

Garrettsville Planning Commission Minutes

May 6, 2010

Public Hearing

The scheduled Public Hearing was called to order at 7:00 pm by Chairman Steve Hadzinsky with Mayor Craig Moser, Jerry Kehoe, Don Harvey, Gretchen Cram, Michele Stuck, Solicitor, and Jan Boehm, Zoning Inspector present.

The purpose of the Public Hearing was as follows: To review formal applications for a Conditional Use Zoning Certificate for two apartments located on the second floor of the commercial building located at 8135 Windham Street, and 8149 Water Street in Garrettsville's Central Business District.

The above review is in compliance to Garrettsville's Ordinance 1177.02 (b) (1) which states: The planning Commission may issue conditional zoning certificate for uses listed hearing, subject to Section 1149.04, inclusive, and other sections as listed herein: (1) Apartments located above commercial establishments subject to Section 1149.05(r). (1) thru (10).

Neither owner of the above buildings was present. Fire Chief Friess was present to state neither owner has complied with Ordinance 1177.02 (b) (1) with regards to completion of the Fire Safety check. Chief Friess also stated several other property owners have scheduled appointments for the Fire Safety checks; have either not kept the appointments or after an inspection has been made, failed to correct the indicated fire violations.

At this time the Public Hearing was closed.

Garrettsville Planning Commission Meeting

At 7:00 pm, Chairman Steve Hadzinsky called the May meeting of the Garrettsville Planning Commission to order with Mayor Craig Moser, Jerry Kehoe, Don Harvey, Gretchen Cram, Michele Stuck, Solicitor, and Jan Boehm, Zoning Inspector present.

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 April 1, 2010, were approved when Jerry Kehoe motioned to approve the minutes; Mayor Moser seconded the motion.

Vote: Ayes – Unanimous

The first two items on the agenda reviewed was a Conditional Use zoning application from Mr. Matt Paul for two apartments above the commercial property at 8135 Windham Street, and apartments over the F.O.E. club at 8149 Water Street.

Mr. Paul was not in attendance for his apartments on Windham Street. Chief Friess stated compliance with the Fire Safety Inspection for the Windham Street property had not been met, and a member of the Eagles Club was unable to agree on a time to conduct the Fire Safety Inspection at the F.O.E. #2705, at 8149 Water Street.

The change in Occupancy/Use permit granted to J.L. Edwards on February 8, 2010, was reviewed at this time. The zoning certificate was granted to the business at 8289 Windham Street contingent upon Fire Safety compliance within 30 days was reviewed. Chief Friess stated to date, several appointments made with Mr. Edwards for the Fire Safety Inspection had not been kept by Mr. Edwards.

Discussion of the above issue highlighted Mr. Edwards' failure to correct the fire safety non-compliances now 90 days past due. Letters from the Zoning Inspector and Solicitor were reviewed and discussed. A decision was made to turn the matter over to Ms. Stuck, Village Solicitor for prosecution. Chairman Hadzinsky motioned to turn the above matter over for prosecution; Gretchen Cram seconded the motion.

Vote: Ayes – Unanimous

Mr. Scott Puleo residing at 10578 Freedom Street was scheduled to be in attendance to place a complaint against Mega Plastics, at 10610 Freedom Street. Mr. Puleo stated the garage doors to Mega Plastics have been open since April 6, 2010, and the "loud grinding noise has been really bad 24/7 and they are unable to sleep." Mr. Puleo was not in attendance; however, after discussion it was stated the matter should be brought to the Police Department, and Village Ordinance 509, (e) would apply.

A review of a Site Plan for a proposed creation of a ground level mobility entrance at the west side of the Intermediate School, 8233 Park Avenue was conducted at this time. There will also be a permanent wheelchair lift in the stairwell; a unisex handicapped restroom installed in the school. The handicapped parking space is also planned to be paved.

After review of the plans and discussion Chairman Hadzinsky called for a motion to approve the Site Plan. Don Harvey motioned and Gretchen Cram seconded the motion.

