

Glendale Planning and Historic Preservation Commission
Monday, November 2, 2020
Meeting Minutes

Pursuant to notice, the Glendale Planning & Historic Preservation Commission met at 5:30 pm on Monday 2 November 2020 at 80 East Sharon Avenue via Virtual Zoom session due to the Shelter in Place orders. The meeting meets all Open Meeting regulations as revised by Ohio House Bill 197.

In Attendance: Chairman Tom Breidenstein, Vice Chairman Tom Kerr, Secretary Dan Mayzum and members Bob Kooris, Beth Sullebarger, Randy Green, Leslie Cooper and Mayor Don Lofty. Village Administrator Walter Cordes, Administrative Assistant David Lumsden and Village Clerk Becky Terrell were also present.

Chairman Tom Breidenstein called the meeting to order at 5:30 p.m. and declared a quorum present.

Agenda Items

I. Review and approval of 31 August and 5 October 2020 regular meeting minutes.

31 August Minutes. Mr. Green moved to approve the minutes as amended with the voting result revisions on the Elizabeth Jones application to show that Vice Chairman Kerr's should be changed from a "no vote" to "did not vote," that Chairman Breidenstein's vote should be recorded as a "yes," and that Ms. Cooper's vote should be recorded as a "yes." Ms. Sullebarger seconded the motion, and it passed via unanimous Planning Commission voice vote.

5 October Minutes. Ms. Cooper requested that the applications for 885 Forest and 785 Congress reflect her supporting votes, which may not have been recorded due to technical issues. Vice Chairman Kerr moved to approve the minutes as revised. Ms. Sullebarger seconded the motion, and the motion passed via unanimous Planning Commission voice vote.

II. Old Business

No Old Business was discussed.

III. New Business

Appropriateness Review of Official Applications

1. **Christ Church (Mick Cook) 46 Erie Ave: Window replacement (continuation from Oct. 5).** Mr. Cook was present to represent the application. He stated the proposed Anderson windows in question during the 5 October meeting meet the Planning Commission requirements regarding glass size. Mr. Green moved to approve the revised submission. Vice Chairman Kerr seconded the motion, and the motion passed via unanimous Planning Commission voice vote.
2. **40 W. Fountain Ave., front porch step installation, Mr. Steve Thomas.** Mr. Thomas was present to represent the application. The new step drawings were submitted and are meant to match the current home. Ms. Sullebarger moved to approve the application. Secretary Mayzum seconded the motion, and the motion carried via unanimous Planning Commission voice vote.
3. **Hearing: Amendment to Bethany School existing Conditional Use Permit. Installation of a graded patio with sidewalks and landscaping on former razed building site.** Ms. Christie Boron and Mr. David Gould were present to represent the application. This is an

amendment to a previously approved conditional use and the action will be to review the changes and create a recommendation to Council. Ms. Boron discussed the change requested where the original master plan kept a building called 'multi-purpose' including a plaza and sidewalks on the NW property corner. The original multi-purpose building was torn down and the revised proposal shows how the area will be graded with the plaza pulled into the property and farther away from the neighbor. The impervious surface change was discussed and changes from 8,900 square feet of impervious surface to approximately 4,900 square feet. The retention system was built for an 8,900 square foot plaza, so this change should benefit the detention system. Mr. Kooris asked what the patio site will be used for [outside learning]. Mr. Kooris asked if any amplification will be installed [no, electric will be run to the plaza, and that feature was included as part of earlier application]. Village Administrator Cordes stated that Mr. Tim Casto, Village Engineer, reviewed the revised plans and responded on 30 October stating the detention basin will receive less water and will have less drain off.

Public Comments

Chairman Breidenstein asked that each speaker limit comments to 2 minutes.

