

Process Summary

Proposed Planning & Zoning Code Text Amendment

Adding Minor and Major Vehicle Repair Facilities to List of Permitted Uses in CBD, Central Business District

On Thursday, July 18, 2019, Springboro City Council will conduct a Public Hearing regarding a request to amend the Planning & Zoning Code to allow minor and major vehicle maintenance facilities to the list of permitted uses in the CBD, Central Business District. The request was made by Todd Music, representing Music Limited Partners, a property owner of land and buildings in the CBD. The Public Hearing will take place at 7:00 p.m. EST in Council Chambers in the Springboro City Building located at 320 West Central Avenue (SR 73), Springboro.

This summary document describes the nature of the text amendment request, the status of the approval process, and contact information for questions you may have regarding the Public Hearing.

Background

The request to amend the Planning & Zoning Code was filed by the Music Limited Partnership, hereafter referred to as the applicant, on March 26, 2019. The request was made in effect to allow a business that currently occupies a property owned by the applicant, Pro Automotive, to remain at a property located at 205 East Street.

Pro Automotive has been located on the property on a temporary basis since November 2016. At that time, the City of Springboro entered into an agreement with Pro Automotive and the applicant to allow the business to relocate to 205 East Street for a two-year period through November 2018. The agreement also included a one-year extension period. The agreement emphasized that the use of the property was temporary in nature, that the use of the property was not permitted under the City's zoning code, that the agreement could not be assigned to a third party, and that the agreement did not confer on Pro Automotive any special rights.

In November 2016, construction of improvements to the intersection of SR 73 and SR 741 were scheduled to commence, necessitating Pro Automotive's move from 10 North Main Street, a site located at the northwest corner of SR 73 and SR 741. The property was purchased, along with others in the vicinity, to accommodate the widening of right-of-way. The agreement allowed the owner of Pro Automotive at the time, Joe Davis, adequate time to find a permanent location for the business. Mr. Davis was unable to find a suitable site to relocate permanently by the November 2016 deadline following assistance from the City of Springboro and others.

In 2018, Pro Automotive was purchased by Taylor Sutton with the knowledge that the business was operating under a temporary arrangement to remain at the location. The property owner and Mr. Sutton approached the City of Springboro about rezoning the property to allow the vehicle repair facility to continue operation at 205 East Street. The Planning Commission reviewed the request at their March 13th work session, in the form of a request to rezone the property to ED, Employment Center District, or M-1, Light Industrial District. Following feedback from the Planning Commission at the work session, the applicant withdrew their rezoning request.

On March 26th the applicant filed a request to amend the Planning & Zoning Code that is the subject of the July 18th Public Hearing.

CBD, Central Business District Zoning

The CBD was established in the Planning & Zoning Code, as revised in 2015, to allow for a mix of residential, retail, office, and community, civic, and institutional uses. The CBD's purpose is to accommodate the preservation and redevelopment of the historic core of the community. The CBD overlays the six-block portion of South Main Street extending from Central Avenue (SR 73) to just south of Mill Street, as well as property on

adjoining side streets including East Mill Street, West Mill Street, East Factory Street, and East Market Street. The CBD can also be found on property fronting East Central Avenue from East Street to just east of East North Street, and a small node on the 200 block of East Market Street. An excerpt of the City's Zoning Map including the CBD area is included on page 5 of this document.

The CBD's design and development standards match those of the Historic District. Setbacks are smaller than other business districts, reflecting the existing development pattern, and permitted residential development densities are higher than in most other areas of the community. The CBD also differs in that it allows a mix of residential, office, retail, and community/civic/institutional uses including the following:

Most residential uses—apartments accessory dwellings or granny flats, single-family residential (attached and detached)

Colleges

Charitable and philanthropic organizations

Private clubs and civic organizations

Places of worship

Schools

Day care centers

Public recreation

Cultural, public, and municipal uses

Essential services and utilities

Retail sales (indoor)

