

The Primary election will be held on March 17, 2020. The City of Brecksville has placed two proposed changes to our Planning and Zoning Code on the ballot. The intent of the City, Planning Commission, and City Council is to seek a revision to our “Conditional Use” codes in an attempt to be proactive in attracting new businesses to vacant spaces. When some of the structures in the south end were built in the 1960s and early 1970s, they were merely wide open warehouse spaces. Today that need is quite limited and these proposed revisions to our zoning code are an effort to allow those property owners to rent space for other uses.

In recent weeks we have received several calls which some residents asked if the rumors were true that this zoning proposal would allow for “Big Box” retail such as Home Depot, Lowe’s, Big Lots, etcetera. The City Building Code prohibits “Big Box” retail, defined as retail space greater than 40,000 square feet. The Heinen’s store was a separate, individual zoning issue that permitted that store to be built in the City. These proposed zoning modifications in no way change that procedure, and rumors that the aforementioned businesses are considering and would be able to construct their facility with these two zoning changes is not factual. Below you will find a summary prepared by our Chief Building Official explaining the two changes as well as the wording that will appear on the ballot for your review. If you have any questions feel free to contact Chief Building Official Scott Packard by telephone 440-526-2630, or e-mail [spackard@brecksville.oh.us](mailto:spackard@brecksville.oh.us). We encourage the voters to support this issue, but most importantly we encourage all to go out and vote this Primary Election. You do not need to register a partisan ballot and may vote on the issues only, rather than register yourself with a party affiliation.

A reminder the legislation authorizing the City agreements with Sherwin Williams will have its second reading on Tuesday, March 3, at 8:00 pm in the Ralph W. Biggs City Council Chambers, City Hall. Gregory Daniels, Esq. of the law firm Squire Patton Boggs, LLP the City’s legal counsel who represented the City, along with the Mayor and Council President, during these discussions will be present to answer questions and comment regarding the proposed legislation. Our residents are encouraged to attend this meeting with their questions and comments.

See Ballot Information below:

## Ballot Language:

“Shall Section 1157.04(e) of the Planning and Zoning Code for the City of Brecksville be amended by adding two new conditional use classifications for retail sales and service uses in open yards and any other determined by the Planning Commission to be appropriate in accordance with Section 1191.10?”

## **From the Office of the Chief Building Official:**

The two proposed changes are both **CONDITIONAL USE** additions to the code.

“Conditional Use” means Planning Commission can recommend to City Council a specific business, that has a specific commercial use, at a specific location in that district for approval if they believe it is an appropriate use, but not explicitly listed as a Permitted Use in the Ordinance. If or when the company leaves, so does the approval. This type of an approval **does not** set any precedence for the entire district nor City when approved.

“Permitted Uses” are those uses specifically listed in the Zoning District and automatically allowed by right. **Example:** A bank can operate in any Local Business District or a Doctor’s office can operate in any Office Business District.

The proposed change has been discussed over the years, but just never happened. Some of the existing buildings in the M-D District, as designed, do not fit many of the business needs of today. This is not for any certain business. It is meant for flexibility to permit a business to conduct a specific use in a vacant space if deemed harmonious to the surrounding businesses. We are trying to be proactive in the M-D District to attract new business in what vacant spaces there are.

An example from years ago was a dance studio that wanted to lease a tenant space for dance instruction in evenings and weekends in the M-D District. They found a vacant unit with a small office in front and a large storage area/warehouse (typical construction design/business needs in the past). Their idea was to change the warehouse into the dance studio. The use and the space was a good fit and would not have any effect to the adjacent tenants (opposite times for many office/warehouse uses). However with the current Ordinance, a dance studio was not a permitted use for the district so it could not be approved. A “conditional use” section of the Ordinance, such as the one currently being proposed, could have allowed this use at that specific tenant space.