

**CITY OF MENTOR-ON-THE-LAKE
PLANNING AND ZONING COMMISSION
JUNE 6, 2022**

The regular meeting of the Planning and Zoning Commission for the City of Mentor-on-the-Lake, Ohio was called to order by Ms. Cason on June 6, 2022 at 6:00 p.m. in the Community Room of City Hall, 5860 Andrews Road.

ROLL CALL: Suzanne Cason
Dave Chabut
Mike Sweeney
Brent Moore
Al Buescher

ALSO PRESENT - Rob Johnson, Council President
Kevin Bittner, Council Vice President
Jim Lunder, Council person
Paul Morris, Council person
Michelle Moore, Council person

APPROVAL OF MINUTES – May 2, 2022

MOTION by Brent Moore, and seconded by Al Buescher to approve the minutes as amended:

ROLL CALL

Suzanne Cason - AYE
Dave Chabut - AYE
Mike Sweeney - AYE
Brent Moore - AYE
Al Buescher - AYE

MOTION CARRIED 5/0

Open to the Public: Ms. Cason explained to the audience members that there is nothing on the agenda tonight warranting public comment, and therefore there would not be an open to the public session tonight, as this is a work session meeting to review the items that Council send down for discussion.

Discussion and questions from the audience regarding the public hearing. Ms. Cason explained that there is nothing on the agenda requiring public feedback.

Mr. Morris interjected that the 'open to the public' is listed on the agenda. Ms. Cason again explained that there is nothing on the agenda specific that requires public input (such as a request to be on the agenda or an application up for review).

Miscellaneous questions and comments regarding the processes and procedures.

Mr. Buescher states that as a point of order, their objections have been noted for the record.

OPEN PUBLIC HEARING: NONE

CORRESPONDENCE: NONE

MAYOR'S REPORTS: Mayor Eva: Lake Overlook Revetment Project was estimated at 1.2 million dollars. Council approved the motion to allow us to enter a petition to apply for the SID program, which would allow us to finance the revetment project. Administration is also seeking state funds to help offset the total cost. The Sommers Group looking to develop the corner has decided to offer to units for sale rather than rent them. They've also changed the layout to have the driveways inside the development rather than be on the road side.

A member of the audience asked if the plan was approved. Ms. Cason advised that it is not approved. They will bring back their final plan for review.

COUNCIL REP. DAVE CHABUT: PUD Zoning is on the agenda for the three required readings. Zoning committee is working on 1244.

Mr. Buescher asked for clarification regarding the changes that have been submitted from the Zoning Committee. Mr. Buescher states that Council is forbidden from creating a board conflicting with the Board of Zoning. Ms. Cason explained that is the reason the legislation has been referred back to the Planning and Zoning Committee for more review.

NEW BUSINESS: Review of the revised PUD zoning overlay.

Ms. Cason read 1255.01, purpose and application of the PUD District.

Mr. Buescher stated his concerns relative to the purpose of the District. He is not in favor of the unified development portion, section (3). He would prefer it say a variety of design, as this will create monotony. Mr. Buescher retracts his original statement, revising it to reflect April 20, higher quality development, diverse community purpose
Proposes to strike

1255.02 (a) Review: No comments

(b): No comments

(c): No comments

(d): Ms. Cason stated she recalled discussion that if the purpose for the PUD was no longer in effect, the development or the PUD essentially expires in a sense. She would like to make it explicit that it would expire.

Ms. Cason suggests the addition of (3): The PUD reverts to the base zoning if and when the purpose for which the PUD was granted is no longer valid.

1255.03 (a): Mr. Buescher proposes identifying the sites and acreage throughout the city. A two acre site is far different than a 5 acre site. Mr. Buescher references his email suggestions. Ms. Cason asks to hold that discussion until they reach the density details. The minimum for this section is 2 acres.

(b): No comments.

(c): No comments.

3 (d): Ms. Cason proposes to change the second sentence to: Preliminary site development plan shall be submitted by the owner or owners within the proposed PUD

to the Planning and Zoning Commission for review, or acceptance as prescribed by section 1222.

Ms. Cason states that she doesn't feel that our current regulations contain a rigorous enough development plan requirements, but that can be addressed later.

Ms. Cason proposes

In accordance with 1255.07 and 12

New 1255.03 (3) (d): Preliminary site development plans shall cover the entire PUD Overlay District indicating the uses, density, buildings, parking, landscaping and open spaces in accordance with Section 1255.07 Development Standards, and Section 1242.025 Development Plan Review. Preliminary site development plans shall be submitted by the owner or owners of all the land within the proposed PUD to the Planning and Zoning Commission per Section 1222. The preliminary site development plan shall be binding on the owner and/or owners, their heirs, executors, administrators, successors and assigns unless otherwise amended by action of the Planning Commission.

1255.04 (a): Ms. Cason notes that multi-family dwelling was removed from the list.

