



MINUTES

PLANNING COMMISSION THURSDAY, DECEMBER 7, 2017 6:00 PM

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: McKenzie, Cullinan, Comeaux, Welday
ABSENT: King

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – November 2, 2017

RESULT:	ACCEPTED
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3. APPROVAL OF AGENDA

Dr. McKenzie: I'm going to swap Public Comment and Swearing in of Speakers, since the people just making public comment don't have to be sworn in. Last time when we had somebody doing public comments they went ahead and took the oath even though they didn't have to.

B. PUBLIC COMMENT

None.

C. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Dr. McKenzie.

D. COMMISSION BUSINESS

1. 6940 Livingston Ave; Application #180994; Applicant: Jim Baugh; Major Site Plan

Mr. Snowden:

6940 E. Livingston Ave. - New Multi-family Housing Complex - Major Site Plan

Location:	Property is located on the north side of E. Livingston Ave., just west of Haft Drive
Existing Zoning:	AR-1 Multi-family Residence District
Request:	Request for review and approval of a major site plan.
Current Use:	Vacant
Proposed Use:	Two and Four-family Dwelling Complex
Applicant:	Jim Baugh/Homeport

The applicant is requesting the Commission review and approve a major site plan, in order to construct a new housing complex on a looped private roadway. The proposed complex will have a mix of two and four-unit dwellings.

The 3.75AC site is currently undeveloped. To the west, the property borders multi-family dwellings in the AR-1 district. To the east and north, the property abuts single family dwellings in the R-3 zoning district. To the South, the property is adjacent to a church and the Blacklick Woods Metro Park, which are zoned S-1 Special District. Livingston Avenue is designated as a major arterial street by the Thoroughfare Plan.

The site was originally rezoned to the AR-1 zoning district in 1988. As part of that approval, a site plan was recorded by the property owner, in order to secure support for the project from the neighboring property owners. The property owner and applicant have subsequently met with neighboring property owners in the planning stages of this project, in order to secure support for the current site plan. Approval from the neighboring property owners was required for a modified landscape buffer that was different from the original recorded plan. Staff's understanding is that the applicant has secured the majority of those approvals.

The applicant is proposing a mix of two and four unit buildings arranged around a central community building. The two story buildings front a private roadway and have individual entrances. The site is arranged so that the front of the buildings face the private roadway and rear of the buildings face the neighboring properties. The various setbacks create a perimeter yard/buffer around the entire site. The applicant proposes a storm water detention basin at the northeast corner of the site, and garden/play area at the northwest corner.

The applicant has submitted elevations indicating the proposed design and exterior materials of the buildings. Per Section 1187.06, the exterior of the four unit buildings must be at least 75% traditional or natural materials. The applicant proposes to meet that requirement with cement siding on those units, as well as a brick water table on the façades that face the private roadway. The other materials proposed for the site are vinyl siding, vinyl shingles, and aluminum soffits.

The applicant has not proposed any signage with this application, but has indicated the proposed ground sign location and provided a landscape plan for that location. A certificate of appropriateness will be required prior to permit issuance for ground signage.

The applicant submitted a photo-metric plan that indicates compliance with Chapter 1182. The proposed LED fixtures are black, full-cut-off style. Staff would like clarification on the emergency repeater installation.

The applicant has provided a landscape plan that meets the general requirements of Chapter 1180. The applicant proposed to screen the site with a 6FT wood fence, preserved existing tree stands, and new evergreen plantings. The applicant has provided screening beds along the frontage of E. Livingston Ave. that consist of both evergreen and deciduous trees. This will provide privacy for the rear patios of these units and screen any building mechanicals from view of the public street. Staff solicited comments about tree species from the City's

horticulturalist, who suggested that the applicant replace the trees labeled “Princeton Gingko” with another tree where such trees are adjacent to pedestrian walkways. The applicant has also showed different fence lengths on different plan pages. Staff would like a clarification.

The applicant has proposed a masonry trash enclosure to be located near the community building of the site.

The applicant has provided a facilities demand worksheet which indicates that due to the number of peak hour trips, no additional traffic study is required for the site. Since the site will consist of more than 4 dwelling units, a private roadway that complies with the provisions of Chapter 913 is required. The minimum parking requirements of single and multiple family dwellings are one unenclosed space and one enclosed space. The applicant has provided this amount for each dwelling unit, as well as 9 spaces for visitors.

The area is already well served by the public sidewalks along the north side of E. Livingston Ave. Residents of the site will be to utilize a multi-use path along the south side of that street. The applicant has provided a direct pedestrian path from the public ROW to the proposed community building. An ADA compliant path has been provided around one side of the private roadway which connects to all dwellings units.

