be placed on the agenda for the next Planning Commission meeting for action.

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- iii) Should the Planning Commission deny the final plat, written notice of such action, including reference to the regulation or regulations not complied with by the plat, shall be given to the applicant and the applicant's engineer and/or surveyor. The action shall also be entered on the official records of the Planning Commission.
- b) The chairperson of the Planning Commission shall certify the final plat by signing and dating the final plat upon recommendation of approval from the Planning Commission.
- c) Upon making a favorable or unfavorable recommendation, with or without conditions, the final plat shall be forwarded to City Council for review and decision.

~~(120)~~ Step ~~120~~—Review and Decision on the Final Plat by the City Council.

- a) After full compliance with this section, the Development Department shall request the Clerk of Council to prepare the necessary legislation for City Council for introduction no later than 60 days of the recommendation of Planning Commission.
- b) Council shall review the final plat with access to the files of the Planning Commission.
- c) If approval is given, the plat and any appropriate documents shall be signed by the Mayor and Clerk of Council upon passage of the acceptance legislation by City Council.
- d) All drawings shall be returned to the Development Department after approval by City Council. The ~~Code Enforcement Officer~~City shall notify the applicant of the action by City Council by mail or digitally within five days after the action by City Council. The ~~original tracing~~approved development agreement and final plat shall be returned to the applicant for recording in the applicable county recorder's office.

(F) GENERAL COMPLIANCE.

- (1) All improvement standards set forth in this chapter shall apply unless otherwise waived or varied by the City in accordance with the procedures of Section 1203.04(H): Variances and Appeals, Section 1203.05(P): Variance of Subdivision Design and Improvement Standards, Section 1203.09: Administrative Waivers or Section 1203.10: Alternative Equivalent Compliance, as applicable.
- (2) Where a tract of land is proposed to be subdivided in several stages or phases over a period of years, the applicant shall be required to submit a development agreement, a preliminary plat for the entire tract (subdivision) to be eventually developed. The~~Such~~ development agreement shall expressly define the development project rules and regulations for the development of specific property(s); commitments and policies related to the development of the property(s); and agreements and standards pertaining to the development of a specific property(s). The development agreement shall also outline specific time frames, phasing, and other completion dates for the development of the property(s).
The preliminary plat shall illustrate appropriate sectioning or phasing adequate to demonstrate to the Planning Commission that the total design as proposed for the entire subdivision is acceptable under the terms of this code including conformance with the thoroughfare plan, ~~applicable county plan,~~ and/or ~~the City's~~ Comprehensive Plan, as determined by the City Engineer. The Planning Commission shall review and decide on the preliminary plat for the entire subdivision. The Planning Commission, City Engineer, and City Council, as applicable, may review and make decisions on the final plat and improvements plan for each individual section or phase.
- (3) The ~~C~~city shall withhold all public improvements, including the maintenance of streets and ~~appurtenances, erosion and sediment control(s), and storm water detention and quality, and~~ the furnishing of water service, to all subdivisions that have not been approved and to all areas dedicated to the public that have not been accepted by the Planning Commission and City Council in the manner prescribed in this code.

