CITY OF REYNOLDSBURG

MINUTES

PLANNING COMMISSION
THURSDAY, NOVEMBER 5, 2015 6:00 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – October 1, 2015

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. PUBLIC COMMENT

None

B. COMMISSION BUSINESS

Mr. Snowden: Mr. Chairman, if you will allow me to make a couple general statements. What the Commission has in front of them is five proposed zoning code changes that are grouped by subject. The Commission reviewed these conceptually at our last meeting. Since that time, Staff has received feedback from members of the Commission and other city and elected officials, here at the municipal building. Most of those centered mainly on style. Mr. Welday was particularly helpful with keeping Staff to a consistent style, especially regarding numbers and technical details. The purpose of tonight's meeting will be for Staff to answer any additional questions that the Commission may have. Second, for the Commission to motion either individually or collectively, to approve the items as they were revised. Staff presented both a track changes (version), showing revisions since the last meeting, and a version showing Staff's proposed version, for this meeting. Basically meaning, a motion for the track changes, if all changes are approved. So, Staff would be requesting that the Board make a motion either individually or collectively to approve these items, and to make a motion to allow Staff to carry them forward. The next step from here is, they will be introduced to City Council in a committee meeting coming up in approximately two weeks. From there, there will be several City Council hearings, including a combined hearing, which I can explain more, if anyone has any questions. Then, they will be returning to the Planning Commission, most likely at the January meeting of the Commission, for a formal approval, and then returning to City Council for approval, which then will take effect. With that I will turn it back over to our Chairman, and I am here to answer any questions.

Chairman McKenzie: I reviewed the documents, yes. I reviewed them online and I printed them off. Since I only have a monochrome laser printer, all the red would turn to gray, so tracking didn't really help me that much. I also found some typos in the changes of the document, which I made note of. There were not an excessive amount. But there were a few, as well as, but of course anytime you look at another document you begin to say, "Hmm." So there are some other things as well.

Mr. Snowden: Pardon me Mr. Chairman, do you have those notes with you so that I could make a note of the pages for correction, or is it something you would like to pass to me personally? Typographical errors that are not changing the substance of the regulations is something I could easily incorporate before it goes to City Council.

Chairman McKenzie: Right, Sure. My point was just to say that the documents are not perfect.

Mr. Snowden: No doubt.

Chairman McKenzie: For example, on Major Site Plan, under C, Mr. Welday asked for a number, as well as the number spelled out. And a couple of points where it is 150, you have 100 in there. You caught a couple, but there are also two in the middle of that section.

Mr. Snowden: It looks like I have made an error here. I am on page six, and I see three errors that I need to correct.

Chairman McKenzie: Unfortunately, on the web site, because the pages are paged, and then there is a page number too, it is very difficult to reference. But that was under 1143.03 on the Site Plan.

Mr. Snowden: I see where the correction is you are talking about. I see three locations and I will make those edits. Also, on items 2 and 3 which are talking about the major site plan, the minor site plan, and then the residential one, there is a change in verbiage between the first two and the third one. Once again, having looked at this for the third time, I'm saying this is rather difficult wording, and I think it could be made much more consistent. In particular, whether a site plan is required, or needs to be submitted as well, in the third one, it goes from "site plan submitted", to simply "site plan required". If it is changeable, I think it needs to be changed to make it much clearer. So, if there are consistent words in the three passages...Mr. Chairman, I am looking at section 1143.03 a. Can you point out what you are looking at, so that I can read it?

Chairman McKenzie: I can talk to you about that later. In my notes, all I put down was for numbers 2 and 3. I believe they come numbered there under major site plan, minor site plan, and residential.

Mr. Snowden: That's correct. It could be that some of that is just the inherited language. Staff's intent was to make that the same, so we will correct that to be the same.

Chairman McKenzie: One other thing, I have it under page six, but I am not sure what it is referring to, but under "Any applicant requesting review", you used, "he may require", when

referring to the Planning Administrator, and I am just wondering if the male pronoun there is the best choice for that one. And, that was a new change, but it is all just little stuff, like you were saying. Just housekeeping stuff, really.

