

MEMORANDUM
ROBERT S. FRANKLAND, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: APRIL 6, 2016

TO: SUSAN A. DRUCKER, MAYOR
PLANNING COMMISSION

RE: PROPOSED "I-3" (INDUSTRIAL AUTO SERVICE) ZONING
CLASSIFICATION AND REZONING OF 31835 - 31935 AURORA ROAD

Please find attached, a proposed amendment to the Zoning Code that would establish the "I-3" (Industrial Auto Service) Zoning Classification.

An explanation of the proposed zoning classification is provided below. In addition, background information is provided relating to an associated request by the property owner at 31835 - 31935 Aurora Road to implement "I-3" zoning on this property.

EXPLANATION OF THE PROPOSED
"I-3" (INDUSTRIAL AUTO SERVICE) ZONING CLASSIFICATION

Automotive maintenance and/or repair is currently only permitted as an onsite accessory use in direct association with an automobile dealership. As such, all existing independent automotive maintenance/repair facilities in the City are non-conforming in nature. To address this issue, Chapter 18, Section 2, Item 4 of the City Master Plan (see the attached "Exhibit A") recommends the creation and implementation of the "I-3" (Industrial Auto Service) zoning district along Old South Miles Road for the purpose of permitting independent automotive maintenance/repair businesses.

The Master Plan further recommends that "Automotive Towing and Impound Yards" be permitted within the new zoning district in order to address the future needs of the Police Department should the current non-conforming towing/impound yard cease to operate. However, it should be noted that "junk yards and auto salvage yards" would continue to be prohibited under Section 1289.03, Item 37, of the Zoning Code.

Each of the above referenced Master Plan recommendations are incorporated into the proposed "I-3" (Industrial Auto Service) zoning classification and/or within the associated definition amendments. Some of the more notable features of the proposed zoning classification are addressed below:

- 1. Screening of Vehicles Required** - The ordinance requires that all vehicles that are stored on site as part of an "Automotive Repair and/or Maintenance Service" and/or "Automotive Towing and/or Impound Yard" business be screened from view from any street or adjacent property.
- 2. Outdoor Storage Prohibited** - The ordinance prohibits the outdoor storage of parts, scrap, debris, etc..
- 3. Retail Sales Prohibited** - The ordinance prohibits retail sales in association auto repair. This prohibition is intended to prevent the common franchise business model of a retail auto parts store with an automotive repair component from locating within the Industrial area.
- 4. Noise Restrictions and General Nuisance Prohibitions** - The standard commercial/industrial maximum sound level restrictions would apply, as per Section 1289.02, Item 5-B, of the zoning code. In addition, the standard prohibition against general nuisances, "due to noise, vibrations, light, glare, smoke, dust, fumes, odors, attraction of pests...or which otherwise cause a blighting or deteriorating influence on the area in which the use is located", as contained in Section 1289.05 of the code, would also apply.
- 5. Industrial Uses Permitted** - In addition to "Automotive Repair and/or Maintenance Service" and "Automotive Towing and/or Impound Yard" businesses, the "I-3" district would also permit all industrial and office uses that are currently permitted within the "I-2" zoning district.

