

## **Planning Commission Minutes – October 5, 2016**

The Planning Commission met on the above date at 7:00 p.m. in the Administrative Services Building, 304 N. Church Street, Bowling Green, Ohio.

**Members Present:** Jeff Betts, Judy Ennis, Brady Gaskins, Gary Hess, Mark Hollenbaugh, Ryan Holley, Kris Phillips and Erica Sleek

**Members Absent:** Richard Michel

**Minutes:** Minutes of the September 7, 2016 Planning Commission meeting were approved as submitted.

### **LOBBY VISITATION**

Jeanne Langendorfer, 1372 Clough Street, spoke of her difficulty in navigating around the city's website to find information on the topics for tonight's meeting. She stated she was only able to find information that dated back to 2014 and felt the information should be updated on a more frequent basis. Ms. Langendorfer was advised she could call the Planning Department at anytime when she had questions in regard to meeting agendas or any other type of planning-related questions.

### **PUBLIC HEARING**

#### **Proposed ordinance amendment to Section 150.16, concerning the Maximum Number of Floors in all Zoning Districts.**

Ms. Heather Saylor, Planning Director, advised the proposed ordinance revision was requested by Michael Marsh, City Attorney, via correspondence dated August 23, 2016. In the letter Mr. Marsh requested the letter be accepted in support of eliminating the number of floors stated in the current zoning code. Mr. Marsh felt the "dual limitation" has caused confusion and felt using a limitation of "number of floors" rather than a total gross height by measurement will lead to problems in the future if challenged. Ms. Saylor also said staff researched the ordinances of similar communities on this topic and found that Perrysburg, Oxford, and Kent regulate maximum height only. Additionally, Findlay and Perrysburg recently changed their ordinances to regulate height only due to a number of variance requests and the complications of enforcement. Both communities reported the change has worked out well.

Mr. Hollenbaugh and Mr. Betts asked for clarification regarding the building height regulation and the number of parking spaces. Ms. Saylor

clarified that the maximum height for each zoning district would remain and that only the maximum number of floors was being requested to be removed from the Zoning Code. She also stated that additional off-street parking may be required if a floor is added, but this depends on the proposed use and zoning district. Ms. Saylor then introduced Mike Rudey, Chief Building Official for Wood County Building Inspection, to speak on his expertise regarding the State of Ohio Building Code. He was also a guest at the meeting to help answer questions from the Planning Commission members and the public. Mr. Hollenbaugh asked how much space is taken up by a floor and Mr. Rudey advised that construction building type and materials used determines the number of floors permitted; however there is still a minimum floor height to maintain for headroom clearance. He referred to the example of the strength of steel beams versus wooden beams, summarizing that steel beams could bare more weight than that of a wooden structure, thus a higher building with more floors could be used with steel construction.

Jan Veitch, 115 Williams Street, voiced her concerns regards to the amending of the ordinance and its potential effects on the newly created B-5 district. She advised the B-5 zoning area was intended for a transition between residential and commercial use and for this reason she felt the ordinance should remain the same at a maximum of two floors. Ms. Veitch was concerned the removal of the floors verbiage from the ordinance would give builders the ability to add an extra floor to the height of an already compromised upon 30 foot height max for the B-5 zoning district. Mr. Phillips said that as an architect he felt he could address this concern, since he design building and works within building codes each day. He said it would be extremely difficult to build a 3-story building with just the height regulation of 30' alone. Mr. Phillips further explained that even with the stories clause removed, the Ohio Building code cannot be undermined, just as Mr. Rudey has described. For example, just with an 8' minimum floor height, there is not much room left for mechanicals or creative design under the 30' maximum height.

Matt Reger, City Prosecutor, added in his legal opinion this dual regulation could be challenged and it is highly probable a court would not uphold both regulations. Mr. Hess echoed concerns about impacting neighborhoods surrounding the B-5 zoning district, while Mr. Holley described the amendment as making sense as easier to enforce and it echoes the way a majority of other community handle this.

*Mr. Holley moved, Ms. Ennis seconded, that this ordinance revision be recommended to City Council. Roll call was taken and the motion carried by a vote of 5-3. Commission members Betts, Ennis, Gaskins, Holley, and Phillips voted yes. Commission members Hess, Hollenbaugh, and Sleek voted no.*

## **SUBDIVISION**

### **Preliminary Plan, with Waiver Requests, for The Reserve at Martindale.**

Ms. Sayler described the request for the preliminary plan for The Reserve at Martindale and reminded the commission of the subdivision approval process, which normally is approval of the preliminary plan first, construction drawing by administrative staff, and then the final plat approved by Planning Commission. The first plat (phase) of the project would consist of lots 1 through 3, which would be located along Pearl Street, and the second plat (phase) would be lots 4 through 7, which would be located along Martindale Avenue and West Wooster Street. Mr. Saneholtz from Poggemeyer Design Group, representing the property owner, explained there were only going to be 7 lots maximum at this location. He further explained that the owner was undecided if he wanted to build on all 7 lots at this time. At this point, the owner is only concerned with platting Lots 1, 2 and 3.

