

MINUTES
CITY OF REYNOLDSBURG
PLANNING COMMISSION
JANUARY 14, 2010
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

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

2. APPROVAL OF MINUTES OF SEPTEMBER 3, 2009

Chairman Comeaux: The approval of the minutes from September 3rd. I believe everyone received a copy in their packet. Are there any additions, deletions, corrections to those minutes?

Mr. Wall: I have none.

Mr. Comeaux: Hearing none, they'll be approved as distributed then, if that's okay.

3. APPROVAL OF AGENDA

Mr. Comeaux: Similarly, with the agenda, everyone should have received that. Actually, you know I said January 7th. I apologize. It is January 14th.

Mr. Domini: Charlie has an item to add.

Mr. Comeaux: Okay. We have an item to add to the agenda, is that right?

Mr. McGrath: That's correct. We have a discussion on a Nuisance Abatement Board being assigned by the Mayor.

Mr. Comeaux: Okay. So we'll put that as Item C-2 then I take it?

Mr. Domini: Make it D-2.

Mr. Comeaux: D2? That's fine. Yes, that's good.

4. SWEARING IN OF SPEAKERS

Mr. Comeaux: Is there anyone here to speak -- if I could just-- Did you sign in, sir? Okay. (Mr. Comeaux administers the oath.) Are you here, sir, to comment on the New Business, Item – which is—

Unidentified Male: Yes.

5. PUBLIC COMMENT

Mr. Comeaux: Okay. Yeah. I'm not sure we've had this since I've been Chair. Do we have him give his public comment now or do we have him give it—

Mr. Haire: No. This is on anything that's not on the agenda.

Mr. Comeaux: Okay.

Mr. Haire: Is there anyone here to speak on something that's not on the agenda? (No response.)

Mr. Comeaux: Okay. Fantastic. Thank you for leading me through that.

Mr. Haire: No problem.

B. UNFINISHED BUSINESS - None

C. NEW BUSINESS

1. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 1187.06 "Special Provisions for AR-1, AR-2, AND AR-3 Multiple Family Districts" OF CHAPTER 1187 SPECIAL PROVISIONS FOR RESIDENTIAL USES; AND AMENDING TABLE 1175.03 "Lot, Yard, Height Requirements for Dwellings" of CHAPTER 1175 DISTRICT REGULATIONS.

Mr. Domini: I can give a little introduction.

Mr. Comeaux: Please do.

Mr. Domini: This amendment that you have before you focuses on the Multi-Family Districts. I believe there is, as of recent, some concern of the City that we have given a lot of attention to our commercial corridors, amending some of those code provisions to improve the standards in those areas and we're seeing that some of the multi-family areas are definitely showing their age and when we see things redevelop, we want to insure that those properties and those districts are redeveloped in a way that

meets the same standard that we're applying to some of the other districts. So a lot of what we've done here is to start to apply the same – some of the similar provisions we did in the Community Commercial Overlay to the AR Districts. I'll briefly go over some of those with you. But, in a nutshell, just to insure that the same – the quality is meeting the same litmus tests that we're applying to some of the areas of town. Our hope is that by doing this, we'll guide this new development that we see in the coming years, to create something that will look consistent with what we're doing in the commercial districts as well, which is kind of like what we did in the community commercial overlay. So, similarly, under Item A we're requiring 75% traditional matching materials. Mr. Comeaux, you are on our committee so you know that is consistent with what we did on those overlays. We have addressed the massing issue by requiring no more than 4 units per building in these districts. And we tightened up the requirement for open space and really made it a "shall" rather than something that's negotiable at the time of the construction. We want to insure that we're getting the type of quality open space that residents have come to enjoy and appreciate rather than the leftover, the buffer strip or the area in the parking lot that's considered a green space at the end of the project, so that's why we see that there. The other change which you will see is in Table 1175.03 which addresses maximum lot coverage. The ones that are underlined have changed from 30 to 15%. This is also something that we heard voiced from Council so staff helped create some of these changes which have now gone through Council, had a joint hearing and now is before this Commission. That's all I have, Mr. Comeaux.