The applicant has provided a facilities demand worksheet which indicates their demand for City water and sewer services and indicated on their site plan where they will tap into utilities. This information has been distributed to the Water/Wastewater Division and City Engineer for review. The City Engineer will be required to review the proposed storm water plan and determine if the size of the facilities are adequate per the Storm water Manual of the City.

The Commission should apply the standards for review of major site plans contained in Section 1143.05 of the Zoning Code and determine if the site plan as proposed complies with those standards. If the Commission chooses to approve the application, Staff recommends the following condition:

1. That the applicant submit a revised landscape plan for Staff approval, which replaces any ginkgo trees adjacent to walkways with another appropriate species and clarifies the location of any existing or proposed fences.

Roy Lowenstein working for Homeport and we have Justin Metzler also and we have Ben Miller who is our civil engineer on the project. I apologize arriving late. I could not believe how long it took to get here today, so we're just slightly behind the curve here. Homeport is proposing this 30 unit apartment development on land that's been residual land from the apartment complex that Plaza Properties built years and years ago. Our intention has been to comply with all of your ordinance requirements including more recent updates. Everything from our density, our standards of developing these units, our intention is to comply everything and not ask for any variances. We're trying to make it easy for you to approve this. The issues that Mr. Snowden raised that I heard the fence, I'd like to clarify that for you.

Yes, the intention on the north and east sides is to have a 6 foot fence and yes there are some fences that the adjacent owners have put up, but we're obligated to put that fence up by virtue of the deed restrictions that were placed on the property 30 years ago. We have to meet that in order to essentially have good title to the property. This border *(inaudible due to walked away from microphone) setback line. In addition to that the original deed restrictions called for mounding and you see the mounding on your plan. The mounding is 4 foot high with blue spruce trees on top of it every 10 feet. There were other deed restrictions originally that laid out exactly how it was going to be developed, but those have been lifted by consent of 8 of the adjacent owners. What was not lifted were the screening requirements and as we set out to design the landscaping plan for the project we realized that if we'd put that mound there we're going to take out a lot of perfectly good trees. There's also a lot of junk trees and dead trees on the site, which we intend to remove. There are a bunch of good trees too that are located in the area where this mounding would have to go and so it occurred to us that would be kind of dumb to remove good trees, put up a mound with new trees on it. The plan that you have shows where the trees are that would be kept in lieu of mounding. It's not a code issue for you as I understand it. It's more; we're just trying to explain why we showed what we're showing. As Mr. Snowden explained we're trying to get consent again from 8 of the owners to make this amendment to the screening plan that was mandated by the original deed restrictions. 7 of the 8 owners have signed that. The 8th one; however, of the original group passed away. The house is for sale. The closing is about to happen in a week or two. In this interim period no one was willing to touch it. I'm disclosing all this because the plan that's in front of you is contingent on getting that 8th consent. If the 8th consent is never obtained the mounding that you see with the trees on it here that will end up having to be continued all the way around the north and east sides. So, it would be just more of the same instead of this group of trees being kept. I just wanted you to all understand that. It's not about your requirements. It's about trying to get a deed restriction modified to allow this plan to happen. We're 7/8 of the way there waiting for the new owner to take title. They're a party that actually is already protected by the mounding as it turns out it really won't affect them one way or the other. We think they'll agree to it. If you have any questions about that particular issue we'd be happy to try to answer them. Do you want to add anything? Mr. Miller's here should you have questions about any of the technical aspects of the plan. We wanted to have a resource that would be able to answer those questions.

Mr. Snowden: Just to the gentlemen on the commission. The 6 foot wood privacy fence is sufficient to meet our code requirements for separation between these two land uses. Staff often works with the property owners in a situation like this in order to do more or to cover that requirement. The landscaping because staffs position is that generally the landscaping is more attractive than the fencing everywhere. In this case, the fencing was required by the encumbrances and it does meet the code requirements, so there's nothing that would prevent the commission from approving that. Staffs position on everything Mr. Lowenstein says is that in keeping the existing trees is preferable to just bulldozing everything and then mounding everything up. Although the mounding with the fence would meet the requirements as well. Regardless of the path taken here the city requirements are met. In this case it just seems like having the existing trees preserved that are mature is a win win for everybody including the neighbors. With that I'd be happy to answer any additional questions that I can about the code requirements. The two trees that I was very specifically

referring to are shown here. Having look at this even more carefully it looks like you're showing a ginkgo here between building 2 unit building D. That's kind of over the walkway, so you're also using a red maple on some of this. Maybe we just need to replace the ginkgo's with another tree choice. There are horticulturists. Mr. Evans with Parks and Rec, who works at our Parks and Recreation Department, informed me that a lot of times they'll tell the folks the landscape contractors and folks that yes, the ginkgo is a male version and therefore there will be no fruit. Once they get it installed all the sudden there's a problem. The city has ginkgo trees along East Main Street. They've been there since the late 1990's and within the past couple years several of them have started dropping fruit and they've never dropped it before. They felt that maybe talk with your landscape architect or horticulturist and let's just pick a different tree with similar characteristics and let staff choose. It seemed to make the most sense rather than creating a maintenance problem for your folks there.

Roy Lowenstein: We'll select trees that are approvable.

Mr. Snowden: Just get something that doesn't drop fruit.

Dr. McKenzie: Could you give us an explanation of why you chose those ginkgo's for this location?

Roy Lowenstein: No I can't. We hired a landscape architecture firm. We hired this reputable firm, Edge, to give us our landscaping plan and we didn't really question what they came up with.

Mr. Snowden: I did not get into the specifics with Mr. Evans, the horticulturist, about that particular sub-species, but I explained I told him what it was and he just made a general statement. It's possible that their horticulturist from the Edge Group thought that would be appropriate, but it seems like it would be easy enough to just avoid this.

Dr. McKenzie: Even if the ginkgo's are males they have an interesting way in which there leaves drop and land on the sidewalk. Because if they land with the leaf face down and stem up and they plaster a sidewalk and when they get wet they really plaster down so that they don't get blown off or anything. They are there for a long time. So, even if they aren't dropping fruit they aren't particularly a nice sidewalk tree. Otherwise the ginkgo has very many desirable characteristics. It's just that those are two that are not.

Mr. Comeaux: You had mentioned that you are seeking because of the covenants, you're seeking agreement from is it the a contiguous property owners or were they specified in some way?

Roy Lowenstein: The property touches eleven, I believe, adjacent properties and so the covenant says that changes can be made to it with the consent of 8 of those owners. They aren't necessarily contiguous. They're contiguous to our property, not necessarily to each other.

Mr. Comeaux: Did the other 3 owners not respond or were they just tough to get a hold of

because of their landlord or something like that?

Roy Lowenstein: I asked the seller, they're handling this, and I asked them about it. Two of them never responded when they were reached out to, so he just worked with the people who responded to the inquiries. I believe one of the houses was vacant when he first started and had no one to talk to.

Mr. Snowden: This kind of recording of a site plan is something that typically is not done today, but this was kind of a dirty way of doing what I would call plan development or having a development plan within a re-zoning, so there were certain conditions. Mr. Duggar who has been here on re-zonings recently was the gentleman who did this back in 1988, so I was able to discuss with him and basically it was a way of getting folks who are on City Council at the time to feel comfortable, that it wasn't a bait and switch. You get zoned for project A and then you try to build project B within the same zoning district, but today this would never happen today in this way. We, as the Planning Commission, you would review a development plan with a re-zoning application and that would be what was required to be built on site. It was kind of an end around the process that was in place back in 1988.

Mr. Comeaux: And because this is not a re-zoning there was no contact between the city and the adjacent property owners.

Mr. Snowden: I have spoken with several of them verbally, but the nice part about, no you're absolutely right they don't receive notification, but because Mr. Lowenstein and the previous property owner are making contact with them to deal with the covenants they're all aware of the project which is positive from my standpoint. It sounds like there's some folks getting by. The fundamental thing to understand and this is really outside the purview of this major site plan review, but the fact is is that the zoning district is in place, so it's hard, almost impossible for the city to say, well, they can't have that use. Now we're into the mechanics of it, the site planning, the zoning, the setbacks, the details, the land encumbrances, but that probably, if you were re-zoning you would probably have neighbors saying well we don't like the use. Unfortunately, the use determination the council made in 1988 for us and we've got to live with it.

Mr. Comeaux: Notwithstanding those things, you haven't heard from the adjacent property owners? Their concerns about the approach you're taking or whatever else?

Mr. Snowden: Not necessarily. There are some property owners have contacted me, at least one that I can recall. They had some concerns about run off, but they have concerns about run off with the existing site and if I recall the contours actually show the opposite that their properties draining to the applicants property at this particular location. I'm not discounting what they're saying. I think it was just a case of; it's been a field for so long. People's kids probably played baseball back there and stuff. Whenever you're the last person to the prom you're going to be having some problems. In this case they are the last development in this immediate area.

Mr. Comeaux: The city engineer will have to look at their plans for the surface?

