

SPECIAL JOINT SESSION

January 26, 2023

The Council and Planning Commission of the City of Chardon met in a Joint Special Session on Thursday, January 26, 2023 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Christopher Grau, President of Council, and Andrew Blackley, Chairman of Planning Commission, presiding.

The joint meeting opened with the pledge of allegiance and roll call.

Members of Council present: Andrew Blackley, Deborah Chuha, Chris Grau, David Lelko, Kyle Martin, Heather Means, Daniel Meleski.

Members of Council absent: none

Members of Planning Commission present: Andrew Blackley, Robert Emmons, Chris Grau, Lene Hill, Daniel Meleski, Dean Peska, Mary Jo Stark.

Members of Planning Commission absent: none.

Others present: City Manager Randy Sharpe, Law Director Ben Chojnacki, Community Development Administrator Steve Yaney, Clerk of Council Amy Day, Kristin Hopkins.

Regarding discussion of the Planning and Zoning Code update, Community Development Administrator, Steve Yaney, explained that the update of the code is the next step following Council and Planning Commission's review and update of the Comprehensive Plan. He stated that it will put in motion the items adopted in the Comprehensive Plan and will clean up vague and inconsistent sections of the code which staff has identified through working with Kristin Hopkins of CT Consultants.

Kristin Hopkins, Manager of Planning Services at CT Consultants, began by explaining a summary of draft proposed amendments to the City's Planning and Zoning Code that were recommended or became apparent during the process of updating the Comprehensive Plan. In addition, some housekeeping amendments were provided that address inconsistencies or errors and incorporate current City practices. She noted that some of the topics were reviewed at the initial joint session of Council and Planning Commission in 2019.

Discussion began with the review of major changes to the residential district regulations. This included:

- Merging existing Chapter 1135 with 1133 so that there is one chapter for standard residential districts to reduce redundancy and conflicts.
- Creating a new residential district (R-3CPE) for Chardon Park Estates to preserve what is there and to ensure that any re-development is consistent with what is common in the development.
- Revising the R-4 High Density Residence District to be the R-4 Multi-family district as a means to simplify the R-4 district and targeting multi-family, townhouse developments.

- Revising the Planned Residential Development Regulations based on the goals in the Comprehensive plan to permit more flexibility in-line with the fundamental intention of planned residential developments. It clarifies that PRDs are permitted by obtaining a rezoning to the PRD overlay district. It also establishes a fixed numerical maximum density for each of the single-family districts, and provides some flexibility for Planning Commission and Council to vary the density based on certain characteristics.

Mr. Blackley noted that the proposed regulations would eliminate a yield plan which required a developer to design a conventional subdivision and show the number of lots that could be developed on the property. Then they had to prepare a true design for the planned unit development. The proposed table would be used, eliminating the need for a yield plan.

- Revising development standards in Schedule 1137.15 including adding a minimum 40-ft lot frontage for lots around a cul-de-sac and increased spacing between 2 front walls from 40-feet to 60-feet.

Discussion occurred regarding the frontage around cul-de-sacs.

Mr. Blackley stated that a ramification of a 40-ft lot frontage in cul-de-sacs is that developers may lose lots around the cul-de-sac because of this requirement.

Mr. Yaney stated that this provides a more uniform look around a cul-de-sac.

Ms. Hopkins stated that she would provide some diagrams to show what it would look like.

Mr. Lelko stated that snow storage needs to be a consideration to minimize snow deposited in driveways along the cul-de-sacs.

Ms. Hopkins reviewed changes to the PRD procedural requirements related to zoning which included the elimination of the justification for the project, and changes the terminology of referring to a concept plan, would be changed to the preliminary development plan.

Ms. Hopkins stated that in addition, the reversion clause of be deleted so that a rezoning would not revert back to the previous zoning if a project is stalled.

Mr. Blackley stated that while some extension should be considered, he does not think it should be indefinite.

Ms. Hopkins stated that she can come up with alternatives for discussion at the next meeting.

Mr. Blackley stated that the proposed code revisions in 1137.37 eliminate the architectural review of PRDs.

Mr. Yaney stated that was removed because it contradicts standards in other places that 1 and 2-family homes aren't subject to architectural standards.

Mr. Blackley stated that having architectural review is one of (our) the Planning Commission functions and does not believe it should be eliminated.

Ms. Stark asked what does not have architectural review currently.

Mr. Yaney stated that all 1 and 2-family homes and accessory structures do not.

Ms. Hill asked if the City wants to allow additions to homes without architectural review.

Mr. Yaney stated that architectural review for homes and additions is a level of review the City has never had. A developer may be able to give an idea of what they envision the houses will look like however. He stated that he would discuss it with the City's architect to come up with something that is reasonable.

Mr. Lelko asked if there is architectural review in the instance where a number of lots are purchased and homes demolished in order to construct one large home that is out of character for the neighborhood.

Mr. Yaney stated that there is no architectural review for this.

Mr. Blackley stated that he is willing to let the market determine the type of home constructed.

Ms. Hopkins reviewed code changes related to the PRDs that remove the term variance and clarifies the term of a waiver, and clarifies that specific requirements in the Subdivision Regulations apply only to standard residential subdivisions and not PRDs.

Ms. Hopkins highlighted some of the permitted use changes in the Residential Districts including:

- Updates group living arrangements and distinguishes between small group homes and large group homes consistent with state law.
- Funeral homes in R-2 would be grandfathered in, but no new funeral homes would be permitted.
- Adds short-term rentals as a conditional use in R-2, R-3, R-3CPE and R-4 with supplemental regulations in Section 1145.11(11).

Ms. Stark asked where homeless shelters are.

Ms. Hopkins stated that transitional housing is in the commercial district.

Mr. Blackley asked why short-term rentals are not included in the R-1.

Mr. Yaney stated that it could be added, but historically the City has been protective of the R-1 District. He added that because short-term rentals are not included in the code, they would fall under the bed and breakfast regulations which are only permitted in the uptown historic area.

Discussion occurred regarding the difference between bed & breakfasts and short-term rentals.

Mr. Yaney noted that it has been discovered that there are Airbnbs (short-term rentals) that are currently operating in the City and the City is requiring that they apply for permits to operate a bed and breakfast since there are no short-term rental regulations in the current code. If they are not in the uptown historic area, they are not permitted to operate.

Mr. Chojnacki stated that there are health, safety, and welfare concerns with short-term rentals that have to do with adequate fire suppression and safe access. He noted that short-term rentals are an issue being dealt with by most communities in Ohio for the last few years. There are property owner rights and there are corresponding City interests in maintaining the public's health, safety and welfare.

After significant discussion about the ramifications of short-term rentals, Mr. Chojnacki suggested that short-term rentals be removed from this update of the zoning code, and it be addressed as a separate matter at a later time through a review process by Planning Commission with a recommendation to Council.

Mr. Lelko moved and Ms. Means seconded to refer to Planning Commission, the review of proposed legislation to regulate the operation of short-term rentals in the City.

Upon roll call vote the motion passed unanimously.

Ms. Hopkins reviewed the options for development flexibility in single-family districts, noting that regulations were added to conditionally permit cluster infill development in the R-2 and R-3 Districts that include:

- Establishing a minimum and maximum development area
- Allowing for infill development at slightly higher densities than standard residential lots
- Requires 10% common open space which is less than the PRD which is 25% open space

Ms. Hopkins noted that the idea is to allow some flexibility in a way to encourage development of scattered, open sites.

Mr. Blackley noted that it will require a Homeowners' Association to be established.

Ms. Hopkins stated that this is for the purpose of maintaining open space.

Mr. Blackley suggested that instead of an HOA, the open space could be owned by the people that live there so that there is no question about the property maintenance responsibility; and if an HOA is never established, it prevents it from going into tax foreclosure.

Ms. Hopkins stated that she could look at making the open space an easement instead, and can brainstorm to come up with some additional ideas.

Ms. Hopkins reviewed a new section added 1145.11(mm) which was created to regulate existing single-family attached developments in order to preserve the existing requirements under which some of these developments were constructed.

Mayor Grau reviewed the items to be worked on and considered at the next Joint Special Session:

- 40-foot frontage in cul-de-sacs
- Reviewing calculation on the snow storage area and how it pertains to cul-de-sacs
- The sunset time consideration of the reversion clause
- Architectural review of residential properties
- Single-family infill development open space ownership

ANY OTHER BUSINESS TO COME BEFORE PLANNING COMMISSION - none.

PLANNING COMMISSION ADJOURNMENT

Mr. Peska moved and Mr. Meleski seconded to adjourn Planning Commission.

Planning Commission adjourned at 8:24 P.M.

ANY OTHER BUSINESS TO COME BEFORE COUNCIL - none.

COUNCIL ADJOURNMENT

Mr. Lelko moved and Mr. Meleski seconded to adjourn the Council meeting. Upon voice vote the motion passed unanimously.

The meeting adjourned at 8:24 P.M.

CHRISTOPHER GRAU, Mayor
President of Council

Attest:

AMY DAY
Clerk of Council

ANDREW K. BLACKLEY
Chairman of Planning Commission