

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

June 21, 2023

Members Present: Julie Denning
David Owens
Tony Rodgers
Harold Vazquez

Members Absent: Jonathan Hairston

Others Present: Nia Holt, Zoning Administrator
Lane Frost, Community Development Technician
Josh Rauch, City Manager
Pete Williams, Ex-Officio
Dalma Grandjean, Law Director

CALL TO ORDER: The Planning Commission meeting was called to order at 6:31 p.m.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, absent; Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present.

EXCUSE ABSENT MEMBERS: Mr. Rodgers moved, seconded by Mr. Owens, to excuse Mr. Hairston. All were in favor. **Motion carried.**

APPROVAL OF AGENDA: Mr. Rodgers moved, seconded by Mr. Vazquez, to approve the agenda. All were in favor. **Motion carried.**

APPROVAL OF MEETING MINUTES: Mrs. Denning moved, seconded by Mr. Owens, to approve the minutes of the May 15, 2023, meeting. All were in favor. **Motion carried.**

Mr. Owens moved, seconded by Mrs. Denning, to approve the work session minutes of the May 15, 2023, meeting. All were in favor. **Motion carried.**

Chairwoman Denning stated that all those wishing to speak need to fill out a form and turn it in to Ms. Holt. She asked that speakers should state their name and address as well as take the oath to give sworn testimony. All those wishing to speak should adjust the microphone accordingly.

PUBLIC HEARINGS/REVIEW:

- a. **PC Case #23-0001 – Conditional Use – 2518 Valley Pike (Parcel ID# I39 00717 0006).** A Conditional Use application for automobile service and sales in the B-2 Zoning District.
 - (i) Public Hearing on application

Chairwoman Denning opened the public hearing for Case #23-0001.

Ms. Holt took the oath to give sworn testimony. She presented an aerial map of the subject site located near the intersection of Valley and Rohrer and stated that this site is in the source water protection area. The property had been vacant for several years, and the applicant purchased it not too long ago. During the time it was vacant in 2022, there was a fire. The applicant has stabilized the structure through the zoning approval process. The applicant is hoping to have an addition placed on the existing structure and rebuild on the existing structure for the automobile repair. The BZA did approve a variance earlier this year for the setback as that addition on required a variance. She stated the proposal also requires parking. Two are proposed with the rest on the adjacent lot that will require a joint parking agreement. If approved for the conditional use, this will be a condition. She presented a zoning map indicated the number of uses in the area. She presented the site plan that indicated the parking spaces and proposed addition. She presented site photos of the property and surrounding area. Staff finds that the conditional use application is not adequately justified and does not meet the standards for approval. Staff recommends denial of the conditional use application as it does not meet the policies or recommendations of the Land Use Plan, will not contribute to the overall economic welfare of the community, and it is located in the Water Resource Area.

Chairwoman Denning asked to review the proposed parking. Ms. Holt reviewed the proposed parking with the adjacent restaurant next door. Chairwoman Denning asked where the used cars go. Ms. Holt indicated in earlier conversations with the applicant the location where customers would pick up cars once repairs were done but was unsure of used cars for sale. Mr. Rauch indicated that was a good question and a concern that staff had trying to put a use like this on a parcel that is so constrained. Ms. Holt stated they would need a parking waiver that they do not have on file as seven parking spaces are required at minimum for this use.

Mr. Sampson Dorsey, 5351 Norfolk Road, Dayton, OH, 45426, took the oath to give sworn testimony. He stated when he bought this lot it was sold to him as a former mechanics shop. He is aware that it has to be rezoned since it has been used as such and since the fire. He is trying to operate a small car lot mainly as a mechanics shop. The parking is not a big issue to him as he will only be selling two or three cars at a time. He stated it is a personal car shop. He asked that if they do not allow him to operate it as a car shop, then what else would it be. This is basically all that can be put there. Chairwoman Denning asked if the used cars would be put on the adjacent property or on his property. Mr. Dorsey replied it would be either or depending on how many used cars he is selling at the time. He restated he would not be selling more than two or three cars at a time. He stated he is mainly only going to work on his own vehicles being sold, but if he does take on a customer that is why he asked for those five parking spaces from the neighboring property. He indicated he had a verbal agreement with the neighboring property, but since he is the truck driver, he will have to get the proper paperwork to him. Mr. Owens asked him if it was more automobile service than sales on the site. Mr. Dorsey stated that was correct, but both will be needed. He stated the majority of the work would be repair inside of the building that is why he is doubling the size of the building. It would not really be motor work, but vinyl wrapping cars and tire changes.

Chairwoman Denning asked if there were any specifications they have to follow for oil or gasoline since it was in the source water protection area. Ms. Holt stated that annual inspections would be required; should this be passed, they need to give the partners with Montgomery County a list of any chemicals, oils, paints, fuel and such that are used on site along with the amounts. Chairwoman Denning asked if there is a plan in place for any type of spillage. Ms. Holt stated that is something they would have to work with every business with on a spill management plan.