Mr. Comeaux: Okay. Should we have the public comment at this point? If there's anyone for public comment on this matter – I believe there is one individual. If you want to come up here and say your name for the record and then present us with whatever information you have and then we'll see if we have any questions for you.

Mr. Mike Murphy: Yeah. My name is Mike Murphy with Murphy Development Company, 4393 Arbor Lake Drive, Groveport, Ohio. I usually have to say all that at Council meetings.

Mr. Comeaux: Sure. That's good.

Mr. Murphy: I'm here, I think, specifically to talk about one clarifying issue for the amendment. While I don't support the ordinance, I realize that it's got momentum and I think we – I've tried to focus my comments at Council on really a clarifying amendment that I'm trying to get support for. And I think Mel Clemons, who is sort of the sponsor of this ordinance, is in support of the amendment but, as I have found so far, there's no real cubbyhole for me to get support from any one person so I try to get support from everybody and that's why I'm here today. And that deals specifically with Mel's comment in several of the Council meetings that he has assured me that this ordinance will not apply to existing approved projects with approved site plans. My concern is, is that that's all great and good that people state that, but the ordinance doesn't state that and I'd like to get language in there just to clarify what they're telling me, that it won't apply to existing approved projects with approved site plans. So I have

– actually it wasn't me, but it was the attorney for the BIA – if I may just show you something?

Mr. Comeaux: Yes, please do.

Mr. Murphy: We had a meeting with Mel Clemons. Aaron was there, Jed Hood the City Attorney and the BIA who opposes the ordinance was at the meeting, their attorney as well as Jim Hills the Director. And the attorney for the BIA had drafted a letter here trying to make several points to Jed Hood, who sort of spearheaded the meeting. But the main point, the part that I circled, and that was the area where we had common ground in our discussion with the, I think, staff as well as Mel Clemons who was the only Council member who attended. No, and I guess the Mayor attended as well. And that's just simply the language that the BIA's attorney proposed here that says that the ordinance shall apply perspectively only and not affect any development with zoning and site plan approval as of the date of enactment. That happens to be the BIA's proposed language. I'm not an attorney – sounds fine to me, and no one's raised their hand and said they objected to the language and so I guess I'm just starting the process here to basically ask for your support for an amendment that would simply clarify what I've already been told. And obviously I will continue to go to Council meetings and eventually hope to get them to make a motion adding the language as well but, as I've found, if you're in agreement and you can pass that on in your approvals – you know, say that you support an amendment to that effect, that just helps me that much more down the line. So, any questions?

Mr. Comeaux: Are there any questions for Mr. Murphy?

Mr. Haire: Mr. Murphy, could you just explain what your interest is in this legislation? I'm obviously familiar with it, but the rest of the folks here may not be.

Mr. Murphy: Yeah. That's a good point. I'm one of the few people developing condominiums in the City of Reynoldsburg and I started a project back in 2007 called Taylor Chase Condominiums. It's on Taylor Road just north of Main Street. And I've stuck it out through thick and thin so far and it's a very large project. It's proposed for 140 units. We've only built the first phase which is 26 units and I think we've survived the brunt of the economic downturn and are hoping that when things turn that we can be building some more, and we certainly don't want to be cut short by an interpretation that might apply this ordinance to us. So that's where our concern is.

Mr. Comeaux: Just so I'm clear, your specific concern, not necessarily for all the builders, but your concern is you have a plat that's already been approved, for example, for x number of units that wouldn't necessarily – now, have the units – what process have the units gone through in terms of approval? I mean, if you said this is how many are going to be in the space or this is what the units are going to be made of or—

Mr. Domini: Mr. Murphy has an approved site plan and the whole project's been approved. What we've talked about in the past, if I may, Mr. Murphy, is that any change

– if the market turns and demands something else, he'll have to come back and change what had been approved, and it would then fall under this new ordinance. I mean, that's what we talked about.

