



MINUTES

PLANNING COMMISSION THURSDAY, OCTOBER 1, 2015 6:00 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – September 3, 2015

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. PUBLIC COMMENT

B. COMMISSION BUSINESS

1. **Discussion: Proposed Planning & Zoning Code Revisions - Various Sections**

Mr. Snowden: Thank you Mr. Chairman, with your permission, I would like to briefly go over the documents that you received in your packet, and what staff is proposing for each document. The purpose of tonight's review, as was our last review, is conceptual. The reason Staff is doing these conceptual reviews is to give the Planning Commissioners additional input into our code amendment process. It is no secret for those that have been involved in Planning and Zoning here in the City, the last several years, that our zoning code has become outdated in some cases and really needs to be updated significantly. What you have in front of you are code changes focusing mainly on procedures of planning and zoning, and on revising some sections that have become extremely long and confusing; and staff has worked to clean that up. With your permission, I would like to go through and explain each item there, and then I would be happy to take any questions.

Chapters 1135 and 1143 were reviewed at our last meeting, and there have been no changes since it was last presented to the Commissioners.

Code sections, various zoning regulations, is addressing various minor procedures of the Zoning Code. Dealing with things like fences, accessory structures, and location of texts within the code itself. Not changing the text, just changing its location. It is pretty straight forward and is one of the longest sections given the amount of moving around.

The section labeled 1103,1139,1147, Board of Zoning and Building Appeals and Design Review Board Administrative Procedures, is simply a clarification of various procedures of the Design Review Board, how they function, application deadlines, standardizing all those

things across various permit types. This revision is necessary in order to make the changes staff is proposing in packet number one where staff proposed that this body review major site plans in the future. This additionally clarifies BZBA procedures, and clarifies that BZBA would not be reviewing those site plans.

Title 3 Subdivision Code is a very basic review of the subdivision regulations of the City; standardizing the name of staff titles and bringing everything up to our current practice of engineering review of the subdivisions. We have not done a subdivision in Reynoldsburg in a number of years. It is one of this body's responsibilities to review subdivisions or plats. In addition, the City's consulting engineer would review. This is simply clarifying those procedures. The one item that I have highlighted in yellow, states that language would be added that would allow the Director of Public Service to charge a fee for the address assignment. Currently the City, when requested to assign addresses, is charging general services rather than the person making the application for the address. So we would be proposing to allow them to be charged, which would be more consistent with how we do engineering.

The very last packet in front of you, Historic Overlay District/ Historic Commercial Overlay District, are two sections of the Zoning Code that apply to the Historic District of the City. Staff is proposing to combine those two sections into one unified section that applies to the entire Historic District to clarify how the procedures relate to themselves. Currently, it is not clear exactly what applies only to commercial and what applies only to residential, within the Historic District, given the way the Code is written. It is not going to change any procedure, of the Design Review Board, for review of the Historic District structures. It is not going to change any guideline, or architectural guideline that we have for that district. It just simply unifies the procedures. Instead of having the Historic District Overlay and the Historic Commercial Overlay, basically an overlay within an overlay, we are having a Historic District overlay with two sub areas, Historic Commercial sub area and Historic Neighborhood sub area. The net effect of this, on our day to day procedure here is going to be zero, other than it clarifies what regulations apply to properties within the Historic District. The reason that staff wanted to go over these and present them to the Commissioners conceptually is that these are hopefully going early this month or early in November to the City Council for first reading. From there, there will be two hearings with the Planning Commission but there are some timeline issues. The Commission will have only thirty days to make a decision in one case, so that will only leave the Commission with one chance to review them. Staff wanted to present them here this evening so that the Commission would have the chance to look them over and provide feedback to Staff, before they go to City Council for first reading; at which point amending them becomes more complicated, but is still possible. And with that, I will be happy to answer any questions from our Commissioners and I will turn things back over to our Chairman, Dr. McKenzie.

Chairman McKenzie: Thank you.

Mr. Snowden: Mr. Chairman, and other members of the Commission, please do not feel obligated to ask me any questions. Please feel free to read these at your own pace and email or call me with any questions.

Mr. Comeaux: What is the concurrent process regarding errors that we find?

