

PLANNING COMMISSION

Minutes of Meeting

March 8, 2017

1. Call to Order

Kevin Hardman called to order the regular meeting of the Sharonville Planning Commission. He welcomed John Creech, the new Community Development Director.

2. Roll Call

Present: Kevin Hardman, Jim Lukas, Sam Schutte, Bill Martin, Bill Knight, and Councilman Charles Lippert

3. Approval of Minutes

Mayor Hardman asked for any additions or corrections to the minutes from the February 8, 2017 meeting. They were approved as written and distributed.

4. New Business:

a. **Final Site Plan Review – 11385 Chester Road – James Sheanshang of JLS Architecture Inc on behalf of LivInn Hotel – Sharonville Zoning Code Chapters 1147 & 1157**

Kevin Hardman: Our New Business, one item, which is a final site plan review for 11385 Chester Road. That being the LivInn Hotel. Here to present on behalf of them is Jim Sheanshang of JLS Architecture. Jim, come on forward. Give us your name and address, and we'll let you present for us.

Jim Sheanshang: My name is Jim Sheanshang, JLS Architecture. The address is 11094 Main St. Look at the graphic there, the existing LivInn Hotel sitting there, and they've got this existing outdoor swimming pool. What we're proposing to do is put a new swimming pool and enclose the swimming pool with some outside entertainment area in front with fire pits and such of that nature. I know this is a part of this work here, but the reason for doing this is that they're looking at trying to gain a better access to the Convention Center. And that's under a separate conversation going on, but they would be doing... putting an elevator so all three stories of the building would be able to access and be able to go down to grade level on the Convention side, and exit out there. While doing all this work, he decided that it's remodel the pool, and let's make it a year round swimming pool area. He's also looking at other things to do on the inside of the hotel as far as upgrading the entire facility. The design itself is basically mimicking the existing structure there. It's not the most pretty structure, but it is what it is. It is going to be an existing... match the existing brick with a brown or a light bronze copper, or light bronze roof to match the existing. The windows will be a Low E glass to keep as much heat inside the swimming pool area as possible. On the outside of the building there will be some type of metal railing system. It's black or bronze or what exactly that is, not 100% defined yet. But we're looking to have some areas outside of... on the angled side of the swimming pool areas that the members or guests of the hotel could go out there. There'd be a gas fire place that they could just sit around and you know enjoy the outside during certain times of year. Are there any questions?

Kevin Hardman: Questions?

Jim Lukas: Jim, I think you know as we talked about the other day, I think this is going to be a nice addition, enclosing the pool. I have two questions. Will there be any additional signage to the building, to the new pool area or anything?

Jim Sheanshang: No, not that I... We're not looking at putting any signage on that at all.

Jim Lukas: Okay. And then the second question is, as part of this addition and revamping of the existing hotel, any other signage type of improvements or changes?

Jim Sheanshang: They've been talking about it, but they haven't... There's nothing that I've... They're working with a sign company separately.

Jim Lukas: Mm hmm.

Jim Sheanshang: But I don't know what their decisions have been made on doing the signs.

Jim Lukas: Only reason I bring it up...

Jim Sheanshang: They're doing the lobby and other areas inside.

Jim Lukas: Yeah, only reason I bring it up is we have a Northern Lights District sign code. And I'm not sure where the existing sign that LivInn has falls into potentially needing to be replaced.

Jim Sheanshang: Right.

Jim Lukas: But in my mind, if you could ramp all that... or clump all that together, it would make sense.

Jim Sheanshang: Right. I think that was on his agenda to do, but again that's not in my scope right now. But he had asked me, and I sent him the information on the Northern Lights signage requirements, so...

Jim Lukas: And just I would just have follow up discussions with staff.

Jim Sheanshang: Okay.

Kevin Hardman: Other questions or comments? I would echo Jim. I think the addition is great. What I'm seeing is awesome for that corridor. And I know that you're in conversation with us about the Convention Center, and how we can continue to be good partners with LivInn. And that's something that this body won't decide, but I think what their plans are as far as enclosing that pool I think will definitely be a benefit to them as a business and a benefit to our Northern Lights District. Any other questions or comments?

