

MINUTES

CITY OF REYNOLDSBURG PLANNING COMMISSION NOVEMBER 6, 2008

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. James Comeaux Mrs. Marlene Wirth Mr. David Wall Mr. Charles McGrath
Others Present:	Mr. Aaron Domini, Planning Administrator

2. APPROVAL OF MINUTES OF OCTOBER 2, 2002

Mr. Wall: I did not there is a typographical error on the front page, members absent. Instead of Mr. Wirth, it's Mr. Wall. I was not here for the meeting. Commissioners, are there any other changes to the minutes as shown? (No response.) Hearing none, I'll move for approval. (Mr. McGrath moved for approval, Mrs. Wirth seconded.) All right, they'll stand with the one change.

3. APPROVAL OF AGENDA

Mr. Wall: Do we have any changes to the agenda as we received it?

Mr. Domini: No changes.

4. SWEARING IN OF SPEAKERS

Mr. Wall: We have no one here tonight other than the Planning Commission.

5. PUBLIC COMMENT

Mr. Wall: Same response, we have no one here, so there will be no public comment.

B. UNFINISHED BUSINESS – None

C. NEW BUSINESS

1. ORDINANCE ADDING CHAPTER 1190 STREAM CORRIDOR PROTECTION ZONE TO THE CONDIFIED ORDINANCE OF THE CITY OF REYNOLDSBURG.

(Mr. Comeaux arrived at 6:32.)

Mr. Domini: I'll introduce this item. I believe you're moderately familiar with this Ordinance here as there was a joint meeting with Council on this. Maybe we'll be getting into more detail tonight, but this Ordinance is in response to us needing to be in compliance with our MPBS permit that is issued to us by the Ohio EPA. In your packet you should have a copy of a memorandum that was issued by Mr. Miller dated October 20th, which speaks to this fact and kind of outlines the issues which we need to be compliant with to get that MPBS permit reissued. Currently that permit is set to expire and it will most likely not be reissued if we're not in compliance with the regulations that we said we would be in compliant with. So what you have before you here is the draft Ordinance that was prepared by EMH&T with the assistance of Mr. Miller. I've been carrying this forward as ultimately this will reside in the Zoning Code. I've been moving it along and am quite familiar with the document. In general what this Ordinance will do is regulate new development along our waterways, both manmade and natural, not including roadside ditches, and will not allow any structures to be built or any alteration of the natural environment within a minimum of 25' from the bank of the stream. That's outlined on page 2 and it actually said – the actual language is 25' on each side of the channel.

The important, I think, item to note here, which came up at Council a number of times, is how this will impact existing residences or businesses who currently are using this area that would lie within the 25' zone. The answer to that question is if a structure currently exists or a property owner has been maintaining land within that zone, that activity is allowed to continue. If you have a piece of property and the natural environment there has remained in a natural state, you will not be able to go in and clear that vegetation out and, let's say, put in blue grass, or something to that effect; or put an addition on a business or a house that will extend into this zone. So if you're currently maintaining that property in a certain fashion that is not compliant with this, you will be allowed to continue to maintain it in that fashion, but you will not be allowed to do any construction or alter the natural environment if, at the date of this adoption, is currently not maintained in that effect.

So that's pretty much it and I'd be happy to answer any questions the Commission may have.

Mrs. Wirth: What is going on at French Run Creek?

Mr. Domini: In Olde Reynoldsburg?

Mr. Haire: What's currently going on is a storm water project. The City is doing that project. It's to protect the pedestrian bridge that's there. There was some erosion

going on around one of the abutments there and they're just putting some riprap and clearing out some trees that were causing the stream to meander. So it's basically a City funded project to help protect that pedestrian bridge.

Mr. Domini: I will note that general maintenance of the waterway is permitted. So whether it's clearing vegetation, you know, fallen trees out to allow the water to be free flowing, that is permitted; or to do things to prevent erosion. Those types of general maintenance activities are permitted.

Mr. Wall: And that would be by the City or the land owner?

Mr. Domini: Well, the way the Ordinance is written, they're permitted – within the Ordinance permits that type of activity.

Mr. Comeaux: Two questions real quick. The implication of not having a permit means the City can't discharge storm water into creeks, etc. Is that right? I mean the reason you want to get the permit?

Mr. Domini: Correct.

Mr. Comeaux: And the reason you need the permit is because the storm water system is set up to discharge, right? Secondly, this is pretty much a form Ordinance that Ohio EPA or whatever – is this like the minimum, or is your sense that they've kind of – is it just like what Ohio EPA would say, "If you don't have this as a minimum, you're not getting the permit?" Or are there some additional things in here that you're aware of?

Mr. Domini: The way I understand this from Mr. Miller the City Engineer, and the direction of EMH&T is that this is a safe minimum. There is no exact threshold—

Mr. Comeaux: Right, but it's not like overly restrictive of the development in these areas compared to what you would normally see OEPA require?

Mr. Domini: That's right. That would not be the intention.

Mr. Haire: Aaron and I have looked at this extensively over the last 3-4 months and one of the things that we wanted to make sure that Aaron didn't cover on his introduction is that certain types of construction would be permitted in these areas, including fences and sheds. So on page 5 we've allowed for a fence with an open design to be included in the area, so it would be like a picket fence that allows the water to pass through, because we saw that this could create some major hardships for people if their neighbors all had fences and they want to put one link of fence behind their house to keep pets in, or children, or whatever else they want to keep in or out of their yard, so we've allowed for that. We've also allowed for sheds that are less than 100 square feet to be constructed within this area.

Mr. Wall: Commissioners, any other questions?

Mr. McGrath: Is this all new, the part on the historic commercial overlay?

Mr. Haire: Yes.

Mr. McGrath: Is that all new or is that the same one we've been working on for years now?

Mr. Haire: The same one we've been working on—

Mr. McGrath: I'm talking about handling through Design Review Board and here and every place else.

Mr. Haire: It's different.

Mr. McGrath: The question I have is on page 6 they have fences with or without masonry piers—

Mr. Haire: That's the next item, Charlie. Can we get through the first one?

Mr. Wall: We're working on the stream corridor protection policy first.

Mr. McGrath: Okay. Well, I was going to say that part on page 6 of the historic overlay, it ought to be in the Community Commercial Overlay too. I'll bring it up later. But it'll be too late then, won't it? We'll have approved it by then.

Mr. Wall: No, no, Charlie. The item we're dealing with now is the stream issue.

Mr. McGrath: Both of them deal with the buildings and the exteriors and things of that nature. That's the reason I was thinking about this at the time, but I'll wait till we get to the commercial.

Mr. Wall: Okay. Do I hear a motion for approval?

Mrs. Wirth: So moved.

Mr. Haire: I'll second.

(Mr. Domini called the roll. Mr. McGrath voted "yes." Mr. Haire voted "yes." Mr. Comeaux voted "yes." Mrs. Wirth voted "yes." Mr. Wall voted "yes." Motion carries.)

2. AN ORDINANCE ADDING CHAPTER 1194 HISTORIC COMMERCIAL OVERLAY and chapter 1195 COMMUNITY COMMERCIAL OVERLAY TO THE CODIFIED ORDINANCES OF THE CITY OF REYNOLDSBURG.

Mr. Wall: Commissioners, you have two documents that were handed out to us that have some handwritten changes on them to the back of it. They've got the paperclip on them. Those are the ones we're going to be reviewing this evening.

Mr. Domini: The issue that came up on these was there were a couple of references that needed to be changed and some small grammatical changes that were made. We just wanted to make sure we integrated those into this document and present you with those changes so that we'd move forward the correct, most up-to-date document. So with the Historic Commercial Overlay and the Community Commercial Overlay, there's two documents there and the changes – the handwritten changes are attached on the back. I will note that none of these were of real significant substance. There was one issue where the numbering got mixed up. I think we skipped a number in the way certain items were numbered within the new ordinance. I believe that was the Community Commercial Overlay.

Mr. Haire: Aaron, just to be clear, the items – the paper clipped items that we passed out this evening, you have handwritten changes, but the documents in front of those have already been corrected, so the items in front are the correct document with minor changes as shown on the handwritten document.

Mr. Domini: The numbering that was slightly off was actually in the Historic Commercial Overlay. I believe it started with 1194.03 and we just jumped a number, so we've corrected that. There were a few places where the verbiage varied slightly between some of the definitions, so we've corrected that as well. But, again, nothing of substance that would affect the intent of this Ordinance was changed. I guess just in a way of further introducing these, there was a committee, as you know, that was appointed to work on these overlays, that worked for over a year on the development of these two overlays, which I came probably midway through or slightly thereafter and helped shepherd these along. The intent of creating these overlays was – there were a number of intents there. Primarily along our commercial corridors along Main Street, the investment that we made there with the streetscape, to try to protect that investment and to give more attention to the build environment around the streetscape and what will happen as the City continues to redevelop and evolve along that corridor.

So the more significant items in the overlay for the Community Commercial Overlay, things that we've addressed are parking, trying to locate parking to the side or rear of buildings. We've looked at building materials and glass, to try to set standards in place that will more or less standardize, high quality of design, so when a developer comes forward, that the expectations are very clear in what's expected of them for their project and that this will take out some of the subjectivity that we're currently operating from in terms of what is acceptable and what is not. So to the extent that we had the powers to do so, we tried to be as explicit as possible in how we wanted to see both the building and the site designed. That was the Community Commercial Overlay, very similar intent and purpose for the Historic Commercial Overlay, much of which is in there, Mr. McGrath, was taken from the old ordinance that we currently have. I think we've improved the ordinance significantly. I think it's more reflective of the type of

growth that we want to see in Olde Reynoldsburg, and it actually will permit and encourage new investment and redevelopment. The current ordinances that we have, actually don't allow some redevelopment because of standards given the irregular shape of the lots down there, and the nature of the relationship between the street and the building do not allow for the new redevelopment, or it actually prohibits it in some ways, because of the setbacks that we have in place.