Mr. Snowden: They will for the storm sewer. I think the run off situation should improve. Here's why, right now there's no storm water collection, so everything's just happening in its natural state. There's drainage and probably cross drainage, but in this case the applicant has to accommodate all their new and impervious surface and put that into the storm water basin with the underground pipes and our engineer's going to look at that and say whether it's big enough based on our storm water. That's something that Mr. Cullinan does all the time for his private developments and has them reviewed and so they would do the same thing here. The advantage to not having the mounding is that the mounding will probably cause a little bit of localized run off in the immediate area of the folks with the mound. Probably will not be very much. I'm not trying to discount it. It just tends to be more imagined than real, but in this case all the new paved surface and housing of rooftop is all going to go in the storm water basin. It should be a general improvement to the situation that's there.

Mr. Comeaux: Mr. Snowden had indicated that the tapped water system in the north east corner, I think, is it just coincidence that's where the storm water basin is?

Benjamin Miller with American Structure Point: The storm basin is located in the north east corner. Because that is the lowest point of the site typically. There are two viable outlets either Livingston Ave or the north east corner. Right now the site drains kind of in three separate sub areas. Drains generally from west to east, so the west property line into the eastern neighborhood that's located adjacent to us. A portion of it goes to Livingston Ave. The second portion goes kind of north east where we have our basin located and the third portion goes directly into the neighborhood to the east of us during the existing conditions. When we designed the site we actually took a majority of those second and third sub areas that are draining directly to the residential neighborhoods and controlling it within our basins, so we're actually reducing the amount of run off that will be experienced as they do now. The run off will be reduced to the east and it will all be controlled within that basin.

Mr. Welday: I've got some questions regarding building *(inaudible) like centrally located in the site there. From the plans I see no rear exit. I see only entrance. Is that correct?

Mr. Lowenstein: Which building type are you referring to?

Mr. Welday: Building E

Mr. Lowenstein: Building E has one bedroom apartment, *(inaudible away from microphone) so there's a stair close *(inaudible) upper apartments. I'm not quite sure.

Mr. Welday: So, there's one up.

Mr. Lowenstein: There's two apartments up and two apartments down. *(inaudible away from microphone) The others are all townhouses.

Mr. Welday: Ok, yes. So, that clarifies that. I was just wondering because you had got the garages on the west and the east. That kind of makes sense if they park there, but if they park

in the drive then they have to walk all the way around on either side to the front of their house.

Mr. Snowden: Mr. Welday, the applicant is not at their maximum paved surface coverage. Do they need to add like a 4 foot walk around from that drive on the building? I have a feeling they'd be willing to do that. I think Mr. Welday, if I'm understanding you right sir, he's saying if you look at the site plan that the... Mr. Lowenstein is the two side garages there do they have direct access to the unit in the interior?

Mr. Lowenstein: They do.

Mr. Snowden: So the folks will be able to go through their garage if they park in the drive to enter their unit.

Mr. Welday: As we were talking about visitors and so forth, if they park in there, I'm kind of focusing to on this western side how the ADA or sidewalk, there's nothing that continues around that would go to the community building or assist somebody that's a visitor from the west side parking there to get into that north western unit.

Mr. Snowden: What would you propose as a solution there?

Mr. Welday: I'd suggest you've got most of the ADA, why don't you continue that all the way around. That way it's more desirable if somebody with physical handicaps buys that end unit.

Mr. Lowenstein: Sir, what we have is, let me just re-check it, the elevation on that. There are four doors on the north side and so you see the path and that's why we put the sidewalk here that leads around to the dumpster because you will need an accessible route to that. So, we have it covered, I think in terms of being able to go out your door, not just through a garage, but to go out your door. A walkway out to a sidewalk.

Mr. Lowenstein: So, if you look to the west.

Mr. Welday: And to that driveway there. If you have a visitor at your driveway access now to that unit you have to now....

Mr. Lowenstein: *(inaudible away from microphone)

Mr. Welday: That continues around yes.

Mr. Lowenstein: We can certainly connect it, the sidewalk around to that driveway. That's the solution *(inaudible away from microphone)

Mr. Welday: I just think it's desirable. Or else they're cutting through the grass to get to that unit.

Mr. Lowenstein: Ok. We can certainly add that.

Mr. Snowden: It should not take them over there max paved coverage, but if it does, we'll have to figure out. It should be ok. It's a good observation Mr. Welday.

Mr. Welday: So, Mr. Snowden, they did answer the questions that you had in there about the fence and I see that was on...

Mr. Snowden: On my proposed conditions, sir.

