

Village of Shawnee Hills
Planning and Zoning Commission Meeting
May 18, 2015

Chair Kathy Isern called the meeting to order at 7:00 p.m.

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

Also Present: Solicitor Brian Zets, Developer Frank Iulianelli, Realtor Steve Smith

Kathy said the first item on the agenda is a proposal for multi-unit housing.

Pat said that Frank and Steve have asked that we take a look at that. We know two things that were not in the PUD and that was the availability to do any type of condo type of thing like we have talked about in the past and I always caveat that with “no apartments” and in addition to that we know that ABR was the other thing and Rob Miller can’t join us tonight so we wanted to let them start off.

Steve Smith said he would do most of the talking and he passed out a map that he said is just a hypothetical piece of property that we picked out and what we are trying to do is come up with a buffer from commercial and my understanding is everybody wants commercial along Dublin Road. This would be a commercial piece up against Dublin Road and these are residential lots and the two are owned by Baker and the rest of it is owned by Virginia Farneman. What we are trying to do and what works out very well I think would be these pictures and these would be not condos per say but they would be fee simple, attached single family residences. They would be responsible for their own roofs, siding and those types of things but if you could imagine two of these garages facing Mohawk and two facing River View, that would be a four family unit. We have some blueprints to show you what we are trying to do. The problem with higher density housing is that you need more lot coverage. We think that these facades would be a perfect buffer from commercial.

Steve said we do not have this property in contract, this is just a conversation. We are going to work on trying to get those things done. Getting Farneman and Bakers to agree to something is not very easy.

Steve showed the commission a couple of floor plans that matched up with those properties.

Pat said let me confirm, what you are really talking is some kind of back to back four unit building. Steve said right. With that concept we probably would need ninety percent lot coverage for multifamily because they are really high density coverage. These are not the final blueprints by any stretch but they are something for you to look at see what the inside might look like. We would have them custom drawn. We would need to know what the coverage might be before we go to an architect and start the drawings. He said we are only talking about areas that butt up against commercial. There are probably only six or eight lots in the village that this would apply for. Steve said it is going to be hard to get somebody to build a half million dollar house across

from the civic building because it is kind of a commercial piece of property. A four family, two on Mohawk and two on River View, all connected, but they all have their own entrances and their own garages. We just thought it would be a nice kind of a buffer from the single family housing that the rest of the village would have.

Pat asked Steve what the size of the lot was. Frank said it is 140 by 180. Pat said Brian I know we do not have this in our code now. Is there anything, if we were to choose to do that, that we were to allow multifamily dwelling, would this be something that would be typical in a PUD. Brian said what you are talking about here is creating a zoning district that would allow this product to be put on it. That means it could be put anywhere. PUD is something special. It is its own little way you can zone things. You could create a PUD with this in it or if you created whatever you call this thing you could just zone it straight.

Pat said you just confused me. Remember when we wanted to do a higher density area, you said we can't do that and that's kind of when the dog came around and got its own tail and said PUD was the way to go. Brian said yes and I also said you have to have a zoning district in use to be able to do that. Then I followed up and said if you really want higher density then you have to create something that is higher density. This would create a higher density. Apartments or condos, two story, three stories is a higher density which we do not have now. You have to do all of this; you have to create a higher density which could be zoned straight. Just zone it to be this product or you could zone it through a PUD but you still need to have this as an underlying thing. Pat said if we follow the PUD part of the PUD would be to create a higher density area, right. Brian said the PUD has been created. The PUD will allow you to zone things via the PUD and to create zoning text and doing things. The village should look into creating, if the village is looking at higher density units, outside of single family density. You have to create multifamily.

Kathy said without the existing zoning for multifamily of some kind. Brian said this could not be built today. Kathy said this could not go into a PUD either, right? Dan said unless you follow the PUD, right? Brian and Kathy said no. Kathy said you could not go into a PUD because that is currently not a permissible intensity level within this village. You can only do residential or commercial. Brian said there were other residential zoning districts back in the day that have all been eliminated. The only zoning districts we have is the R-2 Single Family.

Dave said but under the PUD you can do a higher density single family? Brian said today, no. That is why I said you have to follow back up and create a higher density and then you could do it via a PUD, you can mix and match commercial and residential. He said his original thought was if you create the PUD so that you can do a mixed use development, that would be great but as it exists today it would be commercial over single family and that is never going to work. You need commercial over multifamily.