Mr. Murphy: That's sort of a, I think, secondary issue that we're still having – I want to still have ongoing discussions about but that really, I don't even think Planning Commission was really the place for that. I think for me to make any inroads on my flexibility issue, if the market changes and I need to change my product, I realize that that's something I've got to really deal with City Council members on that. I think what I'm sort of addressing is the one issue I think that we're in agreement on is that just simply clarifying language, just clarifying that this ordinance won't apply to existing projects that are approved. I think everybody is saying that, just no one drafted it into the ordinance and, you know, in some municipalities I can tell you that if it doesn't say in the ordinance they'll try and apply it to you.

Mr. Comeaux: Right.

Mr. Murphy: And, you know, Mel Clemons says for the record that it doesn't apply to us, but Mel may not be a Council member when I come in to argue the point again, or staff might not be the same staff or might not remember the conversations, and you know it might be – I have 104 units and if the economy continues for the next two or three years as slow as it is now, I might not come in to talk about it again for three years.

Mr. Comeaux: You can plant corn.

Mr. Murphy: So – but used to be, 140 units, we'd sell out in three years and now this could easily be a ten-year project.

Mr. Wall: Mr. Murphy, with the proposed changes in here, would that prohibit you to develop the rest of the property as it is today? I mean, would it essentially price your product out of the market?

Mr. Murphy: If I were to have to – if they were to try to apply that new ordinance to my existing site plan, say for example, I would never be able to build another unit. That would be too expensive. I'd have to change my whole site plan. But I don't think that's what they're saying. I think Aaron himself says he doesn't think it applies. I think Mel was saying he doesn't, you know, he's not intending it to apply to existing projects with an approved site plan. My concern is just that that's great everybody says it. If you're all saying it, just put it in writing for me. I just don't want to – it would be so devastating to the project, including all the people who live there, if I couldn't continue to build. And so, we're talking millions and millions of dollars worth of devastation. While I probably believe it's, you know, that since everybody is saying it, sure it probably won't be a problem but as time goes on I just want to make sure it's memorialized what everybody is saying and I'm – no one has said, "Oh, I'd like to change the language or I

think, you know, it needs tweaking.” I think the language sort of speaks for itself. I think we’re just simply asking for support that the language be added.

Mr. McGrath: Excuse me. Did our City Attorney make any comments on this particular page that was proposed at that meeting?

Mr. Murphy: Yeah. I don’t think Mel, or Jed Hood, or anybody has a problem with the concept. I’m still waiting for Jed. I think Jed may come out with his own language saying the same thing. He might tweak this language. I’ve been trying to get Jed to say, “Yeah, I’m happy with your language.” I think Jed – if he doesn’t come up with something better, we’ll probably just propose this language to Mel. But since no one really seems to be coming forward with their own language, that sort of puts me in a position where I have to propose language and if somebody wants to tweak it, I’m fine with that too.

Mr. McGrath: Let me ask another question and maybe -- wouldn’t this be after the fact that if somebody tried to change something that’s already planned, like Mr. Murphy’s property?

Mr. Domini: Yes. I mean, this would be like—

Mr. McGrath: (inaudible)

Mr. Domini: And I’ve talked to Mr. Murphy about this not applying to his current project but this would be like us taking the Community Commercial Overlay and making everybody redo their building, move it up, change the materials. So I can confidently say as a staff member that we’re not going to apply it to his approved site plan.

Mr. Comeaux: Yeah. With the exception that he’s got buildings to build still, whereas in the – you tell him you’re going to take it – but the point’s well put.

Mr. Haire: My concern with it – I’m not necessarily opposed to putting this language in the ordinance. My main concern is just that the language may change and if we pass something in this body, then forward it on to Council, Council has an opportunity to change it, but it takes a three-quarters majority so it takes five votes instead of a simple majority to overturn a rule in the Planning Commission. So I would rather just move the ordinance forward as is and let Council make amendments if they see fit or if the City Attorney proposes different language than what we would approve here tonight.

