Engineering, Planning and Zoning
City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

LEGAL NOTICE

Notice of Public Hearing for Planning Commission in the City of Marysville. The Public Hearing will be held on April 4, 2023 at 6:30 p.m., in the Council Chambers on the second floor located at 209 S. Main Street, Marysville, Ohio 43040.

NEW BUSINESS:

1. To hear a Conditional Use Application for a new Dairy Queen building with a drive-thru to be constructed at 816 Columbus Avenue (Parcel Number: 2900042390000)

Copies of the above application(s) are on file and may be viewed on the City's Website, Boards & Commissions, Planning Commission:
https://www.marysvilleohio.org/155/Planning-Commission

If you have any questions, you may contact the Marysville Engineering Department at (937) 645-7361 or (937) 645-7328 or via email at agaver@marysvilleohio.org or jbeard@marysvilleohio.org.

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PLANNING COMMISSION AGENDA
Tuesday, April 4, 2023 6:30 p.m.
Council Chambers, 209 S. Main Street, 2nd Floor

CALL MEETING TO ORDER:

Time In: _____

Roll Call:

Chad Wolniewicz

Lesley Verbus

Matthew Fisher

Michael Nickoson

Scott Hunter

Robert Stillion

APPROVAL OF MINUTES:

March 7, 2023 Regular Meeting Minutes

SWEARING OF CITIZENS & APPLICANTS: All applicants speaking before the Planning Commission tonight will have to stand and raise their right hand (if unable to stand, you may be seated). The designated chair for the Planning Commission will administer the swearing in statement.

CITIZEN COMMENTS: Citizen speaking is limited on comments to five (5) minutes, unless written permission prior to the meeting. (If the chair feels that they would like to authorize them to speak another five minutes later in the item, they may allow them to do so).

REPORT OF ADMINISTRATION:

NEW BUSINESS:

1. To hear a Conditional Use Application for a new Dairy Queen building with a drive-thru to be constructed at 816 Columbus Avenue (Parcel Number: 2900042390000)

DISCUSSION ITEMS:

COMMENTS OF INDIVIDUAL BOARD MEMBERS:

Chad Wolniewicz

Lesley Verbus

Matthew Fisher

Michael Nickoson

Scott Hunter

Robert Stillion

ADJOURNMENT:

Time Out: _____

PLANNING COMMISSION
MINUTES OF MEETING
March 7, 2023

TIME IN: The meeting was called to order at 6:30 p.m.

MEMBERS PRESENT: Scott Hunter, Matthew Fisher, Michael Nickoson, Lesley Verbus, Chad Wolniewicz, Steve Stolte, Rob Stillion

OTHERS PRESENT: Kathy Young, Jeff Beard, Stephanie Van Bourgondien, Ashley Gaver

APPROVAL OF THE MINUTES: The minutes from the February 7, 2023 meeting were approved as submitted.

CITIZEN COMMENTS:

REPORT OF ADMINISTRATION: The Uptown Façade Improvement Grant is now open and accepting applications.

NEW BUSINESS:

1. **Vote on Rules and Procedure**

   Ms. Verbus pointed out that on Rule #4 staff needs to update the verbiage that the commissioner will leave the room if they recuse themselves from voting.

Motion to approve: Mr. Stolte
VOTE: Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**
Approved 7 – 0

The following agenda items were presented as discussion items at the previous meeting. City staff gave updates on any changes that were discussed

2. **To hear an application for a Zoning Code Amendment to Part Eleven - Zoning Code, Appendix - Glossary of Terms.**

   Updated definitions for:
   Lot Coverage- structures and surfaces, regardless if it is pervious or impervious
   Open Space- an area of land unoccupied by buildings, structure, storage or vehicular use areas, except for recreational structures and which is generally used for the purpose of active or passive recreation, natural feature, environmental protection,

preservation of scenic view or similar purposes. Open space does not include street rights-of-way or setbacks
Setback- added side and rear lot lines
Specialty Food and Beverage Facility- added tap room

Motion to approve: Mr. Hunter
VOTE: Mr. Fischer **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**
Approved 7 - 0

3. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code District Typology Charts from Sections 1121.07, 1121.08, 1121.09, 1121.10, 1121.11, 1121.12, 1121.13, 1121.14, 1121.15, 1121.16, 1121.17, 1121.18, 1121.20, 1121.21, and 1121.22.**

   For setback language, easement line, lot line and right-of-way were added. Certain Single Family attached sections updated the continuous frontage measurements.