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- (4) The ~~subdivision-development agreement and~~ plat shall conform to design standards that will encourage good development patterns and particularly to the principles, standards, policies and proposals which are specified in the Comprehensive Plan. Therefore, the thoroughfare plan, drainage rights-of-way, school sites, public parks and recreation sites and other public buildings and facilities shown on the officially adopted Comprehensive Plan shall be considered in the decision to approve or disapprove subdivision plats. Each subdivision design shall be in accordance with all applicable sections of the this code, as amended. The City Engineer, at any time during design or construction or even after the recording of the final plat, shall have the authority to modify any engineering or construction detail, whenever required for the protection of the public interest, health, safety or welfare.
- (5) No construction shall take place until a bond, as required by this code, is received and approved by the City Engineer.
- (H) ESTIMATED COST. Upon approval of the construction drawings by the City Engineer, and before starting any construction work, the developer's engineer shall prepare and submit to the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), an independent estimate of costs, by item, for construction surveying; construction of roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems; drainage structures; erosion control, storm water management basins, restoration of land and site clean-up; and other related items. The total estimated cost, including labor, shall be prepared and signed by the developer's engineer. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may add to the developer's estimate an amount to cover contingencies, including permit and inspection costs, to arrive at the total estimated cost. The approved total of estimated costs shall be the basis for the establishment of the performance bond amount.
- (I) BONDING REQUIREMENTS.
- (1) Public Improvement Bonds shall be required for all private projects involving the installation of public utilities, and/or ~~roadwaysstreets and appurtenances~~.
- a) For developments involving dedication of Right-of-Way, prior to the approval of a Final Plat by the City of Monroe the developer shall post public improvement bonds in the amount of 130% of the estimated cost of the public improvements, as approved by the City of Monroe, to secure the performance and construction of the uncompleted and unapproved public improvements. The bonding forms, as determined by the City Engineer, shall be used when submitting bonds.
- b) For development not involving the dedication of Right-of-Way, prior to the final approval of the construction drawings by the City of Monroe and prior to the start of construction, the developer shall post public improvement bonds in the amount of 130% of the estimated cost of the public improvements, as approved by the City of Monroe, to secure the performance and construction of the uncompleted and unapproved public improvements. The bonding forms, as determined by the City Engineer, shall be used when submitting bonds.
- (2) All developments shall post bonds for erosion and sedimentation control and stormwater detention and quality.
- (3) Prior to the Developer securing bonds, line itemline-item estimates for all items to be bonded shall be submitted to the City Engineer for approval of the bonding amounts.
- a) The estimates shall indicate the item of work, the item unit, number of units, unit price, and total cost for each item to be bonded as detailed in Section 1203.05(H) Estimated Cost. Lump sum estimates ~~shall not be submitted~~will not be accepted.
- b) After preliminary acceptance of the constructed improvements and a complete set of As-Built plans have been received and approved by the City of Monroe in hard copy and digital format, the public improvement bond may be reduced to an amount determined by the City of Monroe.

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but shall be no less than 130% of all non-completed items. A maintenance bond will be held for a period of 12 months beyond the approval date of the improvements and after the top course of asphalt has been applied, to cover any defects in construction of the improvement to be determined by the City of Monroe. After this period and after the final inspection and completion of any punch list items, the maintenance responsibility of the developer may be released. A bond covering the completion of any outstanding items, i.e. sidewalks and erosion control, shall be held until home or building construction or lots developed in the section bonded has reached 80% and all other improvements have been completed to the satisfaction of the City.

- j) Approval of improvements shall not be granted until a punch list has been completed by the City of Monroe and all items have been satisfactorily completed.
- (4) Erosion and Sedimentation Control Bonds shall be required for all private developments that meet the requirements as determined by the City Engineer. Bonds shall be provided in the amount of 130% of the estimated cost of the sedimentation and erosion control measures for the site, as approved by the City of Monroe.
 - a) Erosion and Sedimentation Control Bonds may be reduced upon approval of the site by the City Engineer. ~~Prior to approval, the site shall have been permanently stabilized~~Erosion and Sediment Control, and Storm Water Detention and Quality Bonds shall not be released until stabilization has been inspected and approved by the City Engineer.
- (5) The City of Monroe will accept security in any of four separate forms. The developer may select the form of security as best suits their situation. The four forms of acceptable security are as follows:
 - a) Original Letter of Credit in favor of the City of Monroe.
 - i) The Letter of Credit must include the following language for automatic renewal and notice to the City of Monroe, Ohio in case of non-renewal: "It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for successive one year periods from its present or any future expiration date unless at least sixty (60) days before any such expiration date we notify the City Engineer of the City of Monroe, at the address listed above, in writing by certified or registered mail, that we elect not to consider this letter of credit renewed for any such additional period, at such time the City of Monroe, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit."
 - ii) If the Letter of Credit contains a draft presentment deadline, it is mandatory that the Letter of Credit include the following language: "The draft presentment deadline set forth in this letter of credit shall automatically be extended for one year periods unless at least sixty (60) days prior to any draft presentment deadline, or any prior extension thereof, the (name of financial institution) Bank notifies the City Engineer of the City of Monroe, Ohio, 233 S. Main Street, Monroe, Ohio 45050, that the draft presentment deadline shall not be extended for a successive one year period, at such time the City of Monroe, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit."
 - iii) The Letter of Credit must also contain the following language: "The Security Agreement referenced by this Letter of Credit and all its terms and conditions, is attached hereto, made a part hereof, and fully incorporated herein, as if fully rewritten".
 - iv) Payment pursuant to the Letter of Credit shall not be conditioned except upon notification by the City Engineer to the issuing financial institution that the developer is in default of the installation and/or maintenance of improvements within the subject development.

