



MINUTES

PLANNING COMMISSION THURSDAY, MARCH 12, 2020 6:00 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Planning Commission – Regular Meeting – February 13, 2020

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst

B. PUBLIC COMMENT

Mr. Furst Please state your name and address for the record.

Ms. Reed Sarah Reed, 7823 Jordan Crossing. Good evening, I ask as you contemplate the zoning plan and code for presumably referral to council that I wanted to ask each of you the following questions. In your mind, is it complete? Have you each read the latest version in its entirety and had an opportunity to comment and have your comments been addressed to your satisfaction? Have inconsistencies within the document been addressed? And is a completed accurate copy available for public review? Thank you.

Mr. Furst Any other public comment? All right, I'll take that as a no.

C. UNFINISHED BUSINESS

1. An Ordinance to Repeal and Replace Chapter Eleven - Planning and Zoning Code for the City of Reynoldsburg, Ohio

Ms. Wheeler Please state your name and address for the record, right?

Ms. Reed Sarah Reed, 7823 Jordan Crossing. Good evening, I ask as you contemplate the zoning plan and code for presumably referral to council that I wanted to ask each of you the following questions. In your mind, is it complete? Have you each read the latest version in its entirety and had an opportunity to comment and have your comments been addressed to your satisfaction? Have

inconsistencies within the document been addressed? And is a completed accurate copy available for public review? Thank you.

Mr. Furst Any other public comment? All right, I'll take that as a no. If you'd like to speak, Mr. Shook, feel free.

Mr. Shook Well, I think we'd all rather not be here tonight. A member of council approached the development director and myself about some changes that he wanted to make to the zoning code. As you know, we've had two work sessions with council, but since this is a 300 page piece of legislation, certainly things can get missed by certain members in their individual review. And in this members review, he had requested that we make some changes to a couple of different sections. And probably the easiest one to address would be listed conditional uses under suburban residential. One of the conditional uses is for a cemetery. I don't think anybody would disagree. That cemetery is probably not a consistent, you see in suburban residential district. So that seemed to be a fair request to take that part out. Another request was to add a mortuary as a permitted use in the old Reynoldsburg commercial district. And the options there would be to have that either as a permitted use or as a conditional use. The third request was to amend the zoning map. There are a couple of parcels on Taylor Road that are at this time proposed to be residential medium. I'm sure most of the people here on planning commissioner are now aware that there is a project that is proposed for those parcels, and that project right now would not be a permitted use under a suburban residential district, but it would be a conditional use. And the council member asked that we zone those two parcels as suburban residential rather than residential medium with the anticipation that we would create a conditional use permit for the proposed development that's been presented. Obviously, Planning Commission doesn't need to go with any of these requested changes. At this time, it is just one council member, but we thought it prudent to bring it to the Planning Commission's attention for care and consideration, because that particular council member probably will not support the zoning code as it is currently written. So we thought we'd bring that to your attention.

Mr. Furst Did you want to make any comments?

Mr. Bowsher Thank you. So with that. Thank you, Mr. Shook. Those were the three items that was brought to the city's concern. And we thought that if we were going to have a special meeting, then we might as well utilize it and take care of any additional things that we could potentially foresee as being problems down the road. And let's tweak them and let's make it a real meeting that's worthwhile. So we do have a couple of additional things that the city would like to see put into consideration and added in there as additional conditions to be changed. Calfee is very much under the same assumption that these could be very easily changed and they approve of these and they have basically two 2 documents ready to go. One with all of the conditions made as of today and one without. So going down this list that Emily had provided, thanks so much. So as attorney Shook had mentioned five,

six and seven. But we will talk about one, two, three and four. So no one was to amend Section 1101.19 effects of annexation on the zoning. I know I have spoken to a few of you about that. I have printed off what we are proposing to push it towards. The goal of this is to not require a developer going through the annexation process they have already submitted a development plan in amongst that annexation. So City Council's approving basically the annexation as well as sort of the development of sort of a whole in that incumbents. What it stands now and it wasn't really clear was that once the annexation happened, they basically had six months to submit a development plan to then zone it according to what they were proposing, and then they could start the major site plan. The problem with that is it makes it very cumbersome and it delays the process when everyone is already under the assumption of what is going to be developed. So the goal and the language that oversees this is, in that annexation process, it grants the power to the planning and zoning administrator to make sure that those get zoned appropriate to the uses that is why it's being annexed. And the remainder of the annexation procedures remain the same. If it's an agricultural use or if it is a suburban residential use, it will just automatically go to suburban residential. If it is a government owned entity will automatically get zoned open space and so forth. So the only one that got changed and I can read off exactly the changes, then we can we can talk about that.