Kathy said the PUD is like a puzzle and all the zoning districts are the pieces that go into it but they have to exist first. Brian said right.

Pat asked if the PUD was a change to Section 11 or is this a whole different section of our code. Brian said the legislation created a whole new chapter for PUD zoning. Pat said I get that. If we were to say this is something we would like to move forward with and this is very preliminary, is

that in Section 11 or is that another section of our code. Brian said what is Section 11. Kathy said he is talking about 1117. Brian said no, like I said you cannot build this today. Pat said I get that. Remember my leading statement, there were two things in our whole thought process. Now you have confused me tonight, I will say that because I thought the PUD allowed us to do certain things. Brian said it does allow you to do it, but you need that underlying zoning. Pat said so my question is are you familiar with where that is in our zoning right now. What would we have to propose? Brian said you have to create a multifamily zoning district. Right now you only have one, single family, that is all that exists. You have to create multifamily, whether it is a product where you have multifamily homes like this or you have, whatever that is, some condo units apartment units, multifamily like this that are more of a detached home type product. You have to create those zonings. Once that is created then sure you can use the PUD zoning and create text and do all the things like that. That is why I say you can't do it today at all because that zoning, forget about PUD, I could not build this today.

Pat said okay, I got that. Here is where I am a little confused. We talked about the Cedarbrook property and all that and one of the things we talked about was the idea that if something were to be built there we would like to rim it with something like this. Not necessarily that density but even a line going so you put a buffer between whatever was going to be built commercial and the current residences. Now that is residential so it would have to be the heavy duty residential so you would have to create that in that area too. Is that by area or is that in general for the village. Brian said just in general for the village. You have to create the district to allow the product.

Kathy said anybody building this would have to rezone because all of our land is zoned so it would have to be rezoned to this new multifamily use. Pat said so if we allow this, if we changed the code to say yes you can put this multi family unit in. Could somebody come in with a PUD without trying to rezone property by property since some of it is commercial and some is residential. Can they ask that this part be commercial and this part be multifamily is that allowable? Brian said let's keep this easy, yes, assuming you created a zoning R2 to allow this building and someone said I want to build commercial in this building you could do that.

Steve said the only place where we see this working and being viable with the coverage we need to be profitable for the builder and to have a unit sale would be on these, what I call, through and through lots. It just would line up nicely on both streets. If you went by it on this street it would not look like a four family, it would look like a twin single, a two family. The same thing on the other side and their patios would be on the sides instead of in the back. We would put privacy fence up to block it from the commercial side and privacy fence between the two units her. Steve said it is really single family housing but they are attached, however you want to call it, multifamily. If there was a cluster of acreage where you could kind of put these in a little cluster and some nice angles they would look nice, maybe on the commercial side.

Pat said part of our original discussion was that there would be housing between the commercial and the existing residences behind Cedarbrook and Walgreens.

Pat asked the other members what they thought about this concept.

Dave said I think when we were doing the PUD, at least I was kind of under the impression, as you were as well, that we would be able to allow for some higher density stuff. I don't know if

fee simple is what is best for the village. Just from my general experience, when I think of property values and stuff, fee simple is probably the lowest price per square foot type of style out there and I don't really know if it fits in with what the village is. I don't really see the village and the houses that are around here being a fee simple kind of thing. I think we need to find something to create those buffers but I don't know if necessarily this is what I would see. Kathy said what do you mean by fee simple. Dave said it is basically a condo where the owners are in charge of all their stuff. It is attached housing. Kathy said so there is no homeowners association. Dave said no. Steve said it is a single family home ownership and basically the problem with trying to build a half million dollar house is that not many people want to build that beautiful new home that Frank builds right up against a commercial Iacono's or what we don't know is going to go in there. If you built that house next to the vet clinic and they have twenty dogs barking in there at night. Brian said you can't hear those dogs, remember? Steve said I am just talking hypothetical, I didn't know there was an issue. Steve said let me use another analogy. His concern would be that the best use and it is all about best use for real estate. What's the best use for that piece of ground? It's not best use for a single family home. It would be a best use for a multi-family home where somebody that didn't want the maintenance or maybe they were seniors and they just wanted to still be in the village where the walkability factor is. Those would be good residents to have in the village that weren't going to have three cars, two for the mother and father and one for the kids so it would be a whole lot different kind of buyer, would you agree Frank. Frank agreed.

Dave said I get what you are saying with it being the best use of that land from your perspective as a real estate agent and yours as a builder but from the surrounding single family homes that are two fifty, two seventy five, three hundred thousand dollar homes around it, is it for the best use for the village, for the residents of the village to introduce this type of product.

Frank said these units will sell for two hundred fifty to three hundred thousand per unit. Steve said we are not talking about building something cheap.

Dave said if you are building something at three hundred thousand what is the point of it being introduced as a fee simple. I wouldn't see the advantage of a fee simple as opposed as to just dialing into one of the existing homes in the area. Steve said I think because we are trying to get higher density and again that single family resident is not going to want to build a half million dollar house up against that piece of commercial property. I don't know what else you would use it for.

Pat said I see that concept working very well back here in a buffer area. Dan said for him I think some sort of multi-unit is the only thing that could necessarily be a buffer. Kathy said I tend to agree with you and I would like something nice obviously because I certainly would not want to look at the back doors of a store. Pat said I think there is a tradeoff; the tradeoff is what can you have that is not commercial up against you.

Dan said this past weekend he drove behind Dick's and Kohls and when you drive back there it is hideous and I thought why didn't they develop both sides to look like the entrance. Kathy said because it cost money.

Steve said they don't want to maintain and set up a condo because it is a lot of paper work and a lot of expense where we think that something that is two hundred to three hundred thousand brings in a good resident and it will be a good blend. Steve said we just wanted to try to get some kind of yeah, pursue it further, come up with a drawing, spend some money on the architectural rendering of them and what kind of coverage could we get. We have to secure the property and we don't want to tie up somebody's property if this is just a dead duck on arrival.

Pat said I don't think it is dead on arrival.

Brian said I just thought of something and this whole idea about the PUD and higher density. You today could get higher density in residential if they were single standalone family homes. Higher density means all kinds of things. You can get higher density through the PUD today but it means you have single family homes that are not connected by a wall. These could be split by five feet. You would be writing the zoning text to determine the setbacks. That would give you higher density.

Dave said in order to make this even possible and having to draw up the multifamily housing code to create it is there a way to restrict it to only butting up against commercial properties. My fear would be if you open it up and bring that code in then you got a potential for this kind of product popping up all over. Brian said you would have to work on a comprehensive plan because you would have to have some reason to say this is where we want this. Arguably you could rezone any property to anything but if it is part of the comprehensive plan that says this is where we envision the commercial corridor and this is where we want this. You have the ability for planning commission to come back and say a reason why to deny it for some other spot.

Dan said I think we need legislation to allow multifamily, however I kind of agree with you in this situation by Cedarbrook and Walgreens but where else is it appropriate.

Frank said there was a property we used to build that was fifteen or sixteen hundred square feet and they were nice. They used to sell for two hundred fifty thousand but that was ten years ago. It would fit on those two lots, is that what high density does. Could I put four of those there, separated? Pat said to him that is extremely palatable.

Steve said I just think those corridors; tight up against the house is places for junk to be stored. I think if you put it all under one roof it kind of looks aesthetically better as you are driving down the street.

Kathy asked how many square feet are these homes. Steve said anywhere between 1,750 and 2,000 square feet.

The Commission thanked Steve and Frank for attending.

Pat asked Brian if he could send the commission some samples of legislation that would fit what they have been talking about. Pat said I think we have something to work on but this is not going to happen tomorrow. I think the stand alone houses are much more appealing.

Kathy asked if everyone had a chance to look at the minutes from last month. Pat said yes. Dan said there was a typo on page two with the word par that should be park. Kathy said to remove the s from the word happens on page one, six lines from the bottom and remove the words *say to* right after that. It was moved by Dan seconded, by Dave to amend the minutes as mentioned above. Following vote on the motion is recorded: yea, 4; Kathy, Pat, Dan and Dave. Nay, none. Chair declared the motion passed by a 4-0 vote.