Mr. Snowden: This is something that is great for me to address, as far as the male/female pronoun, it is our option. At the beginning of the code, as with most codes, given that many city codes and state codes were written many years ago, and they assumed that a male was going to be doing a particular job, there usually is a statement saying, "All male pronouns may be interpreted as applying to both genders". However, if the board would rather utilize a neutral pronoun, or a he/she, we could easily do that.

Chairman McKenzie: It was more to the point that personal pronoun was rarely used in this document, and all of a sudden it appeared. So, mostly it is referring to the Planning Administrator, rather than the personal pronoun. I just pointed that out because it was an oddity, really, for the document, and rarely used, and this new change had it in there. But that's it. That is what I pointed out when reviewing the documents today.

Mr. Snowden: Mr. Chairman, as long as the Board is comfortable with everything else, other than those details, would it be acceptable for you and I to sit down and correct those, probably next week. I know we normally schedule a meeting. Is that acceptable to all? All of the members would need to do in that case, is make a motion to approve the versions as amended, including that amendment.

Chairman McKenzie: Would someone entertain the idea of making that motion? I don't want to push anyone here.

Mr. Welday: I did not get any documents, so I had to go online. I don't know if it was an oversight.

Mr Snowden: We did not send out packets for these.

Mr. Welday: So, when I went online, my apologies Mr. Chairman. So, when I was looking online at the agenda packet, I actually did see that. I hate to burden the Committee here for so long, but there are still, obviously, some housekeeping things in here that were missed. If I could draw attention to the Major Site Plan, Chapter 1143.03, and I am in the "General Requirements", I have page 18, under the "Environmental Landscape Plan", you have two numbers 2's. So, it should be 1,2, and 3. The numbering is off, so I have two number 2's there. Like the Chairman said, back in number 5 of the previous section, where you have listed 150 feet, you have it spelled out one hundred feet, so that needs changed. You forgot the parenthesis ending after 150 feet. So, back in that 3 section, we have got the 2 feet. I requested, to be consistent with the rest of the chapter, anytime you put in there feet, more than one foot, you have it in parenthesis, the actual number with an apostrophe. So, number 1 should have the 2, with the apostrophe inside the parenthesis. And then that first number 2, you should spell out the 150 feet. And for that second number 2, again you have 100 and it should be 150 feet. Number 3, you need an apostrophe after the 100, inside the parenthesis there.

Mr. Snowden: That is a 100 year, rather than 100 feet.

Mr. Welday: Ok, thank you. I went through it so quickly.

Mr. Snowden: No problem.

Mr. Comeaux: And then I had the same concern about the gender. In the Minor Site Plan, under number 10 it doesn't really have a letter or number associated with it. It is just a paragraph explaining the applicant requesting review of that. Again, that gender, I think it should be consistent with that section above, which has it spelled out in Section B. Just to be consistent, again further on, section C.

Mr. Snowden: Again, looking at that first sentence there, "As many copies of the materials as may be required". Is that the type of neutral language the Commission is looking for there?

Mr. Welday: It's kinda consistent with how it is in the previous, just above D, again it is not labeled.

Mr. Snowden: That is a hold-over from the current code, having that paragraph after everything.

Mr. Welday: To be consistent, I am thinking it should still be, "As many copies of the required materials as may be required by the Planning Administrator".

Chairman McKenzie: And, if I may, is everyone comfortable with that? Specifying "as many as required by the Planning Administrator"?

Mr. Cullinan: I think that makes sense, just from the standpoint that ten years from now they may only require PDF's. When we are doing this type of work, we will have lots of communication with the person that is Eric's role, in a different city, so I think that makes sense.

Mr. Snowden: Mr. Chairman, to address that for one moment, whenever we are dealing with planning and zoning, the control on the planning administrator is the Board of Zoning and Building Appeals. So, if the Planning Administrator was to ask for some unreasonable amount of copies, and make an administrative hurdle that made it difficult to apply, the applicant could make an administrative appeal to BZBA to say that the Planning Administrator is not being reasonable. So, you always have that. I think what you are asking is, could the planning administrator, in the future, do something so outrages, based on that language? And my point to the Commission is that BZBA can oversee the details of the Planning Administrator and make sure that official is behaving in a reasonable manner.

Mr. Cullinan: To the same point, the development document you sent out, I cant recall if it spelled out that type of information. But, that would be a place that a lot of communities would provide.

Mr. Snowden: Mr. Cullinan, the Development Handbook currently states that information, quoted from the code. But, there is no reason why, if you updated to the code language, as we

are talking about, that the planning administrator would not continue to maintain the Development Handbook with the current required number of copies. There is no formal requirement per code, to have the Planning Commission or another board or City Council approve the Development Handbook. It's normally what we would call a director, or staff administrative rule. Now, that being said, Staff has already created a revised Development handbook to coordinate with these proposed code changes and is holding that until such time that these changes would be implemented. However, Staff will, as a rule, share the proposed development handbook with the commission and get their feedback because that is the primary document that applicants are utilizing when they make their initial contact with Staff, to begin a project in development review. Although its not required by code, I think as good policy, Staff will continue to share, and the Commission will be able to have some oversight and make sure that staff's request, as far as administrative procedures, are reasonable.

Mr. Welday: If I may continue, I have a question under 1131. From what I saw online, it appears that the new version, now you have completely struck out disability and dwellings definitions?

Mr. Snowden: I have struck those definitions. I am going to stick with the definitions that are in the code for the time being. I have also removed the section talking about special community homes. This is a type of group home legislation. It does not exist currently. I am going to retain the definitions that are currently in the code. Where you are seeing the strike through, that is only showing you a change to this document, rather than a change to the code. The reason I am proposing to not do that code change right now is because more time and legal review needs to be put into that particular legislation. It simply is not ready yet, as where many of these other basic items are ready. So, in order to, as they say, "Not have perfect be the enemy of making it better", I am going to go ahead and pull those items out. I put them in a separate legislation document that I will continue to update in the future. This is something that needs to be addressed, but I feel it is not the time to address it. And, that is why I have removed it.

Chairman McKenzie: I must say, I also saw that as well. And, in the Staff report, the highlighted section, say that you were addressing that, and then everything was struck out and I couldn't find a revised version.

Mr. Snowden: Mr. Chairman, one moment, just let me check to see that I did edit the Staff Report to review that. Perhaps I sent out an incorrect version to the Commission. Apparently, I did not remove that. The 1187 section of the Staff Report will be struck from future versions of the Staff Report.

Mr. Welday: I will continue on. Under 1171.06, for rear fences.

Mr. Snowden: One moment while I get there. 1171.06, under Rear Fences, page number 3, it looks like I made a mistake there. Mr. Welday, remind me of what language you were talking about. So we are striking the word "define", or "defined as"?

Mr. Welday: Before it said, "a rear fence shall be defined as..."

Mr. Snowden: "Is defined as"

Mr. Welday: Under the Front Fences, Section E, if you could spell out "fifty percent", it would be consistent with the rest of the chapter. Under Fence Materials, grammar-wise I didn't think it sounded right. For A it says, "This is includes, but is limited to".

Mr. Snowden: "This includes but is not limited to"

Mr. Welday: I am still under Fence Regulations, Number 7, D, the sentence where it goes 20 feet high, as long...

Mr. Snowden: "As long as they do not enclose an area greater than 35,000 square feet." The idea there was to allow, basically what we would call tennis court fences. That was the concept.

Mr. Cullinan: Would it make sense to strike the word "long" out and just put "fences"? Were you saying long could be confusing?

Mr. Welday: I apologize, it was the sentence before.

Mr. Snowden: That's fine. I can see another error in item D, under Fence Regulations.

Mr. Welday: There is an extra word in that first on D. "The lots with approved recreation facility uses may be permitted to be construct chain link."

Mr. Snowden: I will reconstruct that paragraph. It looks like I may have fallen asleep. I don't know what I was thinking when I was typing that. I will revise that language.

Mr. Welday: Under Chapter 1159.02, just formatting, somebody hit an extra return.

Mr. Snowden: Did I not catch that? I don't see it. Under 1159.02?

Mr. Welday: It says, "Intended to be seen from..."

Mr. Snowden: Maybe that formatting had a problem when it went from a word document to a PDF. I think that is a space problem there. I will correct that.