Sam Schutte: I was just curious with the... So the fire pits, are those... I don't know if... Is there like a fence in front of those or something?

Jim Sheanshang: Yes, there'll be a fence, a railing system I describing it I called for black metal railing. Or now it could be bronze. We're not exactly sure what. It'll be some type of railing system that people can't come off the street and come into that area. It's basically for the hotel guests.

Sam Schutte: Okay. You can probably kind of see those fire pits from the road or whatever.

Jim Sheanshang: Yes, you'd probably see... There's going to be landscaping in front of them, so I'm not sure how much you really see from the road. But there'll be some possibility of seeing, yes.

Kevin Hardman: Any other questions or comments? Is there a motion to approve the final site plan as presented? So moved by Mr. Martin, second by Mr. Knight. Any further discussion?

All members voted YES.

5. Discussion:

a. **The Enclave Residential Community**

Kevin Hardman: We have no other new business, but we have two items for discussion. One is I believe Anne McBride is here on behalf of Rookwood Properties with regard to The Enclave Residential Community. I believe you all are familiar with this, and this is a new request I think that they're looking for some discussion on as they tweak a little bit more what they'd like to do with those additional units. Anne, go ahead and introduce yourself.

Anne McBride: Thank you. For the record, my name's Anne McBride. My address is 5721 Dragon Way Suite 300, Cincinnati, 45227. You guys probably have that committed to memory by now. But at any rate, so in the ongoing saga of The Enclave, we were before you a number of months ago to talk about how we might develop that balance of that property there. And so what we have been able to do... We've looked at all different kinds of solutions for that storm water. And you know going across the road, doing [inaudible]. All kinds of solutions, but what we're ultimately going to do is we're going to take the water that's currently in that basin on the west side of Enclave Drive, and put it underground as well as the additional water that would have to be retained for the development of that property with the parking lot and another building. Okay? So all of that water's going to go underground, which I think is what the City had hoped would happen. That will then leave that parcel to the west, which fronts on Runyan Drive that's zoned GB, for future development as business. Okay? So, when we had talked to you last, there was a little bit of a concern about the location of the residential building relative to other uses in the immediate area. And so we were asked to look at could we put the building up on the street with parking behind it to the west. And we did look at that, but there are some existing utilities that run on the west side of Enclave Drive that would have to be relocated, particularly if it involves the sanitary sewer it would be exceptionally expensive. So what we are coming here this evening is to discuss with the Planning Commission the possibility of going forward with the parking area adjacent to Enclave Drive, and the building to the west. But what we've done is we've submitted to you a landscape plan that includes a ton of very large plant material that is going to get even larger. The deciduous trees, which are ones that hold their leaves very well into the winter and so forth, that we think will provide a very good buffer and screening for the proposed building to the uses to the north. Obviously Rookwood wouldn't build the building if they didn't think that they couldn't keep tenants happy in that building. So they feel very comfortable with the location of this building, again given the landscaping and so forth that they're proposing. So looking for some feedback from the Planning Commission as we proceed on through this process that has been started, because I think that's important. I think other entities in the City will want to hear what the Planning Commission thought of this plan. So I'm here. Fred Kanter is here with Rookwood Properties. We've brought Rob Painter, the civil engineer, in case you had questions about how the storm water detention is going to work underground, things that are above my pay grade. So that's my spiel tonight.

Kevin Hardman: Questions?

Jim Lukas: Couple. On this drawing at least, the landscaping to the west is on the other parcel. What guarantees do we have that that landscaping will remain into the future, since it's not on the other parcel with the apartments?

Anne McBride: Yeah, that's a good question. As you know, Rookwood owns that parcel as well, and as part of a settlement of the pending lawsuit there would be an agreed judgment entry that could be put into place that would resolve the lawsuit. And this document would be a part of that agreed judgment entry, so it would have to remain in place in order to be in compliance with any settlement agreement. That'd be (1). And then (2) when this property develops, the property on Runyan Drive, develops it is zoned GB (General Business). And so business use could go in there. I didn't check this specifically, but my bet is that buffering is required between the business uses and what would then be the residential uses of The Enclave. So this landscaping then would be part of the buffering that would be required for business development on Runyan Drive.

Jim Lukas: Thank you for that. The second question I have is, during all this... these discussions, I seem to remember there's one proposed parking garage unit, right?

Anne McBride: Correct.

Jim Lukas: I seem to remember there was in the balance of the apartments, there was supposed to be so many garage spaces per number of units. Seemed like the other units had more than one, so does one meet that criteria, or am I just wrong?

Anne McBride: I believe that it does, Mr. Lukas, but I'll double check that and make sure that that same ratio is kept in this portion of The Enclave as other portions. I don't want to say that it definitely does this evening, but any plan that would go forward would meet that. Okay?

Sam Schutte: I guess if we can just rewind a little bit. I just had a question about how this compares to the very initial design we met about several months ago, 6-8 months ago. And I know at that point, you know this lot to the west here that was where you were saying you were going to put retention there. And obviously we said we don't want to change

the PUD. And so and so forth the discussion around that, but was this the same location that the building was going to be in in that design? Because I think we talked about well could you do underground retention. And now they've come with that, which I think is great. Is this the same location, or is it a different...?

Anne McBride: Yes, it's in approximately the same location. We've tried to adjust it a little bit I think more to the south maybe, to pull it from the northern property that may be isn't as desirable. So, but within a few feet it's in the same location.

Sam Schutte: Because I know that that was part of the discussion we had initially, was you know the activities that occur sort of I guess it must be on that northern lot there. Do people want them in their backyard? Right?

Anne McBride: Right.

Sam Schutte: It does seem like it is further south here now. And I think we probably did like better when the parking buffered it, but as you said that's not really feasible it sounds like.

Anne McBride: Yeah and there is, and again we're proposing pretty extensive landscaping in terms of when it's going in and what it would be at maturity. There is also that creek that physically separates the building site from those land uses. So, and again if Rookwood is going to build the building and lease it, they want to make sure that they're going to be able to lease it. And they feel very comfortable with that. You've seen the success that they've had with The Enclave, so...

Bill Martin: I guess my comments are I think it's a good design. I think there is a hardship in relocating utilities, and I get it. And I think you investigated it, and I think there's a reason why this plan works well. Once again, there's a creek in the back I think is buffer plenty well. And I think you've gone to good efforts to mitigate everything. And I think it's a good plan.

Kevin Hardman: Anybody else? Your thought and I guess my thought process, and Jim you could probably tell me, is that we this may not be back in front of the Planning Commission.

Anne McBride: Correct.

Kevin Hardman: This is probably that will be approved by way of settlement of your appeal of our decision from before. So, you know I think I'm comfortable with what's there. I would have preferred the last rendition, but I think you guys have shown the reason why that's not really feasible. Unless there's any other comments, I think that's the direction that we can give to you, and we will give to our attorneys, and uh...

Anne McBride: Well, we just thought it was important to get back with the Planning Commission.

Kevin Hardman: We appreciate it.

Anne McBride: And make sure that this was... that we were all on the same page.

Kevin Hardman: I think Mr. Piepmeier probably would like to hear that, too, so I think it's good and you know can't wait for 14 more units and more residents to Sharonville. Fred, nice to see you.

Anne McBride: We'll come back with something else another time. Thank you very much guys.

Kevin Hardman: Thank you all. Thank you very much, Anne.

b. Agriculture in Front Yards of Residential Uses

Kevin Hardman: Our last and final item is a discussion item regarding some zoning changes with regard to agriculture in front yards of residential uses. And John I'll let you take it from there.

John Creech: Thank you, Mr. Mayor. Basically what I did is I went through some emails that Mr. Lukas has forwarded to me to get a little background on this. I understand there was some discussion about agriculture in front yards last year, so I took a look at that. And I talked to some of the members of the department because there was some discussion about yards, front yards, what's a front yard. And I put together a... I basically took what Mr. Osgood had prepared last year, and then just tweaked it a little bit. One thing I did want to point out is... and you probably already talked about this, is that raising of fruit of fruits, vegetables, nursery stock, that is a permitted use in all the residential areas. And really there's nothing in the code that says where it has to be, so it could really be anywhere on the property. And I know a lot of communities, the community I worked in before, we had that same issue. And we basically amended the code to require those type uses in the rear yard. And that's the direction that you were going last year. So what I did here is there are a couple things I think you need to do for the code. The first thing is to the definitions chapter is add a definition for actual agriculture. And that is something that Mr. Osgood has already prepared, so that would be added to the code. Second thing would be adding... For some reason the highlighting didn't copy over into this PowerPoint, but the residential section 1131.02 that talks about all the residential districts in town, just add that section there that the raising of fruits, vegetables, nursery stock for private use would still be allowed, but it would be subject to these new requirements of section 1125.02. So that's another section that would be created in the code. So, this is what the section that would be created in the code. And this is pretty much what Mr. Osgood had presented and was discussed at the Planning Commission last year. I did add one sentence to it, and that is the last sentence. So that it would be prohibited in the front yard and/or street facing yard of all residential districts. Because there was a discussion about there's a required yard, and then there's also a front yard. So like in a residential district, there's usually like a 35 foot or 25 foot front yard. Some houses are actually built further back than that. So the front yard is that 25 foot distance from the street, but the ... with that being the required yard. But the front yard may be further back if the house had been constructed earlier or before zoning. It may be 50 feet back, or if it's on a corner lot. So these changes would basically still do this urban-type agriculture. It'd just be restricted to the rear yard.

Bill Knight: Would this provision be retroactive?

John Creech: Well, probably not, because... Well, if there's an existing garden in the front yard out there, typically zoning cannot be retroactive if it's established before under the code when it was legal. And currently now it is legal. So if someone were doing it, yes. If they abandon that use, it would be non-conforming, then you know and we documented it, we knew that it was an abandoned... Say they didn't do it for a year or two, then it would lose that grandfather status.

Bill Knight: I'm sure you're aware of the history right there, and I think the garden on Creek Road probably comes up, come to mind. I wonder if it would be worth looking at something along the lines to deal with the Northern Lights District, set a certain date to phase them out.

John Creech: Sure. Yeah, I can also look at the zoning code. I think the state of Ohio basically allows every community to establish a non-conforming period, and it comes from the Ohio Revised Code. It's two years. If a community chooses, they can actually lessen that non-conforming period from two years down to six months.

Bill Knight: Six months?

John Creech: Yeah. But there are a lot of ... If you do that, there could be a lot of other implications. There's always unintended consequences. So we'd want to look at that. But that's something we could look at.

Sam Schutte: So the only question I had, and this is something near and dear to my heart as a corner lot liver, owner, homeowner. You know in Sharonville in certain sections of our code, like when we talked about fences for instance, you know there is no... I really don't have a back yard. I have two front yards essentially, right? And they do this thing where they say, well there's... You know you draw a triangle 135 feet back, and you can't put a fence within that so and so forth. So, I guess that would be my only question you know is do we need to have any special definition or... And you mentioned corner lots earlier, so I'm just maybe I'm confused. But you know like I have two street facing yards.

John Creech: Right.

Sam Schutte: So, can I grow tomatoes in my backyard?

John Creech: Right.

Sam Schutte: You know I don't know.

John Creech: My advice would be to keep it as simple as possible. If someone wants to pursue that, if they want to pursue growing these vegetable or fruits and vegetables in a front yard or a side yard or whatever, you know there is the process, the zoning variance process. So that way it's kind of out in the open. And I think that would probably be the best way to handle it.

Sam Schutte: But we don't want to make everyone with a corner lot have to get a variance to...

John Creech: Right. Well, and every corner lot's different. It depends on the radius of the street, or... I mean if it's at a perfect right angle, but then...

Sam Schutte: I mean you probably want to say you know so many feet back from the road if it's your... like you know my side yard that is street facing, right? It's on the side of the house, so I obviously it's the side yard. But it's also by the road, so I don't know. It gets weird.

John Creech: Right. So yeah you probably... It wouldn't. It couldn't come any closer to the street than the setback of the existing house.

Sam Schutte: Maybe that's the way to put it.

John Creech: Yes.

Sam Schutte: Along a house line or something.

John Creech: Right, exactly.

Sam Schutte: I mean it's not a huge deal. There's other places in the code where it says, oh well then for corner lots we do this.

John Creech: Right. Yeah, we could definitely add that in there to you know... If you're on a corner lot, it wouldn't be... whichever street it is that's the front yard or both, that it wouldn't come any closer than the house.

Sam Schutte: Yeah, the side of the house.

Kevin Hardman: Would there be a thing to be said for, because I mean I could see somebody wanting to grow a couple of tomato plants in their front yard. That's probably not all that unusual. And that would be banned by this. Would there be a way to talk about allowing a certain percentage of front yard to be used for such purposes? And I don't know if that's by percent of the area, or you know I don't know what that number would be. But maybe there'd be some way to rate the minimum kind of usage that would also have some involvement. I don't know what the rest of Planning Commission thinks about that. But I could certainly think of certain uses that really wouldn't be obnoxious to us as a City that could potentially work from that realm.

Jim Lukas: I just... Where would that percentage be? Would it be...? I would want it closer to the house than closer to the road.

Kevin Hardman: What about an apple tree? I mean would an apple tree be banned from this? I mean where would that...? I mean an apple tree in the corner or front of your yard really wouldn't be that...

Jim Lukas: I was thinking more like a garden with a few...

Kevin Hardman: I mean I know what you're thinking, and I guess we could get caught up. That's why I think we'd have to really control what that percentage is. And maybe it's a very small percentage. I mean maybe it's you know one percent. Maybe it's two percent you know of the area of the yard. But I mean such a... I'm thinking just from the standpoint of a very insignificant amount, like I said maybe one tree. Maybe a couple tomato plants, whatever that

might be that I think wouldn't really be... I don't think offends any of our sensibilities. And I certainly don't want to need to bring a whole bunch of people into the zoning board and say, hey I'd like to grow a couple of tomato plants here. Is that a problem?

Sam Schutte: I'd be curious how other communities do it. Because I mean if you look at other communities around here don't you know have a long prohibited gardens in the front yard. But you know I mean my wife will throw a tomato plant in the flower bed somewhere, just because you know whatever. Maybe we don't want that. I don't know. But nobody notices either.

John Creech: So I understand. Like that example there [referring to PowerPoint], most extreme example; 100% of the front yard covered by a garden. So you're talking about you know maybe 10%, whatever that front yard area is between the house and right-of-way or whatever. Whatever that square footage is and you limit it to 10% maybe. And then on top of that you also don't... whatever the setback is, you also may be put in a restriction that it can't be closer to the street... You know it can't come... Whatever that setback is, you divide it in half, and it can't come any closer than that.

Sam Schutte: You could even...

Bill Knight: Or you could word it that it can't exceed five foot from the building line.

John Creech: Right.

Bill Knight: You know a percentage and the distance from the building. That may get you to where you want to be.

Sam Schutte: What if we just said you know you can have six individual plants? Because you think about it, let's say somebody wants to do apple trees. They put 20 apple trees in their front yard though, we have a problem. Six, four, two, whatever; fine. You know four tomato plants, fine. A hundred, we have a problem. It doesn't matter if it's in a raised bed or if it's up against my house or not, right?

Charles Lippert: I was going to suggest something similar to what Bill had to say about number of feet from the setback of a house versus a percentage. I think that would be easier to enforce. The other thing that I want to talk about was the way I was reading the proposed language is that it did not prohibit side yard growing. But the way I was hearing it interpreted was different. That it would only be open to rear yard growing. Now, if you have a side yard technically that faces the street, but I don't know if language could be incorporated if we did want to allow for side yard growing, that it would be okay on the side yard or the street facing yard past the set back of the house. And then that brings up another point. What about lots without houses. How far back do they have to grow, because if we're basing everything on the lot with the house, if there's a lot without a house that wants to be used for a whatever...?

Bill Knight: Wouldn't that not be...?

John Creech: Community garden?

Charles Lippert: Yeah, sure, community garden.

Bill Knight: Well, a community garden in a situation he's talking about, a vacant lot without a house, this would not be... Would this not be an accessory use? And without a primary use on a property, they couldn't have the accessory. Is that correct?

John Creech: Typically that is... I don't know what the Sharonville Zoning Code says for that, but typically the accessory use is accessory to a building.

Bill Knight: To a primary...

John Creech: If there's grass or plants or whatever, it would probably be allowed.

Charles Lippert: Can you put up that R1 zoning code section again? See the way I'm reading it, it just doesn't... and like I don't know the zoning code as well either, but as far as permitting building and uses...

Kevin Hardman: It's not an accessory use.

Charles Lippert: Right. It's the primary use.

[Multiple people speaking simultaneously. Inaudible].

Charles Lippert: So I think we need to have something that deals with lots without homes as well.

Kevin Hardman: You're probably right. I think that's [inaudible]. The front yard, so our definition of front yard would be from the front of the house forward? Am I correct on that interpretation?

Bill Knight: *[Inaudible]* front of the house forward.

Kevin Hardman: Yeah.

John Creech: Right.

Kevin Hardman: Right, so that wouldn't... So like a typical house that's not a corner lot, your side... anything that's...

Charles Lippert: Past the setback

Kevin Hardman: Past the setback of your house is going to... So you could still grow stuff on the side of your house, unless you are a corner. And then you have the street facing side, and that's where you have a rear yard. So your rear yard is going to be from your back corner of your house to the other back corner of your out lot. So I don't think it affects the side yard.

Charles Lippert: I interpreted it that way as well.

Kevin Hardman: Right.

Charles Lippert: But I just didn't... When I heard Mr. Creech discussing it, I thought he was interpreting it as no side yards. So I thought it was open to... maybe it was more ambiguous than I thought.

Bill Knight: It's just kind of odd. You brought up a good point about it being a permitted use. Should that really be an accessory use?

Kevin Hardman: I don't know. I mean is that something...?

Bill Knight: That's typically, I mean you...

Kevin Hardman: Do we want to prevent someone from a residential area using a lot to grow, to do this and do this alone? I guess we probably do, I think. I don't think we want somebody just to buy a lot on a regular basis. I mean maybe there is a good rationale for somewhere community garden to be appropriate, in which case hey that's a zoning board issue. And maybe they'd bring it there, but on a just a general basis you're probably right. Maybe we do need to look at that as maybe that's not a use, maybe that's more of a accessory use in a residential area, which might take care of our problem altogether. Alright, other comments? There're some things to think about.

John Creech: Yeah, I've got some notes here, move to accessory use.

Kevin Hardman: Next Planning Commission we'll look at some of those other, some comments you guys have made tonight. Probably have something back to you at our next meeting, make a recommendation to Council. Alright?

c. Review of Neighbor's Concerns About 1527 Continental

Kevin Hardman: Any other matters to be heard before the Commission tonight?

Bud Noe: There was a third item.

Kevin Hardman: Do I have a third item?

John Creech: This came after the revised agenda.

Kevin Hardman: Okay, Mr. Noe sir.

Bud Noe: Evening Board. I was contacted by one of the neighbors of our Conditional Uses that we granted on 1527 Continental Drive of concerns with the use of the property. And I've been there several times since the Conditional Use was granted for Home Occupation to work on vehicles in his home garage. To date, I have not witnessed any violations of the conditions that were set on him, the three conditions, well actually two conditions. But the neighbor has addressed some concerns, and I assured her that I would keep watch of the property, but she did want me to... I told her I would address Planning Commission tonight. And I believe she is here. And one item that she was concerned with was the... He has his trailer, the little...

Jim Lukas: I don't know if all of us need it, but can you refresh what those conditions were?

Bud Noe: The first item number (1) was only one vehicle not registered to the resident permitted at a time to be repaired. The second condition was this vehicle must be contained within the garage for the duration of the time needed to repair it. Then he is to return to Planning Commission on May the 10th of this year. That was six months. You requested he return in six months. But one item that she was concerned about was he has a I believe it's five feet by eight feet, his little utility trailer. And at the time he was here for the meeting, the trailer was parked in the grass, which is not permitted. And you guys, the Board had made the comment during the meeting that they did not want the trailer to be taken in and out of the garage just for the vehicles to be put into the garage. At that time he had been storing it... He would store it in the garage, and bring it out and park it on the grass. But actually the trailer is now located on paved surface, his driveway. It's not in the grass. And that side of his... Even though that side of his house is the front of his house, it's actually his side yard. So our zoning code allows the storage of that trailer on that paved surface in his side yard. I did explain this to the neighbor, but she wants to address you about that issue, because it was not one of the conditions made on his...

Jim Lukas: But it meets our zoning.

Bud Noe: Yes. Yeah, his particular lot, the east side of his house which is a side, actually is the front yard. Because it's a narrow side of his property. The side that his house is fronted on is the long side of the yard, and that technically by our code standards is the side yard. So the trailer does comply with the code, and I did explain that to her. But I've kept an eye on it and make sure he doesn't put it in the grass, which he's not allowed to do. But just want you to be aware of that issue. And I wanted your concerns addressed, wanted those concerns addressed by you guys tonight as to did you want the trailer out there at all? And if you did not want the trailer out there at all, then do we have the authority to order him to move the trailer or to get rid of the trailer even though it complies with our zoning code?

Kevin Hardman: I can answer that really quickly, is no we don't at this point, at this juncture in the case if it meets our zoning code. So, no we don't, but I forget exactly how we worded it. They come back in May. Like I don't remember if we gave him a conditional use, we wanted to see how things were going, and put a limit and a date on it. So something we can maybe visit in May. But until he's here to be heard and for having questions, we can't change anything.

Bud Noe: Right.

Kevin Hardman: And that date is May. We gave him that. And honestly I think if it meets our zoning code, it meets our zoning code. So that's something we can take up, if it comes to that point. But I think at this point, no. We can't enforce something that's within the code. Ma'am, if you want to come on forward and if you want to address us tonight, we'll be happy to hear from you. Want to give your name and address? I'm pretty sure the makeup of the Board is the same as it was, and everybody knows what we're talking about.

Coreen Ferrell: My name's Coreen Ferrell. I'm at 1508 Continental Drive. I think the confusion in came in when this was all addressed in the first place, is his... I'm going to confuse myself, because his... The front of his house faces my house, which we were considering his front yard. So I got an email from Bud saying that they have changed that; now

that's considered his side yard, not his front yard. So now they're saying the front of his house is actually where his side yard is because it's a corner lot. So that's where all the confusion came in. So now that it's been changed from his front yard to his side yard, now he's allowed to park you know a trailer full of trash out there and everything else on the Continental side of his house. Which to me is his front yard, but I guess by code it's his side yard now. So now he's parking that trailer out in the side yard now, filling full of trash and everything. And that's you know, that's my front picture window view from the street.

Kevin Hardman: Okay.

Coreen Ferrell: You know I mean if it was in the side yard... Do you understand what I'm saying?

Kevin Hardman: I hear what you're saying. What we're saying to you right now is we can do nothing to change that right now.

Coreen Ferrell: Right.

Kevin Hardman: According to...

Coreen Ferrell: I understand.

Kevin Hardman: ...our regulations, there's nothing that says he can't park that trailer where he's parking it, okay? So and it sounds like he's doing everything else we've asked him to do.

Coreen Ferrell: Well, he's not working on cars no more. He hasn't worked on one car since he got the permit.

Kevin Hardman: Well, that's great for you. I mean...

Coreen Ferrell: Yeah, he changed his hobbies.

Kevin Hardman: That's great. So okay, well good then it sounds like things are working the way they're supposed to be working. Except now we have...

Coreen Ferrell: Except for the trash in the side yard.

Kevin Hardman: But again, the trailer is not...

Sam Schutte: But I mean when you say...

Coreen Ferrell: So is there anything that we can I mean because it's like a corner lot, and it's street view? Is there no code that can prevent that from the street view being on a corner lot?