BACKGROUND INFORMATION RELATING TO THE PROPOSED "I-3" REZONING OF PROPERTIES IN THE VICINITY OF OLD SOUTH MILES ROAD

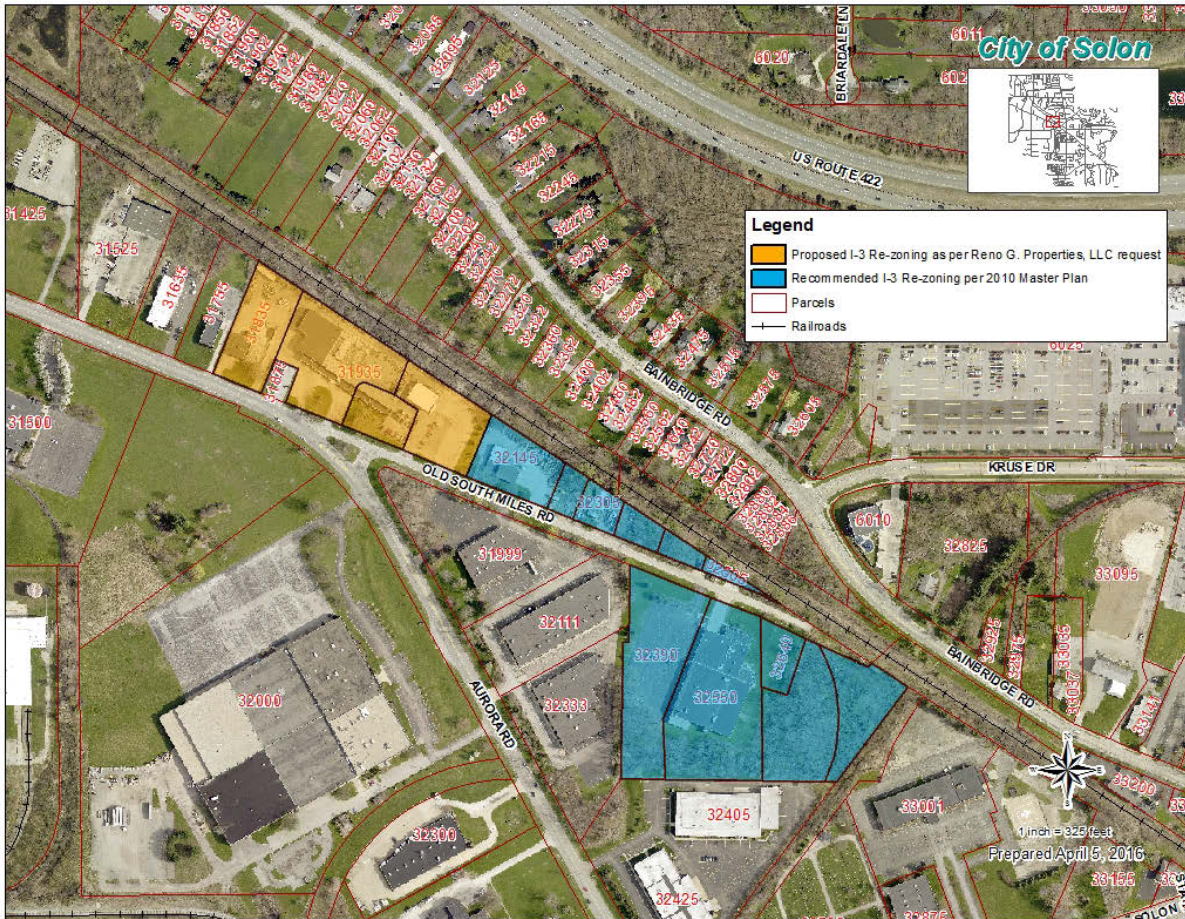
Application has been made by Reno G Properties-LLC, owner of an approximately 4.75 acre property at located at 31835 - 31935 Aurora Road, to rezone this property from the current "I-2" (Industrial Manufacturing Zoning) to the proposed "I-3" (Industrial Auto Service) zoning. This request is being made in association with the proposed relocation of the Liberty Ford automotive service facility from 32811 Aurora Road to the property in question.

It will be recalled that Solon voters had recently approved the rezoning of the Liberty Ford site on Aurora Road to permit automobile sales and servicing. Approval of this rezoning was tied to a specific redevelopment plan. However, Liberty Ford has now determined that the approved redevelopment plan is cost prohibitive and does not provide adequate storage area for inventory. Therefore, Liberty Ford is now proposing to relocate the existing service facilities offsite and to submit a new redevelopment plan for the City's consideration. It should therefore be noted that the Reno G Properties rezoning request is directly related to the proposed amended

redevelopment of the Liberty Ford site. This issue is addressed in further detail under the recommendations section of this memorandum.