Mr. Murphy: Why don’t you just simply make a recommendation to Council then if you support it?

Mr. Wall: And that’s what I was going to say. Could we approve it as – or recommend it for approval as written with the recommendation that it does not apply to the existing approved projects with approved site plans and the text of that modification

is subject to approval of the City Attorney. Is that something that – and we may be going way out of bounds here.

Mr. Haire: I would rather not. I don't feel comfortable with that and I'd rather just approve it as is and let Council take care of it. This ordinance was brought forth by Council. It's their legislation. Let them take care of it.

Mr. Comeaux: Lucas, if I can just clarify and make sure I understand the process. You're saying that whatever we approve here tonight, if it goes to Council, it's 51% and it's okay if they use our language, and if they deviate from the language it's got to be a super majority of some sort, is that right?

Mr. Haire: Yes.

Mr. Comeaux: Okay. And that is, since I think your counsel is good on that, you know, we shouldn't send them anything except for the language and then they'd have to – they would have the same process. A super majority would need to approve a change at that point perhaps, I don't know, even—

Mr. Haire: Right. They would. To differ from anything that we send them, they'd need a super majority. That's why I feel more comfortable just sending it forward as is and then they have the option to amend it which is the simple majority.

Mr. Comeaux: And then, I guess, why do you have some reluctance to express to them our sentiment, if it is our sentiment, that this is a good idea?

Mr. Haire: I'm not reluctant to say it's – I'm not saying it's a bad idea. I support the language being in there and I think that's -- I don't mind the language going in there. I just don't want to codify it and send it forward.

Mr. Comeaux: Okay. So—

Mr. Haire: It would create a burden for them if they don't agree.

Mr. Comeaux: Right. So we would have in the motion that—

Mr. Murphy: You don't want Planning Commission to cause Council a burden?

Mr. Haire: That's exactly right.

Mr. Murphy: Now, what's the Planning Commission for?

Mr. Haire: A recommending body.

Mr. Murphy: Well, that's all I'm asking for, is your recommendation.

Mr. Comeaux: And is there a process—

Mr. Murphy: I'm not asking you to pass a law for me.

Mr. Comeaux: Yeah. Is there a process for us to express that recommendation to Council? I mean, can we do that?

Mr. Domini: The issue is, if Jed wants to amend that language then it has to go to a vote.

Mr. Comeaux: Okay. That's good.

Mr. Domini: You can get the support you want in a discussion, just not as a recommendation.

Mr. Haire: You can get either if the Board so chooses. I'm just – I'm not supportive of amending the language.

Mr. McGrath: That would be a—

Mr. Comeaux: Can I ask you a couple questions, Aaron? Not necessarily questions, but are there any other areas that would be impacted by this that have a site plan that haven't built out yet? Do you know? What's that number look like? I mean, is that – are we looking at a lot of projects or—

Mr. Domini: Less than three.

Mr. Haire: Four.

Mr. Comeaux: The other question I have is, in – and maybe this is in here, I just missed it. When we went through the process of the overlays we had a kind of threshold, that if you do a certain amount of remodeling, for instance, it applies and I don't see that in here. So what happens when somebody wants to remodel a project? I guess, just what would your seat of the pants tell you if somebody says we want to change the siding on something, or we want to redo one of six buildings we have on the property?

Mr. Domini: That's a good question. It wouldn't apply to that kind of general maintenance. If they expanded the project, say they had 50 units, there's that leftover land and they want to build another 50 units on it, then it would apply.

Mr. Comeaux: That would be an issue.

Mr. Domini: But it's not going to apply to their materials and that kind of thing.

Mr. Comeaux: Okay. I could see if you were to get six buildings on your property and you were trying to redevelop them on a building-by-building thing, would it apply then or not. And what you are saying is you think it would fall under kind of a general maintenance type of exception.

