



## **PLANNING AND ZONING COMMISSION MEETING MINUTES**

**September 21, 2022 at 6:30 PM in Council Chambers**

### **CALL TO ORDER**

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

### **ROLL CALL**

Present – Dustin Adler (chair), Jody Carney, Tyler Harriman, Tom Jaskiewicz

Absent – Brad Swank

Also present – Taylor Brill (Village Planner), Justin Dreier (Zoning Inspector)

### **APPROVAL OF MINUTES**

Mr. Adler tabled the approval of minutes from the Planning and Zoning Commission meeting on May 18, 2022 due to lack of attendees at the current meeting that were present at the previous Commission meeting.

Mr. Jaskiewicz motioned to approve the Planning and Zoning Commission meeting minutes from July 20, 2022, seconded by Mr. Adler. All yeas.

### **COMMUNICATION**

Zoning (Ms. Brill)

Ms. Brill updated the commission on the rebranding process, indicating that the project is wrapping up soon. It will ultimately go before Council for approval. Ms. Brill also informed the commission on the Uptown Master Plan process which includes another steering committee the following week. Lastly, she informed the commission of her resignation. The commission thanked her for her service and time.

BZA (Mr. Jaskiewicz)

Mr. Jaskiewicz updated the commission on the most recent meeting and that the Board approved an eighteen-month extension for a previously approved conditional use permit for Operation Restoration at the property on US-42, south of Alcott Drive.

Mayor Carney

The Mayor thanked Ms. Brill for her hard work and time with the Village and stated her appreciation for Ms. Brill's work. The Mayor informed the commission that herself and several

Village staff members met with First Energy to discuss moving the telephone poles on Main Street to the rear of the buildings to build a better aesthetic experience for the Uptown. The Mayor also updated the commission on her meeting with a representative from Governor DeWine's office as well as Congressman Mike Carey and Jim Jordan. She is also working to increase childhood cancer awareness and told the commission about the importance of blood donation as it relates to childhood cancer awareness and her efforts to have a Red Cross blood drive at Pastime Park.

## **PUBLIC COMMENT**

Rayce Robinson asked the Mayor if the meeting with First Energy was about burying the electric lines or moving them to the rear of the Main Street buildings. The Mayor responded that First Energy prefers that the lines be moved and not buried given the cost effectiveness of moving the lines versus burying. Mr. Robinson thanked the Mayor for the clarification.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

PZ-22-2: TO CONSIDER ADOPTION OF COMPREHENSIVE AMENDMENTS TO THE PLANNING AND ZONING CODE OF THE VILLAGE AND TO AMEND THE ZONING MAP (Public Hearing)

Mr. Adler opened the public hearing for PZ-22-2 at 6:39pm and asked Ms. Brill to give an overview of the public hearing topic.

Ms. Brill thanked everyone for coming and encouraged questions at any point during the presentation. She began by describing the content and layout of the proposed zoning code and how it would be organized in ordinance form. She explained each topic within the code including the subdivision regulations, zoning ordinance, each of the nine districts and its uses (agricultural, rural residential, suburban residential, uptown neighborhood, village residential, uptown, corridor, innovation and employment, and open space), residential and uptown districts design standards, generally applicable standards, typologies, nonconformities, administration and procedures, and the glossary.

She showed the commission the proposed zoning map which outlines the boundaries of the districts and indicates the proposed uses by association. She also explained that there were several comments on the document from the public feedback time that were being addressed, such as adding a bed and breakfast use to several districts. Additionally, the impervious surface requirement was updated for the rural residential district. Ms. Brill explained that the proposed code includes graphics that better illustrate concepts and requirements. She emphasized that a priority goal of the zoning code update is to make it easier for residents, developers, and staff to use.

Mr. Adler asked Ms. Brill if there are any other changes to the districts other than what has been said. Ms. Brill answered that anywhere that a place of religious worship was listed as conditional is now listed as permitted. Mayor Carney asked if the comments from the Village

Engineer have been addressed yet, Ms. Brill responded that they are working to address his comments as soon as possible. She also stated that agricultural uses were updated as a use in certain residential districts.

Mr. Jaskiewicz asked Ms. Brill to explain the process of the zoning code update and how the commission got to where they are today and where today's public hearing fits in to the overall process. Ms. Brill answered that it began with the comprehensive plan and that document recommended that the entire zoning code be updated. Council then authorized a bid process to find a consulting firm which resulted in OHM, with the additional assistance of ZoneCo, being the selected consulting firm. A steering committee was formed as well. An analysis of the current code was conducted and those results were given to the steering committee. Additionally, analysis was done on what districts could be combined and refined. As those analyses were completed, the code draft was continually revised to reflect the latest suggestions. Lastly, Council approved, at their last meeting, that Planning and Zoning Commission hold a public hearing to begin the next phase. Mr. Jaskiewicz thanked Ms. Brill for the clarification and asked her to further explain what would happen after tonight's meeting. Ms. Brill stated that, if the commission grants their recommendation of approval, it will then go to Council and they would set a public hearing which would most likely be in early November.

Mayor Carney asked Ms. Brill if, given public comment at tonight's meeting, would the commission be able to table the recommendation until feedback from the public was addressed. Ms. Brill answered that is certainly an option.

Mr. Harriman voiced his concern with the Village Residential District, as it applies to the Darby Fields neighborhood, in that it may set a poor example of what the Village wants for future neighborhoods if they are zoned in that district. Ms. Brill responded that all areas within the Village will have to be zoned in one of the districts and that, although Darby Fields does not match exactly the Village Residential District guidelines, it is the best fit when compared to other districts. Mr. Harriman thanked Ms. Brill for the clarification and stated that he understands the requirement. Mr. Jaskiewicz agreed and stated that it is important to communicate the desire for different types of developments and neighborhood types.

Ms. Brill explained why the PUD/PRD district was eliminated in the proposed code and how it benefits appropriate growth and development. Mr. Jaskiewicz agreed and stated that it is important to remember that there will most likely be developments like Darby Fields in the future and that it is not always feasible to build large, expansive, single-family residential lots. It is important to maintain flexibility in planning.

Mayor Carney asked if Mr. Swank's comment regarding adding trees to the backyard of a residential property is feasible. Ms. Brill answered that generally, municipalities only regulate the front-facing trees on the street side and given the difficulty in regulating trees in the rear yard, staff and OHM opted not to have trees in the rear yard as a requirement. Mayor Carney asked if staff has language that would protect existing trees and tree lines as areas become developed. Ms. Brill responded that the Village does have a tree preservation standard section in the proposed code. Mayor Carney noted that the Parks and Recreation Department is also working on a tree preservation committee to further those efforts.

Mr. Adler opened the public comment section for the public hearing at 7:31pm.

Eric Medici spoke first and stated that the pictures and illustrations included in the proposed code are an excellent addition and important for a zoning code. He voiced his concern with the lack of notice to residents about this public hearing. He believes that the Village did not adequately give proper notice to key stakeholders about this public hearing. Mr. Medici stated that only posting meeting dates on social media or the website is not adequate for letting the public know about meetings such as this.

Mr. Medici stated that he is concerned with drive-through not being allowed in the Uptown District under the proposed code. Mr. Jaskiewicz responded that drive-through are conditional in the proposed code. Mr. Medici inquired if that use follows the owner or the tenant. Ms. Brill responded that the use is specific to what is occurring in the building, not the owner or tenant. She additionally stated that, if a use is discontinued after six months, then a new conditional use certificate must be obtained. Mr. Medici expressed his concern that his monetary investment in the buildings he owns could be negated based on a current use being conditional and that use potentially being discontinued. He feels that it is an unknown variable that should be addressed. Mr. Adler asked Ms. Brill if drive-throughs are currently conditional in the Uptown. She responded that is correct. Mr. Medici stated that he already has zoning approval for the structure.

Mr. Medici stated his concern about the nonconformity clause and its stipulations. He believes that the clause is contradictory to the intended purpose of nonconformity clauses. He encouraged the commission and staff to take a deeper look at the language in this clause. He also believes that there are too many nonconforming properties in the Village that will be negatively affected by the proposed code. Mr. Adler stated that many of Mr. Medici's concerns would also apply to the current code given the similarities of the codes. Mr. Adler reminded the commission and audience that the nonconformity concepts outlined in the proposed code are still the same as what is already applicable within the Village. Mr. Jaskiewicz asked Mr. Medici if he has any suggestions in regards to the nonconformity clause. Mr. Medici responded that it is not his job to provide suggestions.

Mr. Medici mentioned that he believes the only way to protect the Uptown historic buildings is to become a Certified Local Government (CLG). He feels that the Secretary of Interior's Standards for Rehabilitation and Guidelines need to be incorporated verbatim in the proposed code. Mr. Medici stated that the member requirements for the Design Review Board (DRB) in the proposed code have been changed in a way that negatively impacts the purpose of the DRB and that experts in historic preservation should be members of the DRB. Additionally, he believes that the evaluative criteria for the DRB is not sufficient in the new code.

Ms. Brill stated that staff is currently working on having the Uptown Historic District placed on the National Register of Historic Places as an Historic District. She said that staff has made preliminary inquiries into the CLG program but that the CLG and Historic Register are separate and different programs with different requirements. She acknowledged and made note of Mr. Medici's concerns.

Mr. Jaskiewicz also stated that Mr. Medici's comments have been noted in the record and actions to address his concerns will be taken. Mr. Medici stated that he believes the DRB code is vague and done so on purpose and that Ms. Brill does not understand the implications of the vagueness. Mr. Jaskiewicz responded that it is not fair for Mr. Medici to determine what Ms. Brill does or does not understand. Mr. Adler advised Mr. Medici to finish his current comment and then the board will hear the next public comment speaker. Mr. Medici responded that he believes the guidelines listed in the current code are too vague and that the guidelines listed in the Secretary of Interior's Standards are more comprehensive and give more insight into historic building preservation.

Mike Syfert spoke next and said that he agrees with Mr. Medici's comments in regards to the Village staff being more proactive in letting residents and business owners know about meetings such as the one taking place tonight. He stated that he is disappointed by the allowance of an outdoor concert hall in the Uptown and that the quiet nature of the Uptown should be preserved and protected. He hopes that the needs and rights of the residents be respected.

Mr. Adler asked Mr. Syfert, in his opinion, what additional methods should be pursued to better let residents know about public hearings. Mr. Syfert responded that he believes money should not be an inhibitor to letting people know and that he would like to see mailings go out to every resident or pamphlets on door hangers on affected residents. He feels that requiring residents to go to the Village website to find out about public hearings is disrespectful. Mr. Adler responded that this process has been occurring for quite some time and he believes mailers have gone out to residents over the past year and a half when required by the zoning code. He noted that this commission has had several conversations about the zoning code update over the past several months but no residents have been in attendance. Mayor Carney stated that she believes that may be where the disconnect is occurring and additional steps should be taken. Mr. Harriman noted that yard signs could be posted that includes information about the public hearing. Mr. Syfert agreed that additional signs could be posted, like what the Music in the Park sign depicts.

Stephanie Syfert spoke next and agreed with what was previously said and that the sign at the corner of 42 and 161 could have a slat added that advertises public hearing dates and times. She added that a sign in the center of the Uptown would be beneficial as well.

Ms. Syfert noted that in the typology section there is a 20-foot maximum depth limit for outdoor patios and wondered if anyone has measured in the Uptown to see what that would do to the existing sidewalks. She is concerned that if that maximum depth is permitted that it would eliminate all Uptown street parking. Ms. Brill responded that requirement is for all the Village and not just the Uptown area and that it is a maximum limit, indicating that the 20-feet of space may not be feasible in all districts. She stated that those typologies are suggestive to what is desired. Ms. Syfert asked what would stop all business owners in the Uptown from extending a patio to the 20-foot limit. Ms. Brill responded that in order to do so, that property owner would have to apply for a right of way entrance permit and agreement which is approved by Council.

Resa Lynn spoke next. She agrees that there should be more steps taken to let residents know about meetings like this. She stated her appreciation for Village staff in working to update the zoning code and understands that is an important and tedious task.

Ms. Lynn stated her concern with the language in the proposed code that indicates that animal clinics such as her husband's Plain City Animal Hospital, are neither conditional nor permitted in the Uptown District. She does not understand why this is the case and asked if their business would be forced to move with this new code. Mr. Jaskiewicz responded that she is not required to move and that their business can stay there as long as they would like as long as the current use persists. He added that if the use were to cease, then it would not be permitted since it is a nonconforming use.

Kim Higgins asked the commission what would happen if the business sells. Mr. Jaskiewicz responded that as long as the use continues, it does not matter if the ownership transfers, the use can continue as long as it does not cease. Mr. Adler gave the example of someone selling that property to a retail owner who turns the building into a store and operates the building as a retail store for two years. After that two-year timeframe has elapsed, someone else would not be able to buy that same property and turn it into a veterinary clinic since the original nonconforming use ceased. Ms. Higgins stated that is not a bad thing since it decreases potential competition. She asked if Dr. Lynn would be able to sell his practice as he nears retirement. Mr. Jaskiewicz responded that he would most certainly be allowed.

Ms. Lynn reminded the commission that it is their hope to be able to sell the clinic someday to be able to retire and would like a guarantee to make sure that the next owner can operate the business in the same location. Mr. Adler responded that there should not be an issue since the use would continue. Mr. Jaskiewicz added that as long as the use does not cease for six months, the new owner would be able to continue to operate that business in that location.

Ms. Higgins asked what would happen if a new owner wants to renovate the building but still use it as a veterinary clinic. Additionally, she included a theoretical timeframe of eight months for the renovation, thereby passing the six-month non-use stipulation. Ms. Brill responded that she would advise the new owner to file a Certificate of Zoning Compliance application with the Planning and Zoning Department to indicate that use is continuing, even if renovations take some time.

Ms. Higgins stated her concern with the large number of stipulations that it would require to maintain the veterinary clinic as a continuing use. She has worked at the Plain City Animal Hospital for twenty-five years and does not want to potentially lose her job due to a zoning issue. Mayor Carney inquired if the six-month requirement could be amended to twelve months. Ms. Brill responded that it could be amended to twelve months. Mr. Harriman agreed and acknowledged that due to legal proceedings in a probate court, a twelve-month limit sounds like a better option. Ms. Brill made a note of the commission's request.

Ms. Higgins and Ms. Lynn asked if it is possible to have these provisions amended to allow the veterinary clinic as a conditional use in the Uptown. Bruce VanWinkle added that Ms. Higgins is concerned because the commission saying one thing is different than having it in writing and

that she prefers to have these provisions in writing. Mr. Medici added that he would also feel better if there are stipulations added in the code to allow uses like the veterinary clinic to persist even in a nonconforming way.

Mr. Jaskiewicz asked the commission and Ms. Brill if there is a reason as to why an animal hospital is not allowed in the proposed code. Ms. Higgins added that she understands why outdoor animal runs would not be allowed in the Uptown but does not understand why a veterinary clinic is not allowed. Ms. Higgins noted that the noise and smell emanating from the building is minimal and does not understand why their use is prohibited. Ms. Higgins stated that there are many similarities between what their business does and other human health related businesses do all within the same physical area. Mr. Jaskiewicz stated that if there are logical reasons as to why it was prohibited in the proposed code, he would like to hear those reasons to make sure nothing is being missed. The commission members noted that these are all valid questions that should be addressed. Mr. Jaskiewicz added that it may be beneficial to add more specific definitions within the term “animal care” to better suit that use in the Uptown. Ms. Brill made note to address these concerns and comments.

Ms. Higgins and Ms. Lynn said that their business brings many visitors from outside Plain City into town and they appreciate the commission and staff looking into these issues. Mr. Jaskiewicz agreed and reminded the attendees that it is certainly not the intention of Council, this commission, or any Village staff to remove their business from the town and that they appreciate what Plain City Animal Hospital has done for the Village. Ms. Lynn thanked the commission for their work and comments and looks forward to seeing these proposed changes in writing. Mr. Jaskiewicz encouraged everyone to attend future Council and commission meetings to be able to participate in this process.

Ms. Higgins said that she has the Plain City app and subscribes to the emails and did not receive anything regarding this public hearing through any of those means. She added that she would like to see more communication from the Village about public hearings. Ms. Syfert agreed and said that she feels it should be included in emails that the Village sends out. Ms. Higgins stated that even if those communications only go to business owners that it would be better than not receiving anything. Mr. Adler noted these comments and that staff will take steps to enhance communication. Mayor Carney added that the Economic Development Coordinator, Jason Stanford, is compiling an email newsletter and asked if the business owners in attendance have received notification about that newsletter. The attendees stated that they prefer to see a physical letter in the mail instead of an email newsletter. Mr. Adler added that these comments will be addressed by staff and Council and added that this commission exists to make recommendations to Council, not make policy decisions. He encouraged the attendees to come to Council meetings. Mayor Carney added that she likes the idea of adding slat signs and sandwich signs to the Uptown to better communicate to residents. Mr. Medici offered the idea of having post cards sent to all residents since that postage would be cheaper than a stamp.

Rayce Robinson spoke next and asked about the comprehensive use table in the proposed code and certain uses that are or are not allowed. Specifically, he referenced the commercial sales use and asked for more clarification. Ms. Brill stated that the definition for a commercial sales use is any business that is selling goods to other businesses as opposed to a household user.

She said that definition is in the glossary section of the proposed code. Mr. Robinson asked if the brewery he hopes to have in the Clock Tower building would be permitted or not. Ms. Brill responded that she would not classify that use in the above listed categories and that it should not be a problem.

Mr. Medici asked if he would be allowed to rent his building space to another business that only does business-to-business sales. He stated his concern in that he does not want to be prohibited from having certain types of tenants in his buildings. He gave the example of a cash register business that used to be at 138 W Main Street and inquired if that business, which ceased operations recently, was allowed. Mr. Adler asked when that business started. Mr. Medici stated that he is concerned that he may not be allowed to have certain types of businesses in his buildings in the Uptown. Mr. Adler responded that, in the proposed code, these types of businesses are better suited in other areas of Plain City, as outlined in the Comprehensive Plan. Mr. Jaskiewicz added that the cash register use, as business-to-business, is not currently permitted and is not permitted in the proposed code in the Uptown. Mr. Medici acknowledged that answer and stated that he was not aware that restriction was in place. Ms. Brill encouraged potential businesses to always call the Planning and Zoning Department first to determine which district best fits a business use. She said that they are always available to help. Mr. Medici responded that he called six people with no answer to find out about tonight's public hearing and that the Plain City website does not have the time or location of the public hearing posted. Mr. Jaskiewicz responded that this commission meeting is posted on the website with the time and date. Mr. Adler noted the difference between calling about a business use and about a meeting time. Mr. Medici responded that those phone calls inquiring about meeting times should always go to a person so that a voicemail should not have to be left. Mr. Adler answered that it is not feasible to operate a 24/7 Planning and Zoning Department. Ms. Higgins stated that the website does have the time and date but not a location. Mr. Medici stated again to the commission that it is too difficult for residents to find meeting times and locations. Mr. Adler responded to the attendees that appropriate measures will be taken to correct the communication issues.

Mr. Jaskiewicz asked Mr. VanWinkle if he had any questions. Mr. VanWinkle responded that his questions have been answered by previous responses.

Mayor Carney addressed several of Mr. Swank's comments, since he was unable to attend, that were posted on the public document. Those comments include having developers add more topsoil to properties in the final phase of development. Mr. Adler and Ms. Brill responded that those comments will be addressed in the engineering portion of a development plan and not necessarily the zoning text.

Mr. Harriman asked if pocket parks could be added to more districts as a permitted option. Ms. Brill responded that it is a great suggestion and made a note to address it.

Steve Syfert spoke next and stated that he believes that the new code strongly indicates that the current businesses in Plain City are not welcome. He wants to make sure that this commission is hearing residents' concerns. Mr. Adler responded that the commission is certainly hearing those concerns and noted that many of the requirements in the proposed



code are the same requirements that are in the current code. There are many nonconforming uses in the Village currently. Mr. Syfert asked if the commission is willing to try to accommodate residents' concerns. Mr. Jaskiewicz responded that they are very willing to do what they can to help. Mr. Syfert then asked if the revised document will be available to residents for their review. Ms. Brill responded that after today's meeting, this commission will make a recommendation to Council. Once that recommendation is made, staff will address all comments and concerns and revise the document as necessary. She stated that once the document is revised and Council has set a public hearing date, the revised document will be made available for public comment thirty days prior to Council's public hearing. She affirmed that staff will make sure to have the document, as revised, available to public comment.

Ms. Higgins thanked the commission for listening to their concerns and appreciates their time. The commission thanked them for coming and providing feedback.

Mr. Adler closed the public comment section for the public hearing at 9:00pm.

Mayor Carney stated that she would like to table the recommendation until the comments and concerns can be addressed. She mentioned that Council wants as close to a finished product as possible when they have their public hearing. Mr. Jaskiewicz responded by asking if it is necessary to table it or is it possible to approve the recommendation with conditions. The conditions would stipulate that all comments and notes made by residents and staff are addressed. Mr. Adler said he would like to see a combination of Mr. Jaskiewicz and Mayor Carney's proposals. He wants the nonconformities issues addressed and would like to see OHM advise on several of the concerns brought up. Mr. Adler also wants to make sure all historic preservation issues are addressed in an appropriate manner. Finally, he stated that the animal use definition should be updated to better clarify what is and is not allowed in the Uptown and to take into consideration the comments posed by Ms. Lynn and Ms. Higgins. Mayor Carney agreed on all points, especially in regards to the nonconformities. She understands that the revitalization of the Uptown is important. Additionally, she would like to see the drive-through issue clarified. Mr. Adler noted that he believes that issue has been resolved in making that use conditional in the Uptown. Mayor Carney agreed. Mr. Harriman asked if staff could go through the businesses currently in the Uptown and see which ones are nonconforming versus which are not. Ms. Brill asked if a list of which businesses are nonconforming would suffice. Mr. Harriman responded in the affirmative and that he wants to make sure that nothing is missed in regards to nonconforming uses in the Uptown.

Mr. Adler stated that he understands there are a couple routes that this commission can take in its next steps. One would be to let the tasks that can be handled administratively be handled in that manner which would allow the process to keep moving forward. Or, another route is that the commission tables the zoning code update which would prolong the process and potentially place the Council public hearing around the holidays. If that is the route that is taken, Mr. Adler is concerned that not all residents would have equitable ability to come to that public hearing given the busyness of the holidays. He wants the public to be able to be engaged as much as possible. Mr. Jaskiewicz acknowledged both viewpoints. He believes that the commission should make the approval to forward this to Council with the recommendations that all comments and concerns are addressed.

Mr. Jaskiewicz asked the other commission members if everyone feels comfortable with approving this with recommendations with the understanding that they are not necessarily conditions that will be met but will be evaluated by staff and OHM and ultimately approved by Council. Mr. Adler agrees and voiced the same.

Mr. Harriman went over the timeframe of the zoning code update with the other commission members to make sure everyone is on the same page. All commission members agreed and stated that early December would most likely be when Council will be voting on the adoption of the zoning code update. Ms. Brill reminded the commission members that no dates are certain but they will work to make sure that everything is addressed appropriately and as quickly as possible. Mr. Jaskiewicz voiced his approval with having a goal for adoption.

Mr. Adler motioned to approve the recommendation to Council to consider the adoption of the comprehensive zoning code update with the additional recommendations of addressing the veterinary services concerns, heeding advice from OHM regarding nonconformities, taking advice from legal counsel in regards to the historic district and preservation techniques, and adding a list of nonconforming uses currently in the Uptown and which uses will be affected by the proposed code. Seconded by Mr. Jaskiewicz. All yeas.

#### **OTHER BUSINESS**

Mr. Adler thanked Ms. Brill for her exceptional work and service overall and specifically to the zoning code update. He acknowledged her diligence in making this process as smooth as possible in regards to the Village and its residents. Ms. Brill thanked Mr. Adler and the rest of the commission.

#### **ADJOURNMENT**

Meeting adjourned at 9:21pm.