



City of Dublin

Land Use and Long
Range Planning

5800 Shier Rings Road
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

www.dublinohiousa.gov

PLANNING AND ZONING COMMISSION

MEETING MINUTES

APRIL 3, 2014

AGENDA

- 1. Bates Property Management** **5560 Shier Rings Road**
14-019CU **Conditional Use**
(Tabled 5 – 0)
- 2. Zoning Code Amendment – Notification and Adult Family Home Amendments**
14-006ADMC **Administrative Request**
(Tabled 5 – 0)

Richard Taylor called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Amy Kramb, Joe Budde, Victoria Newell, and John Hardt. Chris Amorose Groomes was absent. Vice Mayor Richard Gerber was present. City representatives were Gary Gunderman, Claudia Husak, Jennifer Readler, Tammy Noble-Flading, Alan Perkins, Yazan Ashrawi, and Flora Rogers.

Vice Mayor Gerber conducted the oath of office for reappointed Commissioner Amy Kramb and she signed a Code of Conduct for the new term of office.

John Hardt moved to accept the documents into the record as presented. Victoria Newell seconded. The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Mr. Taylor, yes; Ms. Newell, yes; and Mr. Hardt, yes. (Approved 5 – 0.)

Mr. Taylor asked if there were comments on the March 13, 2014 meeting minutes. [There were none]. He said he had one change on page 13, within the top paragraph to change the word "tact" to "tack". Mr. Budde had already provided his edits to the meeting minutes prior to the meeting. Victoria Newell moved to approve the March 13, 2014 meeting minutes as amended. Joseph Budde seconded. The vote was as follows: Mr. Taylor, yes; Ms. Kramb, yes; Mr. Hardt, abstain, Mr. Budde, yes; Ms. Newell, yes. (Approved 5 – 0.)

Mr. Taylor said there was a case eligible for consent and said the order of the cases would be heard as published on the agenda and briefly explained the rules and procedures of the Planning and Zoning Commission.

- 1. Bates Property Management** **5560 Shier Rings Road**
14-019CU **Conditional Use**

Mr. Taylor said the following application is a request for truck and automotive rentals and leasing for a 9,022-square-foot building on a property zoned TF, Technology Flex District located on the east side of Dublin Industrial Lane, north of the intersection with Emerald Parkway.

Mr. Taylor swore in the witnesses.

Ms. Tammy Noble-Flading said the applicant contacted her late this afternoon and requested the application be tabled to make additional modifications to the proposal.

Jackson Reynolds, Smith and Hale, 37 West Broad Street, Columbus, Ohio, representing the applicant, said the applicant's requests additional time to better define the use of the property and return to the Commission with a more defined plan.

Motion and Vote

Mr. Budde moved to table the application based on the applicant's request. Mr. Hardt seconded. The vote was as follows: Ms. Kramb, yes; Mr. Taylor, yes; Ms. Newell, yes; Mr. Hardt, yes; and Mr. Budde, yes. (Tabled 5 – 0.)

**2. Zoning Code Amendment – Notification and Adult Family Home Amendments
14-006ADMC Administrative Request**

Mr. Taylor said the following application to modify the Zoning Code regarding the notification requirements for public hearings and requirements for Adult Family Homes was an administrative request.

Mr. Taylor swore in witnesses that intended to address the Commission on this case.

Ms. Jennifer Readler said the Law Director's office is proposing several amendments and presented an overview of those amendments. She said the first revision is to add adult family homes as a permitted use in single-family residential districts, which is permitted and required by the Ohio Revised Code. She said the proposed modifications are intended to update the Code to reflect the State Law. She said this is the same for the second set of facilities, the adult care facilities, which is permitted and required by the Ohio Revised Code. She stated an adult care facility is a larger facility that is permitted in multiple family districts. She said the proposal also adds a 500-foot minimum distance requirement between these types of facilities, which is the one stipulation the Ohio Revised Code states municipalities are able to include.

Ms. Readler said an unrelated amendment is to revise the notice requirements for rezoning hearings to add additional methods of publication.

Ms. Readler said the Ohio Revised Code provides that anyone can operate an adult family home that provides accommodations and personal care services for up to 5 unrelated individuals in any single-family residential district. She said adult family homes must follow all Code requirements that pertain to single family homes. Ms. Readler said these types of facilities do not include alcohol or drug addiction services, facilities licensed to provide methadone treatment, or homeless facilities.

