



MINUTES

PLANNING COMMISSION THURSDAY, JULY 1, 2021 6:00 PM

PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Cullinan, Zollars, Hicks, Furst, Benner
ABSENT:

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – June 3, 2021

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

No Speakers

B. PUBLIC COMMENT

No Public Comment

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

None

E. OTHER BUSINESS

1. Zoning Code and Map Amendments June 2021 - Work Session

Ms. Wheeler: This evening, we are having a work session to discuss a group of zoning code amendments, as well as a couple of zoning map changes. As we've discussed previously, we're looking at this is kind of a working document. Probably every six months or so we'll take a look at the code and see what what's what needs updating, what's not really working. And so with that, we've kind of been working with a working group to come up with some of these changes. And so this evening, we were hoping to just kind of high level overview of some of those. And then July 22nd will be the special planning commission meeting. That will be the public hearing for these changes. First read was at council on Monday of this week. So with that, I can just go through kind of one by one kind of what we're looking at as far as some of those changes. And then along the way, if we want to just have a

discussion, we can do that. And then at the end, if there are any questions, suggestions, etc., we can go through those.

Mr. Zollars: Are the changes proposed changes in red? Or are all 40 pages changes?

Ms. Wheeler: So what you have up on your screen, I think a couple of us, we're doing these. My changes are going to be and track changes in blue. I'm not sure about some of the other. Yes, I'll kind of try it as I'm scrolling through all kind of try to highlight some of those. So first up, so we took a look at defining medical marijuana in our code a little bit more distinctly as it wasn't really addressed previously. That's something that's going to start coming up more and more with the state issuing more and more licensing for medical marijuana facilities. So we sat down and defined the different use types. So this would include the dispensaries, the processing, the grow operations, and then kind of figured out which districts we wanted those to be in. I think we agreed to do a conditional use in those districts. So was there any questions or comments about that?

Mr. Hicks: What was the conclusion on the types of uses there was multiple medical marijuana we had discussed in the workshop session in regards to either like retail distribution and potentially some sort of processing. What were the final changes in this in regards to what districts those two uses were going to be permitted in?

Ms. Wheeler: Yes, I think this is actually toward the end of this document here. So these are the new definitions, there's the cultivation, the dispensary and then the processing. So I believe the dispensary was going to be conditional in most of our commercial districts that would include community commercial and the insight districts. I believe that was innovation as well. And then cultivation and processing. Those were both conditional in innovation. I can't remember for the inside districts if we talked about doing that as a conditional as well.

Mr. Furst: I if I remember correctly, I believe it was conditional in all cases.

Mr. Zollars: Any other questions on our discussion on this matter?

Mr. Hicks: Did the attorney have a thought or two?

Mr. Benner: I'm still not sure I understand exactly what we're doing

Mr. Shook: Let me try and clarify real quick. OK, so try to give a comprehensive overview of the medical marijuana issue. First and foremost, we created the three uses in the definitions that you see for dispensary processing and cultivation. The second thing we did was identify where those users will be allowed in the city. Those are limited to your commercial districts. Dispensary is going to be a conditional use in almost every one of your commercial districts, and processing is going to be a conditional use in your innovation district. And I believe we also put cultivation as a

conditional in innovation. Is that correct? OK, so innovation would have as a conditional use, cultivation, processing and dispensary in and all other commercial districts in the city, including the insight districts only dispensary, is a conditional use, not the other medical marijuana uses. In addition, we added requirements for the granting of a conditional use, the application for a medical marijuana facility into our supplementary conditions. That's under Section 1105.13. Those conditions are that it can't be located so close to another medical marijuana facility, so close to some of our sensitive uses, like public parks and schools and residential districts, and that the interior activities or operations of the facility have to be screened from public right of way view except for administrative tasks. So receptions and things of that nature.

Mr. Zollars: Any questions on this subject? OK.

Ms. Wheeler: All right, next change, we talked about, I guess, clarifying the credit given for green space, this has come up with some of our bigger developments and we kind of talked about whether or not to include detention basins. I believe the decision on that was to include that as a green space, if it is essentially structured as an amenity for the residents.

Mr. Benner: Excuse me, Emily, could you do raise the font on that a little bit? Yeah, we can't read it.

