

PUBLIC HEARING

**BEDFORD
PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: May 21, 2019

AGENDA

TIME: 6:00 P.M.

PLANNING COMMISSION

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **NEW BUSINESS** – (Reg C 1st Rdg – 4/15/19, Newspaper Ad – 4/17/19, PC Public Hearing – 5/21/19, Reg C 2nd Rdg – 6/3/19 – 3rd Rdg 7/1/19)
 - a. Ordinance No. 9683-19 rezoning property described herein from “B-3” to “M-U” classification located at Northfield & Rockside
(811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063)
 - b. Ordinance No. 9684-19 rezoning property described herein from “B-3” to “R-4” classification located at 22800 Rockside / 22737-69 Rockside / 22850 Rockside / 300 Bartlett
(813-02-001 / 813-03-002 / 813-03-004 / 813-03-005)
 - c. Ordinance No. 9685-19 repeal Ord. #7914-07 Chapter 1939 “B-3” replacing with Chapter 1939 entitled “M-U”
4. **ADJOURNMENT**

PLEASE TURN OFF ALL CELL PHONES BEFORE PLANNING COMMISSION MEETING
(Planning Commission Minutes and Agendas posted at www.bedfordoh.gov) Please contact the Building Department at 440-735-6530 and/or Building Commissioner Calvin Beverly at 440-735-6531 for questions)

Planning Commission met in a Public Hearing at Bedford City Hall on Tuesday, May 21, 2019 at 6:00 p.m. The roll was called. Present: Powers, Dzomba, Briggs, Mallis. Absent: Mowery.

Also, in attendance was Building Commissioner Calvin Beverly, Law Director John Montello, Planning Consultant George Smerigan and Attorney Stephen Byron.

Motion made by Mallis seconded by Dzomba to excuse Mr. Mowery. The roll was called. Vote – Yeas: Powers, Dzomba, Briggs, Mallis. Nays: None. Motion carried unanimously.

For the record there were 10 residents and Councilman Genutis in attendance.

Chairman Briggs stated the Public Hearing was held for the following Ordinance Nos. 9683-19, 9684-19 and 9685-19 defined below. Planning Consultant George Smerigan and Attorney Stephen Byron were present to address any questions and/or concerns.

The Ordinances presented at the Planning Commission Public Hearing were as follows:

ORDINANCE NO. 9683-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED NEAR THE INTERSECTION OF NORTHFIELD & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT" TO THE "M-U MIXED-USE DISTRICT" CLASSIFICATION
The Ordinance was for the following: 1) A majority of the land area within the existing B-3 Shopping Center District ("B-3 District") near Northfield and Rockside Roads was not being used by commercial/retail tenants under the current zoning code. 2) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 3) Mr. Smerigan has recommended rezoning certain property within the B-3 District to a Mixed-Use classification. 4) Council was separately repealing and replacing the B-3 District with a new "M-U Mixed-Use Zoning District" ("M-U District"). 5) Council was considering rezoning property described herein from a B-3 District to an M-U Mixed-Use District, upon its own initiative and at the recommendation of Mr. Smerigan, the Building Commissioner and the Administration, to spur economic development within the City. 6) The rezoning from the B-3 District to the M-U Mixed-Use District of P.P. Nos. 811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063 was in the public interest and was consistent with the recommendation of Mr. Smerigan. 7) Council desired to rezone said parcels to promote public health, safety and convenience and to spur economic development within the City. 8) The Ordinance has been referred to Planning and Zoning Commission for report and recommendation. 9) A Public Hearing relating to this Ordinance would be held.

As attached to the Ordinance Council hereby rezones the properties known as Permanent Parcel Nos. 811-23-001 / 811-23-002 / 811-24-001 / 811-24-002 / 811-24-003 / 811-26-001 / 811-27-001 / 811-27-002 / 811-27-004 / 813-01-001 / 813-01-002 / 813-02-002 / 813-02-003 / 813-02-004 / 813-03-006 / 813-03-007 / 813-04-061 / 813-04-062 / 813-04-063, as further depicted and described from the "B-3 Shopping Center District" to the "M-U Mixed-Use District" as follows:

CHAPTER 1939 M-U MIXED-USE DISTRICT

1939.01 PURPOSE

The purposes of the M-U Mixed-Use District is to:

- a) To provide for the integration of uses into a cohesive employment center.

