



PLANNING COMMISSION
MINUTES FOR REGULAR SCHEDULED MEETING

Tuesday, February 8th, 2022 at 5:30 PM
City Hall Council Chambers - 418 Osborne St.

Note: Due to errors with the audio recording system in the council chambers there is not an audio recording for this meeting; these minutes were produced using notes from staff.

Planning Commission members present: Wiley King, Lloyd Streit, Leslie Warner, John Toshach, Keegan Federal.
Planning Commission members absent: None.

Community Development Department staff present: Kenneth Hughes and Delya Carter.
City Attorney present: Amanda Szokoly.

I CALL TO ORDER:

The meeting was called to order at 5:30pm by Commissioner Warner.

II MINUTES: Approval of the minutes for December 14th 2021, and January 11th 2022.

Motion: Commissioner King moved to approve the December 14th meeting; Commissioner Streit second the motion. Commissioner Toshach abstained from voting. The motion was carried 4-1.

Motion: Commissioner King moved to approve the January 11th meeting with some minor corrections. Commissioner Toshach second the motion. The motion carried unanimously.

III OLD BUSINESS & PUBLIC HEARINGS:

Subdivision (Preliminary Plat)- Jeff Foster of AKM Surveying on behalf of Romspen LLC requests preliminary plat approval for 33 lots and 3 tracts as part of Cumberland Harbour phase 14. Parcel IDs 160C 160C and 160C 160D. The property is zoned PD. Common location known as that land at the end of Anchor Way.

- K. Hughes presented for the staff addressing the elements of the staff report regarding previous concerns.
- Commissioner Federal asked questions of Director Hughes and how the staff made the findings regarding the steel pier structure. He asked about the composition of the staff referenced in the staff report together with questions about review of the staff report by the city attorney drawing specific attention to the jurisdiction of the Planning Commission regarding the steel pier structure.
- Attorney A. Szokoly stated that she agreed with staff's determination regarding the jurisdiction of the Planning Commission.



- Commissioner Federal asked Director Hughes about comments in the staff report regarding the inaction by the Coastal Resources Division to require the removal of the structure and the likelihood of action not being taken on the matter.
- Director Hughes stated that when the division has serious concerns about removing a structure with an invalid permit that it would direct its own resources to ensuring compliance and based on the division's inaction that it did not pose a serious issue at this time.
- Chairman Warner stated that he talked to the enforcement officer at the division and the officer shared with Chairman Warner that the division has not moved forward with enforcement because of costs and resources associated with escalating the matter.
- Commissioner Federal continued with questions regarding the ability of the city to address the structure as a nuisance. He asked of Director Hughes what would constitute a nuisance and whether or not the structure was already a nuisance.
- Director Hughes declined to provide answers to a hypothetical about a possible future nuisance sharing that it was his opinion at the time that it did not constitute a nuisance and that he has the responsibility for making such determinations in accordance with the code of ordinances adopted by the city.

PUBLIC COMMENT

- Carl Miller, 102 Perrault Circle, Resident of Cumberland Harbour, said he is against the preliminary plat. His concerned with the POA governance structure and the lots being too small.
- Jennifer Fabrick, 113 Carousers Cove, resident of Cumberland Harbour, shared that she is against the preliminary plat. She stated that she does not think the layout is good for Cumberland Harbour. She talked about the removal of the tree canopy.
- Paul Harris, 400 Barkentine Dr, was against the preliminary plat. He talked about the planning commission's responsibilities asserting that the planning commission had jurisdiction to evaluate the financial feasibility of the proposal and that the planning commission was not limited to technical reviews of plats. He stated that the Planning Commission was being sold snake oil.
- Mark Butterworth, 11 Tattnal Lane, current president of the POA was for the preliminary plat. He was glad the property is going to be subject to declarations/covenants and Design Review Board (DRB) DRB guidelines. He shared that they amended the DRB guidelines to make sure they cover the new lots.
- Bill Hardy, a resident of Cumberland Harbour, a liaison with the DRB was in favor of the preliminary plat.

MOTION: Commissioner King moved to approve the preliminary plat. Motion died for lack of a second.

MOTION: Commissioner Tosach moved to deny the preliminary plat. Commissioner Federal second the motion. Commissioners Warner, Tosach, and Federal voted aye; Commissioner King voted nay; Commissioner Streit abstained from voting. The motion was carried 3-1-1.

IV NEW BUSINESS & PUBLIC HEARINGS:



Rezoning – WH Gross Construction requests to establish a Planned Development known as Church Street Cottages. The parcels are currently zoned C-1 and R-1. Parcel IDs S37 02 001, S37 02 002, S37 02 007, S37 02 007B, S37 02 010A, S37 02 011, S 37 02 012. Common location known as 605 Osborne, 609 Osborne, 611 Osborne, 101 W Church St, and land west of 101 W Church St.

- K. Hughes presented the staff report.
- WH Gross presented as owner.

PUBLIC COMMENT

None

MOTION: Commissioner King moved to approve the rezoning; Commissioner Toshach seconded the motion. The motion carried unanimously.

Rezoning- City of St. Marys requests a rezoning from I-A to the I-L, R-1, and C-2 districts as provided. Parcel IDs 148 031, 148 031T, S19 01 009, S19 01 007, S19 01 005. Common location known as 201 N Dandy St (I-L), N of 201 N Dandy St (I-L), 286 Pt Peter Rd (R-1), 188 Pt Peter Rd (R-1), and 111 Pt Peter Rd (C-2).

PUBLIC COMMENT

None

- Commissioner Toshach had an issue with the use of the term “highest and best use” that Director Hughes used to describe the decision made by city council to move forward with a commerce park. Commissioner Toshach stated, “The term was outdated and inappropriate to use since it was something brokers would use to throw around about what will pay the most.”

MOTION: Commissioner Streit moved to approve the rezoning; Commissioner King seconded the motion. The motion carried unanimously.

Zoning Ordinance Amendment – City of St. Marys requests a zoning ordinance amendment to abolish the airport industrial (I-A) zoning district and to eliminate references to the district.

- K. Hughes presented the staff report.
- Commissioner Toshach questioned if the ordinance amendment should be tabled until the other lots listed as I-A were considered.
- Director Hughes said that he did not think it was necessary to delay this item and that he would not present the ordinance amendment until after the other I-A rezonings are presented.

PUBLIC COMMENT

None



MOTION: Commissioner Federal moved to approve the zoning ordinance amendment; Commissioner Toshach seconded the motion. The motion carried unanimously.

Zoning Ordinance Amendment– City of St. Marys requests a zoning ordinance amendment to amend the C-1 district uses to provide a list of prohibited uses, including but not limited to discount dollar stores, and to define terms as necessary.

- K. Hughes presented the staff report touching on the concerns brought by city council.

PUBLIC COMMENT

None

MOTION: Commissioner Toshach moved to approve the zoning ordinance amendment; Commissioner Streit seconded the motion. Commissioner Federal abstained from voting. The motion carried 4-1.

Zoning Ordinance Amendment – City of St. Marys requests a zoning ordinance amendment to amend the planned development district standards and to the processes by which a planned development is adopted and/or amended.

- K. Hughes presented the staff report.
- Commissioner Toshach said he had several comments on the proposed language. He wanted to schedule a working session to discuss the language. He described the language as “nebulous” according to his notes.

PUBLIC COMMENT

None

MOTION: Commissioner Federal moved to table the item for sixty days and to have a work session within the next thirty days; Commissioner Toshach seconded the motion. The motion carried unanimously.

VI **DISCUSSION**

VII **ADJOURNMENT**

Commissioner Federal moved to adjourn the meeting at 7:59 pm and Commissioner Streit seconded the motion. The motion carried unanimously.