Mr. Hicks: So, Ms. Wheeler, we have you're going to the section, but I think one of the discussions we had in the workshop session was whether you count the storm water based on something that's required for the EPA to filter storm water as greenspace or as credit in regards to green space. And part of the concept that we talked about was there are situations where developers can utilize a storm basin as an amenity to the project and sort of activate that space by having things around it. We don't want to see is somebody getting credit for doing something that they're required by code to do anyway. And it's just in the back half of the project and you never see it and it's just overgrown or whatever. So if we got the language correct in this and that was the intent is to, you know, allow it credit for it, if it's being used in some sort of creative way that actually is useful to the residents or the neighborhood or the community. So I'm hoping that's what we ended up with here in the final or in this draft version.

Mr. Zollars: Let me interject here real quick, and it might be easier for us to not do as much speed reading, so why don't we start page one and go do it down through all these and to see the changes that way, we can keep on track.

Ms. Wheeler: I apologize, this list that I think we had used for kind of.

Mr. Zollars: OK, well let's just start at page one and go down through and whatever is blue we're talk about whatever is not black.

Ms. Wheeler: That sounds good. So in the accessory structures section here we went ahead and added a provision that essentially open sided accessory structures, for example, pergolas would be permitted in a front side yard in commercial districts. For those of you familiar with what Prost has done something similar to that, the way accessory structures are traditionally viewed as we don't allow them in a front yard. We thought this was appropriate in commercial districts to allow structures like that.

Mr. Zollars: Any discussion on that matter? OK.

Ms. Wheeler: This was a provision actually pretty much pulled over from our old code, somehow this just didn't get carried over. This is addressing portable temporary storage units. A lot of people will get these when they're moving in or out or doing construction projects on the house. This language is essentially just saying they can have them on the property on a hard paved surface, believe it's for a period. They don't need to get a permit unless it's for more than seven days. Then total should not exceed 14 days, unless there is an open building permit, then they would be allowed to have one out so long as the building permit is still open. And again, this language was more or less a replica of what we had previously.

Mr. Zollars: Any concern about this one? OK.

Ms. Wheeler: We looked at the small format, grocery definition previously, it had defined small format as being at least 5000 square feet. We amended that to five hundred square feet. Also a provision about the requirement that there be the sale of fresh produce within 10 percent of that facility. So that's just kind of amending the existing definition to capture some of those grocery stores that were less than the five thousand square feet.

Mr. Zollars: I have a question on that. 500 square feet is tiny. I mean, thousands, you know, most building spaces are 11,000 maybe 12,000 square feet. Where you can find like five hundred? That's a very small space.

Ms. Wheeler: Yeah, we can certainly change that was somewhat arbitrary.

Mr. Zollars: OK, Mr. Hicks, I mean, Mr. Cullinan, I mean, 500 square feet, for a grocery stores.

Mr. Cullinan You know, like most of the multitenant retail, we do that just a small size of a cell phone place or a small mattress like that. That's going to be a 1,000 - 1,500.

Mr. Hicks: Yeah, I think the way it was written before didn't really make sense. We were trying to find a small like five thousand square feet.

Mr. Cullinan It seems like all of this is trying to make a minimum where this part's activated. Right?

Mr. Hicks: Right.

Mr. Cullinan Because it says large as at least twenty five thousand. So could small just be anything? Less than that?

Mr. Zollars: Mr. Shook, do we need to put a magic square foot in this?

Mr. Shook: What do we need to put a magic square feet on it?

Mr. Zollars: I mean, 500 square feet, you know, is small.

Mr. Shook: I mean, that's up to you guys. That's what I would say as far as a need that is up to the policymakers.

Mr. Furst: So I think the reason why it's in there is because we do have a definition for it, and I think that when they're reviewing the code, the thought was 5,000 is not really small and that is an allowable use in some of the districts in the city. And so we're just trying to make sure that we weren't writing a requirement for a size that really wasn't a small format. You know, if the intention was to have I don't think it's you know, I doubt we're going to have like a bodega style grocery store in February in Ohio. But, you know, if someone wanted to have something smaller than an Aldi's, let's say, especially in an older building in old Reynoldsburg, I think it was trying to enable that.