As per the "Map A" below, the requested zone change is in general compliance with the Master Plan recommendations for this area. Although, it will be noted that the Master Plan recommends that the "I-3" zoning commence on the properties located immediately to the east of the subject property and then extend eastward along Old South Miles Road. However, it is common to make minor adjustments to a Master Plan at the time of implementation, at the City's discretion.

"Map A"



RECOMMENDED ACTIONS AND MISCELLANEOUS ISSUES

Should the City determine to place the requested "I-3" (Industrial Auto Service) rezoning of the property at 31835 - 31935 Aurora Road on the ballot, the following actions are recommended:

- 1. Establishment of a Development Agreement With Liberty Ford and Reno G Properties**

Recommended - As noted above, the current zoning on the Liberty Ford site was approved by the electorate in association with a specific redevelopment plan. As Liberty Ford has indicated that the approved plan is no longer feasible, the City has the option of reverting this property back to the former zoning. *However, Liberty Ford is instead requesting that the City consider an amended redevelopment plan for the dealership property that would be submitted subsequent to the approval of the requested "I-3" rezoning.* Obviously, Liberty Ford's proposal to submit an amended redevelopment plan after the rezoning takes place makes the review of this proposal somewhat more complex.

However, should the City wish to accommodate this approach, it is recommended that a legally binding development agreement be entered into with Liberty Ford and Reno G Properties specifically establishing the terms for the rezoning. Among other conditions, this agreement should mandate and guarantee the immediate redevelopment of the Liberty Ford dealership site once the rezoning occurs. The agreement should also contain provisions that require that any amended redevelopment plan be of equal or greater quality than that originally presented to the voters, as exclusively determined by the City of Solon.

This agreement would ultimately be reviewed and approved by City Council as a condition for placing the requested zoning on the November 2016 ballot.

- 2. Full Master Plan Zoning Implementation Recommended** - As per "Map A", above, the applicant is requesting the rezoning of a single group of properties that are located immediately adjacent to the Master Plan recommended rezoning area. To avoid spot zoning and to appropriately implement the full Master Plan for the Old South Miles area, it is recommended that the applicant attempt to assemble all relevant property owners to be party to the zone change request. In addition, it should be noted that the property at 31875 Aurora Road, which is surrounded by the applicant's property, should be included in this zone change. The applicant has been advised of this recommendation and has commenced the process of contacting the other property owners in the area.
- 3. Zone Change Implementation Charter Issues** - It should be noted that the rezoning essentially constitutes a two step process - the creation of a new zoning district and then implementation of the zoning on the properties in question. Upon consultation with the Assistant City Law Director, it has been determined that the establishment of the zoning district itself does not require voter approval under the provisions of the City Charter. However, the implementation of the zoning on any City property does require voter approval. Therefore, the Planning Commission and City Council will need to consider these issues as they proceed with their review of this matter.
- 4. General Code Requirement Issues** - The City Zoning Code utilizes a system of generalized code sections that are applicable to all industrial zoning districts. These include requirements relating to landscaping/buffering, signage, parking etc. Therefore, if the "I-3" (Industrial Auto Service) zoning district is approved, the "I-3" designation would be added to all generalized code sections that are applicable to the "I-2" (Industrial Manufacturing) zoning district.

CONCLUSIONS

As has been noted, the requested rezoning is in general compliance with the City Master Plan. However, the City is not obligated to implement this zoning - and should not do so - until and unless the broader planning issues associated with the request are adequately addressed. Perhaps principal among these issues, is insuring that the Liberty Ford dealership site redevelops in a manner that is of equal or higher quality than that which was originally presented to Solon voters.

Please let me know if I can answer any questions that you may have relating to this information and/or the attached amendment.