So A stays the same. B is the large set change. So A would stay the exact same B is the one that gets changed and I'll go over that here in a second. C stays the exact same. And then D basically flip flops with B, so B becomes D and it says it as this; except for land annexed in accordance with a above annex, land may be incorporated into one or more zoning districts, provided the applicant files a development plan satisfying the requirements of Chapter 1109.23 that depicts the proposed zoning classifications for the annex land. This covers the basis so they don't have to go to city council twice for the exact same thing.

Mr. Hicks I got a quick question. So that language is going to be incorporated into B or you say D is now moving up to section B?

Mr. Bowsher So D will now be B, B goes to D. And it goes over exactly what I just said verbatim. The text was drafted by Calfee. So can I have this here and I will pass this down.

Mr. Hicks So the language in Section B is essentially changing?

Mr. Bowsher Correct.

Mr. Hicks And it's going to allow so that if somebody is bring in an annexation into the city, city council is going to review that annexation. In the event they approve that annexation, the zoning is coming at the same time rather than being two different processes.

Mr. Bowsher Correct. Why we wanted to do that is a lot of times when we do

annexation is typically it's hundreds of acres at a time when we're talking about large scale developments. So we've not parceled them off independently. What we didn't want to do is we didn't want to have to come back every single time to rezone each individual parcel, which just delays the whole development process. So when they submit an annexation, we will require them to have a pretty general concept or development plan, at which time our planning and zoning administrator will ensure that when those do get parceled off, that they match to that development plan. It also coincide with the major site plan that gets approved by planning commission. So there will be redundancies, but it won't be in an elongated process of three readings and then another three readings at city council. So it kind of stops the redundancy of that of that nature.

Mr. Hicks OK. I don't have any problem with that. I mean, I think that's an appropriate way of handling it. Annexations can be tricky and it's sort of different processes and you really don't want something. And if the city has a great opportunity, come up for some job creator to come up with the parcel needs to be annexed into the city and then to create that uncertainty of, well, it's got the property is going to get annexed, but you don't know if you're really going to get what the ultimate use is going to be on the property. You can really foil something like that happening is just another obstacle. So I'm fine with that. I mean, I think is definitely going to have their opportunity to have a say in something and I'll be able to negotiate everything that needs done at an appropriate time.

Mr. Bowsher Of course. Exactly. So that was item one. Item two for some reason we had we did not put in a standard parking signs. We talked in detail about parking and we did not put the ideal standard parking size. We will keep that and roll that over from the existing code, which is a 9 by 18 for Section 1105.01, parking loading design standards. So we just never called out the exact dimensions. So we want to make sure those got put in there.

Mr. Hicks That's pretty common just about everywhere you go. Nothing more exciting than a standard parking size spot is 9 by 18. But I'm glad we're defining that and catching that here.

Mr. Bowsher And the number three lists the child daycare center as a conditional use in the innovation zone. We currently have three child daycare centers within the innovation zone as it stands. And we just want to make sure that that wasn't a cumbersome non-conformity. I think that that use based in its entirety, we're not talking about a home occupation, home daycare. We're talking a full day care center rec space type thing. We feel that that fits well with an innovation zone. We still wanted to have a little bit of conditional use up to the discrepancy of the administration. So we just like that to be admitted and put in there. I think it was just more of an oversight.

Mr. Hicks And everywhere that there's the innovation zone, where that's going right now compared to our current properties, those are all commercial areas that are

existing. You're not taking any current single-family neighborhoods making them innovation zones. So there's no opportunity for an issues with that.

Mr. Bowsher Correct. Yeah, and we also made sure that we would amend the language, which is actually number four. So by doing this, we wanted to make sure that child daycare centers were not going to be put next to manufacturing plants, gasoline stations and things of that nature, noxious fumes and what have you. Also, we wanted to make sure that these child daycare centers were protected, that a gas station or something like that could be located within 150 feet of the proposed use. So we want to just make sure that we amended that section as well to coincide with number three. And I know we went over 5, 6 and 7, and I'll leave that up to you to discuss openly amongst yourselves. I do want to let everyone know, just to be clear in this function, your conditions from last time are still valid. What you will need to do is make a motion to amend your recommendation and then you will then make a new recommendation and then vote on that.