Bed & Breakfasts

Bars and taverns

Offices

Personal service establishments

Hotels, motels, and inns

Funeral homes

Restaurants without drive-throughs

Bakeries and confectionaries

Places of assembly

In addition, the following accessory uses are permitted when associated with a permitted use listed above:

Accessory structures

Farmer's markets and Roadside stands

Food trucks

Home occupation (when tied to a residential use only)

Outdoor storage

Outdoor dining

Seasonal sales

The requested use, minor vehicle repair facilities, as well as other light manufacturing-type uses, are not currently listed as a permitted use in the CBD. The use, as defined in the Planning & Zoning Code (Chapter 1290), separates the use into the following subcategories:

Vehicle Repair, Minor and Major: "Vehicle repair, minor" and "vehicle repair, major," mean the following:

"Minor vehicle repair" means engine tune-ups; servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repair activities that do not require any significant disassembly or any storing of vehicles on the premises overnight.

"Major vehicle repair" means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service; steam cleaning; undercoating and rust proofing; painting; welding; and similar services that normally require significant disassembly and possible storage of vehicles on the premises overnight.

Minor vehicle repair facilities are currently permitted in the ED, Employment Center District, and the M-1, Light Manufacturing District. The ED can be found on the Official Zoning Map of the City of Springboro on the west side of the community to the north and south of the West Central Avenue (SR 73) corridor west of Clearcreek-Franklin Road. Properties zoned ED do not front on West Central Avenue but are located on Sharts Road, Pleasant Valley Drive, South Pioneer Drive, North Pioneer Drive, and other side streets in the area.

Any newly sited vehicle repair facility would need to comply with the zoning district design and development standards (setbacks, building height, etc.) for the site on which it is proposed, specific design and development standards for the use, and other design and development standards covering such topics as lighting, landscaping and screening, signage, off-street parking, and more. Typically, those issues are addressed in the course of a business application for a certificate of zoning compliance and/or the City's site plan review process.

Unlike amendments to the Official Zoning Map of the City of Springboro, a text amendment like the one proposed would allow the proposed use on any property so zoned, not just 205 East Street.

Springboro Land Use Plan

The absence of minor vehicle repair facilities from the CBD is a reflection of the City's Land Use Plan, adopted by City Council in April 2009. The plan includes recommendations for the long-range development of the community. It is divided into 16 policy areas that make specific recommendations for smaller portions of the community that are grouped together because of proximity, land use patterns, date of development and other general characteristics. Policy Area #13, Historic Core, includes the land in the CBD as well as areas on East Street that are zoned R-2, Low Density Residential District. Preferred land uses identified in the plan include office, retail, restaurants without drive-throughs, detached and attached residential dwellings, accessory apartments, and public and semi-public uses such as schools and churches. An excerpt of the *Land Use Plan* is included on pages 6-8 of this document.

Springboro Historic District

In addition to conventional zoning requirements, any proposed use will need to address the issue of historic preservation. The CBD corresponds to much of the Downtown Springboro Historic District, a federally- and locally-designated historic district (note: since the two districts mostly share a common boundary, they will be referred to in the singular in the remainder of this document). The historic district protects structures through the Historic Preservation Code as administered by the Architectural Review Board through the Certificate of Appropriateness (COA) process. The historic district designation provides for a mechanism to review exterior changes to historic, referred to as protected properties in City code, ranging from painting schemes to additions, material changes, or demolition. Changes to vacant property are also subject to COA review and approval. As it relates to this text change request, changes to the exterior of most properties in the CBD would also be subject to the requirements of the Historic Preservation Code. A figure on page 9 of this document shows the boundaries of the Historic District and contributing/non-contributing status.

Planning Commission Review of Amendment Request

Following the March 26th application, the text amendment was scheduled for discussion at the April 10th Planning Commission work session, but was postponed since there was not a quorum of members available at that work session to discuss the matter. The City of Springboro notified all property owners within the CBD of the proposed text

amendment. In addition to the applicant and business owner, the Planning Commission accepted comments from the public regarding the amendment request. Comments received in writing were also entered into the record. The application was discussed at length at the May 8th Planning Commission work session with the property owner, Taylor Sutton, and Kerry Sutton in attendance. Following that discussion the Planning Commission authorized the request to be placed on the agenda for the May 29th Planning Commission agenda for a formal recommendation to City Council.

