

MINUTES

CITY OF REYNOLDSBURG PLANNING COMMISSION

MAY 5, 2005

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Brad Wilson Mrs. Marlene Wirth Mr. David Wall Mr. Charles McGrath
Members Absent:	Mr. John Brandt
Others Present:	Ms. Annique van Kley, Planning Administrator

2. APPROVAL OF MINUTES OF APRIL 7, 2005

Chairman Wilson: Okay, the minutes of the April 7th meeting were distributed. Anybody have any corrections or changes to those? (No response.) Look for motion for approval.

Mr. Wall: So moved.

Mrs. Wirth: Second.

Mr. Wilson: Thank you. They'll stand as written.

3. APPROVAL OF AGENDA

Mr. Wilson: Annique, is there anything to be added or deleted from this agenda? (Negative response.) Motion for approval.

Mr. Wall: So move.

Mrs. Wirth: Second.

4. SWEARING IN OF SPEAKERS

Mr. Wilson: Are we going to have anyone that will speak to us tonight?

B. UNFINISHED BUSINESS – None

C. NEW BUSINESS

1. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: CHAPTER 1175 DISTRICT REGULATIONS – SECTION 1175.08 “SIDE AND REAR YARD REQUIREMENTS FOR NON-DWELLING USES ABUTTING RESIDENTIAL DISTRICTS” SUBSECTION (a); AND BY ADDING THE G D GENERAL DEVELOPMENT DISTRICT TO TABLE 1175.01 “PERMITTED USES AND SPECIAL EXCEPTIONS” AND BY AMENDING TABLE 1175.05 “LOT, YARD AND HEIGHT REQUIREMENTS FOR BUILDINGS OTHER THAN DWELLINGS.”

Mr. Wilson: This is before us as a review to the process by which this zoning takes affect. It is for us to review and recommend to City Council our questions or our determination. I have, from Annique, a short zoning classification memorandum that I'd like read into the minutes. “When the last zoning code changes were put into effect, there were several properties that were not considered on an individual basis. The new zoning code deprived at least one property of meaningful buildable space and we have a drawing in our packet. The new setbacks for G I require 1,000 feet of rear and side yard setbacks, effectively depriving the Dynalab property of any other additional building space. If we were to assign this property to the G D classification, it will give the property back the area the owner anticipated being able to build on when it was purchased. In addition, this classification allows for a greater variety of uses. We had initially discussed rezoning the property to the existing classification R-1, but R-1 only allows four permitted uses, and the G D classification will allow 12 permitted uses.”

I'm going to suggest that's R I, not R-1. It is R I.

“—allows only four permitted uses and the G D classification allows 12 permitted uses. Also the setback requirements for R I limited the amount of buildable space. The side and rear setback is 200' in R I. The creation of the G D district will give this property owner an equitable solution to his expansion issues.”

We have a draft document that was contained in the packet, I believe addressing this particular issue.

Mr. Beougher, I see that you're here in the audience, and as part of this, could you enlighten us at all? Or would you like to enlighten us?

Mr. Lane Beougher: (Speaking off mike.) I came as an observer tonight, but if you have questions about the _____ to Council a few years ago, I'd be willing to answer those questions. I did bring up some concerns at the public hearing.

Mr. Wilson: I heard when I sat down that a Commissioner or two might have had a question on that.

Mr. Beougher: (Inaudible). Lane Beougher, member of Council, 7991 Bellow Park Drive, Reynoldsburg.

(Mr. McGrath and Mr. Beougher speaking off mike.)

Mr. McGrath: I had a question, too, but I don't want to interrupt you. Would a Special Exception Use still be required for that property if he wants to build something on it? Any property like this. There are several around town.

Mr. Beougher: My understanding is if this goes forward and is approved, there are 12 uses that would be permitted without a special use (speaking off mike – inaudible) and there would still be six special exceptions.

