

Garrettsville Planning Commission Minutes

July 2, 2009

Public Hearing

Chairman, Steve Hadzinsky called the Public Hearing of the Garrettsville Planning Commission to order with Jeff Kaiser, Jerry Kehoe, Mayor Craig Moser, Michele Stuck, and Solicitor present. Don Harvey and Jan Boehm, Zoning Inspector were absent.

The purpose of the Garrettsville Public Hearing is to consider a request from St. Ambrose Catholic Church at 10692 Freedom Street to construct a portico over the front Freedom Street entrance to the church. The height of the proposed construction would be approximately 14'4" and a width of 13'8". The church is a conditionally permitted use in the R-2 zoning district; therefore the Planning Commission must review the particular facts and circumstances.

Chairman Hadzinsky asked if anyone wished to comment on the above request. There were no comments; therefore, the Public Hearing was closed.

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Chairman, Steve Hadzinsky called the July meeting of the Garrettsville Planning Commission to order with Jeff Kaiser, Jerry Kehoe, Mayor Craig Moser, Michele Stuck, Solicitor present. Don Harvey and Jan Boehm, Zoning Inspector were absent.

After the Pledge of Allegiance, Chairman Hadzinsky requested a motion to approve the minutes of the last meeting. There was no discussion; the minutes of May 7, 2009, were approved when Mayor Moser motioned to approve the minutes; Jerry Kehoe seconded the motion.

Vote: Ayes – Unanimous

The first item on the agenda was St. Ambrose Church's request for a permit to construct a portico over the front entrance of the church. The Church is a conditionally permitted use in the R-2 zoning district; therefore, any modifications must be reviewed by the Planning Commission.

Mayor Moser moved to approve St. Ambrose request and Jeff Kaiser seconded the motion.

Vote: Ayes – Unanimous

Chairman Hadzinsky requested a motion to waive the zoning fees for the proposed portico for St. Ambrose Church as the church is a nonprofit institution. Mayor Moser motioned and Jeff Kaiser seconded the motion.

Vote: Ayes – Unanimous

At this time a discussion commenced reviewing of the suggested amendment to the zoning code for recreational vehicle parking restrictions in all districts other than industrial districts and in the Central Business District. After a discussion and an addition to the wording of 1163.08 (a), Chairman Hadzinsky requested a motion to refer Ordinance 2009-38 and 2009-39 to Council, Jeff Kaiser motioned and Mayor Moser seconded the motion.

Vote: Ayes – Unanimous

Item three from the agenda, a review of the proposed amendments to the zoning code for senior housing overlay was covered at this time. In Mr. Harvey's absence, a prepared statement from Mr. Harvey with comments regarding assisted living vs. independent living was read by Chairman Steve Hadzinsky. Several design considerations were discussed, maximum dwelling density for independent living units, maximum three story height for an assisted living building with one half story underground, all setbacks, and a 50' circumference for circulation and parking for the assisted living building. Right of way, covered loading and entry, garden or protected space, courtyards for patients were several items also offered for consideration.

Taking suggestions from the above and drawing from the draft of a proposed amendment distributed for review, two independent design sections were discussed at length and defined, one for independent living and another for an assisted living facility.

At this time Fire Chief Dave Friess was recognized upon entering the meeting by Mayor Moser. Chief Friess wished to discuss variances for apartments above zoned commercial businesses in the Central Business District.

Chief Friess stated: "For apartment in a commercial building a licensed architect shall draw plans to be presented and approved by the planning commission." Chief Friess defined "the first step for a change in the village is to file the application plans and fees for change in use occupancy; the plans shall indicate the existing conditions and the details of the new use and occupancy. A zoning certificate shall accompany the application to the Portage County Building Department, or a letter from the zoning official indicating that a certificate is not required. Therefore, before if anything is changed, approval must be made by the Planning Commission." Chief Friess quoted the above as the law.

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For fire and safety issues after zoning approval, architectural drawings must be reviewed for the existing status and any planned changes must meet the current code through the Portage County Building Department and Portage County Health Department. The Health Department is responsible for the plumbing; the Building Department is responsible for the electric. With two exits for a fire emergency, the apartments are then possibly ready for approval.

All the above must be under the direction of the Planning Commission. If the district is zoned commercial, the entire building is commercial; however, once an area of the commercial building is approved for an apartment, that area is now considered residential; the Fire Chief is not allowed to inspect that specific area.

Per Mayor Moser, if the Village were to make a statement that in commercially zoned area any building is a commercial building period, it must meet commercial code; therefore, the residence area must conform to the commercial code. Chief Friess also indicated that any remodeling of an older facility must be inspected and meet the current fire code. Solicitor Stuck referred to the proposed amendments dealing with the above.

Portage County inspections will only inspect an apartment over commercial property if there is a change in use or occupancy. If a change occurs without the appropriate zoning certificates or Planning Commission approval; the county is not notified, no inspections can occur. Chief Friess, at this time, requested to review the Villages occupancy permits issued in the past.

Jeff Kaiser interjected that previously, Planning Commission stated years ago, the Village highly discouraged apartment living above the downtown Central Business District commercial areas. If the Village didn't permit apartments or residential living, and encouraged upstairs business, this may possibly eliminate the problems the Village is facing now.

Chairman Hadzinsky stated as long as the building is safe, he believes residential or commercial rental may be permitted. Chief Friess requested at this time, that if the Village were to approve apartments above commercial establishments, proceed through zoning, and involve the County Building Department to the fullest extent, because if a fire fatality occurs, the Village may become involved in possible litigation.

Mayor Moser referenced a previous discussion regarding the above issue; agreed with the idea of the Portage County Building department being responsible for the adoption of the code, and a venture may be costly at the onset; however, the buildings may be made safer and better by being brought to the current building code. Safety at this time will be defined by the Portage County Building Department.

Mayor Moser now requested Chief Friess to inspect common areas of the above mentioned buildings when called for recommendations to the Planning Commission. If the definition of the building remains as commercial, the Fire Chief would have access, and period safety inspections may be determined with permission via a Garrettsville Ordinance. The above discussion is reflected in Ordinance 2009-40 to be taken to the next Council meeting.

Mayor Moser moved to recommend Ordinance 2009-40 up to Council for adoption with a second to the motion by Jerry Kehoe.

Vote: Ayes – Unanimous

The discussion for the proposed amendments to the zoning code for senior housing overlay was revisited at this time. Setbacks, loading and entry areas were discussed for addition to the proposal.

Mayor Moser motioned to recommend to Council the assisted living draft as Ordinance 2009-41, Chairman Hadzinsky seconded the motion.

Vote: Ayes – Unanimous

Chairman Hadzinsky called for a motion for adjournment, Jerry Kehoe motioned and Mayor Moser seconded the motion.

Vote: Ayes – Unanimous

Planning Commission Chairman

Zoning Inspector