CC: Lon Stolarsky, Assistant Law Director
Tom Lobe, Law Director
Chris Viland, Chief of Police

PROPOSED AMENDMENT #1

**ADD CHAPTER 1284, "I-3" (INDUSTRIAL AUTO SERVICE)
ZONING REGULATIONS, TO THE ZONING CODE**

CHAPTER 1284

“I-3” (INDUSTRIAL AUTO SERVICE)

1283.01 PURPOSE:

The “I-3” (Industrial Auto Service) zoning district has been established to permit moderate intensity manufacturing, warehouse, and office uses subject to the requirements specified within this code.

1283.02 PERMITTED USES:

A. PRINCIPAL USES:

The following uses shall be permitted in the “I-3” (Industrial Auto Service) zoning district, provided that such uses also comply with all applicable federal, state, and local regulations, including the Codified Ordinances of the City of Solon.

1. Manufacturing, processing and assembly of products and/or materials ~~or~~ uses, except those listed under the "Prohibition of Specific Land Uses" section of this code, or which are determined by the City of Solon to pose a threat to the general health, safety and welfare, or which otherwise pose a danger from fire, explosion, or which constitute a public nuisance due to noise, vibrations, light, glare, smoke, dust, fumes, or odors that are not effectively confined to the premises;
2. Warehousing, storing, wholesaling, and/or distributing of food, dry goods, clothing, drugs, furniture, hardware, and other substantially similar products;
3. Food and drink production, including bakeries, creameries, cold storage facilities, ice manufacturing, soft drink bottling, refining, roasting, pasteurizing and extracting processes, entirely enclosed within a building;
4. Printing and publishing;

5. Business and professional offices, but excluding medical and dental offices;
6. Research and Development facilities;
7. Paratransit;
8. Colleges, universities, trade schools, business schools, and sports training facilities;
9. Assembly, restoration, or remanufacture of automobiles;
10. Automotive Repair and/or Maintenance Services;
11. Automotive Towing and/or Impound Yards;
12. Electrical, Plumbing, and HVAC contractors and any similar low intensity contractor businesses that do not involve the bulk storage of materials and/or the dispatching or storing of construction equipment, trailers, and/or "large vehicles" as defined within this zoning code.
13. Any use that is determined by the City of Solon to be substantially similar to any of the above listed uses.

B. ACCESSORY USES:

1. Any use that is customarily incidental and accessory to any of the above listed permitted uses as determined by the City of Solon shall be permitted on the same lot as the principal use subject to the provisions of this chapter. Any accessory use, except parking, truck loading areas, mechanical equipment, outdoor storage as regulated herein, and approved signage, shall be wholly enclosed within the main building or other approved building. Retail Sales are permitted as an accessory use subject to the requirements specified herein.
2. Outdoor Storage: Outdoor storage which is accessory and incidental to any of the above listed principal uses shall be permitted in accordance with the following:
 - a. Such storage areas shall comply with the setback requirements for principal buildings specified within this chapter.
 - b. Such storage areas shall be fenced or otherwise screened from view from the street or from adjacent properties.
 - c. Such storage areas shall not be considered to constitute any part of the open space requirements specified within this chapter.

C. PROHIBITED USES:

Prohibited uses within the "I-3" zoning district shall include, but are not limited to, the following. This list shall be considered to be supplementary to "Item A" (Principal Uses) and "Item B" (Accessory Uses) of this Chapter.

1. Residential, and retail buildings and uses (except as otherwise permitted herein) are prohibited in "I-3" (Industrial Auto Service) districts, provided, however, that residential buildings and uses shall be permitted in areas where private deed restrictions prohibiting any building or use other than for dwelling purposes were in effect at the time of the passage of this Ordinance and continue to remain in effect;
2. Landscaping businesses, excavators, and contractor businesses involving the bulk storage of materials and/or the dispatching or storing of construction equipment, trailers, and/or "large vehicles" as defined within this zoning code.
3. Ambulance companies;
4. Commercial storage services available to the general public;
5. Any use listed within the "Prohibition of Specific Land Uses" section of this Code shall also be prohibited in "I-3" (Industrial Auto Service) zoning district;
6. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health, safety and welfare of the general public;
7. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

1283.03 LOT, BUILDING, AND PARKING STANDARDS:
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A. LOT REQUIREMENTS

1. MINIMUM GREEN SPACE - At least twenty percent (20%) of any lot shall be reserved as green space.
2. MINIMUM LOT WIDTH - The width of any lot shall not be less than one hundred and fifty (150) feet at the building line.
3. MINIMUM FRONT YARD GRADE - The finished grade line of the front yard shall have a minimum two percent (2%) grade falling from the front of the building to the street grade.