Mr. Hicks: If somebody had a four thousand square foot grocery, technically, they wouldn't qualify for the small format grocery. So if it's five hundred, then they would. So if that's lower, I don't think a seven hundred and fifty square foot grocery is ever going to give us heartburn about something like this. That's kind of what the intention is. So I think the 500 fine probably maybe lower than it really needs to be. But I mean, if it's a thousand, you've got a nine hundred square foot space.

Mr. Zollars: That's fine I just wanted to hear the logic. OK, any other questions on that? OK, go ahead, Ms. Emily.

Ms. Wheeler: This is just reflecting that same change within the old Reynoldsburg, old Reynoldsburg commercial district. I'm sorry, we also changed that to conditional.

Mr. Furst: Was that permitted previously?

Mr. Hicks: Yes, it was permitted before, now it's conditional. So it gets a look.

Ms. Wheeler: Any comments on that? OK, next up, we looked at solar panels, we had a requirement in there that zoning certificates would be required for even for roof mounted solar. And we've been getting quite a few of these recently. These always will go to our building department for building permits as well. So we just kind

of felt like the zoning certificate was not super necessary for the roof mounted, specifically for the freestanding solar arrays. We kept that in there and kind of still treating that as an accessory structure. And that's really the only change. They're just not requiring the zoning certificate for the roof mounted solar.

Mr. Zollars: OK, good.

Ms. Wheeler: In old Reynoldsburg neighborhood district, we made office professional services conditional. This was in part to reflect the, I guess, the Blacklick Office Park Plaza there, just didn't want to create nonconforming uses there. So we added that one in. Residential medium I believe the change here was adding building height transition. I know there was some discussion about this. The code currently has essentially the same language within the insight districts and essentially what we did was remove that language from the insight districts and put it in the residential medium section. There was also a provision about one hundred and twenty percent that was up to one hundred fifty percent. This is essentially a provision regulating height transition when you have newer multistory buildings being developed next to a single story, suburban residential districts.

Mr. Hicks: I think my only comment on this was when we were talking about this conceptually before that the one hundred and twenty percent was the prior one hundred and fifty percent that I would assume it would be more appropriate to be around two hundred percent, because hypothetically, you're looking at even the example here, two buildings of twenty four feet on each side and a new vertical building in the middle being twenty eight. That's not the difference. You know, things are typically built in stories of one story, a two story, three story, etc. so I think it would be appropriate to have, you know, one story buildings, to have a two story building in the middle of it, not a one and a half story building. I don't think that's outside or into two story buildings in a three story building or something. You know, after that, I think the sensitivity kind of goes down, the difference between, you know, a two and a three versus a one versus a two. So my only comment would be I think we just need to adjust that percentage in order to accommodate a two story, a full two story building being next to a one story.

Mr. Zollars: That's a good point. I agree with that.

Mr. Furst: Could we speak of it in stories instead of percentages? Is there any objection to that? That seems to be a little more. I mean, I realize that there's a little bit of ambiguity there, but that would resolve the matter pretty clearly. I would think

Mr. Zollars: Or like no more than half. Again, what would it be, you know? No more than half of the existing.

Mr. Hicks: I think the only thing if you break it down by story is that some I mean, I've seen some one story ranch homes that just have a ridiculous amount of attic space and are the size of a two story building. And they're really trying to get into the

technicality the first story can be 20 feet tall if you don't lust the roof or whatever. So I guess I don't mind the percentages, but I just think that it needs to be something that would relate to a one story, a typical two story house next to a one story house like in Brookside or at Huber, where there are some two story homes in there right next to ranches, you know.

Mr. Furst: Yeah. I mean, I don't really have a problem with it being two hundred. I was just spit balling for ideas, see if we could add some clarity. But if we want to change it to two hundred, that works for me.

Mr. Shook: Just one quick correction on here. I was told there would be no math category under Section B3 under the one hundred and fifty percent example, it wouldn't be twenty four feet and twenty eight point eight feet, it would be twenty four feet and thirty two feet under a 200 percent example would be twenty four feet and forty eight feet. So that's a typo on there.

Mr. Benner: I do think it's necessary that especially Huber has some two story homes, but they also have some ranch homes that have renovated with by adding a second story. I know in Brookside, depending on the pitch of the roof. Your total height is much different, even though they're basically 1,000 square foot ranches on a slab. Everyone should have the right, I suppose, if they want to remodel one of those homes and make it a two story home, however, we accommodate that. I wasn't involved in these. I don't know. But if you can do a percentage, if you can do just simply two story, is that too ambiguous to.

