

City of Columbus
Public Hearing – Chapter 7A-Proposed Planned Unit Development Ordinance – Text
Amendment (PC-14-107)
July 16, 2014

The July 16, 2014 Public Hearing to receive testimony regarding amending Chapter 7A of the Columbus City Code to include a proposed planned unit development (PUD) text amendment to allow alternative design and/or more flexible standards in the Rural Residential (RR) district was called to order at 7:41 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Mark Daly, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson, Michael Healey, and Pat Preiner.

Sternberg: Next we're going to have a Public Hearing and discussion on 14—no wait a minute—Chapter 7A – Proposed Planned Unit Development Ordinance – Text Amendment, pages 12 through 17. And at this time I'll ask the secretary to read the notice as published.

Notice was read at this time.

Sternberg: Thank you. And, who's gonna...? Is Dean going to take it?

Johnson: I'd be happy to. Um, first of all, in the original draft that the Planning Commission discussed, we made no changes to or had no focus on what became a new part A, the Suburban Residential District. We just focused on B, the Rural Residential District. And, there were changes recommended by the City Attorney that clarified that the application process for this PUD flexible option or alternative would be considered only through the conditional use permit process. And so it separated or distinguished what I had originally included in here as a concept PUD that would follow procedurally with a preliminary plat, and a final planned unit development that would follow the final plat procedure. It's now simply a conditional use permit for a planned unit development. And that conditional use permit can be considered at the same time as the platting process, but they are completely distinguished in the sense there'd be two different public hearings and so forth. So, the planned unit development procedure is, uh, how the waiver of requirements is considered and connected to the zoning ordinance, and the plat is a separate function, and so forth. And I have no objection with the changes that were made, and they were included, um, in, in a packet to you previously, that was in a strikethrough format. The one that you have now includes only one other change to item B, and that is, on the basis of discussion at the City Council meeting, it was brought up... Elizabeth simply conveyed to me that there was concern about one of the models that I had created – or sample plans – and they didn't like the pencil lots. Uh, and simply said, 'Can we consider a standard that would not allow...?' whichever plan sheet that was, D or whatever the last one was. If you want to consider that, that's what I've done under item 4 on page 4 of part B. And that says a maximum of 50% of lots may be less than the conventional 220-foot minimum. That's a way to do that, and, again, that's up to you, but as it, as this passed from you to the Council and the Council had that

discussion, it came back to us for consideration and hearing, that's the standard that I put in there. So, let's come back to that.

In the original, uh, comments by the Attorney...uh, in the letter from the City Attorney it said, 'We'd recommend similar procedural changes in the Suburban Residential District.' And, even though we don't have...we've created the district as a portion of the zoning text. We do not have a suburban residential zoning district at this time. But I went through, and, using the same recommendations from the Attorney...and that's what you see red-lined in here under item A of 7A-819, changes that would make this procedure for the Suburban Residential District the same as the Attorney had recommended in Section B. I thought that they were going to do that, but the intern that was working with Bill Griffith, uh, quit for two months so he can take his bar exam. And, so, Bill suggested that I do this. Well, actually Elizabeth did, because Bill was on vacation. So, anyway, those changes I've sent to the Attorney. I've not heard any comments back. But, the reason we had redlines in the Suburban Residential, is because they wanted the same procedure. The, the zoning ordinance in the Suburban Residential District already says that this will be processed as a conditional use permit. But, right now, within the Rural Residential District we have no requirement within the conditional use permit categories, that if you want to do the alternative subdivision design it would require a conditional use permit. And that is what section 1, at the top of the page of this revised ordinance is. So, there were three different changes: one I inserted this new section 1; in the revised section 2, I made the changes the Attorney wanted; and then, in the alternative design, the only change from what the Attorney had recommended was, if you want to put a standard on the number of lots that you would allow less than the standard 220-foot width.

So, with that, I'll answer questions. I hope I haven't confused you.

Sternberg: Any questions?

Preiner: May we please, Mr. Chairman and Dean, may we discuss the change on page 16, the minimum lot width of 50% and all that? So, that was just so that we wouldn't have seven pencil lots across those (unintelligible) quarters?

Johnson: I, I didn't participate in the discussion, but, it was in direct response to the one drawing that would have allowed – yeah, number 4. It would have allowed someone, without building a road, and accomplishing really what the purpose and the intent is – if you have wetland on half the property, you can shift the development. You mold it a little bit differently, but conceptually it looks the same, it's just a smaller footprint. That's what the intent of this is. It's a better use of property, and, in most instances, you save on the length of streets and other things. And, you make the buildable areas within a development comparable. I gave you the bad example – number 4- as someone that doesn't want to hire an engineer, doesn't want to hire a realtor, can come in and do the platting themselves, and end up with that, and it met this requirement. And it, again, was my understanding that at least the Mayor, if not the Council, did not like that example. If that's not an issue, then, that's up to you what you recommend to the Council. But, that item on number 4 was in response to that discussion at the Council meeting.

Sternberg: Well, on the same topic, I think it's important that we discuss it, because what does this do to the other types of developments, where the whole goal was to try to stray away from

the 220-foot, um, I don't know if you call it a limitation or...to me it's a limitation? You, know, if you've got to make all your lots 220 feet, 220 feet, 220 feet, it kind of takes away from the whole idea of the flexible plan, where we're trying to give them some flexibility on some of the lots not being 220, but still being really nice lots, wide lots, where they could all place their houses and be...have more privacy than you would on a five-acre lot. So, I mean, you know, it's not that I have a problem with it, but, I have a problem with it if it, you know, destroys the idea of the flexible plan in the same swipe of a pen. You know, I mean, it's like, yeah, I know some people were scared of the worst-case scenario up there, but, for the most part, I didn't hear that a lot of the Council saw it that way – that that was a negative, to have those 160-foot frontage lots, which turned into 'pencil lots.' There were some people that were concerned, 'Well, they could just start cutting all the land up like that and we'd have nothing but pencil lots everywhere.' But, it didn't make a lot of sense, and if this is going to take away from taking the...you know, when you take 50% of the lots...

Johnson: And I could've put 20%, and so, I don't want you to get hung up on the actual.

Sternberg: Right.

Johnson: If you said 20%, then plan 4 can't be done. I mean, it can't. If they want eight lots, they're going to have to build a road, because the...the purpose in...the old Township went from the 225-foot down to – was it 150?

Mursko: Yes.

Johnson: ...for a period of time. People didn't like that. The majority changed the ordinance back to 225. I never liked 225, because it isn't divisible into 1320, your standard quarter quarter measurement. So, we changed that to 220, and, I agree with you. If adding that cautionary statement eliminates the creativity, the flexibility, the alternative that makes the development better, so everybody's got the same amount of building space, then you wouldn't want to do that to just get rid of one bad egg. At the same time, uh, I didn't want to presume what that standard would be. I picked 50%, 'cause it was in the middle, and I just decided we needed to talk about it. And you can throw the standard out, you can lower the standard, but, that's why that was added in there, on the basis of the last discussion.

Daly: How can we lower that? I'm with you, Garth. I mean that's just really, very restrictive. That's kind of against everything we've been working on here.

Sternberg: Yeah. And Jesse brought it up when we did the whole thing, when all five of us were there. He brought that up too, that it was basically taking away the flexibility, which I agree with him. But, I don't know how you do it. I mean, you know, Dean, you did a really nice job drawing all those pictures of those really nice developments. I don't know how you take that and put a percentage on it, to still keep it flexible without...

Johnson: Well, I looked at my drawings when I came back, and I thought, you know, none of them except number 4 gets impacted by that kind of standard. So, the three better examples, if

you will, work if you had some sort of standard, so, it can be done. I've worked in other communities where...and this is more of an urban, not a rural standard – it will not work in a rural setting- but ...let's say the standard lot size in a community with 75 feet. They will allow 15-foot variation from that, for the purpose of having more creative styles, allowing different sized homes. But, for every 15-foot variation under, you've got to balance it. It's like your standard: we'll let you go down to 2 ½ acres, but then some other lot's got to be 7 ½. You've got to average the five. In a rural setting, if you said you're going to let people go down to 160, but then you've got to balance that with a 280, all of a sudden, the whole concept of reducing street frontage doesn't work. So, I'm just sharing with you, there are other alternatives, but they don't work in a rural setting - at least, in my opinion. And whether you should have any percentage, that's a, that's a policy concept that you need to think about and talk about.

Sternberg: So, we basically, when we originally did this, we didn't have this in here. It wasn't our idea...

Johnson: Nope.

Sternberg: ...and we left it up to their discretion, and this is something they wanted, so we could really, we could really strike this whole thing and just forward it on, and if they want to put it in, you can maybe use it as an example of, 'Here you go. If you're scared of all these pencil lots, this is something that you could put in there.' – or something like...of that nature. I mean, this doesn't really have to fall on us, because we already forwarded this forward once, with the recommendation for approval or amendment by the Council.

Johnson: I think what your minutes ought to clearly reflect is what you've all said. You don't want the potential for one bad egg to throw out the rest. And, I'd say, in your motion, that you strike this 50%. You don't feel it's necessary, and, if the Council considers it, maybe put a smaller percentage in, if they decide to go with it. If you're worried that they don't accept your recommendation, and like what I said...and I kind of grappled over whether I should put 25, 75 or 50. It was a placeholder for discussion is what it is. But, in your consideration, if you really don't like it and are afraid they might reinstate it, maybe you'd say, if they wanted to reinstate it, it ought to be more like 20% or something. I mean, that's one out of five lots.

Sternberg: Yeah, I don't know. What do you guys think? I mean, I think all of us...none of us wanted the pencil-lot style development that we have here, but...

Wolowski: Mr. Chair? When we spoke about this, we talked about the actual feasibility of these taking place, and I thought they were understanding that it would...if memory serves me correct, that the feasibility of this actually taking place was very slim.

Sternberg: Right. Yes.

Krebs: Because there wasn't enough 40-acre land pieces that could support something to this standard in the City.

Wolowski: Exactly.

Krebs: There wasn't that many, so we weren't concerned of this being overly done, is what we're...

Johnson: Yeah, you could look at the County inventory with the parcels that have existing frontage, that are local roads. I don't think the County's going to give all that access. They'd require a frontage road if that kind of plat came in. And so, somebody'd have to build a road anyway. And then, if that happened, you may as well try and design it a little nicer. But, uh, I understand where the concern is. You probably really wouldn't like to see that, but, just the same, it's a limited possibility that it's going to occur. You don't have that much clean property anywhere, let alone right with local street frontage.

Wolowski: And it was my assumption that we had them understanding that, and they agreed...

Krebs: I know that they...

Krebs and Sternberg: The Mayor didn't.

Sternberg: We had most of the, I think most of the City Council agreed that it was...

Johnson: Well, he lives near the turkey farm...

Sternberg: Yeah.

Johnson: ...and there's a big piece of property with a lot of frontage that is...maybe that's what he's thinking, I don't know.

Daly: I'd like to see them strike c) on that, totally.

Sternberg: Yeah, I mean, they can put it in if they want. You know, I mean...

Preiner: Mr. Chair? Elizabeth, do you know about how many plat 40s there would be? So we could put in our thing, you know, 'There's only three of them or six of them or...'

Krebs: With road frontage though...

Preiner: Roughly? Or not?

Mursko: You know, we probably won't be able to think of all of them. I can think of a 40 that's on 141st, I can...I mean here and there I can think of certain 40s, that this, you know, this would likely happen if you had a developer come in. I think you had the concern, at least from the minutes in June 11th, I think you had the concern of the Mayor and Jeff. Jeff had opposed the idea also. So, you did have two of the Council members being concerned. It does say, 'Council member Duraine opposed design four. The suggestion was to have the amendment allow no

more than four lots at 165.’ And, so I’m, I’m not sure what the...’cause there was no vote, there was just a consensus there...so, I think they understood the flexibility, they just didn’t want...They wanted more of 1,2, and 3 than 4, and felt there had to be something there to not allow 4 to happen. So, I agree with Dean, you can make any recommendation and then they can amend it when it gets there.

Johnson: You could attach number 4 as an appendix to the ordinance and say, ‘Number 4 is not allowed.’ (laughter)

Preiner: ‘Look at this, you can’t do it.’

Mursko: Yeah. ‘The exception is: you cannot have this design.’

Preiner: Well, Dean, you shouldn’t have made the worst-case scenario.

Johnson: You know, I try to predict the best and the worst.

Preiner: They couldn’t...they wouldn’t have even thought of that if they didn’t see your picture. Well, that’s what’s going to happen, we’re going to send it to them and then they’ll change it back.

Daly: Maybe not.

Wolowski: Well, Mr. Chair? Why don’t we just have Jody explain? It’s not that we’re trying to have a tug-of-war. This is how we see it, you know, looking at all of the plats- or all of the 40s that we did, and taking into consideration what’s left. I mean...then allow them to make the call, but...

Preiner: And it is our goal to try to get some flexibility. That’s what the object of the whole...the whole deal was.

Sternberg: Well, I think we’re all in agreement on that. Is there any other questions or any other business pertaining to this? At this time I’m going to open the hearing to the public. Anybody from the public? At this time I’ll close the hearing with the right to re-open if it’s necessary.

Hearing closed at 8:02 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary