

**PLANNING COMMISSION
MEETING MINUTES
Wednesday, October 15th, 2025
4:30 P.M.**

VIRTUAL MEETING:
Live Streamed @ <https://www.cityofoberlin.com/city-government/streaming-video/>

VIRTUAL MEETING:
Oberlin Enrichment and Activity Center, Multi-Purpose Room, 36 South Prospect Street, Oberlin, Ohio

1. Call Meeting to Order and Roll Call.

This meeting was called to order at 4:30 P.M.

Present: Jack Ford, Chair; Bryan Burgess, Member; Amy Maliza, Member; Peter Crowley, Member; Gerald Findlan, Oberlin Zoning Board of Appeals; Greggor Mattson, Oberlin Zoning Board of Appeals; Nolan Nicaise, ZoneCo; Carrie Porter, Planning and Development Director and Chris Yates, Code Administrator.

Absent: Jill Sawyer, Vice-Chair of the Planning Commission and Joe Waltzer, Oberlin Planning Commission Council Liaison.

2. Approval of the Minutes of the October 1st, 2025 Meeting.

Burgess moved to approve these minutes as submitted. Crowley seconded this motion. Motion carried unanimously.

3. Joint Review of New Draft Zoning Code by the Planning Commission and the Zoning Board of Appeals - Nolan Nicaise from ZoneCo, LLC.

Nicaise advised attendees to start at the beginning of the spreadsheet regarding concerns and amendments to the Oberlin Zoning Code. He added that members of the Planning Commission should review such concerns and place an unofficial vote to determine the course of action. This vote will determine whether this topic is added or amended before presentation to Oberlin City Council.

Ford started with his concerns regarding the amended code. He brought attention to page 20 and 23 of this document. Ford stated that home occupation regulations do not exist under commercial uses. Language for home occupations also do not exist in Suburban and Traditional Residential Districts in the proposed code. Porter recommended that this use be added to the table of uses in the chapters identified. Nicaise affirmed Porter's request and stated that he will add this to the amended code. He added that this language does exist on page 84 of this code, but adding this to the requested chapters would provide clarity regarding this use.

Ford then brought attention to page 31 of this document. His concern focused on the requirement that prohibited all roof types except flat roofs in the Downtown Commercial District. "Is there a major reason behind this requirement?" Ford questioned. Porter stated

that this requirement currently exists in the code. She added that she feels that this is a character issue being that the majority of structures in the Downtown Business District have flat roofs. Ford stated that these roofs are hard to maintain, with the maximum roof pitch of a flat roof as listed in the code as 1 inch per 1 foot of vertical run. Yates added that the roof pitch of buildings in this district fall in the range of one to three inches per one foot of vertical run. Ford stated that this requirement may exist due to the management of water run-off. Burgess added that flat style roofs are adaptable being that heating and air conditioning units can be efficiently installed on these roofs. Campbell questioned if a builder could request a variance to allow a use that does not conform to this requirement. "Yes, possibly," stated Porter. The Planning Commission then decided to use the language regarding this topic as stated in the proposed code.

Ford then brought attention to page 39 of this document. The requirement in question requires buildings in the General Commercial District to have consistent architectural treatment style on all sides of structures. This requirement also prohibits concrete and metal wall panels and states a list of colors that are not allowed for exterior coverings of buildings in this district. Ford then questioned if prohibiting these materials and preset color choices would be adverse to development. Porter added that these regulations were created to govern the exterior coverings of the Oberlin Walmart that was constructed 20 years ago. Mattson stated that these requirements make sense. He added that if a builder wanted to deviate from these requirements, they could file for a variance. He added that these requirements should not exist in the Industrial/Innovation District. Ford agreed with Mattson. Maliza stated that having some rules are better than none. She added that she would be supportive of changing some of the language. Porter stated that the amended code will allow the Planning Commission to grant exceptions to this requirement. Ford added that the City currently has a reputation of being hard to work with regarding design standards and loosening these regulations would be a step in the right direction. Ford stated that he would be in favor with removing the word "prohibited" and replacing it with "discouraged". Mattson stated that verbiage would allow discouraged uses. "Yes," stated Burgess. Yates added that the phrase, "Including but not limited to," at the beginning of this paragraph would allow the Planning Commission to retain some authority of enforcement of this regulation. After a brief deliberation, the Planning Commission decided to add this text to the amended code.