At the May 29th Planning Commission meeting, following a presentation by the applicant and business owner, Planning Commission, following a motion and second, voted to not recommend approval of the text amendment request to Springboro City Council. The vote was 0 in favor, and 5 against, with 2 absences.

Unless withdrawn by the applicant, all recommendations from Planning Commission automatically are forwarded to City Council even in cases of a negative recommendation such as this.

Where Things Are Presently

The Planning Commission's May 29th recommendation is only that: *a recommendation*. Only the Springboro City Council can formally legislate by Ordinance an amendment to the Planning & Zoning Code. Acting on the recommendation, City Council on Thursday, June 2, 2019 set a Public Hearing for Thursday, July 18, 2019 at 7:00 p.m. to hear public comments on the proposal, the earliest possible date available. All owners of property in the CBD will be notified by mail of the amendment request and Public Hearing.

Following the Public Hearing, and as is typical for proposed City rezoning Ordinances, the rezoning Ordinance will be read at three City Council meetings prior to adoption. In this case, City Council will conduct the readings on July 18th, August 1st, and August 16th. Since the recommendation of Planning Commission was negative, a supermajority of City Council, 5 members, will need to vote in the affirmative to approve the zoning text amendment. Following adoption, Ordinances become effective thirty (30) days following the final reading by City Council.

The last step in the PUD approval process is record plan review. Record plans identify the manner in which individual property is subdivided, the dedication of public rights-of-way (streets) and other information so that the property may be recorded. Sometimes this step takes place after construction has been completed.

If You Cannot Attend the Public Hearing

If you cannot attend the Public Hearing on July 18th, you may still forward your comments in writing to City Council so that it may be read into the record. The letter must be signed and include your name and address. Letters may be sent to the attention of Ms. Lori Martin, Clerk of Council, City of Springboro, 320 West Central Avenue, Springboro, Ohio 45066. Letters may be faxed to the attention of the Clerk of Council at (937) 748-0815 or by e-mail at lori@cityofspringboro.com and they need to include your name and address.

All information regarding this rezoning request application and other information is available for public inspection at the Planning Department in the Springboro City Building, 320 West Central Avenue (SR 73), during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, legal holidays excluded (please note the City Building will be closed Thursday, July 4, 2019 in observance of the Independence Day holiday). Please call (937) 748-4343 for more information.

Vicinity Map for CBD, Central Business District



The exhibit above indicates the location of the CBD, Central Business District, in brown. Areas in yellow are R-2, Low Density Residential District, while gray is the TCD, Town Center District. North is at the top of the image. Image not to scale.