Mr. Hicks We want to go through the rest of these.

Mr. Furst Yeah. I'm glad. I'd be happy to hear discussion or a motion or whatever you like.

Mr. Hicks Number five, cemetery. I mean, I can understand some folks concern, although generally cemeteries make quiet neighbors. I kind of understand it. I don't think it's that big of a deal. But if we're in here cleaning stuff up, I don't think that's that big of a problem. Mortuary is a permitted use in old Reynoldsburg. I understand, just trying to boil that all the way down to, is a mortuary an appropriate use within old Reynoldsburg? I say, well, you know, we've had a mortuary in old Reynoldsburg for a really long time and I think it's always been an appropriate use there's, it's my neighbor and I don't have any problem with it. So it sort of surprised me that it wasn't a permitted use. I don't know if we want to make it a permitted to use or a conditional use. I'm fine either way. Then my thoughts on number 7 would be that, in the current plan, we thought that was an appropriate spot for a residential medium that's between single families and existing form of multifamily and commercial Kroger right there on the corner. So I think it's an appropriate use. And I feel pretty comfortable that the current application that comes through, that's probably about the highest and best that we could hope for in that spot would actually finish off what I would consider a failed development and would be fantastic. So those are my thoughts on those ones. I did have a couple of others, but we want to anybody any other thoughts on those ones?

Mr. Furst Well, personally, my opinion on items 5, 6 and 7 I'm personally fine with removing the cemeteries, a condition I use in suburban residential. As far as the mortuary, it's my preference. I realize we do have an existing mortuary in old Reynoldsburg, but if we're going to have one there to be a conditional use. The point is owning as to his own for the development pattern that we are looking to achieve, not what's existing there. I would hate to allow this as a permitted use and suddenly

all the businesses on Main Street become mortuaries. I know that seems, not very likely, but that is that would be permitted at that point and that would be a gross oversight here. So I think if we're going to allow it, it should be conditional only. And as far as seven, we zoned the parcels there on Taylor as residential medium for a reason that fits the intended purpose. Even envisioning that development would be finished at some point in time. That was the intention when we zoned it, I would prefer to keep it residential medium.

Mr. Benner I tend to agree with you on five and seven. As far as six is concerned being a permitted use. I think you could drive through any local community, especially if you get out a little bit and every little walking old Baltimore, Lithopolis, where ever there's always a mortuary. It's usually a nice old home located within the confines of the central city. I don't see any reason why I shouldn't be permitted. I'm not an attorney. I think there might be one present. If it's a conditional use does that affect the future purchase of the land and the ability to sell that? If it's nonconforming, what does that mean going forward? Beyond what it's being used for right now.

Mr. Furst If it's if it's conditionally allowed, it would be granted in. So there would be no nonconforming use at that point.

Mr. Bowsher Correct. It would be an allowable use. It would just be up to the planning and zoning administrator to add that conditional use. It would not affect, in my opinion, the resale value of that because it was still an allowable use. In fact, they could still make modifications. However, I want to make this very clear that regardless what goes into old Reynoldsburg, it will have to become before this planning commission because it is in a particular district that requires a certificate of appropriateness. So regardless what anything is zoned, it will have an additional level of oversight because of that. If it was a nonconforming use or even a permitted use because of the parking requirements, and that particular business that's located there now and that particular council member that owns that business, that individual would have to go before BZBA to get a variance on parking requirements. Any time he would change the structure, he would then have to get a variance to change that, which is no different than what the nonconforming use would be. I understand that we want to make it easier and we don't want to make a hardship. If we're going to allow it as an allowable use that we do put a condition on it. So there's another level of oversight. The last thing that I want is two buildings down as Mr. Furst had said, somebody opens in the future and things of that nature. We certainly need to be forward thinking and a permitted use just straight out the gate, just doesn't seem like we're doing our due diligence here. It certainly is not the character that we're trying to go for in the downtown as continued businesses concerned. However, if anything changes, it still has to become before this committee and then in this particular case, it would have to go through BZBA regardless whether it was a permitted use or not, because of parking. So that's already happening.

Ms. Wheeler I would just add to that also that the so the legal non-conforming really

becomes an issue when you are selling a property in the lenders take issue with the fact that it is a non-conforming use and that's usually when the problem starts. But if we if we issue a letter saying basically that we would allow this structure to be rebuilt in its current form, we usually let them know what our damage threshold is. They're usually fine with that.

