



**Oberlin Planning Commission
March 2, 2011, 4:00 p.m.
City Hall Conference Room #2
85 South Main Street, Oberlin, Ohio**

Members Present: David Gibson, Frank Carlson and Eric Gaines.

Members Absent: Marilyn Fedelchak-Harley.

Others Present: Gary Boyle; Wendie Fleming, Secretary to the Planning Commission; Sharon Soucy, Council Liaison and Elizabeth Rumics.

The meeting was called to order at 4:02 p.m.

1. Approval of the February 16, 2011 Meeting Minutes.

Gaines made a motion to approve the February 16, 2011 meeting minutes as submitted. Gibson seconded. Motion carried unanimously.

2. Discussion – Comprehensive Plan Five Year Review.

Boyle advised that some revisions had been made to the Action Chart and that revised chart was distributed to the Planning Commission for its review. He further noted that the draft report in the Commission's agenda packet was generated in response to discussion of the Comprehensive Plan Five Year Review at the Commission's last meeting on February 16, 2011. Boyle indicated that the Commission at that time considered Chapter 5 of the Comprehensive Plan and the Action Chart for the next five year period and directed that a report be prepared to summarize its Five Year Review of the Comprehensive Plan.

Boyle stated that the draft report was prepared to reflect the Commission's chapter by chapter review rather than a complete reworking of the Plan line by line. That approach was recommended by the Commission in the past.

Gibson asked if the Commission should adopt the draft review? Boyle stated that yes, the Commission should adopt the review and forward it to Council for its information. Carlson agreed that the Commission has the authority to adopt the Plan. Carlson then suggested that in the section entitled Chapter 3, in the second paragraph regarding the "O"/Office District, the word "and" should be replaced by the word "but" and that sentence should end "as development occurs." He indicated that the Commission needs to monitor the "O"/Office District and be

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cognizant that changes in zoning may need to take place in the future. Boyle noted that the Commission had much discussion on the Office designation in this area when the Comprehensive Plan was being developed, and the Commission was of the opinion that a commercial designation was not appropriate as commercial development was to be encouraged to the west of State Route 58. He agreed that the "O" District acts as something of a "holding" area at this time, but that the "O" District allows hotels and motels among other uses that may be desirable for developers in the future. By concentrating commercial development west of State Route 58, there is a better chance to see the Plan's collector road pattern developed.

Gaines agreed with the revisions noted by Carlson and stated that the draft is well written. He thanked staff and the Chair for their hard work on the draft. Gibson then made a motion to adopt the Comprehensive Plan Five Year Review report and its findings as well as the revised Action Chart and with the revisions recommended by the Chair. Gaines seconded. Motion carried unanimously. The Commission asked staff to forward the report on this review to City Council for its information.

3. Update on Downtown Sidewalk Cafes, Business Activity on Downtown Sidewalks, and Outdoor Dining Facilities Regulations.

Boyle reported to the Commission that City Council on February 22, 2011 enacted Ordinance No. 10-71 AC CMS which ordinance adopts regulations related to the operation of sidewalk cafes on downtown sidewalks, business activity on downtown sidewalks and outdoor dining facilities on private property. The Commission was provided with a copy of Ordinance No. 10-71 AC CMS as well as the adopted regulations related to downtown sidewalk cafes, sidewalk business activities downtown, and outdoor dining facilities on private property. Boyle noted that the regulations are similar to what the Commission developed with some changes made by City Council. He indicated that the ordinance becomes effective on March 24, 2011.

Carlson stated that there will likely be many people who will have concerns over these regulations. Boyle indicated that the Commission had in the past suggested that these regulations are a starting point and could be revised in the future if warranted.

Soucy indicated that she is not entirely comfortable with the language that requires that the sidewalk cafes be adjacent to the building in which the main restaurant is housed but agreed that revisions can be done in the future. She noted that City Council wanted to have regulations on the books before spring. She further suggested that the Commission should be active in making changes to the regulations should the need arise.

Gaines asked if the Commission has the authority to review and grant exceptions to the regulations. Boyle stated that yes, the Commission does have the authority under Section 3(F) or 3(G) depending on the use, to grant exceptions to the regulations found in Section 4 of the regulations. Carlson noted that the regulations are worded in such a way as to indicate that if a business is not a restaurant, any outdoor use area on a downtown sidewalk would come under the business activity regulations and could not have a fenced in area. Boyle stated that was correct.

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A general question related to whether a business, that was not a restaurant, would be permitted to have an intermittent barrier for something like wine tasting was posed by the Commission? Boyle noted that the State requires a barrier to be in place when alcoholic beverages are consumed outside of an establishment. He indicated that this could possibly fall under the exception section of the regulations and a business owner could apply for an exception but the approval of that would be for the Commission to decide.

Carlson noted that these regulations were developed to encourage outdoor dining and business activity and to also have some control over these activities. He indicated that since it is the Commission's desire to encourage the outdoor business/dining activities, the Commission could possibly be inclined to approve an exception to the regulations if the circumstances warranted it. He again noted that the regulations represent a good effort to encourage a vibrant downtown business district while at the same time establishing some reasonable controls.

