

**Marion City Planning Commission Meeting
Council Chambers, City Hall
Tuesday, May 1, 2018 @ 6:30 PM**

Roll Call

Minutes of December 5, 2017

ORGINIZATIONAL MATTERS:

Item 1. Annual election of Officers

NEW BUSINESS:

Item 1. Approval Extension Touchless Car Wash (two attachments included)

OLD BUSINESS:

Item 1. Discussion on the Marion City Complete Streets Policy, i.e. Total Street Use Policy (simplified final draft) (Ken Lengieza)

Matters not on the Agenda

Adjourn

The meeting was called to order by Mr. Davis. Members present were: Mr. Berry, Mr. Zucker, Mr. Caryer, Rev. Worthen, Mayor Schertzer, Mr. Davis; Mrs. Russell is absent.

Summary of proceedings from October 3, 2017. Mr. Berry moved to approve, Mr. Caryer 2nd. Whereupon, Mr. Davis declared the summary approved.

NEW BUSINESS:

Item 1. Kroger Inc, - extension of approval request:

Ken spoke: Kroger Inc has asked for an Extension of approval, and construction time until December 31, 2021 to allow sufficient time to construct a new store.

BACKGROUND: Under 3:033 of the Subdivision Regulations approval is only good for 365 days unless a plat is recorded and then, under 5.12101, the time limit for completion of work shall be 2 years after that. This development was approved in 2016, but now work is not contemplated to start until 2020 with completion by December 31, 2021. So, the request would be to extend approval by another 3 years and construction by just over 4 years.

The reason for having a time limit, is that in the intervening time, surrounding land use, drainage, sanitary sewer, traffic, or other conditions could change which would make a slightly different plan from the applicant, better suited to the City of Marion's welfare.

STAFF COMMENTS: Currently nothing substantial has changed that would make a change in the plan desirable and nothing looks like it will change for the next year or two.

STAFF RECOMMENDATION: Extend the approval time until December 31, 2019, and construction until December 31, 2021. So, if nothing happens within the next 2 years, Kroger can ask for another extension at which time the Planning Commission would still have the option to ask for changes if needed. Since the supermarket industry is rapidly changing, it is possible that Kroger, and not the City, will be the one asking to change the plan to allow customer pickup, a smaller or larger store footprint than planned, or for some other reason.

Mr. Rhinehart spoke: I approve of the Staff Recommendations.

Reverend asked what is the advantage of the extension? Mr. Gardner said just keeping thing in place where they are right now. I am the Civil Engineer for Kroger. We have also the zoning approvals for this site, complete civil drawings, the city engineer has approved everything, they have invested a lot of money in to the design as it is. We would like to keep as is. We can come back and ask for a change later. Mr. Gardner said I'd rather wait if there is going to be any changes.

Mr. Lengieza said 9 months from now, we have everything, let's just build it, they don't have to come back here, without changing the design.

Reverend said there was some annexation for some property. Mayor said that's all complete.

Mayor Schertzer said I think where the store was already in? Mr. Gardner said yes. The existing store was not in but now is.

Mayor Schertzer said when the for-sale sign went up, the community is saying, you're not building now. You were just selling off the excess of the extra land you didn't need. Mr. Gardner said the 11 acres south of the store. They will renovate a new gas station. There is a possibility for

renovate the gas station now, and wait on the store. They are building the store, they will do the gas station; they may do it sooner.

Mayor Schertzer wanted to make it clear. 2019 on the plat and 2021 on the construction. I will make the motion to approve the Staff Recommendation, Reverend 2nd. Roll Call: Ayes all, motion carried.

Item 2. MEDICAL MARIJUANA DISPENSARY

Ken said this is something that came before City Council, Beckie Gustin was the Chair in Zoning. One thing they wish to add to the Codes. I've gone to a session on this, these are their suggestions: In the future – this would put medical Marijuana to be put in C-2 – C-5. If someone applies, they would have to come before the Board of Zoning Appeals.

