



Planning & Zoning Commission
Wednesday, December 2, 2020 - 6:30 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for December 2, 2020 at 6:37 p.m.

2. Roll Call

Present - Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
Absent - None

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Cheryl Robertson - Council member, Marvin Block - Council member, Teresa Monroe - Clerk of Council

Public present - John Neighbarger, George Schwietzer, Ron Elkins, Linda Hubble, Sean Stanearth, Charles Kramer

3. Approval of Minutes

a. November 24, 2020

ACTION: Ryan Green moved to Approve as written; Jesse Coppel seconded and the vote was as follows:

AYES: Ryan Green, Jesse Coppel, Benjamin Lee, Jon Merriman

NOES: None

ABSTAIN: Ron Danne - due to absence

Passed 4 - 0

4. Public Comment

None

5. Application 2020-393-Z Hidden Estates Preliminary Plat

a. Hidden Estates

Application and supporting documents were submitted with the packet. This is an application for a preliminary plat for a fourteen lot development off of Benedict Drive. Currently the land is multiple parcels owned by a resident of the village and is zoned UR-1; plan has lots ranging in size from ten thousand five hundred square feet to twenty six thousand square feet, the developer and plan engineer were present for the application. John Neibarger said the application submitted complies with current zoning and they visualize housing that leans toward empty nesters, development will have public streets with sidewalk on both sides of the road and a cull-de-sac bulb at the end, each lot will be

developed with water, sewer, gas and electric. Bailey Klimchak reviewed procedure for action on a preliminary plan.

Board members reviewed the plat, George Schwietzer, Engineer, answered questions of the board.

Discussion on the extension of public right of way to develop into Benedict Court and areas that are wider than the right of way that can either become reserves or can be dedicated as right of way. One area is thirty three feet wide and the other twenty foot strip is meant to be a continuation of the sanitary sewer easement to get the sewer to the property. Ms. Klimchak noted that no actual lots will be created off of the decision made tonight; this is only the preliminary plat. Ryan Green questioned if there would need to be a lot split because that right of way area is split off of an existing lot. Mr. Green also asked if the neighbors that adjoin this property have been notified. Ms. Klimchak said there is no notification required for a preliminary plat, the land is zoned UR-1 and within reason, land owners have a right to use their land. Mr. Green said he wants to make sure any homeowners that adjoin this property have opportunity to speak their mind on this and get the most up to date information. There was some further discussion on procedure.

Ron Danne inquired on the lack of sidewalk on the other side of Benedict in the older section; Mr. Blair provided background on that decision.

Ben Lee said he thinks sidewalks are important in the development; the intent is to have connectivity throughout the village. Also emphasized priority that he would like to see as many mature trees or tree stands along the property lines preserved. Questioned the street frontage of lots 4,5,6,7,11 falling below the required lot frontage; Mr. Sweitzer said they were working to meet width but may need to do some re-spacing for frontage. Mr. Lee said he was curious of the vision for what would be built on the lots; Mr. Neibarger said they have not sought out or talked with a specific builder who would come in a build everything, said he has had expression of interest from a few empty nesters for the lots. Mr. Lee said it looks like the development meets criteria for UR-1.

Ryan Green added that he agrees with preserving trees. Would like to see access from this development to Hannahs Park by way of a walking path to encourage walk-ability. Mr. Neibarger said he does not have any issue with that.

Chairman Green opened the floor to public comments:

1. Marvin Block said he is not opposed to this development whatsoever, Mr. Elkins has owned this property a long time and he deserves to get his investment back and we do need some smaller houses. Said he does think there needs to be a lot split if the road is going in, the lot goes up to Ms. Hubbells property. Mr. Neibarger said the thirty three foot strip is of no value to them, Mr. Blair said the village would not be interested in acquiring that property, the simplest thing would be to give it to the adjacent property owner; Ms. Klimchak said or the HOA could maintain; she would consult the Village Manager,

Assistant Village Manager and the Law Director about the process before engineering work begins. Discussion on giving the thirty three foot strip to the homeowner beside (Ms. Hubbell). Ms. Hubbell said they would be happy to take care of the land and would be happy to work with them on that.