Mr. Shook Three different options that are available for the planning commission, so if you were to leave the permitted and conditional uses in the old Reynoldsburg commercial district, the same. The mortuary that is currently there would be able to stay. It would be a nonconforming use that could maintain its current use. If it expands its use beyond a certain point, they would need to come back to the BZBA. If another mortuary wanted to open up in that district and it wasn't a conditional use or a permitted use, they could still possibly do that, if they obtain a variance. So the options are still there and they're still available without making any changes at all. If it's a conditional use. That's probably in this situation probably more symbolic than anything else. Just because it's not going to make any significant changes, the property would still be able to continue its current use unless it expands, at which time they need to come over to the planning and zoning administrator, then to the BZBA and possibly request a variance to address other potential non-conforming uses on that property. So it's more symbolic than anything else. If you make it a conditional use, for that property. If you make it a permitted use, then at that point it's not really that property that you're worried about. It's the district. You're essentially saying that this is appropriate throughout the entire district. So that's the difference between the three options that you face. In terms of property value. I can't really get into that. Real estate's probably more your area of expertise, Mr. Benner than mine.

Mr. Benner So I guess my question is what we're talking about. Is this a conditional use we make it or do we make it permitted? Which would leave it alone as it is? And our objection or the objections I'm hearing is we may have a rash of mortuaries built on Main Street.

Mr. Furst There would be no recourse if that was proposed. We would have to allow them if it was a permitted use under the code.

Mr. Bowsher I also think that if we're going to clean up it, we should probably take a look at the other districts that do allow. So the main street district, actually, both inside districts, both East Main and Brice and Main, both allow it as a permitted use. Which I don't think it conforms to the typology that we're going for. I don't think I see any high density, along transit oriented, and mixed use funeral homes. So if we're going to change it there, then we should probably take a look at that as well. So if we're going to make it conditional or permitted, then we probably should take a look at that and probably should stricken it altogether from the Brice and Main District.

Mr. Benner That's another change that's not included in these changes?

Mr. Bowsher No, but it was when this was brought up, it was discussed.

It was discussed if we were going to add it as a permitted or a conditional use in this old Reynoldsburg commercial district, whether it might be appropriate then to remove it as a permitted use in another commercial district. Again, that's a policy decision. That's for you guys and council.

Mr. Furst I mean, to be clear. A lot of the changes that we're making to the zoning code are because there was for lack of a better term, a lack of imagination. And they did not foresee the uses that we currently use development for now. So it would be, in my mind, a pretty grave error for us to allow a development typology that is non desirable if we can't prevent it.

Mr. Hicks Where I'm at on it I s that I'm in favor of making it a conditional use with an old Reynoldsburg. It'd be a permitted use on the Main Street district. I'm OK with that. I think the size of those lots and everything, I think that works. I would I would be in favor of removing it from the Brice and Main District just because it seems like that's where a lot of the focuses for the density. And a little bit more mixed use kind of uses. It just doesn't seem to be the right fit there. So just kind of cut it right down the middle. That's where I kind of see that land and I think I feel pretty comfortable with that.

Mr. Benner That leaves us with number seven. If we have any agreement at all on number six, I guess.

Mr. Shook I can give you some background on the number 7 issue, because I would say that this came up more as a result of my honest answer to real questions that were presented by a member of council. I was asked about the project that was proposed for those Taylor road lots. I was asked if there's any guarantee that we would have as a city that that's the project that goes in there. And my honest answer is, no. There is no guarantee, as happened before, the developer could decide not to go forward, even though they put a lot of work into the planning phase. Then I was asked, well, is there anything that we could do as a city to more closely guarantee that that's the project that goes in there? And I said, well, I don't know if I'm brainstorming. I suppose you could zone a suburban residential. Then they would have to apply for a conditional use permit for attached residential buildings. And at that point, you'd have more control over what project you want to approve for those particular parcels. That would probably be the closest you could get to guarantee that particular project. So I would say the fact is, is even that raises an issue is probably more my fault than anything else. But I felt like those were appropriate answers to those questions.

Mr. Furst To be clear, Mr. Shook, even if we were to approve the proposal as currently envisioned, they could still decide not to move forward. Correct?

Mr. Shook Correct. And I do think it's important to note, in case you haven't considered already, and this is, again, not me trying to encroach on your policy

decisions. The residential medium district does have density requirements, so it's not like anything could just come in there. Due to the efforts of Mr. Benner, we could put some density requirements in there.