B. BUILDING SET-BACKS AND DIMENSION REQUIREMENTS:

1. MINIMUM FRONT YARD SET-BACKS – The minimum front yard set-back for any structure shall be one hundred and fifty (150) feet, except as otherwise specified below:
 - A. Lots fronting on Aurora Road - Any lot fronting on Aurora Road shall maintain a minimum front yard set-back of two hundred (200) feet.
 - B. Lots Opposite a Residential Zoning District - Any lot that is located across the street from residentially zoned land shall maintain a minimum front yard set-back of two hundred (200) feet.
 - C. Lots fronting on Secondary Roads - Any lot fronting on a secondary road shall maintain a minimum front yard set-back of seventy five (75) feet.
2. MINIMUM SIDE YARD SET-BACKS - No building may be located closer than ten (10) feet to any interior side property line, nor closer than one hundred fifty (150) feet to any principal side street, nor closer than seventy five (75) feet to any secondary side street.
3. MINIMUM SET-BACK FROM RESIDENTIAL ZONING AND USES - No building may be located closer than one hundred and fifty (150) feet to any Single Family or Two Family zoned or used land. In addition no storage of materials, trash, etc. may occur within this area.
4. MINIMUM REAR YARD SET-BACKS - No building may be located closer than twenty-five (25) feet to any interior rear property line nor closer than one hundred fifty (150) feet to rear principal street, nor closer than seventy-five (75) feet to any rear secondary street.
5. MINIMUM SET-BACK BETWEEN STRUCTURES - A minimum setback of twenty-five (25) feet shall be provided between buildings on the same, or adjacent lots.
6. MAXIMUM BUILDING COVERAGE - Not more than forty percent (40%) of the lot area shall be covered with buildings.
7. MAXIMUM HEIGHT – No structure may exceed fifty (50) feet in height above finished grade when adjacent to any nonresidential zoning district, nor shall such structures exceed thirty-five (35) feet in height when located within one hundred and fifty (150) of any residentially zoned land

However, chimneys, flagpoles, towers, water tanks and other appurtenances that

are erected on, and are an integral part of, the main structure may extend to a height of one hundred (100) feet above the finished grade when abutting non-residentially zoned land, but such accessory structures shall not exceed seventy-five (75) feet in height when located within one hundred and fifty (150) feet of any residentially zoned land.

C. PARKING AREA SET-BACKS AND DIMENSION REQUIREMENTS:

1. MINIMUM FRONT YARD SET-BACK - Parking areas shall be located no closer than eighty (80) feet to any front property line and such parking areas shall be suitably landscaped. (see Section 1288.06 - Landscape and Screening Requirements for Front Yard Parking and Off-street Loading Areas)
2. MINIMUM SIDE YARD SET-BACKS - Parking areas shall be located no closer than five (5) feet to any interior side property line, nor shall such parking areas be located closer than eighty (80) feet to any principal side street nor closer than sixty (60) feet to any secondary side street. Side yard parking areas abutting residentially zoned or used land shall be located no closer than thirty (30) feet to the side property line. Street access drives shall maintain the same set-backs prescribed herein for parking areas, except when providing direct access from a parking area to a street the street set-back requirements will not apply.
3. MINIMUM REAR YARD SET-BACKS – Parking areas shall be located no closer than five (5) feet to any interior rear property line, no closer than eighty (80) feet to any principal rear street, nor closer than sixty (60) feet to any secondary rear street. Rear yard parking areas abutting residentially zoned or used land shall be located no closer than thirty (30) to the rear property line.
4. MINIMUM SETBACK FROM BUILDINGS - Parking areas and street access drives shall be located no closer than ten (10) feet to any building.