4. Other Business.

Boyle advised that a draft report from staff regarding the Design Review Subcommittee, its composition and function was provided to the Commission in its agenda packet. He indicated that the draft report proposes a Design Review Subcommittee with fewer members. In addition, the draft suggests that the members would be required to have applicable backgrounds/expertise in planning, design, architecture, law, historic preservation, construction, etc. Boyle also advised that the draft report proposes that the amount of time for the Design Review Subcommittee to make a recommendation to the Planning Commission be shortened. He gave the Kohl Jazz Studies Center as an example of a project that the Subcommittee never provided a recommendation to the Commission to approve or disapprove because it was deadlocked in its deliberations over several meetings.

Boyle indicated that staff can prepare a "strike-out" version of the existing section of the Code so that the Commission can review the changes to the existing text. Gibson asked if there would be any other changes to the Code with respect to the Design Review Subcommittee? Boyle stated that the only changes being proposed at this time are related to the composition, number of members and the timeframe for a recommendation to be made to Planning Commission.

Carlson asked whether one of the Subcommittee members should be a Planning Commission member? Boyle indicated that might be a good idea. Carlson noted that it could be difficult to find Subcommittee members who have the recommended background/expertise. Gaines noted that the Commission could consider the elimination of the Subcommittee altogether as the applications/matters would be reviewed and approved by the Commission anyway. Carlson indicated that a Planning Commission member on the Subcommittee would be a good idea as that individual could, as the current Commission members on the Subcommittee do, provide a good perspective as to what the Subcommittee's charge is and to keep the Subcommittee on task. He noted that there have been meetings where certain Subcommittee members have expressed very strong opinions regarding particular projects which were sometimes beyond what their jurisdiction is. Boyle agreed that having a Commission member on the Subcommittee would

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help the remaining members to look at the “big picture”, especially in the context of site planning.

Carlson stated that possibly the Planning Commission member on the Subcommittee could be an “ex-officio” member that would not vote. Boyle indicated that that is possible and that would make the Subcommittee comprised of three voting members and one “ex-officio” member. Gibson thought that it could be difficult to get three Subcommittee members with the required background/expertise. As an alternative, Boyle suggested that the Subcommittee be comprised of one Planning Commission member and two members with the required backgrounds. The draft language indicates that the preference is that members have experience in those professional areas but if such members cannot be appointed, others could serve. Gaines stated that while it would be desirable to have members with certain backgrounds, he would prefer not to limit members to only those with expertise in certain fields. He then asked if the “ex-officio” member could vote if a quorum was needed? Boyle stated that no, the “ex-officio” member would not be able to vote. Gaines indicated that he really has no objection to the proposed changes outlined in the draft report. Carlson asked staff to prepare a strike-out version of the Code section for the Commission to review at an upcoming meeting. He wondered whether City Council may have any objections to the Commission’s proposed changes to the composition of the Design Review Subcommittee? Boyle noted that the Subcommittee would continue to be a recommending body to the Commission even if the number of members changed, and the changes are intended to improve the present process.

Carlson suggested that the Commission consider listing issues that have been encountered with respect to the Subcommittee. Carlson noted that a couple of incidents that he can recall are: a timely recommendation was not given to the Commission regarding the Jazz Studies Center and the meetings where the LorMet Credit Union building alterations were presented. Those meetings resulted in a lot of confusion on the applicant’s part and also resulted in the Subcommittee taking different approaches to the project because the Subcommittee’s composition had essentially changed due to certain members being present at one meeting but not the other. Soucy agreed that the process did seem to upset and confuse the LorMet representatives.

Carlson also noted that there was considerable discord during the Subcommittee’s review of the Asia House window replacement and courtyard renovation application. Boyle gave two other examples, the review of proposed renovations for the Weia Teia (now Too Chinoise) façade on West College Street and exterior alterations, specifically strong opinions expressed regarding roof designs, related to the Lorain Metropolitan Housing Authority’s 258 South Main Street property demonstrated some issues with the current process.

Soucy advised that it would be a good idea for the Commission to articulate points to City Council as to why it feels these changes should be made to the Design Review Subcommittee. Boyle stated that by reducing the number of members and requiring members to have certain backgrounds/expertise, it would make the application review process more expeditious and result

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in more consistent decision-making. Carlson indicated that a reduction in Subcommittee members would help to alleviate the quorum issues that have often plagued the Subcommittee.