Mr. Hicks One other thing. Even if it does become medium residential, or stays residential, meaning that's what we technically have it as. And this particular applicant they would still have to come before planning commission for a major site plan approval. Right?

Mr. Shook They would, of course. But as you know, your discretion would be somewhat limited at that point.

Mr. Hicks I think we've added in residential medium and I think it's an appropriate use for residential medium. I think that we're going to end up with what somebody is already applied here. And it's going to work out great that we're going to finish off a failed condo development that, we really spent a lot of time scratching our heads of what was going to be the best use of that land two three years ago, whenever that was, and trying to figure out how do you merge a failed development and a dead end road and a shopping center and retail, that'll probably never happen. So I think I think this is going in the right direction. I don't have any problem with residential medium.

Mr. Furst Yeah, I mean, I agree with that as well. I mean, there are similar developments in Pataskala and other places like that, that face the same problem. And for us to basically get the exact completion that was originally envisioned is really a best case scenario.

Mr. Bowsher I concur. I would say. I'll leave it up to you guys to make the motion on that, but I didn't want to bring up that. Mr. Hicks had had brought up another thing that I thought was really important, that we should also just go ahead and make as well

Mr. Hicks We're going to start working on numbers eight through fifty seven tonight?

Mr. Bowsher Yeah, whatever. Do you want to just talk a little bit about each one?

Mr. Hicks I didn't want to not take the opportunity to read through some other things. Reverted language is kind of a hot button issue in zoning in multiple municipalities and I've seen it. I kind of understand why it exists. But basically, we have it in our in our code right now. It's something that we discussed before. And I apologize. I missed it last time it came through here because I would have made a got on a soapbox about it then. But revert language in our code; after this is passed. If somebody wants to change the zoning on a parcel, they would go through that process. The zone changes from suburban residential to innovation district or whatever. And what our code says is basically after that zoning is done. You've got to start your project within two years or else it reverts back to the old zoning. And

there's some question I'm not an attorney, but there's a lot of people that believe that that's unconstitutional. Ohio's constitution, is Ohio's constitution, if you're going to zone a property, you have to go through a process. And we've all experiences. You have to have a hearing. You have to give notice. And with this one where the reversion happens, none of that process happens. It just all of a sudden is supposed to snap back. I think it's a problem administratively keeping track of what's reverted, what hasn't reverted. I think having a timetable on something like that's not necessarily wise. Zoning should be a long term thing. We're talking about land use. We're not talking about individual site plan stuff. We're not talking about where the entrances and things like that. We're talking about whether that use is appropriate for that area. So I think to think in a 24 month cycle when development projects take more than two years generally to get going anyway just doesn't make a lot of sense. So I'd like to remove the reverted language from section 1109.23. It would be the last sentence in Section M and then all of letter N. And that's just about that 24 month requirement. And then one other clean up thing was in the section just above that about the same process. Our old code had a joint meeting that we would have between council and planning commission and we removed that like three years ago. It's one of those just drafting things that ended up rolled up into. And we don't want to do that because those writings were useless and it just clogged up the time, slowed it down by another two weeks and we didn't do anything in those meetings. So the way it should be, the way it is now, which it submits, I think it gets a reading at council and then our public hearings at planning commission. Then it would go to council.

Mr. Bowsher It starts here. Technically, you make the recommendation then it goes forward.

Mr. Hicks Then it goes the council. That's what it was before it would go to council. Then they would set a joint hearing, have another joint hearing. Then it was a planning commission. Then it would go back to council.

Mr. Bowsher Right. Very, very slow.

Mr. Hicks So we're going to reverse that and go back to what it was.

Mr. Bowsher Yeah. For some reason. And all of your changes that you made here tonight I went ahead and sent off to Calfee so we could get those made up. These are really good changes that need to be put in there. And just to be clear, Mr. Hicks is talking about specifically a zoning. So if somebody is going through the process and paying the money to get something rezoned, it's not going to revert back. It's going to stay as that zoning? However, what would revert back is that development plan. If they decided not to build on the property and they couldn't get it built after two years, that makes that development site plan, the major site plan null and void. And they would have to resubmit and go back to planning commission at a later date to get re approval to go ahead for with another development plan. Or if something happens, they have to sell it and things of that nature. So it's a cleanup item that we

think makes things pretty clean. And in fact. It's something that we actually found that happened on those Taylor parcels. So we just want to make sure that doesn't happen just because currently in our current zoning code, it still has the old ones, even though they reverted back to a different zoning. So just want to make sure that doesn't happen. Hopefully we don't have anything that happens like that in the near future. But as Mr. Furst pointed out, we're here planning for the future and we don't know what that exactly holds.