2. Sean Staneart said his question on the frontage was answered. Loves the thought of having a walking path to the park. Said his big concern is drainage; owns a house on Buena Vista and just spent money on building up the back yard to prevent flooding; the field floods when there are large rain events, the culvert creates a river, the current storm sewer cannot handle and the street and basements flood. New homes will exacerbate the problem unless they have proper grading and drainage. Mr. Schwieter said this development will have a separate outlet and will not tie in to the current storm system. Mr. Neibarger said he believes the development will have detention but will need to be reviewed in engineering; this application is only the first step.

3. Ryan asked if the HOA is aware of this and is o.k. with that lot being split. Mr. Neibarger said they are aware of these conversations.

4. Ron Elkins said he thinks the walking path to the park is a great idea. Said his intention is to visit and talk to all the neighbors; noted that the housing to be built will likely start at \$325,000 to \$350,000 before any upgrades.

Chairman Green summarized that tonight voting is on the preliminary plat and agreeing to future planning and information only. Ms. Klimchak added that a preliminary plat is good for twelve months and if no final plat application is submitted by that deadline, the applicant would have to request an extension.

ACTION:	Ryan Green moved to Approve; Jon Merriman seconded and the vote was as follows:
AYES:	Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
NOES:	None
ABSTAIN:	None

Passed 5 - 0

6. Accessory Dwelling Units

a. Draft Zoning

Continued review of the draft with edits to date. Discussion on ability to enforce owner occupation of the primary residence as well as the number of occupants permitted to reside

in the ADU, Law Director comments seen on the draft; Mr. Green said whether or not enforceable, it declares intent. Rental Registration program noted by Mr. Blair, Mr. Green said he would like to see it active. Board members continued comments, edits noted by Ms. Klimchak, discussion on design review; roof pitch matching the primary dwelling etc. Commission set a minimum square footage for an ADU at 400 square feet.

Chairman Green opened the floor for public comments.

1. Cheryl Robertson said she thinks the concept is good when talking about grandma and grandpa but it won't stop there, this opens the village up to a host of problems and would not support it.

Ryan Green provided some background on how the Board has restricted certain zoning districts and framework that makes an ADU somewhat cost prohibitive.

2. Marvin Block said he thinks they are a good idea, but also agrees with Cheryl.

3. Sean Staneart thinks this would be a policing nightmare and does not think a problem should be created.

Ryan Green said this is something that will continue to be asked for, it is a good option for aging in place which there is a lack of and the way they have laid this out it will be extremely hard so applicants would not go about this with the wrong intentions. Jim Blair said he thinks this has a lot of built in safety with the costs and restrictions. Bailey said it still has to follow all of the zoning district development standards.

ACTION: Jesse Coppel moved to approve the draft as edited and forward to Council; Ron Danne seconded and the vote was as follows:
AYES: Ron Danne, Benjamin Lee, Ryan Green,
NOES: Jesse Coppel, Jon Merriman
ABSTAIN: None

Passed 3 - 2

Ben Lee noted this should be vetted through the Law Director; Ms. Klimchak will send it again for final review.

7. Zoning Code Draft - Part 2 review

a. [Zoning Code Draft](#)

Draft reviewed with previous edits made; discussion on public notification for Preliminary Plat applications, draft edited for requirement to notify contiguous property owners by mail.

ACTION: Ryan Green moved to Approve draft (Part 2) as written; Jon Merriman seconded and all were in favor.

AYES: 5

NOES: 0

ABSTAIN: None

Passed 5 - 0

8. Zoning Inspector

a. November 2020

Jim Blair reviewed his report; new building permits issued are currently at a fifty percent increase from last year, added that Pulte is at a stand-still, have sold all buildable lots, waiting on section two to be ready to build. Mr. Blair answered questions from the Board on items in the report. Short discussions on waiver of sidewalk continuation onto Edwards Road from Diyanni home lots on Buena Vista and on cleanup of land-locked parcels in the village.

9. Other Business

1. Chairman Green thanked Board members and staff for their work this year. Items he would like to look at next year; the thirty percent lot coverage rule and rental rules. Board member goal ideas to be emailed to Ms. Klimchak for goal setting in the new year.

10. Adjourn

There being no further business; Chairman Green moved to adjourn, second was unintelligible on the recording and all were in favor, motion passed 5-0. Meeting adjourned at 8:45 pm