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- v) The Letter of Credit must state that it is being issued in connection with the installation of improvements in a particular development being developed by a certain developer. This reference must be specific and identify the development and section or phase thereof as may be applicable. Additional reference must be made that the letter of credit is being issued in connection with the security agreement between the City and the developer.
- b) Original Escrow Letter issued by a financial institution.
 - i) The following text shall be included: "The Security Agreement referenced by this Original Escrow Letter and all its terms and conditions, is attached hereto, made a part hereof, and fully incorporated herein, as if fully rewritten".
- c) Surety Bond issued by a surety company authorized to do business in the State of Ohio. An authorized representative must sign the security agreement which will serve as the bond. A power of attorney from the surety company authorizing the signature on behalf of the surety company must accompany the security agreement.
- d) Surety Obligation of National Bank. A national bank may bind itself as surety to indemnify the City should the Developer default in the installation of the development improvements if it has a segregated deposit sufficient to cover the bank's total potential liability. Therefore, an authorized representative of the national bank must sign the security agreement, which signature shall also constitute a certification that the national bank has a segregated deposit sufficient in amount to cover the bank's total potential liability.
- e) Irrespective of the type of security selected by the Developer, all security agreements must be signed by the Surety.
- f) The term "Surety" as used herein includes an FDIC insured bank, savings and loan or other financial institution where the security provided is a letter of credit, escrow letter or surety obligation of a national bank. The term "Surety" when referring to a bank, savings and loan or other financial institution is not intended to create obligations beyond those provided by the security agreement. In the event that Surety fails to make funds available to the City of Monroe, Ohio in accordance with the security agreement within thirty (30) days after notification of default, then amounts due shall bear interest at eight per cent (8%) per annum.
- g) Other than filing in the blanks, no other alterations to the Security Agreements or escrow letter may be made. The security agreements or the escrow letter shall not be retyped and only the forms provided or photocopies thereof are acceptable. Security agreements and escrow letters which have been altered or retyped will not be accepted. The Development name on a Security Agreement must exactly match the name of the Development on the record Development plat with no exceptions. For example, if the name of the Development is Spicewood, the name on the agreement must be spell[ed] the same. The City will not accept the spelling of Spice Wood as it is not the same as Spicewood. In addition, if the Development is Section One, referring to as Section 1 is not the same.
- h) Upon completion of the Security Agreements by the Developer and the Surety, they must be returned to the Office of the City Engineer.
- i) All Security Agreements must be submitted to the City Engineer with the construction drawings. In no circumstances will Security Agreements be approved by the City Engineer until the construction drawings have been approved by that City Engineer.
- j) Following performance of improvements in a Development, the Developer may request a reduction in the bond. Such requests may be made in writing to the Office of the City ~~Engineer,~~ and Engineer and shall be granted in the sole discretion of the City of Monroe, Ohio.

EXHIBIT A

- k) Upon release of the performance bond and acceptance of the maintenance bond as determined by the City Engineer, the City shall provide for the removal of snow and ice provided all roadway improvements are complete.
- (J) RECORDING.
 - (1) After all required approvals are secured, the final plat shall be returned to the applicant for final recording with the applicable county recorder. The development agreement shall be referenced on each recorded Final Plat.
 - (2) No development agreement or plat of any subdivision shall be recorded, or have any validity, until it has been approved and processed in the manner prescribed in this ~~section~~chapter.
 - (3) In the event that an unapproved development agreement or plat is recorded, it shall be considered invalid.
 - (4) Approval of a development agreement and the final plat by City Council will become void if the recording is not made within six months of the approval by City Council.
 - (5) All costs for recording of a development agreement and the plat shall be borne by the owner and/or developer.