- b) To provide for and encourage the reuse and redevelopment of properties within the District as high-density mixed-use developments with the potential to create jobs and housing opportunities to enhance the tax base.
- c) To recognize the unique nature of the areas zoned Mixed-Use District and to provide for the orderly development of those properties.
- d) To encourage creative, high quality site design practices in the development of higher density residential areas.
- e) To ensure that development occurs in a unified manner in accordance with a development plan.

1939.02 PERMITTED USES

The following principal uses are permitted in the M-U Mixed-Use District:

- a) Light assembly and production facilities, with accessory warehousing and storage.
- b) Scientific research development training & testing facilities.
- c) Offices
- d) Hotel and conference centers.
- e) Restaurants.
- f) Personal service facilities (including law, architecture, accounting, engineering consultants, insurance offices, banks, dry cleaners, and similar uses).
- g) Financial institutions.
- h) Retail stores.
- i) Educational and training facilities.
- j) Hospitals, clinics and medical facilities including dentistry.

1939.03 CONDITIONAL USES

The following uses may be permitted in the M-U Mixed-Use District subject to a conditional use permit approved by the Planning Commission pursuant to Section 1917.20:

- a) New car and light truck sales with a minimum of 100,000 square feet of total area located on contiguous parcels of land.
- b) Single-family dwellings.
- c) Medical marijuana cultivation and dispensary.
- d) Any other use that may be determined by the Planning Commission to be of the same general character as the foregoing permitted uses which are not noxious or offensive.

1939.04 ACCESSORY USES

The following uses may be permitted in the M-U Mixed-Use District as accessory uses to a principal permitted use:

- a) Off-street parking and loading facilities in accordance with the provisions of Chapter 1957, where no parking standard is provided, parking shall be as determined and established by the Planning Commission.
- b) Signs in accordance with the specific provisions of Section 1949.12 and the general provisions set forth in Chapter 1949 and any subsequent amendments thereto.
- c) Recreational facilities.

1939.05 RESIDENTIAL USES

The maximum density of areas devoted to residential uses shall not exceed six (6) dwelling units per acre for single-family attached dwellings. Lot area, frontage and yard requirements shall be set forth in Section 1927.05 of Chapter 1927.

1939.06 SETBACK REQUIREMENTS

The minimum perimeter building and parking setbacks shall be as follows;

- a) Front yards.
 - (1) The minimum front-yard building setback from the public right-of-way shall be fifty (50) feet.
 - (2) The minimum parking setback from a public right-of-way shall be five (5) feet.
 - (3) The first five (5) feet of setback adjacent to the right-of-way shall be considered as green space containing landscaped contours, mounds, trees and shrubs per a plan approved by the Planning Commission.
- b) Side yards.
 - (1) Where adjoining another M-U District property, the minimum side yard setback for buildings and parking shall be ten (10) feet.
 - (2) Where adjoining a residentially zoned district, the minimum side yard building setback shall be thirty (30) feet, which shall be buffered in conformance with Section 1939.12.
 - (3) Where adjoining a residentially zoned district, the minimum side yard setback for parking shall be twenty (20) feet, which shall be buffered in conformance with Section 1939.12.
- c) Rear yards.
 - (1) Where adjoining another M-U District property, each building or structure shall have a minimum rear yard setback of ten (10) feet.
 - (2) Where adjoining a residentially zoned district, the minimum rear yard setback shall be thirty (30) feet, which shall be buffered in conformance with Section 1939.12.
 - (3) Where adjoining a residentially zoned district, the minimum rear yard setback for parking shall be twenty (20) feet, which shall be buffered in conformance with Section 1939.12.

