

Planning Commission Meeting
May 12, 2016

Mayor Koster called the Planning Commission meeting to order at 6:00 PM.

Roll Call: James Koster-present, Tom Blair-present, Curt Johnson-present, Karolyn Squire-absent, Sue Fisher-present

Visitors: Rick Gruber, Jim Wohlken, Joe Koziol, A.J. Bissell, Paul Emch, Todd Hicks

New Business:

Mayor Koster opened the meeting by discussing a recent Board of Zoning Appeals case that highlighted the need for the Planning Commission and the Board of Zoning Appeals to be on the same page. Mayor Koster presented a number of present day changes to zoning that supported his case for avoiding spot zoning in the future. Mayor Koster noted that expansion and change are things that will happen to the Village. Mayor Koster talked about Mrs. Beaumier's push to require annexation before extending water or sewer beyond the current Village limits. Mr. Koster asked for comments from those in attendance.

Mr. T. Blair stated that he felt the Planning Commission should be cleaning up the current zoning issues in the Village.

Mr. Emch stated that he was very comfortable with the decisions made by the Board of Zoning Appeals. In particular, he understood why Mr. Preston asked for the variance he ultimately received. Mr. Emch addressed the future potential of construction at the Chittle property and stated that it might be wise to keep the lots to a size similar to that proposed. Mayor Koster suggested that it could be considered for senior housing. Mr. Emch felt that the location of the Chittle property was too far away from the center of the Village to be viable as senior housing.

Ms. Fisher commented that the suggested zoning changes missed at least two areas. One was the Burton Health Care which is located in an area zoned R-1, Suburban Residence. The other area is a series of homes on East Center on the south side of the street that are currently being used as multi-family homes but are located in an area zoned R-2, Residence. R-2 is defined as single family homes. The Board discussed at length the idea changing the zoning along East Center from East Park to just past Hickox because so many of the homes already located there were multifamily already. At this point Mr. Bissell noted that as housing stock aged in Chardon the city was faced with a multitude of home turned into rental property, including low income and multi-family, which in turn led to a lack of maintenance on those properties. Ms. Fisher added that Cleveland Heights has very strict property maintenance laws. It was pointed out that the Village already has several areas where there are multi-family rentals in single family zoned areas. Mr. Johnson wanted to find out if the multi-family on East Center was legal by either a conditional use or variance. Mayor Koster took a moment to ask for a legal description of the terms conditional use and variance. Mr. Hicks stated that conditional use was time limited to the property and followed those uses laid out in the zoning ordinances. Variances are permanent to a parcel and have a high standard to meet. Variances are granted by the Board of Zoning Appeals. Mayor Koster talked about how a Board of Zoning Appeals could take longer to consider an issue. Mr. Hicks mentioned that in many small communities that he worked with, the issuance of variances by local zoning appeals was high because that was how many communities handled it. Mr. Gruber summarized the discussion by saying that perhaps the Board of Zoning Appeals could be more disciplined in its decision process.

Mayor Koster brought up the need to update the Village Comprehensive Plan that was last updated in 1964.

Mr. Bissell asked why the Village isn't doing more to enforce the cleanup and maintenance of property in the Village given that concerned homeowners who follow the rules have to go through the Historic District Review Board. The Planning Commission discussed some courses of action to create standards for home maintenance. Mr. Gruber suggested that a Nuisance Abatement Board made up of the Mayor, the Fire Chief, and the Zoning Inspector be created. Mr. Paquette asked what standards would be employed for determining nuisance. Mr. Gruber stated that they were in section 1343 of the Village Codified Ordinances. Mr. Hicks mentioned that the standards for a Nuisance Abatement Board were extremely high. Mayor Koster offered a suggestion that maybe the board could have two or more levels of nuisance to meet standards. There was a suggestion to put more enforcement capability into zoning. Mr. Gruber mentioned that doesn't always see problems in the community and relies a great deal on complaints passed to him. Any complaint that reaches him is investigated within 10 days. There is a complaint form which Mr. Gruber thought was on the website. Mr. Gruber will confirm with the office. Mayor Koster asked if there was anything the Commission or office could do for him. Mr. Paquette suggested using the Street Department and Utilities Department to act as another set of eyes in the community. Both groups routinely drive around the Village looking problems related to trash, downed limbs, broken or damaged pavement and the like. With minimal training they could pass information on junk vehicles, fences, and other zoning related items to the office or directly to the Zoning Inspector. Mayor recommended that idea be included in the minutes along with a suggestion to include the Police Department.

