

***City of Riverside
Planning Commission Meeting***

April 19, 2021

Members Present: Julie Denning
Jonathan Hairston
David Owens
Anthony Rodgers
Harold Vazquez

Members Absent: none

Others Present: Nia Holt, Zoning Administrator
Gary Burkholder, Community Development Director
Pete Williams, Ex-officio

CALL TO ORDER: Chairwoman Denning called the City of Riverside Planning Commission meeting to order at 6:38 p.m.

OATH OF OFFICE: Chairwoman Denning administered the oath of office to newly appointed member, Jonathan Hairston.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present. Ex-officio Mayor Pete Williams was present.

APPROVAL OF MEETING MINUTES: Mr. Owens motioned to approve the minutes of the March 15, 2021 meeting. Mr. Hairston seconded the motions. All were in favor; none opposed. **Motion carried.**

PUBLIC HEARINGS:

- A) **PC #21-0004 – Re-Plat Final – 516 & 532 Beatrice Drive (Parcel ID #I39 00518 0004 and I39 00815 0001) – Application to shift the property lines between two (2) parcels – Public Hearing**

Chairwoman Denning opened the public hearing for Case #21-0004.

Ms. Holt stated this is a replat to shift the property line between two parcels on 15.07 acres. The applicant requests approval to shift the property line between 532 Beatrice Drive and 516 Beatrice Drive. There is an existing single-family structure on 516 Beatrice and a church on 532. All the structures will remain; just a change in the property line. She presented the zoning map showing both parcels in the R-1 Low Density Residential District. Chairwoman Denning asked if it would still be a conforming lot. Ms. Holt replied it would. They will move the 524 line straight across making it equal to the 524 property. Ms. Holt presented the plat plan showing the lot lines and utility easements. The church owns 532, 612, and 516 Beatrice, but does not own 524. Mr. Vazquez

asked if after moving the line on 516 will they still own it. Ms. Holt confirmed that was correct. The reason for shifting the line is unknown. She provided photos of the house as well as standards for approval. The applicant has submitted the mylar if approved. No concerns were expressed by the fire department or service department and it has been pre-approved by Montgomery County Environmental Services. Staff finds the proposal is adequately justified and meets the standards for approval. Staff recommends approval with one condition of properly recording with the Montgomery County Recorder's Office.

Mr. Hairston asked if prior to the line shift, if lot 516 were to be sold, then the person that would purchase it would own straight back as it is now. Ms. Holt replied they would without the shift. Mr. Hairston asked with the shift then the church maintains that land and the property would be like 524 Beatrice. Ms. Holt replied that was correct.

No one wished to speak. Mr. Hairston motioned to close the public hearing; Mr. Vazquez seconded the motion. All were in favor; none opposed. **Motion carried.** Chairwoman Denning closed the public hearing.

Chairwoman Denning motioned to approve Case #21-0004 – Re-Plat Final, 516 and 532 Beatrice Drive, with the condition stated in the staff report of properly recording with the Montgomery County Recorder's Office. Mr. Rodgers seconded the motion. Roll call went as follows: Mrs. Denning, yes; Mr. Rodgers, yes; Mr. Hairston, yes; Mr. Owens, yes; and Mr. Vazquez, yes. **Motion carried.**

B) PC# 21-0005 – Rezoning – 11 Pleasant Valley Avenue (Parcel ID #I39 00717 0063) – R-3 Medium-Density Residential District to B-2 General Business District – Public Hearing

Chairwoman Denning opened the public hearing for Case #21-0005.

Ms. Holt stated this is a zoning map amendment application to re-zone 11 Pleasant Valley from R-3 Medium-Density Residential to B-2 General Business. The applicant owns this property and the adjacent site to the north at 2600 Valley Pike. The plan is to consolidate the two lots and place a car business on the site. She presented a zoning map and aerial map of the properties. A preliminary site plan had been provided that will need additional review. She displayed site photos of the property and surrounding area. She presented the standards of approval indicating staff does not have enough information to determine the impact on the public health or safety of the proposal; staff does not believe the general use of automobile is necessary for the general welfare nor enhances the successful operation of the surrounding area. Chairwoman Denning asked why that was or what was the opinion. Ms. Holt stated there was green space, even with a preliminary site plan, but putting more impervious space could have more storm water, but they don't have the drainage report or that information. She added that all standards require them to look at use; there is use mentioned in all of them. Mr. Hairston asked if they submitted what it would be used for. Ms. Holt stated it was general. They are going to a B-2 and saw that this use was allowed in a B-2. She continued with the standards of approval and stated staff did not have enough information to fully determine the impact this use will have on the value of abutting properties. She added that it is not in compliance with the current comprehensive plan. Ms. Holt stated the proposal involves