D. OFF-STREET LOADING AREA LOCATION, SET-BACK, AND DIMENSION REQUIREMENTS - In addition to the requirements of Section 1288.02 the following Off-street Loading requirements shall apply within “I-3” (Industrial Auto Service) Districts.

1. SET-BACKS FROM STREETS - Off-street loading areas shall be located no closer than eighty (80) feet to any primary street right of way line, nor closer than sixty (60) feet to any secondary street right of way line. Any off-street loading area that is located closer to a primary street than is the building on the lot shall be suitably landscaped as per the requirements of Section 1288.06 – (Landscape and Screening Requirements for Front Yard Parking and Off-street Loading Areas) of this code.

2. LOCATION ADJACENT TO RESIDENTIAL AREAS PROHIBITED – No loading area or dock, nor any truck parking or storage shall be located between a building and any adjacent residential zoning district.

1283.04 ACCESSORY RETAIL SALES

Retail Sales are permitted as an accessory use within buildings within the “I-3” (Industrial Manufacturing) districts subject to the following provisions, except as otherwise regulated within this Zoning Code:

1. ON-SITE MANUFACTURING, FABRICATION, PRODUCTION, WAREHOUSING REQUIRED - Retail sales are only permitted as a minor activity in direct association with the principal activity on site. Therefore such sales shall consist only of products or merchandise that are manufactured, fabricated, produced, or warehoused as the principal activity on site.
2. MAXIMUM PERMITTED RETAIL AREA - The total area devoted to accessory retail sales shall not exceed ten percent (10%) of the square footage of the business unit, nor shall such sales area exceed one thousand (1,000) square feet.
3. ADVERTISEMENT PROHIBITED - There shall be no exterior advertisement of the accessory retail sales located on the property. Advertisement of the retail sales activity may occur within the building so long as such advertisement is not visible from the exterior of the building.

**SUMMARY TABLE OF
“I-3” (INDUSTRIAL AUTO SERVICE)
REQUIREMENTS***

BUILDING

MIN. FRONT SETBACK.....	SEE TEXT
MIN. SIDE YARD SET-BACK (interior).....	10 ft
MIN. SIDE YARD SET-BACK (street).....	75 or 150 ft
MIN. SET-BACK BETWEEN STRUCTURES ON SAME LOT.....	25 ft
MIN REAR YARD SET-BACK.....	25 ft
MAX. BUILDING HEIGHT	50 ft
MAX. BUILDING SIZE.....	N/A

PARKING

MIN. FRONT SET-BACK.....	80 ft
MIN. SIDE YARD SET-BACK (interior).....	5 ft
MIN. SIDE YARD SET-BACK (street).....	60 or 80 ft
MIN. REAR YARD SETBACK.....	5 ft

LOT

MIN. LOT WIDTH.....	150 ft
MIN. LOT AREA.....	N/A
MIN. GREEN SPACE.....	20%
MAX. IMPERVIOUS COVERAGE.....	80%

** SEE TEXT FOR COMPLETE REQUIREMENTS*

PROPOSED AMENDMENT #2

**ADD DEFINITIONS FOR "AUTOMOTIVE REPAIR AND/OR
MAINTENANCE SERVICES" AND "AUTOMOTIVE TOWING
AND/OR IMPOUND YARDS" TO SECTION TO SECTION
1261.02 OF THE ZONING CODE**

AUTOMOTIVE REPAIR AND/OR MAINTENANCE SERVICES - A business involving the repair and/or maintenance of automobiles where all vehicles are 100% screened from view from any street and/or any adjacent properties and where there is no outside storage of parts, scrap, debris, etc. and where there are no on-site retail sales associated with the business.

