

Planning Commission Meeting Minutes  
October 27, 2015

Mayor Fischbach called the Planning Commission meeting to order at 7:00 PM.

**Roll Call:** Mayor Nick Fischbach-present, Tom Blair-present, Curt Johnson-present, Karolyn Squire-present, James Koster-present

**Visitors:** Rick Gruber

Mayor Fischbach asked Mr. Gruber about the status of the Finnerty property at 14563 East Park Street. Mr. Gruber replied that he did send a letter via email and had not heard back from Mr. Finnerty but would follow up.

Mr. Gruber was contacted by an appraiser regarding in-law suites for a residence on Carlton Street. The Planning Commission agreed that an in-law suite is permissible on Carlton Street.

**New Business:**

Mayor Fischbach and the Planning Commission reviewed and discussed the following ordinances:

An ordinance enacting new chapter 1309 (recommended BV Chapter 1330 or 1342) and new section 1101.02 and amending existing section 1101.01 (b) (these reference Middlefield Planning Commission; the Village may need to modify BV Chapter 141 to accommodate) of the Codified Ordinances to create an Exterior Property Maintenance Code.

The Village of Burton Historic District Ordinance 159.01.

After discussion, Mr. Gruber will look over the ordinances and report to the Planning Commission.

Mr. Johnson mentioned that the commission unanimously agreed that the Historical district had been enlarged beyond reason and that the proposed rules being presented to dictate historic district compliance were draconian.

The Mayor recommended and asked that the Historic District come to the next meeting and explain the Ordinance 159.01.

Approval of the October 13, 2015 Minutes. Mr. Blair made a motion to accept the October 13, 2015 minutes and Mr. Koster seconded. By voice all agreed.

Mayor opened a discussion concerning the proper zoning of a number of parcels throughout the Village.

1. The Veterinary Clinic at 13625 West Center Street is currently zoned R-2 Residence but not being used in a manner consistent with that zoning. The Commission discussed and recommended making Parcels 05-049400 and 05-049300 B-2 Highway Business.
2. Allowed business types in B-2 Highway Business at 14557 Baird Street did not include light manufacturing and day care in the red building on the property nor rental units in the Geauga Maid apartments. The businesses in the red building have obtained conditional use permits but the apartments are still not permitted. The Commission discussed options and recommended that the entire parcel 05-15300 be made R-3 Multiple Residence since the red building occupants have conditional use permits already. Future occupants of the building will simply need to get conditional use permits also.
3. The property at 14576 West Park Street is currently zoned S-1 Special. In the past it was used as a business and residence. When the business closed and the occupants moved out over a year ago the property reverted to S-1 Special zoning. If the owner wants to sell as a business or residential property will depend upon a change in zoning. The Commission discussed and recommended rezoning parcel 05-002570 to B-1 Central Business.
4. The Commission briefly discussed the practice of first floor residential use in areas zoned B-1 Central Business where it is currently prohibited. Most of the use is in homes that are grandfathered or where the practice has been ignored because the home, when sold was not developed into a business. The Commission decided to refer the question to the Solicitor.
5. The Burton Welton Cemetery annex on the parcel next door to 13970 Goodwin Avenue is zoned R-2 Residence and is recommended to be zoned S-1 Special to match the adjoining Cemetery property. The Commission discussed and recommended rezoning parcel 05-707012 to S-1 Special.
6. The property on Rapids Road at or near 14750 Rapids Road and owned by the Burton Developers is once again being considered for development. According to records in the Village office the settlement agreement with the property owners allowing them to build more homes than allowed by current zoning of parcels 05-045308, 05-006730, 05-003645, 05-006750, and 05-006740 expired one year after the developer failed to go forward with plans to start building in the time stipulated. The owners have been advised by the Mayor that they need to resubmit plan meeting the R-1 Suburban Residence zoning or obtain a change to allow for higher density housing. The Commission discussed and decided not to pursue any changes at this time.
7. Zoning Ordinance does not cover the situation involving the Lambert properties regarding setbacks. Specifically, R-1 Suburban Residence zoning does not have a category for private water and community sewer.

8. The condominium development of Shannon Court is listed as R-2 Residence but should actually be R-3 or R-4 (Multiple Residence). Mayor Fischbach recalled that the R-4 zoning type had been discontinued as repetitive of R-3 Multiple Residence. The Commission agreed and made a recommendation to remove the R-4 Multiple Residence code from the Zoning Ordinance. The Commission also recommended that the following parcels in Shannon Court Condominiums be rezoned from R-2 Residence to R-3 Multiple Residence. Parcels:

a. 05-003669	b. 05-003670	c. 05-003671	d. 05-003672
e. 05-003686	f. 05-003687	g. 05-003688	h. 05-003689
i. 05-003674	j. 05-003675	k. 05-003690	l. 05-003691
m. 05-003676	n. 05-003677	o. 05-003678	p. 05-003693
q. 05-003692	r. 05-003668	s. 05-003667	t. 05-003682
u. 05-003683	v. 05-003684	w. 05-003685	
9. Questions from potential buyers of the property at 13755 West Center Street, currently zoned R-2 Residence, have asked about its potential use as a business sight. The property has been used on and off for many years for business and is still used for storage rentals. The Commission discussed the possibility of rezoning that property and others nearby to B-2 Highway Business. Mayor Fischbach suggested having Mr. Paquette send letters to the owners of 13745 West Center (05-045307), 13755 West Center (05-044400), 13759 West Center (05-045306), and 13773 West Center (05-032700) to gauge their response to possibility of rezoning. The Commission concurred.
10. The property at 14624 West Center Street is zoned R-1 Suburban Residence but is effectively built for and being used as B-2 Highway Business and has been for many years. The Commission recommended that parcel 05-038170 be rezoned to B-2 Highway Business to match its intended and current use.
11. The Commission discussed 14638 Rapids Rd. be rezoned from R-1 Suburban Residence to B-2 Highway.
12. The Commission discussed allowed uses in M-2 Industrial zoning. Although historically used as rental units, the apartments on the Western Reserve property on Ford Lane do not meet current zoning. The Commission agreed that the long standing use of the house as a rental unit presents a problem that will need further discussion.

Mayor Fischbach asked the Planning Commission to review and comment on the changes proposed to Chapter 159, the Historic District Ordinance, Exterior Property Maintenance Code Ordinance Chapter 130 and the recommendations of zoning changes listed above.

The Planning Commission will meet on December 7, 2015 at 7:00PM for a Public Hearing for zoning changes on the recommended changes. Ms. Pikus will send letters to all parcels involved.

Mr. Blair moved to adjourn and Mr. Koster seconded. Meeting adjourned at 8:48 PM.

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Mayor Fischbach

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Clerk