Ms. Readler said municipalities are permitted to adopt zoning regulations under our police power. She said cities cannot adopt any regulation that would conflict with a general law. She stated general laws are areas the State governs and general laws preempt local laws. She said the Ohio Attorney General has given an opinion that adult family home regulations are general laws, so State Law prevails over local law. She said adult family homes have to comply with fire, building restrictions, locations of accessory uses, and can be governed exactly as any other single-family homes.

Ms. Readler said the Ohio Revised Code gives municipalities one additional power, which is to restrict the density or the concentration of these homes. She said the specific Code Section of the Revised Code says they can adopt regulations that limit the excessive concentration of such facilities. She said they have been directed by City Council to prepare a dispersal ordinance, but want to ensure the distance will be upheld in court. She stated a court within Ohio has held that 500 feet is a permissible minimum distance between these facilities, which is recommended with the proposed modification. She showed a slide of

summaries of court cases and attorney general opinions where larger distance requirements have been invalidated. She said those distances range from 1,000 feet and upwards.

Ms. Readler said the unrelated notification amendment currently limits the City in advertising for public hearings for rezoning in a newspaper of general circulation. She said this amendment will expand the outlets that could the City can advertise. She said the proposed amendment allows advertisement on the City's website or other generally accepted medium, as designated by City Council.

Ms. Readler said the Law Department and Planning recommend the Planning and Zoning Commission recommend approval of this amendment to City Council.

Mr. Taylor invited the public to provide comments.

Deborah Mitchell, 178 Longview Drive, representing Mid-Century Dublin Neighbors Association, said she has prepared a PowerPoint presentation and had printed copies of the presentation.

Ms. Mitchell said this is a short presentation to re-iterate that their neighborhood and plenty of concerned residents do understand the law. She said when people first encounter this topic they react with surprise and sometimes negatively but they have made a point to try and help folks understand the law and understand it themselves. She said beginning with the 1968 Fair Housing Act and later with the 1988 Fair Housing Act Amendments, it is illegal to discriminate housing and the FHAA in 1988 was about extending protections to the disabled and the disabled is a broad category includes many different kinds of disabilities. She said this came from a movement in the 1950's but did not take hold until the FHA was passed so that people can be guaranteed access to housing even if they were disabled and started primarily for developmental disabilities, but today it does cover a broad range including Alzheimer's and Dementia patients. She said it is true it does not cover any alcohol or drug addiction treatment, but does include sober living accommodations for people that are transitioning out of that kind of treatment. She said if anyone is curious about what kinds of disabilities are covered, the Law and the Code for the State of Ohio is very clear. She said the powers of these laws are very strong and many states have affirmed them as the State of Ohio has. She said the Law is to provide for community residential facilities so that the disabled can have access to housing.

Ms. Mitchell said in Ohio there are different classifications depending on the number of individuals in the home, but there are not real classifications based on the type of disabilities. She said many people do not know that the business models for these kinds of residential facilities vary dramatically, some are for profit and some are for not-for-profit. She said some take insurance, including Medicaid or Medicare and some are self-pay with very high margin businesses with an interest in growing this segment among businesses. She said it is a myth these homes only go into less affluent neighborhoods where the homes may not be as expensive, because with a self-pay business model these homes can go anywhere. She said there was one in Weston, an affluent suburb in Maryland, a home that went in recently where people pay 650.00 a night not covered by insurance and the home is a 1.59 million dollar home, 5,000-square-foot home for up to 6 individuals that are transitioning from being in a mental hospital to being able to live on their own or live elsewhere.

Ms. Mitchell said plenty of legal scholars, Planning scholars and a section of case law, affirms the premise that the disabled need to be in residential neighborhoods and the neighborhoods need to stay residential and therefore they cannot become clustered with too many community residential buildings because the whole point of mainstreaming from the 1950's on and affirmed by the FHAA was the notion that the disabled should be able to live in residential neighborhoods where normalization is the goal so that the people are able to experience a normal residential neighborhood experience.

Ms. Mitchell said the question becomes how much is too much and people struggle with how many homes in one area are too many, there is no magic number or rule. She said some say there should not

be more than one per street block, others such as the state of New York say they are not going to put a number on this or the amount of space between each one because it is context dependent. She showed a few graphics to show just how contextual this can be. She said New York uses a model that mandates dispersal or putting a certain amount of space between residential facilities so that they do avoid the clustering phenomena, but they do not put a number out there. She said in general a lot of states have these dispersal ordinances on the books and new ones continue to be created. She said Chandler, Arizona had a 1,200 feet dispersal ordinance for the larger group homes and now extending it to adult family homes with 3 to 5 residents. She said Prescott, Arizona has similar changes in their dispersal ordinance and New Port Beach, California and other communities both at the state and municipal levels.

Ms. Mitchell said if a community wants to enact to something like this to make sure that the disabled don't end up in a social services ghetto and they don't end up in a neighborhood that is no longer residential because the nature has been changed by the number of these kinds of facilities in them there are a couple of guidelines to think about. She said it should not violate the law and should allow a residential neighborhood to maintain its residential nature while absorbing the introduction of residential facilities. She said there are a certain number of facilities a neighborhood can absorb and still maintain its residential nature, but too many and it starts to change.

Ms. Mitchell said the category of Ohio and the 6th circuit case law, the Larkin Case in the State of Michigan was mentioned already. She said the 1,500-foot separation between each residential facility and a restrictive notification was struck down. She said in *Harding vs. City of Toledo* nothing was judicially mandated, Toledo already had a dispersal regulation of 990 feet and it was going to be challenged so they voluntarily brought it down to 500 feet and the Judge agreed. She said in the *City of Montgomery, Ohio vs. Our Family Home*, the City of Montgomery tried to sue to try and keep this home out in violation of the FHAA and the State Law, but in that case *Our Family Home* was upheld and the City of Montgomery was told the home was permitted per State Law and the Judge unilaterally said for one year or until the City of Montgomery can pass its own dispersal ordinance there could not be another home within 750 feet. She said there is no one magic number.

Ms. Mitchell said this becomes clearer when you look outside the 6th circuit. She said there is a very famous case that is in all the law books is *Familystyle of St. Paul vs. the City of St. Paul, Minnesota*, which held up under appeal a dispersal regulation of 1,320 feet or a ¼ of mile which has held up since the early 90's found to be constitutionally in-line with the FHAA and continues to be held up. She said *Jennings vs. New York, State Office of Mental Health* since the early 90's the *Padavan Law* has been upheld, mandated dispersal but spacing is context dependent of each request to put a home in. She said *Oconomowoc Residential Programs vs. the City of Milwaukee* rule requiring 2,500 feet spacing was a complicated ordinance saying if there was a home within 2500 feet they had to have a special variance, the court said requiring special variances have not been fondly looked upon because communities would require special variances to keep homes out and so the court struck it down because they do not like special use provisions because they are used to keep homes out, so it was less about the 2500 feet or dispersal and more about what Milwaukee was trying to do vis-à-vis *Oconomowoc Residential Programs*.

Ms. Mitchell said the upshot to all this is that there is conflicting results in case law, but clearly support for dispersal and not at necessarily at 500 feet and that there is no magic number and 500 is not the typical number that is seen in dispersal ordinances if looking broadly across many situations and in fact that 750 feet was suggested by a judge within Ohio. She said States like Minnesota and New York have had on their books dispersal rules that are greater than 500 feet and as much 1,320 feet since the early 90's and have been challenged and held up on appeal.

Ms. Mitchell said the goal for the disabled is to live in a balanced neighborhood. She showed graphics using the on-line tools provided by the City of Dublin and was able to map the different neighborhoods within Dublin the effects of 500 feet dispersal, included was south of Downtown Dublin, Amberleigh, and Muirfield Golf Club Areas. She said the Mid-Century Dublin Neighbors Association and other concern

residents are strongly recommending consideration of dispersal ordinance greater than 500 feet because they want something that is not going to violate the Law but there is plenty of Law to make this more ambiguous or more complicated than perhaps what is shown or what they have seen so far with regards to the Harding and Toledo Case. She said they also want something that is going to ensure balanced neighborhoods and they feel very strongly that 500 feet will not ensure a balanced neighborhood.

Ms. Mitchell said currently the ordinance recommends parking for community residential facilities for two off-street spaces for employees and they realize the parking section of any ordinance about community residential homes cannot be overly restrictive because that could be potentially viewed as discriminatory and they also believe it is important to consider how many of these can be on one street. She showed an example of a current residential facility at 50 Longview Drive which is being repurposed into an adult family home and the garage has become two bedrooms and the driveway is very short. She showed examples of the street widths of 18 feet with no on-street parking providing a narrow space of a broom width between two cars on Longview Drive. She said they have collected data on police runs, ambulance runs that are typical at adult family homes. She said parking can seem mundane until you can't find a parking spot or until there are people parking in your yard because there is no parking on the street and this affects the residential nature of the neighborhood.

Ms. Mitchell said as a neighborhood they wanted to make sure that if the City of Dublin is going to pass an ordinance about dispersal and in general anything related to community residential facilities that the whole span of the categories were considered from adult foster on up the larger group homes. She said there is merit toward bigger dispersal in the Law to encourage further and deeper consideration rather than adoption of 500 feet dispersal. She said the nature and balance of neighborhoods is going to be affected if only 500 feet dispersal was approved and they need to keep the neighborhoods residential so that the disabled can enjoy all the benefits that they are entitled to under the FHAA and State Law. She encouraged the Planning and Zoning Commission and City Council to take these factors into consideration because the law is not straight forward on this and there are many laws on the books that advocate much bigger dispersal, there two States that have held it up for over 20 years and when you look at Dublin neighborhoods you can see that it is not necessarily like the west side of Columbus or any part of Columbus in many ways.

Roger Vogel, 177 Longview Drive, said he is the president of the Mid-Century Dublin Neighborhood and the neighborhood has been anxious for and urging for this ordinance because they are in a neighborhood where a home has come in and wanted to see the regulations enacted soon, but having looked at this topic further and done the research, the neighborhood wants to get this right and if it means stepping back and taking a further look then they support that.

Sid Beavers, 163 Longview Drive, said he is moving into this neighborhood on Monday, said he was unaware of the facility. He said he understands there is a need for the facility, but witnessed a concern with the narrowness of the street, as their furniture truck was parked along the edge of the road and they had to drive off the pavement to get around the truck. He recommended they take a ride down Longview and see what is there and see how wide it is. He said if they go and see for themselves they will see 500 feet it is not very far and the roads are not wide and there will be a problem if there are fire trucks, ambulances and delivery trucks. He said you can barely get two cars passed much less a big truck or a fire truck or ambulance.

Tom Smith, 8217 Glencullen Court, Amberleigh, said he is here at the request of the homeowners association to just be present and show support, he questioned if there is notification when one of these homes move into a neighborhood, is there an application to City Council.

Ms. Readler indicated there is no such application.

Mr. Smith asked if they know how many homes are operating within Dublin. Ms. Readler said they believe there are three.

Mr. Smith asked if there were any in Amberleigh South. Ms. Readler said she believes there is one on Tonti Drive, Longview Drive and Avery Road.

Mr. Smith asked if these homes because of their nature use City services at a disproportionate level to a normal residential service or do they shift some of their costs onto the tax payers by using more calls to emergency services or ambulance calls or something more than a normal resident would use.

Ms. Readler said she is not aware of any. She said the Avery Road location has been operating for a period of time and she is not aware of any kind of differential amount of emergency responses. She said the Tonti Drive facility is new and the Longview Drive is not operational.

Mary Ellen Wissel, 57 Longview Drive, said she lives across the street from 58 Longview that was pictured in the slide. She said she bought her house almost 20 years ago from Sherman Sheldon former City Manager of Dublin and said she recently retired and worked hard in her life and when she looked across the street today there were 9 vehicles and felt for the first time that she was living across the street from a business.

Mr. Taylor asked if she knew if the people had moved in yet or were the cars contractor vehicles. Ms. Wissel said she did not know what they were but there were 9 and 7 were personal vehicles.

