

**Meeting Minutes**  
**Waverly Municipal Planning Commission**  
**Regular Meeting**  
**February 8, 2006**  
**Municipal Building**

The meeting was called to order by Chairman Perry at 2:05 p.m. Chairman Perry, Commissioner Early, Commissioner Allen and Commissioner Corwin were all present. Mayor Kelly was an excused absence. Also present was City Community/Economic Development Director Nathan Davis. Audience Participants were: Sharon Manson representing both Pike Travel and Tourism/Waverly City School Board and Roger Ramsey, representing the Waverly City School Board. Also present were Forest Blakeman, Greg Kempton and Johnathan Claytor representing City Council. Chairman Perry asked if any changes, deletions or revisions were needed for the minutes. Seeing none, Chairman Perry requested a motion to approve the January 11<sup>th</sup> regular meeting minutes. **A motion was made to approve the January 11<sup>th</sup>, 2006 Minutes by Commissioner Early, the motion was seconded by Commissioner Allen. After No Discussion, Roll Call: All Aye:**

Chairman Perry referred to item “a” of the New Business portion of the Agenda and stated that the Planning Commission had received a letter and resolution entitled: Resolution 011-06 from the Waverly City School Board. Chairman Perry stated that the letter and resolution addressed the wishes of the School Board for the former School Properties to remain zoned as present and that the un-zoned Waverly North Elementary be given the zoning classification of “Residential” in order to match the others. Chairman Perry announced that the Planning Commission would review this request and address the issue at a later date.

Chairman Perry referred to item “b” of the New Business portion of the Agenda. Mr. Perry requested that Mr. Davis explain the details of item b. Mr. Davis said that he simply inserted the item because he had not yet heard any word on obtaining the New Stadium Complex Master Plan as presented by the School Board at the December 28, 2005 Special Meeting. Mr. Davis turned to Mrs. Manson in the Audience and asked if there was any word on the Plan. Mrs. Manson said she would be sure to check on the availability of the Plan.

Chairman Perry now referred to item “c” of the New Business portion of the Agenda. Chairman Perry requested that Mr. Davis explain the details of the item. Mr. Davis stated that he was planning to invite Mr. Jerome D. Catanzaro to the next planning commission meeting in order to discuss the development of the property within his ownership between US 23, Second Street and Pride Drive. Mr. Davis said he simply wanted to inform the Commission of his intentions prior to making the arrangements. All the Commissioners acknowledged this intent and approved of the invitation.

At this time Chairman Perry referred to item “d” of New Business and acknowledged the receipt of a letter, court ruling and map from the Village of Moreland Heights, OH that was originally addressed to the Mayor’s Office. Chairman Perry requested that Mr. Nathan Davis explain the significance of the letter, court ruling and

map received. Mr. Davis stated that he wished to bring this correspondence to the Planning Commission's attention because of the significance it had on the City's present and future Zoning Code. Mr. Davis explained that the letter from the Mayor of the Village of Moreland Heights explained how the Village's Zoning Ordinance contained a minimum lot size requirement of 2 acres. This minimum standard was challenged by the developer (Jaylin Investments) who desired a smaller lot size and claimed that the lot size requirement by the Village's Zoning Ordinance was extreme and against the developer's constitutional rights to develop his or her property. The Ohio Supreme Court upheld the Village's Zoning Ordinance minimum lot size requirement in decision 2004-1145 by stating that: "Jaylin failed to demonstrate beyond fair debate the two-acre minimum zoning ordinance was arbitrary and unreasonable or substantially unrelated to the public health safety, morals or general welfare of the community as applied to prohibit Jaylin's proposed use." Mr. Davis stated that this court decision was relevant to Waverly's present attempt to redesign its existing Zoning Code. Mr. Davis stated that the City's existing Zoning Ordinance contained Residential District minimum lot requirements in a range from 5000 sq. ft. to 10,000 sq. ft. Mr. Davis explained how a great majority of the lots in Waverly were 7000 sq. ft or less and that the City was quite "dense". Mr. Davis believed this was something the Planning Commission needed to address when approving a new Zoning Ordinance in the coming year. Mr. Davis wanted to bring this court case to the Commission's attention for the simple fact that he wanted the City to be confident in the fact that requiring a large lot of developers was an issue that had recently been defended by the Ohio Supreme Court. Commissioner Early stated that she agreed that the City was presently too dense and that this was something that desperately needed to be addressed by the City. Chairman Perry agreed with Commissioner Early's statement and thanked Mr. Davis for bringing this issue to the attention of the Commission. Chairman Perry reminded the Commission and the Audience that the Commission had formerly met with the Seif Family in order to discuss the development of the West side of the City once the South Connector was constructed. He stated that the Commission had strongly suggested larger lots to the Seif family when planning their future housing developments in the area.

Seeing that there was no old business on the Agenda, Chairman Perry asked if there was any audience participation at this time. Councilman Blakeman asked Mr. Davis to announce the lot size requirements again for each Residential Zoning District Classification. Mr. Davis explained the minimum lot size requirement that was established in each Residential Zoning District Classification. Councilman Claytor stated that he would like to see a requirement in the City for Contractor's to have to be licensed and bonded in the City. Mr. Davis stated that this was something he agreed with but that it was an issue that did not fall within the jurisdiction of the Planning Commission. Finding no more Audience Participation, Chairman Perry asked for a motion to adjourn. **Commissioner Early made a motion to adjourn at 3:30 p.m. This motion was seconded by Commissioner Corwin. After no further discussion, All Aye; the meeting was adjourned.**