1939.07 HEIGHT REGULATIONS

Buildings and structures shall comply with the height regulations set forth below:

- a) Principal buildings shall not exceed a height of forty-five (45) feet.
- b) Accessory buildings shall not exceed twenty-five (25) feet.
- c) Architectural or decorative features, mechanical rooms, mechanical equipment, chimneys, flagpoles, water tanks and other appurtenances may be erected above the maximum building height as permitted by the Planning Commission

1939.08 ARCHITECTURAL DESIGN REQUIREMENTS

Visual continuity among major building components is a requirement of the M-U Mixed-Use District. The major building components shall be constructed as follows:

- a) Walls.
 - (1) Basic wall materials shall be limited to clay brick masonry or modular stone on a minimum of 3 sides of every building. Where the fourth side of the structure is exposed to public view, then that side shall also be constructed of clay brick masonry. Otherwise, the fourth side may be constructed of concrete masonry units in a size and color approved by the Planning Commission. The Planning Commission, at its discretion and on a special case basis, may also consider other materials of equal or similar quality and longevity.
 - (2) Matte texture and earth tone colors of building materials are required.
 - (3) Wood shall not be permitted as a wall finish except as a trim material used on a very limited basis.
 - (4) The use of EIFS and similar materials or systems shall be limited to a maximum of 20% of the façade of the building, shall be installed no lower than 12 feet from the finished grade, and shall be used as a trim or accent material only.
 - (5) The use of mirror or reflective glass in the front wall of a building is prohibited.

b) Roofing.

(1) Approved roofing materials shall be limited to concrete tile, standing seam metal and traditional, fiberglass, architectural grade shingles, as well as various types of built-up or rubber flat-roofing systems.

(2) Flat or lower roofs that can be viewed from above from adjacent, taller structures shall be treated with architectural screens placed in an orderly fashion.

(3) All rooftop heating and ventilating equipment, as well as miscellaneous communications equipment and similar appurtenances shall be located within a penthouse or otherwise screened from public view.

(4) All downspouts and rooftop utilities shall be concealed, or to the extent that such cannot be concealed, placed in an orderly fashion and architecturally harmonious with the building and area. Storm run-off shall be handled per civil engineering standards for storm water management.

(5) Sound levels of all roof-mounted equipment shall not exceed 55 dBA at the property line.

(6) Utilities on the site shall be placed underground, and transformers and other units shall be screened from view.

c) Accessories.

(1) Transformers shall be screened from public view by means of plantings, walls, or fences. Transformers shall be located as to not be nuisances to the neighbors due to noise or location. Sound levels from transformers shall not exceed sixty (60) dBA at the property line.

(2) All dumpsters shall be screened from public view using materials that match or complement the building materials.

1939.09 DEVELOPMENT PLANS

Development plans for uses in the M-U Mixed-Use District shall comply with the provisions of Section 1917.30 and shall be approved by the Planning Commission prior to the establishment of any use or occupancy.

1939.10 SITE LIGHTING

Sources of light for illumination of buildings and grounds shall be shielded using full cut-off fixtures so that the light source is not directly visible from adjacent residentially zoned property and light spillage at the property line shall not be noxious or offensive. Site lighting shall be installed in conformance with a lighting plan approved by the Building Commissioner.

1939.11 SERVICE AND DELIVERY AREAS

a) All loading dock areas shall be screened from the public view by the use of walls, fences or other approved means with a minimum screening height of six (6) feet.

b) The use of mobile trailers for building storage shall not be permitted. The overnight parking of trailers or delivery trucks for any purpose other than the loading or unloading of said trailer is prohibited. Truck engines shall be shut off while parked on the site for loading or unloading.

1939.12 LANDSCAPING AND SCREENING

Whenever a side or rear yard is contiguous to residentially zoned land, said yard shall be screened and landscaped in accordance with a plan approved by the Planning Commission utilizing one or a combination of the following methods:

a) Wall. A solid wall of masonry or other durable material not less than five (5) feet or more than six (6) feet in height. Such wall shall be located not closer than five (5) feet to the residential property line and shall be landscaped with grass, shrubbery or trees on the residential side of the wall as a buffer and screening. The wall and landscape planting shall be repaired, replaced and permanently maintained as necessary to provide a permanent, attractive and effective screen between the residential and the commercial use. Such wall shall be designed to conform and be compatible with the main structure in design and character.

