

Village of Shawnee Hills  
Planning and Zoning Commission Meeting  
July 28, 2015

Chair Kathy Isern called the meeting to order at 6:00 p.m.

Member Present: Dave Hatcher, Pat Monahan, Kathy Isern and Dan Mathews

Also Present: Solicitor Brian Zets

Kathy said the first thing on the agenda is to review the minutes from the June 15<sup>th</sup> meeting. It was moved by Dan, seconded by Dave to approve the minutes. Following vote on the motion is recorded: yea, 4; Dave, Pat, Kathy and Dan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Kathy said the second item is to discuss the draft ordinances that Brian has prepared concerning the PUD and deleting the SCPD from the zoning section of our ordinances.

Pat said basically with the new PUD it eliminates the need for the SCPD. Brian said that is correct; there is no need for the SCPD District anymore.

Pat asked if there was anything else in that proposed ordinance. Brian said no there is not. He said Shirley brought one thing to my attention that is related to this in a way. We have parcels that are currently zoned SCPD. In theory, someone could come in today and want to amend their zoning text. So what I am going to do, in the PUD chapter, there is a section that says any amendments to the PUD will follow this process so I am going to make very clear that that section will cover any PUD whether it was under the old SCPD or the current PUD. This is something that he will take straight to Council.

Pat asked if anyone had any objections to removing the SCPD. Kathy said no. It was moved by Pat, seconded by Kathy that we recommend to Council for approval the Ordinance pertaining to 1113.12 SCPD with the fact that it will explain that where things are currently SCPD they would fall under the PUD. Following vote on the motion is recorded: yea, 4; Dave, Pat, Kathy and Dan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Brian said the next one to discuss is the Ordinance pertaining to 147.03A (ABR plan review). Brian said at the last meeting we talked about removing ABR from the commercially rezoned properties and that is exactly what Section 1 does. This will make it clear that ABR is no longer involved in plans to rezone property. Pat said they would be involved though if it was an existing commercial property that somebody wanted to build a commercial building on. It was moved by Dan, seconded by Pat to amend Section 147.03A (ABR plan review) and approval of the codified ordinances of the Village of Shawnee Hills and recommend to Council for approval. Following vote on the motion is recorded: yea, 4; Dave, Pat, Kathy and Dan. Nay, none. Chair declared the motion passed by a 4-0 vote.

Kathy said the next one is Chapter 1117. She said she had a couple of questions that were mostly for clarification. In 1117.09 it talks about basis of plan approval and it just refers to, that there has to be an EP 401 permit, if required, that they have to be submitted. How does anybody know if they are required? Brian said usually the engineer that they hire will figure out if it is required. I will be honest with you, whenever I have been on the rezoning end of things, usually the engineering firm or who's handling the engineering work figures all that out.

She said in 1117.10 b it says public hearing will be held in ninety days and not extended unless agreed by the parties. Who are the parties? Brian said it will be the Village and the owner or the Village and the applicant, if the applicant is not the owner.

Kathy said in 1117.11 it talks about recording and transfer. It says the owner shall file and record the plan with the County. I just wonder if you could put a parentheses s after owner. It's a formula thing but there is a potential for multiple owners with this. Brian said likely no, in a technical sense because someone would be designated the owners rep. Like if a law firm was doing it you would have one of the attorneys designated as the owner's rep and that person would likely be the person who files it. So you would not have multiple owners. Even if you had multiple owners with multiple parcels they are still all coming together for one application and one plan.

Kathy said in 1117.13 it says three quarters vote of council to reverse any planning and zoning decision. I just ask for consideration if that is the number we want. Dan said we adjusted that number didn't we? Kathy said we did discuss it and I don't remember what number we came up with or we decided three quarters was fine. Pat said how do you get three quarters out of council.