expanding the commercial area into the residential portion of this neighborhood. The expansion is not in harmony with the scale, bulk or character of the adjacent residential area. She stated that the location of the development is close to existing transportation, utilities and other infrastructure; and staff does not have information to determine if the proposed use will cause undue traffic congestion or create a traffic hazard. Staff recommends denial of the proposed rezoning.

Mr. Rodgers stated he was curious knowing that some of the information is missing they still chose to proceed. Ms. Holt stated that the applicant has been very good communicating with staff; they understand where the applicant stands. They are purely looking for rezoning at this time and when they get further process that is when they want to pursue their conditional use, site plan, or whatever that may be. There is someone to speak on behalf of the applicant this evening.

Chairwoman Denning stated that in the area the building they are looking at is vacant and it has been. If they can get an active business with active employees...it has an abandoned next to it and across the street. She understands she is going off of a very old, out-of-date comprehensive plan, and what staff has to do. They need to also look at where is the area right now; is it detrimental to the area or will another business with jobs help the area.

Mr. Youssef Elzein stated both he and the owner are on the Zoom meeting. He relayed his appreciation for staff taking the time to review the application once or twice. He stated Mr. Rababah is an established owner in Riverside for the last 10 years. He bought an abandoned property from the landbank, which they are now considering for rezoning. He is working with him on another site plan down the street on Prince Albert Rd. Mr. Rababah is interested in establishing a reputable business as he has been the last few years. He stated this is for rezoning only. They were surprised by staff asking for more specific information. He is a civil engineer and knows staff's concerns are valid, and appreciates them looking into the welfare of the neighboring properties; however, they didn't have enough opportunity to address staff's comments. He spoke with Gary and Lori about the six items, standards of approval, presented with a denial. He feels that is not appropriate for what they are going for; they just want to rezone a parcel vacant for many years. He asked for the zoning map to be put back on the screen. He showed they are not going far into the neighborhood. He would not allow a rezoning to a B-2 if it is in the heart of a neighborhood, but the property lines up with the property across the street, which is a B-2. The owner of the closed shop approached Mr. Rababah and asked if he would purchase his shop. Mr. Rababah doesn't live in the community, but wants to have businesses in the community. This application can put him off by the denial and comments presented by staff. He lives in Columbus as his children go to school at the Ohio State University. He can stay in Columbus if Riverside is not willing to work with him and can take all his businesses and turn it into abandoned property and move to Columbus. This is not a threat; it shows what a good business person he is and wants to stay in the community. He has workers that say nothing but praise about him. He asked they reconsider staff's comments. As a civil engineer, they have a surveyor on his team that would address any concern about drainage, noise, and traffic. That would come into consideration when they file a proper zoning application for a proper business. He stated under B-2 Riverside has 13 different items listed as approved B-2 without any conditional permit required. They are not encroaching on residential because across the street lines up with the property they own. He added if there was any storm water pollution staff should direct attention to the tractor trailer park in the area, which is about 20 acres compared to less than the one acre they are discussing. He assured

them with 100% certainty as a civil engineer with so many storm water calculations that it will not have any storm water pollution to the residential nor any neighbors to the north.

Mr. Mahmoud Rababah stated he has been in Riverside with this established business since 2010. Most of his workers live within the City of Riverside and that he has six workers in the shop. He wants to expand his business in Riverside with something related to what he is doing at 2557 and 2561 Valley Street across from 2600 Valley Street. He believes he could expand the business and make it more successful and hire more people. He is hoping to make the property look better than what it is now; this is his plan. He is spending his time and money to make this happen with their support it may happen on time. This is why he bought the property that was an abandoned house torn down. This will encourage him to make some more work down the street on Valley Pike.