b) Planting. A strip of land not less than ten feet (10 ft.) in width shall be planted in a well-designed manner with trees, shrubs, evergreen hedges and evergreens to form a dense compact

- c) Screening. The plantings shall provide a visual screen of at least sixty percent (60%) during all seasons at a minimum height of six feet (6 ft.) above grade. All deciduous trees shall be a minimum three (3.0) inch caliper and evergreen trees shall be a minimum of ten (10) feet in height.
- d) Mound. A strip of land not less than fifteen (15) feet in width with earthen, rock or similar material or combinations shall be mounded and sculptured to a height of not less than five (5) feet above grade utilizing side slopes no greater than a 3:1 ratio. The entire fifteen feet shall be landscaped with trees, shrubs, hedges and grass to form a screen which shall be maintained and necessary to provide a permanent, attractive and effective compatible separation of land use.
- e) Fencing. Screen fencing shall be board-on-board and shall be six (6) feet in height.

ORDINANCE NO. 9684-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT BARTLETT & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT TO R-4" CLASSIFICATION

The Ordinance was for the following: 1) The City has engaged Mr. George Smerigan as a Planning Consultant to advise the City on what steps could be taken to spur economic development within the City. 2) Mr. Smerigan has recommended rezoning certain property within the B-3 Shopping Center District ("B-3 District") to a mixed-use classification. 3) As part of the rezoning process, the City would repeal Chapter of the Bedford Zoning Code that established the B-3 District, which would necessitate the rezoning of certain property that was used for multi-family residential use to a classification other than the B-3 District. 4) Council was considering rezoning property described herein from the B-3 District, upon its own initiative and upon the recommendation of Mr. Smerigan, the Building Commissioner and Administration, to the R-4 Multi-family Residence District ("R-4 District"), to align the zoning of the property with its current, appropriate use. 5) Rezoning from Permanent Parcel Nos. 813-02-001 / 813-03-002 / 813-03-004 / 813-03-005 from B-3 District to the R-4 District was in the public interest and was consistent with the recommendation of Mr. Smerigan. 6) Council desired to rezone said parcels to promote public health, safety and convenience of the City and to zone the property in a manner that was consistent with its current use. 7) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 8) A Public Hearing related to the proposed rezoning was held. It was determined Mr. Beverly, Mr. Montello and Mr. Mallis would research amendments that could be considered in an R-4 District limiting non-conforming uses specifically for apartment buildings.

ORDINANCE NO. 9685-19 AN ORDINANCE REPEALING AND REPLACING EXISTING CHAPTER 1939, ENTITLED "B-3 SHOPPING CENTER DISTRICTS" WITH A NEW CHAPTER 1939 ENTITLED "M-U MIXED-USE DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

The Ordinance was for the following: 1) The City engaged a Planning Consultant, George Smerigan, to study land use within the City. 2) Mr. Smerigan has determined that the existing B-3 Shopping Center District ("B-3 District") may not permit uses that are sufficiently diverse to allow property owners within the District to utilize their properties in a manner consistent with evolving market conditions. 3) Ownership of properties within the B-3 District has become more diversified, which also supports a more flexible zoning district. 4) According to Mr. Smerigan, conditions have changed in the retail shopping market, which further supports the enactment of a more flexible zoning district. 5) Council does not want the City's zoning code to stand in the way of economic development opportunities for the City. 6) Mr. Smerigan has recommended that City Council repeal existing Chapter 1939, B-3 Shopping Center District, and replace it with a new Chapter 1939, M-U Mixed-Use District, in conjunction with rezoning certain properties from the B-3 District to either the M-U District or to the R-4 District. 7) Council, upon its own initiative and upon the recommendation of Mr. Smerigan and the City Administration, had determined that existing Chapter 1939, entitled "B-3 Shopping Center Districts" of the Codified Ordinances of the City of Bedford was to be repealed and replaced with new Chapter 1939 entitled "M-U Mixed-Use Districts," to promote public health, safety and convenience, and to advance economic development within the City. 8) Council intends by the enactment of new Chapter 1939 "M-U Mixed-Use

Districts” to permit existing uses under the B-3 Shopping Center to continue and to provide property owners further flexibility in uses that were permitted under the City’s Zoning Code so that property maybe developed for productive use. 9) This ordinance has been referred to the Planning and Zoning Commission for report and recommendation. 10) A Public Hearing was advertised and held for the proposed code amendments.