Mr. Welday: On the planning plans. So, it is on the planning plans, but they won't need to read you anything with your office?

Mr. Snowden: No sir. As long as they are clarifying and they are showing that on the planning plan I'm comfortable with it. That's common when you have multiple design professionals working on a larger project that maybe there's some minor detail that doesn't jive, so I just like the applicant to state on the record and for some reason we got into a confusion and I can always go back to the meeting and say, well, actually Roy said it was going to be this. I will not allow them to go to a lower standard without.

Mr. Welday: You don't know price range or anything like that that you guys are looking to sell these?

Mr. Lowenstein: When you say price, these are rental units.

Mr. Welday: Oh, they're rental units, ok. I misunderstood.

Mr. Lowenstein: I can provide that. I'm not sure *(inaudible) if you'd like to know what the rents *(inaudible). Is that something of interest?

Mr. Welday: It is.

Mr. Lowenstein: In general, the housing it is income restricted; however, its income restricted based on 60% of area median income. The rents turn out to be rather similar to the rents next door in the conventionally financed project. So, it's sort of new product, but at rents that are affordable to renters in the community already. *(inaudible) data if you like, but my recollection is the majority of the units are about \$750. They're not subsidized housing. It is targeted at basically the workforce in the community that's working retail jobs and that sort of thing. A family of four can have income over \$40,000, so it basically it is housing the people who live in apartments without any restrictions. It's not rent subsidized and you have to be able to pay the rent. There are a few units that are less expensive, but the bulk of them are in the range of \$750.

Mr. Welday: I don't know if this has been answered Mr. Snowden, you had put in my notes here, you are talking about the repeaters? Emergency call repeaters?

Mr. Snowden: Yes sir. Let me go to the page there. In the photo metric plan there's indicated. If you look at coded note #5. Future emergency call repeater is coded note #5. That's indicated here, here, and a couple other locations. I just wanted to know what that even means. I've never heard that before. Can engineering shed any light?

Unknown: *(inaudible away from microphone)

Mr. Snowden: Yes, but there's like one in between every building that doesn't seem.

Unknown: *(inaudible away from microphone)

Mr. Snowden: Is it possible that's just somehow an error in the photo metric plan?

Unknown: *(inaudible away from microphone)

Mr. Snowden: Sometimes in large commercial structures emergency repeaters are required so that way when the fire department or police are inside their communications are repeated to the dispatch. I'm sure Mr. Welday can relate to some experience with that. I have not seen that in a multi-family complex and it looks like they're indicated outside. I've only seen it in large institutional settings, like hospitals or the Inn at Summit Trail. Looked at that with the fire department so that way if a fire department or EMS personnel was inside that they could still receive their calls from their dispatch inside a large structure that's restricting that. I'd be happy to look into that. I don't know what it is.

Mr. Welday: I had it in my notes, so I just wanted to make sure we went over that.

Mr. Snowden: It could be something maybe they looked at the building code and a new building code just came out. Maybe Bernard used the architect has looked at the building code and because of that they are requiring the repeater. I don't know. It's very odd in this type of setting, but I could be...

Mr. Lowenstein: I agree. While you were talking I decided to google and see what it is. It says it's a an emergency warning device, like if there's a some kind of thing to warn people about in the area.

Mr. Snowden: It looks like it's something that's being indicated to be adjacent into the structure. It doesn't look like it's a free standing blue like pole, which is what I was concerned about. I can understand in a complex why you might want something like that. From an aesthetic standpoint you wouldn't want one between every single building. That doesn't really make a lot of sense. It's not necessary. I'll certainly continue to monitor that and discuss that. It's the coded note #5.

Mr. Lowenstein: Does it say that they are being installed or that they could be put in the future?

Mr. Snowden: It says future.

Mr. Lowenstein: So, maybe we're wiring something to enable that? First time I ever heard of this.

Mr. Snowden: I've only ever dealt with it Roy in an institutional type setting. I've never seen it in a complex. These are built of mostly residential specifications. The four units are technically commercial, but the two units especially it's no different construction than your typical home. I wouldn't think a repeater is necessary. I don't know. I could continue to discuss with the fire department folks.

Mr. Lowenstein: That would be a great idea. If they think that's a good idea perhaps it's even something that you're supposed to do now. Maybe some code has changed where you're supposed to do it. We'll find out from our end and if you would find out from your end whether that's something that's desired by the city. We will either do it or remove it.

Mr. Snowden: It's not a blue light standing in the yard, which is what I was concerned about. If it's something that's interior to a building system then we'll deal with from that standpoint.

