

PLANNING & ZONING COMMITTEE

MARCH 24, 2021

The meeting was called to order at 5:32 p.m. by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy and Barry VanHoozen. Also present were Bridgette Kabat, City Administrator, Kate Sandretto, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF COMMITTEE MINUTES

There being no objections, the minutes of the February 10, 2021 meeting were approved.

CODE AMENDMENT – METAL PANELS

Proposed amendments to Chapter 1215.02(111.01), Chapter 1215.02(111.02), and Chapter 1250.48(2) were the subject of a public hearing held on March 2, 2021. The changes would classify metal panels into two categories: metal panels and architectural metal panels. It would also create a hierarchy of metal products to allow the higher quality panels to be used in a larger percentage of building space than the lower quality versions of metal panels.

Mr. Walters stated that, at the public hearing, Council Member Jonathan Smith had asked about including the metal panels in Parks because of the energy efficiency the metal panels offer. Mr. Walters said that they are not including that in this revision because typically you do not heat or cool park buildings. He said that the topic of metal panels will probably be reevaluated in a couple of years because some Planning Commission members wanted higher percentages, but they felt this was a good starting point.

Mr. McCarthy said that he thinks the amendments look good and the City is recognizing technological improvement. Mr. Kuhlman suggested that where it reads “such as” in the legislation, it be changed to “including but not limited to.” The Committee agreed 3-0 to recommend approval of the changes to the Code.

DISCUSSION ON ARBORVITAE

Mr. McCarthy said that he reviewed the information sent to the Committee by Mr. Walters regarding the 6’ limitation for hedges and screen plantings. He said that he does not think there was a limitation prior to 2015, and he does not see any reason for the 6’ limitation. He said that he would be in favor of amending 1250.42 to separate the side yard and rear yard from any height limitations and only limit the height in the front yard.

There was discussion regarding certain species and the height they can grow to. Mr. VanHoozen questioned whether, since it is human nature to push the envelope, if the height limit should just be increased. Mr. Kuhlman said that he is more inclined to just

remove it because he feels it is easier to regulate overgrown plantings through the property maintenance ordinance. Mr. Kuhlman said that he is in favor of a front yard restriction. Mr. VanHoozen said that the nature of defining overgrown is subjective, and he is not passionate one way or another about the height limitation.

Ms. Sandretto said that she will draft something for the next Committee meeting. There was some discussion regarding having a civil Planning and Zoning Code versus a criminal code. Mr. Kuhlman said he would like to see that subject on a future agenda.

DISCUSSION ON POOLS

The Committee discussed an outstanding issue regarding a pool that was installed closer than 15' to the property line. In this case, only the stairs of the pool encroach into the 15' required setback. Mr. VanHoozen reported that he spoke with the property owners to give them information about trying to collect from the contractor. The property owners told him they have hired an attorney, and that they have no interest in moving the pool because they interred a portion of their deceased daughter's ashes in the concrete.

Ms. Sandretto said that Mr. Kuhlman asked her to draft language defining water's edge. She said that legally, if you define something more narrowly, then it is not considered to have been defined that way previously. Thus, if language were approved defining the water's edge to include stairs, it would be a solution for this house and would prevent the same issue in the future. Ms. Sandretto said that she is asking for the Committee's support for this change, because if the current situation goes to Court, a judge would not allow it to go to trial, and the City will spend more time and money and end up with the same result.

Mr. Kuhlman said that, in his opinion, it is a waste of money to dig up the pool. Mr. Walters said that he likes the proposed change because it does not complicate their job moving forward. There was discussion regarding new procedures that have been put in place during the permit process, including inspections of the pool location before concrete is poured and getting signatures from both the contractor and the homeowner. The Committee agreed to refer the language to the Planning Commission for its recommendation.

There being no further business, the meeting adjourned at 6:33 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, April 14, 2021 at 5:30 p.m.