Mr. Shook: You know how much I dislike ambiguity.

Mr. Benner: That's why I ask you.

Mr. Benner: I think one of the things we trying to avoid is that there's a particular situation in the Huber neighborhood where you have it surrounded by one story houses and you have not a one and a half. Not a two. You've got a two and a half floor almost looking like going on three type situation right next in the backyard of another unit. So trying to avoid this situation.

Mr. Zollars: Well, if we had an engineer or someone who knew math, they could probably give us the percentage that we should plug in there.

Mr. Furst: Well, I think if it is really double, that doubles the height. You know, I think that.....

Mr. Benner: I don't think double the height is the right way.

Mr. Cullinan No, because you have the story height and then you the portion of the joists in the roof.

Mr. Furst: Right. So, I realize that if it's a two story building that allows you to put four there and, you know. I mean, could we make it as simple as adding no more than an additional story?

Mr. Zollars: Yeah, no more than why don't we change that to no more than double existing or picket.

Mr. Furst: Well, I mean, if we really wanted to transition and we want to have and if we think the transition zone should basically be one story, then then why don't we just say, you know, that buildings that would be subject to this can be no taller than one additional story? And we could let the you know, I guess the, you know, the building department fight that out if they're trying to put in 20 foot ceilings in the second story as well.

Mr. Shook: Real quick, because I know the Huber issue has come up. We do have another section we're going to discuss as we go later on down the line about a Huber overlay district. This section here is really for the residential medium district, so an attached multifamily building being built next to a single family residential area. So we'll get into the Huber stuff when we get to the Huber overlay district.

Mr. Furst: OK, so going I guess going back to then, if this is just for a residential medium. You know, does this seem to work then?

Ms. Wheeler: I'd also point out this, this does apply when the structures are within 40 feet, the structures, not the parcel lines, so. If you think about it from that standpoint, I mean.

Mr. Hicks: It's probably not going to apply and a whole lot of situations?

Ms. Wheeler: Correct?

Mr. Hicks: Well, I mean, we need to fix the math that's in it right now, as our attorney pointed out.

Mr. Shook: And it's my mistake, so.

Mr. Zollars: OK, well, can we make that correction? And then is everyone fine with that math being corrected and moving on to the next one? OK, let's do that then. Emily, please.

Ms. Wheeler: This was really more just a typo. This was the community commercial zone this has come up a few times. We had, I think, just those kind of intermixed there, a lot with minimum should be 80, no lot with Max. Some of the typologies were updated as well. Again, I think these were just kind of typos. We had detached single family and community commercial that was not intended to be there. This was taking that building high transition out of the Insight District's. This is an update, actually, to the major site plan submittal requirements, this provision here is just stipulating that there be an engineer staff report and in addition to the staff zoning report that will be conducted by the city engineer. And that language would be just added there.

Mr. Furst: And that would be like the report we saw last time, right?

Ms. Wheeler: Right. And that would be at the expense of the applicant as well.

Mr. Zollars: You can keep going.

Ms. Wheeler: Oh. I believe this was an update to the insight design standards, previously, it had there was a requirement that the facade be majority glass. So this just updates that to a little more flexible with that material. Same thing this is EMD and BMD there. So sorry, this was actual the language for the credit for the pervious common greenspace. Detention ponds are included if designed as an amenity and community feature.

Mr. Zollars: Mr. Hicks, this is where you were talking about not giving credit for something that has to be done anyways?

Mr. Hicks: Well, I mean, I think the spirit of this is in line with what we were talking about. I would just maybe add a little bit of detail about it being activated. I mean, I don't think we necessarily like the word fencing. I don't know if we necessarily want to encourage fencing around a basin and get them credit for that. I've always kind of been in favor of using landscaping like multiuse trail and bike trail, but multiuse paths or seating areas. Exactly, you can do like wetland type basins, which have to be managed properly to actually look nice. But when they are done nice, they look really nice. So I think we could add a little bit more flavor detail in regards to that before we move this along.

Mr. Cullinan: I think with that, too, you might want to add it to be part of the Planning Commission submittal. That way you can have comments like you see Westerville, for example, or places some other places that that's a different discussion, like if you want this to count for this.