Proposed to be added as:

- 1143.012 C-2 COMMUNITY SHOPPING DISTRICT (B) *Conditional Permitted Uses* (3)
- 1143.013 C-3 CENTRAL CORE BUSINESS DISTRICT (B) *Conditional Permitted Uses* (4)
- 1143.014 C-4 CENTRAL FRAME BUSINESS DISTRICT (B) *Conditional Permitted Uses* (5)
- 1143.015 C-5 GENERAL BUSINESS DISTRICT (B) *Conditional Permitted Uses* (4)

Medical Marijuana (as defined in Section 3796.01) Dispensaries if meeting the following standards:

- a. Must be at least 500 feet away, measured from the nearest portion of the building or structure used as part of the premises where a medical marijuana dispensary is conducted to property line, of any school, church, public library, public playground, or public park and at least 1,000 feet from another existing Medical Marijuana Dispensary. – This is in the State Law. Mr. Zucker asked if he has looked at other cities. Ken said he has.
- b. No more than one Medical Marijuana Dispensary may be operated in the same building or on the same property.
- c. Shall be located on a primary thoroughfare as shown on the official Thoroughfare Plan and ingress and egress shall be located away from residential structures, where practical.

These districts all allow drugstores – for parking spaces – it be more like a medical clinic.

- d. The number of parking spaces shall be regulated as would a medical clinic in **CHAPTER 1153: OFF-STREET LOADING AND PARKING STANDARDS.**
- e. Plans shall show exterior appearance of the building, signage, and hours, and a six (6) foot solid fence may be required along some property lines. Toledo had – no pictures of leaf's or products on the buildings – signs.
- f. No merchandise, or pictures of products, including depictions of marijuana or marijuana leaves, may be displayed on signs, in windows, or on the building exterior.

- g. No congregation or loitering by individuals shall be allowed on the site.
- h. The City of Marion may impose additional rules and fees and may revoke any conditional use permit granted in this section if any of the conditions above or additional conditions required by the Board of Appeals, are violated.

About the distance, the 500', if you picture a drugstore without retail sales, 500' from the school, you don't have school kids coming to hang out by the pharmacy. People must go in to a waiting room, then go into another room, it's not on shelves. This is getting mixed up with Colorado, they have retail stores. Mr. Davis said where my son lives in Col. there is 2 gas stations and 3 dispensaries.

Mayor Schertzer said we are in a Northwest Region. 1 dispensary in 4 county district. ½ dozen applications in Marion alone. There was one in Hardin County. We are the most populist of the 4 counties. We don't know when the State is going to decide. The way the process is going now, I don't know when it will happen. When people apply they apply with an LLC. There are 3 state agencies that regulate this industry. Pharmacy; Dept. of Commerce; Medical Board – they set the rules and regulations in Ohio. I asked Council to look at the Lakewood Ordinance. They took from the State Code, but we can codified into our code, so we can have concurrent powers. Zoning, permitting fees, local govt's can assess. There is a piece in the Lakewood Ord; the local govt. can collect ½ of 1% of the yearly gross or net – I don't remember. Generation of revenue. If you are going to have a dispensary, take advantage of that opportunity. Council banned a moratorium for this issue. The deadline for the dispensaries were November 17, passing the law after the fact, I don't know how we'd be able to regulate it. It may be challenged by the dispensary folks, I don't know. These are things that I have learned. It was June that I told Council that we should ban dispensaries in the City, and Council didn't take it up till November.

Mr. Caryer said on "g" – loitering individuals – need some work there. It's too ambiguous, coming from a law enforcement background, it needs to be updated. Misdemeanor?

Distances of the dispensaries are very similar to a liquor permit.

Reverend said "C" bothered me. I don't like the word "Where Practical". Ken said on some thoroughfare there are residential homes. They would have to go to the Board of Zoning Appeals. You can take the word practical. The neighbors have a chance to comment going through the Board. Mr. Zucker asked about the thoroughfare plan? Ken said it was adopted years ago. Major streets in town, it's already used in the Zoning Code in the R-2 district. Center Street, Mt. Vernon Ave., you can have an office that's residential in appearance; Insurance, Doctor's office; but they have to keep the appearance of a residential.

Mayor Schertzer said the Map designates Jefferson, Olney, Silver, etc., they are not what you think. ODOT paves these streets. I do believe that the 3 applications, are probably within 500 of the residential – 2 are on E. Center.