Planning Consultant George Smerigan, Tactical Planning, LLC., 32 97 Forest Meadow Drive, Cuyahoga Falls, Ohio. He was a professional City Planner, held a Master’s Degree in City and Regional Planning, taught City Planning at the University level, 40 years’ experience as a Public Official and a private consultant in the field of City and Regional Planning. He listed several other cities in which he had represented and worked as a City Planner. He was retained by the City to perform a Land Use Analysis of Meadowbrook Square which he submitted to the City Administration in November 2017. He referred to the attached Land Use Analysis of the Meadowbrook Square which consisted of 130 acres centered on the intersection of Rockside and Northfield Roads that extended to Bartlett Road. This area had arterial highways that link multiple communities in the region and serve as daily commuter routes. The entire property was zoned “B-3” Shopping Center District and defined as a commercial district that permits retail development of a large area of land and involves uses which generate high volumes of traffic and serve the retail needs of the regional area. He explained the B-3 District permitted uses and unfortunately the “B-3” classification was no longer viable by the lack of retail stores and in this case the distressed condition of the property. There were no logical or reasonable major tenants available to anchor the area because there were several brick and mortar stores nearby.

He explained in today’s economy, weaker sites, such as Meadowbrook Square, were at an even greater disadvantage because of the changing nature of retailing. Online shopping has significantly and permanently changed the commercial retail market. There were going to continue to be fewer major retail outlets. The only logical conclusion of the land use analysis was that the existing B-3 District zoning was no longer viable and should be modified to permit reasonable re-use and development of the property with uses that have an opportunity to be successful and that can provide a net positive economic benefit to the City. In order to accomplish that transition, several changes or adjustments would be necessary. From a physical standpoint, the current arrangement of frontage and roadways anticipated a shared access and parking arrangement typical of regional or community shopping centers. The current arrangement of public street frontage reduces the desirability and marketability of large portions of the site for uses other than a shopping center. Alternative uses of the property would require street frontage and direct access to public rights-of-way that was conducive to their functionality, and that would make them desirable and competitive as development site. As presently configured, the private shared street arrangement will limit the redevelopment potential of the subject property. He recommended that the City convert the existing shared private streets within Meadowbrook to public rights-of- way in order to encourage and enable redevelopment in a mixed-use fashion. The Zoning Code must be modified to change the “B-3” District from a shopping center-based district to one that provides for more of a mixed-use approach to land development. The subject site had the potential to provide development opportunities for a mixture of uses that would be more viable at that location and that would better benefit the City. Communities should always build on their strengths. The City of Bedford was famous for its concentration of automobile dealerships. Extending the auto dealer corridor east along Rockside Road toward I-271 would be a natural reuse of a portion of the subject property. Bedford had limited opportunities for new residential development. New residents were essential to maintain the vitality of a community. The opportunity to build new housing on a portion of the subject property could provide a positive boost for the City’s residential base. Regional context was also important. Looking beyond the boundaries of the subject site, there was the former Chanel property. An appropriate Mixed-Use development of the subject property could coordinate and assist with appropriate redevelopment on the Chanel property where some residential redevelopment was already occurring.

He prepared Ordinance No. 9685-19 which repealed the formerly read Chapter 1939 “B-3” and enacted a new Chapter 1939 “M-U” as attached to the ordinance.

He recommended Ordinance No. 9684-19 be amended from “R-4” to “R-3” and P.P. #813-03-001 and #813-03-005 to “R-3” and P.P. # 813-03-002 and #813-03-004 to “M-U” District. Clarification was parcels on the south side of Rockside Road would be “M-U” and the two properties on the corner of Rockside and Bartlett Roads would be “M-U”. This amendment would clarify that the parcels would not be high-rise apartments but single family which would be consistent with how the property was being used. He explained the City Administration and himself had personally talked to the other affected property owners which were in favor of the rezoning.