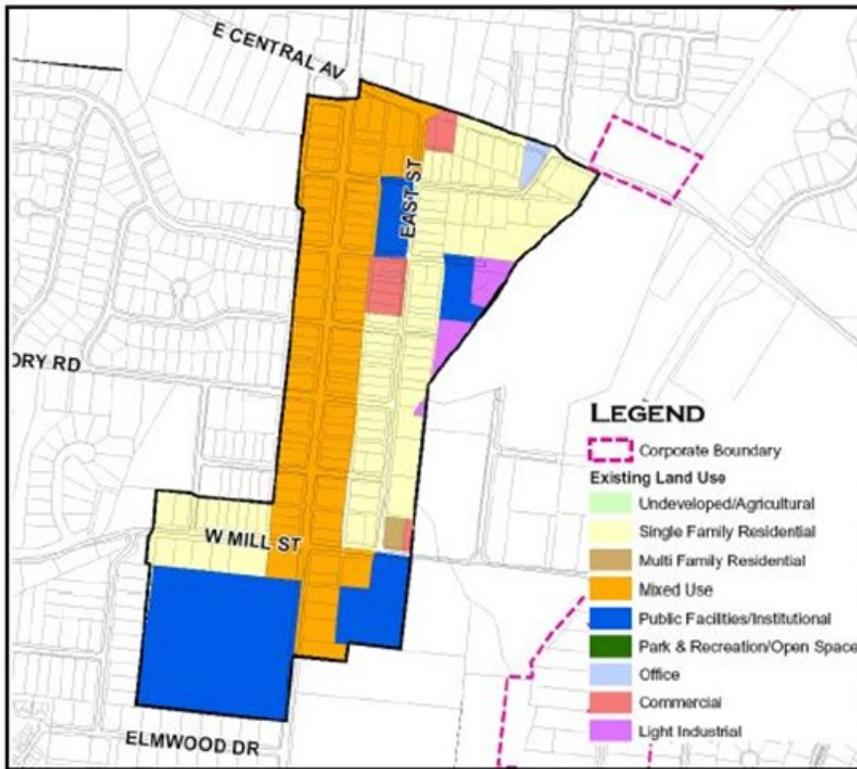
Excerpt of Springboro Land Use Plan

Policy Area 13 – Historic Core

Existing Character

This Policy Area includes the area most commonly associated with Springboro: the original plat of the City and its largest concentration of pre-Civil War buildings. A large portion of the Policy Area is listed on the National Register of Historic Places and is the subject of a detailed historic preservation review process. This area is also subject to high volumes of peak hour traffic on State Route 741, which diminishes from four to two lanes before entering the Historic Core from the north. Buildings in this Policy Area date between the early 19th and mid 20th Centuries and include a mix of residences, retail businesses, personal service, light industrial and offices uses. Most of the properties are well maintained and have kept their period architecture.

Figure 2.14 – Historic Core



A summary of the existing character and issues relating to the Historic Core Policy Area is as follows:

- The Policy Area is largely built out.
- Portions of the area have local and Federal historic designation.
- The area is commonly identified by long time residents as the "Identity of Springboro", being the original plat.
- The area's historic character and intimate scale creates a strong sense of place.
- The land use pattern is mixed.
- Buildings are typically brick and frame construction, and are 2 stories in height. Most buildings are mid-19th century vernacular construction.
- The area is characterized by alley and on-street parking. There is a perception that adequate parking is not available.
- The Policy Area is the location of various community events throughout the year.
- There is a concentration of schools at southern end of Policy Area.
- The Policy Area is divided by S.R. 741, which is the primary north/south thoroughfare serving the City and surrounding areas.
- The Policy Area is periodically congested with vehicular traffic, especially during school arrival and release times and at the morning and afternoon rush hours.
- The area appears to be slowly transitioning from retail and residential uses to office uses.
- Detailed plans and design policies for the Historic Core are identified in the 1998 Land Use Plan.

Preferred Future Characteristics, Actions and Needs

- Continue to maintain the historic character and identity of Policy Area through strict enforcement of design guidelines to ensure that property maintenance, infill, and new development are conducive to the historic core design and atmosphere.
- Consider modifying the Zoning Code to promote "form based zoning" to reinforce the character and design of the Historic District. Form based zoning places heavy emphasis on the integrated design of buildings and mixed uses over a strong focus on specific land uses.
- Manage traffic through congestion mitigation and improved directional signage for the Richards Run bypass route through Policy Area 14, the South Richards Run Corridor.
- Maintain the viability of businesses through small business support networks, joint marketing and signage and public education regarding the availability of parking in the Historic Core.
- Maintain and enhance the community's connectivity to this area, both physically in terms of sidewalks and walking paths, and through promotion of the district to local residents.
- Maintain the mix of residential, service and retail business uses to ensure a lively, interactive district.
- Plan for and develop this area as a destination district (e.g. arts district, bridal district, etc.).

Preferred Land Uses

The following land uses are identified for the Policy Area in order of preference. This list is suggested to ensure the proper reuse or development of available land in this policy area.

- Office.
- Retail.
- Restaurant without drive through.
- Detached residential dwellings.
- Attached residential dwellings.
- Accessory apartment. Accessory apartments are dwelling units that are not the primary use of the parcel of land, but co-exist with another use such as a retail establishment or even a detached residential dwelling.
- Public and semi-public uses.