Several waiver requests were discussed. The first waiver request was for a reduction to the front yard setback for Lots 1 and 6, which would be reduced from a 35' front yard setback to a 25' front yard setback within the R-1 Single-Family Zoning District. Ms. Sayler said staff had no issues with the request, which does not seem out of character with the existing homes and neighborhoods around the proposed subdivision.

The second waiver was for providing easements for "dry utilities" along the rear and side year. Ms. Sayler said staff is in support of this requests since the preferred route for electric service is now at the front of properties.

The third waiver request is for improvement of the existing streets to the centerline, which the City Engineer recommended approval of. Mr. Hollenbaugh asked for further details what this involves, which Ms. Sayler said involved improving the road to current city specifications, such as curb, gutter, drainage, etc.

The fourth waiver request was to provide waterline improvements along Martindale Road. Mr. Saneholtz said the owner did not want to spend money on this portion of installing a waterline along Martindale Road as part of Phase 1 when the waterline would only be needed if the owner moves forward with Plat 2. Since one of needs of the waterline is to service a proposed fire hydrant on Lot 4, Fire Chief Tom Sanderson was present and his opinion was requested. Chief Sanderson stated his approval of waiting until Phase 2 of the subdivision and explained that

because the Fire Division has hydrant access on Pearl Street the homes in Plat 1 were able to be protected.

The final waiver request was for the installation of sidewalks along Martindale Road, Pearl Street, and West Wooster Street. There was discussion on whether or not sidewalks should be required on all sides of the property because some of the sidewalks would not connect, since there are not existing sidewalks to connect to. Ms. Ennis stated sidewalks are valued as a safety feature and were discussed frequently when she was on the Steering Committee for the Land Use plan. Mr. Sanholtz also advised they are requesting a waiver for the sidewalk installation at this time, since they are not sure what lots will be developed.

*Mr. Betts moved, Ms. Ennis seconded, that the preliminary drawing and waivers be approved, with exception of the waiver regarding sidewalks and with the condition that no development may proceed in Phase 2 without the waterline installation along Martindale Road. Roll call was taken and the motion was approved unanimously.*

## **REPORTS**

### **Representative to Zoning Board of Appeals**

Judy Ennis gave a report on the September 14, 2016 Zoning Board of Appeals meeting which had two requests on the agenda for review. The first request was for a variance to allow the construction of an 8 foot by 8 foot addition (covered porch) that would encroach 3 feet into the required 25 foot front yard setback at 1210 Bourgogne Avenue. The second request was for the construction of a wall sign that would be 191.42 square feet in size, which is 79.42 square feet larger than allowed in the B-2 General Commercial Zoning District. The sign would also extend 4 feet 2 inches above the roof line at 816 South Main Street which is not allowed. Both of these requests were approved by the Zoning Board of Appeals.

### **Planning Department**

Ms. Saylor reported on the number of zoning permits in comparison now to the of this time last year, which are stable at 311 permits compared to 312 at this time last year. Additionally, 25 permits were issued to build single-family houses, compared to 23 at this time last year.

Ms. Saylor advised City Council had the third reading of Resolution #3639, which declared the city-owned real estate of 215 West Wooster Street (old Junior High Site) as open public space. This resolution was passed at the October 3, 2016 meeting. She stated that the Mayor

planned to meet with the original committee that worked on the concept plan and Downtown BG.

She also said the city has scheduled its second Community Action Plan Meeting, led by Camiros, on October 11, 2016. She advised parking would be free for this event when displaying a parking pass for Lot 7. The meeting is to focus on visioning exercises and an early action plan will be voted on. She stated the notes from this meeting would be available on both the city website and on the Facebook page.

Ms. Saylor spoke on staff discussions regarding the need for updated Subdivision Regulations, Chapter 151 of the Codified Ordinances. She also asked that Planning Commission members consider being a part of this internal working committee.

Lastly, the commission was advised of the Not In Our Town Bowling Green reaffirmation Celebratory events scheduled to take place on Thursday, October 20, 2016. These events include a Peace March at noon with citizens meeting at the Four Corners and also a Celebration Event at 4:00pm at the Falcon's Nest located at the student union.

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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Chairperson

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Secretary