I'll just kind of boil it down in a nutshell. What I had a problem with was we already have _____ classification which has a 200' minimum side and rear yard and now we're creating something in between general industry and _____ industry with a lesser setback. I'm not sure why we want to do that, why it's in the City's best interest to do that, is my concern. And the memo that I think Annique sent out in your packets from me dated December 1, 2003, Mr. James did come to our residential _____ committee meeting in the summer of 2003 and expressed some concerns with what he was _____ taking of his property. Albeit it was a lawfully enacted zoning ordinance which went through the process, was advertised, and so forth and so on, he considered it detrimental to his eventual use of the property. And I understand that and I sympathized with him. So I came up with what I thought was a solution and suggested that he have it rezoned as restricted industry. Sent it through to Council, the members didn't react to it and, subsequently, in the summertime of 2004, _____ Mr. Brandt was talking to Mr. James about some changes to design his property. He was looking for some _____ or incentives from the state, so I had Nancy, the Clerk of Council, forward this memo along with the two or three plans to Mr. Brandt and have him discuss it with Mr. James. Then it came back in the form of the general development _____, which I think was intended to be general enough, site specific, _____ that at the public hearing the Mayor did indicate Mr. James' property was the one in mind when they created this.

So I guess I would just ask you to carefully consider it. When we have a designed zoning ordinance that was carefully considered and crafted, are we short-circuiting that process _____. Charlie, does that address your question?

Mr. McGrath: I think you took part of the blame for Mr. Brandt. I think he has quite a bit in this originally.

Mr. Beougher: (Off mike – inaudible)

Mr. Wilson: I don't see it in the packet. There are four excepted uses for restricted industry and there are 12 for general development. Is it apparent that the owner of this property cannot move forward with restricted, because one of his uses isn't listed?

Mr. Beougher: Well, that's a very valid question and one that we don't have the answer to, or at least I don't have the answer to at this time. The permitted uses under restricted industry are restricted to _____, wholesaling and warehousing _____, and there's a host of special exceptions, some of which are primary uses and under the G I district and appear as primary uses under the new general development classification.

So one of the ones that I strongly object to in the general development classification is general industry _____. If we're going to have a general industry district, _____, a site that is appropriately sized. I would note, and I noted for the public hearing, that this site is abutted on two sides by residential classifications, one of which is _____ to the south and _____.

Mr. Wilson: You've noted that there are several special exceptions to R I. That seems to be a method by which we have specifically looked at uses and granted them a special use permit. And what this legislation is designed to do is not consider that, but just open it up to all the general development classifications with a smaller setback than is even in R I.

Mr. Beougher: (Speaking off mike.) That's one of the things that concern me and it would throw in more classifications than is in R I. So instead of creating something in between the two, we're actually going too far the other direction, in my mind. And I think general industry was created to contain the nasty things. I mentioned in the testimony at the public hearing, it talks about _____. It might not seem appropriate for a site of that size, it seems appropriate _____. (Large Inaudible portion - off mike.) --isn't necessarily the highest and best use for that piece of property.

Mr. Wilson: Thank you, sir.

Mr. McGrath: Didn't the Council have knowledge of what he wanted to do to that property? I heard some place that he wanted to put a storage site on there.

Mr. Beougher: (Off mike) We have heard that, too, but that doesn't appear in the _____ classification.

Mr. McGrath: Well, all he cared about was the setback part.

Mr. Beougher: (Speaking off mike) Well, certainly. You know, the exhibits are compared a couple years ago show a postage stamp size piece of land that was buildable _____. So I mean it does make this site basically unusable. I guess my point is _____ for R I either way. _____. Creating a new classification opens up to other smaller sites that are _____.

Mr. McGrath: Someplace in there I read that there's only a few other properties that are that way. The Ag Lab and a couple others.

Mr. Beougher: (Inaudible – off mike.)

Ms. van Kley: The Ag Lab does, yes.

Mr. Beougher: (Off mike) So I don't know any sites – and there is one piece of land in Civic Park that was never reclassified as special _____.

Ms. van Kley: I think the Ag Lab and the land in the park. I think those are the only two that I'm aware of.