Nicaise then brought attention to the regulations governing façade colors. Ford stated that the word "prohibited" should be replaced with "discouraged" in this text regarding colors that were previously not allowed. He added that he is not in favor of fluorescent colors being permitted in the stated district. Campbell questioned the reasoning behind prohibiting black as a façade color. Ford stated that at a previous preliminary site plan review, the Planning Commission were in approval of a proposed restaurant that featured colors that are prohibited by the current code. Maliza stated that she felt at odds with the verbiage of the current code. Nicaise presented a picture of a commercial building that featured a predominantly black exterior covering. "I don't think that looks too extreme," stated Campbell. "What if it were fluorescent green?" questioned Burgess. "If it made sense," stated Campbell. He added that he would like a contractor to have the ability to be different. Maliza questioned if having regulations regarding color are needed. "I think there has to be some provisions," Ford stated. Maliza did not agree with Ford's response. Campbell added that color selection not hindering adjacent properties should be the main concern regarding amendments to this chapter. Burgess stated that he would be in agreeance to strike all regulations regarding façade colors in the commercial and innovation district from the proposed code. Crowley and Ford agreed with this request. It was then deemed by the Commission and attendees to strike this language as stated by Maliza and Burgess.

Nicaise then brought attention to regulations that govern the consistency and architectural style of facades. The current regulation states that all facades of a building shall be designed with consistent architectural style, detail, trim features and roof treatments. Burgess stated that if a builder wanted to address the front of their building with a dignified and presentable façade and provide a more rudimentary covering on the sides and rear of a building, this would be a normality in today's construction processes. Campbell added that residential housing contractors apply Burgess's theory to new home construction frequently. Porter stated that she thought that this current provision was a response to the construction of the Oberlin Walmart. According to Porter, the previous Planning Commission were at odds with this entity focusing on the front façade of their buildings while the sides and rear facades were basic, some consisting of concrete block painted grey. Crowley questioned if the Planning Commission should retain some power in regulating such facades. Ford added that he agrees that there has to be some sort of cohesiveness regarding design pallets. Mattson added that that this regulation is not needed. Crowley stated that replacing the word consistent with complement may be the answer to this issue. Ford added that the Planning Commission would have a chance to pass a ruling on colors that may be deemed inconsistent with the purpose of this code. No formal decision was applied to this topic.

Ford then brought attention to page 87 of the proposed code that lists regulations regarding Animal Husbandry. Ford stated that bees are not included in this text. Nicaise stated that bees were not intentionally left out of this text. He added that bees will drink from swimming pools, thus creating a nuisance situation. He added that he could add bees to this list of allowed uses. Maliza stated that this text should include bees as an allowable species. Burgess questioned if this text should attempt to list all species of animals that are allowed regarding this regulation. Nicaise stated that a list of species protects against a homeowner having pets such as lions, alligators and other dangerous animals. Burgess stated that this text should include bees. Nicaise then questioned if the Commission has any use standards regarding the placement of beehives from the perimeter of a property. Porter stated that beehives should be relegated to backyard installation only. The Planning Commission unanimously decided to include bees in this chapter of the proposed code. Nicaise questioned if this chapter should have any other animals added to the list as allowable. No other animals were identified as an addition to this text.