Pat said for next time, Brian will be getting us some examples of maybe what we can do with what Dave said which I really liked where it abutted commercial if there is a way to do that. Then also what we would have to do if we were to allow separate units in different places. That to me is where we started out the conversation. I agree with the statement Kathy said the idea that you would be facing something residential as opposed to the back end of a building with a back door where deliveries occur. Kathy said I already hear all the stuff from Walgreens, the trucks and stuff. Dan said I do not hear them at all. Dan said I do not want to put something on a lot just for the sake of putting something on a lot because it is an empty lot. With that same idea, if somebody is going to develop something at least we would like a little control.

Pat asked Brian to come up with sample legislation for them to go from and to keep in mind that this would be for a number of places.

Pat asked if he could talk about the ABR. Years ago when the commercial area plan was being redone, the survey that went out, people basically said they wanted to retain a countrified look. They like pulling into the front not the back. The way I see this, a developer would come in with a PUD concept. He would sit down basically with Mark and Ed and they would say that would normally be a variance or that would be this or that would be that. I would like coming out of the code enforcement officer with a staff report stating what they would like to do and then that would come to the planning commission and with that input we would come back with a recommendation. If that recommendation had nothing to do with commercial, then that recommendation would go straight through to Council after Brian prepared the legislation. At that point in time if they have commercial involved then it would go and hit ABR shortly after our meeting. Our recommendation would say we want this to move forward but we want to be x,y,z ABR what changes would you want to what they have there. Now they might not have their signage complete, they may not have things, but I want them to have a timely chance to review that and then it would then go to council. Is that logical or illogical?

Brian said you are talking about a PUD zoning issue. If someone would come in and they would have their application for the rezoning or the zoning and it's a PUD and the text is all drafted out and it has everything you want in it. How do you parcel out, let's make this easy, if it is just a straight commercial, it's not zoned under SCPD and that is why I said when I first started this legislation, what are we going to do with SCPD. What is going to happen with that. If it is just SCPD, if you follow today's code it would go straight to the ABR because they are in charge of all SCPD stuff. Pat said are they, it has been so long since we have done a SCPD. I thought it went straight to council. I would think it would go through us and then straight to council. Pat went to look at the code book. Pat said somehow what I am looking for is somewhere ABR is doing a review.

Brian said if it is a mixed use development and just assume multifamily sits on top. What part branches off to ABR because it is one building with two uses in it. How do you divide up the duties? Pat said maybe I was looking for a couple of things. I was looking at the fact that wherever there is commercial there is signage, there is color, and there are a lot of things involved. Kathy said just the façade finishes. Kathy said maybe she was mistaken but she thought planning and zoning was just recommending or approving the use of whatever is proposed but not getting into the aesthetics criteria. Dan said I see what you are saying, we are saying yes go ahead you can do a PUD on that particular property. Kathy said what about reviewing the aesthetics criteria for the building, the facade, the elevations and materials and so on. Pat said something you threw me on. I didn't expect this to be any kind of finished product. I expected it to be a strong concept, here's what we want to do. I don't expect everything to be stamped and everything like that, maybe I am misunderstanding that. By the time it goes through here and they say here is what you have to consider and we consider this. He makes a staff report to both ABR and to us and BZA when he does something. So I didn't expect this to be one hundred percent finished because my question is if we tweak it and if they tweak it what do they do to their plans. Brian said they tweak them. Brian said you are always going to have those preliminary conversations with Mark and those guys, like we had today. They had no plans or anything but if you are talking about a developer and an application that's why you have all these conversations well before application time and plans, so that people don't spend money three different times. It's I get a pretty good idea what staff is going to say yes to in their report and what planning commission might have some idea about so I am marching through. Then you are right, there will be tweaks that come out of planning commission and that will be a condition. Planning Commission has looked at it and we want more screening on this portion or you have to actually flip that around and that would be a condition and you are sitting there with the planning commission and the developer says yep, no problem, I will do it. Approved, see you later. Pat said so should the preliminary come this way or actually include them too. Brian said the preliminary could include whoever you wanted too, however, you would need to have those preliminary conversations to have it done. Dan said what if the meeting was like this meeting right here and they haven't even acquired that lot yet. Do you think they leave here and think alright one way or the other we are either going to have attached condos, single family, however you want to call it or we can put detached higher density, let's go ahead and buy the lots. Do you think they leave here with that idea or kind of the feeling one way or another? Brian said I think they do and if they are serious about doing the whole project, which I believe they are whoever it is. They put up a contract to buy it and it is contingent upon the zoning being approved. So they are not actually buying it, but assuming that there aren't ten people lined up to buy these four parcel then the property owner can say sure, go ahead and they will tie it up in a contract and maybe there is a deadline of a year or so to get it all done. No money changes hands until the zoning has actually been approved. That is how all the developers do it.

Kathy said am I correct in thinking that normally the way a PUD proposal would come to planning and zoning is that this group would be approving the uses and maybe the amount of space devoted to each use but would we necessarily get into the aesthetic elements.

Brian said if that is what you want to do and I am hearing that it sounds like you don't but if you were someplace else you would. You looked at New Albany's code and there is no ABR involved in a PUD. The entire text goes to the planning commission and that entire text is all taken care of there so once it's approved by planning commission and it heads to council it is the

full text, everything is in there. It tells you you need cut off downcast lights in the parking lot of your commercial thing. That is all taken care of in the text. There is no entity such as your ABR. Pat said but still we have a need for the ABR because if someone chose not to come through PUD. My question would be if they came in with something can we have a joint meeting with ABR and planning and zoning. Brian said you could but that is not built into the code as it reads right now. Pat said that to me might be the answer. If it's not commercial then I don't think it is even an issue. Brian said then you have the dilemma of if it's a mixed use building because it is one façade with two uses. Pat said they only deal with commercial. Brian said I am saying I am putting a hardware store below and an apartment above, it is all one building. Who handles that? Dave said I would think ABR handles both structures even though there is some residential component to it. Pat said I think the façade might make some sense. I don't want to run them out because I believe places that don't have that have issues. Kathy said then we need to set up some kind of structure if it was a joint meeting, would that meeting would be conducted any differently. Brian said I don't know if you want a joint meeting, I see that as being an all-nighter. You have two separate entities who aren't going to be dealing with each other's issues so why have it all together.

Pat said his thing was if it wasn't commercial then it shot over to council and if it was commercial then ABR had a subsequent meeting right after. Brian said you can put the ABR in you just have to decide how you want them to be involved in the PUD. Right now planning commission takes care of everything. Pat asked Brian if there was anything wrong with what we're talking here if there was commercial in a PUD that after we make any tweaks or anything we would do with it that we let ABR make their recommendations.

Kathy asked, if by definition, does a PUD have to be some kind of commercial because it is mixed use. Brian said you can have any of the three. You could have straight residential which would give them single family closer to each other. You could have straight commercial where you have two buildings or you could have a mixed use, residential and commercial. It could be any combination of any of the zoning codes but those are the most common.

Dan asked if we could just decide to send something to the ABR and ask for their input. Pat said he did not think that would be fair to the applicant if some were sent to the ABR and some were not. Kathy said it should be part of the process. Pat said I think it's pretty simple language. I think it says where there is a component that the ABR would take care of the signage and the façade if it would be a dual usage. Brian said is that all you want to limit it to though because commercial has a lot more than just signage and façade. It's parking, screening, it's all kinds of stuff and when you take a look at, even under SCPD, when you look at the development plan, it's the site map, vegetation, soil, traffic, access, parking, storm water. Pat said let me recant what I just said then. So what I really want to add to that is wherever there is a joint use of the same building that they would be able to deal with what they normally deal with there. Does that make any sense? If there is a commercial building with residential above it then ABR would do what they normally do. If it is strictly residential they don't do it. Dan said I think, and this is just based on when we met with Casto, because I didn't realize this was true either, when he was talking about the ADA stuff when you have residential you need an elevator. We may be extremely limited to where this may even come into play. Pat said every residential above has to be treated like an ADA, that is what he said.

Pat asked Brian how would we fit that into the PUD? Brian said it would be two things not just mixed use because someone could zone a commercial PUD under the commercial PUD. Right now you have two options if it is commercial. You could do the SCPD and if you didn't like that

language you could do the PUD and do your own thing right now. Pat said I could see where the SCPD could go away what I don't want to go away is the value that ABR adds.

Brian said we can make it however you want it. I am just trying to figure out does the final approval still rest with planning commission and ABR does its thing like they do under the SCPD, at least with those issues and things. That is what you have to figure out, how do you want it to look and you will add a layer which will be more time. Kathy said and money probably to the developer. Brian said there is nothing wrong with that if you want to keep them in the mix. Pat said if you list all the things that had to be done for a property Brian, isn't it logical what planning and zoning would do and what ABR would do. Do we deal with down lighting today, do we deal with shrubbery today in planning and zoning, no. Brian said if it was a commercial build, don't you review that. Brian said for example, I got zoning at Jimmy V's and I am going to open a new restaurant, I still come to planning commission and you are still going to deal with lighting, parking lots and the number of spaces and whether or not I need screening and what my patio is going to look like wouldn't you. Pat said ABR would be involved today. Brian said my example is just a regular zoned commercial lot. Pat said I am going to go back to a modification of what went on with El Vaquero. ABR got involved with the fire exits, they got involved with the additional lighting, they got involved with the number of parking spots, the façade all those types of things. Things I don't think the planning commission would look at personally. That is why I think there is some logical division of tasks there right now. Kathy said we can just get it out and look at it and parcel them out. Pat said I think we only have one change quite honestly. Where there is commercial involved that ABR does what they normally do and planning and zoning does what they do. Where there is a building that is both, should that ever happen, then as far as the façade and other things like that, the signage that those would be ABR functions. Where it is strictly residential it is not ABR.

Brian said our code says: The ABR shall review and approve, or deny all plans for commercially zoned properties within the Village of Shawnee Hills for which rezoning is not required. For commercially zoned properties lots that require rezoning or development plan approval and which are located within the SCPD and/or Commercial Area plan overlay district, the Board shall review the development proposal and shall only issue a recommendation to Village Council of approval, approval with conditions or denial. Kathy said maybe that's it then, let them do recommendations. Brian said I guess they could do a recommendation back to planning and then you could forward it. Pat said I think that would be very clean. I just thought of the most recent development which was the veterinary clinic. I don't think planning and zoning had much to do with the veterinary clinic. Dan and Kathy said they did not do anything. Pat said ABR made all the recommendations. Brian said that was because it was not a rezone. Everything under the PUD will be a rezone. Pat said so is there anything wrong saying and when there is a rezone that involves commercial. Kathy said when anything is rezoned to commercial that they make a recommendation to planning and zoning. Pat said I think they ought to bring it back to planning so we don't confuse council.

Brian said do you want to create two separate things because you would have, you are talking about an SCPD zoning commercial or a PUD zoning commercial. Right now the way it is, like the vet's it would go to ABR straight to Council. Do you want that to remain the same because then you are going to have people choosing what they really want to do or do you make them both become the loop of the recommendation actually goes back to planning commission. Pat said let's try that. I am going to go back to the veterinary clinic. We did not have anything to do with the veterinary clinic so I don't know why we would change that. The objective was to take a

look at how they would fit into a PUD when it had to do with commercial. Brian said I am just saying take a look at that because we have people forum shopping in a sense, saying I don't know what I want because I don't want to go to planning commission so I will just do SCPD. Kathy said to simplify it to basically have one process in place for everything. Brian said I am just throwing it out there. You can create it so it is dual or you can create it so it is one. Pat said let's try that again. Let's use the veterinary clinic. If they were going to build the veterinary clinic right now are you saying they would go through the normal ABR process who would recommend back to planning and zoning? Brian said it depends what they do. If they do SCPD then it is going straight to ABR, straight to Council. If they do it through the PUD as it exists today it would just go to planning commission and then to council. Now you want to add the ABR so it would go planning commission, ABR, planning commission, then out to council. Kathy said her recommendation, whatever we end up with, is to make it a single process. Just so everybody has one road to follow. Brian said you can completely change the PUD and take planning commission out of it and have it set up this track where if it is commercial it all goes via that way. Dan said as it is written now anyway don't we have to have a recommendation to council within thirty days anyways. Brian said I think so. Dan said so if we added sixteen steps we still have to have a recommendation to council. Kathy said we could change that. Pat said I do disagree with trying to make it one process. I understand for simplification, but I want to go back to the veterinary clinic. We did not need to be involved in that. Maybe they shopped how they wanted to go through that. The idea was to simplify that people could come through to do that. ABR is not going to deal with it if it has to do with residential. A mixed use, what we are really asking, on a commercial thing going through a PUD, I don't know why they wouldn't be involved and maybe we have a lesser role in it. Dan said the only reason I would like to keep it singular and have it come back to planning and zoning is we meet much more often than ABR. Pat said so what we just said is that if we are going to stay with the thirty days, maybe its forty five to make it more reasonable, they would have to meet within this amount of days to make their recommendation back to us in this amount of time. I just don't see why we would pull us into something we weren't involved in before.