Old Business:

1. The Commission discussed the proposed zoning change to the property at 14624 West Center Street. The parcel is currently 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 noted that the property and two adjacent properties were granted a variance to use the properties for specific purposes related to a highway business. Through discussion the Commission learned that while a building was granted a variance, access through the property might be a problem. Mr. T. Blair moved that the proposed zoning change be rewritten to include parcel 05-038170, 05-025800 and 05-012250. All parcels to be rezoned to B-2 Highway Business. Ms. Fisher seconded the motion. By voice vote the motion passed.
2. The Veterinary Clinic at 13625 West Center Street is currently zoned R-2 Residence. The Commission discussed the idea that all parcels between the current ODOT garage at 13595 West Center and Elmar Blvd and fronting onto West Center from the south side would better serve the goals of the Village as B-2 Highway Business. Mr. T. Blair moved that the proposed zoning change be rewritten to include parcels 05-049400, 05-049300 and 05-020600. All parcels to be rezoned to B-2 Highway Business. Ms. Fisher seconded the motion. By voice vote the motion passed.
3. 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

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match the adjoining Cemetery property. The Commission discussed and recommended rezoning parcel 05-707012 to S-1 Special. Mayor Koster moved to forward the proposed ordinance as drafted to Council. Mr. Johnson seconded the motion. By voice vote the motion passed.

4. The property owned by Geauga Maid on Baird Street, parcel 05-15300, is currently zoned B-2 Highway Business. The Commission discussed the suggested change to R-3 Multiple Residence zoning. The Commission decided that it preferred to focus on the property's eventual development as multiple family housing. Mayor Koster moved to forward the proposed ordinance as drafted to Council. Ms. Fisher seconded the motion. By voice vote the motion passed.
5. 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. The Commission discussed its prior recommendation to rezone parcel 05-002570 to B-1 Central Business. Ms. Fisher moved to forward the proposed ordinance as drafted to Council. Mr. T. Blair seconded the motion. By voice vote the motion passed.
6. The condominium development of Shannon Court is listed as R-2 Residence. The Commission discussed potential problems with others lots in the area deciding to split if the development was rezoned. Mr. Hicks asked why, if there were no problems, the Commission desired to change the zoning. Mr. Paquette stated that he felt that standardizing zoning to actual use as much as possible allowed to Village to claim that it followed its zoning and added to strength against possible claims by future developers who could possibly point to zoning errors as reasons they be allowed to do something against zoning. The Commission recommended 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	

Mr. T. Blair moved to forward the ordinance as drafted to Council. Ms. Fisher seconded the motion. By voice vote the motion passed.

The property on Rapids Road at or near 14750 Rapids Road and owned by the Burton Developers is once again being considered for development. The Commission was shown a map of parcels 05-045308, 05-006730, 05-003645, 05-006750, and 05-006740 as Council had initially approved in December of 2005. When the builders failed to move forward in a timely fashion the settlement agreement allowing them more dense housing became void. Mayor Koster mentioned that the builder currently interested in developing the property would like to construct approximately 30 homes in the area. The Commission discussed and decided that they needed to see a written proposal before making any decisions.

The Commission decided not to pursue any zoning discussion of the multi-family home purportedly at 13931 East Center at this meeting.

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Ms. Fisher asked about Burton Health Care and its zoning. Mr. Gruber and Mr. Hicks explained that the business is a conditional use for the type of zoning it occupies. No further discussion was expected.

Mayor Koster asked for approval of the December 7, 2015 minutes. