



PLANNING & ZONING COMMISSION MINUTES
January 18, 2023 at 6:30 PM
Council Chambers

Chair: Dustin Adler

Members: Jody Carney, Tyler Harriman, Brad Swank, Tom Jaskiewicz

Call to Order:

Mr. Adler called the meeting to order at 6:30pm.

Roll Call:

Present: D. Adler, J. Carney, B. Swank, T. Jaskiewicz.

Absent: T. Harriman.

Approval of Minutes:

Planning & Zoning Commission – September 21, 2022

Mr. Jaskiewicz motioned to approve the September 21, 2022 minutes, seconded by Mayor Carney. Three yeas and one abstention from Mr. Swank.

Appointment of Chair and Vice-Chair:

Mayor Carney nominated Mr. Harriman to serve as the Chair of the Planning & Zoning Commission, seconded by Mr. Adler. All in favor.

Mr. Adler nominated Mr. Swank to serve as the Vice-Chair of the Planning & Zoning Commission, seconded by Mr. Jaskiewicz. All in favor.

Communication:

Planning and Zoning – Mr. Hutchinson

Mr. Hutchinson gave a brief update on the current status of in-construction developments. Those developments include Madison Meadows and Darby Station, with their second phases beginning later this year. Additionally, The Run at Hofbauer Preserve will begin later this year. Jefferson Village and Oak Grove developments are on hold at the moment. Developments that are currently in the planning process include Wilcox Communities, Virginia Homes, Fisher Homes, and a commercial development on Perry Pike.

BZA – Mr. Jaskiewicz

Mr. Jaskiewicz updated the Commission members on their most recent BZA meeting which was the previous evening. They did not have any applications to review but elected the Chair and Vice-Chair and reviewed the Board rules which they hope to formally adopt at their next meeting.

Mayor Carney

Mayor Carney provided a brief update on the Council meeting and Work Session that took place in January. Council goals have been set for the year and the annual Council reorganization took place at the last Council meeting. Mayor Carney noted that all committees and boards are full and thanked all residents for their involvement to make that happen. She stated that the new Council President for 2023 is Mr. Sintz and thanked Mr. Terry for all his hard work as Council President in 2022. Additionally, she updated the Commission on the creation of the Economic Development Committee which is planned to take place later this month or early February.

Public Comment:

None.

Old Business:

None.

New Business:

None.

Discussion Items:

Presentation – Jonathan Wilcox of Wilcox Communities Development

Mr. Wilcox introduced himself and presented an overall site plan of their proposed development. The development will be located on Lafayette Plain City Road directly to the west of the Madison Meadows subdivision. The developer has worked with both property owners, Mr. Troyer and Mr. Blosser, in acquiring the land that will be developed, a total of 112.82 acres. Mr. Wilcox hopes to have a mixed variety of housing types in this development which, as of now, includes an estimated 226 single story apartments, 80 patio homes, and 145 single family homes. A community clubhouse would be included in the single-story apartment section while walking paths, community gardens, and dog parks would be available throughout the entire development. Mr. Wilcox noted that, if they move forward with this development, it would be the thirteenth development for Wilcox Communities.

Mr. Swank asked Mr. Wilcox if there is a way for them to include a requirement that residents be age 50 or above. Mr. Wilcox said there is a way but they have not required it in any of their previous developments for a variety of reasons, notably the legality. They prefer to design and develop communities that target that demographic and have found that method to be more successful.

Mr. Swank asked if the developer builds the patio homes themselves or is it subcontracted. Mr. Wilcox said that Wilcox Communities is the master planner and builds the apartments and partners with other builders for the single-family homes. They provide the set-up and planning for each section. Mr. Swank asked if they have any builders yet for that part of the development. Mr. Wilcox said they do not at this time given how early in the process everything is.

Mr. Swank asked Mr. Wilcox if he is aware of the overall status of the proposed zoning code and its changes. Mr. Wilcox said he has and feels that their proposed development fits very well with the new code.

Mr. Wilcox added that this would not be a gated community but would include some private roads and public roads for the single-family section.

Mr. Swank inquired about the open space depicted on the overall site plan. Mr. Wilcox said that they value this Commission's input and want to hear their opinion throughout the process as to what they think about the size and location of open spaces. Mr. Hutchinson added that the Parks & Recreation Director, Ms. Granger, will also be

involved throughout the process. Mayor Carney emphasized the importance of having as much open spaces as reasonably possible for residents.

Mr. Swank asked about water retainage methods, noting that the site plan includes several ponds. Mr. Wilcox said that they typically use ponds with fountains for retention and strategically place them to optimize the aesthetics and functionality in a dual-purpose manner.

Mr. Adler asked if Wilcox Communities still operate all thirteen of their completed developments. Mr. Wilcox said that this development would be their thirteenth single-story apartment development and sixteenth overall. They did sell their three oldest developments located in downtown Columbus. He stated that they have no intent or interest in selling any of their completed developments since then, including the development being presented tonight. He added that Wilcox Community employs their own employees for property management and staffing for those communities. He believes that using their own employees for these positions provides the optimal environment for a true community and have had success with this model in their past developments.

Mr. Adler asked how many of their previous developments are a similar model and concept plan to what they are proposing tonight. Mr. Wilcox said they have one in the works that will be similar and one completed that is very similar. He noted that the overall design of each development largely depends on the size of the site.

Mr. Swank asked if this project will be phased. Mr. Wilcox said that it most certainly would be phased and would most likely be done in two phases. He said that they plan to start the pre-annexation discussion soon and would like to begin construction as soon as is reasonably possible.

Mr. Jaskiewicz stated that he understands this is all exceptionally preliminary but looks forward to seeing plans that include mailboxes, specific walking paths, etc. He emphasized the importance of walkability for residents. Mr. Jaskiewicz commented on the future of Mr. Troyer's property located in between the proposed entrances of the development and advised Mr. Wilcox to think about the implications if that property ever sells. Mr. Wilcox thanked Mr. Jaskiewicz for his comment and acknowledged that he had not thought of that situation and added that Mr. Troyer does plan to annex that property in addition to the development property.

Mr. Adler and Mayor Carney stated that the USPS mailbox requirements are slightly different now than they were before and advised Mr. Wilcox to take that into consideration in future planning.

Mr. Swank inquired about the proposed street that does not lead to anywhere located on the southern side of the development. Mr. Wilcox said that, at the moment, they do

not have any plans to purchase that property but wanted to have the option for that connection in the future if needed. Mr. Jaskiewicz noted that the Village generally requires developers to have some sort of connection option available as well.

Mr. Swank asked if the street widths would allow double street parking or single street parking. Mr. Wilcox said that each home would have its own garage and there would be specific visitor parking spaces available.

Mr. Jaskiewicz noted that there are not any landscape features listed on the apartment section. Mr. Wilcox said that they will definitely include landscape features and buffers where applicable and necessary but did not include them on this preliminary concept plan.

Christy Syfert, a Plain City resident, inquired about the potential pricing and floorplan availability of the apartment section. Mr. Wilcox said they have several floorplans available and average rent is estimated to be near \$2,000/month but they try to keep it as affordable as possible for the target market. Mr. Adler also noted that this type of development generally has the primary developer, Wilcox Communities, buy the land and build the apartment community and then contracts with a builder to complete the patio homes and single-family homes. Mr. Wilcox said this is correct and reminded the attendees that they have not yet begun to select a builder given the early stage of this project.

Steve Syfert, a Plain City resident, stated that he is concerned with the growth and number of new communities coming to Plain City. He believes that just because a developer presents a project that may look good, does not mean that the Village needs to approve the project. Mr. Adler acknowledged Mr. Syfert's concerns and reminded him that tonight is only a discussion and that no approvals or applications are on the agenda at this time.

Mr. Wilcox asked Mr. Syfert if there is anything he would like to see in this proposal that would fit more in the tradition of a Plain City community. Mr. Syfert said that he prefers to not have the farmland developed at all and have it remain as it was and is now. Mr. Syfert stated that he does not believe there is a way for this project to fit in the scope he is speaking to and what he prefers.