Vote: Ayes – Unanimous

The Board of Education also requested the zoning application fee be waived, as has been done in the past for nonprofit organizations. Chairman Hadzinsky called for a motion to waive the zoning fees. Mayor Moser motioned and Jerry Kehoe seconded the motion to waive the fees.

Vote: Ayes – Unanimous

Reviewed next was a Site Plan proposed for a commercial building located at 10313 South Street, as this property had been rezoned from R-2 to C-2, a (Heavy Commercial Business Zoning District) on November 13, 2008. The review of the plans submitted and a lengthy discussion commenced. The proposed right side setback is 31.4 feet; this is contrary to Garrettsville Ordinance 1179.03, (6), (3), which states: "There shall be a side yard of fifty (50) feet when on that side of a lot which is adjacent to a residential district."

With consideration of the failure of the proposed Site Plan to meet the required side setback of 50 feet, Chairman Hadzinsky called for a motion to deny acceptance of the Site Plans for 10310 South Street. Don Harvey motioned and Gretchen Cram seconded the motion.

Vote: Ayes – Unanimous

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Chairman Hadzinsky called for a motion which also stipulated, upon the Garrettsville Board of Zoning Appeals approval of a variance for the right side setback of 31.4 feet, a Planning Commission approval would commence. Jerry Kehoe motioned for the above contingency and Don Harvey seconded the motion.

Vote: Ayes – Unanimous

A discussion commenced regarding the Site Plan for the proposed expansion of the Garrettsville Waste Water Treatment Plant with regards to a landscape plan and screening of the facility. Various landscaping issues were discussed such as the existence and height of a land dyke, monies allocated for landscaping and screening, as well as lighting issues. It was deemed, the Garrettsville Board of Public Affairs would seek a landscape contractor to design and complete the project. This subject would be discussed at the upcoming BPA meeting.

A request was made to revisit the subject of noncompliance of commercial regulations. It was suggested that the revoking of commercial permits may be another possible recourse for the Village. The Planning Commission will request Council to review the revocation of permits after 60 days of noncompliance.

Per the request of Mayor Moser, the Planning Commission reviewed the proposed Revolving Loan Fund Guidelines or The Village of Garrettsville Façade/Structure Treatment Loan Fund.

Sent to Council for review and consideration was:

1. The maximum individual loan maximum loan amount would be \$10,000.
2. The owner match would be 50%.
3. The interest rate would be 3%.
4. Loan terms would be 5 years.
5. The Planning Commission would act as the loan committee. A current copy of a credit report would be obtained.
6. Any and all exterior and structural improvements (front, side and rear of building) would be considered as eligible improvements.

Other Requirements:

1. Building owner must be the borrower or co-borrower
2. A lien in favor of the Village will be placed on the property affected
3. Construction work requires Davis-Bacon Prevailing Wage Rates and other Federal Funding compliance (Section 3, EEO, etc.)
4. Construction work must be competitively bid.
5. All necessary building permits will be required
6. Environmental review is required for all loans
7. Ohio Historic Preservation Office coordination required of all loans

Chairman Hadzinsky called for a motion to approve the above recommendations and send the above Loan Fund Guidelines to Council for consideration. Mayor Moser motioned, and Jerry Kehoe seconded the motion.

Vote: Ayes – Unanimous

Per a request from the Portage County Regional Planning Office, the Zoning Inspector inquired as to the intended zoning for the acquired property on Brosius Road. It was determined that 12.2 acres of the acquired property would be requested to be zoned R-2 and the remaining 10 acres be requested to be zoned OC. Chairman Hadzinsky motioned to recommend to Council to implement the above zoning for the property on Brosius Road. Don Harvey seconded the motion.

Vote: Ayes – Unanimous

A review of the Conditional Use apartments in the Central Business District with reference to fire department inspections and poor responses from the building owners commenced. It was determined by Mayor Moser that continued correspondence will begin from the Zoning Inspector and Village Solicitor.

Chairman Hadzinsky called for a motion for an adjournment. Gretchen Cram motioned for an adjournment, and Jerry Kehoe seconded the motion.

Vote: Ayes – Unanimous

Planning Commission Chairman

Zoning Inspector