Mr. Snowden: Right now, what is in front of you is a draft. I have carefully gone over these, and have shared with several members of City Council to simply explain to them that the process is coming. But, if Staff made a typographical error, or there are any other changes that need to be made, that can be done at any time. It has not gone to any formal review process, that is why I brought it to the Commission this evening. Although they are separated by topic, it was Staff's plan to place these all into one ordinance for review. Again, this is why I wanted to come to the Commissioners this evening, so that you have access to the material now. So that, when it came packaged as one ordinance amending the Zoning Code, the Commissioner's would not be overwhelmed with the amount of material that is contained.

Mr. Comeaux: One question Mr. Snowden, the change to Chapter 1161.07, where you assign R1 district to any property not otherwise classified, is there any land currently in the City that is not classified?

Mr. Snowden: Yes.

Mr. Comeaux: There is? Ok.

Mr. Snowden: Mr. Comeaux, Chairman McKenzie, and other members of the Commission, 1161, which begins on page fifteen of the second packet in front of you, let me explain the history of this as succinctly as I can without confusing anyone. Up until 2004, there was a code provision in this section that stated, "Any land not otherwise in a zoning district, would be considered R1." that is a pretty standard piece of language that is in many Zoning Codes. That text was removed in 2004 and replaced with a statement that said that any land must have a zoning district assigned before it can be used upon annexation. That is a great thing, but the problem with that is, sometimes when annexations happen, the property is already in use as residential, or it is already in use as commercial, under the township rule zoning. And so no zoning district is ever being applied to those. Which leads to a continuation of the problem of having unzoned land. So, what my predecessors have done is basically interpreted any land without a zoning district as if it was R1. And, the reason they did that, was so they could issue basic permits for things like fences and small accessory structures. My view is that this was probably a practical thing to do, but it really is not what the Code said. In one of these unzoned areas, if someone were to attempt to operate a commercial business, for example, there would really be nothing that staff could do to prevent that. Given that several of these are existing residential neighborhoods, or small streets with multiple residentials, it really needs to be clarified that those are R1, and put an end to this whole concept of having unzoned land. It is a problem for our staff, it is a problem for the homeowners who are confused by it. It is also a problem for individuals when they refinance the home and a zoning information lookup causes confusion. Folks call to say, "We have no zoning, so what does that mean?" I do not have a direct answer because it is a confusing situation. Any community that has a zoning plan in place, do not have places that are unzoned. You simply do not see that. There are places that have no zoning, but that is because they have no zoning resolution. An example of that would be a rural township that had not adopted zoning. That is fine, because they are not attempting to enforce any land use

regulation for zoning. Here we are. We have got to have a district assigned and that is the rationale behind this.

Mr. Cullinan: With what you are saying, Mr. Snowden, are there any commercial, or other uses besides single family residential that are currently not zoned?

Mr. Snowden: There are not that staff is aware of. But, there are some significantly large vacant properties that we assume would have to go through the process of rezoning, and having a district assigned, in order to be developed. It is really geared toward these existing homes but there could be a case where that could happen; where something is annexed such as a small lot that had an existing commercial building on it in the township. What I have proposed there is a procedure that would say the following: Upon annexation, you would have one year to zone your property in accordance with a comprehensive plan, or consistent with what the use is, if it had a different use under the township, or it would become R1. And then the final statement under number 40 would state that any land within the city not designated would be considered R1, as of the enactment of this section. There are several related items happening in this section.

Mr. Comeaux: Can you give me an example of parcel? What I am worried about is a parcel that is not being used as commercial, that you and I would consider commercial.

Mr. Snowden: I do not know if I really understand your question, Mr. Comeaux.

Mr. Comeaux: Is there a place in town, we have annexed, that may look commercial, that would be zoned residential, by this change.

Mr. Snowden: Not really, other than a couple of undeveloped parcels. I can show the Commission a zoning map. There are several parcels, especially out in the area of the Summit Road campus of the Reynoldsburg Schools, that could be used as a mixed use type of developments, but they currently have no zoning district applied.

Mr. Comeaux: If I am a land owner, across from the high school, I am not paying attention to what is going on and all of a sudden my land goes from unzoned to R1. I can see a good mixed use development there, but now we are going to have to go through...

Mr. Snowden: They would have to do that anyway, if they went for commercial. Let me explain. This is modeled off of a regulation that is present in other places, such as Westerville and Columbus. In Columbus, upon annexation, your property is automatically designated a zoning district that they have called rural. We do not have that zoning district. R1 is our least intense district, and that is why Staff is proposing to use R1. Hypothetically speaking, had that property adjacent to the high school, there are several of them there, had that been annexed with this in place, it would have automatically become R1 upon annexation, and they would have had to go through the same process. It really is not going to change anyone's ability to use their property as commercial, because they are not utilizing those vacant properties for commercial now. Does that make sense?