Chairwoman Denning closed the public hearing at 6:47 pm.

Chairwoman Denning moved, seconded by Mr. Rodgers, to accept staff's report and recommend denial of the conditional use application. Roll call went as follows: Mrs. Denning, yes; and Mr. Rodgers, yes; Mr. Owens, no; and Mr. Vazquez, no. **Motion failed.**

Ms. Holt stated that another motion would need to be made. The clerk stated that if the motion is made the other way and it results in a 2-2 vote it also fails. Discussion was held to postpone the vote until the July meeting in hopes to have all five members present to vote.

Chairwoman Denning moved, seconded by Mr. Rodgers, to postpone the vote to the July 17, 2023, planning commission meeting where they will have five members to vote on the case. She explained that they needed a fifth person to be able to break the tie vote. Mr. Dorsey expressed his frustration since he has begun the process in January and stated that it is costing him money. Chairwoman Denning stated she understands his issue, but he cannot change the votes of the commission and the only way to solve this would be to postpone until next month when they may have five commissioners able to vote. Mr. Rauch stated this is not the venue to litigate any of his other issues or matters regarding the property. The commission is only able to vote on the conditional use, and there are not enough votes to take action on it this evening. He did state he is happy to follow up with him on the other matters. Roll call went as follows: Mrs. Denning, yes; and Mr. Rodgers, yes; Mr. Owens, yes; and Mr. Vazquez, yes.

b. PC Case #23-0005 – Site Plan – 3600 Valley Pike (Parcel ID# I39 00202 0045). A site plan review of a stormwater detention basin for a landscaping business in the I-1 Zoning District.

(i) Planning Commission review and decision

Chairwoman Denning opened the public hearing for Case #23-0005.

Ms. Holt presented an aerial map of the subject site and stated the property is in the source water protection area in the WR up against the WP, Water Protection Overlay District. She stated this has come before the planning commission on two other occasions in 2015, and in 2020. This time they are coming before them to look at their stormwater basin they are installing. They have worked closely with their partners at Montgomery County Source Water Protection and with engineers to make sure the storm water basin put in will protect the ground water and to make sure the storm water is properly directed off the site. She presented a zoning map, site plan, and site photos including the front of the subject site, property across the street, adjacent property

to the west, and landscaping along Valley Pike which was one of the conditions the planning commission put in on the first round of the site plans. She also presented a photo of the proposed stormwater basin location. Staff finds that the site plan is adequately justified and meets the standards for approval. Staff recommends approval with conditions of the site plan as the proposed development meets the policies of the Comprehensive Plan, complies with the majority of the development requirements, will connect to existing transportation networks, and aligns with the current development in the area. She added that they are working with the Source Water Fund Board; they are going to put in a filtration system in the basin that has been approved by their partner and go to the fund board for funding to make sure that they are putting in one that is one of the best management practices for that type of a system.

Mr. Vazquez asked if the basin would be located in the back. Ms. Holt confirmed that was correct. He asked if there was any discussion about correcting the grade in front of the property. Ms. Holt replied they have already taken care of that. They worked with them last year and earlier this year to correct that due to standing water. They are also working with them on days when there are large clouds of dust. Chairwoman Denning asked if there was something in conditions regarding the email in making sure it is done this way. Ms. Holt replied the email came out after, but they can add one, if needed. One of the conditions they have already provided – a street maintenance plan, the last condition. The applicant is not present.

Chairwoman Denning closed the public hearing at 6:59 pm.

Ms. Holt stated it is reasonable for them to make the condition to get it done by the end of the year. Chairwoman Denning stated if they vote to approve with conditions, she would like to see they the best management practice of the SWPP. Ms. Holt replied that the letter provided is to get them on the fund board schedule, which they are aiming for August or September. This has also been sent to Montgomery County Soil and Water so the basin can be inspected during the installation to make sure there are multiple eyes on this and completed. Mr. Vazquez asked if there was any risk that the application with the fund board could be rejected. Ms. Holt stated they work with the fund board to make sure the type of device that is chosen is one they will fund, so there is very low risk. They work with Sarah Holod, Wellfield Protection Specialist, as she is a pro in getting it done and has worked with the city on their own applications.

Mr. Rodgers moved, seconded by Mr. Vazquez, to approve staff's recommendation with conditions and the added condition of the SWPP's best management practice requirements be met for PC Case #23-0005. Roll call went as follows: Mr. Rodgers, yes; Mr. Vazquez, yes; Mr. Owens, yes; and Mrs. Denning, yes. **Motion carried.**

- c. PC Case #23-0010 – Text Amendment – A text amendment to revise UDO**
- Chapter 1105 Development Procedures.**
- (i) Recommendation to City Council**

Chairwoman Denning opened the public hearing for PC Case #23-0010.

Ms. Holt presented the background of reviewing Chapter 1105 Development Procedures, which began in Fall 2022. This is to help them streamline development procedures, conditional uses, rezoning, and all applications that fall under that making it an easier process for staff and applicants. They reviewed development standards of surrounding cities. She reviewed the development changes in a general sense with regards to additions: table for zoning review types, section for who has an authority to file an applications, section for how to reapply after a denial, section for pre-applications meetings, and more consolidated approval types. She stated they have combined several development sections and the submittal process. The zoning permits section now includes a certificate of compliance, change of use, and certificate of zoning occupancy. The timeframes were also adjusted to better reflect process and give the TRC more time to review applications. With regard to the UDO text and zoning map amendments, they added in the comprehensive plan consistency to standards for approval as they need to make sure the land use change is consistent with that. They added a neighborhood meeting requirement with planning commissions recommendation that there should be some type of waiver for smaller rezonings. The notice requirements was adjusted and a table clarifying which notice is for what. Denial language for what happens after a denial of rezoning was added. For development applications, she stated that modifications for conditional uses was added. They cleaned up and combined a site plan and a development plan creating new categories for major preliminary site plan, major final site plan, and a minor site plan. They clarified what a minor subdivision is, and also clarified the variance and waiver process. She reviewed the appeals procedure indicated that the appellants need to list the basis of appeal and what section of the code they are appealing and what action did staff violate that they have a basis for appeal. There is also a new section for Temporary Uses.

Ms. Holt stated staff's recommendation is to move forward and recommend to council.

Chairwoman Denning moved, seconded by Mr. Owens, to recommend approval to council of Text Amendment of Chapter 1105. Roll call went as follows: Mrs. Denning, yes; Mr. Owens, yes; Mr. Rodgers, yes; and Mr. Vazquez, yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPIC –

a. CRA Housing Council – Ms. Holt stated that they have several Community Reinvestment Areas (CRAs) in the community. The planning commission is responsible for voting someone in to sit on the housing council that helps to make decisions on whether to allow an incentive for an investment into a development. She wanted to put that on their radar as they have one application right now, but it isn't urgent. Discussion was held on appointing someone from among themselves or if it had to be an appointment by them. Mr. Rauch stated they will ask for that in the next month or two for an appointee from among planning commission. He added it would be for someone who may have a particular interest in incentives that the housing council discusses. Ms. Holt stated that staff will help whoever is selected on the housing council.

b. Urban agriculture research update – Mr. Rauch reviewed the work they were doing on urban agriculture at the same time they were working on text revisions. He stated that staff is doing the appropriate due diligence to understand and consider code revisions before they bring

to planning commission and council. The goal tonight is to give them the early context of what they have developed and by the next meeting they will come to them with comparable data with what other communities have done along with a compare and contrast from last time this was before planning commission. He stated they have started talking with Xenia and are reaching out to other cities that have implemented or lived with these kinds of revisions for the last several years. He would also like to have a session with them on feedback and lived experience some of the other communities have had. After discussion they can then have a short list of what a proposed ordinance should include and things they need to think about. They can then flesh out something that is workable that represents something actionable, enforceable, and consistent. They are doing this in a very deliberate way.

Mr. Lane Frost, Community Development Technician, provided a refresher on what the current code covers, Agricultural Use 1107.05(g). Ten or more acres is by rite; all others must be in the R-1 Residential District with permission through the planning commission with other parameters that need to be met including at least 1.5 acres. He created a map after a couple of months of deed research. The map indicated gray areas that agricultural use that is not permitted like the base or school districts; pink areas where deeds specifically state poultry is prohibited along with HOA areas; and green areas that have deeds that don't specifically say poultry or agricultural use is prohibited. However, in his research, in almost every deed it included "no noxious or annoying, or nuisance activity". He stated that can be interpreted on what one considers that to be. He stated the reason they color coded the areas is that the city does not enforce deed or deed restrictions. If something were to be put through, there may be a divide between land use regulation and city ordinance and what a deed says. This could lead to civil suits between neighbors. This is where the research is, currently. The next step in the process is reaching out to other cities on their experience and difference in regulations or issues between deed and city code or ordinance. Mr. Rauch stated this has been a helpful exercise for them to answer the question on whether or not the ordinance already puts landowners in a weird spot with respect to their deed restrictions. This is also helpful whether or not other cities, even if not doing deed enforcement, build into their ordinances that require some sort of a deed check. This will occasionally happen with other land uses. The bigger picture is that they want to be sure they bring proposed language that contemplates the entire regulatory system they are in and is tailored to help address and prevent any conflicts between various regulations that may come about. They are in a city where there are pockets all over that impact this conversation.

MATTERS BY COMMISSION: Mr. Owens stated that early voting begins August 8, 2023. Chairwoman Denning thanked everyone for being there and for keeping Mr. Hairston in their prayers. He was not injured, but his vehicle was totaled.

ADJOURNMENT: Mr. Vazquez moved, seconded by Mr. Rodgers, to adjourn. All were in favor. The meeting was adjourned at 7:24 pm.

Chair

Date