Mr. Hairston asked if any of the lots on the front side, 2604 – 2616, had commented. Ms. Holt replied all the comments received were from residents of Pleasant Valley; one letter was in the report and the other was a phone call. Both were in support of the development. He asked about the historical usage of the address. Chairwoman Denning stated it was residential; it was a house that was torn down that he purchased from the landbank. Ms. Holt reviewed the properties Mr. Rababah owns on the aerial map. Mr. Vazquez asked who sent the letter. Ms. Holt stated that it was from a business owner and not a resident.

Mr. Elzein requested the zoning map be shown again. He stated anything north on this property is already zoned as business, even though there are house, there are residential co-mingled with a B-2 area, currently. He wants to make sure the 2604 and rest of them are all zoned business.

Mr. Burkholder stated that the land use plan from 2005 is not outdated; it still has applicability to a variety of areas, particularly when it pertains to certain commercial areas that abut next to residential. He supports the zoning administrators recommendation along with the economic development specialist as they are concerned the commercial creep into residential neighborhoods. There are quite a few businesses that can go into a B-2; staff has tried to get more specifics on the intensity of that proposed use. The applicant has not been able to provide that. If they look at what could go in there, some could be much more intent, but they do not know. He disagreed with the statement that it is just a rezoning as rezoning does look at use. The standards of approval are authorized by the UDO. He stated those questions need to be answered before rezoning occurs.

Mr. Elzein interrupted stating he emailed a response. He sent a lengthy email response to every one of his items. He stated what Mr. Burkholder is saying is not correct, and is not professional. Chairwoman Denning stated they have every one of his responses. Mr. Burkholder stated they do have those as they had a meeting prior to the planning commission meeting and respectfully disagree with Mr. Elzein's analysis. It is not fair to say staff did not do their job by following the UDO standards. He added that Mr. Elzein had been vague about the end result and intended use for that property. It is important for staff and the commission to get specifics when it comes to changing from a residential use to a commercial use that could potentially have an adverse effect on the adjoining neighborhood. Township zoning and village zoning they inherited may not always be compatible, but it doesn't justify because a business wants to come to Riverside that they should automatically get the rezoning. They need to pay attention to the impact on the community including economic development. The planning commission's job is to look at the use of the land,

the rezoning of the land, and the appropriateness of rezoning it to a commercial use that could be a much heavier use than the adjacent residential.

Mr. Elzein stated that Mr. Burkholder brought up things he did not say. When he started the conversation with staff he thanked them toward that effort and for the willingness to work with them. Now, Mr. Burkholder is saying they didn't give him the answers he asked for. That is not a correct statement. Chairwoman Denning stated she is not going to handle bashing back and forth. She tries to give everyone the opportunity to speak, but it needs to be productive. She added they have all the answers he sent back addressing the questions. Mr. Elzein stated when Lori discounted one or two employees being brought in to work at Riverside, she stated it was not a good economic development opportunity somebody has to talk to her. Even one new employee that will come in and pay taxes to Riverside is worth a lot. There are people who don't have jobs and there is a person in front of you willing to invest in Riverside. Lori completely discounted his plan by saying it is not worth it to have one or two employees.

Mr. Burkholder stated they are not going to beat on staff. He takes exception to the applicant discounting staff. Chairwoman Denning stated she tried addressing that.

Mr. Hairston motioned to close the public hearing. Mr. Vazquez seconded the motion. All were in favor; none opposed. **Motion carried.** Chairwoman Denning closed the public hearing.

Mr. Hairston asked for clarity on 2600 being zoned already for business. Chairwoman Denning stated it is a B-2.

Mr. Rodgers stated he has mixed feelings about the staff recommendation. He heard the points made and recognize them, but also feels that rezoning would not be a significant infringement on the neighborhood as everything kind of lines up. He could go either way on this; he leans towards the approval of the rezoning.

