**VILLAGE OF EVENDALE**

**PLANNING COMMISSION**

Minutes from the February 18, 2020 Regular Meeting

Evendale Municipal Building, 10500 Reading Rd. Evendale, Ohio

The regularly scheduled meeting of the Evendale Planning Commission (EPC) was called to order by Chairman Chris Patterson at 6:00pm on February 18, 2020. Attending were EPC members Catherine Bennett, Beth McDaniel (Councilmember), Jannelle Moore, and John Richey. Supporting the EPC were Kathy Ryan (representing the Village Solicitor), James Jeffers (Service Director), and Andrew Rodney (Building, Planning, & Zoning Manager).

Those present recited The Pledge of Allegiance.

**Old Business:**

There was no Old Business to discuss.

**New Business:**

In an effort to allow additional time for the Applicants for Items #1 and #2 to appear, Mr. Patterson elected to begin the meeting with Items #3 through #5 on the agenda.

1. Ordinance amending various sections of the Evendale Zoning Code to replace Building Commissioner with Building, Planning, & Zoning Manager for the purposes of interpreting and enforcing the zoning code.

Mr. Rodney explained the history and background of the proposed change, which included the combining of two technical staff – Code Enforcement Officer and Building Clerk – into a single position (Building, Planning, & Zoning Manager) to more efficiently manage the activities of the Building Department, which includes regulating and enforcing the zoning code. The Ordinance as written relieves the Building Commissioner with this responsibility, instead placing the burden of regulating land use with the Building, Planning, & Zoning Manager as intended when the position was created.

Mr. Patterson asked if the Building Commissioner would maintain enforcement authority over the Building Code.

Mr. Rodney responded in the affirmative.

Ms. Moore asked if granting the authority to regulate land use via the zoning code to either the Building Commissioner or Building, Planning, & Zoning Manager had been considered for future versatility.

Mr. Rodney responded this could create confusion amongst the two positions regarding who had ultimate decision-making authority, particularly if each party came to a different conclusion on a particular matter.

Ms. Ryan agreed that a decision on matters of the zoning code made at the staff level should come down to a single individual.

Mr. Rodney also noted a cost savings by allowing a person on the Village staff to regulate the zoning code, rather than by the Building Commissioner who serves as a contractual employee of the Mayor.

Mr. Jeffers noted the Building Commissioner historically regulated and enforced the zoning code in the Village more out of convenience given his role as the arbiter of the Building Code.

Mr. Patterson asked for clarification on the request from Staff.

Mr. Rodney responded his desire for an endorsement from the Planning Commission for adoption of the Ordinance by the Village Council.

Motion by Mr. Richey and second by Ms. Bennett to recommend Village Council adopt the Ordinance as written. There was no further discussion. The motion passed by a 5-0 vote.

1. Ordinance amending Section 1468.05(e) of the Property Maintenance Code regarding stormwater drainage.

This item was pulled from the agenda prior to the meeting.

1. Ordinance adding Section 1468.05(c)(7) of the Property Maintenance Code regarding structural maintenance.

Mr. Rodney explained the history and background of the proposed change. He noted the Property Maintenance Code lacked regulations requiring windows and doors to be secured, particularly with regard to empty or abandoned properties, to prevent unauthorized entry into the structure. It would also give the Village authority to abate the violation if it is found to be an immediate hazard to the public. He noted this language came out of a situation whereby a long vacant structure on Andalusia Close was found to be unsecured and open for unlawful entry.

Mr. Patterson requested Ms. Ryan address the legal background of the Ordinance.

Ms. Ryan responded the key language is to maintain proper operation of doors and windows to prevent unauthorized entry into a structure.

Mr. Patterson asked if this language is common in other zoning or property maintenance codes.

Ms. Ryan responded it is implied in the current version of the Property Maintenance Code that an open door or window could be considered a public nuisance and therefore can be addressed by the Village. However, the proposed language makes this ability clearer and provides coverage for Staff actions to observe, report, and secure a property.

Mr. Patterson asked if the homeowners on Andalusia Close were living on the premises.

Mr. Rodney responded in the negative. He noted the house is owned by an absentee owner living in Massachusetts. Repeated attempts to contact the homeowner in an attempt to secure the property and contend with other observed code violations have so far gone unanswered. The language as proposed is geared toward those properties which are clearly abandoned.

Ms. McDaniel noted the proposed language does not specifically address abandoned properties.

Mr. Rodney responded in the affirmative, but noted as part of operational procedure this language would be primarily applied to known vacant or abandoned properties.

Mr. Jeffers noted a prior instance on Otterbein Road where the Village prosecuted a homeowner in court to have the property secured and one purpose of the proposed Ordinance amendment is to authorize the Village to secure the property more quickly than having to go through the process of obtaining a court order to do so.