Mr. Welday: If you could turn to 1161.07. You have written here, "It shall be classified as a R1 single family." I think it should be consistent with the actual definitions.

Mr. Snowden: R1 single family residential district.

Mr. Welday: To be more consistent with 1161.03, it should actually say R1 single family residents, or if you want to say residential.

Mr. Snowden: No, "residents" is fine. That is correct. It is frequently incorrectly used in common parliaments, but we need to use the definitions that are given in the code. I will correct

all of those to, "single family residents district". Also I see, I need to add a period after "annexed lands."

Mr. Cullinan: Under 1159.07, it looks like most of the areas where you have percentages, we have the percentage, then the word "percentage", and then parentheses with numeral percentage. That one has 60% in-between the words.

Mr. Snowden: I will correct.

Mr. Welday: I'm now on 1139.03, under Board of Zoning and Building Appeals, under the new section G, 1139.03, the period is still there. If you could put the semi-colon and insert the word "and".

Mr. Snowden: We can continue to edit this type of thing, and I am not saying that it is not important, but what I am hearing is that the Commission is comfortable with the policies that Staff is proposing to implement, and that is the important thing. As long as the Commission is comfortable with the policies, we can continue to move forward, take in this type of feedback, and continue to edit the document.

Chairman McKenzie: Are the Commissioners comfortable with the policy as it is being expressed in these changes? A while ago, a motion was asked for, and I asked if anyone would entertain making the motion, so we are back to that now, at this point. Would you restate what motion you are looking for?

Mr. Snowden: At this point, Staff would request that the Board make a motion to collectively approve the documents as amended, and order Staff to continue amending the text between now and it's presentation to City Council.

Mr. Cullinan: I am comfortable with that motion. I would like to make that motion.

Mr. Welday: I will second that motion.

Chairman McKenzie: Any further discussion? If I may, on the discussion, I would just like to see, a more defined limit on the changes that we are going to accept from the documents moving forward. Instead of just that idea of working on the text. Is there anyway that we could perhaps more explicitly limit what changes we are accepting to the document at this point?

Mr. Snowden: Mr. Chairman, perhaps Mr. Cullinan could just amend his motion to state that Staff will not add any additional policy changes to any further versions of this document.

Mr. Cullinan: I will amend that motion.

Mr. Welday: I second that amendment.

Mr. Snowden: Mr. Chairman, for clarity, we are only voting on that amendment now, correct?

Chairman McKenzie: That is correct.

Mr. Snowden: Ok, very well. Mr. Chairman knows his Robert's Rules. Very well, I will call the role on that amendment. Mr. Cullinan.

Mr. Cullinan: Yes.

Mr. Snowden: Mr. Welday.

Mr. Welday: Yes.

Mr. Snowden: Mr. Wren.

Mr. Wren: Yes.

Mr. Snowden: Mr. Comeaux.

Mr. Comeaux: Yes.

Mr. Snowden: Dr. McKenzie.

Chairman McKenzie: Yes.

Mr. Snowden: Amendment approved.

Chairman McKenzie: And so, now we are to the point of calling the role on the amended motion. Would you call the role on the amended motion?

Mr. Snowden: Mr. Cullinan.

Mr. Cullinan: Yes.

Mr. Snowden: Mr. Welday.

Mr. Welday: Yes.

Mr. Snowden: Mr. Wren.

Mr. Wren: Yes.

Mr. Snowden: Mr. Comeaux.

Mr Comeaux: Yes.

Mr. Snowden: Dr. McKenzie.

Chairman McKenzie: Yes.

Mr. Snowden: Very well. Thank you for your dedication. That stands approved and Staff will continue to edit those in the manner stated. And Staff will send out after any significant edit, which I will define as anything that doesn't include a correction of a punctuation, or what we have discussed this evening, Staff will send out a revised copy to the Commission showing track changes, Staff will not add any additional policy changes to the document, or any other new regulations to the document.

1. **Code Revision: Zoning Certificate**
2. **Code Revision: General Zoning Regulations**
3. **Code Revision: DRB - BZBA Procedures**
4. **Code Revision: Historic District**
5. **Code Revision: Subdivision Code**

C. ADJOURNMENT

Eric Snowden

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Chairman Planning Administrator