Mr. Vazquez stated he agreed with Mr. Rodgers in terms of zoning as it doesn't make a radical change. He concurs with some of the questions staff has asked and has not received a more complete answer to address the concerns. He would support the rezoning, but all of those questions and concerns related to storm water and what the land is going to be used for need to be answered when it comes to the development plan of the property. The property is very close to 2604 and not knowing the plans for the building on 2600, when he drove by today, both structures are very close so he does not know how it would work to put in a new privacy fence between the properties if the other building on 2600 is not demolished.

Mr. Owens asked what the use of the property is at 2604 and 2612, do they know? Ms. Holt replied that right next door is a residence that is occupied. Chairwoman Denning explained how there was a residence in a B-2 as they had done a major rezone in 2010 causing a lot of residential to be rezoned and became non-conforming. They still have some work to do, but they have had a lot of employee changes and can only handle what is at hand rather than trying to create a UDO and zoning map that works for the city. Mr. Owens stated standards from the UDO Section 1105.07(c) says the following criteria shall be followed in approving the zoning map. He asked if those six questions are in the UDO. Ms. Holt confirmed they were from the text and map amendment

section. Mr. Owens stated he has a hard time moving a residential into business. They need residents to make the city; the residents are the city. Even though this is an area having abandoned houses and torn down houses, it does offer the opportunity to have a larger area for somebody to buy all the properties and redevelop the whole thing. That is another thing they need to think about when they remove residential lots. He is looking to see if the use of the land is in harmony with the scale of that neighborhood. Right now, it is zoned residential as the lot beside it and the next lot. Then they have use of residential in the business district that concerns him a bit, like putting a car lot behind somebody's residence even though it is in a business district. This concerns him.

Mr. Hairston stated the City of Riverside needs to decide on a direction in which the city is going to go for the betterment of the city. In regards to this filing, he wants to follow the rules, but the rules already don't make sense when he looks at it from a zoning perspective. He leans towards the approval because there will be a gap even if they make plot 63 and ran the line in a 90-degree angle, there would be a vacant house there, which would be a vacant lot that could be a good buffer between the business and residential. It makes sense to him to zone it business. He discussed future thoughts on the area, but rezoning makes sense for what he is looking at now.

Chairwoman Denning stated she is with everyone there being on the fence. She knows the questions the UDO asks, but also there is a lot of unknown because they don't know what the use is really going to be. She asked if they should tie their hands when they know that B-2 does make sense for that area. Do they want to hold on to the land because they want residential, but is one lot enough to grow the community as some lots are small over there, and they will not get two or three houses out of that? She added the comprehensive plan may not totally be out of date, but it is from 2005 and with different things happening in the region a lot has changed since 2005, 16 years. The corridor there has a lot of businesses down it. It makes sense to zone it business and get use out of it versus having a vacant lot, but if they have to follow the 2005 document then when they ask the questions they can't determine a whole lot. Then they have to question if they look at the zoning versus the usage. She reviewed what is in the area currently and the vacant properties that exist. She stated that at the time when the zoning was done the hope was that area would be business; knowing and being a part of that vote for rezoning and making non-conforming lots was that the area would become more of a business district. The comprehensive plan is not showing that, but that is what they did.

Mr. Rodgers stated the applicant is already running a business close to this location so there is a track record of successfully and appropriately operating a business. This adds to the credence that he will do the same at this new location.

Mr. Rodgers motioned to approve the rezoning for PC# 21-0005, 11 Pleasant Valley, from an R-3 to a B-2. Mr. Hairston seconded the motion. Mr. Vazquez asked to amend it with the condition that the applicant works with staff to answer the questions more firmly. Mr. Hairston did not know if that was plausible. Chairwoman Denning asked how that would be managed and who would determine whether or not they have responded since it is not very distinct. They will have to come back with a plan with whatever they decide to do with the business. That is when they have to answer all those questions. Discussion occurred with tabling until this is done, and further determination of responding to questions. Mr. Rodgers withdrew his motion. Mr. Hairston stated they may want to table it to go back with staff and answer the staff questions and provide more

detail. It is all potential, but it would be desired usage and the top four things they could possibly be using it for to give them a better idea so they can look out for the residential properties next door. Mr. Rodgers stated he has an issue with that perspective that they have not required that of other applicants. Chairwoman Denning stated that historically they have taken it on the zoning piece and wait for them to come back with the planning piece. Mr. Hairston replied that they should then return to the original motion. Mr. Vazquez withdrew his motion. All motions and amendments have been withdrawn.