Pat said when you say a decision of planning and zoning, are we making a recommendation or are we saying this is what it is and read it out to council. What activities does council have in the PUD? Brian said it is your recommendation. Council's approval is technically the act of rezoning. Pat said if we have the first PUD come before us and we say yes we think this is the right way to go and tweak whatever we do. We recommend to council. If they were to reverse something we did, what would they do. Brian said they could say no. Pat said so it has to read two thirds. Brian said that does not matter, whether it says two thirds or three fourths, it is still four. Three quarters is 4.5 so you would need five. Brian said I was thinking five. Pat said so the question is, is it really a four vote or a five vote. Brian said it was in there as a five vote because it was the idea that you need the super majority like you would to send something into an emergency piece of legislation. Pat said I am okay with five if Dan is okay with five. My question is all we are trying to do is streamline the process. Kathy said planning and zoning, along with the village administration would have done a lot of prep work so I would think our decision should carry some weight. Dan said just to bring up previous situations; we also recommended that they rezone the lot at the end of Buckeye. Pat said I think the point Kathy was making. A lot of pre work has been done by the time you get to that point. Dan said that is why I would rather go with two thirds. Pat said to reverse our decision? You are talking to reverse our decision would take either four or five. We have done all the work, we present it to council, if they say no, should it be four or five, is the question.

Dan asked Brian what he thought. Brian said I think three fourths for what you are saying. The work has been done through staff and through all the work you do through planning commission

and then it should be the idea that it is three fourths. Council should have to use five votes to deny it. Dave said his only thought is that we have two members on council and on P&Z as it is. Pat said he only votes in case of a tie. I think five is good because of all the work that has been done. Brian said the only change to 1117 is what we talked about earlier. 1117 was adopted as we originally did it back in April. Then we had the old swithcheroo with ABR and we swithcherood back so technically there is nothing that needs done with 1117 except that amendment I just talked about with the SCPD amendments. So if you are all good with it going back to the way it was there is nothing else you have to do with 1117.

Kathy said the next item for consideration is multi-family. Pat asked Brian is density separate from multi-family. Kathy said yes.

Brian said the PUD zoning allows council to increase the density. Density is just how many can we fit in there versus what types we can fit in there. Pat said the conversation we had previously, if Eileen drive was developed and if it was conducive for somebody to develop it with twelve or thirteen units in there then we could get the presentation, we could make a recommendation, council could vote on it and it could go. Brian asked what types of units are you talking about. Pat said these are single family units so essentially we don't have to deal with density. Now we can deal with multi-family, which is the reason I asked it in the form of a question. Brian said yes.

Pat asked the commission, what are your thoughts on multi-family. If they were never adjoined then it wouldn't be a question, is that a true statement? Using for example what Iulianelli came to talk to us about. Are we already covered for that? Brian said if they are not joined they are not multi-family. Kathy said if we are talking about anything that is not stand alone then it is multi-family. Pat said really the only place I could ever see them would be, if that were used as a buffering between commercial and single family. However, if we left that as a patio home buffering it may not be as conducive to somebody to develop that property but we would already be covered.

Our only question is do we ever want to allow multi-family or at least that to be presented to us because that is the only place I could see them. It doesn't mean something couldn't change. To me I don't think anybody else is looking for that anywhere else.

Brian said we have no idea. Dan said that's the hard part, isn't it, we have to designate multi-family. Kathy said no we don't. We just have to have it available. Brian said all you are doing is creating a district. It is no different than if you created an industrial district that allowed adult book stores or strip joints. That means you created it and it could be put anywhere if you could get that zoning. If you create multi-family it could go anywhere if you allow it to be there. Kathy said but it has to go through the zoning process. Brian said right. Pat said he looked at the samples Brian had provided and he asked which one of those do you think fits us.

Brian said he looked at all kinds of multi-family district and the ones he provided were ones he thought had aspects of them that were good. While they are very similar in theory, they all had parts that they could adapt to Shawnee Hills. He said you will not be able to take any one and adopt it fully as they are all very specific.

