

MINUTES

CITY OF REYNOLDSBURG PLANNING COMMISSION

JULY 2, 2009

6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

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

2. APPROVAL OF MINUTES OF MARCH 5, 2009

Mr. Comeaux: Second, I believe all the members of the Planning Commission received the minutes from the March 5, 2009 meeting. Were there any additions, deletions, corrections to that?

Mrs. Wirth: No.

Mr. Wall: (inaudible)

Mr. Comeaux: Well, they'll be approved as distributed then.

3. APPROVAL OF AGENDA

Mr. Comeaux: The next item on the agenda is to approve tonight's agenda. Aaron, are you aware of any changes to the agenda this evening?

Mr. Domini: There are no changes.

Mr. Comeaux: Okay, great. Is everyone okay with the agenda as it stands?

Mr. Wall: That's fine.

Mr. Comeaux: Fantastic. Are there any speakers here for the Planning Commission? I think, just from recognizing you on sight, you're more likely to be here for Design Review Board, correct?

Male: Yes.

4. SWEARING IN OF SPEAKERS

Mr. Comeaux: And that's at 7:00 o'clock, just so you know. Okay, seeing no speakers – you don't expect any speakers, do you Aaron? (No response.) Okay, then we'll dispense with that one.

5. PUBLIC COMMENT

Mr. Comeaux: Similarly, if there's any public comment for the Planning Commission – and seeing none, we'll move on to Unfinished Business.

B. UNFINISHED BUSINESS

Mr. Comeaux: Aaron, I don't believe there was any Unfinished Business, looking through the minutes, was there?

Mr. Domini: No, there's none.

C. NEW BUSINESS

1. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Addition of Subsection (d) "Portable On-Site Deliverable Storage Units (PODS)" to Section 1171.06 "Accessory Use Accessory Structure" OF CHAPTER 1171 GENERAL REQUIREMENTS.

Mr. Comeaux: Aaron, can you give us a little background on this?

Mr. Domini: Yes. This particular ordinance was, I guess, initiated and drafted by myself in response to the difficulty staff was having regulating PODS, Portable On-Demand Storage Units. The only way we had to permit them or regulate them was as accessory structures which there is really, technically, no time limit on the accessory structure if we permit one. It'd be like permitting a shed, a gazebo, anything – any type of accessory structure, which is not the intention of POD to be something that is permanent. Additionally, I felt that it was important for something like this to be codified to put a time a limit on them and to require them to get a permit as well. I guess it could also be debatable as whether or not a POD is an accessory structure, but that was the way staff was interpreting in the past and continues to do so. So, in an effort to provide some baseline or standard in which to regulate these things, I introduced the following change to 1171 which would introduce a POD as an accessory use, but also create some standard for which – how long they're allowed to be on-site and require them to get a zoning certificate. Initially, the way the ordinance read that's before you today was – allowed them to be on-site for 30 days and at the request of Council that was changed to 14. There was also a calamity exception if a tornado happens to come through or a flood, for those to be remaining on-site for an extended period of time. The way it reads now, you can get a permit for a zoning certificate for a POD for 14 days. Permission to

exceed the limitation may be granted by the Board of Zoning and Building Appeals. You're allowed to get a permit for no more than twice in a 12-month period. That's pretty much the way it stands.

There was some discussion, Mr. Comeaux, at the Joint Public Hearing regarding the fee that would be associated with the zoning certificate to get the approval of the POD. The zoning certificate costs \$40. The reason it was drafted that a zoning certificate be required is that currently that's -- other than a fence permit, there really -- we don't have any permit per se that would be pulled to get a POD for accessory structure. That's the way the system is set up now. We could propose a change in the fee or a different type of permit be pulled for a POD if the Commission felt that that was an exorbitant amount of money to get a permit for a POD for 14 days, so I leave that up to the Commission.

Mr. Wall: Aaron, I brought up that question in the Public Hearing and one of the responses that you had was that you needed to absorb some staff time with that fee, which I understand completely. And do you feel that that fee is adequate -- it covers your staff time that you have involved in that? And, also, is it a fee that is similar to other communities around us? For instance, if I were in Gahanna, would I have that same fee and anticipate a \$40 fee with that, if you know?

Mr. Domini: Well, actually the ordinance that's before us, I kind of drafted knowing what our neighbors in Westerville are doing. I do have to say that I don't know what their fee is for the POD. That's something I can look into and present back to Council if you find appropriate. In terms of our other fees, a banner is a \$25 fee, a fence is a \$20 fee, all of which probably take the same amount of staff time to process. And I would say counter time, customer time, processing, and then filing, it would probably take a half hour to do it all, to do it all well. I think some significantly less and some may take a full half hour, depending on knowledgeable the applicant is and what they have. You know, oftentimes most applicants don't know what a survey is or where their site plan is or where their property lines are, so staff does some shepherding of the applicant to help them as a way of running customer service. So I think \$20 to \$40, somewhere in there is appropriate.