Motion to approve: Mr. Stillion
VOTE: Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**
Approved 7 - 0

4. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code District Typology Charts from Sections 1121.07, 1121.08, 1121.09, 1121.10, 1121.11, 1121.12, 1121.13, 1121.14, 1121.15, and 1121.22.**

   Lot coverage percentages were updated. Mr. Stolte questioned the proposed change versus the current calculations. City staff will research other communities and existing lot coverage percentages.

Motion to table: Mr. Stolte
VOTE: Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**
Tabled 7 – 0

5. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1121.18 Uptown Commercial District (UC).**

   Removed ‘ground floor’ from Artisan Studio, Restaurant and Specialty Food and Beverage Facility.

Motion to approve: Mr. Stillion
VOTE: Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**
Approved 7 - 0

6. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1121.21 Uptown Transitional District (UT).**

   A Religious Place of Worship was duplicated; already a Conditional Use. Schools (K-12) was moved to a Conditional Use. Added Neighborhood Market Personal Services and Retail, Sales and Services to Conditional Uses.

Motion to approve: Mr. Wolniewicz
VOTE: Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES** Mr. Nickoson **YES**; Ms. Verbus **YES**
Approved 7 - 0

7. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1123 Generally Applicable District Regulations.**

   Open Space requirements are located under the incorrect section in the Zoning Code. It should be listed in a separate section, 1123.29. Mr. Stolte suggested some verbiage changes. Section 1123.30 Single Family Attached- Fee Simple Lots Regulations was also added.

Motion to approve: Ms. Verbus
VOTE: Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**
Approved with conditions 7 - 0

8. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1125 Landscape Requirements.**

   Changing 'diameter at breast height' to 'nursery caliper' when referring to trees. The new requirement is two-inch caliper trees.

Motion to approve: Mr. Wolniewicz
VOTE: Mr. Hunter **YES**; Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**
Approved 7 - 0

9. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1133.10 Design Review Standards for Office, Institutional, Mixed-Use and Commercial Building Typologies.**

   The addition of (+) added to the typology chart to allow more than three story buildings. Mr. Wolniewicz questioned the removal of architectural features. The terminology was reworded to allow freestanding architectural features.

Motion to approve: Mr. Wolniewicz
VOTE: Mr. Fisher **YES**; Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**
Approved 7 - 0

10. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1139.06 Standards for Solar Energy System.**

    Remove 'solar panels shall not be installed on the front pitch façade'. Mr. Hunter questioned the solar panels being installed on historic uptown structures; Ms. Verbus is in agreement. City staff will review specific districts that would need board approval and present and update next meeting.

Motion to table: Mr. Stolte
VOTE: Mr. Stolte **YES**; Mr. Stillion **YES**; Mr. Nickoson **YES**; Ms. Verbus **YES**; Mr. Wolniewicz **YES**; Mr. Hunter **YES**; Mr. Fisher **YES**
Tabled 7 - 0

11. **To hear an application regarding Zoning Code Amendment to Part Eleven - Zoning Code Section 1141 Administration and Procedures.**
    ****This application was withdrawn from the agenda****

DISCUSSION ITEMS: Mr. Stolte gave a brief update on the Community Reinvestment Area Housing Council.

COMMENTS OF INDIVIDUAL BOARD MEMBERS:

ADJOURNMENT: The meeting was adjourned at 7:55 p.m.

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April 4, 2023

To: City of Marysville
Planning Commission Members

From: Ashley Gaver
Planning and Development Manager

RE: Conditional Use Permit - Dairy Queen

To hear a conditional use permit application by Marker, Inc. for a new Dairy Queen to be constructed at 816 Columbus Avenue (Parcel Number: 2900042390000).