Mr. Haire: It specifically states in the language that all structures built within the AR District so we wouldn't consider maintenance as existing.

Mr. Comeaux: As long as it's not a teardown—

Mr. Haire: It would be—Right. And if--

Mr. Domini: What if they had six units that are already approved? Over the course of ten years it wouldn't apply either.

Mr. McGrath: Well, before we consider any sort of an endorsement, I had something I – two things actually. I'm not sure that I'd care to do that although I suppose – basically support this type of language, however, I don't know what our City Attorney would do in the long run. And not only is the City Attorney a mystery to me, but the City Council is a giant mystery to me. I've been in this city for 25 years and I've been to hundreds upon hundreds of meetings and I never know what's going to happen next. And I think Lucas said it without saying it, that you do this and possibly it's really going to send Council into a tailspin. The possibility exists and I really – I wouldn't, if the other two members care to endorse it that's fine. I just think I would abstain, because I wouldn't feel real comfortable without having all the information in my hand and I really don't want to jeopardize this at all. If it's going to make it, it's going to make it. It's hard telling where—

Mr. Murphy: Well, I suppose the thing to do is to try and – how do I say it? Make the recommendation in as strong a fashion as you can without causing them a problem. That helps me.

Mr. Comeaux: Yeah. We haven't taken a motion here, but I don't think you're going to get a motion for us to include this language and then because — and at least from my standpoint, because of the things that Lucas has brought up. That being said, I really – I think for a number of reasons it's apropos. It would be a good thing to have in the legislation ultimately, but I don't want to handcuff, you know – I don't know the numbers on Council, but I don't want to handcuff a simple majority to a language they don't like and having it risk not going through.

Mr. Murphy: What-- You're suggesting, that you can do it through the discussion notes or whatever. Who—

Mr. Haire: There'll be minutes of this meeting.

Mr. Murphy: Somebody takes minutes from you're recording it so that somebody—

Mr. Domini: It's transcribed.

Mr. Murphy: So can they – can we have a, how do I say it, a comment in the discussion that all three Planning Commission members at least support the concept?

Mr. Comeaux: Well, there are four of us here tonight.

Mr. Murphy: I'm sorry, and Lucas—

Mr. Comeaux: Yeah, Lucas counts.

Mr. Murphy: Are you the Chair?

Mr. Comeaux: But I guess I don't know how these things are expressed to Council. I don't know how they are communicated to them.

Mr. Haire: It's basically a recommendation. It's forwarded with the minutes.

Mr. Comeaux: Okay. Well, then do we need to make a separate motion in that regard? No. It was a sentiment of this body or of these four members, or what have you.

Mr. Domini: If you care to make a statement on the amendment, you can do that in the discussion and then we make a motion.

Mr. Comeaux: Again, I share your concerns. I think that it would be good to include this language in the ordinance but, at the same time, we're not going to recommend this language. I think that's my census from the four of us that are here, that's pretty much a consensus.

(several people talking)

Mr. Comeaux: What the specific language is, is going to have to be worked out obviously and inclusion of that will have to be worked out and voted on by Council, but we think it makes good sense.

Mr. Wall: And I agree with that statement.

Mr. Comeaux: Okay. With that being said, I guess, is there any further discussion on this item of the agenda? (No response.) I will enter a motion, I guess.

Mr. McGrath: I move to endorse this and send it on to Council with our endorsement.

Mr. Comeaux: As the language was presented to us?

Mr. McGrath: Yes.

Mr. Domini: Item C-1.

Mr. Comeaux: Yes. Item C-1, move for approval as presented. I have a motion. I have a second.

(Mr. Domini called the roll. Mr. Wall voted “yes.” Mr. McGrath voted “yes.” Mr. Haire voted “yes.” Mr. Comeaux voted “yes.”)

D. OTHER BUSINESS

1. ELECTION OF NEW OFFICERS

Mr. Comeaux: We are in a new year.