Mr. Comeaux: If they walked in the door now and said they wanted to build there...

Mr. Snowden: That is a great question. If it is a vacant, with no building, they would have to rezone because they would be establishing a new structure. If it was vacant with a building, or had previously had some sort of commercial use in the township, it is ambiguous as to what the requirements would be at that point. That would be something that would be hashed out in BZBA, and then court. There could be a debate about what their vested land use rights were. Does that make sense?

Mr. Comeaux: It does. I am less concerned about a place that doesn't have it. I am thinking about Lancaster, south of main. There is that part of the Township and there are a few office buildings between there and Graham.

Mr. Snowden: Parts are part of the City and parts are part of the Township.

Mr. Comeaux: If you had a commercial building there. I don't want to make too much of it, but at the same time, I do not want the property owner to think they are going to market as a commercial structure and ...no offense, but who pays attention to the zoning? The developers do.

Mr. Snowden: Mr. Comeaux, a lot of times they are realtors in that case. They call and ask, "Mr. Snowden, what uses are permitted at this location?" And I really can't tell them. If this were applied, and there were one or two individuals that had properties that they really wanted to use as commercial, and the commission and staff felt that they could be used as commercial, there is nothing that could prevent them from changing that zoning district. It is a confusing situation that really should never have happened. It is because this zoning plan of the City was enacted back in 1955, and it should have been consistently applied over the years, and it has not. So, it is our charge, Staff and the Commission to try to find a way to make that happen. Mr. Comeaux, if you would like, I would be happy to try to contact some of those individuals and see if they are having an issue.

Mr. Comeaux: I do not want to beat a dead horse. These are just some of the concerns I have. I do not know which parcels were really... It sounds like you have thought this through, and this is not going to be more onerous on the landowner than what they would have to do subsequent to an annexation.

Mr. Snowden: I think in several cases it will be less.

Mr. Cullinan: Is that the major difference between the process that one of the landowners would go through now, to go from no zoning to zoning, compared to going from R1 to commercial?

Mr. Snowden: There is absolutely no difference whatsoever.

Mr. Cullinan: I want to make sure we are not making a process that is going to take another six months and attorneys.

Mr. Snowden: Absolutely not. There would be no change. All they would need to do is apply to the Commission and have the Commission make a recommendation to City Council as we have done before. There is no difference in that process. In fact, it would be easier because they would have a base zoning and they would be able to say what they wanted to utilize the property for. Mr. Chairman, I believe they need time to digest.

Chairman McKenzie: DRB is just arriving so we have a few more minutes.

Mr. Cullinan: I have a couple of questions. If you go to 1141.03, page five, under "Major Site Plan", I was thinking from the standpoint of the civil engineering I do, and questions I might ask to streamline. I.e., where you say the sheets should contain a title block, I think it would be useful if you put paper size. I noticed there was paper size that was crossed out in the prior section, as 22x34.

Mr Snowden: I did that, and here is the reason Staff is proposing to do that. Staff would like to govern the paper size utilizing the Development Handbook, rather than the Code. And the reason Staff did not want to prescribe a paper size in the code is, Staff wanted to utilize that through the Development Handbook process because it would make it easier for future Planning Administrators to change that, and for the Commission to change it, if technology were to change. There are some communities that are accepting large scale plans electronically and are viewing them electronically.

Mr. Cullinan: Most suburbs do that now.

Mr. Snowden: Exactly, we are not equipped to do that right now. But rather than have to go back and change the Code in order to allow that, Staff would like to update the Development Handbook to reflect our current practice and then Staff would amend the Development Handbook in the future to reflect a new administrative procedure like that. The Development Handbook is on our website and we actually have a partial update that was done and will be fully updated when these codes change. The Commission does not have to approve the Development Handbook, but it is definitely something that the Commission should be involved in. There is nothing in the Code that says they have to approve a new version of it, but it is really something that the Commission should give a thumbs up. As long as I am doing this type of work, I will be presenting an updated version to the Commission, to get the blessing of the Commission, and to work through these types of things. That item may be something where you can assist with review of the Handbook.

Mr. Cullinan: There are more text type of questions I have. Do you want to go through them now? Site Plan 2/3, where it says "Current Zoning". Would it make sense to also put proposed? You are proposing a zoning change, so show it on the site plans? I know some communities require that and some do not.