Mr. Buescher notes in his email with concerns that there was some descriptions that didn't match up with the other districts. Property types proposed did not match existing. Also notes that the garden type is not listed. Buescher asks the other members of the board if they feel that one-family detached should be on the list. He feels that one-family detached would only come into play on larger sites. Discussion regarding mixed use for smaller areas. Clarification from Mr. Moore that mixed use is already allowed under the current ordinances.

(b): No comments.

1255.05 (a): Mixed use reference calculations.

(b): No comments.

(c): Table discussion.

Ms. Cason notes that Willoughby's townhouse/condo number is 16, she is happy to see us lower. Discussion regarding maximum density, comparing Willoughby, Mentor, etc. Buescher states that he has issues with Sommer's proposal since it seems to fit their proposal, however he feels it's pretty dense, and would prefer something lower for him to be comfortable.

Mr. Chabut states that some of these numbers are consistent with what we already have in other areas.

Buescher proposes that densities be considered along with open space requirements.

Mr. Moore references Normandy Manor and Lakeway Woods as comparisons.

Ms. Cason states it makes sense to her to make the two-family dwelling limit 10, and the townhouse/condo limit at 12.

Mr. Buescher and Mr. Moore suggest striking one-family detached.

Mr. Buescher prefers the numbers to reflect 6, 8, and 10.

Mr. Moore disagrees and feels that the number is too low, and prefers townhouse/condo at 12. We went from 20 to 14 and now, arbitrarily to 10.

Mr. Buescher explains to the audience that this body is trying to make the proper suggestion, in his opinion, to Council for consideration.

Discussion regarding density totals. Moore, Chabut, Sweeney and Cason at 6/8/12.

1255.06 (a): Strike (1) One-family detached: 50%

(4) Cason and Buescher would like to see this lowered to 60%. Clarification that the density also has to meet the maximum coverage limits.

1255.07

Mr. Moore clarifies that looking at the current mapping for example, Mario's bar is only 18' feet from the ROW. He wants to know if he wanted a variance, if that owner could come to the board for a variance.

Mr. Buescher states he looked into the idea of consistency. All the buildings from Biggies north are 60+ years old. He's not opposed to a 25' setback under mixed use. He's not looking at this as mixed use, it's single use. Adds that we could keep the language of the average setback statement.

Would like to change it to building fronts, structures, and parking areas, instead of only buildings, structures and parking areas.

Mr. Chabut adds that this gives greater clarity for Planning and Zoning to follow.

Mr. Buescher proposes single use residential to be 35', the mixed use can be lower.

Mr. Buescher would like the average verbiage to be removed.

(b): Building fronts, structures and parking areas shall be setback a minimum of 35 feet from an existing street right-of-way.

~~(Strike/remove: Where twenty percent or more of the aggregate street frontage of the abutting property between two successive intersecting streets is occupied by buildings, the average of the setbacks of the existing buildings within 100 feet on either side of the lot shall determine the setback line for that lot.)~~

(c): Strike: ~~(1) One-family detached: 35 feet~~

Mr. Moore states the numbers are pretty standard across the board.

(d): No comments.

(e): Add 'section'.

Additional regulations as outlined in section 1610.04.

(f) No comments.

1255.08 (a): Ms. Cason discusses the information and details she'd like to add to this section, as she feels the current development plan is not specific enough. She proposes to add 1242.025 (see attachment (A) for full detail).

Ms. Cason requests another addition that Council considers adding to the requirements of development proposals, as described in Attachment B.

Ms. Cason requests to add both of these sections as a side amendment to the PUD, 1255.08 (a) a development plan in compliance with 1242.025. This would apply to the PUD or any other development. This would replace the current 1242.025 and add 1242 C-3.

Mr. Buescher asks if there should be an economic impact component to the plan requirements. Ms. Cason clarifies that it's not in this section; however it's contained within the Chapter.

(b): Ms. Cason proposes adding "...preliminary and final development plans, **environmental assessment statement and other data, in accordance with Section 1242.025.**"

(c): No comments.

(d): No comments.

(e): No comments.

(f): No comments.

(g): Discussion on final approval by the Commission or Council. The final plan is approved by the Commission.

Ms. Cason requests clerk call role to recommend as amended the Ordinance 1255 be referred to Council for review:

MOTION by Brent Moore, Seconded by Mr. Buescher to refer the modified Ordinance 1255, as written to Council for further review and comment.

ROLL CALL

MOTION CARRIED 5/0

Suzanne Cason - AYE
Dave Chabut - AYE
Mike Sweeney - AYE
Brent Moore - AYE
Al Buescher - AYE

Ms. Cason requests a motion 1242.025(c) 2 and add Section 1242 C-3 for consideration by Council.

MOTION by Mr. Sweeney, Seconded by Mr. Buescher to refer the modified Ordinance, as written to Council for review

ROLL CALL

MOTION CARRIED 5/0

Suzanne Cason - AYE
Dave Chabut - AYE
Mike Sweeney - AYE
Brent Moore - AYE
Al Buescher - AYE

Mr. Buescher inquires if they need to do anything about the common table of suggestions, including the identification of the under 2/over 5 acre designation. Ms. Cason states this is a recommendation to the existing code, not the PUD. After discussion, the board accepts the current code.