1. Mr. Kwiecinski stated that he has a list of questions;
 1. intended patio use
 2. projected tree height
 3. will phase 1 landscaping be replaced at same time
 4. with respect to stormwater - blockage at exit point and how managed during construction
 5. on plan page c300, at top, concrete shows a 26' drop in elevation and has it been taken into consideration
 6. what is construction schedule
 7. when will the balance of phase 1 and phase 2 be completed
 8. What are St. Faith plans
 9. on plan page c200, new blacktop shown
 10. lights on plan page E2, how bright, and where are existing lights.
 11. school reconvened; increased morning traffic on Hedgerow & implications
2. Ms. Boron stated that she does not know the tree height but plan gives species and the plan contains more landscaping and trees than what originally approved. Grade change has been accounted for in design including water flow. She noted that any dead landscaping from Phase 1 will be replaced. She hopes the work will be completed ASAP and is not expecting to present again for any changes. The rest of phases 1 & 2 will go ahead once the Sisters give approval and noted that there are no plans for St. Faith.
3. Mr. Al Nippert, 380 Albion Ave. Concerns are water runoff and that neighbor feedback has been ignored. He requested that promises should be fulfilled under original application.
4. Dr. Dan Love. He noted that motion sensors have helped with lighting concerns. His concern is that the 29' drop off into drain that is frequently clogged causes water issues.
5. Ms. Boron stated that there is no intent to redesign storm detention. Village/ HC/Civil Engineer has looked and deemed engineered and installed correctly but construction has not completed. She stated that low bollard lights are for walking paths and can be turned on or off.
6. Mr. Ron McSwain – He examined page 4, the landscape plan, and stated that it is an exaggeration of what is planned vs. planted as it takes years for plants and trees to mature. He requested upgrades to trees planted.

Planning Commission action can include approval, denial or deferral.

Vice Chairman Kerr – He noted that the plan presented is grass, landscaping and adds pervious surface which should improve drainage. Until this phase of the project is complete there is no way to assess the retention system as designed and stated it's time to get this project completed, then go from there. He will vote to approve because this will improve the site.

Mr. Kooris – Asked what happens if drainage issues persist after completion. Village Administrator Cordes stated that the Village Engineers believe the issues will be resolved once the property is graded and grassed. However, if capacity remains an issue the system will be revisited. Additionally, the Village is applying for grants to address the stormwater including the 70% not from Bethany and optimistic that the funds will be approved.

Mr. Green – Agreed with Vice Chairman Kerr regarding completion. He is concerned about Mr. McSwain's comments regarding landscape and the difference between the plan and installation. He suggested it is common courtesy to get everyone together and not use Planning and Council to mediate.

Mr. Breidenstein asked for a motion. Vice Chairman Kerr moved to approve the application to make the recommendation to Council. Ms. Sullebarger second the motion, and the motion passed via unanimous Planning Commission voice vote.

IV. Persons Addressing the GPHP Commission/Other Business

No persons addressed the Planning Commission.

V. Other Business

Public Hearing regarding petition of the property owner at 313 E. Willow Ave. for a proposed amendment to the Glendale Zoning Code to permit short-term rentals as a conditional use in the "B" district.

Chairman Breidenstein clarified that the zoning text change request was made by the applicant and was not a result of any action from the Planning Commission or Council.

Chairman Breidenstein introduced the topic and laid out the following clarifications and guidelines.

1. There is a hard stop at 7pm due to Council meeting at 7pm.
2. This request applies to amending the zoning ordinance that applies to the entire B District and not just 313 E. Willow.
3. If the rezoning is passed, it would allow for the conditional use application to be brought to the Planning Commission for review and recommendation.
4. Following Planning Commission recommendation, Council will take action regarding the conditional use application.
5. The applicant will speak first, including their representatives.
6. Residents who have applied to speak will be called upon in the order in which they applied.
7. Each speaker is allotted 3 minutes for comments and Administrative Assistant Lumsden will act as timekeeper.
8. If comments are repetitive, please do not repeat previous comments. Just indicate with whom you agree and then the next speaker can come up.

9. If there is time when comments conclude the Commission will begin deliberations.
10. If there is no time following the comments, there is an option to defer action to a later meeting.

Mayor Lofty noted for the record that he is recusing himself from participating as it will eventually make its way to Council for review and he must preserve his ability to act during Council review.

Residents unable to attend previous meeting:

Mr. Eugene Butler: 60+ year resident across the street from the church. He noted that Willow is a small 1-way street with very limited parking. Adding a business would add noise, trash, and traffic and the area is not suited for business and vice versa. He reminded that once there was a construction business on Cleveland that the residents successfully petitioned to have removed. He requested the use of common sense, insight and disallow the rezoning.

Applicant Rebuttal

Applicant:

Mr. Jeff Nye, attorney for the applicant Mr. Jake Cain discussed 4 themes.