Glen Aurelius, a Plain City resident, said that he understands the need for growth in the Village and cautioned this Commission to ensure the correct pace of growth is attained and to not let the Village outgrow its infrastructure. Mr. Adler agreed with Mr. Aurelius' comments and said that work has been done and will continue to be done to make sure growth does not happen too fast. Mayor Carney added that these concerns are a large reason the zoning code update has taken as much time as it has since staff and Council want to make sure it is done well and correctly. Mr. Jaskiewicz echoed Mayor Carney's comments and said that it is this Commission's hope and commitment

to make sure that future developments are done correctly and appropriately. He acknowledged that growth will inevitably happen in Plain City.

The Commission thanked Mr. Wilcox and his colleagues for their time and presentation tonight.

Zoning Code Update – Mr. Hutchinson

Mr. Hutchinson stated that he appreciates everyone's past work and continued work with the zoning code update. He stated that zoning codes are always changing as new situations arise and believes that the code must adapt as those changes occur. He began his presentation by describing the importance of a Planned Unit Development (PUD) District in a zoning code and believes that it should be maintained in the new code. He advocated for the removal of the proposed Village Residential (VR) District and renaming the Uptown District to the Uptown Historical District. Additionally, Mr. Hutchinson wants to make sure that the overall flow and transition from the Uptown to surrounding areas is done correctly. He addressed the need for changing the setback requirements in the proposed districts and is concerned with the 20' frontage requirement currently listed for all districts. Lastly, he stated that older existing neighborhoods in the Uptown area should have zoning language that more closely aligns with what is currently there given that new development in those sections are unlikely to happen. Mr. Adler said that most of these comments match what has been proposed by this Commission and its recommendations and agrees with the need for these changes. He stated that he hopes to streamline the development process to prevent developers from finding gaps in design standards and requirements. Mr. Hutchinson agreed and emphasized the need for PUDs as the Village continues to grow. He believes that PUDs will give the Village optimized control over design standards and development layouts.

Mayor Carney reminded the Commission that Council would like to see a recommendation from this body and trust its recommendation.

Mr. Hutchinson moved on to the next section of his advisory report which includes re-evaluating the uses in each district. He noted that bars and restaurants are currently listed as a permitted use in every district and believes that this should be changed to not allow this use in every district but rather as a conditional use where appropriate and non-permitted where applicable.

Mr. Hutchinson spoke about the rise in popularity of short-term rentals such as those offered by Airbnb and Vrbo. He understands that this use is a relatively new trend and believes that it should be addressed in the new code. He added that build-to-rent communities are also increasingly popular and need addressed. He used Jerome Village as an example where over 200 homes were built solely as build-to-rent homes

by a single builder. He does not envision the need to prohibit any of these types of places but rather implement zoning code to effectively regulate it.

Mr. Adler agreed that Airbnb-type establishments do need researched to fully understand what all the implications are and acknowledged that there may be a Fire and Police safety issue at hand as well.

Mr. La Fayette, the Law Director, spoke to the legality of what constitutes a short-term rental and that any potentially imposed requirements need to be reviewed to make sure they are constitutional. He stated that there needs to be a rational basis for any requirement or regulation as it pertains to short-term rentals. He acknowledged the overall concerns with short-term rental tenants not taking care of the property or valuing the area the same as long-term residents. Mr. La Fayette cautioned against an outright ban or prohibition on short-term rentals due to constitutionality issues.

Mr. Swank asked if short-term rentals are taxed differently. Mr. Adler said that ideally, they would be, but it is difficult for the taxing authority to truly know what is a short-term rental versus not.

Dori Aurelius, a Plain City resident, spoke as an Airbnb owner within the Village and stated her appreciation for being able to own and operate such a rental within Plain City. She said she understands the tax implications of short-term rentals but stated that she would be completely fine with registering her property as a short-term rental property if the Village were to ever implement that type of registry. She provided examples of the clientele that she has been able to help through her Airbnb, such as traveling nurses during the COVID pandemic, traveling professionals, and others. She strives to always maintain a clean property and house for the Airbnb rental.

Debbie Venditto spoke as an Airbnb tenant of Ms. Aurelius' property and stated that she always keeps the property well taken care of and is exceptionally responsible as an Airbnb owner. She also stated that she travels often for her job and almost always uses an Airbnb in her travels due to the many benefits they provide over other types of short-term rentals.