Mr. Rodney clarified he would have to observe a violation from the public right-of-way or via invitation from an adjacent property owner.

Ms. Ryan stated language could also be added to define vacant or abandoned as an additional layer of clarification.

Mr. Patterson noted language elsewhere in the Property Maintenance Code prevents Village staff from arbitrarily enforcing this, or other regulations, in the code.

Motion by Ms. Bennett and second by Ms. Moore to recommend Village Council adopt the Ordinance as written. There was no further discussion. The motion passed by a 5-0 vote.

1. Subdivision Application: Lot consolidation at 10400 Evendale Drive.
   1. Applicant – Rae Jean Nicholl, SMART Real Estate Investors, LLC.
   2. Owner – SMART Real Estate Investors, LLC.
   3. Zoning – ITC, Industrial Truck Center.

The Applicant did not appear for this item.

Mr. Rodney summarized the case. Planning Commission adopted a condition of approval in granting a conditional use for outdoor storage on the premises. The Commission condition required the two existing lots be combined into a single lot. The proposed lot consolidation satisfies this condition. The next item to satisfy all conditions is a final landscape plan for plantings along the fence line.

Ms. McDaniel noted the new fence looks nice.

Ms. McDaniel requested clarification regarding the Applicant’s connection with the property.

Mr. Rodney replied the Applicant works for the company operating on the premises.

Motion by Ms. Moore and second by Ms. McDaniel to recommend Village Council approve the Lot Consolidation as submitted. There was no further discussion. The motion passed by a 5-0 vote.

1. Similar Use Application: Powder Coating at 2951 P.G. Graves Lane.
   1. Applicant – Nathan Thompson, Powderwerx.
   2. Owner – 68th St. Three MC LLC.
   3. Zoning – HC, Heavy Commercial.

The Applicant did not appear for this item.

Mr. Rodney summarized the case. The Applicant is requesting that a powder coating business be considered similar to “Maintenance & Repair Services” as defined in the zoning code and permitted-by-right at the subject location. He noted the zoning code establishes a Similar Use process to allow land uses not defined or otherwise specifically permitted in the zoning code to be considered similar to a land use that is defined and specifically permitted. This authority does not rest with Staff, but rather is reviewed by Planning Commission and ultimately approved or denied by Village Council.

Mr. Rodney explained the proposed use and the processes and characteristics of powder coating. He also explained where the subject property is located and its most recent tenants. He noted the proposed business has an existing location in Monroe, Ohio. Mr. Rodney visited the sight and observed the business appeared to operate in a clean and presentable manner.

Mr. Rodney summarized the Staff Report. He noted his general support for establishing this particular business as the subject location noting it is a small operation perfect for the property. However, he expressed reservations with allowing a powder coating business to become established as a Maintenance & Repair Service in other locations where this use is permitted, such as the Village Crossing Shopping center at Reading Road and Glendale-Milford Road. Mr. Rodney stated his belief that the use is more consistent with a “Manufacturing” use than “Maintenance & Repair Services” because the process of powder coating transforms a bare piece of metal into a new, more valuable product. This transformation is consistent with the definition for Manufacturing as listed in Chapter 1242 of the zoning code.

Ms. Ryan noted the Similar Use process is not often use, and that it is a type of zoning code text amendment given, if approved by Council, the Village would then be obligated to modify the zoning text to codify the similar use determination.

Ms. Moore asked Staff to clarify the nature of the business, specifically the types of parts and equipment to be coated.

Mr. Rodney responded that both new and used parts would be processed at the facility.

Mr. Patterson asked for the past history of the subject location.

Mr. Jeffers responded previous uses at the subject location included an irrigation company and a landscaping company.

Mr. Rodney noted the area surrounding the site is zoned commercial but has an industrial built environment. He stated if the vision is for the area to transition to commercial uses, then allowing the proposed business would be inconsistent with that vision given approval would allow an industrial-type use to become established in a commercial area. Adopted plans of the Village would indicate a desire to transition the area to more traditional commercial uses such as retail or office over time.

Mr. Patterson asked how the Similar Use process was chosen over other means to accomplish the request, such as a text amendment, or something more limited in scope.

Mr. Rodney responded the Similar Use process was chosen for expediency given an immediate interest to occupy the property.

Mr. Jeffers noted the Similar Use process was established to require a deliberate analysis of whether or not to allow a specific use not otherwise defined in the zoning code.

Mr. Jeffers went on to explain the original vision for Evendale Commons and how the plan intended for the P.G. Graves Lane area to be incorporated into Evendale Commons, which included a crossing of the Mill Creek to connect P.G. Graves Lane to Evendale Commons Boulevard. Ultimately, it was decided not to build this connection and the Village has no plans to do so in the foreseeable future.