Mr. Hicks I guess those would be 8 and 9. So I don't know if you guys had any comments on 8 or 9.

Mr. Furst I think there's a very reasonable changes. And thank you for your due diligence.

Mr. Hicks A lot of fun. Nothing else to do. Everything's canceled. So if we do this, are we able to go through and just vote? Like have like instead of trying to do this as one big motion with each one of these? Let's see, can we vote on each one?

Mr. Bowsher Can we do a consent?

Mr. Shook I think that the best course of action would be to reach, if you can, some type of consensus as to the changes that you're going to make. Then what you do is you can make a motion, you can bundle them all up into that motion to amend it, send it back to council with recommendations to make those changes. And I do just want to get clarification. Mr. Hicks, on your request here. So we're under Section 1109.23 and so we would be looking at subsection E and subsection N for potential changes. Is that right?

Mr. Hicks Yeah, subsection E's the one that has the joint meeting and we basically we just need to match the most recent version of that same section within our current zoning code because that was changed three years ago.

Mr. Shook Okay. Would your request be that that public hearing take place before council? The charter now requires a public hearing before council on any zoning amendment. And so to be consistent with the charter. I would recommend at the public hearing be held before council.

Mr. Hicks I thought on like rezoning, I thought the public hearing section was at planning commission.

Mr. Shook Not under the charter. The charter itself requires that public hearing to be held before council.

Mr. Bowsher I don't think that stops our process. It still comes to planning commission, but the public hearing would happen on one of the council Meeting.

Mr. Hicks So first or second reading at council or whatever.

Mr. Bowsher Correct.

Mr. Hicks Okay, that makes sense.

Mr. Bowsher Yeah, but it would still come here first. You would make the recommendation. That recommendation would go to city council, one of those public meetings, because we have to have a 30 day window as we found out now moving forward.

Mr. Hicks On a public hearing?

Mr. Bowsher Correct.

Mr. Shook The other procedural difference between these changes, our current code and our current charter and remembering, of course, the charter controls over everything. Is that under this proposed change, the public hearing would take place after first reading. Right now, it doesn't indicate at what read that public hearing would need to take place before council. So this specifies that the public hearing would take place after the first read. So it wouldn't even be set until after that.

Mr. Furst Would you mind clarifying your recommendation?

Mr. Hicks Well, I think my recommendation would be that we just have it the way that we have it now not and I would try to go through in our old code before the meeting and surprise, I can't find that section because it's impossible to work with.

Mr. Shook Right now, the charter and the code on zoning changes is not particularly harmonized.

Mr. Hicks I got you. So. OK. All right. So and the charter says. Can you repeat that? Chris, what that process needs to be per the charter?

Mr. Shook Yeah. So per the charter zoning changes, which are under the charter initiated by either council or the planning commission, then must be subject to a public hearing before city council with at least seven days' notice. Now, we talked before about the notice provisions and how the charter itself may have some issues in conflict with the revised code, but that's currently what the charter requires. It requires that public record for council.

Mr. Hicks So we could have the process that it starts with a meeting planning commission, which is a recommending body, makes a recommendation to council that for first or second or even the third reading technically a council, any one of those readings that council could count as the public and be executed as a public hearing.

Mr. Shook Correct.

Mr. Hicks OK. So we just need to make subsection E to reflect that process.

Mr. Bowsher I think the quickest and probably easiest way to add that is just to say subsection E conforms to the current charter as it reads, would be the easiest.

Mr. Shook I would say that the best the best recommendation here would be to say to that to recommend a change that subsection E to section 1109.23 be redrafted to confirm as closely as practicable to the current code and charter.

Mr. Hicks That eliminates the joint meeting between planning commission and Council?

Mr. Shook Yes. And I think that's absolutely an appropriate request. We don't even have enough seats up here for all planning commission and council.

Mr. Bowsher No, planning commission used to sit right there. Council is sit up there. They never got up. They just kind of had a meeting and they had another meeting and then went to a planning commission.

Mr. Hicks OK.