1. Safety of the neighborhood: all data says short term rentals are not a risk and cited Hamilton County rates. The incident cited previously does occur but is not a regular issue and Airbnb has capability to screen applicants before any rental approval. This is a way to make a second home viable.
2. Why the B district only. Mr. Nye stated that this is not B district specific beyond being the district 313 Willow is situated. And the request was to have the proposal as narrow as possible.
3. Parking concern. This is a 1-bedroom property with a driveway, so size is limited, and the driveway will eliminate street parking usage.
4. Purpose of Planning Commission and Village Plan is to ensure the zoning and land use codes serve community needs. There is no way to stay in Glendale when visiting which is a gap in community need. Change in zoning would allow for the option for short term stays.

Request recommendation to Council to adopt proposal. There have been supportive emails from the community that were part of a compilation by the Village office.

Mr. Jake Cain: no additional comments beyond Mr. Nye.

Chairman Breidenstein asked for a motion to close the Public Hearing and move to deliberations. Mr. Green moved to close the Public Hearing. Secretary Mayzum seconded the motion, and the motion was passed via unanimous Planning Commission voice vote.

Chairman Breidenstein asked if there are Glendale Airbnb facilities and Village Administrator Cordes noted 2 properties in the Glendale business district where short-term rentals are allowed. Chairman Breidenstein asked for any supporting documents regarding the statement about no issues and Mr. Nye stated that there were none. Mr. Cain stated that in 2019 Airbnb reported 2MM people renting nightly and 99.95% of trips have no safety issues reported by a host or guest. He also cited other communities that have adapted to Airbnb implementation with no known issue or impact to the neighborhood.

Vice Chairman Kerr. He noted that this comes down to new commercial use in a residential zone and quoted 154.41 Historic District PURPOSE AND INTENT states: "In order to preserve and protect the historic character of existing and future historic districts and landmarks, both inside and outside the Historic District"...., then quote 154.51(a)(7) ADDITIONAL USE REGULATIONS, Uses Prohibited: Hotels and motels, tourist and trailer camps, the verbiage specifically includes prohibiting hotels and motels. The original ordinance intent appears to be not having transient properties. He cited a request made for changing 985 Laurel zoning in District C where a commercial permit was requested which was denied. He cited other zoning request rejections over the past 20 years including: 1215 Congress in District B, 1100 Congress in District B, Glendale Avenue 5-acre plot in District A, and 1081 Morse in District A request for Airbnb and was rejected for many of same reasons residents have brought up from this application.

For all the applications mentioned, it was thought once we set a precedent for individual lot rezoning in a residential district, for whatever reason, we could not defend rejecting any future applications no matter where in the Village the application originated.

Based on past precedent of the examples just shared, and to maintain our residential zones for future generations, I will vote to reject the current application to amend the current zoning ordinance concerning "Permitted Uses" in residential zones.

Ms. Sullebarger. Requested clarification regarding short-term rental business and why Airbnb was chosen [controls in place managed by Airbnb]. She stated that it is not fully accurate to say that intent is to have a place for friends and family to stay given the listing. Mr. Cain stated that the intent is both – second house for friends/family and short-term rentals between uses. Ms. Sullebarger stated that she is not unsympathetic, as she has used Airbnb. She cited conditional use factors including impact to the following items - village plan, traffic and neighborhood. She does not foresee approval based on those factors and the examples from Vice Chairman Kerr. Ms. Sullebarger motioned to deny the application.

Mr. Nye stated that with respect to using the location as a business is to offset cost of ownership and not to profit from rentals. He also suggested that limits could be set for the number of rental nights.

Mr. Green. He asked how many parking spots on property [1 in driveway] and asked when the property was purchased [late Nov 2019]. When did renovations start [permits/started 1 Jan 2020]. When was the property first available to Airbnb [Spring 2020] and when was residential rental property applied [Unknown, but Mr. Green acquired a copy indicating submission on 18 Aug 2020]. He is concerned and asked the questions because he understands that a resident approached Mr. Cain telling him that the rental was not allowed in the district. He seconded Ms. Sullebarger's motion to deny the request.

Mr. Mayzum. He stated that the property could be considered a second home. Why considered second home? Large families and friends who live out of town could use it when visiting.

Ms. Cooper. She noted that the property is being rented out currently and asked the duration [1 year].

Chairman Breidenstein stated that there is a motion and a second to deny the application. Planning Commission approved the motion to deny the recommendation via unanimous voice vote.

- VI. **Adjournment:** At 6:55 p.m. Mayor Lofty motioned to adjourn the meeting. Mr. Green seconded the motion and it passed unanimously.

Next regular meeting – Monday December 7, 2020 at 5:30 pm

Submitted by Secretary Dan Mayzum

As assisted by Becky Terrell