Mr. Beougher: But as we grow, hopefully, and annex more land—

Mr. Wilson: Who knows? Precisely. Commissioners, any other questions? (No response.) I'll ask, but I don't see any, any public comment on this issue? (No response.) Seeing none.

I need to read into the minutes a memo from Mayor McPherson – I'm sorry, from John Brandt, a copy to Mayor McPherson. The subject is general development zoning classification.

“Please be advised that the Department of Development supports the inclusion of G D category in the Reynoldsburg zoning code. The subject property is currently undevelopable for commercial industrial use with setbacks requirements that resulted with earlier changes in the zoning code.”

It is our process this evening to forward this on to City Council with our recommendations, substantially a vote that we either favor it or don't favor it. Are there any – would any of us like to speak to any concern of the issue that we have before we take that vote, to put in the record?

Mr. McGrath: Move for approval.

Mr. Wilson: There's a motion for approval. Is there a second?

Mr. Wall: Second.

Mr. Wilson: All right. Is there any further discussion? (No response.) The chairman has only one point. I share Mr. Beougher's concern that we are finding middle ground for a particular application that is going beyond reducing the setbacks that can open this up to issues on other pieces of property that are, again, in a residential neighborhood, where we don't want to put noisy, crummy things in there and should not; and I'm not sure that we can control this by having this particular zoning code in existence.

It's been moved and seconded. Any other comments? (No response.) If not, Annique, please call the roll.

(Ms. van Kley called the roll. Mr. Wilson voted "No." Mrs. Wirth voted "No." Mr. Wall voted "No." Mr. McGrath voted "yes." Motion failed.)

Mr. Wilson: Okay, that will move on to Council.

D. OTHER BUSINESS

Ms. van Kley: I believe Mr. Underwood would like to introduce—

Mr. Wilson: I'm not sure his other group is here, though, are they? Oh, okay. We have one other thing that we need to do that we've been remiss in doing, and that is electing a Chairman and a Vice Chairman for the coming year. Any volunteers for the position of Chairman?

Mr. McGrath: I nominate Mr. Wilson.

Mr. Wall: I second the nomination.

Mr. Wilson: I wasn't asking for a nomination. I was asking for a volunteer.

Mrs. Wirth: You did.

Mr. Wilson: I did, okay, fine. We need a voice vote on that. All in favor say aye. (All voted aye.) Opposed, same sign. (No response.) Thank you.

Vice Chairman, I nominate Ms. Wirth.

Mrs. Wirth: No.

Mr. Wall: Okay, then I would suggest Mr. McGrath. He did a fine job this past year and I would like to nominate him for a second term.

Mr. Wilson: I second that. All in favor, signify by saying aye. (All voted aye.) Opposed, same sign. (No response.)

Mr. Underwood: (Speaking off mike.) This is Amy Elwood, our Assistant City Attorney. Amy is relatively new to the game. Any questions anybody has, call, and we'll be glad to assist. We don't like to interfere with your decisions or deliberations, but with Annique and John in house, they can come and sit down and, hopefully, hash out any questions or concerns that you have ahead of time and answer them so they make sense.

Mr. Wilson: That will be excellent. Amy, you're an attorney?

Ms. Elwood: (Speaking off mike.) Yes. I went to Capital and graduated last year.

Mr. Wilson: Fantastic. Well, it's a great career. You've got a good mentor to work with. We're not your greatest clientele, but we'll do our best to treat you better than we have him.

Mr. Underwood: (Speaking off mike.) All the Boards and Commissions are pretty well experienced. They do their job well.

Mr. Wilson: But we can always do things that are dumb and I would appreciate, as I've always said to him, if you're here and you hear something that I've said or someone else has said, that's not going to fly, please, you're more than encouraged to raise your hand, come to the mike and say, "Gentlemen, that's ill advised due to whatever," and that will just keep us from doing something dumber. So any time you'd like to do that, that's fine. Thank you.

E. ADJOURNMENT

Mr. Wilson: Having no other business, we stand adjourned.

The meeting was adjourned at 6:55 p.m.

Annique van Kley

Brad Wilson, Chair

This document was transcribed by:
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