Mr. Aurelius asked when next steps would be taken in regards to the short-term rental topic. Mr. Hutchinson stated that nothing concrete has been determined yet and reminded Mr. Aurelius that the public input that staff and the Commission is receiving tonight is instrumental in formulating any regulations that may be implemented. These types of comments and concern are extremely beneficial for staff and Village officials. Mr. Jaskiewicz noted that if all Airbnb owners were of the high caliber as the Aurelius' then this discussion wouldn't be taking place. It is only due to the potential short-term rental property owners that do not value clean and safe properties that require this conversation to take place. Ms. Aurelius said that she completely

understands the issues at hand and appreciates the Commission's desire to make sure that any type of new regulation is appropriately formed and implemented.

Yusun Abrahams, a Plain City resident, also spoke as an Airbnb owner and spoke to the importance of having Airbnb's in the area. She agreed with previous comments in regards to not overregulating the industry but understands the need for rules in situations when less-than-desirable Airbnb properties form. Ms. Abrahams said that she was surprised when she first opened her Airbnb in the Village that there were no regulations in place.

Mr. Adler thanked the residents in attendance for their comments on this topic and stated that it is clear they care about their properties and community otherwise they wouldn't be present tonight to voice their opinions.

Mr. Swank asked if a short-term rental registration database was formed, would it give the Village the authority to enforce certain rules if applicable? Mr. La Fayette said that it is a complex situation due to the many factors involved. He provided several examples from surrounding municipalities who have enacted a type of registry and have a permitting process for property owners to operate short-term rentals. Mr. Jaskiewicz stated that he could see a permitting process being one type of solution.

Mayor Carney thanked the attendees for their input and Mr. Hutchinson said he would like to continue this dialogue with residents to gather future suggestions.

Mr. Hutchinson continued with his report by speaking about non-conforming uses and the pertinent language in the new code. He would like to see stronger language implemented about vacant buildings and more specific language about what constitutes an existing use that ends when a change of ownership occurs.

Mr. Jaskiewicz stated that one of the main concerns with this topic that was presented at an earlier Planning & Zoning meeting pertains to a property owner investing a significant amount of time and money to improve a building only to lose that potential investment if the non-conforming use has ended due to a change in ownership. Mr. Hutchinson agrees with his comments and said that he envisions this section applying primarily to buildings that have been vacant for an extended amount of time.

Mr. Adler stated that he does not want the zoning code update to be more restrictive to property owners and business owners in the Village. Mayor Carney asked how a vacant building registry would fit with this topic. Mr. Hutchinson said that it would primarily stay within the building code and serve as a resource for Police and Fire to know, from a safety standpoint, if a building should be unoccupied or not.

Mr. Hutchinson provided an example in which a bar is located in a zoning district where it's a non-conforming use. Although it is non-conforming, it is important to maintain some type of regulation as to its use and appearance. Mr. Adler stated that this is one of the biggest concerns brought up previously in which some residents who are relying on selling their business in order to retire would not be able to do so if the Village says the non-conforming use that was in place at the time of the sale, would not be able to be continued under new ownership. Mr. Hutchinson said he understands but there still needs to be some type of regulation in case that use does not fit into the overall development plan of the area. Mr. Adler stated that that would present a different concept than what is currently permissible under the code and advised Mr. Hutchinson that there would be significant disagreement from residents if that policy is implemented.

Mr. Hutchinson spoke about the need for stronger language about development standards along main thoroughfares such as US-42 and OH-161. This should be done to make sure that right-of-way easements and future road-widening projects are taken into consideration when a new development is being constructed.

Additionally, Mr. Hutchinson said that, as the proposed sewer and water district is progressing, a prohibition on the installation of water softeners in new developments may need to be considered to minimize the impact of those types of systems on Big Darby Creek and surrounding watershed.

Mr. Hutchinson stated that language should be included to require developers to install fiber optic cables during the construction phase of any new development.

He also said that there is a need to address backup lift stations and warranties within the design standards for new developments.

Mr. Hutchinson said that he is working with the Parks & Recreation Department staff to research if requiring developers to pay into a tree fund is a feasible policy.

He advocated for dividing the Subdivision Development Standards into two separate chapters, one being development standard requirements and the other being improvement construction standards which would regulate projects such as streets within subdivisions.

Mr. Hutchinson then spoke about his proposed revisions for commercial regulations. He believes that drive-throughs need to be addressed since the current draft essentially does not permit a drive-through anywhere in the Village given the 100' setback requirement from a residential dwelling or district.

Mr. Hutchinson believes that it would be best to revise the Design Review Board's (DRB) scope to include applications for façade changes that may take place anywhere

in the Village and not just the Uptown Historic District. He believes that having some type of review procedure for all site plans and projects would be beneficial to maintaining a consistent aesthetic throughout the entire Village.

He stated that the requirement to have electric car charging stations may need to be revised and clarified due to potential infeasibility.

He also believes that the sign code section should be its own chapter and list separate sign regulations for each district instead of an overall sign code that applies evenly to every district.

Mr. Hutchinson proceeded to the miscellaneous section of his report, beginning with the build-to-rent communities. He advocated implementing some type of regulation for these types of communities to best serve the Village and its residents. Mr. Adler stated that he wonders if these types of communities should be regulated differently since they are technically a different type of community. He believes that it may be beneficial to be stricter with build-to-rent communities than regular single-family developments. Mr. Adler acknowledged that it is a complex situation with no one single easy solution. Mr. Hutchinson agreed. Mayor Carney said that she is glad this Commission and staff are being proactive about this situation.

Mr. Hutchinson, on the next topic, said that he would recommend removing any nuisance or property maintenance related language from the zoning code and place that in the Building Code, which is a standard practice among other municipalities. He said that staff is working on writing a nuisance and property maintenance code.

The next topic Mr. Hutchinson spoke about is outdoor amplified sound and music. He said that he has spoken with Police and Fire and believes that it needs to be addressed in the near future. Mr. Adler said that he thought this topic did not fall within the zoning code. Mr. Hutchinson responded that the zoning text would not regulate noise, rather just amplified sound. He said that he would recommend language that speaks to prohibiting the use of amplifiers, microphones, or sound projecting devices if placed within a certain distance to a residential dwelling. Mr. Adler said he understands both sides of the issues but believes that it is difficult to classify what is amplified sound versus not in terms of enforcement.

Stephanie Syfert, a Plain City resident, provided several comments about the amplified sound topic. She is concerned with the outdoor music venue located in Uptown and that it emits high levels of sound at inopportune times during the day and evening. She does not understand why that continued high level of sound is permissible and wants to see the Village government address the issue. She likened the sound situation to someone shining a bright light in their neighbor's house at night. She strongly believes something needs to be done to address this situation.

Mr. Jaskiewicz said that it is his opinion that only Council has the authority the truly do anything with this situation. He reminded the Commission members that they are an advisory body only and Council is the only legislative body in the Village. He encourages Council to take a position on this topic to prevent it being sent back to the Planning & Zoning Commission with little to no results being gained. He acknowledged the frustration from residents about how long it has taken to address this issue.

Mr. La Fayette said that, in his understanding, Council determined that there is no one single solution to this problem and that it presents itself differently depending on the location. Ms. Stephanie Syfert and Mr. Mike Syfert, a Plain City resident, disagree with Mr. La Fayette's comments and stated that, if amplified sound reaches past a private property boundary, it should be classified as such and addressed. Mr. Jaskiewicz does not believe that is feasible given that it would be hard to determine what kind of sound would be regulated. He gave the example of during the summertime an open window would emit sound from a TV that may be heard from the sidewalk, and therefore be in violation of that regulation. He said that it is exceptionally difficult in practicality to enforce a decibel level ordinance given how much sound is always being emitted from normal day-to-day operations and life.

Mr. Mike Syfert reminded the Commission of the Mayor's earlier comments in which she stated that the reason the adoption of the zoning code has been delayed is to make sure that resident's concerns are being heard and addressed. He does not believe that is taking place. He believes that there are specific instances where properties have lost value due to its proximity to where high levels of sound originate. From his experiences, he believes Council wants to hear from this Commission what their recommendation is on this issue. Mayor Carney said that she would bring this topic to Council at their next meeting on January 23rd. Mr. Jaskiewicz acknowledged the validity of Mr. Syfert's comments but does not want to go against what Council has previously decided.