Mr. Furst: I was just going to add, I think the way that the language states it is, that's up to our discretion about whether they get that, because it's part of our major site plan review. Is that correct, Ms. Wheeler, or did I just imagine that?

Ms. Wheeler: Yeah, that's what we discussed. I think we probably need to articulate that a little bit more clearly.

Mr. Shook: I think the way that it's currently phrased and again, just kind of goes against my earlier comment about disliking ambiguity, is that the way that it's currently phrased if you take out the examples like fencing, landscaping, a natural feel, it's already phrased in a way that gives a significant amount of discretion to Planning Commission.

Mr. Zollars: We good with that?

Mr. Furst: Yeah, I mean, I would just underscore that, like Mr. Hicks, I'm not particularly fond of stating specific things just because I feel like that's some applicant is going to read that as oh, well, we serve offensive, so it's good to go and we should be able to evaluate it in a more holistic manner.

Mr. Benner: And we won't run into any issues because of the word of the evening ambiguity?

Mr. Shook: It's actually ambiguous by design to grant you guys that discretion when an application comes before you.

Mr. Zollars: I think the word fencing does. If you read that, then they're going to automatically throw a fence on their plans.

Mr. Furst: Right. Yeah. I especially don't want them around the dry detention basins. I think that's a horrible esthetic choice.

Mr. Benner: And that's even worse.

Mr. Zollars: How about if we eliminate the word fencing. Is everyone on board with that? OK, can we do that, please? OK, good. Very good. Keep moving, Emily.

Ms. Wheeler: That was the same thing for the residential medium, so we'll update that as well. So as part of these changes, we do have three proposed map changes. Mr. Furst I was familiar with some of these from BZBA, we did have two of these actually came out of our most recent BZBA meeting. The first would be 8300 E Main Street. The proposal here is to rezone this from East Main Street district to suburban residential. That's this little piece right here. Sorry I'll try to zoom in. We had an applicant that essentially was wanting to build a single family detached home on this property. There was a single detached single family home here previously for many, many years. It is owned by the Licking County Land Bank currently. So this applicant

had submitted to us a rezoning application. We, I guess, made the call to include that with this round of zoning changes, it is up to this body and city council whether to include that with the ultimate, changes or not. But that is one of the map changes being proposed.

Mr. Benner: Where is this again, Emily?

Ms. Wheeler: Sorry, its 8300 is Main Street.

Mr. Furst: It's a vacant lot.

Ms. Wheeler: This little piece right here being shown is yellow. It's currently vacant.

Mr. Furst: To give some context where the BZBA application they had originally submitted a variance request for it and BZBA determined that the magnitude of the change that they were requesting that they use specifically was not really in keeping with the East Main Street district, that it really did need to be rezoned because they were asking for us to allow a detached, single family home in a district that that is not an allowable use. So we thought that was beyond the bounds of BZBA and something that was just passed to council.

Mr. Benner: Is that just past Hanson?

Mr. Furst: Yes.

Mr. Benner: So, OK, that was the young lady who asked for the OK for the variance. I got you. Yeah. I don't know what else you could do with that property.

Mr. Furst: I think it's a challenging site either way.

Mr. Benner: Yeah, OK.

Mr. Zollars: OK.

Ms. Wheeler: So that's one parcel. The other one is this Oak Valley parcel right here.

Mr. Zollars: Again, remind us from to Emily.

Ms. Wheeler: So this one is a little complicated, so even with our old zoning code, this parcel was actually split half and half between East Main Street district and suburban residential. So you can see this whole piece right here is all part of that parcel. This dark yellow is currently East Main Street district. So the proposal would be to rezone this half of the parcel to suburban residential, leaving the entire parcel zoned suburban residential.

Mr. Furst: And to give some context for this to the applicant and asked very similar, ask for a variance request. Many of the neighbors and the neighboring properties came out and spoke in favor of wanting there to be single family homes there instead of a commercial or mixed type use, which would have been allowable under the Main Street district.

Mr. Benner: That's right behind the funeral home?

Mr. Furst: It is.

Mr. Benner: And what about flag lot?

Mr. Furst: Well, yeah, and that was the other thing to it asked for flag lots and at least me personally. I'm not a fan of those.

Mr. Benner: I'm not either. If we change this, do we still have any recourse as far as the flag?

Mr. Furst: He would not be allowed to build a flag lot, he would have to conform to the single family.