Gaines noted that other communities have made changes to or have completely eliminated their Design Review Boards such as Elyria. He indicated that it would be wise to obtain feedback from these other communities as well as developers regarding the design review process. Soucy agreed that this is a good idea as Oberlin would essentially be competing with other communities to attract new businesses and developers that work in places like Elyria. She also asked if these changes to the Subcommittee would result in fewer meetings because some of the review and work could be done prior to a meeting? Boyle advised that the meetings would still be public meeting but this process would likely be more expeditious and possibly the meetings could be conducted during normal business hours which would be a benefit to applicants. He noted that applicants would not have to sit through a whole Design Review meeting and then a Planning Commission meeting. Gibson advised that many times applicants do not stay for both meetings because the meetings get lengthy and after Design Review completes its consideration, applicants often just leave.

Gaines asked if all applications would still be reviewed by the Design Review Subcommittee? Boyle advised that it would under this draft approach. The Commission can, however, further discuss that issue and noted that the City of Elyria, with its elimination of its Design Review Board, now just has staff review and approve applications unless they are for large or complex projects. Elyria staff has advised that the process now works very well. Carlson observed that the complete elimination of the Design Review Subcommittee could affect consideration of aesthetic issues. Gaines stated that ultimately it is Planning Commission that would make the final decision and aesthetic issues would be addressed during its review. Carlson advised that the Design Review Subcommittee has been helpful with its review and recommendation on signage in the past. Boyle indicated that it is up to the Commission to make suggestions regarding changes to the Subcommittee and in essence, what is being proposed at this time is the same process, but with a different makeup, time-frame for review, etc.

Elizabeth Rumics asked if the Commission feels that the Design Review Subcommittee is necessary or helpful? Carlson stated that in his opinion, the answer is sometimes yes, and sometimes no. He noted that generally the Commission has accepted the Subcommittee's recommendations. Gibson indicated that by having the Subcommittee to vet an application prior to the Commission reviewing it, it does take some of the burden off the Planning Commission and the Subcommittee's review often helps to shorten the length of the Commission's meetings. Gaines stated that he is of the opinion that having the Subcommittee review the application prior to the Commission's review makes the process longer because the developer now has to make two presentations, etc. Soucy asked if there was a way to have only one presentation for both the Subcommittee and Commission? Boyle stated that only by eliminating the Subcommittee would that happen. Gaines indicated that most of the time, the applications are not contentious issues and they meet all of the Codes, and he feels that having the Subcommittee wastes time for the applicants, members and staff. Staff could review for Code compliance, and that would make the process more expeditious. Gibson stated that the Commission may want to consider

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elimination of the Subcommittee in the future, but he feels that transitioning to a smaller Subcommittee makes sense at this time. Gaines indicated that the City now has a great Planning Director that really assists the Commission and the Subcommittee with Code review and design input but that may not always be the case. Gibson asked what would happen if there are no Subcommittee member applicants with the requisite backgrounds? Boyle indicated that it may likely not be an issue and listed the large number of past Subcommittee members that have had a design background. However, a more proactive approach to recruiting members may be needed if that happened. Also, members could be appointed that may not have the desired background and if that is the case, some training may need to be offered to them.

The Commission asked staff to prepare a draft of the Code with the proposed revisions that were discussed at this meeting for review at a future meeting.

Boyle advised the Commission that, as discussed a number of times at previous meetings, an updated Zoning Map needs to be reviewed and adopted by the Commission. He suggested that a draft of the updated Zoning Map be provided to the Commission for review at a future meeting. Boyle indicated that there are a number of anomalies that need to be cleared up as well as recognizing recent rezoning and annexations. He noted that there are some private properties that currently are partially zoned "P-1"/Public Park and Recreation District on the Zoning Map. For example, some properties on Kimberly, Willowbrook and Shipherd Circle are partially zoned "P-1" District. Such zoning classification is not appropriate.

Carlson asked if the Commission would need to make a recommendation to City Council regarding the updated Zoning Map? Boyle stated that yes, it would. Carlson asked staff to provide a copy of the Map for review at its next meeting if possible.

Boyle reported that a number of applications have been received recently including an addition at Kendal at Oberlin, a revised sign application for Verizon Wireless, etc. He indicated that information and reports regarding those applications will be forthcoming in the Commission's next agenda packet.

Carlson asked if staff had received any update regarding the status of the work on the Verizon parking lot. Boyle stated that Steve Varelmann of Oberlin College had indicated that the work would be started in the spring and he indicated that he would ask Mr. Varelmann for an update. Carlson also asked about off-street parking signs and whether they would be standardized. Boyle advised that Mr. Varelmann has agreed to work with the City on the off-street parking signage and a meeting has been scheduled to discuss this.

The Commission briefly discussed the vacancy on the Commission since Mr. Gallagher resigned due to health reasons. Boyle advised that it is crucial to have the right person appointed. Soucy agreed that it is very important to maintain the quality of the Commission and to encourage qualified individuals to apply. The Commission expressed its thanks and appreciation for Mr. Gallagher's dedication and service on both the Design Review Subcommittee and the Commission.

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Boyle advised that the Commission's next meeting is scheduled for March 16, 2011.

5. Adjournment.

There being no further business, the meeting was adjourned at 5:10 p.m.



Frank Carlson, Chair



Wendie Fleming, Secretary