AUTOMOTIVE TOWING AND/OR IMPOUND YARDS - A business dedicated to the towing of vehicles and/or the short term storage of vehicles while awaiting transfer to a repair facility and/or approved release by a law enforcement agency, and where all vehicles are 100% screened from view from any street and/or any adjacent properties, and where there is no outside storage of parts, scrap, debris, etc., and where there are no on-site retail sales associated with the business. The term "Automotive Towing and/or Impound Yards" shall be considered to be distinct from junk yards and/or auto salvage/sales yards.

"EXHIBIT A"

CITY MASTER PLAN CHAPTER 18, SECTION 2, ITEM 4

**(RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN
I-3 AUTO SERVICE ZONING DISTRICT)**

4. RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN “I-3” (AUTO SERVICE) ZONING DISTRICT.

There currently is no zoning classification within the City that permits stand alone automotive service businesses such as auto mechanics and body shops. Rather, all existing automotive service businesses in the City are either accessory to a specific automobile dealership (such as is permitted within the “C-4” Motor Service Commercial District) or are non-conforming in nature.

As non-conforming uses can not be re-established if discontinued for a period of 6 months or more, the City could eventually lose all of its current stand alone automotive service businesses. Therefore, the designation of a specific automotive service area in which to permit these uses may be warranted. Certainly convenient access to these uses can be a substantial benefit to the community as a whole.

Perhaps the most viable location at which to consider the establishment of such a district is on Old South Miles, off of Aurora Road (See “Map 18-2-F”, below). This area presents several advantages:

1. General Compatibility with Existing Land Uses - Though technically a commercial service use, the typical auto repair business is more consistent with industrial type uses in impact and intensity than with any other general land use category (ie: commercial, office, residential, etc.). Therefore, these uses tend to be less disruptive and more compatible with existing land uses when located within industrially zoned areas. The Old South Miles area is perhaps particularly suited to an expansion of auto service uses in that an existing non-conforming auto body shop is already located in this area.
2. Separation from Residential and Office Areas - Corollary to the above, the Old South Miles Road area is adequately separated from land uses that may be less compatible with auto service uses such as residential and office uses. While the Bainbridge Road West residential area (see Section 2, Item 3, above) does technically abut the north side of Old South Miles Road, it is substantially buffered by the one hundred feet wide Erie Lackawanna railroad right of way line. However, additional property site buffering requirements should be included within the “I-3” (Auto Service) Zoning District, if implemented.
3. Low Visibility – The Old South Miles Road area has the advantage of being one of the most secluded and inconspicuous sections of the Industrial Core Area. While, as has been noted, auto service uses are generally compatible with industrial type uses, these uses do tend to involve the outside storage of vehicles awaiting repair. This may lead to aesthetic concerns in areas that are more prominent and visible. As auto service businesses tend to be destination driven and do not require high visibility, the Old South Miles Road area is ideal.

Should the City determine to implement an “I-3” (Auto Service) Zoning District, the following general features are recommended:

1. Permitted Uses should include General Auto Repair, Auto Towing and Impound Yards, as well as basic industrial uses such as Warehousing, Manufacturing and Distribution. Specifically prohibited uses should include Auto Salvage Yards/Junk Yards.
2. Set-backs, buffering, site design, and dimensional requirements should generally reflect “I-2” (Industrial Manufacturing) District parameters, except that more lenient front yard set-backs should be incorporated in consideration of the lot dimensions in the Old South Miles area.

**“MAP 18-2-F” – POTENTIAL LOCATION OF THE
“I-3” (AUTO SERVICE) ZONING DISTRICT**



A visual summary of all zone changes proposed within this Master Plan for the Industrial Core Area is provided in “Map 18-2-G”, below, and a verbal summary is provided in “Chart 18-2-A”, below.

**“MAP 18-2-G” - FUTURE ZONING PLAN FOR
THE INDUSTRIAL CORE AREA**

