

Dalworthington Gardens Planning and Zoning Commission
Meeting Minutes
August 26, 2019 at 6:00 P.M.

1. Call to Order

Chairperson Todd Batiste called the meeting to order at 6:00 p.m. with the following present:

Members Present:

Todd Batiste, Chairperson
Louis Celone
Tim Butler
Johanna Storm
Paul Sweitzer, Alternate

Members Absent:

Maurice Clark, Vice Chair
Brian Colin, Alternate

Staff and Council Present:

Cathy Stein, Council Member
Sherry Roberts, City Administrator
Lola Hazel, City Secretary

2. Minutes

a. Approval of April 22, 2019 minutes

A motion was made by Commissioner Paul Sweitzer and seconded by Commissioner Louis Celone to approve the April 22, 2019 minutes.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None

b. Approval of July 15, 2019 minutes

A motion was made by Commissioner Louis Celone and seconded by Commissioner Time Butler to approve the July 15, 2019 minutes.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None

c. Approval of July 22, 2019 minutes

A motion was made by Commissioner Louis Celone and seconded by Commissioner Tim Butler to approve the July 22, 2019 minutes.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None

3. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding accessory dwellings.

- a. Public Hearing**
- b. Discussion and possible action**

Background information on this item: The Commission reviewed this ordinance at the July 15, 2019 meeting and suggested additional changes. The additional changes are as follows:

Section 14.02.092

1. Accessory structure definition: Adds “All accessory structures shall not exceed 15 feet in height”.

Section 14.02.124

1. (c)(3): Removes language about building material for accessory dwelling units needing to match material for primary structure.
2. (n): Changes title to reflect the content of this section.
3. (n)(1): Creates residential regulations for cargo containers.
4. (n)(2): Creates commercial regulations for cargo containers.
5. (n)(2)(i): Creates screening requirement for commercial cargo containers.
6. (n)(3): Changes temporary storage pod regulations

For the nonconforming uses for cargo containers in existence prior to the ordinance change, our zoning ordinance provides the following process:

Sec. 14.02.538 Registration of nonconforming uses

The operator, owner, or occupant of any nonconforming use of land or buildings shall, within six (6) months after the date of this amendment (of [if] nonconforming on such date) or within six (6) months after having been rendered nonconforming by any subsequent amendment hereto, register such nonconforming [use] by obtaining from the zoning enforcement authority of the city a certificate of occupancy bearing the designation “Nonconforming,” even though a previous certificate of occupancy may have been issued. Such certificate (nonconforming) shall be considered as evidence of the legal existence of a nonconforming use, as contrasted with an illegal use or violation of this article. The enforcement authority shall maintain a register of all certificates of occupancy issued for nonconforming uses and shall, on written request and payment of fee, issue a duplicate certificate to anyone having a proprietary interest in the property in question. A nonconforming structure need not be registered. (2005 Code, sec. 17.12.08)

Staff is looking for approval of the ordinance with all changes to include these new changes. The ordinance will then be taken to council for final approval in September.

Chairperson Todd Batiste opened the public hearing at 6:05 p.m.

With no one desiring to speak, Chairperson Todd Batiste closed the public hearing at 6:05 p.m.

A motion was made by Commissioner Louis Celone and seconded by Commissioner Tim Butler to recommend approval of the accessory dwelling ordinance.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None

4. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding sign standards.
 - a. Public Hearing
 - b. Discussion and possible action

Background information on this item: The sign ordinance still isn't ready, so we will need to continue this item to a future agenda.

Staff recommends no earlier than the October meeting as there isn't a need to meet in September right now. Staff would like to bring the Comprehensive Plan in October as well.

A motion was made by Commissioner Louis Celone and seconded by Commissioner Johanna Storm to continue the sign standards ordinance to October 28, 2019 at 6:00 p.m.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None

5. Comprehensive Plan: Discussion and possible action regarding inclusion of changes to the Comprehensive Plan.

Background information on this item: You have a copy of the 2005 Comprehensive Plan with redlined changes. Tonight, staff would like to discuss the future land use map and any changes the Commission would like to recommend. There are other text changes needed, but the land use map is the topic for tonight. Staff would like to bring back the text for discussion and changes in October. Then, the goal is to meet again in January to finalize changes before council sees the document.

A synopsis of the survey results are in your packet. Please review this to provide input for changes to the land use map. Staff did want to point out multiple calls received for the house for sale at Bowen and Roosevelt next to Key Elementary. Callers were inquiring about putting commercial businesses there, and it was explained that we're updating the Comprehensive Plan and would discuss that property in conjunction with the land use map updates.

This item was not addressed.

6. Discussion regarding need for special meetings for potential developments.

No action was taken.

7. Adjourn

A motion was made by Commissioner Louis Celone and seconded by Commissioner Tim Butler to adjourn the meeting at 7:54 p.m.

Motion carried by the following vote:

Ayes: Members Celone, Butler, Storm, and Sweitzer

Nays: None