

Monroe Planning Commission Minutes
August 20, 2019 – 6:00 pm
233 South Main Street, Monroe, Ohio

The Planning Commission of the City of Monroe met in regular session at 6:00 pm on August 20, 2019. The meeting was held at Monroe City Hall.

Call to Order

The meeting was called to order at 6:02 pm by Mr. Morris. Members present were, Ron Tubbs, Steve Wood and James Berry.

Also present were: Kevin Chesar, Development Director; and Kameryn Jones, Planner.

Mr. Berry moved to excuse Mr. Routson from the meeting; seconded by Mr. Tubbs. Voice vote. Motion carried.

Mr. Berry moved to approve the minutes from the May 30, 2019 meeting; seconded by Mr. Wood. Voice vote. Motion carried.

Mr. Morris opened the Public Hearing and performed a swearing in of speakers at 6:05pm.

Consideration of a zoning amendment for property C1800008000069 to be changed from C-2 General Commercial PUD to C-2 General Commercial.

Ms. Jones stated that MNR Oil Inc., on behalf of property owner Munafo Seven Inc., has submitted an application for a PUD amendment regarding property adjacent to the former IGA retail center along South Main Street. The parcel involved in this request is 1.03 acres presently zoned C-2 General Commercial PUD, under the Munafo PUD. The Munafo PUD includes the former IGA retail center, which is in part being redeveloped for the new Police department facility, and still houses several tenant spaces along with three outparcels. Over the course of two meetings in the spring, Staff has presented the concept to Planning Commission for some initial feedback, including renderings, a preliminary site plan, and general operational information from the developer. MNR Oil Inc. desires to remove this parcel from the existing Planned Unit Development because the PUD prohibits gas stations, which are otherwise permitted in the C-2 General Commercial zone. The applicant also requests removal as the PUD prohibits direct access to out parcels from South Main Street.

Ms. Jones stated that the surrounding zoning consists of to the North: C-2 PUD (undeveloped property), South: C-2 PUD (future Police Department facility), East: C-2 General Commercial (Miami Valley Roofing, multitenant retail, City of Monroe cemetery property), and to the West: C-2 PUD (future Police Department facility).

As it is currently written, the Planned Unit Development for the existing shopping center and outparcels sets limitations both specifically to its outparcels and to the overall project. The basis of the applicant's request to Planning Commission concerns two provisions of the PUD: All

outparcels shall receive ingress and egress solely from the internal traffic network for the project property as shown on the Preliminary Development Plan. No direct access shall be granted for any outparcel from South Main Street or Carson Road.

The following uses are expressly prohibited from being located upon the Project property:

- A. Sexually oriented business uses as defined in the Monroe Zoning Ordinance Chapter 1206.01.
- B. Automotive sales and service.
- C. Automotive service station.

Ms. Jones noted that the Planned Unit Development agreement refers to “Automotive Service Station,” as the Planning and Zoning Code in place in 2001 at the time of the creation of the PUD utilized this term to refer to and include gas stations. Today’s Code uses the term “Retail Fuel Sales”.

2001 “Automotive Service Station”: Automotive Service Station shall mean any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

2019 “Automotive Service Station and Parts Sales”: Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

2019 “Retail Fuel Sales”: An establishment that sells unleaded and diesel gasoline along with other automotive fuels.

Planning Commission has the ability to make a favorable recommendation to Council, a recommendation of denial, or may choose to propose an amendment to the existing Planned Unit Development.

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.

While the proposed change does not correct an error, the applicant states in their application that the increase in residential development in recent years necessitates new stores like theirs to serve demand in the immediate area. While it is not entirely clear why gas stations were prohibited from the PUD when it was originally established, it is possible such a use was prohibited due to the typically associated convenience store that could impact the incoming grocery store as the anchor to the whole retail center.

Whether the proposed amendment is consistent with the comprehensive plan or other applicable city plans.

The proposed amendment is consistent with the comprehensive plan in the strategies and goals section and the future land use map. The land use strategy section states the follow regarding commercial development generally as well as development along Cincinnati Dayton Road:

Future Land Use Strategies

Strategy 1. Locate high-intensity commercial projects with existing similar development areas along State Route 63, I-75, Cincinnati-Dayton Road, and State Route 4 (south of State Route 63). This will reinforce existing trends by keeping commercial uses along major thoroughfares for visibility and access. Strategy 2. Encourage retail development near existing retail uses along State Route 63, Main Street, Cincinnati-Dayton Road, and State Route 4 (south of State Route 63). These areas are strategically placed along existing retail areas and busy roadways that will provide easy access for residents of nearby neighborhoods.

Attracting Commercial and Retail Development

With the improved interchange at State Route 63 and I-75, additional highway retail may develop between Main Street and I-75 along State Route 63 and neighborhood retail uses along Cincinnati-Dayton Road, north of the State Route 63 intersection. Additional retail development should be encouraged in the downtown area to attract foot traffic and along State Route 4, south of State Route 63, to serve the residential development along the western side of the City. Expansion of commercial and retail uses in Heritage Plaza and near Todhunter Road and Cincinnati-Dayton Road should also be encouraged.

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.” The proposed amendment may be consistent with the purpose of the Code. As previously stated, the environment under which this PUD was created does not necessarily exist today.

Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.