Erin Sheen, 191 Longview, said she lives on the other end of the street of the current group home and thought there is a mix of care givers and they are doing work at the house and they will be moving in soon. She said she spoke with the woman that lives next to the Tonti Drive facility, Nancy Gwyn, and stated the neighbor's frustration was no one in the neighborhood was informed when the other Our Family Home moved in, it just appeared and her concerns which involved parking primarily went unnoticed. She said Ms. Gwyn stated parking on her street is a huge concern and the FedEx truck has had trouble getting passed the cars on the street and at any given time there could be 4 to 7 cars in the street. She said as a neighborhood they do welcome the one house that is moving and understands that if you have a loved one that needs a place this it could be a really nice option. She said they became alarmed as a neighborhood when they found out a press release stated the owner wanted to triple the number of homes that he owns from 9 to 27 this year and then found out he was looking at the another house in the neighborhood at the end of the street. She said the press release stated he wants to dramatically increase the number of houses that he owns and has been seen looking at a house that was for sale on their street and that is why they are concerned about balance.

Ms. Readler said there was a significant case law discussed during the public comment and she wanted to make several clarifications. She said the Toledo case was not a settlement agreement. She said Toledo has an ordinance mandating the 500 foot distance requirement and that ordinance has been analyzed by a court. She said the Montgomery situation was in State Court and then another lawsuit was filed in Federal Court. She stated their office has spoken to the Law Director's office in Montgomery and there was a consent decree so the parties went through a mediation and Our Family Home agreed to certain things in that settlement that they were not obligated under the Law to do and they agreed to notify for a certain period in exchange for certain give and take on the settlement. She said the 750 feet is not something they think was judicially blessed, but part of a consent decree of that mediation. She said they appreciate the reference to larger distance requirements in other states that have not been challenged, but they have a list of case law where courts explicitly found that similar distance requirements were too much.

Mr. Taylor asked if these homes have to be inspected and approved by the Building Department prior to occupying the house.

Ms. Readler said the building inspections are related to remodeling and they have been out there prior to the license being granted. She said they are far into the remodeling part of it before they get a state license.

Mr. Taylor confirmed a building permit application would be required to be submitted prior to the work being done. Ms. Readler agreed and said an application was filed for the conversion of a garage and that is filed by a contractor, but is not necessarily a red flag it will be an adult family home.

Mr. Taylor asked for the Commissioners comments.

Ms. Kramb said if they are going to restrict parking on the street because it is a narrow street then it would have to go through Engineering. She said one option of the neighborhood would be for them to petition no parking on the street, but that would apply to everyone not just the group home. Ms. Readler agreed.

Ms. Kramb agreed with the 500 feet because of the case law and the research that has been done and would defer to the Law Director's office. She said she does not see a way to regulate parking despite the concerns raised.

Mr. Hardt said it seems like the City does not have a lot of options given the case law that they have seen. He asked in the presentation mentioned the 3 types of homes and asked why all three were not included in the ordinance.

Ms. Readler said they didn't look at the adult foster home with one to two residents because the legislation was aimed at dealing with some of the issues the City has experienced with adult family homes. She said the adult care facilities were added because those facilities would be the two types of facilities that would have the most impact.

Mr. Hardt said the proposed Code modification includes language that state adequate off-street parking for employees shall be provided and asked if there is a notion for a typical number of employees is for one of these facilities. Ms. Readler said she believes one person will be onsite at all times and there could others in and out with different types of therapies.

Mr. Hardt said the situation on Longview Drive is in part exasperated because of the remodeling going on and anyone could have their homes remodeled and have 4, 6, or 8 work trucks in front for a brief period of time. He said long term the number of employees becomes the critical issues and hypothetically if there is only two it seems the driveway however short it may be could accommodate two vehicles much like any single-family home driveway could, but if there are more than that he can see where that would be a problem. He confirmed a community can govern the parking aspect but it applies to everyone within the neighborhood. Ms. Readler agreed.

Mr. Budde said he was interested in the State Licensing aspect of this use and what the lead time is to apply for a license and when notification comes if the State is required to notify the City.

Ms. Readler said the State is not required to notify the City. She said they have had several conversations with the Licensing Department and the license comes after the home is purchased and secured and the facility would have to be fully ready to get the license granted.

Mr. Budde asked if the State Licensing is transparent or do they list the addresses of the approved licensees or a procedure where a search is done once a month or quarter. Ms. Readler said there are searchable databases.

Mr. Budde said he would support the recommendation of the Law Department and hoped they have a citizenry that is vigorously monitoring what is going on in their neighborhoods and they feel compelled to notify the City if they see something that would violate the Zoning requirements.

