

City of Defiance Planning Commission

January 26, 2015, Meeting Minutes

ATTENDANCE:

Name	Title	Yes	No
Steve Graf*	Defiance City Planning Commission Chairperson	X	
Mark Hall*	Defiance City Planning Commission Vice-Chairperson <i>(Representative from the Park and Recreation Board)</i>	X	
Paul Sulpizio*	Defiance City Planning Commission Member	X	
Drew Schindler*	Defiance City Planning Commission Member	X	
Dan Bohn*	Defiance City Planning Commission Member <i>(Representative to Zoning Board of Appeals)</i>	X	
Bob Armstrong*	Defiance City Mayor		X
Jeff Leonard*	Defiance City Administrator	X	
J. Roger Engel	Defiance City Zoning Board of Appeals	X	
Lee Rausch	Defiance City Engineer/Planning Commission Clerk	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

* Voting Members of Committee

OTHERS PRESENT:

Name	Company	Address	Phone No.
Jonathan Woche	McBride Dale Clarion	5725 Dragon Way, Ste. 220, Cincinnati, OH 45227	513-561-6232
C. Gregory Dale	McBride Dale Clarion	5725 Dragon Way, Ste. 220, Cincinnati, OH 45227	513-561-6232
Jim Goedde	Chairman of the ZBA	1816 Darbyshire Drive, Defiance	419-782-7215
Ken Westrick	Member of the ZBA	1911 Edgewood Drive, Defiance	419-784-4275
Steve Hoffman	Member of the ZBA	685 Burning Tree, Defiance	419-769-7807
Mike McCann	President of Council	511 River Front Drive, Defiance	419-782-2707
David Williams	City Law Director	631 Perry Street, Defiance	419-784-2101

Chairperson Mr. Graf called the meeting to order at 4:30 p.m. with a quorum present.

ADMINISTRATIVE ITEMS:

Election of Chairperson and Vice-Chairperson:

- › Mr. Graf accepted the appointment as Chairperson. Mr. Hall made the motion to approve the appointment. Mr. Leonard seconded the motion. All members voting aye, the motion passed.
- › Mr. Graf asked Mr. Hall if he would be interested in continuing to be the Vice-Chairperson, he was. Mr. Sulpizio made the motion to approve the appointment. Mr. Bohn seconded the motion. All members voting aye, the motion passed.

Election/Appointment of Zoning Board of Appeals Representative:

- › Mr. Bohn accepts the continuing appointment to the Zoning Board of Appeals. Mr. Hall made the motion to approve the election/appointment. Mr. Sulpizio seconded the motion. All members voting aye, the motion passed.

Election/Appointment of Park and Recreation Board Representative:

- › Mr. Hall has accepted as the continuing representative from the Park and Recreation Board.

Appointment of Clerk and Secretary:

- › Mr. Rausch has agreed to continue as Planning Commission Clerk. Mr. Sulpizio made the motion to approve the appointment. Mr. Hall seconded the motion. All members voting aye, the motion passed.

- › Ms. Seimet has agreed to continue as Planning Commission Secretary. Mr. Hall made the motion to approve the appointment. Mr. Sulpizio seconded the motion. All members voting aye, the motion passed.

Appointment of Planning Commission Representative to the CRA Review and Rule Committee:

- › This is a request for the reappointment of Mr. Jeff Leonard to the Community Reinvestment Area (CRA) Committee, as the Planning Commissions representative. Mr. Leonard accepts the continuing appointment to the Community Reinvestment Area (CRA) Committee. Mr. Hall made the motion to approve the election/appointment. Mr. Bohn seconded the motion. All members voting aye, the motion passed.

Approval of the Planning Commission Meeting minutes from December 15, 2014:

- › There were no amendments or corrections. Mr. Hall made a motion to approve the December 15, 2014, Planning Commission Meeting Minutes. Mr. Bohn seconded the motion. The motion carried unanimously.

McBride Dale Clarion presentation of new Planning and Zoning Code:

- › Mr. Jonathan Wochoer explained the changes to the Zoning Code. Mr. Greg Dale provided training regarding effective decision making (see attached).
 - Mr. Rausch mentioned the new code is available on the City of Defiance website, under the Planning Commission section.
 - Mr. Engel requested clarification on the display sign requirements in the Central Business District. The information was not included in the zoning code. Mr. Wochoer will check and contact Mr. Engel.
 - A checklist was encouraged for project requirements for landscaping, utilities, signage, as well as the various committees or boards that the project was reviewed in.
 - Recommended to add to the sign-in sheets at meetings: "do you intend to speak" "if yes – on which topic?"

Clerk's Report:

- › None at this time.

PLANNING ITEMS:

- No Planning items this month.

OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:

- None.

ADJOURNMENT OF MEETING:

A motion was made by Mr. Leonard, seconded by Mr. Bohn to adjourn the meeting at 5:57 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

Connie M. Seimet

Planning Commission Secretary

Lee P. Rausch
Planning Commission Clerk

Steve Graf
Planning Commission Chairperson

City of Defiance Workshop

JONATHAN WOCHER, AICP
C. GREGORY DALE, FAICP
MCBRIDE DALE CLARION

Overview of Changes to New Planning and Zoning Code

1. The format and structure of the new code were improved by grouping common topics together, removing redundancy and potential conflicts.
2. The roles, responsibility and procedures have been clarified for Minor and Major Subdivisions (1165.04 & .05).
3. Clarify role of Planning Commission in site plan review to review and make decisions on new or expanded nonresidential and multi-family uses (1165.06).
 - a. Appeals go to BZBA.
 - b. Decision criteria have been added.
 - c. Site plan approval does not represent approval of site construction plans by the City Engineer.
4. Conditional Uses are assigned to Planning Commission (not BZBA).
 - a. The change allows Conditional Use and Site Plan Reviews to be combined
 - b. Special Exceptions were changed to Conditional Use
5. Modernized use regulations, including updating terms, use of tables, and adding standards (1169).
 - a. Added similar use provisions (1169.07) to allow the Zoning Commissioner flexibility in interpretation of uses, particularly “new” uses.
 - b. Added use specific standards (1169.08) to provide specific requirements for unique uses.
 - c. New use categories, such as Religious Places of Worship, Telecommunication Towers and Facilities, and Sexually Oriented Businesses.
 - d. Accessory use regulations were substantially expanded (1169.10), and include provisions for home occupations, drive-throughs, dumpsters, outdoor dining, and solar panels.

6. Rules of measurement were clarified, using illustrations where possible (1173.01).
7. Outdoor lighting standards were added (1173.03), concentrating on regulating lighting levels at the property line, and shielding to limit light trespass. Also added height limits.
8. Parking standards (1175) were updated and modernized in several ways.
 - a. Generally the required number of spaces was reduced.
 - b. Provided parking spaces for all uses.
 - c. Reductions in required parking are allowed without variance. The Zoning Commissioner can allow up to 10% reduction from the minimum number of required parking spaces.
 - d. Maximum parking standards were established; Planning Commission approval during Site Plan Review to have parking spaces that exceed 125% of the minimum number of required spaces.
 - e. Bicycle spaces were added – only applicable to nonresidential uses requiring 25 or more spaces.
 - f. Sidewalks are required along public streets, and pedestrian connector from nonresidential use entrance to sidewalk.
9. Landscape and buffer standards were created (1177) to provide standards for plant material, and requirements for buffer, screening, vehicular use area, and building perimeter planting standards.
10. Moved the sign regulations (1179) to be part of the zoning code.
 - a. Format easier to read and addressed inconsistencies.
 - b. Made the regulations content neutral.
11. Architectural standards (1173.04) for nonresidential uses were created. Standards address building materials, primary entrance orientation, avoidance of long blank walls, screening of roof and ground equipment, and specific standards for the B-2 District.
12. Definitions (1185) were modernized and consolidated into one chapter.
 - a. No longer separate subdivision and zoning regulations.
 - b. Expanded significantly.

City of Defiance Workshop

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I. Effective Decision Making

1. *Notice*

Notice should be adequate and timely. It should be reasonably calculated to apprise interested parties of a proposed action and afford them an opportunity to present their objections. The average person must be able to understand the notice. It must allow sufficient time for interested parties to prepare.

2. *Opportunity To Be Heard*

All parties interested in a proposed action must have the opportunity to be heard and present evidence to support their position. Hearings must be open to the public. Have rules for managing testimony – discourage repetitive testimony, encourage relevant, factual testimony, enforce time limits, etc.

3. *Full Disclosure*

All parties must have full access to information, statements and evidence relied upon by decision-makers to make their decision. Ex parte communications should be avoided. Avoid acting on information received at the last minute.

4. *Findings*

Findings are the legal "footprints" that should be left in administrative proceedings to explain how the decision-maker progressed from the facts through established policies to the decision.

5. *Unbiased Decisions*

The decision-maker should be clear of bias or prejudice. Conflicts of interest or apparent conflicts of interest must be identified.

6. *Timely Decisions*

Decisions should be made within a reasonable period of time. The decision-maker must avoid having the process used as a delaying tactic.

7. Complete Records

A full and clear record must be kept of the proceedings, including not just the deliberation of the decision-makers, but also all evidence which is offered and relied upon by the decision-makers.

8. Clear Rules

Rules for the proceedings should be set out clearly in advance and followed.

II. Findings of Fact

Remember:

- *You are not trying to decide whether you "like" a proposal*
- *You should try to put aside your own biases*
- *Your decisions must be based on facts – keep focused on relevant facts*
- *The facts must address the standards*
- *Information is not the same thing as "facts"*
- *Weighing of the evidence is your responsibility*
- *You do not have to believe everything you hear*

Try to:

- *Come to the meeting prepared*
- *Use the application process to put the burden on the applicant*
- *Use the staff report as a starting point – recommendation/no recommendation, conditions of approval*
- *Announce the rules in advance – control the meetings – rebuttals?*
- *Encourage factual testimony*
- *Have the standards in front of you*
- *Ask questions designed to get evidence related to the standards*
- *Limit personal comments*
- *Keep the evidence phase separate from the deliberation phase – when to close and continue public hearings*
- *Deliberate the facts and standards*
- *Assess compliance explicitly*
- *Make careful motions with stated reasons*
- *Specify reasonable conditions*
- *Use minutes carefully*