Kathy asked Brian if he could think of anyplace else that does pull ABR in. Brian said no he does not know of any place that does. He said you looked at all those codes and it was planning commission and council. Brian said if you go to New Albany or go to Dublin planning commission deals with everything. He said he is going to Dublin's planning commission for Dublin's Friends Hospital as they are looking at increasing the size of their fence and the planning commission is dealing with everything. What's the fence made of, how high is the fence, how many trees are around the fence. Pat said if the answer is the ABR shouldn't be involved in a PUD, let's just say if we stay with that rather than change the other thing. Are we prepared to take that code that we have additionally and add it to what we have to do for a PUD to make sure all those other things are included. Kathy said I am not sure what you are saying. Pat said so a PUD is coming through now. We don't ask anybody about down lighting and parking spots and façade and colors and trees. We don't ask that so if we weren't to involve them then we are taking on that role as planning and zoning to do that because that role needs to be fulfilled. Pat said I understand that you could have a meeting that could run forever but I really do believe that people in the same meeting could do this because we are not going to do a bunch of them. The biggest trouble we have is we don't do things often. Maybe the answer is we try the joint when we run through a PUD and if it doesn't work then we need to figure a way to do that. I don't think we are ready to make those kinds of questions and decisions associated with that.

Kathy said don't we have architects on the ABR. Isn't that the purpose to get people with expertise in those areas? Pat said we used to have an architect on it. Dan said why can't we just call it and have a joint meeting and we kind of take care of what we take care of and if we are done in five minutes we leave and that's what they do. They do their thing on the architecture review and everything. Pat said that to him seems like the simplest thing to do except for the five minute thing. We can't do anything in five minutes. I can see the structure of having an agenda that you go through and say here are the decisions we are going to make and ABR here's the decisions you are going to make. Let's do that and really that staff report would go both directions. We would get a staff report that would go to us and t them or it would go to both of us. Kathy said is it possible Brian that whenever we might run across our first PUD to unofficially invite ABR. Brian said you can't unofficially invite anybody. You would have a majority of them there and it's prearranged so you've got a public meeting. Kathy said I guess what I meant is does it have to be part of the legislation. Brian said I think it does because if you don't create it there is no way to make it happen. If it comes through today it has to follow what the chapter says. Pat said I think the simplest is where there is a PUD that involves both at the meeting with planning and zoning there's a joint meeting with ABR. Is that oversimplified? Brian said I think in a way because are you going to say ABR. So what you are going to do is you are going to change this review and approval of what ABR does where it says if it involves a rezoning to SCPD you are also going to also add in the PUD section of it, so ABR will review all rezoning's whether it's SCPD or PUD. Dan said can you call it a commercial PUD or a PUD with a commercial aspect. If we get a PUD that is all residential then we don't necessarily need ABR involved. Pat said it is only when it involves commercial. When it comes in through a PUD and it involves commercial that the review of planning and zoning also includes a review of ABR in a joint meeting. Brian said okay who does ABR recommend to because right now if it's SCPD they recommend straight to council. Pat said they recommend back to planning and zoning who does a combined recommendation to council. Kathy said have we gone about as far as we can go tonight. Pat said I think we have. I think the trick is to make it as simple as possible in dealing with a PUD. So really coming out of this we have this part we talked about and we have the examples that Brian is going to provide to us on multifamily homes.

Brian said when someone is building a house on a lot who reviews that? Pat said code enforcement and if there is a variance required it goes to BZA. Brian said so the mixed use will be interesting because if it is one building ABR will really do the whole thing even though it has a residential aspect to it. Pat said they don't do residential. Brian said if there is one building and it is mixed use then how do you divide that up and say Mark you still handle this part. Dan said I think there is only one spot where that would happen. Brian said but we have to account for when that one thing would happen.

Pat said to Brian if he came in with one proposal and we could sit down and look at it the next time we meet.

There being no further business, it was moved by Dan, seconded by Pat to adjourn. Following vote on the motion is recorded: yea, 4, Kathy, Pat, Dan and Dave. Nay, none. Chair declared the meeting adjourned at 8:24 p.m.