Mattson brought attention to a portion of the proposed code that regulates transformer boxes and the number of chargers regarding electric car chargers. The verbiage in this text would require the transformer box associated with 9 or more electric car charging stations to be screened in with a fully opaque fence or wall. Mattson questioned if this requirement revolved around a concern for safety or is it about concealing these structures from view. And if so, could a hedge be used to obscure the view of such structures. Nicaise stated that this requirement is purely aesthetic. Nicaise added that this regulation would be applied to all districts in the proposed code. Crowley questioned if this regulation should be removed when dealing with commercial properties such as a grocery store. Porter stated that the current code requires that mechanical equipment be screened from public view. Maliza stated that she is in favor of adding hedges to the list of items allowed for screening of transformer boxes that power 9 or more electric car charging stations. Burgess stated that if not maintained, hedges would grow and interfere with the transformer. He added that he is in favor of the verbiage as stated in the proposed code. Crowley further added that he feels that this regulation is not needed. The Planning Commission then decided to strike this requirement from the proposed code.

Ford then brought attention to page 132 and 133 of this text. This regulation governs the number of Planning Commission and City Council members required to pass a vote. Ford's concern revolves around this regulation stating an exact number of members to pass a vote. Being that in certain cases, a member of either commission may have to recuse

themselves due to a conflict of interest, it would make it impossible to achieve enough votes to pass or fail an issue. Ford's answer to this issue would see this text amended to state that a vote can be passed if the majority of a quorum approved or denied an issue. Porter stated that the section of this regulation governs a voting process to override a decision made by the Planning Commission may be derived from state law. Maliza stated that this problem can be solved by removing the text that states that City Council can override a vote by the Planning Commission with 5 of the 7 members in agreement, to a majority plus 1 vote. Members of this body stated that this regulation must be consistent with other laws governing this topic. Nicaise agreed. Burgess brought attention to the text that stated that the Planning Commission can only take action on applications if 3 members are present and concur. "What does that mean?" stated Burgess. "You can't have a 2 to 1 vote," replied Porter. Maliza stated that she is in favor of this regulation. Members of this body unanimously agreed to keep this regulation as stated. Nicaise then questioned if this body was recommending that he remove the verbiage in part (c) 2 of this regulation so that there is no specificity in this planning and zoning code and that it would refer the user to the existing charter that governs this commission. "Yes," replied Porter.

Crowley then brought attention to the ordinance that governs Adult Daycare Uses. His concern is that this use is only allowed in the Neighborhood Mixed-Use District of the proposed code. Nicaise then prompted attendees to view the table on page 55 that compares adult and child daycare uses across districts in Oberlin. Ford stated that as of now, Mixed -Use Residential and the General Commercial Districts allow adult daycare uses. Crowley then questioned the licensing procedure allowing an entity to perform this service. Mattson stated that the state website refers to local regulations for governing the licensing procedure. He added that there are 3 types of adult daycare uses. Social, Medical Health and Specialized Centers, none needing a license from the state to perform this use. Nicaise added that an adult daycare does not consist of a facility where people live or spend the night. Mattson added that if an entity in a district that does not allow this use intends to open an adult daycare, they would need a variance. Porter stated that they may also need to have the property in question rezoned, which may be difficult to achieve. Nicaise stated that this use could be allowed in every district that child daycare centers are allowed. Members of the Planning Commission unanimously agreed to allow adult daycare uses in districts that allow child daycare uses. Crowley then questioned the process of determining the number of clients an adult daycare would permit. Yates stated that the Home Occupation Ordinance can govern this use in residential districts. Being that this use in a residential district will fall under Home Occupation regulations, the Planning Commission then retracted their previous decision to allow this use in districts that permit child daycare uses and chose not to amend the verbiage regarding this regulation in the proposed code.

Crowley then brought attention to the regulations governing agriculture in the proposed code. Crowley questioned if agriculture was an accessory use, or a district use. Nicaise stated that agriculture is what is known as Open Space Use. He then prompted attendees to turn to page 76 of this text. Porter stated that the agricultural uses provided in the proposed code were carried over from the existing code. Crowley's concern revolved around the regulations of hoop houses and how their size is governed. Burgess stated that the code lists these structures as an accessory use and that they are governed by square footage. Any deviation from size requirements would be subject to a variance by the Zoning Board of Appeals.

Crowley then brought attention to verbiage that described principal and accessory uses. He then questioned if a community garden in the Parks and Recreation District would be considered principal or accessory. Nicaise stated that a use does not have to be defined by one category, being that certain districts permit more than one principal use. He added that a property may have 3 or more principal uses and meet the requirements of the code.

Nicaise further added that an accessory use for a property is defined as inconsequential to the intended use of the property. He then informed attendees that regulations on page 78 of this text govern the use of community gardens. Crowley then questioned if the height regulation regarding raised bed gardens could be increased from 12 to 18 inches. Nicaise recommended changing this regulation to 24 inches. At 6:03 p.m., Porter excused herself from this meeting to assist with a sustainability class at the College. Ford agreed with Crowley. He then questioned if a height regulation is needed. Nicaise then recommended changing the verbiage to state that raised garden beds shall constitute ground level structures. Members of the Planning Commission unanimously agreed with this amendment.

Crowley then questioned if there was a permit process to allow solar and wind energy systems. "No." replied Nicaise. He then directed Crowley to page 80 of this text. He added that solar and wind energy devices are deemed accessory uses. Nicaise further added that the size of these structures would determine if a variance would be needed to legally achieve this use. After a brief deliberation, the Planning Commission unanimously decided to not require a zoning permit for accessory structures under 100 square feet in area.

Mattson then brought attention to page 29 of this text. He focused on the portion of the proposed code that regulates allowable uses in the Downtown District. He stated that a conditional use permit should be required to construct or convert a building in this district for single, double or multi-family use. Burgess stated that he feels that the Downtown District should foster high-density residential uses. Burgess then questioned attendees if they would approve of multi-unit townhouses just south of Vine St. being that this area is designated as Downtown District. Maliza stated that she would be in approval of this use. The Planning Commission then unanimously agreed to amend the proposed code to state that a conditional use permit will be needed to construct single and multiple residential uses, including townhouses in the Downtown District. Nicaise stated that he will also add this change to the comprehensive table located on page 55 of this text.

Mattson then brought attention to page 74 of the proposed code. The text in question governs gun range and weapon-oriented regulations. Mattson stated that the 500 Ft. of buffer distance required for separation of this use from a residential property may not be enough. After a brief deliberation, it was decided to add a use-specific standard that would require all uses as stated in this regulation to be indoors. Ford commended Mattson for identifying this regulation for amendment.

Mattson then brought attention to page 144 of this text. He then identified verbiage that stated that the Chair of the Zoning Board of Appeals may request that the Director of the Planning and Development provide a staff report to this Commission. He feels that this requirement may not be needed being that the Planning and Development Director and her staff already provide this service. Yates stated that this language is important, being if the position of Planning and Development Director were to change hands, having rules in place that require such reports to be submitted may be considered useful.

Mattson then brought attention to page 147 of this text that governs the requirements of attending Zoning Board of Appeals meetings by Zoom. Mattson would like to amend this language to strike the term "Zoom" and replace it with "By electronic means." The Commission then prompted Nicaise to consult Porter on the correct language to describe electronic participation for the Zoning Board of Appeals. Ford suggested using the term "Video Conferencing" when describing this use. Nicaise stated that the amendment could state that video conference communications with two-way video and audio connection shall be considered in-person for the purposes of this regulation. He added that if the connection fails, the parties in question would not be in adherence to this regulation.

Maliza added that this requirement should also be required by any legal representative or attorney. Members of the Commission agreed. Yates informed attendees that the motion to pass the proposed zoning code to Oberlin City council for final approval will have to be made at the Planning Commissions next scheduled meeting.

4. **City Council Communications - Joe Waltzer.** Waltzer was absent from this meeting.
5. **Adjournment.** This meeting was adjourned at 6:53 P.M.

Chris Yates
11/13/25