OLD BUSINESS:

Zoning application from MSP Development until a representative is able to be present.

A question from the audience regarding the time frame in the requirement for proposing and addressing the board.

Mr. Johnson clarifies that residents are able to request to speak during any council meeting; they are not required to be allow to participate during a committee meeting. Each committee and commission sets their own rules relating to the meetings.

Mario Cacic. Mr. Moore proposes removing Mr. Cacic from the tabled/old business section. Mr. Cacic has not returned to the board with the requested changes. As such, he will need to submit a new application for review if chooses to move forward.

MOTION by Brent Moore, and seconded by Mike Sweeney to remove Mario Cacic from the agenda.

ROLL CALL

MOTION CARRIED 5/0

Suzanne Cason - AYE
Dave Chabut - AYE
Mike Sweeney - AYE
Brent Moore - AYE
Al Buescher - AYE

NEW BUSINESS:

Proposed moratorium ordinance: Mr. Chabut provided details on the origin and the purpose, which is to prevent additional small box discount stores from opening in the City. He proposes adding additional language and definitions to the proposed ordinance.

Ms. Cason understands this is in direct response to the application that has been presented. The moratorium provides a stop-gap between now and the implementation of the proposed ordinance changes being discussed. Mr. Chabut asks where we are on the process. Ms. Cason states the developer has submitted a preliminary plan.

Mr. Buescher states they attended for informational purposes for feedback on developing the church property. 1242.025 (b) An applicant is encouraged to meet informally with the Zoning Inspector prior to submitting plans to the Planning and Zoning Commission. Additionally, an applicant may request a preliminary plan review by the Planning and Zoning Commission. Preliminary plans should be submitted to the Zoning Inspector ten days prior to the Planning and Zoning Commission meeting to be scheduled on the agenda. Planning and Zoning Commission approval of a preliminary development plan indicates that based on the preliminary information submitted to the Planning and Zoning Commission, the project could satisfy the substantive requirements for the proposed use in the district in which it is to be located and comply with the purpose and basic planning objectives of this Zoning Code. However, such preliminary plan approval does not assure approval of the final development plan. Based on an approved preliminary plan, the applicant may then proceed to prepare final plans in compliance with subsection (c) hereof.

He feels that the developer should be aware of the risk that it may be denied. Ms. Cason cautioned that much of this is being discussed tonight, and it's not all passed yet. Mr. Buescher asks if the application he has in front of him is the complete application. Mr. Moore and Ms. Cason state that it is just to inform the city of their intent.

Discussion on the moratorium and purpose and intent to create a window of time to have a more in depth conversation to dive deeper into other legislation for consideration.

Ms. Cason poses the option of moving forward with the moratorium with the language of 2022-O-09, striking everything up to "therefore be it ordained"

Section 1.(a) Council hereby declares a 6 month moratorium on the acceptance and processing of application for zoning, occupancy and/or building permit approvals for small box discount stores and the issuance of such approvals.

1 (b) Definition of small box discount retail stores: mean a retail store between 5,000 and 15,000 square feet, that dedicates less than 15% of shelf space to fresh or frozen foods and produce, directly to the consumer, a limited assortment of physical goods and other consumer products, including included food or beverage for off premise consumption, personal grooming and health products, household goods and other consumer products. Small box variety stores do not include small box stores that: 1. Contain a prescription pharmacy; 2. Sell gasoline or diesel fuel; 3. primarily sell specialty food items (e.g. meat, seafood, cheese, daily prepared foods, or oils and vinegars); 4. Dedicate at least 15% of shelf space to fresh or frozen foods; or 5. Dedicate less than 5% of shelf space to food sales.

Section 2, Section 3: no changes.

Proposal to strike all language above the section "NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MENTOR ON THE LAKE, LAKE COUNTY, STATE OF OHIO, THAT:"

Mr. Buescher states his feelings regarding the effect it may have on Giant Eagle or other stores that are established in the city.

Mr. Moore states that he disagrees on the concept of the moratorium, as he opposes to telling business that we don't want them.

Mr. Buescher asks if they are eligible under the CRA, and states it needs to be addressed, as he feels that it isn't a good idea.

MOTION by Suzanne Cason to submit the moratorium, as amended, to Council for consideration, Seconded by Al Buescher:

ROLL CALL

MOTION CARRIED 4/1

Suzanne Cason - AYE
Dave Chabut - AYE
Mike Sweeney - AYE
Brent Moore - NO
Al Buescher - AYE

Mr. Buescher states he received a petition during the meeting objecting to the procedures and PUD proposal. Petition attachment C.

Additional comments from the audience includes the request to remove the word Townhouse from the legislation.

ANNOUNCEMENTS AND SETTING OF MEETINGS: Next Meeting: July 11, 2022

MOTION to adjourn by Mike Sweeney, seconded by Brent Moore: Adjournment by acclimation.

APPROVED _____

8/1/22
Date


Acting Chairman
Co-Chairperson

ATTEST _____


Planning and Zoning Clerk