Mayor Carney reminded the Commission that Police Chief McKee recommended to Council, at their January 4th meeting, to wait to take any action on the noise ordinance until the current court case is resolved in the interest of seeing how the noise ordinance holds up in court. Ms. Syfert reminded Mayor Carney that Council did this topic as a Council goal for 2023. Mr. Adler said he understands Ms. Syfert's frustration but added that this is a difficult topic to address given the innate complexity.

Mayor Carney reiterated that she will bring Mr. Hutchinson's comments and suggestions regarding the amplified sound to Council as a discussion item on Monday evening. Mr. La Fayette concurs.

Ms. Syfert asked the Commission about the previously discussed 20' frontage setback requirement and stated that she is concerned that this language would eliminate street parking and sidewalks in the Uptown area. She referred to an ordinance passed

by Council in 2020 that allows businesses to construct “bump-outs” in the right-of-way (ROW) and asked if this Commission has the authority to research if that ordinance was truly in the best interests of the Village. She wants to make sure that the Uptown area stays as historical as possible and that new streetscape projects are not done in vain. Ms. Syfert is concerned that that ordinance may be in conflict with the new zoning code.

Mr. Jaskiewicz stated that the bump-outs can provide a high safety value in terms of increased sightlines at intersections. He gave the example of turning from Maple Street onto Main Street and how bump-outs would be beneficial at that location to give better line of sight to the driver as they turn onto the busier road. He stated that he understands this primarily applies to vehicular traffic and not necessarily to dining establishments being built on the bump-out. Ms. Syfert acknowledged Mr. Jaskiewicz’ comments but said that his example only applies to vehicle traffic and not to pedestrians. She said that the current bump-out in the Uptown, with the dining patio on it, forces pedestrian to the farthest point from the building and closest to vehicular traffic, which creates a potentially dangerous situation for pedestrians.

Mayor Carney asked Mr. La Fayette if that ordinance was written during the COVID pandemic. Mr. La Fayette said that he believes it was. Mayor Carney said that she thinks part of the reason for allowing the bump-out was to allow space for more outdoor dining in regards to the COVID pandemic. Mayor Carney said she would add the bump-out topic as a discussion item for the Council meeting on Monday. Mr. Adler and Mr. Jaskiewicz acknowledged the pedestrian safety issue and said that it is a complex issue. They reiterated the need for increased walkability throughout the Uptown area and throughout the Village.

The next topic on Mr. Hutchinson’s report is clarifying the verbiage as it relates to requests for a lot splits. He recommends inserting clearer language in the code that prohibits lot splits that would, if created, not meet street frontage requirements. Additionally, Mr. Hutchinson believes that it may be prudent to have verbiage that prohibits existing non-conforming lots to be developed.

Mr. Adler stated that he believes the Commission addressed Mr. Harriman’s written comments that were submitted in lieu of his absence this evening. Mr. Jaskiewicz noted that the one topic the Commission did not cover from those comments is in regards to including larger buffer zones between residential and non-residential districts. Mr. Hutchinson said that he plans to have discussions with developers to implement better transitions between districts specific to Mr. Harriman’s comments.

Mr. Hutchinson stated that he believes now is the time for the Village to be more selective with potential developments given how desirable this area is. Mr. Jaskiewicz and Mayor Carney agreed with his comments. Mayor Carney stated that it is difficult to have an appropriate balance between adequate farming land and residential

developments but believes that such a balance can be met in Plain City. She believes that Plain City continues to be a strong agricultural community and will remain as such in the future. She encouraged residents to continue to provide public input and stay involved. Mr. Jaskiewicz agreed with the Mayor's comments. Mr. Jaskiewicz added that it is a multitude of factors that go into making Plain City the great place that it is and he strongly believes that those values will remain given the caliber of people that reside and work in the Village. He also thanked the Syfert's for their input and presence at these meetings.

Mr. Hutchinson thanked the visitors and Commission for their work and stated his desire to provide the best quality work to this Village and its residents.

Adjourn:

Mr. Adler motioned to adjourn. Meeting adjourned at 9:14pm.