Mr. Rodgers motioned to approve the rezoning as proposed for PC# 21-0005, 11 Pleasant Valley, from an R-3, Medium-Density Residential to a B-2, General Business District. Mr. Hairston seconded the motion. Roll call went as follows: Roll call went as follows: Mr. Rodgers, yes; Mr. Hairston, yes; Mr. Owens, no; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

Note: PC# 21-0006 has been postponed to the May meeting as requested by the applicant. It did have a motion and second to continue the case, but with it being a site plan review as per the UDO it is not a public hearing; therefore, there was no need to have a formal vote.

OLD BUSINESS/DISCUSSION ITEMS:

A) Text Amendments

I) Decks and Entry Porches – Ms. Holt stated that the amendments sent with the packet have the definitions. The red text is her additions; all the text in blue are the previous zoning administrators amendments. She reviewed what the chairwoman sent and included some of those not previously included. She pointed out allowing encroachments for only uncovered decks and allowing handicapped ramps to be permitted by right. Those were not previously included.

Chairwoman Denning reviewed what they had done since prior to the pandemic as many people began to make updates to their homes with porches and decks. The UDO did not help zoning as it only allowed for concrete in the front part of the house. People were wanting to use decking type materials. The commission spent a lot of time reviewing this to make changes. They want to have something in the UDO to allow the zoning administrator to have something to work with rather than having to say no or provide special conditions. Her hope is to get a good zoning map put together and an UDO to fit the community. They want to make sure people with a right sized yard can have a bigger porch like the old homesteads used to have; they have addressed that as it was very limited as it was across the board for all sized lots at one time and it didn't make sense if you have a huge front yard. Some front yards don't have as much room so they wanted to base it on a percentage of the front yard not the required front yard. Ms. Holt stated what they have is the required front yard and it only permits uncovered porches that is the current text amendment. Chairwoman Denning asked if someone doesn't have front yard space and they only have the required front yard for a smaller lot they can have an uncovered porch but not a covered porch. Ms. Holt replied not without a variance. Chairwoman Denning asked if they would need a variance to have a cover, but they could still have a porch. Ms. Holt confirmed that was correct. Chairwoman Denning added if there is a property with a larger front yard and the required front yard is a certain portion, but you have a whole other section of yard to use, they could still do that within a percentage of... Ms. Holt stated the language says it is of that required yard so if it is R-3

it is 20', and it would be ¼ of the 20' it is allowed to encroach without getting a variance that is how it currently reads that is the proposal. Chairwoman Denning asked if she had a large lot and had the required 20' front yard but then had an additional 30' if she wanted to put on a 12' porch could she do that in the additional space while still having the 20' required front yard. Ms. Holt replied not under the proposed language. They are not looking at it lot by lot the houses or how much lot a person has. Chairwoman Denning replied that is where they wanted to go. Mr. Vazquez stated they were settling on a percentage because just doing it by size was limiting those lots that had more land to work with. Chairwoman Denning added they also wanted to make sure the smaller lots could have an uncovered porch and have something on the front of their house, but they wanted to make sure homes that had larger front yards that is was more equal so that it looks balanced. If there is a larger home that sits back and there is a skinny porch it looks like a doll house at that point. Ms. Holt commented if they take that 20' they have 5' to work with without getting a variance. Mr. Owens stated if he had a 20' required front yard, he can only use 25% of that 20'. Mr. Vazquez asked if his house sits 60' from the road because he may have a deeper lot...Chairwoman Denning asked if there was an 80' front yard setback meaning that she has 80' of property and she is in a 20' district, how large can her porch be. Ms. Holt stated it can encroach 5' without getting a variance. Chairwoman Denning asked if this size is only if it encroaches into the 20' of the required front yard. Ms. Holt replied that is the allotted amount that you can have. Mr. Owens asked if everyone was zoned as a 20' front yard whether his lot has a 30' front yard or 40' front yard my zoning district can only have a 5' porch. Chairwoman Denning replied that is not what they were going for. They want it to be more flexible so if the lot were larger and allow it they could have a bigger porch. They want all homes to have the ability to do some sort of porch but to make sure that if the homes were on the larger lots they could use their space accordingly to fit their lot. They need to look at that a bit more.