I guess just kind of in closing, I think from my experience being new here and coming to Reynoldsburg, and being in Central Ohio and working around the Midwest, this is probably something that's long overdue. If you look at our neighbors surrounding us, they're all working hard to reform their ordinances to make them more reflective of the types of things that we're learning, types of development projects that are acceptable and are high quality. I think it's very timely that Reynoldsburg's doing the same so that we can ensure we're getting that type of high quality growth as well.

Mr. Wall: Thank you, Aaron. Commissioners, do you have any questions? I did have one. Aaron, I notice on the revised text that you've given us, some of the definitions have been struck from the listing here. Can you tell me why that is?

Mr. Domini: Sure. When we first created these overlays, we thought it would be appropriate to have a definition within the actual text of the overlay, cross-referencing sometimes can be more cumbersome than it is good. In looking back between the last version of this document and the one yesterday, I noticed that there was some duplication between the original definitions we have in the code and the ones you see here. So the ones that I've struck are duplicates and I'm recommending that we just take them out of the overlay because they're already in our definition section of the code. That's why those are stricken.

Mr. Haire: This will become part of the zoning code, so the zoning code already has a definition section and what's been done in the past, there was a landscape code that was adopted a number of years ago by this body and by City Council, and it included a similar definition section as part of the landscape code in addition to the other definitions, so that -- I think they tried to duplicate that in these ordinances as well.

Mr. Wall: Charlie, did we answer your question?

Mr. McGrath: No. On page 6 – at the top of page 6 on the new one you just handed out tonight, “fences with or without masonry piers shall be decorative,” blah, blah, blah. Does that pertain to patio – like if you have a restaurant or something in that area and they put out a patio, would that – is that what that's going to be?

Mr. Domini: Yes.

Mr. McGrath: I want them to do it in the whole City.

Mr. Haire: I think the intent behind that was in the historic section if you wanted to put like a patio out front for outdoor dining, that you'd have an open design and, you know, it wouldn't be any higher than 4' because you'd have to – especially if there's drinking, any type of drinking establishment you have to have fenced in.

Mr. McGrath: My pet peeve is the fact that they were allowing the enclosed wood fences for all the bars around town. I was glad to see that, but it doesn't do any good if it's only in the historic district.

Mr. Wall: Do we have any other discussion on that?

Mr. Comeaux: We didn't put anything about fences in the –

Mr. Haire: In the Community Commercial Overlay, no. Because a lot of that abuts up closely to residential and we don't want to prohibit privacy fences from going up along the rear of those properties that are so close to residences.

Mr. Domini: I will admit, though, that at some establishments there is 6' tall privacy fencing that's viewable from the street and that may or may not be appropriate. I mean if it's the rear of the building and it's out of sight, I think – in my opinion it takes away from the quality of the building and the site if you see privacy fences on the side of the eating and drinking establishments, but to the rear, it's not really an issue.

Mr. Haire: But I think with this code, I mean a perfect example of this would be the bar that's down here on Main Street, Jillie's, that's got the big fenced-in patio right out front. I think with this ordinance – it's written with the setback requirement, or the build to line requirement, it's going to require that the building be up to a certain place on the lot. They're not going to allow any development in front of that. So it wouldn't allow a 6' privacy fence in front, because the building's going to have to be right there. So it would force the patio to be either on the side or the rear.

Mr. McGrath: I've often thought that liquor should police that. We have several here. I know we have that one and we have the one on 256. Is that in the City?

Mr. Haire: Yes.

Mr. McGrath: I think there's another one someplace, too. I always thought that Liquor would come in – people are buying – getting drink out there and theoretically you're not supposed to. You're supposed to go in where the license – the license pertains only to the main building, unless they bought an extra license, you need to buy your liquor inside.

Mr. Haire: The smoking ban's kind of pushing all those types of things. Something we're learning as we go, I think.

Mr. Wall: Any other questions, Commissioners? (No response.) Hearing none, do I hear a motion for approval?

Mr. McGrath: Move for approval.

Mrs. Wirth: Second.

(Mr. Domini called the roll. Mr. Comeaux voted "yes." Mrs. Wirth voted "yes." Mr. Wall voted "yes." Mr. McGrath voted "yes." Mr. Haire voted "yes." Motion carried.)

Mr. Haire: Just for the record, those were the documents that were passed out this evening, so the draft 11/06/08.

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at _____ o'clock p.m.

David Wall, Chair

Aaron Domini, Planning Administrator

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