Mr. Shook And then on just to be clear on subsection N. And so what we would be doing is that. And as you probably know, our current code does have a process by which when an applicant comes in with a development plan for a zoning change and then they don't break ground or obtain that zoning certificate or a building permit, it's going to revert back. And Taylor Road, actually really good example of that, that technically right now one of those Taylor roadblocks that was never developed under that prior development plan is actually suburban residential right now, because when it was annexed into the city, that was its default zoning designation. So it has reverted back to that. R-1, correct. So when you talk about some of the administrative difficulties of keeping up with that reversion process, our map does not accurately reflect that parcel.

Mr. Hicks If we're if we're talking about what's the best way to fixing a broken project like that, creating another obstacle, that now you have to go back and get your project that you already had zone three years ago now zoned again for the same thing in front of a public body. It doesn't help the situation.

Mr. Shook So I would say and again, this is probably me stepping out of my lane just a little bit. And I do that from time, is that you may subject yourself to a sort of Trojan horse routine where someone could come in with a development plan that might be palatable, the planning commission, but they have no intention of following through on it. They get the zoning change done at city council level and then they

pull the plan and come in with what they really want.

Mr. Hicks Well, just to weave through that. So they would, you know, like an annexation coming through. It would come in with zoning. OK, we need to be fully aware of what we were narrowing their zones down pretty well. You know, there's not very many. So is, you know, suburban residential and appropriate use next to another suburban residential? Well, yeah, probably. It would still have to bring a major site plan process. It would just be there then has to conform to all the other rules and sort of design requirements within with honor within our code. I just think when you get down to whether the uses an appropriate use, I don't think it's any problem for, somebody that owns a piece of property in town to go get their zoning. And then, it may be 10 years before the right situation comes up to be able to develop the property. You know, our zones are fairly simple. And if we think that two zones are appropriate, land use is next to each other, then the answer to the zoning is no at that point. Right. That's the whole purpose of that. So I don't have any problem with something being zoned and sitting for a long time because that happens all the time.

Mr. Shook I don't have a problem, actually make sure we're clear that so. So if we go that route with it, like the question that I was presented with before, is there anything we can do to guarantee that project? My answer at that time will also be no.

Mr. Hicks We can't guarantee anything.

Mr. Bowsher I do want to make it clear, because I think maybe some of the residents on Waggoner Road maybe have missed the previous planning commission, but we did go out and just as a second time on the record, the parcels that were in contention on Waggoner Road have already been transitioned over to suburban residential. So that will not be an added on condition to this to this body here tonight.

Mr. Furst Mr. Benner, did you have an additional question?

Mr. Benner I did, and I'm relatively new here and I'm prone to inappropriate things, but there are several members of council here. Typically, when this is set to council, they do it with recommendations would anyone from council care to comment?

Mr. Shook I want to be real careful their first second? How many are there? Too many.

Mr. Benner One might have to leave? There was no recommendation from them or suggestions, and I just wondered.

Mr. Shook I had not received outside the suggestions that I already referenced any other suggestions either from members of council or from members of the public.

Mr. Furst OK. Also, it seems like we are looking to make some changes.

Mr. Bowsher Yeah, we said we're going to take advantage of what we had. Was there anything else as far as planning commission? I know that there was some other stuff that we had previously discussed that maybe.

Mr. Hicks Well, I think it'd be a good habit for us. Every 12 months you to do a deep dive, read into everything and propose, you know, two or three changes. Each of us have our homework, you know, propose two or three tweaks and changes to continue the upkeep on this. Like I said in the last meeting, we can't just pass it, put it on a shelf and think that everything's going to be great. This is going to require maintenance and we need to be active with that. This is just our first chance already and has it even right now.

Mr. Bowsher And I can only agree. I mean, just wholeheartedly on that. That's what was wrong with that 1969. The only changes that were made were knee jerk reactions that were based on patterns that they didn't want to have in the community. This is just as much a living document as our comprehensive plan. And we're only as good as this binder here. So we just want to make sure that we're updating it as we need to find my.

Mr. Furst I'm willing to entertain a motion to amend.

Mr. Shook Well, let's before we do that, I think it might be appropriate to list out specifically what changes we're making before we make the amendment.

Mr. Hicks Can we sort of just package like you go through discussion and come to a conclusion on each one without voting on it and then kind of make that a package of amendments and then just make the motion as simple as, I move that we adopt ne through nine as discussed?

Mr. Shook Yes. I think that's appropriate.

Mr. Bowsher So let me get a verbal sort of commitment for we do the amendment. I'll just go down the list on one and I'll read it off as what I felt like was the consensus, I guess, in the conversations. Number one, we're good with this? As written. Two good, three was good. Four was good. Five was good. Six was half. OK, we were changing permitted to conditional.