He recommended Ordinance No. 9685-19 should be amended to read the auto dealerships should be changed from a “Conditional Use” to “Permitted Use” in the enacted new Chapter 1939.

Mr. Smerigan said he was available for questions, concerns or clarification.

Chairman Briggs asked the Commission if they had any questions. Mr. Mallis read into the record an email from Austin Semarjian, Acquisition and Leasing Associate, Industrial Commercial Properties, as follows: “On behalf of Industrial Commercial Properties, we are in favor of the rezoning of the former Walmart facility at 22209 Rockside Road in Bedford, Ohio. We believe this will benefit the community and support its approval.” This company does have a pending lease based on the outcome of the rezoning.

Chairman Briggs opened up the floor for public comments.

Questions and/or comments from the audience were as follows:

- Kathy Williams, 491 Lamson, agreed with changing the rezoning to “M-U” but not “R-3 or R-4”. She realized there were currently “R-3” slab apartments on the two parcels but wondered why the other parcels couldn’t be all “M-U”. She felt the “R-4” opened up the City for apartment buildings. The City didn’t need more apartments of any type. Her thought the City was opening the door by rezoning the parcels for residential. Mr. Mallis clarified there were only two parcels being rezoned from “B-3” to “R-3” which already had the slab apartments built on them. He stressed it was not the intention to create high rise apartments. Again, the only two parcels being rezoned to “R-3” already had slab apartments built. Mrs. Williams understood the former YMCA would be “M-U”. Mr. Mallis assured her she was correct. Mrs. Williams question if a nursing home could be built. Mr. Mallis said a nursing home was not a Permitted Use as currently written. There 12 acres on Bartlett Road toward Columbus Road that could be single family homes under Conditional Use. The idea was for the area to be harmonious with each other.
- Dr. Mohammed Ali Tirgan, MD, Hematology/Oncology specialist at Bedford Hospital. He said he bought two parcels at the corner of Rockside and Bartlett Roads and P.P. # 813-03-002 and #813-03-004 both rentals one being a car wash and the back was zoned commercial but upon City approval rented as a residential rental. He hoped the property size of 1.7 acres would be rezoned some type of commercial use rather than residential. Mr. Montello clarified his two parcels in question would be “M-U” not “R-3”. Dr. Tirgan was pleased with the “M-U” rezoning.

Stephen Byron, Singerman, Mills, Desberg & Kauntz Co., L.P.A. 3333 Richmond Road, Suite 370, Beachwood, said he was special counsel working with the City and the current property owners. He read into the record an email from legal counsel representing George Goudreau as follows: “As a follow up to our conversation, on behalf of the Boudreau company properties, we only have the following comments. With respect to the proposed 1939.02 permitted Uses in the M-U district, my client would request that:

(1) new automotive dealership/sales, and (2) senior housing, assisted living, independent living be included in the M-U district. Everything else looks good. Thanks.” Mr. Byron clarified the requests from George Goudreau would be made per Mr. Smerigan. However, the assisted living recommendation had not been addressed at this time. Again, George Goudreau was the largest property owner in this area.

- Vilas Gamble, 836 Lincoln, was opposed of the proposal because of the M-U District. The history was when the downtown was designated as Historic District some of the buildings had apartments above the businesses. This was when the M-U was originated and was only to be in the downtown area only. The proposed M-U allowed different types of apartments under this designation. He thought it was more appropriate to have existing zoning designations that could accommodate what was being proposed and not opening up the door. He remembered from years ago that Mr. Goudreau wanted the property at Rockside and Bartlett Roads zoned for office warehouse type building. He talked about the office warehouse type buildings in Solon, Ohio that were reaping benefit from these buildings. He felt apartments and single-family homes did not bring enough revenue to Bedford verses businesses. He felt M-U was not proper designation and a “C” designation would be more appropriate.

Mr. Smerigan explained the proposal was to repeal the current Chapter 1939 and enact a new Chapter 1939 to address some of Mr. Gambles concerns. He agreed Solon was successful; however, Mr. Gamble was incorrect was apartments were “not” permitted in the M-U District. He explained the City currently did not have existing districts on the books that allowed the mix of uses that was being proposed. The proposed mixed uses would allow the City to respond development proposals in a timelier manner. It was not in the City’s best interest to rezone every time a potential business wanted to locate to the City. This would put Bedford at a server disadvantage in competing with other communities. The M-U allowed flexibility and smart business sense. He stressed new apartments were not permitted in the M-U District.

Mr. Montello assured everyone that the Administration, Council, property owners, Mr. Smerigan and Mr. Byron had been in discussions for over a year; this was not rushed by any means. Mr. Mallis clarified the Automile was zoned “B2-A” and rezoning this area all “B2-A” was not beneficial to the City. The focus was a harmonious flow of Industrial and Commercial uses. He explained other cities curtailed their zoning for their community; Bedford wanted to curtail the best use for Bedford’s need for Economic Development. Mr. Gamble questioned the Permitted Uses in the M-U area. Mr. Byron gave Mr. Gamble a copy of the proposed newly enacted Chapter 1939 to review. Chairman Briggs explained the goal was to create a harmonious aesthetically pleasing area that made sense to Bedford. Mr. Mallis reiterated the Administration, Council, property owners, Mr. Smerigan and Mr. Byron had been in discussions for over a year. He explained the amount of new jobs this rezoning offered would bring much needed income tax to the City. The hope was to bring new businesses and jobs to Bedford and the rezoning allowed Council control of who and what goes in this area. The Commission did not have any further questions.

Chairman Briggs called for motions of the proposed Ordinance Nos. 9683-19, 9684-19 and 9685-19.

[Proposed] ORDINANCE NO. 9683-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED NEAR THE INTERSECTION OF NORTHFIELD & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT" TO THE "M-U MIXED-USE DISTRICT" CLASSIFICATION

Motion made by Mallis seconded by Dzomba for passage and amend new enacted Chapter 1939 to remove “§1939.03 a)” under “Conditional Uses” read as “a) New car and light truck sales with a minimum of 100,000 square feet of total area located on contiguous parcels of land” and place it in §1939.02 “Permitted Uses”. The roll was called. Vote – Yeas: Powers, Dzomba, Briggs, Mallis. Nays: None. Motion carried unanimously.

[Proposed] ORDINANCE NO. 9684-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT BARTLETT & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT TO R-4" CLASSIFICATION

Motion made by Mallis seconded by Powers to change "R-4" to "R-3" and remove P.P. 813-03-002 and #813-03-004 place them in Ordinance No. 9683-19 as recommended by Mr. Smerigan. The roll was called. Vote – Yeas: Powers, Dzomba, Briggs, Mallis. Nays: None. Motion carried unanimously.

[Amended] ORDINANCE NO. 9684-19 AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT BARTLETT & ROCKSIDE ROADS FROM THE "B-3 SHOPPING CENTER DISTRICT TO R-3" CLASSIFICATION (813-02-001 / 813-03-005)

[Proposed] ORDINANCE NO. 9685-19 AN ORDINANCE REPEALING AND REPLACING EXISTING CHAPTER 1939, ENTITLED "B-3 SHOPPING CENTER DISTRICTS" WITH A NEW CHAPTER 1939 ENTITLED "M-U MIXED-USE DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD

Motion made by Mallis seconded by Dzomba to repeal and replace Chapter 1939, entitled "B-3" with new Chapter 1939, entitled "M-U". The roll was called. Vote – Yeas: Powers, Dzomba, Briggs, Mallis. Nays: None. Motion carried unanimously.

Mr. Montello asked for clarification whether the two parcels were amended and moved to M-U. Mr. Mallis replied, correct.

Chairman Briggs announced the three ordinances would be read on June 3, 2019 at the Regular Council Meeting at 8:00 p.m.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Dzomba and seconded by Mallis to adjourn. The roll was called. Vote – Yeas: Powers, Dzomba, Briggs, Mallis. Nays: None. Motion carried unanimously.

Meeting adjourned at 6:41 P.M.


Secretary


Chairman