Unknown: *(inaudible away from microphone)

Dr. McKenzie: Just as a reminder that it had been brought up by one of the current council members about the orientation of the buildings along Livingston Ave. Do any of the commission members wish to address that at all? Remember the walk development that was sticking point. That was a re-zoning, but that was a sticking point for that planned development. An orientation of the buildings in relation to Main Street. The council is not involved in this, but still that was something that they were concerned about.

Unknown: Speaking only for myself, one, not knowing what the prior discussions were, the amount of trees. It looks like they are going to put on the south edge of the property. I wouldn't get too worked up about it. That's just me. Because that would strike me that would be the one that would be the elevation that would be the most concerning and it looks like they have a whole bunch of trees that are going there as a buffer to Livingston or am I reading that wrong?

Mr. Snowden: No, you're reading it correctly. They've also done some different materials on the back of that. Building A and Building C rear elevation, south elevation have a little bit of character to them. This is the south elevation. This is a rear door, but it's still, they did do some, what I would call more two sided architecture there and then the Building A south elevation, this is the south elevation. That's really what you would see along with the concrete patio when you're not looking at what screen with the landscaping. Yes, I am aware of Mr. Cicak, who has joined us this evening, brought that to my attention.

Unknown: That was a deliberate thing in the design I just wanted to make sure it was there. That came up as an issue a long time ago in our early conversations with the city and we made that clear to the architects to kind of have the back and have them kind of like front, so I think they achieved that.

Mr. Snowden: One of the things that's really difficult is to have two fronts and still make the building work. It can be difficult. This is an attempt at it, especially with the difference in some of the materials. I think that's more than we usually see with this type of situation. Do you anticipate that the individual units will have fencing around their patios and such or will that be permitted?

Mr. Lowenstein: It's a rental property. That's management's decision. I don't believe we're showing that.

Mr. Comeaux: You're not showing it.

Mr. Snowden: The properties of the units that's Building A and Building C that are on the 40 foot setback from Livingston, there could not be any privacy size fences, in fact, there could be nothing other than the 3 foot fence, so that would be very restrictive from them. The others could theoretically have something, but because they're in that setback the patio can be in the setback, a portion of it maybe, but the fencing may not.

Mr. Lowenstein: If we are going to do any fencing, I'm really glad that issue was brought up, I would tend it if we do it at all to simply divide the patio's that are shared by two people. I don't think that we need to end fencing on all the patios. I think it's really more than needed. It's simply not that dense of development, but for example, if you have a four-plex and two households share that patio, it might be wise for us to put a divider in the middle so there's a little bit of separation.

Mr. Snowden: It's something that they could do easily without having a major site plan. It would be something that staff could approve as long as it was under the size and met the zoning requirements. If they change their mind 10 years from now we can deal with it except on the A and C will kind of be stuck with we might be able to do like a 3 foot divider or something, but for the most part that will be kind of as is, but they'll have the landscaping there.

Mr. Cullinan: Just going back to talk about the frontage on Livingston. It seems like if you look at the decent amount of landscaping, they all cover up basically the first floor, so I don't think you'll really see that they're not the primary front doors because they'll be screened pretty well from Livingston. So, I think it will look decent and look similar to a single family home that's a little further back off the road.

Dr. McKenzie: I, like Mr. Welday, was uncertain what the details of this project were going to be other than it was going to be multi family, so whether it was going to be condos or apartments or whatever, there was nothing in the documentations that was provided for us that would tell us that, but we found out now. Are the members of the commission feeling comfortable at this point?

Mr. Cullinan: I make a motion to approve as submitted with the three contingencies, all these working with staff to their satisfaction to replace the ginkgo trees, an accessible path to

Building E, western most drive to tie into the accessible path to the north, and then just clarify the emergency repeaters.

Mr. Welday: Seconded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tyler Cullinan
SECONDER:	Robert Welday
AYES:	McKenzie, Cullinan, Comeaux, Welday
ABSENT:	King

2. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 1155.02 Planning Administrator to Enforce, Section 1155.03 Injunction as Remedy, Section 1155.04 Expiration of Certificates and Permits, Section 1155.05 Administrative Procedures; Development Handbook; Section 1155.06 Appeal of Administrative Procedures, and Section 1155.99 Penalty, Repealing the Existing Table 1155 and Enacting a New Table 1155, of Chapter 1155 Administration, Enforcement; Penalty of the Zoning Code.

Mr. Snowden: There was a need for me to revise the Planning and Zoning Fee Table that is in that chapter. Since I was already in that chapter I decided to go ahead and make few more edits kind of dealing with the same types of things we've been dealing with zoning officer and some other inconsistent language. In this case, the purpose of redoing the table is not to increase any fees; it is simply to reorganize the table in the manner in which we actually operate rather than the previous way that some of the other code revisions were enforced. In this case, the only fee that I'm proposing to add is on that page under subdivision, it says plat modification vacation. That is an action plat modification. A vacation is an action that's listed in the subdivision regulations that the planning commission should perform and there was no fee associated with that. Obviously, when we do that action our engineer has to review. There's my time for review and processing and so we need to assess a fee for the plat modification. With that, I'd be happy to answer any questions.

Mr. Welday: For your Table 1155 was there an increase in the zoning map fee? Looks like \$3.

Mr. Snowden: Correct. The zoning map fee I did change it to \$5. The zoning maps I have to have printed out by EMH&T. They're large maps and they can be costly to the city, so I'm just passing that cost along to folks who want a full zoning map. That's pretty rare that folks want a full zoning map these days. I usually just print off just one sheet from the GIS. In the old table there was also a fee for a zoning code. Back in the day you could come to the office and pay an amount and get a paper code. Nobody does this anymore. The PDF's on our website. Yes, I did that and that's based on the cost that we're getting from EMH&T to print the maps.

Mr. Welday: You did a good job looks like updating this. To remain consistent throughout the table, as I'm looking through, looks like some of these, I'm just recommending just to be consistent throughout the table, you put the period and then the two decimal places behind

the amount just to be consistent throughout, if I can recommend that.

Mr. Snowden: Yes sir I can make that. For example, in the preliminary plat \$750 plus \$50 per lot there's a different formatting the decimal. That's something that I inherited, but yes that's a great observation.

Mr. Welday: Down in the zoning sign permit, the new signs. Is that to include ground and building signs?

Mr. Snowden: Correct sir.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 12/18/2017 7:45 PM
MOVER:	Robert Welday	
SECONDER:	Tyler Cullinan	
AYES:	McKenzie, Cullinan, Comeaux, Welday, King	

3. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Enacting a New Section 1111.99 Penalty of Chapter 1111 General Provisions; Amending Section 1119.04 Transfer of Lots by Subdivider of Chapter 1119 Final Plat; Amending Section 1123.02 Inspection During Installation of Chapter 1123 Required Improvements; and Amending Section 1127.03 Sanitary Sewers in Chapter 1127 Standards of the Subdivision Regulations.

Mr. Snowden: My original intent with this ordinance was simply to correct a run on sentence that I created in 1127.03, but upon additional review of some of the regulations within our subdivision regulations several items came to my attention in which we need to address. They deal with how the subdivision regulations are enforced. There is no penalty at this time for non-compliance. There's no monetary penalty for non-compliance with the subdivision regulations. The intent of the regulations was that the folks would be bonded for the improvements and then they would be required to complete the improvement. In addition, over the years the subdivision regulations had been modified to state that if certain provisions were not met within subdivision regulations an occupancy permit would be denied to the applicant. That is a problem now for several reasons. 1. As a certified building department, our building department cannot deny, well, first of all, lets back up. There's no such permit today as an occupancy permit. There is a certificate of occupancy per the building code. That is what our building department is required to issue, but the intent is referring to the same thing. 2. As a certified building department, and I've had extensive conversations about this with Mr. Paszke, our building official, and I agree completely with his assessment. It is not possible for us to deny a certificate of occupancy under the building code for non-compliance with another part of the regulations of the city. So, therefore the subdivision regulations must have their own specific penalty. Lastly, the zoning code 1155, which we just looked at, has a penalty, but the way that it's written the zoning code is there are four part of our planning and zoning code; subdivision regulations, zoning administration, districts and zoning regulations. The latter three are considered the zoning code. The first section is considered the subdivision regulations. The zoning codes penalty only applies to the latter three, so we need to have a separate penalty here. That's why I'm proposing the same penalty that is in the current zoning code for non-compliance with the subdivision regulations. In

addition, understand how the subdivision regulations are enforced when someone gets a subdivision approved they must also be bonded for the improvements. If they were to not construct the improvements the city would construct them using the money in the bond. This is just kind of a clean up of something that used to be allowed and today can't do it that way. We have to have a separate penalty.

Dr. McKenzie: So, I may have lost you. The penalty would be an addition to us using the bond if they did not follow your lawful orders?

Mr. Snowden: It would be. The bond is specifically for non-construction of the required improvements; however, it is possible to violate the subdivision regulations by doing other things, such as, selling a lot without having the improvement constructed and so on or when you have a subdivision and we've dealt with this recently, where the subdivision was already platted, but the improvements were not constructed back at the time before subdivision regulations were put in place. They went in place in 1961 as we discussed from our folks from the historical society. In this case it would be another violation that didn't directly involve construction of the infrastructure. That's what the violation and I would expect that probably in 50 years I might write one violation, but the fact is if the code is in place I need to have a way to enforce it and that's the way to enforce it.

RESULT:	REFERRED TO COUNCIL [4 TO 0]	Next: 12/18/2017 7:45 PM
MOVER:	Tyler Cullinan	
SECONDER:	Jim Comeaux	
AYES:	Cullinan, Comeaux, Welday, King	
ABSTAIN:	McKenzie	

4. Ordinance to Amend the Code of Ordinances of the City of Reynoldsburg, Ohio: Amending Section 1131.02 Definitions of Chapter 1131 Definitions, Section 1171.04 General Regulations for Lots and Yards of Chapter 1171 General Regulations, Section 1175.03 Lot, Yard, and Height Requirements for Dwellings of Chapter 1175 District Regulations, and Section 1175.05 Lot, Yard, and Height Requirements for Buildings Other Than Dwellings of Chapter 1175 District Regulations.

Mr. Snowden: Gentlemen, this is a quick clean up ordinance that takes care of several issues related to setbacks and side yards. First of all, 1131.02, there is a definition of side yards that is different than the definition of side yards in chapter 1175. I'm editing that to make them consistent. When you have a corner lot you have two front yards. In 1171, we attempted to implement some accessible ramp requirements. I worked with some folks included that specialized in senior housing who have informed me that what I'm proposing here makes more sense. I'm incorporating the ADA accessible requirements here. What I'm doing is, I'm saying such ramp or similar structures shall have the least encroachment to a front yard required to meet the minimum state or federal design guidelines for that specific facility. There are ADA design guidelines that are also such a thing as barrier free ramps. That's different than ADA, but it's a similar standard. In this case, rather than have to update that every single time, those might change a little bit. I'm incorporating that. Remember, before we enacted the accessible ramps section you had to get a variance every time to encroach into the front yard and that process was taking another 30 days on the projects. That's the purpose

of that section. Lastly, I'm just cleaning up a little bit of language within the lot, yard, and height requirements and I'm making the language consistent. Some of the type, the capitalization consistent, and so on. Under 1175.03B, I'm incorporating a section of the zoning code from Columbus, which will allow a dwelling that's been existing from the time our zoning code has been enacted to be extended along the non-conforming side yard setback. What that means is that if you had a house that was already too close to a side yard per the code it could be extended along that existing side yard setback as long as it did not increase the non-conformance, meaning move closer to the lot line. That is a regulation that I took almost directly from Columbus' zoning code and it really is helpful when you have properties that are already non-conforming otherwise you get property that steps back. You have the lot line, you have the home, and then an addition would be step back and it can kind of create these awkward situations. That is why I'm proposing that particular regulation.

Mr. Welday: Can you read your definition again for the accessible ramps that you were changing?

Mr. Snowden: Yes sir.

Mr. Welday: I think having read a couple they suggest continuous routes. I don't remember if you had continuous in there.

Mr. Snowden: I said a ramp or similar structure design to provide an ADA accessible or barrier free route to the front entrance of a building. You think the word continuous would help add clarity there?

Mr. Welday: Yes, continuous route or route, however you'd like to...

Mr. Snowden: So the idea being that if you don't say continuous that it would be saying you could have discontinuous ADA routes and now we haven't made an ADA route.

Mr. Welday: I'm throwing it out there. That's my recommendation maybe. If somebody were to design that.

Mr. Snowden: Designed to provide a continuous ADA accessible or barrier free route.

Mr. Welday: Yes.

Dr. McKenzie: I have no objections to the addition.

Mr. Welday: Just lastly, having done a bunch of corrections earlier, so for your 1175.03B what we're talking about the single or two-family dwelling didn't we hyphen the two-family? I believe we did in the definitions.

Mr. Snowden: 1175.05?

Mr. Welday: 1175.03B You may have forgot to put the hyphen for the two-family when we

did the definitions I'm sure.

Mr. Snowden: Single or two-family, yes, agreed. Those kind of things have actually been driving me nuts in several locations in the zoning code.

Dr. McKenzie: Hyphenation is something that many people do not follow the standard guidelines.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 12/18/2017 7:45 PM
MOVER:	Robert Welday	
SECONDER:	Tyler Cullinan	
AYES:	McKenzie, Cullinan, Comeaux, Welday, King	

E. ADJOURNMENT

Dr. McKenzie adjourned at 7:09 PM.

Chairman



Planning and Zoning Administrator