Mr. Hicks I'm good with conditional and old Reynoldsburg permitted on the main street district and removed as an approved use within the Brice and Main District.

Mr. Furst Okay, I'm supportive of that. Yes sir.

Mr. Hicks So the mortuaries would be a conditional use and the old Reynoldsburg commercial district, which is where the biggest one is now.

Mr. Bowsher Yes. The other one would be permitted because it's on the east main district out near the cemetery.

Mr. Shook That's already permitted and it's already permitted.

Mr. Bowsher So that's not a change that we're leaving that same. The only other thing that would be changed is we were just striking it out permitted or conditional and making it non-conforming if there was one. But there's none. But we're just not allowing it to be built in the Brice Main District.

Mr. Hicks Right. Like the old K-Mart site. I don't think it's our desire that the whole Kmart site be developed with the mortuary. We've got other we've got other plans. So that's my thought. Keith, what do you think?

Mr. Benner Inaudible

Mr. Bowsher OK. Seven. No. We're not going to change that. So, we will strike seven, eight and nine were the two changes that Mr. Hicks had brought forward. That was the changes that Attorney Shook had made. I think since it's already on the record, we'll take his recommendation on the language for that for subsection E, we will strict in subsection N off of there as well.

Mr. Furst That's number nine?

Mr. Bowsher Well, it would be eight and nine.

Mr. Hicks So eight is removing section 1109.23, subsection M and N, and then nine would be removing or changing the language to subsection E, as we had discussed before on the joint meeting meetings.

Mr. Bowsher Yes, to form as closely as possible to the chart.

Mr. Shook I don't think that you want to completely remove them. I think we know he's saying that you would be taking out the last sentence.

Mr. Hicks Yes. It would be removing the last sentence of subsection M and removing the entirety of N, because it seems like N just sort of follows along with that last sentence of M.

Mr. Bowsher Correct. I really should have been combining efforts. And then E, We will change in accordance to the language of Mr. Shook had provided.

Mr. Shook You, which is to make it as close, as practicable to our current procedure.

Mr. Bowsher So we'll call that eight and nine.

Mr. Hicks OK. Good with all those?

Mr. Bowsher So we will we will not be voting on 7. We're just we're not even going to consider that.

Mr. Hicks Seven is stricken.

Mr. Shook It would just be recommendations of one through five. Six would that mortuary would be a conditional use, an old Reynoldsburg commercial district, as well as removing a mortuary from the Main and Brice district. Then eight nine.

Mr. Hicks So at this point, we can just make a motion?

Mr. Bowsher To we have to make a motion to amend your recommendation.

Mr. Hicks From our previous? And these are in addition to the conditions that we recommended in the previous meeting.

Mr. Bowsher Correct. Which have already been made. We don't want to pull those would keep those the same. We're just adding to you reminding your current recommendation and then you will vote on that recommendation.

Mr. Hicks Mr. Chairman, I'd like to make a motion. I'd like to move that we amend our recommended prior recommendation to City Council for the rezone and add these conditions as discussed and agreed to in this meeting to are conditions from the prior meeting and send it back to council.

Mr. Furst So you have a we have a motion to amend and a motion to add additional changes. Do we have a second?

Mr. Benner I'll second

Mr. Furst Second by Mr. Benner. Would you call roll, please?

Ms. Wheeler Mr. Benner? Yes. Mr. Cullinan. Yes. Mr. Furst. Yes. And Mr. Hicks. Yes.

Mr. Shook Then what you want to do is you want to make a motion to send this back to city council with a recommendation to approve the zoning code with the recommended changes.

Mr. Hicks So we needed to make a motion to amend it. I got you.

Mr. Furst All right. OK. Well, someone like to make that motion.

Mr. Cullinan I make a motion that we send this recommendation back to city council for approval with our recommendations.

Mr. Furst Thank you, Mr. Cullinan, do we have a second?

Mr. Shook I think it's going to be pretty clear from the minutes that it was moved to send it back to the council with the recommendation to approve the zoning code with recommended changes.

Mr. Furst Second, the second by Mr. Brenner. Please call the role.

Ms. Wheeler Mr. Benner Yes, Mr. Cullinan. Yes, Mr. Furst. Yes. And Mr. Hicks. Yes.

Mr. Furst Thank you. All right. With that. This meeting has ended 652.

D. NEW BUSINESS

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator