

Meeting Agenda
City of Springboro Planning Commission Work Session
Wednesday, May 13, 2020, 6:00 p.m.

PUBLIC NOTICE:

Per Ohio House Bill 197, passed in March 2020 in response to the COVID-19 state of emergency, Section 12(A), the Springboro Planning Commission will conduct its Wednesday, May 13, 2020 work session via video conference at 6:00 p.m. EDT. Visit the City of Springboro website at <https://www.cityofspringboro.com/CivicAlerts.aspx?CID=6,1> for a link to connect to the meeting.

- I. Call to Order
- II. Agenda Items
 - A. Planning & Zoning Code Text Amendment, amendments for combined work session/meetings
 - B. Planning & Zoning Code Text Amendment, amendments to food truck provisions
- III. Guest Comments
- IV. Planning Commission and Staff Comments
- V. Adjournment

Background Information & Staff Comments
City of Springboro Planning Commission Meeting
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II. Agenda Items

A. Planning & Zoning Text Amendment
Amendments for Combined Work Sessions and Meetings

Please see the May 8, 2020 memorandum from City staff.

B. Planning & Zoning Text Amendment
Amendments for Food Truck Provisions

Please see the May 8, 2020 memorandum from City staff.

The information contained in this report is based on material provided to the City of Springboro as of Thursday, May 8, 2020 at 12:00 p.m.

Memo

To: Members, Springboro Planning Commission; Christopher Pozzuto, City Manager; Elmer Dudas, Development Director; Chad Dixon, City Engineer; Ann Burns, Planning Commission Secretary

From: Dan Boron, Planning Consultant

Date: May 8, 2020

Re: Planning & Zoning Code Text Amendments on May 13 Work Session Agenda

City staff is proposing two Planning & Zoning Text amendments for discussion at the May 13th Planning Commission agenda. Mark-ups of the Planning & Zoning Code text follows this memorandum.

Combined Work Session/Meetings of Planning Commission

City staff is requesting time on the agenda to discuss text amendments that will support the change to a combined meeting format for Planning Commission. This topic was discussed at the February 26th Planning Commission meeting at which time Planning Commission expressed its support. The current Planning & Zoning Code includes a number of references to work sessions as a preliminary step to the review of site plans that would need to be amended to accommodate the change. Those changes are to parts of the site plan review provisions, Sections 1284.04, 1284.05, and 1284.08.

Proposed changes are indicated on pages 3-4 of this memorandum. As always for text amendments, new text appears in underline and bold font and text to be deleted in ~~strikeout~~ font.

To review the discussion from February 26th, the proposal would not remove the preliminary review that work sessions provide to Planning Commission, applicants, and City staff, but fold that review into the regular meeting format/timeslot. Instead of work session reviews, they would be preliminary reviews required by code and supported by the amendments that follow. Planning Commission will still retain the authority to place an item on a future agenda for approval after the preliminary review. That does not change.

The proposed amendments also remove the specific deadlines included for both the preliminary review and final approvals, 12 days for preliminary reviews, 19 days for final approvals. The deadlines are not going away, simply put we are proposing that they be handled as an administrative function for City staff in the same manner submission requirements are currently handled. This change would allow the City flexibility that is not afforded today: we would have to do a public notification to make this non-substantive change to our code.

Following Planning Commission's review of these changes on May 13th, Table 10 at the conclusion of Chapter 1284 would be amended.

We have still to determine the following after all of these amendments are enacted:

- Which meeting timeslot to keep for Planning Commission, the second Wednesday of the month for work sessions, or the regular meeting's last Wednesday of the month. The second Wednesday seemed to be the preference of Planning Commission when last discussed.

- Whether we should hold preliminary reviews, which typically last longer than formal approvals, after the formal approvals on Planning Commission meeting agendas. Or after? The consensus seemed to be to have the preliminary reviews after so that final approval applicants and others can leave the meeting when their case is concluded and not sit through potentially long preliminary reviews.

Food Trucks

City staff is also requesting amendments to the Planning & Zoning Code to revise the manner in which food trucks are regulated. Sections 1264.41 and 1290.02 includes current regulations. City staff is recommending changes to that section, as marked-up on page 5 of this memorandum, and as follows:

- Modifying the introductory part of the provision to cross-reference the definition in Section 1290.02. More on the definition to follow.
- Modifying (a) to include the newly created UVD, Urban Village District, as a location where food trucks may be located without restriction from a residential setting. Also the standard is being changed from use (property) to dwelling (building) to make interpretation clearer.
- Modifying (b) by eliminating the last sentence given the proposed new (d) below.
- Adding a new (d) that outlines how food trucks may be permitted in residential districts but only as part of an approved street closure. In this case the food truck may be as close as 50 feet to a residential dwelling. Street closures need to be approved by both the Chief of Police and City Manager.
- Modifying (f) to include the phrase and open for business in the second sentence to close any loopholes on when a food truck needs to vacate the premises.
- Modifying (g) so that food truck permits are renewed every 12 months. This would tie into more stringent staff reviews that have begun in 2020.

Section 1290.01, Definitions, includes a definition of food trucks that we are proposing to modify by adding statements regarding freshly prepared and for immediate consumption. This will exclude sales out of the back of refrigerated trucks that proliferated in 2019.

City staff is requesting a recommendation of approval to City Council on both these items at the May 27th meeting. If you have any questions regarding this proposed amendment, please feel free to reach out to me at (937) 748-6183 or danb@cityofspringboro.com.

1. Planning & Zoning Text Amendment, Combined Meetings

Section 1284.04, Submission of a Site Plan

- (a) In order to avoid unnecessary expenditures of time and resources, and to ensure a clear understanding of the requirements of this Zoning Code, any developer, builder or owner who is contemplating the filing of a site plan, as required by this Zoning Code, shall confer with the Zoning Inspector, City Engineer, or the City Manager's designee (hereinafter "Planning Director") before developing and filing a site plan.
- (b) Every site plan shall be filed with the City as determined by the Planning Director, an electronic submission may be permitted. Each site plan shall be drawn to a size and scale acceptable to the Planning Director, and a larger scale for all or part of the area may be required by the Planning Director. Narrative attachments shall be included.
- (c) Those elements of a site plan which require special expertise in such fields as surveying, engineering or architecture shall be prepared and certified by an appropriate professional licensed to practice in the State of Ohio.
- (d) Every site plan shall be signed by the owner of the land to which the site plan applies or, if a corporation, by a duly authorized officer of the corporation.
- (e) All site plans must be reviewed on a preliminary basis at a ~~work session~~ meeting of the Planning Commission, unless the Planning Director waives the requirement for a preliminary review ~~for a work session~~. Each site plan shall be submitted in compliance with the deadlines established by the Director of Planning ~~at least 12 days~~ in advance of the Planning Commission ~~work session~~ meeting at which it will first be considered (see Figure 10 at the end of this chapter). (Ord. 00-16. Passed 2-17-00.)
- (f) Planning Commission may authorize the site plan to be placed on a meeting agenda for formal approval. Each site plan must be submitted in compliance with the deadline established by ~~19 days prior to the regular Planning Commission meeting unless modified by the Director of Planning~~ Director.

Section 1284.05, Site Plan Contents

Every site plan shall show or provide by written attachments the information identified in the Site Plan Review Checklist of the City, which the City may revise from time to time. The City may require ~~fewer~~ other details for the site plan to be reviewed ~~at the Work Session~~ in the course of its review.

Section 1284.08, Site Plan Review Criteria Applicable to All Land Uses

The Planning Commission shall review the site plan and the reports of City staff at a ~~Work Session~~ meeting on a preliminary basis subject to submission of an application consistent with the deadlines established by the Director of Planning not later than 12 days after the site plan submission deadline (see Table 10 at the end of this chapter). At the ~~Work Session~~ preliminary review, the Planning Commission shall schedule ~~determine if~~ formal review of the site plan is appropriate at its next regular meeting to take place at least 16 days after the ~~Work Session~~ if all of the following requirements are met and/or recommend modifications thereof to the applicant or landowner if any of the following requirements are not met:

- (a) The application shall be fully and accurately completed;