Dan said the purpose of all of them, if you look at the function of each one; they basically say the same thing. Kathy said which is permitting multi-family dwellings. Kathy asked can you exclude apartments. Brian said yes, you could define what they are. Pat asked if we could designate the area these were allowed. Brian said no. Pat said so if we put this in it could be anywhere, right. Brian said it could be but you still would have the process that they would have to go through. Zoning sort of takes its own natural course because people want businesses in certain locations because their businesses would do well. People want houses and apartments in certain areas because that is where the market will drive buyers. You can't preclude the craziness of someone coming in and saying I want to put a gas station right there but then the zoning process takes care of that. Pat said you just dwindled my desire to include any of that. If we were able to say in that particular area multi-family is allowed. Pat said based on what's good for the village going forward, if we weren't sitting here and somebody were to look at that do they have the same understanding. If somebody came to us with a proposal could we run through legislation since we are much more familiar with it now than we were eighteen months ago to allow something.

Dave said that he is real hesitant to add multi-family zoning to the village especially as we sit here and think about it and there is really only one section of the village that we say it might be beneficial to or where we would like it to be. Do we open up the whole village, obviously they would have to go through zoning, but anybody could put the plan anywhere within the village and as you said a few councils down the road and a few P&Z commissions down the road do they have the same vision as we do now, probably not and do we want to risk opening more multi-family. Brian said you can't prevent them from doing it then. Kathy said the question she wants to ask is does that make certain parcels less attractive to developers if they can't do this or do you end up with the situation where okay there is no multi-family so there is no buffer between commercial and residential. It is just lower end say residential because nobody really wants to live next to a commercial development.

Dan said that was Iulianelli's point there. If they have to do detached single family they are looking at \$180,000.00 as opposed to \$275,000.00 double. Pat asked can we restrict to say that it must abut commercial land. That if we were to allow multi-family of any source, kind of the conversation we had a few back when we said just because something has commercial land there, the problem is always where they rub. Could we allow that proposal which would also cover the area down there by the boat shop? I wasn't thinking of lower end housing, I was thinking of smaller houses, patio homes. Kathy said you don't know what a developer would want to put in. Pat said we can control that. My question really is could we restrict that to something that abuts current commercial land. Brian said no. We talked about this last month also. The best you could do is try to build in regulations and I think some of those examples might have had like how close the structure could be and how high the structure could be compared to the structure next to it. Again that is always subject to variances too.

Kathy said I would like to exclude apartments but there are really some high end apartments being built in the Columbus area and they are going up like weeds really. Kathy said they are expensive, well over \$1,000.00 a month and up. Pat asked Dan what his thoughts were. Do we kind of table this piece for now or how would you like to move forward with it? Dan said I would like to do something while it is still fresh in our minds. We asked can we say where residential property abuts commercial property, or where it's road to road, can we limit which lots without saying which lots. Brian said you could probably do that through actual requirements of the district, you could say you couldn't have a multi-family home within one

hundred feet of, you could figure out a way to place restrictions on setbacks and things so they arguably couldn't go somewhere unless somebody came in and bought up a bunch of lots and mowed down homes. So we have already discussed it and I hate to keep rehashing it. Pat said so how do we put that into an ordinance or to modify these that would cover like that. Dan said you kind of have to back into it really, right? Brian said right. Pat said I understand making it more conducive. I think the more conducive probably applies to strange lots. Dan said there are only a handful and I can agree on the apartments. Apartments are bad words but the cost has, or the price or the rent has gone up but does that bring a transient type. Kathy said condos often do too. Dan said one of them had verbiage, something about quality construction or quality, small size lots consistent with the existing housing in the village and to encourage high quality multi-family residential development. Dan said I don't think you can put a minimum price point or something along those lines. Pat said unless we can figure out how to back into this to protect the residents, I think our question is then are we willing to react to it if somebody says you know what I would really like to do. Would you change your zoning? A lot of this was for the purpose of you want to do something rather than going through all the steps only to be turned down, to have kind of a logical path.