Ms. Wheeler: Well, he would still need a variance for the flag lots, correct. For the frontage for suburban residential.

Mr. Benner: No problem.

Mr. Hicks: This parcel. The existing parcel was split between two zones. So we're just kind of fixing that error and picking one or the two, which to me it seems like.

Ms. Wheeler: Correct this is kind of cleaning up the parcel. The reason it was like that is a little complicated. But essentially those parcels used to front all on to Main Street. There was a lot split combination that happened in the zoning was not updated, in part because there was some controversy. The intent was to rezone the entire parcel as commercial. And I believe there was opposition from some of the neighbors and that is why it ended up being split half and half and it just was never cleaned up.

Mr. Zollars: Perfectly good, acceptable.

Ms. Wheeler: The final piece. I apologize, I cannot recall the address off the top of my head, I believe it's

Mr. Furst: It's on Lancaster isn't it?

Ms. Wheeler: Yeah, it's this first piece. There's a veterinarian's office on the south side of the parcel currently. The intent here would be to rezone from community

commercial to I believe it was to rezone to innovation.

Mr. Hicks: I think that Parcel's a single family home that you were pointing out.

Mr. Furst: Yeah, there it is. Right there.

Ms. Wheeler: OK, so to rezone from community commercial to innovation. This whole parcel right here.

Mr. Hicks: So why doesn't community commercial work for vet's office?

Ms. Wheeler: It does work for the vet's office. There is quite a bit of land to the north, so the concern is more about the vacant land to the north that theoretically could be split and developed as an alternative use.

Mr. Hicks: What you could develop a lot. I mean, an innovative district is probably one or more lenient permissible districts. I'm just curious what the advantages are over the commercial.

Mr. Furst: I think it's trying to bring it because we do have innovation along Lancaster a little further south. I think it's trying to bring it more in line with that. As it is right now with community commercial it kind of just sits out there and it really isn't like anything else. You know, there is no even across the boundary there. There isn't any other commercial use or anything like that. This is really kind of one of those, you know, just in the middle of nowhere type zones. So I think the thought of making an innovation is at least brings in line with, like the Dynalabs and things like that. At least from a long one road perspective, it would be similar.

Mr. Hicks: There's a lot, I mean, it's not far from Broad Street and there's a lot of commercial on Broad Street.

Mr. Furst: But it is surrounded entirely by residential.

Mr. Hicks: Yeah, I mean, so should it be zoned residential? And then if they it be nonconforming at the moment and if they did anything else with it, it would just be rezone then. I mean that's what you know what I mean. Like I don't. I guess I'm fine with it either being commercial or residential, I don't know about innovation just because I don't think it's like when I think of the innovation district, I'm thinking of larger parcels for employment center type uses. I don't know if there's really much there for that.

Mr. Furst: The preference typically is to not create nonconforming uses and I think veterinary clinic would be a non-conforming use if we made this residential.

Mr. Hicks: I guess I'm just fine with what it was before a commercial.

Mr. Furst: So something to keep in mind, too, is, you know, think about the worst bad actor for a commercial that could possibly go there. If, for instance, the vet was to retire, would we be OK with that?

Mr. Benner: Yeah, it's right next to a residential area where you could go in there?

Mr. Furst: Right? Well, I mean, you could I don't know.

Mr. Benner: As far as bad actors, it's commercial, what could go?

Mr. Furst: Well, you know, and that's always a subjective, you know. But, you know, I always think of, like, the sorts of uses that is claimed that, you know, the only sort of commercial that we get, like, you know, with a dollar store be ok? That sort of thing like that. We're opening our community commercial is very permissive from a commercial standpoint. So is that OK? I'm not making a value judgment on that. I'm just saying that would be allowable if we did nothing. So that's was something to keep in mind.

Mr. Hicks: What's the most obnoxious use we have an innovative? Because that's kind of vague, so what's the most obnoxious used to be close to single family for community commercial versus most obnoxious use for innovation district to be in that same spot? I'm curious.

Mr. Furst: Well, but as the population does grow and there is a need for, you know, business income, you know, jobs and things like that, I think that seems to me to align a little better next to a residential district, a zone that would be, you know, very much geared towards a job center and office or something like that. That would be a lot less disruptive, I would think, than a retail type, commercial use.

Mr. Benner: Perhaps a better question would be what brought this up? That vets been there since I've been here almost. And I'm not sure. Is there a potential development that we want to change this for?

Mr. Furst: I think Mr. Bowsher would have to answer that.

Mr. Benner: Then maybe we table this until Mr. Bowsher was available to answer the question? I agree with Mr. Hicks.

Mr. Shook: It gets tabled either way. It's just a work session.

Mr. Benner: I understand that.

Mr. Shook: Planning Commission won't vote on it until the 22nd.

Mr. Benner: We've been flying through these things.

Mr. Zollars: What's the again what is the proposed change? To innovation?

Ms. Wheeler: To innovation from community commercial. Yeah.

Mr. Furst: I think, if anything it was just another one of those kind of clean up sort of items. If I had to venture a guess, you know, is one of those like the Oak Valley parcel where this seems like this is maybe an oversight.

Mr. Benner: Right. But Oak Valley and then 8300 were both brought before BZBA, I watched the meetings.

Mr. Furst: Well, that's how they came to our awareness. But that probably someone took another look at.

Mr. Shook: OK, let me elaborate just a little bit on this. I know that this is really more of a policy question for you guys. You know, we took a holistic look at the map, especially after what we experienced with BZBA on those two other applications to determine if we had any other zoning districts that might be out of place. There's no other community commercial along Lancaster Avenue. And you have innovation there already because you already had a vet's office there and it was already a permitted use in innovation. It was felt that that was a more consistent use for that stretch of road.

Mr. Hicks: So the veterinarian office is a permitted use in innovation?

Mr. Shook: It is.

Mr. Hicks: That makes sense.

Mr. Zollars: Well, are we good with this then? Alright we're good with that. Emily keep moving, please.

Ms. Wheeler: All right, we already talked a little bit about the medical marijuana, was there anything additional on that?

Mr. Zollars: Doesn't appear to be.

Ms. Wheeler: And then I believe these all kind of get into the Huber overlay. I don't know, Mr. Shook, if you want to address that.

Mr. Furst: Did we did we actually go forward with the overlay district or did we kind of replace that with the design regulations? I wasn't sure where we landed on that. I know originally there was language for an overlay district, but then there was talk of some common regulations for all residential, which might be able to resolve those concerns without having another district per say.

Ms. Wheeler: Yes, I guess my understanding was the last we kind of decided on was to essentially create this as another design review district, so to require a certificate of appropriateness within that district, any new development, any significant renovation or additions that would then trigger going to a Planning Commission.

Mr. Shook: If we can scroll down, I can kind of go through it a little bit, I think it's one page down, two pages then. So this does create a Huber overlay district. I think originally we had created the way it looked, it was going to be a separate zoning district. This creates a sub district within suburban residential. And again, this is not our landing spot. This is, again, for discussion here for a Planning Commission tonight. Recognizing some of the unique characteristics of that particular neighborhood from a design perspective and from a height perspective, mainly to try and to continue to promote that character consistency with those buildings and specifically to avoid situations like we see on Retton Road.

Mr. Hicks: Can you scroll down a little bit more? The math involved in that as a concern. And then the building heights there are existing and just kind of reading through. There are existing two story homes in Huber want and make sure that we're not prohibiting someone from being able to do that, because I think ranch style home next to a regular two story home with the appropriate height restrictions appropriate. But two and a half is kind of where the things started getting challenging of the Retton Road area.

Mr. Furst: So it does say no new building additions and improvement, etc. shall exceed 24 feet in height. To me, that would capture a two story building. But you probably look at a lot more home types than myself, but to me that seems like that would be within that height range.

Mr. Shook: I think subsection Ds might generate a bit more conversation. That's a section I put in there for conversation. It's not meant to be a final draft, but it does state and this deals with that building high transition conversation that you all were having earlier. Moving from one building to the next building to the next building. This is language that was very similar to what was previously in the building height transition language from the prior section and so this is probably more of an area for you guys to have a conversation on.

Mr. Zollars: OK, sorry on that. Going back to your earlier discussion. In theory, you could have a stair step, you could have this and then this, and then you're going to exceed it by then you could have a 10 story building. At the end of the day. With this, you can't exceed the neighbor's height.