Application: To hear an application for a Conditional Use request to permit a 'Restaurant with a Drive-Thru' within the Neighborhood Commercial District for property located at 816 Columbus Avenue which is the Southeast corner of the five-points intersection (Parcel Number: 2900042390000).

The property owner has acquired the adjacent parcel that currently has the former Aqua Systems building and will combine the parcels into one parcel. The applicant will demolish the Aqua Systems building as part of this project during Phase 1, which will then allow for the construction of the new Dairy Queen building.

Upon the completion of the construction of the new Dairy Queen building, the existing Dairy Queen will be demolished to allow the rest of the site construction to be completed.

Applicant: Marker, Inc.
Rich Pontius
2011 Riverside Drive
Columbus, Ohio 43221

Owner: CFB Real Properties, LLC
Don Fraser
505 Timberview Drive
Marysville, OH 43040

Location: Parcel: 2900042390000 at 816 Columbus Avenue.

Aerial (location is outlined in blue)



Uses in the Neighborhood Commercial District are as follows:

Permitted Uses for Neighborhood Commercial District (NCD)

- Artisan Studio
- Club
- Community Center
- Cultural Institution
- Funeral Home
- Institutional/Government Offices
- Medical or Dental Office or Clinic
- Meeting Facility
- Neighborhood Market
- Personal Services
- Professional office
- Public Safety Facility
- Religious, Places of Worship
- Restaurant (Sit Down)
- Retail Sales & Service
- School (K-12)
- Single-Family (attached)
- Specialty Food and/or Beverage Facility

Conditional Uses for Neighborhood Commercial District (NCD): (Permitted upon approval of a Conditional Use Permit by the Planning Commission)

- Bank or Financial Institution (w/ drive-thru, see supplemental regulations Chapter 1123.28)
- Child Care Day-Care Center
- Essential Public Services and Utilities
- General Retail (50+ Employees)
- Kennel
- Multi-Family
- Restaurant (w/ Drive-Thru) (See supplemental regulations under 1123.28)
- Senior Living, Independent Living
- Vehicle Fuel Sales
- Vehicle Sales, Rental and Lease (excluding body work)
- Vehicle Service and Repair Facility
- Veterinary Animal Hospital and/or Animal Clinic

The applicant has addressed conditions (a)-(h) of *Section 1141.24* below:

1141.24 GENERAL STANDARDS APPLICATION TO ALL CONDITIONAL USES.

(a) Is in fact a conditional use as established under the provisions of Chapter 1121 and appears in Chapter 1121 for the applicable zoning district or overlay;

The site is in a Neighborhood Commercial District (NCD) and a restaurant with a drive-thru is considered a Conditional Use. In addition, we meet the Section 1123.28 Supplemental Regulations for Drive-Thru Uses.

(b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Planning and Zoning Ordinance;

As opposed to the existing Dairy Queen that sits in a sea of asphalt and concrete with a dated design and several refrigeration and storage outbuildings at the rear of the building, the new Dairy Queen site will have open spaces with grass and landscaping, have an updated design that complements similar restaurants in the area with all refrigeration and storage contained into one building.

(c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

This is a replacement for the current Dairy Queen on the same site. The new Dairy Queen will be designed with materials and scale comparable to other drive-thru restaurants along Delaware Avenue and the 5-Points intersection.

(d) Will not be hazardous or disturbing to existing or future neighboring uses;

The new Dairy Queen is a small-service restaurant, just the same as the existing operation is, and will not be hazardous or disturbing to existing or future neighboring uses. In fact, all of the drive-thru car stacking will be on the combined site instead of partially being in the parking lot of the Union County Office Building to the west.

(e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

Since the new Dairy Queen will be built adjacent to the existing Dairy Queen, all of the public facilities and services, noted above, will remain as they are now, except that water and sewer connections will be new.

(f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

Similar to Item (e) above, the new Dairy Queen will utilize the existing public facilities and services, as the existing Dairy Queen does now, and will not be detrimental to the economic welfare of the community.