Dan said I don't want to pass legislation or do anything with multi-family housing to let somebody build for the sake of just filling up all the lots. However, like the Steve Smith lot when they came in, that will just sit. That lot will never be built on. That lot will never be developed. Pat said or they create non common wall areas. If they could put three in there and the density would be covered by the PUD, they could do that. Dan said but my guess is that the developer would not spend the money or they wouldn't develop it because of the cost to construct. It's kind of a double edge. Pat said it is and to your comment about wouldn't want to just do it to accommodate that. I think the fact that the collective we understand it better than we ever have, the question would be if somebody came in with a proposal. Really what we are talking about is there or if somebody said we'd like to do what Iulianelli said might be something we could do. I don't know, what are your thoughts. Kathy said it seems to me if we had something that we could construct an acceptable way of including multi-family housing zoning than it is just like the PUD. It is there if somebody comes with a proposal that allows land to be developed in a good way, in a positive way for the village. So, as opposed to somebody comes in with a plan that really looks good but we don't have anything that deals with multi-family so we would have to back track and recreate everything. That is why we are dealing with the PUD right now so it is in place when a developer comes in with a great plan. Pat said and we can't designate the district where this could only occur? Brian said no. That is the one that scares me. Kathy said again, I agree with Dan, I think some parcels will just sit if they can't do some kind of a multi-family.

Brian said look at all the uses that are allowed in the zoning code under all the districts that do exist. If that doesn't keep you up at night that someone could put all those crazy things on parcels don't let this paralyze your decision.

Dan said what if Casto is sitting here right now and they say boy we have a great plan for a retail center right here and but there is no multi-family back there and we have no way to buffer this.

Pat said come up with some wording that does that and protects the residents. Dan said there is no wording. Kathy said like Brian said by setbacks or something or even purpose. Look at the

purpose of this one from Green Hills, high quality, single family or two family, multi-family, whatever. If the developer has a plan and comes to us for rezoning, you either approve it or disapprove it for valid reasons. If it is something that looks like it's not going to be the quality that the village is looking for and so on and it doesn't meet our requirements then it doesn't get approved. Dan said that one stuck out to me because it is almost suggestive. Unless you have a high end product don't bother trying to put it here. I think we are to the point where we almost have protected ourselves a little bit. Like multi-family up here I think you are going to get removed from over here, from Muirfield. Kathy said a little bit of downsizing from the current area as opposed to people trying to invade from downtown Columbus.

Pat said I know we are trying to find something and we are going around the board a lot on this but what if, Brian would you be able to propose to us, for the next meeting, to say this is how you can protect yourself. Brian said I think you need to sit down and figure that out. I don't think I can just figure that out in my office one day. Pat asked do we want to do that at our next meeting? How close do you think the Green Hills one is to us Dan? Dan said I think, from all four of them, I think, almost like the PUD legislations we looked at, everybody kind of gets it in the same spot. They might reword it, however, so I think if you were able to use suggestive things like, high quality one from here and do we necessarily need to address day care, churches, or anything like that. Does that stuff need to be in our verbiage for multi-family. Brian said you could figure out what you really want in the permitted uses. Publicly owned parks, playgrounds, open spaces may be something you want to throw in. Kathy said that is usually a good idea. Brian said I picked these out because they were all fairly similar but there were some different things in there. You don't have to have conditional uses in there either. For the standards, you will have to sit down and take a look and figure out how they would work out with the other parts of the code. Pat asked Dan if he would be comfortable taking the examples we have and drawing the pieces out that you think would fit with the village. Kathy said she would help Dan with that.

Brian said you don't have to write a bunch of stuff out. You can just check off what you like and mark out what you don't like. Pat said I think that would be a better way to do than rather than try to do it on the fly here. Kathy said I agree.

Pat asked what meeting date works better for us, the third Monday or the Tuesday after the next meeting. Dan said he will be out of town August 8<sup>th</sup>. Pat said how about the 19<sup>th</sup> at 6 p.m. Every one concurred.

There being no further business, it was moved by Pat, seconded by Dan to adjourn until July 19, 2015 at 6:00 p.m.