Mr. Shook: It went under this language cap. Any new building or addition at twenty four feet with subsection D2, it would limit your ability to build a building within 40 feet of another building that exceeded the height of that building to a certain percentage. But in no case would you be able to go above twenty four feet.

Mr. Zollars: OK.

Mr. Furst: Mr. Shook, I notice here that the limit is one hundred and twenty percent an hour and RM it was one hundred and fifty. What was there any particular rationale for those numbers or was it just..

Mr. Shook: None whatsoever, just the talking point.

Mr. Furst: At least to my way of thinking. If one hundred and fifty percent seems to make sense in residential medium, I would think one hundred and fifty percent would make sense here, too. But that's just in my mind.

Mr. Zollars: Keep it consistent.

Mr. Hicks: Also, the typo in the parentheses, the 20 percent it should be one hundred twenty or a hundred and fifty, not twenty.

Mr. Cullinan: I think that makes sense because you still have the twenty four foot cap either way.

Mr. Hicks: Right. And just to be clear. Where are they measuring on a building? Is it at the front door, finish grade level up to the highest point peak of the gable?

Mr. Benner: That's basically our zoning code that should applied then.

Mr. Hicks: I think the zoning code has how we measure in there.

Mr. Benner: Yeah, it does.

Mr. Hicks: Just to back check to make sure that existing homes that we think fit within the character of that area do not exceed to twenty four feet. I'm just on a two story house with Gable out on the front of it. You know, if its 10 foot ceilings on the first floor, most of those in Huber were not. But if it's 10 foot ceilings, another 12 or 16 you're, the builder Pat. Another 12, 16 inches in between floor space and other eight to ten. It sounds close and so we could just double check to make sure that that works with twenty four if it needs to be twenty five, twenty six. We certainly don't want to prohibit somebody or have somebody put some stumpy roof on the top of the house that is outside the character. What looks good for the house just to conform to our code regulation?

Mr. Furst: Especially if it's if it's just a matter of a foot or two.

Mr. Hicks: I think we just need to double check that staff to double check that when we untable this next time. OK, so it's not up to the peak of the roof, it's up to the mid-level, so that makes twenty four feet seem a lot more reasonable the way that that

picture shows for a two story house to make sure we're not missing it by foot.

Mr. Zollars: Yeah, OK. All right. Keep going. Emily.

Ms. Wheeler: I think that might be everything.

Mr. Furst: So there was I don't know if it got circulated, everyone I think there were some design guidelines for residential zones, I think the intent was to place and maybe in common regulations. Can we make sure that everybody gets a copy of those? Because I'm sure that will generate significant discussion.

Mr. Zollars: OK, that's this package, then we have another meeting on the twenty second or something like that. That's where we're going to clean up, look at this these changes and then? OK, just make sure we're on the same page. Is that it then?

Mr. Benner: Where does it go from there? From the 22nd? It already had a first read, is that correct?

Mr. Shook: Correct. So the process going forward is that council will have a second read on July 12th. Planning Commission will conduct your public hearing and make your recommendations to council at your special meeting on July 22nd. Then council will have their third read and public hearing and vote on July 26th.

Mr. Benner: So what we've learned tonight, when we meet for the special session, we have to complete it?

Mr. Shook: Correct?

Mr. Benner: We have to come to complete agreement.

Mr. Shook: Correct. And if there's any commissioner who has any thoughts or suggestions between now and then, reach out to staff.

Mr. Zollars: When you're communicating with us, speaking for myself, maybe. I don't have time or the wherewithal to print out lines of paper. So can we give us some information so we can find what we're looking for instead of reading 40 pages? Highlight the changes or something like that?

Ms. Wheeler: I will get an updated summary.

Mr. Cullinan: No, it wasn't in the packet. It was just the minutes.

Ms. Wheeler: So I will do an updated summary of all the zoning changes and we'll get that to you along with making sure this packet's all complete. I think this is just to make sure council had something to look at on Monday of this week.

Mr. Zollars: Anything else ladies and gentlemen?

Mr. Hicks: I will not be available for the July twenty second meeting Mr. Chairman. I will communicate with staff.

Mr. Furst: I also will not be here. So if either one of you is out, then there's no quorum. So try not to get sick.

Mr. Zollars: All right. We're done. Thank you guys. Have a good safe fourth.

RESULT:	HELD	Next: 7/22/2021 6:00 PM
----------------	-------------	--------------------------------

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator