

Planning Commission
June 22, 2016
Minutes

The Chairman called the meeting to order at 4:34 PM. The following members were present: Mr. David Miller, Mr. Pete McGory, Chairman John Mears, Mr. Mike Zuilhof, and Mr. Ned Bromm. Commissioner Brady and Commissioner Lloyd were in attendance. Ms. Casey Sparks and Ms. Angela Byington represented the Planning Department, Mr. Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from the Community Development Department.

Mr. Bromm moved to approve the 5/31/16 meeting minutes including any corrections. Mr. McGory seconded the motion. Motion passed, all in favor.

Chairman Mears swore in audience and staff members that will speak on behalf on any agenda items.

Ms. Sparks briefed the commission and audience that Ryan Brady, on behalf of Hotel Kilbourne, has submitted an application for a conditional use permit for a sign to be erected above the first floor for the property located at **223 W. Water Street**. The property is currently zoned as Downtown Business. Section 1143.06 of the Zoning Code prohibits all wall signs to be located above the first floor without a conditional use permit through Planning Commission. The approximately 19' square foot sign will be utilized to advertise the boutique hotel. Planning Commission has approved a similar case on another building located within the downtown area. Staff recommends approval of the conditional use permit and intends to review this section of the zoning code with Planning Commission at the July meeting.

Mr. Ryan Brady, 1721 Hancock Street, representing Brady Signs, stated that the sign will have aluminum letters painted black. The sign will not be illuminated.

Mr. Miller questioned how tall the letters will be? Mr. Brady answered that the letters will be roughly 13 ¼" tall.

Mr. Zuilhof moved to approve the application as submitted. Mr. Bromm seconded the motion. Mr. McGory added that this project is a positive step for the downtown area.

With no further discussion, the motion passed, all in favor.

Mr. Zuilhof questioned that although this passed with Planning Commission, will this now need approval from Downtown Design Review or can it be approved at staff level? Ms. Sparks answered that this project had already been approved through the Downtown Design Review Board.

Mr. Zuilhof moved to take the next item off of the table. Mr. Miller seconded the motion. The Application for a Conditional Use for a Group Home located at **628 Hancock Street** was taken off of the table.

Mr. Zuilhof moved to approve the application subject to the conditions in the supplemental report. Ms. Byington explained that the application was tabled because Staff wanted to send additional notice to surrounding property owners of the meeting and that the Chairman might want to ask for comments from the audience. Mr. McGory seconded the motion for discussion purposes.

Ms. Sparks presented the supplemental report indicated Staff's recommendation for approval with the following conditions:

1. The applicant would be required to update planning staff if any of the proposed guidelines for the program change, or additional rental units are added. If any changes are made, approval of the Planning Commission would be required.
2. In lieu of the required off- street parking, the nearby public parking area and on street parking shall be utilized to meet parking requirements. The operator shall require all employees and counselors to utilize the public parking lot.
3. The applicant provide hours of operation for the counseling activities for the proposed use.
4. There shall only be one family residing per unit.

Ms. Alysia Gilliam, 3601 Spencer Ave, offered to answer any further questions. Chairman Mears asked for audience participation for or against the application.

Casey Jacobs, 606 Wayne Street stated that she had a question regarding discussions in prior meetings. She asked whether there would be one family per unit or more than one family per unit. Ms. Gilliam answered that per Staff recommendations and conditions, there will be only one family housed per unit at Crystal Towers.

Mr. McGory added that he personally sees the need for this type of facility in the City, but he has personal concerns with the location, size, all of the details associated with a group home.

Chairman Mears commented that he has similar feelings. He feels that it's worth a try to see if it works. He also stated that it may take a person more than 6 months to get back into the public again. Ms. Gilliam stated that that is the typical transition timeframe, 6 months to 1 year.

Ms. Gilliam added that she is working with Job and Family Services on Budgeting Classes, and is open to further classes. She also stated that the week of July 11 is scheduled for Police and Fire to tour the facility. She would like to make the tours more routine.

Ms. Sparks stated that if Planning Commission does approve the application with conditions and the applicant does not comply with the conditions, the permit can be revoked.

Mr. Bromm asked what the limit per unit is. Ms. Gilliam stated that there will be one family per unit and each unit has 5 beds in it. The family will be one adult and children. Mr. Bromm stated he has a concern with the location, but is willing to give it a try.

Ms. Gilliam stated that the location is in close proximity to the ball parks. She stated that outside of the family's rooms, there is a large amount of square footage inside the house for the families.

Mr. Miller shares the concern that the proposal seems naive but is impressed by Ms. Gilliam's sincerity and determination and that the recommended conditions placed upon approval is reassuring to him.

With no further discussion, the motion passed, all in favor.

Ms. Sparks offered an informal presentation regarding the regulations on chickens within residential districts. The presentation included the following topics to discuss:

- **Why do we regulate this use in a residential area?** Public health, waste management, pest populations, noise and odor
- **What is the definition of animal?** Per section 505.01(g) of the codified Ordinances, animals include dogs, cats, cattle, sheep, horse, geese, ducks, turkeys, chickens, or other fowl or any other animal, domestic or wild, maintained or kept as a pet for a work product.

- **Planning Staff would recommend changing this definition. Possibility of further defining Animal within Zoning Code:**
- Animal, Livestock: Llamas, alpacas, cattle, swine, chickens, etc.
- Animal, Exotic: Non-human primates, poisonous reptiles, alligators, crocodiles, snakes over six feet in length, etc.
- Animal, Domestic: Cats, dogs, birds, rabbits, etc. and Animal Domestic.
- Permitting animal, livestock through a conditional use process

Mr. Zuilhof suggested that you could create a venomous and a non-venomous over six feet in length. Mr. Miller stated that chickens may fall into the domestic category rather than livestock. Ms. Sparks stated that she is only presenting examples that have been successful in other cities and that this is only a topic of discussion for suggestions. Ms. Sparks indicated that there have been several noise complaints from having chickens on a residential property.

