



Planning & Zoning Commission
Tuesday, January 9, 2024 - 6:30 PM
MINUTES

1. Call to Order

Ryan Green called to order the Planning and Zoning Commission meeting for January 9, 2024 at 6:46 p.m.

2. Roll Call

Present - Ryan Green, Jesse Coppel, Benjamin Lee, Kristen Hurst

Absent - Steve Dyer

Staff present - Sean Staneart - Acting City Manager, Yazan Ashrawi - City Law Director, Trevor Traphagen - City Planner/MKSK, Terry Wymer - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - John Neibarger, Terri Feters, Kelly McCalla, Beau Rymers, Connie Ryan, Christine Parks, Laura Strollo, Rita & Brad Panike, Maureen Keebaugh, Justin Kelley, Rob & Pam Grawe, Kathryn Wood, Todd Huston, Cheryl Huston, Charles Harger, John & Sandy Hapler

3. Pledge of Allegiance

4. Election of Chairman & Vice-Chairman

The board welcomed new member Kristen Hurst and returning member Jesse Coppel to new terms.

Sean Staneart addressed the late meeting start to the public saying that the board wanted tonight's applicant to be aware that there were only four board members present and also to address some questions with legal counsel. Mr. Staneart added that any action on the zoning map amendment tonight would only be a recommendation to council, who would be the determining body on the application.

ACTION: Jesse Coppel moved to defer the election of leadership until there is a full board; Benjamin Lee seconded and all were in favor.

AYES: Ryan Green, Jesse Coppel, Benjamin Lee, Kristen Hurst

NOES: None

ABSTAIN: None

Passed 4 - 0

Ben Lee offered his name for consideration of Chair for tonight.

ACTION: Benjamin Lee moved; Jesse Coppel seconded and the vote was as follows:

AYES: Benjamin Lee, Jesse Coppel, Kristen Hurst
NOES: Ryan Green
ABSTAIN: None

Passed 3 - 1

5. Public Comment

1. Connie Ryan

- Would like to maintain the original, authenticity of the buildings downtown. A lot of buildings have been painted black and for her it is depressing. Would like the board to consider an ordinance, so the downtown does not end up all black.

Mr. Lee said that Design Review would typically handle aesthetic applications with respect to the downtown. Sean Staneart talked about the Design Review Board application process, as well as council's desire to put together some architectural design standard standards for the downtown and other areas in the city, MKSK to help put those together. Discussion on potential timeline.

6. Approval of Minutes

a. November 14, 2023

ACTION: Benjamin Lee moved to approve the minutes from November 14th; Jesse Coppel seconded and the vote was as follows:

AYES: Ben Lee, Jesse Coppel, Ryan Green

NOES: None

ABSTAIN: Kristen Hurst; not a member of the board at the time of the meeting

Passed 3 - 0

7. Application Z-23-219 Rezoning Request

a. Application & Staff Report

City Planner Trevor Traphagen reviewed the [staff report](#) included in the packet. This application requests to rezone a small portion of two properties on Benedict Drive. Currently, the properties are split between SR-1 zoning and UR-1 zoning. The purpose of this is to remove the split zoning on the properties and apply the UR-1 zoning to the totality. Mr. Traphagen said his understanding is that the applicant intends to combine those lots and then re-subdivide them to create four single family lots within the two existing.

Sean Staneart clarified that the zoning map application before the board tonight is just for the sliver of SR-1, the applicant proposes to take it to UR-1 designation, which is consistent with the larger parcels. Mr. Staneart said that tonight the board is not deciding on the four lots, however, with the information provided, UR-1 zoning would allow for four lots and SR-1 zoning would only allow for two lots on the entirety.

Applicant John Neibarger addressed the board and said they would be building the houses themselves, they can make concessions on what the minimum standards of the houses

would be, square footage wise, they would adhere to nothing less than what is shown in SR-2, each of the fronts would have some cultured stone and have a covered entry for architectural detail.

Mr. Lee reiterated that the ask before the board tonight is the sliver that is SR-1 and the rezoning to UR-1, anything after that would be at the discretion of the applicant. The City Law Director said the standards that the commission are to follow are included in 1137.06 and is what should be focused on.

Board members reviewed the application, speculation and discussion on how the zoning got this way, requirements for sidewalk, curb and gutter, storm water management should development ever happen on this lot. Board members expressed opinions on Mr. Neibarger's plans for the property should it be rezoned. Ben Lee stated that the current UR-1 parcel is landlocked by an SR-1 zoned parcel and cannot be developed; the request by the applicant is to rezone in order to be able to build.