Mr. Hardt said the proposed Code Amendment allows the use alternative communication methods to notify residents of zoning cases and asked if it was his understanding that it is not their intention to use the website in lieu of the newspaper, it is their intention to expand the number of notification methods.

Ms. Readler said the way the revision is worded it would be website or other generally excepted medium designated by Council. She said they will still use the newspaper; it will not be the only method they have to use.

Mr. Hardt said they are broadening their options, not narrowing. Ms. Readler agreed.

Ms. Newell said she has a lot of concern in terms of parking and equally the quantity of residents that occupy the house. She said it does not seem appropriate to take a garage and turn it into bedrooms. She said she knows there are provisions in the Zoning Code in terms of Home Occupation and limitations that are placed on parking. She asked if they could make a correlation and take into account at least one full time staff member is working in that facility on regular bases and potential family members come and visit. She said she has two family members in her own family that live in an adult care facility like this for developmental disability and one because they were hit as a child riding a bicycle and left with a traumatic brain injury and is tri-plegic. She said she is compassionate to having these facilities in their neighborhoods, but equally the 500 feet is not necessarily a good magic number and she doesn't know enough about case laws that have been presented if there is other ways they could look at that dispersal and not simply say 500 feet.

Ms. Readler said she appreciates the parking concerns but unfortunately in this situation the difference between home occupation and the adult family home is that State Law has decided to govern in the area of adult family homes. She said the State Legislature has told them what they can regulate with regard to the adult family homes and parking beyond what would be required for a single family residence is not explicitly permitted. She said they feel they do not have the authority to require additional parking restrictions that are applicable only to these facilities in an amount that is over what would be used in a typical single family home.

Ms. Newell asked if there was a different way they could look at the dispersion and not purely on distance.

Ms. Readler said because these regulations are so heavily regulated by the Ohio Revised Code they wanted to have the most defensible ordinance they could if it were challenged. She said if they go to some formula that has not been tested in the courts they are vulnerable to a lawsuit where they are interpreting it in an arbitrary manor. She said the 500-foot was explicitly upheld by an Ohio Court and a City already has that on the books. She said they felt that was the strongest argument that restriction is going to be defensible in court.

Ms. Newell asked if they looked at other options other than dispersion.

Ms. Readler said they talked about larger distance, looking at the type of streets, and they came back that they wanted to go with something that had been tested and the 500 feet was tested.

Ms. Newell said asked if there was spaces reserved for home occupation or do they have to prove there are spaces to have visitors at their home.

Mr. Gunderman said they are not required to do something extraordinary they are expected to have spots within their driveway, but in most cases a garage would have two spaces.

Ms. Newell said in this presentation there is the potential that the garage is going to be lost, so you are looking at only 2 spaces available and one will always be occupied by the superintendent of the facility and others by therapists and family visitors, so very quickly there will not be adequate parking. She said this is the one aspect that she is really concerned about especially with 5 residents the parking can fill up very quickly. She said when these facilities do get licensed they do have to have an occupancy permit when they go through renovations of a facility before they can receive their license similarly like a day care facility. She said there are legitimate concerns that they could look beyond just saying they get to do nothing.

Ms. Readler said they do have the requirement that there be two spaces for employees.

Ms. Newell asked how it would be singling out if there is outside therapist coming to that facility to care for someone and not giving a place to park. She said residents are there with vehicles and those vehicles should have permanent spaces and there should be guest spaces for people that come and go from that facility. She said she does not think that is singling them out not to keep them out of the residential neighborhood or keeping the facility out, but the Zoning Code has a line for adequate parking but no definition to what adequate parking is and there should be a definition.

Ms. Readler said they feel constrained when there could be a single family home with three teenagers and everyone has a car and there are guests and there could be parking impacts that are created by single-family homes. She said going beyond requiring that there are certain employee parking available leaves them vulnerable.

Ms. Newell asked if there any other case laws in other communities that have tried to establish parking. She said it is appropriate to provide parking for people living in the facility or the superintendents of the facilities and guest parking and does not think that is unreasonable.

Ms. Readler said they could explore that issue, but could not require more parking than they would have with a typical single-family home and part of the concern is if the garage is converted or if something is done to the driveway, there would be adequate off-site parking for the number people who would have cars in that facility. She said they could put a condition on the recommendation that they explore and see if there are any alternatives for requiring more parking at the facility before it is taken to Council.