Mr. Wall: Okay. I would just ask that perhaps you go back and look and see what other communities are doing and that the fee that is charged is not exorbitant for the permit you're issuing. But, at the same time, your time is properly covered as you see fit, but that we're in line with everyone else, I think, in the area.

Mr. Domini: I guess I would ask the Commission is there some number that without knowing what the research may show, is there still a number that may feel right in terms of what the fees should be?

Mr. Wall: My initial response was I thought it was high and I think I said that.

Mrs. Wirth: I agree.

Mr. Wall: Something in the \$20 range seems reasonable for somebody who's moving, but I also understand that the theory behind this is so we don't have a bunch of PODS littering the community for long-term storage, which I full agree with you on that. It just seems like for someone that's moving in or moving out that to be hit with a \$40 fee on top of a POD fee seems excessive in my mind.

Mr. Domini: The original, I guess, issue that kind of initiated this was more of the commercial areas, in particular Olde Reynoldsburg which, at one point, there were four or five just along the alley in the back. It may be that it's appropriate for a resident to get a permit without a fee if they're just moving, but the commercial businesses and properties, maybe \$40 is appropriate for them if they're doing a big remodel or something like that.

Mr. Wall: Yeah. I would support that if it's something that is not out of line. Again, I would stress that if someone on your staff could possibly look quickly and do a quick survey and just see what others are charging.

Mr. Domini: Okay.

Mrs. Wirth: I agree. I thought the \$40 seemed rather high for a 14-day permit.

Mr. Domini: Whether it's a commercial property or residential property or for a residence?

Mrs. Wirth: Residence.

Mr. Comeaux: The banners, you say that those are temporary in nature as well? The banner fee was \$25, I think.

Mr. Domini: Yeah. A banner permit's good for 30 days.

Mr. Comeaux: Good for 30 days, but again, it's kind of more temporary in nature. I guess if I were advocating the lower fee I'd say, "Well, what's different in terms of your administration of this than that?" And I'm not _____. Even the fee thing to it's – or a – I have a separate question.

Mr. Wall: Yeah. I would just encourage residential to be as low as possible to help the community and then commercial, just be in line with what is typical – the typical fee for other communities.

Mr. Comeaux: But something Mr. Wall said, I think – certainly I had thought of them in the residential context and I don't know if this is true of you, but I hadn't really even considered the commercial context. But in the residential context, I guess if you're just moving in and out then two times for 14 days should be plenty. I guess I was thinking of why you'd need a POD and if it's just moving then that would be fine. For

commercial, have you got any feedback or have you looked at what other communities do, whether 14 days is sufficient? I mean, if they are using it for significant remodeling, for example, is that going to cover the period you think, or—

Mr. Domini: I think 30 days was more of the typical which has been shortened to 14. You are allowed to have two in a 12-month period. The way it's drafted now it doesn't say those couldn't be back-to-back permits. And, again, the nature of the way they were being used was as permanent structures.

Mr. Wall: Yeah.

Mr. Comeaux: Yeah.

Mr. Domini: Like a garage.

Mr. Wall: Which I think we should discourage.

Mr. Domini: You know if – there could be an exception that if there is construction happening with an approved building permit that's been pulled, maybe they should be allowed to be on-site as long as construction is happening for that project, as long as it's an approved project through the Building Department for, let's say an Olive Garden or Target or something like that.

Mrs. Wirth: (inaudible)

Mr. Comeaux: I guess looking into whether or not you can bifurcate residential and commercial, that might be able to kill that because, again, I was thinking of it in the residential context. And I certainly wouldn't want, like somebody down the block from me having one is just a semi-permanent structure forever.

Mr. Domini: Well, we do get calls though. PODS in residential neighborhoods and whether they were inappropriately dropped on the street which happens, which obviously you can't put one on the street. They need to be on a hard surface on a driveway. But we do get calls about them. And that way we can say, "We're aware of it. They have a permit and it will only be there for 14 days." In regards to commercial, would you be supportive of that change to allow them to be used during construction?

Mr. Wall: Um-um.

Mr. Comeaux: Yeah. I think so.

Mrs. Wirth: (inaudible)

Mr. Comeaux: I mean if that's why they're there that would be a lot more acceptable to me than just as an auxiliary garage.