(g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;

Just the same as the existing operation, the new Dairy Queen will not be detrimental to the general welfare of the community. There will be no noise, smoke, fumes or odors associated with the new Dairy Queen. Traffic will be comparable to the existing operation but more defined entrances to the parking and the drive-thru. In addition, the drive-thru queue line will be longer and separate from the parking area as opposed to the existing operation where pedestrians have to cross the drive-thru queue line.

(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

The site will have two (2) curb cuts, separated by 210 feet, for in and out circulation. At one end, is the incoming patrons for the drive-thru queue line and the other for the outflow. Both refuse collection trucks and semi-truck/trailers making deliveries have easy in and out maneuverability.

If you have any questions about the aforementioned items, please contact Planning and Zoning Department at (937)645-7361 or (937)645-7328, or by email: agaver@marysvilleohio.org or jbeard@marysvilleohio.org.

Received (stamp):

209 S. Main Street • Marysville, Ohio 43040
Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

PLANNING COMMISSION
REQUEST FOR CONDITIONAL USE

***** IMPORTANT INFORMATION ~ Please read before completing the application*****

- **Required – Submission of a complete application, including all of the items listed in the application checklist.**
- **Applications and applicable fees shall be submitted by no later than 5:00 p.m. on the application deadline date.**
- **Submitted applications and all checklist items shall be reviewed by City staff for completeness. Submittals found to be incomplete will be rejected and the application will not be placed on the Board agenda. If an application is found to be incomplete, the applicant may submit the missing materials by the application deadline date to complete the application.**
- **No late submittals or additional information will be accepted after the application deadline.**
- **Any construction and/or occupancy of the site for which the conditional use is being requested for shall not commence until approval is granted by the Planning Commission and all appropriate approved permits are obtained by the Division of Engineering and the Union County Building Department.**

Project Site Information *(Please print clearly)*

Project Street Address: 816 Columbus Avenue Property Zoning District: NDC

Company / Business Name: Marysville Dairy Queen

An appeal is requested in the manner of the following (please describe in detail; attach a separate sheet if necessary):

To approve the new Dairy Queen structure on the site of the existing Dairy Queen, the sites, of which, have been combined. Once the new Dairy Queen is construction, the existing Dairy Queen will be demolished so the site construction can be completed.

Owner of Property: CFB Real Properties, LLC Attn: Don Fraser

Owner's Address (Street): 505 Timberview Drive

City, State and Zip Code: Marysville, OH 43040

Owner's Telephone Number: (937) 243-8060

Applicant Information *(Please print clearly)*

Applicant: Rich Pontius ☐ Owner ☒ Agent ☐ Representative ☐ Other

Company: Marker, Inc.

Address (street): 2011 Riverside Drive

City, State, and Zip Code: Columbus, OH 43221

Telephone Number: (614) 914-5849

E-mail Address: rpontius@buildwithmarker.com

Please contact the Division of Engineering prior to making your application submittal. Division of Engineering are available to assist you in reviewing all application requirements to ensure your application is complete.

For staff Use

Yes	***No***	***Application Requirements***
		REQUIRED FOR ALL SUBMITTALS:
		One (1) original signed application
		One (1) copy of the Site Plan drawn at a suitable scale at 11 x 17 inches or 24 x 36 inches in size (unless staff grants an alternative size)
		One (1) copy of a written statement answering the facts and circumstances listed in Section 1141.24 of the Planning and Zoning Code. *The facts and circumstances can be found on page 4 of this application. Please be sure you answer all of the questions as these are the questions that the Board reviews when making a determination on the application*
		One (1) set of mailing labels or a printed word template (5160 in size) containing the names and addresses of the property owner(s) contiguous to or directly across the street from the property. *Please refer to the County website http://www.co.union.oh.us/ to get this information and please make sure you go to the link for tax mailing address*
		DIGITAL SUBMITTAL REQUIRED:
		All applications require a digital (.pdf) submittal (applications, plans, renderings, text etc.) to be included with the completed application. Any application that does not include a digital submittal will be considered incomplete.
		SITE PLAN DRAWING: ***(Shall include the following information)***
		Location of all adjoining properties
		Lot size
		Location and setbacks of existing and proposed structures
		Location and setbacks of all existing and proposed off-street parking and loading areas
		Location of all existing and proposed traffic access and circulation areas
		Location of all existing and proposed open spaces
		Location of all existing and proposed landscape areas
		Location of all existing and proposed refuse and service areas
		Location of all existing and proposed utility lines
		Location and size of all existing and proposed signage

I hereby attest to the truth and exactness of all information supplied on and with this application.

Applicant's Signature: Rich Ponter Date: 3/14/23

Owner's Signature: [signature] Date: 3/14/23

FOR OFFICE USE ONLY

Paid (stamp): **Fee: $250** _____

The application has been reviewed and is found to be complete.

_____ _____

City Staff Date

DECISION OF THE PLANNING COMMISSION

☐ Approved

☐ Disapproved

☐ Approved with conditions (provided below)

Specific Stipulated Conditions for Approval:

_____

_____

_____

_____ _____

Chairperson, Planning Commission Date

A conditional use permit shall be deemed to authorize only one particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

1141.23 APPLICATION FOR CONDITIONAL USE.
Applications for review by the Planning Commission for conditional uses:

(a) Shall be f led in accordance with the procedures in this Chapter 1141;

(b) Shall be f led with the City on forms provided by the City;

(c) Shall include all required supplemental information;

(d) Shall be submitted by the application deadline as established by the City;

(e) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

1141.24 GENERAL STANDARDS APPLICATION TO ALL CONDITIONAL USES.
The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

(a) Is in fact a conditional use as established under the provisions of Chapter 1121 and appears in Chapter 1121 for the applicable zoning district or overlay;

(b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Planning and Zoning Ordinance;

(c) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

(d) Will not be hazardous or disturbing to existing or future neighboring uses;

(e) Will be served adequately by essential public facilities and services such as highways, streets, police and f re protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

(g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;

(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Responses to Section 1141.24 General Standards Application to all Conditional Uses.

(a) Is in fact a conditional use as established under the provisions of Chapter 1121 and appears in Chapter 1121 for the applicable zoning district or overlay;

The site is in a Neighborhood Commercial District (NCD) and a restaurant with a drive-thru is considered a Conditional Use. In addition, we meet the Section 1123.28 Supplemental Regulations for Drive-Thru Uses.

(b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Planning and Zoning Ordinance;

As opposed to the existing Dairy Queen that sits in a sea of asphalt and concrete with a dated design and several refrigeration and storage outbuildings at the rear of the building, the new Dairy Queen site will have open spaces with grass and landscaping, have an updated design that complements similar restaurants in the area with all refrigeration and storage contained into one building.

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This is a replacement for the current Dairy Queen on the same site. The new Dairy Queen will be designed with materials and scale comparable to other drive-through restaurants along Delaware Avenue and the 5-Points intersection.

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The new Dairy Queen is a small-service restaurant, just the same as the existing operation is, and will not be hazardous or disturbing to existing or future neighboring uses. In fact, all of the drive-thru car stacking will be on the combined site instead of partially being in the parking lot of the Union County Office Building to the west.

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Similar to Item (e) above, the new Dairy Queen will utilize the existing public facilities and services, as the existing Dairy Queen does now, and will not be detrimental to the economic welfare of the community.

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(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

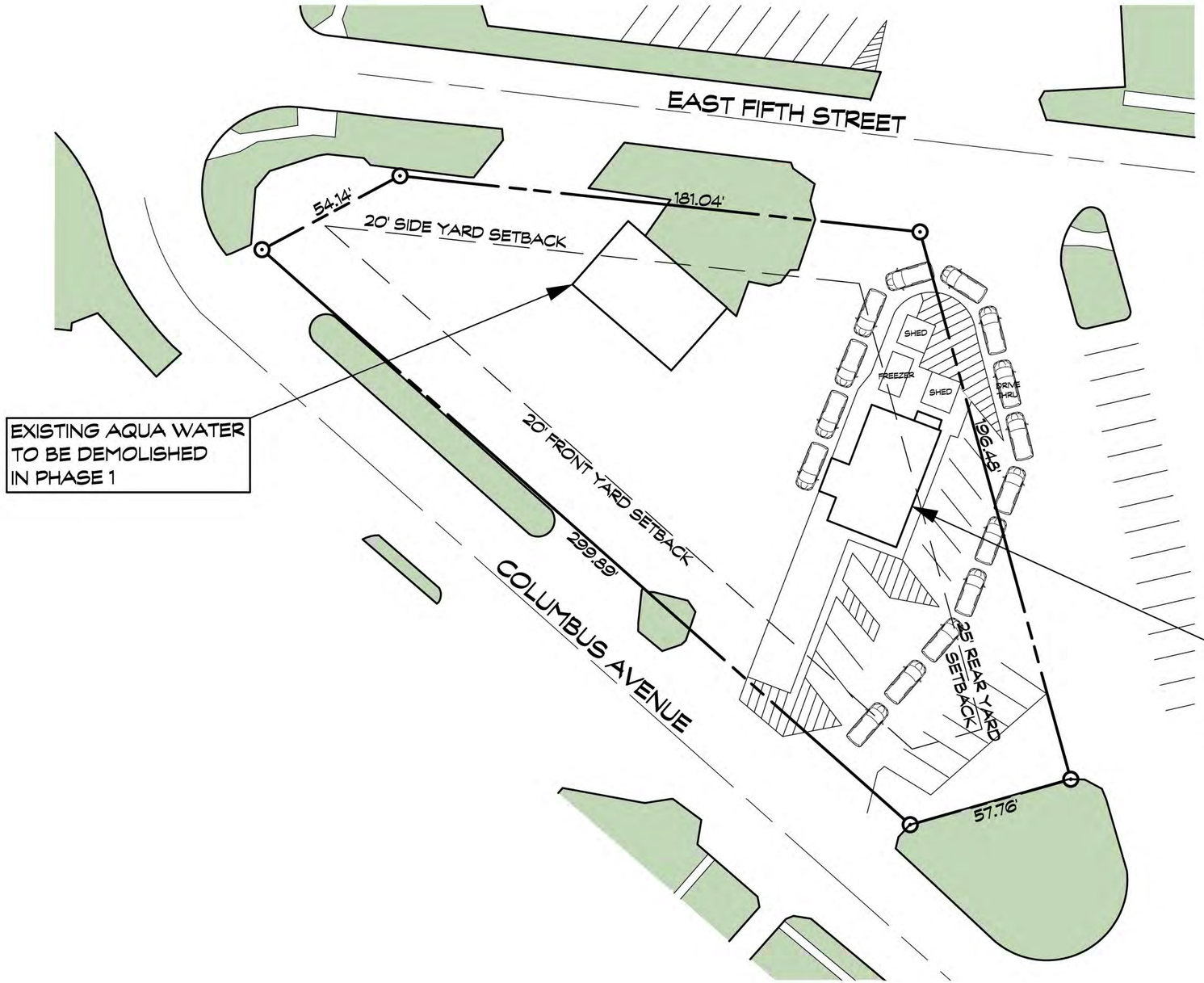
The site will have two (2) curb cuts, separated by 210 feet, for in and out circulation. At one end, is the incoming patrons for the drive-thru queue line and the other for the outflow. Both refuse collection trucks and semi-truck/trailers making deliveries have easy in and out maneuverability.