The applicant states in its application a need for an additional convenience store/gas station, particularly along Cincinnati Dayton Road: “This helps to fill a need and a void now experienced by the neighborhoods there. The closet gas station is the small Ameristop on State Route 63 or down to Kroger’s or out to I-75 for either Shell or Speedway. When you look at the Cincinnati Dayton Road corridor, there is one station in Middletown and then eight miles south in Liberty Township. UDF, for example, only targets neighborhoods for its store locations and we think there is a lot of merit to that. With the few gas locations in Monroe, this means less competition and our survey of gas prices, which we do every day, shows this city has some of the higher prices in the region. Good competition will help to bring those high prices lower and we want to lead the way and this is good for the residents here.”

Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public.

Should the applicant move forward with development of the site for any use, adherence to the Code will be required in regards to issues of lighting, traffic, and other issues of public concern via the typical site plan approval process. Should the PUD be amended to allow for a gas station, more directed measures could be included to further protect surrounding properties.

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 applicant has stated they anticipate 200-300 vehicles per day, estimated to be one tenth of the former IGA traffic at its peak. Further, the applicant has agreed to limit operations to no more than 18 hours a day. City development standards would ensure proper development of any new site and concerns regarding light pollution, noise, and access issues would be tempered through code regulations and the results of the TIS as determined by the City Engineer. While most new commercial developments are not designed to reduce (mitigate) environmental impacts, the proposed development is not substantially different than other typical C-2 uses.

Whether the proposed amendment will ensure efficient development within the City.

As there is an end use associated with this PUD amendment request, the amendment may result in efficient development. Additionally, the C2 zoning would be consistent with much of the surrounding zoning.

Whether the proposed amendment will result in a logical and orderly development pattern.

Surrounding zoning is all either C-2 or C-2 PUD. The change from C-2 PUD to C-2 (or by allowing another typical C-2 use such as gas station) could make logical sense in the overall development pattern of that area. A variety of other typical C-2 uses could be viewed as a similar use intensity as a convenience store/gas station.

Ms. Jones stated that the Fire Department comments were in regards to the 2 points of access is preferred should this property develop as proposed. The Police Department prefers for public traffic to be routed away from the Police station and kept towards the front/east side of the property. Public Works stated that the site would be required to split access between the two out lots. A TIS will be required. This site may have limited access through the main former IGA/future Police station Entrance. This will be determined upon final design of the overall Police site.

Ms. Jones states that as the City is a property owner and major stakeholder in the overall development, Staff would like to note that the City staff, nor the Police Department specifically, have any major concerns about this particular user locating adjacent to their future department facility. However, Staff understands the concerns of some of Planning Commission as it relates to quality of soil and its ability to support underground tanks as well as access issues associated with increased traffic along South Main Street and the internal reconfiguration of the IGA lot as a result of the new police station. Therefore, to better address the specific concerns of this site while also accommodating the end user, an amendment to the Planned Unit Development may be warranted in lieu of the request by the applicant to be removed from the PUD. No public comments were received.

Staff recommends Planning Commission make a recommendation to City Council to amend the existing Planned Unit Development amendment application with the following modifications. Modify “Automotive Service Station” as listed in the PUD to exclude Retail Fuel Sales. Retail Fuel Sales operations will be limited to 18 hours a day, 6 AM to 10 PM. Eliminate requirement for outparcels to receive access solely from the main entrance along South Main Street and be permitted direct access to their property from South Main Street. The two northern out lots along Main Street will be required to have one shared access point and a shared access agreement/easement will be required. The fuel canopy location may be required to locate further west from the right-of-way in order to accommodate a sidewalk and to avoid possible cueing of refueling traffic from Main Street.

Edward Schaffer, attorney for MNR Investments stated that the applicant owns many gas stations and has current investments in the City of Monroe. He and the applicant agree with the City of Monroe staff comments in regards to the recommendations and conditions concerning this amendment.

Resident, Nicholas Karkaris of 135 Stillpass stated that he knows the applicant and has frequented other gas stations that the Patel’s operate. He states that he has no opposition to the amendment as the applicant takes great care in his other properties and has been an asset to the community.

Mr. Wood moved to accept all documents as presented for the hearing; seconded by Mr. Berry. Voice vote. Motion carried.

Andrew Hillscamp, VP of American Trademark Construction stated that they support MNR concerning the applicants request for the PUD amendment and has been retained to be the general contractor for the proposed property. American Trademark Construction has worked on other projects within the City of Monroe, and may for the Patel’s including the gas stations, but states that they are not aware of all the details in regards to the property in question. He states that currently they have not obtained soil samples on the property, but as they have built most gas stations in the area soil borings would be obtained for the property as Standard Operating Procedure.

Mr. Berry moved to close the Public Hearing at 7:02 pm; seconded by Mr. Wood. Voice vote. Motion carried.

Mr. Berry moved to propose an amendment to the PUD for property C1800008000069 to be changed from C-2 General Commercial PUD to C-2 General Commercial PUD with the following conditions; Modify “Automotive Service Station” as listed in the PUD to exclude Retail Fuel Sales, retail fuel sales operations will be limited to 18 hours a day, 6 AM to 10 PM, eliminate requirement for outparcels to receive access solely from the main entrance along South Main Street and be permitted direct access to their property from South Main Street. The two northern out lots along Main Street will be required to have one shared access point and a shared access agreement/easement will be required, the fuel canopy location may be required to locate further west from the right-of-way in order to accommodate

a sidewalk and to avoid possible cueing of refueling traffic from Main Street; seconded by Mr. Wood.
Voice vote. Motion carried.

Mr. Morris moved to adjourn at 7:56 pm; seconded by Mr. Wood.

Respectfully submitted by,

Deana England
Deputy Clerk of Council