Mr. Snowden: The Zoning district should already be in place by the time this site plan is done. So they should not necessarily need to show that. It should already be assigned. These are great questions. This is very helpful to me.

Mr. Cullinan: Where you have the different plans broken out, underneath Part 3, the "Environmental Landscape Plan", "the topography with maximum contour two feet", does that need to be for existing, or do you need to show the proposed until you get to the engineering. For example, Westerville and Gahanna will make you show the grading on these types of plans. Gahanna you can usually just show your finished floor, but Westerville will make you have all the grading worked out. Some other cities are no grading at all.

Mr. Snowden: Mr. Cullinan, what would you recommend? Would you recommend showing both, proposed and...?

Mr. Cullinan: It really depends on how far you expect the design to be at this stage. Are you expecting there to be a topographic survey done? The existing you can show off a GIS.

Mr. Snowden: This section, which was partially copied from what is existing, this line item here, was intended to show the proposed. So, if you believe that showing the existing and the proposed would be beneficial, to clarify that it is both, I would be...

Mr. Cullinan: I would definitely have that.

Mr. Snowden: I think the idea is that this is suppose to be the proposed... So if we should add the existing, that is certainly something we could add.

Mr. Cullinan: I would just put text in there saying "Existing and Proposed". And that is helpful too when it is being reviewed for the utilities and other items, to see how that works.

Mr. Snowden: Very well, I can update that.

Mr. Cullinan: On the parking and transportation, functionally, that can be incorporated with the site plan. That has almost all the same items, just adding a data table.

Mr. Snowden: It could. I think that adding a text when this information is pulled out and the Development Handbook stating as such...

Mr. Cullinan: I didn't know if that had to be a separate plan for each or not.

Mr. Snowden: It doesn't. The only reason that Staff grouped these under these headings is because these are some of the most common manners for which they are received. But if folks can attempt to show the same information, by combining plans, because different projects are going to be done in different manners, there may be some where the grading is minimal.

Mr. Cullinan: I think it is broken out well from the section where you want an engineer architect or landscape architect to stamp the different drawings, it is broken up by discipline, which is good. You don't have information showing from two disciplines on one plan.

Mr. Snowden: This was done because Staff is often getting the question, "Hey, can I show this on this plan?" Yes you can. I would try to accomplish that with a line in the Development handbook, stating that as long as the information is covered, they could choose to organize slightly different, subject to the will of Staff, and the needs of the Commissioners.

Mr. Cullinan: I think that was most of the little items I saw. Thank you.

Chairman McKenzie: Anything else? Yes, Mr. Welday.

Mr. Welday: One last question. Again I apologize, I know there are some housekeeping things in here. You said within a week or so you would like to have it back to you?

Mr. Snowden: Mr. Welday, the plan was for Staff to go to City Council for a first reading sometime later this month, or in early November. But, that is not a hard rule. If the Commissioners need more time and want to review it again conceptually at the next meeting, we could do that. It is up to the Commissioners.

Mr. Welday: What I was given a day ago, going through it real quick, there are a lot of housekeeping items I saw that need addressed, as far as code and so forth. Because, as you saw in the news, a comma can change things dramatically. Like a parking violation, a comma was missed and they threw something out. There are housekeeping issues that I don't think we have time for, but I would like to send those to you.

Mr. Comeaux: If we have any edits, and nixs, get them to you within the next few weeks?

Mr. Snowden: I think that would be fine, and if anyone wanted to schedule a sit down meeting with Dan or myself, to go over some of these more in depth, then that would be perfectly appropriate as well. That doesn't mean that Staff would then take that information and respond to the whole Commission so that the whole Commission was aware of any suggested changes.

Mr. Comeaux: But, you will bring it back with the edits and changes, for our review, final review, so we can make a motion?

Mr. Snowden: You will have to do that per the Code. But, I can bring it up again conceptually before we go to City Council, as well. Once it goes to City Council, then we have an Ordinance in place, it is still amendable by the Commission, but it is more difficult. It would be better for it to be in its most final draft state before we go to the City Council. I am seeing nodding heads, those who have interacted there before. That would be best. I look forward to your comments and feedback.

Chairman McKenzie: If there are no other questions for Mr. Snowden, I will adjourn the meeting.

C. ADJOURNMENT

Chairman

Planning Administrator