Mr. Haire: We need a Chair and a Vice-Chair.

Mr. Comeaux: We need a Chair and Vice-Chair.

Mr. Wall: And I would move that we have Mr. Comeaux continue on serving this stellar position as Chairman of the Planning Commission.

Mr. McGrath: Second the motion.

Mr. Comeaux: I have a motion and a second.

Mr. Haire: I will move that we have Charlie McGrath serve as the Vice-Chair of the Planning Commission, if everyone – we can do that as a slate of officers.

Mr. Comeaux: That’s fine by me. And I will second that.

Mr. Haire: We have a motion for Mr. Comeaux as Chair and Mr. McGrath as Vice-Chair.

(Mr. Domini called the roll. Mr. Haire voted “yes.” Mr. Comeaux voted “yes.” Mr. Wall voted “yes.” Mr. McGrath voted “yes.”)

2. NUISANCE ABATEMENT DISCUSSION

Mr. Comeaux: And Mr. McGrath, you had added a nuisance abatement issue as an item D-1 for further discussion. If you could please present whatever you have for us here.

Mr. McGrath: Thank you, sir. The Mayor has decided to resurrect the Nuisance Abatement Committee which we've had here in the past and I happened to have served on it for about all the time we had it. And it came – at that time, we were doing it just out of this committee, but now he's – the way he plans on setting it up this time is that we take members from this committee, members from the—

Mr. Haire: Board of Zoning and Appeals.

Mr. McGrath: Yeah. (--from the Planning Commission and from the Board of Zoning and Building Appeals. There is a – it's a four-member committee with a Chairman. He appointed me Chairman. We might have a problem with the members unless we – Mr. Lucas Haire agrees to serve on it at least until we find somebody who is from Planning Commission. And then I have – I've already spoken to one person on the Board of Zoning and Building Appeals, Norm Brusk, and I plan to talk to – and there's a brand new member on here, Mr. Stoppie, and Mr. Feeney has been on there for awhile. I'll try to get hold of Mr. Feeney. And, at any rate, I think we can get enough members. I'll offer it and then I think what I need to tell you is we're not going to deal with the small code compliance problems. We're going to deal with major things that occur that really hurt the City, so to speak. (inaudible) and that's the only things that we're probably going to have to deal with. And we might have quite a few to begin with, but you'll find that they level off after awhile and then it will be a meeting where the won't have to all throughout the year. I know towards the end of ours – ultimately you're down to about two meetings a year and I don't know (inaudible) and I can't even tell you when we'll have our first meeting. I think that's going to be after we can get all the committee assigned and talk to Mr. Lucas about how much of the stuff he wants us to take care of immediately and go from there.

Mr. Comeaux: So, you would need from what—

Mr. Haire: Two members from Planning Commission.

Mr. Comeaux: And are you one of them?

Mr. Haire: I would be willing to serve as long as—

Mr. Comeaux: And is Mr. McGrath the other or is that not—

Mr. Haire: No.

Mr. McGrath: No, no. Mr. Comeaux—

Mr. Haire: We need one in addition to Mr.—

Mr. Domini: You're turning into Mr. Reynoldsburg.

Mr. Haire: Mr. Comeaux, would you have an interest in serving? It's basically a Board tat would meet as needed a few times a year.

Mr. Comeaux: I'll do that a few times a year.

Mr. Haire: And it would deal with major nuisance issues for the City, nuisance properties, nuisance signage, abandoned signage, things like that.

Mr. Comeaux: Yeah. I can do that, not too much trouble.

Mr. Haire: So, Mr. McGrath, you've had your discussion and I think you got what you needed.

Mr. Comeaux: Okay. So that takes care of Item D-2 and that leaves Item B. There's no further business I don't believe.

E. ADJOURNMENT

The meeting was adjourned at _____ 7:04 _____ o'clock, p.m.

James Comeaux, Chair

Aaron Domini, Planning Administrator

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