Public Hearing:

1. Justin Keeley

- Lives at 368 Buena Vista, right next to where these would go. Has no problem with SR-1, it is the four parcels, it is very open in their development, it is why they like it, it is country in the city.

2. Todd Huston

- Houses in the development have similar lots and similar styles of construction, the new houses wouldn't match.
- His recommendation is that they do not allow the SR-1 to change.

3. Maureen Keebaugh

- She is a resident of Raccoon Creek Estates and is ok with people developing property but her concern is safety with regard to the curve and the hill. Depending on where driveways are placed, it can be tricky to get around anyone parked on the street and there are no curbs and no sidewalks.

4. Cheryl Huston

- Fighting for her neighborhood, people bought in this development because of the larger lots. When turning onto the new Benedict from the old Benedict, it is a completely different feel, so her plea is to not allow the rezoning, asking to keep this SR-1 so those lots can look uniform to what is already there.
- With regard to safety, the more driveways, the more cars, they do not want additional traffic.

5. Charles Harger

- Lives in the neighborhood, opposed to having four houses on those lots, would like to keep the SR-1 zoning in the hope that the other lots would be rezoned SR-1.

6. Connie Ryan

- Lives on Edwards Road, feels like they live in the country. Concerned about lower square footages if built, her feeling is that she would rather see only two beautiful homes on that property.

7. Kristine Parks

- Lives on Buena Vista, appreciates the board's attention to the additional factors involved regarding the differences in the zoning should it change.
- Understands the individual wants to build new houses and wants to get the biggest bang for his buck, but his words are not on paper, they are not set in stone, they are not a part of the Raccoon Creek community and would not be under their bylaws, those words are empty to her.

8. Rob Grawe

- Lives at 108 Benedict Drive. Thanked Mr. Neibarger for being transparent, open and honest with everyone.
- His opinion is to keep the SR-1 zoning, to keep the same value, look and feel of the neighborhood. He also would like to keep this two lots.

The board thanked everyone for speaking, that public comments and participation matters.

Discussion on the history of the development and the dedication of Benedict Drive to the village.

City Law Director Ashrawi reminded the board that they are only voting on the SR1 "sliver" being rezoned, however, the board can certainly take into consideration what will happen if the sliver is rezoned.

Mr. Neibarger said he submitted the application through the zoning portal and that he has had questions about this all along, he would like to sit down and work with somebody that can represent the thought process on how to move forward. He said as he stands here this evening he has wasted \$800, the board can vote no, there are no ill feelings, but he is \$800 in just to get beat up and make enemies (jokingly). Mr. Neibarger said he doesn't know what staff he has access to in order to discuss this but feels this could be solved with a cup of coffee and forty-five minutes. Discussion on the application process and how to proceed with this application tonight, to table or take no action etc. Sean Stanearth said at this point with the city, we are trying to treat everyone equally, the process needs to be the process. If we dedicated a staff person to sit down with every individual that came in, it

would become cumbersome. We are trying to get to a level where the applicant submits the paperwork, then can follow up with questions via email and then present the application to the board. Mr. Staneart said staff should not give recommendations, staff gives information to the board to digest and review to make the ultimate determination. He said he knows this is not how the process has been done in the past but this is how the ordinance is written and how it should be done going forward. Mr. Lee said he believes the board is ready to take a vote on the application if that is what the applicant wants to do. Some further conversation between the board and applicant; City Planner Trevor Traphagen said that he was asked if there were any other avenues to pursue this application. He said no, the city's code established a rezoning process and this is it. Mr. Neibarger said he would like to table the application for a month giving him time to think about the property.

Public Hearing:

1. Todd Huston

- Questioned/Confirmed that in thirty days, the board will come back in and make a decision on the "strip".

Sean Staneart took a few minutes to confer with City Legal Counsel. Mr. Neibarger said that in light of everything being said, his preference is to withdraw the application, he will re-work the application with other thoughts in mind.

Mr. Lee noted for the record that **the applicant withdrew the application**, there will be no vote from the body this evening. Anything else relative to this parcel number will be brought up at a later date under a new application number, subject to new public notices.

8. Other Business

1. Zoning Inspector reports for November and December were provided to the board.
2. Mr. Coppel asked about the motorcycle parked downtown for the last month, Mr. Staneart said this will be a police issue.
3. Board discussion on goal setting; possible joint session with council.
4. Inquiry on the lay down site; application is approved, they have paid the fee and screening is up.
5. Inquiry on the 62 Car wash; application remains tabled, nothing new from the applicant.
6. The new phase of Concord Crossing has been approved, Mylar has been signed

9. Adjourn

With no further business, Kristen Hurst moved to adjourn, Jesse Coppel seconded and all were in favor.

The meeting adjourned at 9:05 pm