

PLANNING & ZONING COMMITTEE

APRIL 22, 2019

The meeting was called to order at 5:34 p.m. by Chairman Tim McCarthy. Committee members present were Tim McCarthy, Jonathan Smith, and Becky Williams. Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

YARK AUTOMOTIVE GROUP SPECIAL APPROVAL USE

Mr. Walters provided a brief history about the Yark Automotive Special Approval Use, and noted that on February 22, 2019, the Planning Commission gave conditional approval of the Preliminary Site Plan. He added that there was a public hearing held on April 2, 2019 with respect to the Special Approval Use, and that no public comments were received. Mr. Walters noted that any recommendation made by the Committee would be before the Final Site Plan has been approved by the Planning Commission.

There was a brief discussion about the conditional preliminary approval granted. It was noted that the general and specific conditions of the Special Approval Use had been met except for Section 1235.02(d) regarding brick pavers in lieu of a masonry wall. Jerry Parker was present on behalf of the Yark Automotive Group, and added that they have taken substantial strides with respect to the material composition. Mr. Parker stated that Yark will be located up front on the property, but the rear property is also owned by Yark. Mr. Walters added that there are no lighting conflicts with the neighboring property to the east of Yark.

The Committee agreed 3-0 to recommend the Special Approval Use subject to the condition that the Final Site Plan be approved by the Planning Commission on April 25, 2019.

CODE AMENDMENT CHAPTER 1230.01 AMEND R-1 SETBACKS

Mr. Walters explained that the lots in The Sanctuary were originally platted in Perrysburg Township, where there were different zoning requirements. He added that in conversations with Developers Dick Wehrle and Ed Bryant of Retreat Associates it has been noted that remaining lots have been difficult to sell due to a contingency that a Board of Zoning Appeal approval was needed.

Mr. Walters noted that the Planning Commission approved reducing the rear yard setback to fifty (50) feet, but that they did not support a reduction in the front yard setback. There was a public hearing held on April 2, 2019, and a practical hardship was demonstrated. There was a brief discussion about the number of requests received for setback variances. Ms. Williams asked why the Planning Commission did not approve a five (5) foot setback reduction in the front yard, and Mr. Walters added that a definitive answer was not provided. There was a discussion amongst the Committee about R-1 corner lots versus cul-de-sac lots. Mr. Bryant added that the BZA has denied setback variances five times in the last five years. Mr. Walters added that today the Committee can still review and/or approve a rear and front yard setback amendment, even though Planning Commission intentionally left the front setback out of its vote.

Mr. McCarthy stated that he is inclined to agree with Mr. Walters about a change to both the front and rear setbacks. Mr. Smith questioned whether the R-1 properties on White Road will be

affected by an extra five (5) foot reduction in the front, and stated that he is inclined to vote with Mr. McCarthy. The Committee voted 2-1 to recommend a front yard setback on R-1 lots to be reduced to forty-five (45) feet, and a rear yard setback on R-1 lots to be reduced to fifty (50) feet.

CONTRACTOR REGISTRATION

There was a discussion about an ordinance being considered concerning contractor registration. Mr. McCarthy asked who will enforce the registration, and Mr. Smith questioned if they will be bonded to follow the code. Ms. Williams asked if there was a concern with qualified trades, such as painting and roofing. Mr. McCarthy added that the registration would be similar to food truck registration, and added that he will pursue further discussion with Ms. Kabat, City Administrator, and Ms. Alkire, Law Director.

MEGAN BOVEE LETTER TO P & Z

Mr. Walters provided an update on the property maintenance concerns about the property at 28282 White Road, and added that a firm deadline for the storage of licensed and junk vehicles was given, and has been met. He stated that since then there has been more excavation, that a portion of the driveway has been framed up, and that the neighbors still have concerns. Mr. Smith questioned whether the code was lacking, and Mr. Walters said that the work that is being done is in compliance with the code. Mr. McCarthy asked if the work is permitted, and Mr. Walters stated that the homeowners of 28282 White Road are still within their permitted time frame for completion. Mr. Smith asked if the drainage issue will go to PUC, and Mr. Walters added that it is a civil litigation between property owners.

Andrew Conrad and Megan Bovee of 811 Blackhorse Court were present to discuss their concerns about the property. Mr. Conrad stated that he has an issue with the timeframe given for the work to be completed in. He added that the permit process should be regulated. Mr. Walters added that he has been in communication with the homeowners of 28282 White Road, and Mr. McCarthy stated that they will move ahead on the Civil Code with Ms. Alkire, Law Director, for further direction. Ms. Williams offered inviting the homeowners to a future meeting to discuss these property maintenance concerns. It was decided that a letter would be drafted to the homeowner, and discussed at the May Planning and Zoning Committee meeting.

There being no further business, the meeting adjourned at 6:48 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 and Zoning Committee

Next meeting: Wednesday, May 8, 2019 at 5:30 p.m.