Mr. Rodney noted the Similar Use process is somewhat unique to the Village, where most other communities allow a Zoning Administrator to make similar use determinations which can then be appealed to a Board of Zoning Appeals or Planning Commission.

Ms. Bennett asked about the consequences if Planning Commission determined that the proposed use is similar to Manufacturing.

Mr. Rodney replied that upon adoption of the same by Village Council, the Village would be obligated to update the zoning code to reflect that powder coating is a specific use allowed under the definition of Manufacturing and would therefore be permitted by right in all Industrial districts.

Mr. Rodney asked Ms. Ryan to clarify if Planning Commission can act in a manner contrary to what is requested by the Applicant.

Ms. Ryan recommended that if Planning Commission felt the use was related more to Manufacturing, that they could vote to recommend denial of the application with the rationale that the proposed use is most similar to Manufacturing. Such a determination would provide guidance to future applicants.

Mr. Patterson stated he generally agreed with the Staff determination not to allow the proposed use under the term “Maintenance & Repair Services,” but could be supportive of a text amendment allowing powder coating in the Heavy Commercial district due to the district’s relatively limited geographic scope across the community and the likelihood that powder coating would be compatible with uses permitted in that district. He asked if the Applicant had an interest in considering this alternative option.

Mr. Rodney responded by offering to discuss the text amendment process with the Applicant.

Ms. Moore requested confirmation that the proposal from Mr. Patterson included adding a new land use type to the zoning code definitions and use tables.

Mr. Rodney responded in the affirmative.

Ms. Ryan noted Planning Commission can simply deny the application, if that is their preference, without providing any further guidance.

Mr. Patterson requested members of the Planning Commission express their preferences.

Ms. Moore stated her belief that the proposed use did not fit the definition of “Maintenance & Repair Services.”

Mr. Patterson asked Mr. Rodney what decision would be most helpful to Staff.

Mr. Rodney noted the meeting minutes will reflect the general tone of discussion and that future investigations can review the minutes and see how the Planning Commission came to their conclusions, therefore a decision that included guidance would not be necessary.

Ms. Ryan also noted that Planning Commission can make a motion to initiate a text amendment reflecting their desires to amend the zoning code to accommodate this or a similar request.

Mr. Rodney stated that the Community Improvement Corporation and Village Council would also likely weigh-in on any proposed zoning code text amendment, thus somewhat slowing the process for the Applicant.

Motion by Ms. Bennett and second by Ms. Moore to recommend Village Council deny the Similar Use request as submitted. There was no further discussion. The motion passed by a 5-0 vote.

**Internal Business:**

1. Approval of the minutes for the Regular Meeting of November 19, 2019.

Ms. Bennett noted an incorrect spelling of her name in Line 134.

Motion by Ms. Bennett and second by Ms. Moore to approve the minutes of the November 19, 2019 Regular Meeting as amended. There was no discussion. The motion passed by a 5-0 vote.

1. Work Session to review potential future amendments to the Evendale Zoning Code.

Mr. Rodney reviewed the purpose of presenting the proposed future amendments, which included changes correcting errors in the code as well as changes of a more substantive nature. He referred to experience in prior places of employment where modifications to the code were considered on an annual basis. He noted these changes reflect issues he has noticed as he has reviewed and applied the code language.

Planning Commission collectively decided they would like to review the proposed amendments under three separate categories: Housekeeping, Substantive Changes, and Long-term or Conceptual.

Mr. Patterson asked if any member had a specific item they would like to discuss.

Ms. Moore responded that Planning Commission should prioritize a discussion on the various categories of eating establishments given recent changes in that market sector, specifically regarding drive-thrus.

Mr. Jeffers noted the Village has addressed the issue of drive-thrus in the past and found them generally undesirable in the commercial districts along Reading Road.

Mr. Rodney agreed to return with the proposed amendments divided into the requested categories for further discussion.

Ms. Moore requested a status update on AeroHub north of Glendale-Milford Road.

Mr. Patterson responded by offering details of the proposed public road design north of Glendale-Milford Road, land purchase negotiations with Kinetic Vision, and funding for a workforce development center. He also noted no additional conversations have occurred with St. Rita’s.

Mr. Patterson also noted that negotiations are underway to sell the Village-owned property at Inwood Drive to an as-yet unidentified local business to relocate their headquarters functions to a new building.

Motion by Ms. Moore and second by Ms. Bennett to adjourn the meeting. There was no further discussion. The motion passed by a 5-0 vote.

The meeting adjourned at 6:55pm.

Minutes reviewed and approved by:

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Chris Patterson

Chairman, Evendale Planning Commission

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John Richey

Secretary, Evendale Planning Commission

Minutes as prepared by Andrew E. Rodney, AICP, Building, Planning, & Zoning Manager.