Ms. Newell said she would be more comfortable with that, rather than just passing what they have this evening. She said she would rather spend more time looking at and thinking how best they could approach this for the City.

Ms. Readler said to keep it on track they could explore that and have a suggestion on the parking for the first reading of Council.

Mr. Budde said there is State Licensing and permitting for remodeling what is keeping them including in the Code modification requiring register their use with the City and have a determination made that what they want to do complies with the ordinance.

Ms. Readler said State Law says they have to be treated as a permitted use and as a single family home and the only thing they can do is the dispersal requirement. She said to add a layer of registration would be stricken by a court.

Mr. Hardt said he agrees with Ms. Newell and would like to have the parking explored. He said the regulation says that adequate off street parking for employees shall be provided and he interprets that if

a particular location has three employees, those three cars have got to be accommodated off the street on the driveway somehow and that makes him feel better, but he wasn't thinking of the others such as therapist and deliveries. He said one of the primary differences is that the average person has guests it is the rare occurrence such as the Super Bowl party that happens once a year and not every single day. He said he would like to pass this onto Council with a request or recommendation that some more thought be put into the parking to see what they can do.

Mr. Taylor thanked everyone for participating.

Mr. Taylor asked if the language was precipitated by the residents bringing it to the city. Ms. Readler said it was and that given the new facility and the potential proliferation they wanted to make sure they retain the residential character and were as aggressive as they could be under the restrictions they have.

Mr. Taylor asked if there was a rush on the City's part to move this along. Ms. Readler said City Council has directed that they wanted to get this back to them as quickly as possible

Mr. Taylor said they want to get this right and there is some time for additional consideration on this and the presentation from Ms. Mitchell outlining the desire to achieve balance. He said the question is what does that mean and in which way is it balanced, what proportions and what are the methodology's to do that and while he completely understands the Law Director's conclusion that the dispersal is the most effective and defensible way to achieve some balance. He said he is not sure this could not be enhanced by additional conversation between the city, residents and the Law Director's office. He said he is not prepared to send this forward to City Council with a recommendation either way at this point and would like this can be held so that some additional conversation could be had to achieve the proper balance. He realizes the immediate concern is with Mid-Century but this will affect the entire city and he would like to see this tabled and have the Law Director's office lead a conversation with the neighbors and explore other options.

Ms. Readler agreed to table.

Motion and Vote

Mr. Budde moved, Mr. Hardt seconded, to table this administrative request as agreed by the Law Director's office.

The vote was as follows: Ms. Newell, yes; Ms. Kramb, yes; Mr. Taylor, yes; Mr. Hardt, yes; and Mr. Budde, yes. (Tabled 5 – 0.)

Communications

Mr. Taylor asked Planning if there were any communications items to discuss.

Ms. Husak said they hoped to have an additional member at the next meeting and that would be the time they elect officers. She said Mr. Budde had indicated he will not be able to be at that meeting.

Mr. Taylor asked about the length of the agenda for the April 17th. Ms. Husak said there are currently 3 items on the proposed agenda.

Roundtable

Mr. Taylor asked if there were any roundtable topics.

Mr. Hardt said last fall they began a process at the request of City Council to review the Bridge Street Code on a global bases and correct things that Planning and the Commission felt ought to be tweaked.

He said they addressed one section of the Code and have not talked about the rest and was wondering what the status was.

Mr. Gunderman said they did review the rest of the Code with comments and gained the Commissions agreement on those changes and they are working on getting back with drafted language. He said Planning has been working on the amendment, but with Dan Phillabaum and Justin Goodwin leaving the project will be delayed. He said they did get through the majority of the comments and not sure when it will be completed.

Mr. Hardt said there was a night where they reviewed staff comments and their collective thought was that it needed to be put on an agenda where they could focus and take the time to go through the entire Code at once. Mr. Gunderman said Planning will continue to work on the amendment and bring it forward for future review.

Mr. Taylor said Justin Goodwin is off to MKSK. Mr. Gunderman said tomorrow is his last day. Mr. Taylor said Justin would be missed.

Ms. Husak invited the Commission to come to the office on Friday April 4th to say goodbye.

Mr. Taylor confirmed there were no additional items of discussion and adjourned the meeting at 7:50 p.m.

As approved by Planning and Zoning Commission on _____.