Mayor Schertzer said can we pass this onto Council Committee and have them fix it. Ken will inform Council committee.

Mr. Berry moved to approve with the exceptions, Mr. Zucker 2nd. Roll call: Ayes all, motion carried.

(G) needs to be enhanced and (C) "Where practical" – deleted??

OLD BUSINESS:

Item 1. Discussion on the Marion City Complete Streets Policy

Ken Lengieza spoke: Since there is an agreement already with City Officials, we don't need this large agreement. It's not really that hard. Dan was also looking at maintenance projects besides "all new".

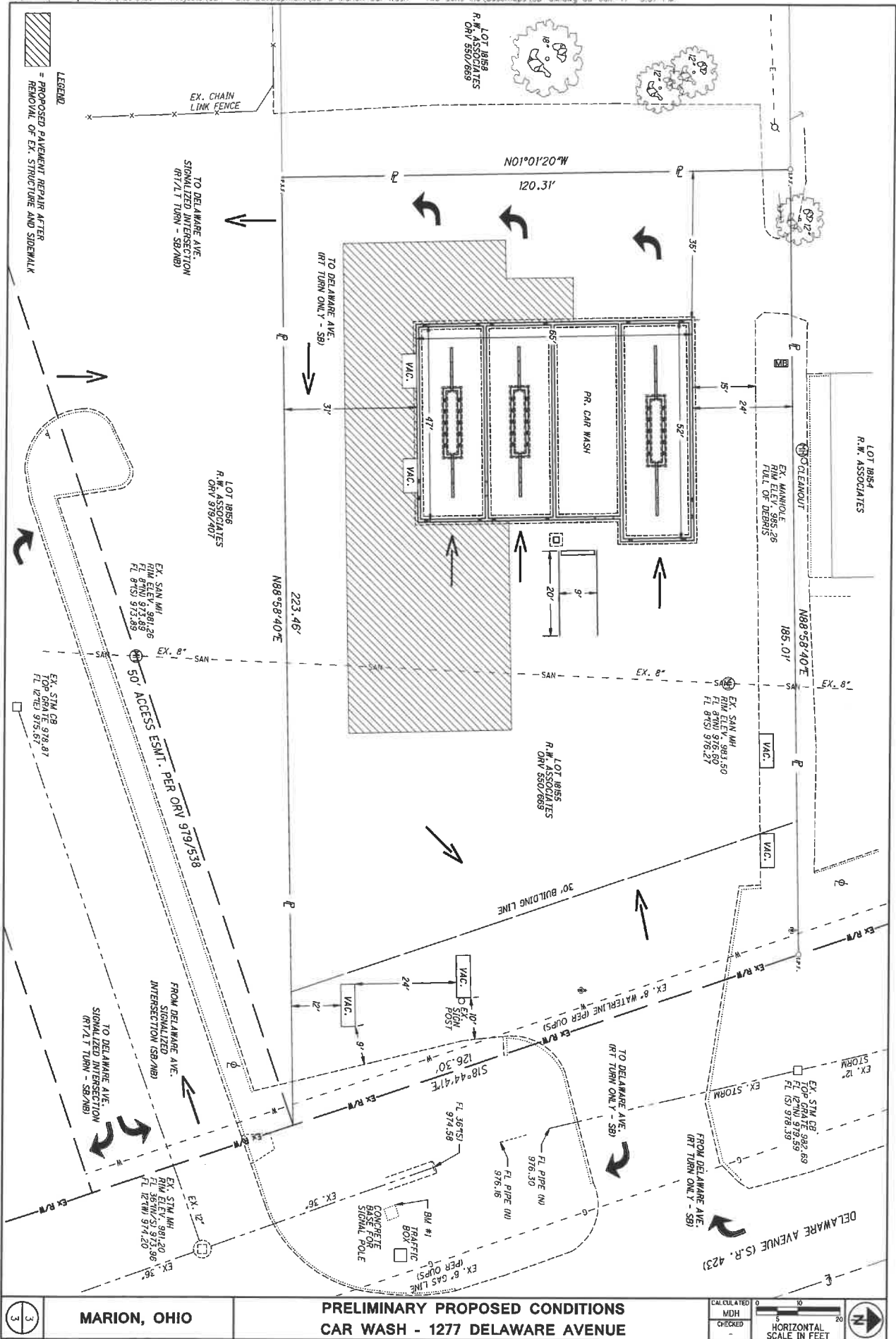
We are advertising for a new planner, and that would be a good project for that person to work with me and Jim. A bigger City would be more formal. We'll just table this until we come back with something else.

Mr. Zucker moved to table, Mr. Berry 2nd. Roll call: Ayes all, motion carried.

There being no further business to come before this committee, Mr. Davis then adjourned the meeting.

Chairman Davis

Secretary



LEGEND

[Hatched Box Symbol] = PROPOSED PAVEMENT REPAIR AFTER SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

[Hatched Box Symbol] = REMOVAL OF EX. STRUCTURE AND SIDEWALK

TO DELAWARE AVE. SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

TO DELAWARE AVE. (RT TURN ONLY - SBI)

TO DELAWARE AVE. SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

TO DELAWARE AVE. SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

TO DELAWARE AVE. SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

TO DELAWARE AVE. SIGNALIZED INTERSECTION (RT/LT TURN - SB/AB)

TO DELAWARE AVE. (RT TURN ONLY - SBI)

TO DELAWARE AVE. (RT TURN ONLY - SBI)

FROM DELAWARE AVE. (RT TURN ONLY - SBI)

EX. CHAIN LINK FENCE

LOT 1858 R.W. ASSOCIATES ORV 550/669

LOT 1856 R.W. ASSOCIATES ORV 919/407

EX. SAN MI. RIM ELEV. 981.26 FL. 8751 973.89

EX. SAN MI. RIM ELEV. 981.50 FL. 8751 976.50

EX. STA. CE 978.87

EX. STA. MI. RIM ELEV. 982.69 FL. 8751 978.39

EX. STA. MI. RIM ELEV. 981.20 FL. 8751 974.20

EX. 12' TOP STR. STORM

EX. 12' TOP STR. STORM

EX. 12' TOP STR. STORM

EX. 12' TOP STR. STORM

EX. 12' TOP STR. STORM

EX. 12' TOP STR. STORM

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

VAC.

30' BUILDING LINE

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

CONCRETE BASE FOR SIGNAL POLE

TRAFFIC BOX

BM #1

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

EX. 6" GAS LINE (PER OUP5)

EX. 6" WATERLINE (PER OUP5)

MARION, OHIO

PRELIMINARY PROPOSED CONDITIONS CAR WASH - 1277 DELAWARE AVENUE

CALCULATED	0	10	20
MDH	[Scale Bar]		
CHECKED	[Scale Bar]		
5 HORIZONTAL SCALE IN FEET			

Two Sons Inc.
615 Stratford Road
Delaware, Ohio 43015
740.363.5572

03/14/2018

Mr. Ken Lengieza
Marion County Regional Planning
Marion, Ohio 43302

RE: Touchless Express Car Wash Plan Approval


Dear Ken,

This letter is to update you on our projects current status. We have been in contract with RW Associates who is the owner of 1277 Delaware Avenue for nearly 16 months now. The seller is having difficulty getting minority partners to sign off or produce necessary paperwork in a timely fashion so that a closing can occur. This has been extremely frustrating to say the least, we had planned on being open for business this past December.

The managing partner of RW Associates has worked tirelessly on this for us and I do think we will have a resolution this spring or early summer. We would like to request a plan approval extension that would carry us forward another year so that we would have adequate time to finalize a closing and then begin and finish construction.

Let me know if there is anything else I should do to help facilitate this request.

Best Regards,


Brian W. Long
President

Marion City Planning Commission
TOTAL STREET USE POLICY
(Known Nationally as “Complete Streets”)
April 5, 2018 draft revised 4/10/18

1. VISION

Total Street Use Policies, known nationally as “Complete Streets” promote, an integrated and balanced transportation network. Complete Streets strive to provide the best possible blend of service, mobility, and safety for citizens of all ages, income levels, and abilities. The City of Marion has had its own complete street policy of, when doing major sanitary and storm sewer replacement, replacing everything, including pavement base, curbs, and sidewalks. This new policy is consistent with the existing policy, but goes beyond to include the transportation improvements for all users, where feasible.

2. GOALS

The goal of a Total Street Use Policy, from herein referred to as Complete Street Policy, is to ensure the city’s ~~road system~~ right of ways accommodates all users, including drivers, bicyclists, pedestrians and transit patrons, older residents, children and persons with mobility impairments. The specific goals are:

1. To protect and preserve the environment of the Marion City by reducing the emission of greenhouse gases, and reducing the consumption of non-renewable energy resources.
2. To ensure the neighborhoods of Marion City remain vibrant and livable.
3. To expand opportunities for bicyclists and pedestrians throughout the city.
4. To make the roadway and street environment safer and more inviting by reducing the frequency and severity of vehicular, bicycle and pedestrian-related accidents.
5. To ensure safe pedestrian and bicycle routes for children to get to school.
6. To improve and enhance the health and physical fitness of the city’s residents by providing more safe and convenient opportunities for bicycling and walking in Marion City.
7. To improve the city’s quality of life and local economy by providing high quality recreational and multi-modal transportation facilities and providing non-motorized means of transportation.

3. GUIDING PRINCIPLES

It is recognized that each Complete Street is unique and the following principles shall guide the development of transportation projects:

1. Shall be suitable and appropriate to the function and context of the transportation facility;
2. Shall be sensitive to the neighborhood context and cognizant of the neighborhood needs;
3. Shall be flexible in project design to ensure that all users have basic safe access and use;
4. Shall be considered a component of a comprehensive, integrated and interconnected transportation network that allows all users to choose between different modes of travel

4. APPLICABILITY AND SCOPE

The city will approach every planned transportation improvement as an opportunity to create safe and more accessible streets for all users. Transportation improvement phases include, but are not limited to, planning, programming, designing, engineering, construction and reconstruction.

5. IMPLEMENTATION

Marion City will plan, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit riders, motorists, children, the elderly and people of all abilities in all new construction and reconstruction, ~~and repaving~~ improvements subject to the exceptions ~~contained herein~~ in Part 8 below.

As of 2018, the City of Marion has;

1. Added hundreds of ADA accessible sidewalk ramps,
2. Added bike lanes on East Center Street after a repaving project.
3. Assisted the City Planning Staff in enforcing the sidewalk provisions of the Subdivision Regulations.
4. Established, with volunteers, Bike Club, and Pioneering Healthy Communities, a 10 mile on-street bike loop and branch routes.
5. Has added new sidewalks on over a dozen streets when redoing sanitary and storm sewers. In some cases, street pavement has been widened.
6. Has used Community Development Block Grant funds, not only to replace broken up sidewalks on over a dozen streets, but install new connecting sidewalks in areas without them, such as a half mile on the east side of Delaware Avenue.
7. Established a walk/bike trail directly into Sawyer Ludwig Park from Uncapher Ave and David Streets, and another one from Bellefontaine Ave.
8. Supported the County in obtaining grant funds for University Drive and the walkway adjacent to and is currently cooperating with Marion Township and Ohio State University on a bike route connector.

6. DEFINITIONS

Pedestrian and Bicycle Facilities Plan

A comprehensive plan and accompanying map(s) that identifies a vision and framework for pedestrian and bicycle facility improvements to implement a continuous and easily accessible walking and bicycle route network within and through the city.

Complete Streets

Right-of-ways that are planned, designed, constructed, operated and maintained in such a way as to enable safe, comfortable and convenient access along and across the right-of-way by users of all ages and abilities and modes of transportation.

Complete Streets Improvements

Facilities and amenities associated with the transportation network, that are recognized as contributing to Complete Streets, such as, but not limited to, pavement markings and signs; sidewalks and pedestrian safety improvements such as medians, curb extensions and crosswalks; ADA (Americans with Disabilities Act) accessible curb ramps and accessible pedestrian signals; transit shelters and signage and improved pedestrian and bicycle access to transit stops and stations; bicycle detection at intersections and wide travel lanes, bike lanes, or shared use lanes; bicycle parking facilities; street trees, landscaping, street lighting, street furniture; and adequate drainage facilities, including opportunities for storm water quality treatment facilities.

