

- Dark store ordinance - discussion

Chairperson Ashley King called the meeting to order at 7:00 pm.

Members present: Ramon Adams, Dan Monroe. Randy Bowling and Dan Ivins not present for roll call, arrived for meeting at 7:03 pm.

Also present: Mike Love, Economic Development Director.

**Dark store ordinance - discussion:**

Mike Love gave a bit of background on the dark store ordinance. Council met on ordinance that had been sent to them by Planning Commission once last year and on January 14, 2019, they removed the legislation; Council is asking the Planning Commission to craft new legislation to present to Council rather than striking through what was presented, it will be easier to start a new.

Ramon Adams gave background on why the dark store ordinance was introduced. It was originally introduced to avoid having big box stores go "dark" or vacant without a plan to move forward and do something with the property. The Planning Commission looked at other communities similar to South Euclid who have such an ordinance and came up with what Commission felt would work best for our City.

Mr. Monroe was not around for the original draft; he asked if ordinance would apply to new construction only; if not, how would it be enforced on existing buildings?

Mr. Bowling stated that existing buildings would follow legislation on good faith; once it is vacant, they need to register with the City.

Chairperson King asked board members if they are all on board to start from scratch with legislation. All agreed. There was discussion on the following:

- ordinance should be under building code, chapter 1336, not under Planning and Zoning; add definition from 1414.
- each chapter of codified has its own definition section
- definition should be same for residential and commercial
- Council feels definition of vacant from Chapter 1414 could be brought over to Chapter 1336
- need to define who ordinance will apply to, such as office buildings and other commercial properties; it was originally brought to table for major retail vacancies. Example of non-retail: Sacred Heart of Jesus school
- Negatives to applying to other than retail. Discussion on what impact on developers.
- Mike Love stated that there is lots of good language in Chapter 1414 that can be reused for this ordinance, more specific, such as duties of owners.
- Oakwood Commons has a development agreement, resolution – complies with 1414. Steak n Shake has complied and registered. 1414 does not call for demo bond.
- Discussion on whether it would include all non-residential properties, if so, will take out square footage and change fee structure
- Definition of "unoccupied" – vacancy is whole building, unoccupied is space within a building.
- Strip center – how many occupied and unoccupied – language per parcel or occupancies.
- Possibly look at square footage for vacancy percentage.
- How to define "unoccupied" – non-residential building that has 1 or more units or suites empty and the unit does not have a clear use.
- Collective unoccupied units exceed 50%? Does a portion of building have to pay if unoccupied?

- Some landlords have no incentive to market vacancies when they have a stable tenant in another space.
- Offer any incentives to landlords who are marketing?

Topics to cover:

- Definition
- Duties of owner
- Fees
- Bond exemption/bonding
- Liability
- Penalty

There was discussion on collecting fees, including penalties and late fee and when they are due. Administratively, housing department to collect. Possibly have fees due Jan 1, if not paid by Feb 1, fee double. How will this work if property registers late in the year, discussed prorating as is done with rental properties.

There was a request that the law director attend a couple Planning Commission meetings for input on the legislation.

There was discussion on earmarking funds for the store front renovation program; administration fees to city. Will continue to discuss at future meetings.

Mr. Bowling made motion to approve minutes from the January 24, 2019, meeting. Mr. Ivins seconded. All ayes. (5-0-0).

Mr. Ivins made motion to close the February 14, 2019, Planning Commission meeting. Chairperson King seconded. All ayes. (5-0-0).

Meeting adjourned: 7:58 pm.

  
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Chairperson Ashley King

3/14/19  
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Date

  
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Monica Ferrante, Recording Secretary