

PLANNING & ZONING COMMITTEE

NOVEMBER 12, 2020

The meeting was called to order at 5:34 p.m. by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy and Barry VanHoozen. Also present were Kate Sandretto, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CITIZENS' CONCERNS

Adam and Miranda Hall, 1490 Logan Lane, were present to discuss an issue involving a pool that was installed at their residence. The contractor hired by the Halls pulled a permit that showed that the pool would be 17 feet from the property line. However, when an inspector from the Planning and Zoning Division did a final inspection, the pool was found to be only 11.5 feet from the property line while the Code requires a 15-foot setback. Mr. Walters stated that they have had multiple problems with this contractor. Also present were David and Brittney Nejman, 1330 Running Brook Drive, who were also present at last month's meeting, regarding their pool that they inadvertently installed 12' from the property line.

There was a lengthy discussion about possible resolutions to these issues. The Committee agreed that they wanted to come up with a way to help the residents without making them move the pools that were already installed. Greg Bade, 26579 Cedarwood Lane, who is on the Planning Commission, cautioned the Committee about creating an after-the-fact variance because he said it would open up a Pandora's box. One of the possible resolutions discussed was to make the minimum setback for pools 10' from the property line instead of the current 15', as appears to be the case in several neighboring jurisdictions per some research done by Mr. Hall. Mr. VanHoozen said that it is human nature to push the envelope, and if we lower it to 10', then we'll have people pushing it to 9'. He said he would prefer it stay at 15' and variances be granted on a limited basis. There was also discussion about requiring an inspection once the pool is staked to avoid these issues in the future, as well as bonding of contractors. Mr. Walters said that those issues could be codified or could be handled administratively. The Committee agreed 3-0 to refer this issue to the Planning Commission for their recommendation.

APPROVAL OF OCTOBER COMMITTEE MINUTES

Mr. Kuhlman moved to approve the minutes of the October 12, 2020 meeting as written. Seconded by Mr. VanHoozen. Ayes: (3). Nays: (0).

CODE AMENDMENTS REGARDING CHICKENS

Ms. Sandretto reviewed the changes made to the proposed legislation that would allow the raising of hens in the City. She said that she added it as a permitted use in the R4 zoning district, added a minimum lot size of 10,980 square feet, and coops and runs have

to be at least 20' from the property line. Mr. Kuhlman asked if a minimum coop size is warranted. Mark Weber, 836 Cherry Street, said that the people who want to make the investment of time and resources to raise hens will take good care of them, and he doesn't think a minimum is needed.

The Committee agreed 3-0 to recommend adoption of the legislation to City Council. Mr. McCarthy said that he will do a first reading only at the next City Council meeting to allow time for public input.

ARBORVITAE UPDATE

Mr. Walters said that at the October 29 Planning Commission meeting, the Commission had a discussion regarding whether it is reasonable and appropriate to regulate screenings. The Commission recommended 6-0 to not change the Code. Mr. McCarthy asked if there was any discussion regarding the existing violations. Mr. Walters said that there was acknowledgement of non-compliance, but the Commission felt that it was added to the Code because screenings were being used as a work around for the fence restrictions, and it should try to be contained moving forward. Mr. VanHoozen asked when the restriction went into the Code. Mr. Bade said it was in 2008. Mr. McCarthy stated that the Committee can still give it some thought to see if they want to change it.

2021 BUDGET

The 2021 budget worksheet for Planning and Zoning was distributed and discussed at the October meeting. The Committee had no further questions and was satisfied with the budget.

SMALL BUSINESS PARKING LOT DISCUSSION

Ms. Sandretto said that per President of Council Smith's request, she and Mr. Walters had a discussion regarding small business parking lots and whether we need to make an exception to the Code's parking lot requirements. She said that they did not feel the requirements are a hindrance to small business. She reviewed the requirements which call for a shade tree when you hit 8 parking spaces, and a landscape island if you hit 11 parking spaces. She said that when you hit that many parking spaces, you have to take into consideration the City's overall goal to enhance the appearance of parking lots. Mr. Walters added that downtown small businesses aren't required to have parking, and the small businesses in shopping centers like RiverPlace are not responsible for the parking lot. Mr. VanHoozen said that he agrees that we need standards, but it's an economic decision. Mr. Walters said he is not aware of any small businesses that are having issues because of the parking, but if there is a specific issue, he would like to discuss it.

OTHER BUSINESS

The Committee discussed the poor turnout for the Land Use Plan meeting that was held the previous evening. Mr. Walters said that they are scheduling a re-run of the meeting for December 1.

Mr. McCarthy stated that Mr. Smith reached out to him regarding the Cemetery fence and whether the Committee could consider some variance in institutionally zoned areas that would allow structures to be replaced with like kind. Mr. Walters reminded the Committee that the Cemetery is located in the Corridor Overlay. He added that he has failed to see why the fence is needed. Planning Commission Member Bade agreed. Mr. Walters said if the concern is a car accident, bollards or columns could be installed that are more in keeping with the Corridor Overlay and are more aesthetically pleasing since this area is a gateway to the City. The Committee asked if Mr. Walters could produce a rendering to help envision what it would look like. Mr. Weber recommended something like the Spafford House has.

There being no further business, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning & Zoning Committee

Next meeting: Wednesday, December 9, 2020 at 5:30 p.m.