- (b) The substance of the plan shall conform to the provisions of this chapter and any other Municipal ordinance or state or federal law, or provide an explanation of why any nonconformity should be allowed;
- (c) The plan shall provide adequate parking, loading and vehicle stacking facilities, open space, and lighting systems. Permitted parking shall be separated by buildings or properly designed walkways, trees, greenspace or by other comparable techniques;
- (d) The plan shall provide for adequate pedestrian and vehicular circulation within the development and adjacent public right-of-way;
- (e) The plan shall access the public roadway via curb cuts shared with adjacent uses to the maximum extent feasible, consistent with sound traffic engineering standards;
- (f) The plan shall provide adequate utility, waste disposal or sanitary services;
- (g) The plan shall create a satisfactory and harmonious relationship between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods;
- (h) The plan shall include all dedications of easements and rights-of-way, and all public improvements, to conform to and implement municipal plans for utilities, streets and open space preservation and development.
- (i) The plan shall include landscaping and screening in conformance with municipal ordinances, administrative standards or other reasonable criteria;
- (j) The plan shall eliminate any existing conditions hazardous to health or safety, shall not create such conditions, and shall not create a nuisance; and
- (k) The plan shall include all design elements and expressly state all operational limitations recommended by the Commission which are reasonably related to the public health, safety and general welfare and which are desirable to serve the premises or minimize the adverse effects of the plan on the neighborhood or community. (Ord. 00-16. Passed 2-17-00.)
- (l) Walkway/bikeways fronting on public roads shall be designed and integrated with the screening and landscaping in a manner conforming to the relevant renderings provided in the City's Bicycle Pedestrian Plan.
- (m) Walkway/bikeway design, landscaping and plant material selection, and screening techniques shall not only relate to the development of the subject site but also coordinate with the existing and prospective development of adjacent sites and public facilities.

Following this preliminary discussion, Table 10 at the conclusion of Chapter 1284 will need to be updated and revised.

2. Planning & Zoning Code Amendment, Food Trucks

Section 1264.41, Food Trucks

Food trucks, as defined in Chapter 1290, Definitions, shall be permitted as a temporary use, subject to the following:

- (a) Location on Site. See Chapter 1263, Permitted Uses by District, for a list of zoning districts where food trucks are permitted. Where a permitted use, food trucks may be located anywhere on a site so long as they (1) do not block access or visibility at driveways or intersections, and (2) do not block access to hydrants, utility boxes, building entrances, and or access ways. The site where a food truck is operated must be actively used and not a vacant or unimproved lot. With the exception of the CBD, Central Business District, and UVD, Urban Village District, and provisions in (d) below, no food truck shall be located within 150 feet of a permitted residential use dwelling.
- (b) Location on Street. Where a permitted use, food trucks may be located in the right of way where on-street parking is permitted. The sales door and entrance shall be located on the curbside. With the exception of the CBD food trucks shall not be permitted on a residential street.
- (c) Location in Parks. Food trucks are permitted in parks with the permission of the City of Springboro. A minimum of one parking space shall be provided outside of the road right-of-way for each 100 square feet of area dedicated to the market or stand.
- (d) Location in Residential Districts. Food trucks shall be permitted in residential districts only as part of an approved street closure permit application. In such cases the food truck shall comply with sections (a), (b), (e), (f), and (g) herein. In addition, food trucks (1) shall be operated on an individual property no more than 2 times in a calendar year, (2) and no food truck may be located within 50 feet of a permitted residential dwelling.
- (e) Signs. All signs used in connection with the use shall be temporary, and shall be removed when the food truck is not operating. All signs shall comply with the requirements of Error! Reference source not found..
- (f) Portable, Removal. Food trucks shall be portable, self-contained, and motorized. They shall be removed from their location when not in use and open for business. The operator will be responsible for removing all refuse and other wastes from the site.
- (g) Permit Required. A permit from the City of Springboro is required to operate a food truck. The permit is good for one calendar year.

Section 1290.02, Definitions (Definitions for Title 6)

- (31) Food Truck. "Food Truck" means a licensed, motorized vehicle or mobile food unit which that is temporarily stored on a privately-owned lot, publicly-owned lot or public street where food items, freshly prepared and sold for immediate consumption, are sold to the general public.