Mr. Burkholder stated staff did have an extensive conversation about this. They already have people replacing concrete stoops with wooden materials, but one of the things Tamara might have had that they have talked about was the concern they were expanding the front porches so much that they were encroaching too much on the front yard setback. If the setback is 40' and you can't encroach on that the proposed language would give you 10' extra you could come out into the front yard. The concern is about the over encroachment of a front yard structure like a porch. They have had that problem with carports and other things that encroach on the front yard setback. So, a 20' setback allows for an additional 5' in that area but not beyond. The percentage is the same by district. Chairwoman Denning stated she thought this was only if you were coming into the required front yard. If it is not in the required front yard then you submit your plans based on whatever size you want because some home could put on a nice sized porch without even being in the required front yard space. Mr. Burkholder asked Ms. Holt is there would be any restriction as far as how large the deck could be on the front porch. Ms. Holt stated as she reads it now it does not look like it (blue text). "An uncovered porch or deck may not encroach into the required front yard more than ¼ of the required front yard setback distance allowable in that zoning district." So, if they do not encroach, it would allow them that larger porch. Chairwoman Denning stated that is what she was trying to make sure. Mr. Burkholder replied that their concern was more with smaller lots. They have violations now on people who have over extended into the front yard setback and that is where the biggest challenge has been. Chairwoman Denning added that they wanted to allow the smaller lots to have the ability to at least a 5' or 10' porch depending on their district and to allow various materials. Mr. Burkholder stated there needs to be some lattice to conceal

supporting posts so there is some aesthetics to the neighborhood. The setback is there for a reason. Most of the homes have a 5' or 6' concrete stoop, this would allow them to expand that when they redo it with a wood structure but not too much into the front yard setback. It will give some flexibility but still preserve the integrity of the setback. Discussion was held about how concrete was expensive for people to improve or upgrade their current porch and they need to allow for other materials and options.

Chairwoman Denning asked if they can get this ready for a public hearing to have something in the code. She reviewed the process they went through with the food truck code for Mr. Hairston. Mr. Hairston motioned to move forward with the text amendment for porches and decks. Mr. Rodgers seconded the motion. All were in favor; none opposed. **Motion carried.**

II) Waivers – Ms. Holt stated that most peer cities have clear guidelines on what waivers they approve. Chairwoman Denning asked if that was looking at the little things Ms. Holt could do without having to bring to commission. Ms. Holt replied that was correct.

B) Standards for Approval – Chairwoman Denning stated that the BZA is more judicial while the Planning Commission is more advisory. They approve things without the need for them to go to council, but a lot of times they advise to council where BZA is different. She doesn't understand how some of this applies. Ms. Holt stated that both bodies have standards for approval with an application and there needs to be some basis for that approval. Chairwoman Denning commented she thought they were good about stating what their reason is and how they feel about that. She thinks that is a work session item, not necessarily a meeting item. The work session will allow them to talk things out and not hear any cases, but to iron procedures out.

NEW BUSINESS:

A) Training Opportunities – Ms. Holt stated as a member of the American Planning Association she gets notice of opportunities for training and webinars, many are free through the Ohio Chapter. As she gets those she will forward to the planning commission.

MATTERS BY THE COMMISSION: Mr. Rodgers stated he may be away for the May meeting as he would be travelling to a conference relative to work. He indicated he may be able to participate via Zoom.

Chairwoman Denning stated that with Mr. Kaufhold having served on the planning commission for more than 15 years thought it was time for him to step back. At the next meeting, if they can get Rick at the meeting or in June, they would like to do something for him to acknowledge so many years of service on the planning commission. They will try to get him to come in and give him a certificate of appreciation for service and have some cookies and punch and do something for him prior to a meeting. If that is okay with everyone we want to recognize him. We are very happy to have Mr. Hairston step up for service and join commission as well.

ADJOURNMENT: Mr. Owens motioned to adjourn. Mr. Hairston seconded the motion. All were in favor; none were opposed. The meeting was adjourned at 8:21 pm.

Chairwoman

Date