Kevin Hardman: No. I mean I think you've got a conforming...

Coreen Ferrell: I mean because when we were going through all of this before, we were kind of looking at it as front yard.

Kevin Hardman: We'd have to change the zoning.

Coreen Ferrell: Now they're changing the code to where it's... I mean the code hasn't changed...

Kevin Hardman: Right.

Coreen Ferrell: But they're just saying you know what I'm saying. They say no that's not his front yard now; it's his side yard now.

Sam Schutte: When you say trailer full of trash, what do you mean?

Coreen Ferrell: He piles his garbage bags on the trailer, and my front window...

Sam Schutte: I mean you're not allowed to store unlimited amounts of trash in any... sitting outside your house, right? So you would tell him not to do that maybe.

Coreen Ferrell: I mean I don't have a problem with the trailer. It's all the trash he's piling on it and that I've got to look at all day long.

Sam Schutte: But that would be something, an enforcement thing.

Coreen Ferrell: Yeah, I mean he has been keeping the trailer on the driveway. I mean he hasn't been violating any of the conditions. But it's just that trailer full of trash all the time now.

Jim Lukas: I would think our property maintenance code would handle that. Bud, have you seen...? You haven't seen the trash piled up in the trailer?

Coreen Ferrell: Well, the trash comes on Wednesday morning. He usually comes on Friday. Is that what day you're coming by? Because I see him on my camera.

Jim Lukas: I mean if there's a property maintenance issue, you know we'll take care of it. I'm not sure if that violates our property maintenance code or not, but we'll make sure that Bud gets out there on...

Coreen Ferrell: Because when the trash gets picked up Wednesday morning, Wednesday afternoon, there's really not any trash out there by the time he comes on Friday. You know what I'm saying? But it piles up. So by the time Tuesday night, Wednesday morning comes, trailer's full.

Sam Schutte: But I mean you know you can't leave your garbage can at the end of the driveway.

Coreen Ferrell: Well, he doesn't even use garbage cans. It's trash bags.

Kevin Hardman: I leave my garbage cans in the driveway all the time, but they're covered and have trash in them, so...

Sam Schutte: I think that's an HOA rule.

Kevin Hardman: I mean it's... I don't know what she's talking about. We can tell you this. We will go check it out on a more...

Coreen Ferrell: But as far as the conditional permit, he's been adhering to that.

Kevin Hardman: And that's great. Is there a certain day of the week that it's a bigger problem than others?

Coreen Ferrell: The night before trash.

Kevin Hardman: Which is...?

Coreen Ferrell: I mean it just stockpiles. I mean from the time it's picked up 'til the next trash day, it just keep accumulating.

Kevin Hardman: Okay, so trash day is when?

Coreen Ferrell: Wednesday morning.

Kevin Hardman: Wednesday morning, okay. We'll keep that in mind, and we'll plan a little check.

Coreen Ferrell: Is it on Wednesday morning?

Kevin Hardman: To see what's going on. Okay?

Coreen Ferrell: Yeah.

Kevin Hardman: Alright.

Coreen Ferrell: That was my only concern is just you know... Before it was all the cars and he's quit doing... I guess he quit working on cars, but....

Kevin Hardman: Or maybe he's following our directions and only working on...

Coreen Ferrell: Now we're stockpiling... Huh?

Kevin Hardman: One at a time. Or maybe he's doing what we told him to do, which is only one at a time, and...

Coreen Ferrell: No, he's not doing any.

Kevin Hardman: Andy pulling into the driveway. So...

Coreen Ferrell: He's not doing any cars.

Kevin Hardman: Okay.

Coreen Ferrell: But now it's... Now he's stockpiling the trash out there since he's allowed to have the trailer out there.

Kevin Hardman: Okay, fair enough. Alright.


Coreen Ferrell: Thank you.

Kevin Hardman: Thank you. Thank you, Mr. Noe sir. Any other matters before the Commission?

6. Adjourn

A motion to adjourn was made by Mr. Knight, with a second by Mr. Schutte.

The meeting was adjourned.



Kevin Hardman, Chairperson



John Creech, Secretary