- **Considerations :**
- Numbers of Chickens: 4 or fewer or number based on density of neighborhood
- No Roosters
- Location/Setbacks/Minimum Lot Size: All residential zoning district except multi-family zoning district through a conditional use permit
- Minimum Lot Size
 - Minimum Lot Sizes or density approach (# of chickens)
 - 1) Smaller than 0.5 acres – 4 maximum or even allowed?
 - 2) 0.5 acres to less than 1.0 acres – 4 maximum?
 - 3) 1.0 acres to less than 5 acres – 8 maximum?

Mr. Zuilhof asked to clarify what multi-family zoning is. Ms. Sparks indicated that would be anything over a 3 family residence.

Mr. McGory asked if the chickens would be in a coop or would they be able to run. Ms. Sparks stated that these questions will be addressed in the following slides.

Mr. Zuilhof cautioned about space requirements since this may bring up questions on cruelty laws compared to agricultural operations. Maybe something that simply limits the number of hens, restricts roosters, and creates a setback requirement. He stated why try to solve problems we're not having and focus on the problems we are having.

Ms. Byington stated that one of the discussions was to look at a coop or a run as an accessory structure so it would follow the same setbacks as 3' off the lot line, must be in the rear of the property, and cannot cover more than 30% of the property, all structures in total.

Mr. Zuilhof asked if it was necessary in all cases to have a coop. Ms. Sparks stated that some of the complaints were that the chickens were running free.

- Coop Requirements: Located in rear yard no less that ten feet from property line and must not be visible from the street
- Max/Min Coop Area and Total Number: Coop enclosures not to cover more than 80 square feet or a certain percentage of the lot

Chairman Mears stated that it would give more insight if the Commission could hear from some of the residents that complained. He stated that the number of chickens wouldn't necessarily matter for a noise complaint. And, would it cause a problem with surrounding neighbors if the chickens are running loose?

Mr. McGory stated that he feels that more people will complain about the look of the coop. Mr. Zuilhof stated that a coop could possibly fall under the building code.

Ms. Sparks further discussed

- Max Coop Height: Typically 6' Feet
- Architectural requirements for coops
- Required to be in a Coop
 - Typically required to be housed in a Coop
 - Should we allow outside time and/or a Pen or Run still within setback?
- Architectural Standards
 - Accessory buildings shall be constructed of materials similar to the materials used on the principal dwelling or may, in all cases, be constructed of brick, stone, cultured stone, cement siding, wood, stucco and synthetic stucco materials, or other materials on the relevant list of approved building materials
- Allow/Regulate Chicken Pen/Run
 - Should allow Pens/Runs?
 - Regulate Materials?
 - Maximum Size?
- Surrounding Property Owner Consent
 - Some cities require sign off from neighbors
- Privacy Fence Required
 - Cities sometimes require a privacy fence to be installed- not exceed 6'
- Personal Use Only
 - No selling of eggs or chickens and must be for household use

Mr. Zuilhof stated that commercial use would be covered by the health department.

- Feed Storage/Nuisance Standards
 - Feed required to be in a sealed container
 - Manure from chickens must be disposed of in household trash or composted?
- Slaughtering
 - Ms. Sparks discussed that most jurisdictions prohibit the slaughtering of chickens and have disposal standards for deceased chickens
- Right to order removal in the event of a public health issue (avian flu)

Ms. Sparks stated that these items were presented for discussion only and asked if the Planning Commission proposes a more relaxed approach. Mr. Zuilhof asked if a single chicken can be slaughtered for consumption. Ms. Sparks answered that she felt that the purpose of having chickens on your property is for the eggs, not for consumption.

Chairman Mears stated that the last item for discussion bothered him. He wondered if it would be the responsibility of the Health Department to inspect the property routinely to keep up to Public Health standards.

Mr. McGory asked if this would include ducks and geese. Ms. Sparks stated that the topic tonight is just chickens. She added that this may come up later when the topic of definition of animals comes into play.

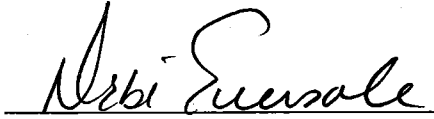
Mr. Zuilhof indicated that all barnyard foul can be combined unless the topic of noise comes into play. Mr. Miller added that smell and disposal could also be an issue for a nuisance complaint. He also stated that a 6' fence on a run may not contain the chickens. When is the protocol if the chickens escape? Mr. Miller stated that the lot size could determine the standard. Maybe also consider putting chicken wire on the top of the fence to contain the chickens.

Mr. Zuilhof stated that there should be a penalty for any animal "at large" so chickens would be included. He added that the size of the lot is not as important as the space available on the lot. He hopes for a minimal ordinance which addresses the problems at hand rather than creating new problems.

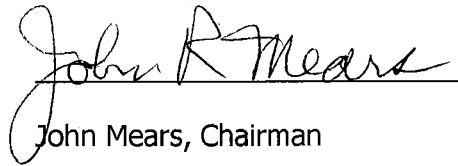
Ms. Sparks suggested having another work session in July so that everyone can take in what they have seen and heard tonight and bring back ideas and suggestions to the table.

With no further business, Chairman Mears adjourned the meeting at 5:28 PM.

APPROVED:

Handwritten signature of Debi Eversole in cursive script, written over a horizontal line.

Debi Eversole, Clerk

Handwritten signature of John Mears in cursive script, written over a horizontal line.

John Mears, Chairman