Recommended Density and Open Space Requirement

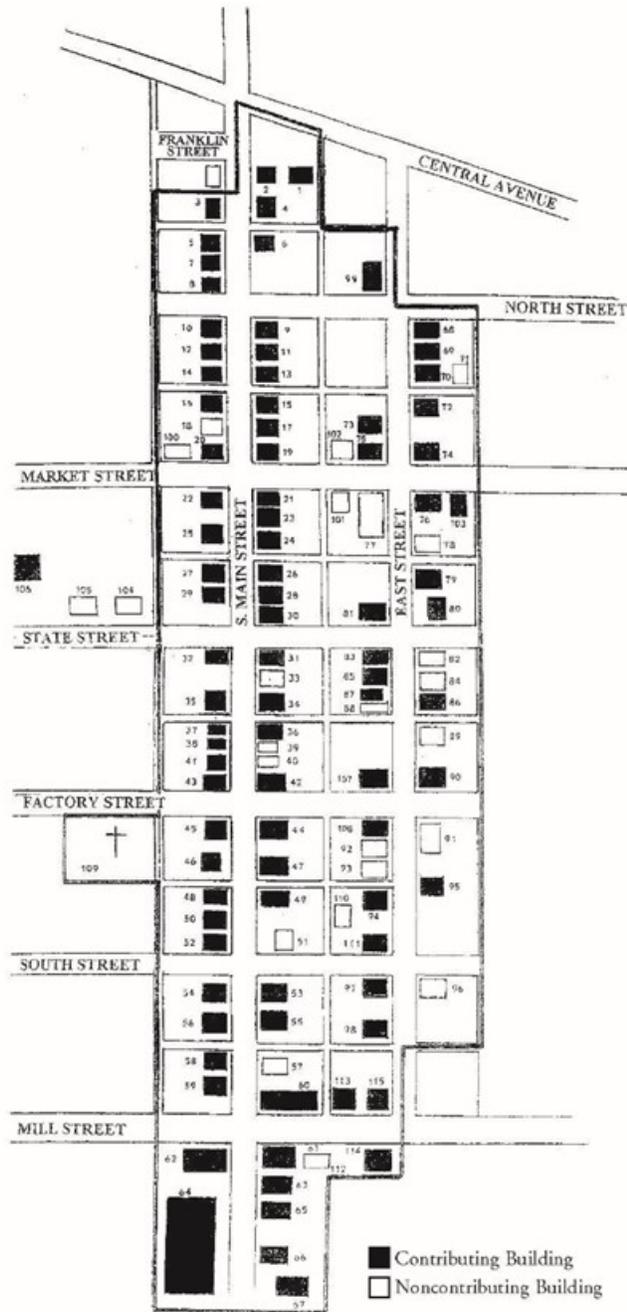
- Permitted land uses should be limited in building size to be conducive to the Historic Core areas physical character. Such square footage would also emphasize historic preservation.
- Non-residential uses should be located on lots with a maximum lot coverage of 90%. Lot coverage includes all impervious or hard covered surfaces including, but not limited to: building footprints, sidewalks, patios, driveways, loading and unloading areas, and parking lots.

Implementation Recommendations

Education regarding historic preservation techniques, such as is available from the Ohio State Historical Society's Building Doctor program, would also assist efforts to maintain the unique character of this valuable district.

Part of the challenge facing this district is the assumption that parking is not available. Although no known study has been conducted regarding the level of use that the existing public parking lot receives, it is likely that this resource is underutilized due to low visitor awareness of its availability and convenience. Installing wayfinding signage that directs visitors to this lot would begin to overcome this perception, as would promotional materials, either independently distributed or printed in a local newspaper, that demonstrate that parking is available. Signing and promoting the use of the Richards Run bypass route would also greatly assist efforts to maintain the Historic Core's viability.

Vicinity Map for Springboro Historic District



The image above reflects the boundary of the Springboro Historic District. North is at the top of the image. The image is not to scale.