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Marysville Dairy Queen - Existing Conditions

806 Columbus Avenue, Marysville, Ohio

March 14, 2023



EXISTING PARKING SPACES:	16
EXISTING DRIVE-THRU STACKING:	15

SITE PLAN

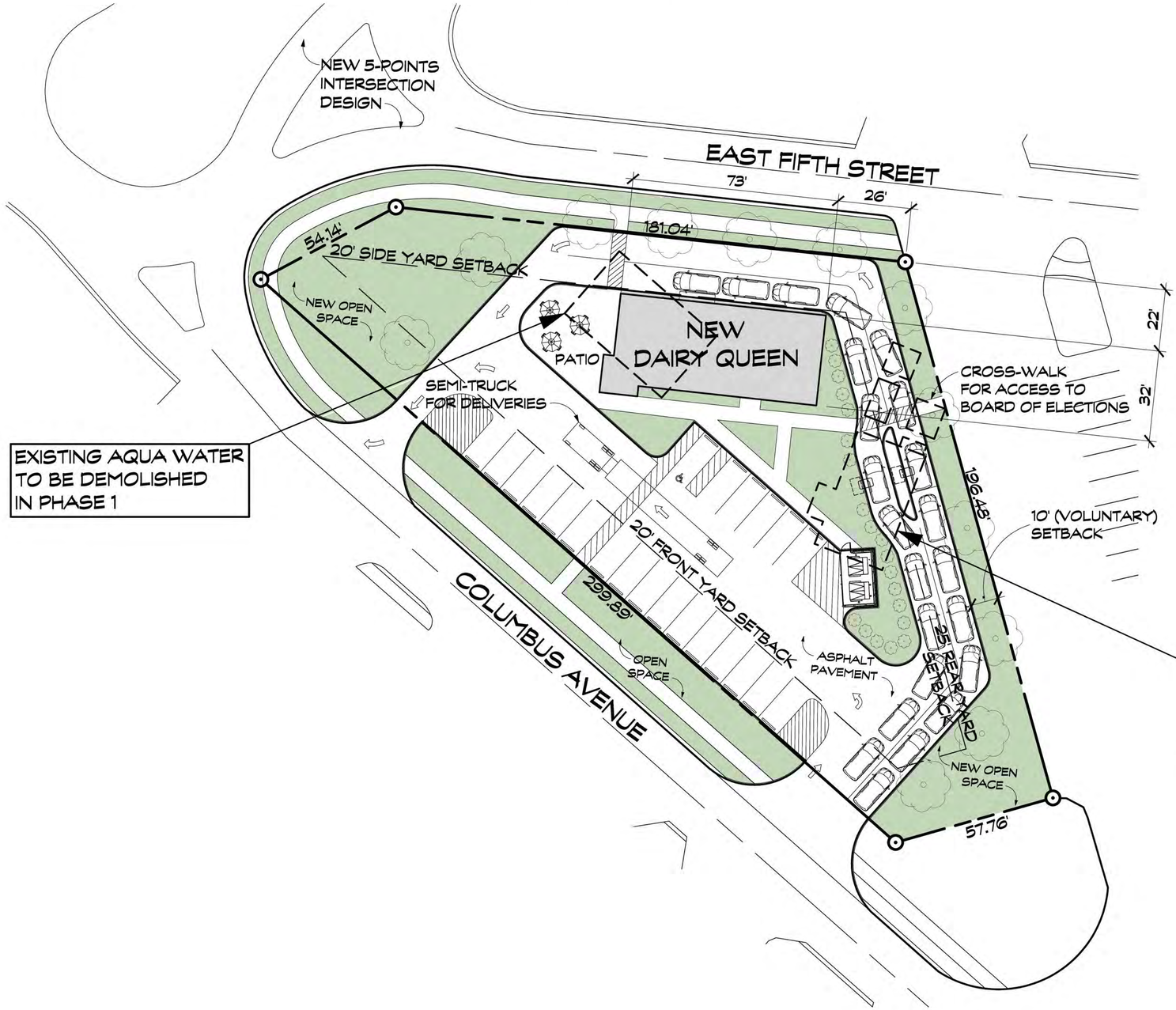
SCALE: 1" = 20'-0"

NORTH

Marysville Dairy Queen - Proposed Development

806 Columbus Avenue, Marysville, Ohio

March 14, 2023



LOT SIZE:	0.730 ACRES
REQUIRED PARKING SPACES:	14
PARKING SPACES PROVIDED:	22
DRIVE-THRU STACKING:	23

SITE PLAN

SCALE: 1" = 20'-0"

NORTH