

PLAN AND ZONING COMMISSION
MEETING MINUTES
June 2, 2020

CALL TO ORDER: Abby Heckman called the meeting to order at 7:10pm on Tuesday June 2, 2020.

ROLL CALL:

Members Present: Steve Briney, Mike Buzicky, Bob Buchanan, Robert DeAtley, Damian Spencer and Earl Seamands.

Members Absent: Jay Roloff.

Others Present: Village Attorney Joe Chamley, Village Planner Kelly Pfeifer, Mayor Sean Widener, Trustee Brian Metzger and Planner Abby Heckman.

Abby Heckman stated the chair would not be at the meeting and requested someone nominate an acting chair.

Buchanan moved to make Robert DeAtley the acting chair for the meeting. Buzicky seconded the motion. ROLL CALL. 6-0. Motion Passed.

PUBLIC COMMENT: No one came forward.

REVIEW/APPROVE MINUTES: March 3, 2020

Mr. DeAtley stated that there are minutes from the March meeting to approve.

Buchanan moved to approve the March 3, 2020 minutes as submitted. Buzicky seconded the motion. ROLL CALL. 6-0. Motion Passed.

PUBLIC HEARINGS:

ZONING ORDINANCE TEXT AMENDMENT

TEXT AMENDMENT TO ALTER PERMITTED AND CONDITIONAL USES IN THE R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT; AMEND EXISTING AND ESTABLISH NEW DEVELOPMENT STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS; AND TO AMEND AND ESTABLISH NEW DEVELOPMENT STANDARDS FOR PARKING LOTS.

Mr. DeAtley opened the public hearing and asked if there was anyone present that wanted to speak.

Abby Heckman presented information in the staff memo. She stated that staff had received no comments from the public prior to the meeting. She stated that staff is requesting the public hearing be adjourned and continued to the July 2020 PZC meeting not closed. This will give the public another opportunity to discuss the proposed text amendment and comment on any changes made to the text amendment based on what is heard at the meeting tonight.

Mr. DeAtley asked if there were any comments from the public.

Brian Metzger stated he logged in to the meeting to listen for now.

Mr. Buzicky stated he had some comments that he has heard from friends and neighbors that he would like to share. He stated most comments he hears from the public is related to the number of units allowed, which has been addressed in the text amendment, building heights, and setbacks from public roads.

Mr. DeAtley asked if there were any other comments. No one spoke up to comment. He asked for a motion to adjourn and continue the public hearing to the July meeting.

Buchanan moved to adjourn and continue the public hearing to the July 7, 2020 PZC meeting. Seamands seconded the motion. ROLL CALL. 6-0. Motion Passed.

DISCUSSION ONLY (NO ACTION):

ZONING ORDINANCE TEXT AMENDMENT

TEXT AMENDMENT TO ALTER PERMITTED AND CONDITIONAL USES IN THE R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT; AMEND EXISTING AND ESTABLISH NEW DEVELOPMENT STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS; AND TO AMEND AND ESTABLISH NEW DEVELOPMENT STANDARDS FOR PARKING LOTS.

Mayor Widener stated that he wanted to give a little background. He stated the item on the agenda is the second step of three to address R3 zoning and land use within our community. Step one was rezoning of multiple R3 zoned properties throughout the Village that either (a) were not being used as R3 or (b) were not even suitable for R3 development. The first step really helped clean up our land use and zoning map for the Village. Step two which is what we are doing now is in response to the Board action to put a moratorium on new R3 development approvals. The moratorium was to give staff time to evaluate and propose various text amendments addressing R3 properties. He stated this is the first text amendment and there may be more. He stated that when we looked at our apartment stock there was demand and we sought out and came to an agreement with the developer for the development on Oak Street. The development of Middletown Place was not sought out by the Village, that property was already zoned R3. The property was rezoned years ago to R3 expecting an adult living community. The adult living community was unable to get grants that they needed to develop and therefore the project never came to fruition, so then came Middletown Place to that property. He stated that he wanted people to be aware that our apartment stock was due for reinvestment or new development. The ratio of apartments to single-family is less today than it was 20 years ago and that is a fact. He stated we are hearing a lot about the Solace development because it is very visible but the take-away is that the Solace development was planned and is going to plan and the ratio of R3 to R1 is still in a very comfortable spot with the current development. He is hearing from the Trustees and others that we should see how the current stock and current developments play out before we keep going. We don't want to subject the current developments to an over saturation which causes vacancies and adjustments in rent. A lot of times the rent is higher than some would pay for a mortgage. Where we are today, is because of direction from the Board of Trustees and me to staff to look into the R3 standards. Staff said let's stop and have time to evaluate before we move forward with any more developments. That is why we moved very quickly on the moratorium at the Board level to give staff time to react. He stated his personal option was that we need to get back local control of the vision of our community. Zoning is only one piece of development. When you rezone property there is a whole list of uses that could come. We ask what people's plans are but those can change and on the back end the project may not be what we were thinking when it was rezoned. We want to think about how we can provide additional control or at least additional steps in the process to give the PZC time to ask important questions to know what would be coming with a project. One of the big things we are talking about is moving multi-family development from a permitted use to a conditional use. That doesn't mean we will stop all multi-family development; we just want more input in the process. Moving forward we would like a better handle of things. The moratorium is a short-term thing, through December. The Board direction to staff was that we wanted to move fast, swiftly, efficiently, and be conscious of public input and your input as well.

Mr. DeAtley asked how many total units are allowed for the project on US 150.

Kelly Pfeifer stated they are permitted a total of 198 units. They are constructing approximately half with the first phase which is under construction right now.

Mr. DeAtley stated a maximum of 16 units is a big change from what is allowed now by zoning.

Abby Heckman stated the special conditions proposed in the text amendment are for projects with 4 to 16 units.

Kelly Pfeifer stated we looked at the inventory of dwelling units that might come online. There is usually a tipping point where these projects will have a national lender involved. The 16-unit limit is somewhat arbitrary and staff would like feedback on the number. She discussed recent smaller multi-family projects that are in process or have recently come online and looked at what number of units should trigger the extra review by the conditional use process.

Mr. DeAtley stated most of his concerns are elevated knowing that a conditional use, and if another development similar to the one on US 150 could occur down the line with a conditional use and negotiating with the Village for things like a stop light, road improvements, and other things of that nature.

Mr. Buzicky stated the PZC sees the issue that the Mayor was talking about. Often we review rezonings and have to make decisions after asking the petitioner what they plan to do, but they don't have to tell us exactly what they plan. Often what was presented at the zoning isn't exactly what ends up happening. He stated he hopes we all can look ahead at land uses, buffering options, and how we look at zoning to see if we can creatively help developers put in those buffers along visible corridors.

Mr. Buchanan stated he didn't have anything else to add because the Mayor answered his questions about the moratorium time limit.

Mr. Buzicky asked how the moratorium effects what is going on currently.

Kelly Pfeifer stated that we get inquiries for properties that are zoned R3 all the time. She went over the moratorium limits and relief options for developers. Any moratorium relief request would be reviewed by the PZC for a recommendation the BOT. We only know of one developer that may be interested in requesting relief, but there may be others we don't know about yet.

Mayor Widener stated that to be clear that the BOT has no interest in additional R3 at this time, without having the tools in place to answer the one question of if there is a need in the community. The moratorium passed by a unanimous vote which speaks for itself.

Mr. Buzicky stated he was glad to be on the same page.

Mayor Widener stated the PZC doesn't have to agree with the BOT and that input from the PZC is an important roll from the land use perspective. There are other influences and consideration once it gets to the BOT.

Mr. Buzicky stated that he was glad to know the Boards view.

Kelly Pfeifer stated that for clarity that the BOT isn't saying we don't want any more R3 in particular but saying we don't want anymore multi-family development. Current regulations limit our control of the intensity of these types of developments. We have a lot of interest in tri- and quad-plexes. Staff is looking at possibly

adding additional zoning classifications to give you more tools. Multi-family is still an important transition land use when it is done at a lower intensity.

Trustee Metzger stated that his opinion isn't that the Board doesn't want anymore R3 or apartments but that we want to slow down to see the capacity that we have now and how that plays out to see what is needed or not needed in the future. I want to see where the ones we have in place go.

Mr. Buchanan stated he agreed with slowing down to see how the current developments fill. There are lots of vacancies near campus and we don't want to see that here.

Abby Heckman stated that the text amendment addresses the fact that we still want smaller projects to go forward following the special rules but if it is anything more then it needs additional review.

Mr. Buchanan stated that it was indicated that there would be more rezonings coming and asked if that still the case.

Kelly Pfeifer stated that with the direction of the BOT we are focusing the next six months on the ordinance and will come back to rezoning properties after because staff time is limited.

Mr. DeAtley stated that he is comfortable with the proposal. The PZC have heard from more than one developer that believed that if they were first to the market their development would be full but if not, they weren't sure if the market would support it. The pause was a good idea to insure we don't have problems associated with unoccupied units. There are communities around us that have examples of what happens. He stated he supports the text amendment.

Mr. DeAley asked for any other comments.

Mayor Widener asked the PZC to look at this amendment, talk to your friends and neighbors to get feedback so that we can get the discussion and feedback on the record.

Abby Heckman stated that a good exercise staff does sometimes is to find an existing development and see how the rules would apply to it and what would be different or the same about the project under the proposed rules.

COMMISSIONER / STAFF COMMENTS:

Mr. DeAtley asked if there were any Commissioner comments. No comments were stated. He asked for a motion to adjourn.

ADJOURN:

Spencer moved to adjourn the meeting. Buchanan seconded the motion. ROLL CALL. 6-0. The meeting was adjourned at 7:57pm.

Respectfully,

Abby Heckman, Planner