

CENTERVILLE PLANNING COMMISSION
Work Session
Tuesday, May 3, 2016

Mr. Clark convened the meeting in the Law Library about 5:00 p.m.

ATTENDANCE

Present: Jim Briggs, Jim Durham, Kevin Von Handorf, Robert Muzechuk, Amy Korenyi-Both, and Paul Clark. Also present: City Planner Andrew Rodney, Planner Mark Yandrick, Municipal Attorney Scott Liberman, and Assistant Clerk of Council Julie Weaver. Absent: Mr. Etson.

The purpose of the meeting was to review potential changes to the Unified Development Ordinance drafted by Mr. Rodney as the annual clean-up and presented in a memo dated April 22, 2016. The Planning Commission, in consultation with Mr. Liberman, discussed each of the references and made the general recommendation to divide the material into several ordinances—one for easy clean-up items and one or more for substantive issues such as changes to the language on development procedures and appeal standards.

Article 1.23 Establishment of Fees Mr. Rodney asked for the discretion to charge a penalty if work was started without a permit. He pointed out the difference between a homeowner missing a permit one time and a number of habitual business offenders who frequently did not obtain permits before beginning projects. Mr. Durham and Mr. Liberman agreed that the penalty should be fixed and not discretionary. Mr. Clark suggested an additional percentage of the fee as a penalty, the first time. Habitual offenders should pay a fine. Mr. Durham suggested “If twice or more during a specific period of time, the penalty is this specific amount, maybe an additional \$100.” Mr. Muzechuk suggested a fifty percent extra fee for a first offense and a double fee for a second, progressively increasing.

Article 3.05 Planning Commission Role (10) Quorum Mr. Rodney did not feel defining five as the number for quorum was as significant as declaring four or more votes to be the number to pass a motion related to a text amendment or a zoning map change. Mr. Liberman pointed out these were two different things—the number to constitute a quorum and the number required to pass a motion related to the zoning map and the Unified Development Ordinance. Mr. Rodney suggested four be required for each. Mr. Durham and Mr. Briggs then suggested taking out the second sentence under quorum and replacing it with “A minimum of four votes is required for passage of recommendations related to text and zoning map amendments.”

Article 3.07 BAR Role (C) Officers, Meetings, Conflicts of Interest Planning Commission agreed with the changes Mr. Rodney requested for the Board of Architectural Review. They suggested the addition of an item related to work sessions.

Article 5.09 Development Approval, Categories and Criteria, Development Plans
Updates would reinforce City Council’s authority to review and approve development plans, clearly showing the processes for preliminary and final plans. Item D. would

designate more clearly that existing violations of the zoning code must be remedied before any new work began. Mr. Rodney requested use of past tense for the Number 5. It was recommended to say, "Until existing zoning and property maintenance violations have been remedied."

Planning Commission felt that updates to the regulations for Preliminary and Final Development Plans were substantive enough to be treated as a separate ordinance. Mr. Durham suggested "addresses the impact of" or "describes", in place of "gives due consideration to" on the elements of the standards. Planning Commission was in favor of the clarification of the Preliminary and Final Development Plan requirements and suggested more research would be appropriate for the term "substantially compatible" used in place of "consistent" in Section 2. c. Ms. Korenyi-Both felt "substantially" should be removed. Mr. Durham asked for a check of terms commonly used (terms of the art of the occupation) for this question. Mr. Von Handorf asked if "compatible" was used elsewhere in the UDO.

Article 5.11 Development Approvals: Procedure Mr. Rodney used the word "reviews" over "approvals" for most of this section. Review by the City Council was added to show clearly that Council held the final authority for approval. It was noted Planning Commission had authority for final decisions only for site plans and variances. Other decisions were recommendations to Council.

Members questioned whether the time limit prior to expiration of the approval of the Preliminary Development Plan before the submission of the Final Development Plan should be one or two years, but most were in favor of one year.

Article 5.13 (G) Development Approvals The City Planner moved the information on the expiration of Preliminary and Final Development Plan approvals to the Categories and Criteria Section.

Article 5.19 Appeal Procedure The appeal procedure outlined in this section was a major shift from Council's past application of the appeal process. Clearly defining the grounds for granting an appeal, the updates would limit the Appeal body's discretion to form an opinion different from the original decision of the subordinate body, except in cases where there was an error, an illegality or an arbitrary/unreasonable decision. Because this was a substantial change, Planning Commission recommended this as a separate ordinance.

Article 9.05 (A) Base Zoning Districts. This section added clarifying text for seasonal garden centers and related signage. Planning Commission agreed.

Article 9.13(J) Subdivision, Required Improvements. Discussion of street grades led to the suggestion that "The grades of streets may not exceed 8% except by Council approval."

Several of the next items were seen as general clean-up items without significant questions. These included making minor changes to Table 9.1, Base Zoning Districts, removing references to Special Use Approvals from Table 9.2, updating references to the

current ANSI standard for nursery stock in Article 9.25(C), allowing averaging for lighting requirements in 9.27(C), adding new requirements for bicycle parking in Article 9.29(G), and defining usable outdoor area (no more than a 5% grade) in Article 9.35(D). Also reviewed were the addition of street sweeping bonds in Article 9.35(J) and the clarification of construction standards for accessory buildings and structures of 100 sq. ft. or less. Article 9.39(D) allowed for the construction of swimming pools in the rear or side yard, while Article 9.55 clarified language related to the standards for wireless communication facilities and permitted such facilities in "A" Agriculture Zoning Districts.

Planning Commission recommended a separate ordinance for the updates to signage regulations in Articles 9.51(D), 9.51 (G), and 9.51(H)(7)(c).

Article 11 Definitions Because attached and detached structures fell under different building standards and setback regulations, a definition of an "Attached Structure" was needed. Planning Commission felt six feet of common wall, enough to allow for a 36" doorway, should be the minimum. Other definitions to be added included "Flagpole", "Playhouse", "Daily Display Sign", "Drive-thru", "Restaurant" and "Sign Area."

Mr. Clark adjourned the meeting at about 7:10 p.m.



Paul Clark, Planning Commission Chair