Mr. Domini: I can see how if you're allowed two permits for a POD in a 12-month period, each for 14 days, that's 28 days, you know, and then I have the contractor coming into the office saying, "What do I do now?" And I say, "I don't know." So I'd rather have that ability to allow them to keep it on-site. So I would propose that change, that they're allowed to remain on-site during construction if it's an approved construction project?

Mr. Comeaux: Right.

Mr. Wall: Yes.

Mrs. Wirth: Right.

Mr. Comeaux: And just, finally, can you give me some sense of where they are in the process? I mean, so it's come through us, it's gone through City Council once. Are they going for a second or third reading or—

Mr. Domini: Yes.

Mr. Comeaux: Okay.

Mr. Domini: So we, or you, would make – for making recommendation to back to Council?

Mr. Comeaux: Sure. Well, if someone would like to articulate a motion, then.

Mr. Wall: I'll give it a try. I move to approve the changes to the ordinance with the amendment as discussed during tonight's Planning Commission meeting that a residential POD will be for 14 days with a \$20 fee and a commercial use of a POD, or I should say a use of a POD by a commercial entity, will have the \$40 fee and may be placed on the property for the duration of construction. Is that covered, Aaron?

Mr. Domini: May be placed on the property up to 14 days unless it's an approved construction project.

Mr. Wall: Correct. And then it may stay on the property for the duration of the construction project. There, I think I got it.

Mr. Comeaux: We have a motion. Can we have a second?

Mrs. Wirth: Second.

Mr. Comeaux: We have a motion and second. Aaron, please call the roll.

(Mr. Domini called the roll. Mr. Comeaux voted "yes." Mrs. Wirth voted "yes." Mr. Wall voted "yes.")

Mr. Comeaux: Okay. Great.

2. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Definition of “Child Day Care” in Section 1131.02 “Definitions” OF CHAPTER 1131 DEFINITIONS; And “Table 1175.01 Permitted Uses and Special Exceptions, All Districts” of Chapter 1175 DISTRICT REGULATIONS.

Mr. Comeaux: Aaron, can you please give us some background on that?

Mr. Domini: Well, this again was a staff initiated change and it was in a response to, I guess, the growing number of requests we receive for child care facilities. And the way the code was written, two things – one, it referred to State licensed day care facilities, but our definitions didn’t necessarily match the Ohio Department of Jobs & Family Services, which is the agent for issuing State licensed day care facilities. So, as a matter of housecleaning, I’ve made sure that those definitions are the same. Secondly, we – or I revisited where certain types of child care is appropriate. We recently had an application for a Type A day care in a residential neighborhood. Type A day cares for up to 12 children. And the way the code is written, State licensed day care facilities were permitted in all districts. It’s a Special Exception. So the applicant came in, went through the Special Exception use permit process for a Type A day care in a subdivision and was not granted that application. And I think both from the Board of Zoning and Building Appeals and Council, there was a strong feeling that a day care for up to 12 children in a neighborhood may not be appropriate. So we’ve removed Type A day cares from all R districts and they will be permitted in every other district. Type B day care, which is for up to 6 children, is permitted in all districts. So those were the primary changes. I would wager a guess there wouldn’t be as much discussion about the definitions as much as the changes to what is the permitted type of day care in all districts versus residential, which is the change I’ve proposed here.

Mr. Wall: With respect to the day care facilities that were up to 12 and in residential, do you have a sense for how many of those are currently going on in the City now?

Mr. Domini: I’m not aware of any and, through my investigation with the Department of Jobs and Family Services, the number that were permitted even in the State of Ohio was few. It was a very typical type of request that was granted, most of which, which were in single family homes, were in townships or rural areas.

Mr. Wall: I was just wondering if there was any need to either grandfather people in, or anticipate—

Mr. Domini: No. You know, and I guess my feeling was if it was the opinion of the City that it’s not appropriate, let’s not even give it an option for the application, who may have an expectation that it can be granted.

Mr. Comeaux: Are there any other questions or comments about this? (No response.) Again, where is this in the process? Read it once at Council and then—

Mr. Domini: Public hearing and now here at the Planning Commission.

Mr. Comeaux: Okay, then if we've heard all the comments, do you have a motion? Would someone like to move that we approve this?

Mrs. Wirth: So moved.

Mr. Wall: Second.

(Mr. Domini called the roll. Mrs. Wirth voted "yes." Mr. Wall voted "yes." Mr. Comeaux voted "yes.")

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

James Comeaux, Chair

Aaron Domini, Planning Administrator

This document was transcribed by:
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