Complete Streets Improvement Plan

A comprehensive plan and accompanying map(s) that identifies streets targeted for Complete Streets improvements throughout the city.

Facilities

An area or structure which is built, installed or established to serve a particular purpose or transportation mode/user.

Maintenance Activity

Ordinary repair designed to keep facilities in safe working condition, such as, but not limited to, mowing, cleaning, sweeping, spot repair, concrete joint repair, pothole filling, water, sewer and drainage or other utility installation or repairs.

Right-of-Way

An area, public or private, dedicated for use by pedestrians and vehicles. Right-of-way includes thoroughfares such as streets, highways, bike paths and walkways and normally incorporates curbs, lawn strips, street trees, sidewalks, lighting, signage, drainage facilities, street furniture and other similar features.

7. COOPERATION AND COLLABORATION

The implementation of Complete Streets will require cooperation and collaboration between many stakeholders on a regular basis. Besides the continuing the cooperation that has existed between the Director of Public Works, the City Engineering Department, the City Parks and Recreation Department, Regional Planning, and City Planning Commission, the City should strive to reach out to, when applicable, to:

1. Business and Industry
2. Marion Public Health
3. Creating Healthy Communities
4. Marion Bike Club
5. Downtown Marion Inc.
6. Ohio State University
7. Marion Technical College
8. Marion City Schools
9. Marion Community Foundation
10. Ohio Health and other health related stakeholders
11. Marion County Park District
12. Marion County Engineer
13. Marion Township
14. Marion County Commissioners
15. LODO Association

8. EXCEPTIONS

The City, while being in favor of promoting Complete Streets, notes possible exceptions:

1. Where pedestrians and bicyclists are prohibited by law from using the facility (In such an instance, alternative facilities and accommodations shall be considered within the same transportation corridor.
2. If the cost of constructing Complete Streets Improvements, is disproportionate to the current need or anticipated future demand for such improvements.
3. Where there is an absence of current or projected need.
4. Public safety is compromised.
5. Unwanted or needed based on public preference or engineering judgment.
6. Historic preservation compromised by Complete Streets Policy.

7. Complete Streets accommodations already exist on a nearby road.
- 8 The improvement is a short distance and not continuous.

9. REFERENCE LIST FOR FURTHER READING

American Association of State Highway and Transportation Officials (AASHTO)

A Policy on Geometric Design of Highways and Streets (6th Edition, 2011)
Guide for the Development of Bicycle Facilities (4th Edition, 2012)
Guide for the Planning, Design and Operations of Pedestrian Facilities (2004)

American Planning Association (APA)

Complete Streets: Best Policy and Implementation Practices (2012)
U.S. Traffic Calming Manual (2009)

Federal Highway Administration (FHWA)

Manual of Uniform Traffic Control Devices (MUTCD)
PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System

Institute of Transportation Engineers (ITE)

Designing Walkable Urban Thoroughfares: A Context Sensitive Approach (2010)

National Association of City Transportation Officials (NACTO)

Urban Bikeway Design Guide (2nd edition, 2014) Urban Street Design Guide (2013)

U.S. Architectural and Transportation Barriers Compliance Board

Accessible Rights-of-Way: Design Guide

10. MEASURES OF SUCCESS:

Miles of bicycle lanes, routes, or trails built / dedicated by width and type
Number of bicycle parking facilities installed
Number of traffic calming facilities built / installed
Number of traffic control signs/signals installed / upgraded
Linear feet of pedestrian accommodations built or repaired
Number of crosswalks built or improved
Number of ADA accommodations built / installed
Number of transit accessibility improvements built
Number of street trees planted
Maintenance activities of existing Complete Streets facilities.
Number of exceptions approved

User data .bicycle, pedestrian, transit and traffic counts
Bicycle and pedestrian accident data
Economic Growth Measure (where applicable)
Total dollar amount spent on Complete Streets improvements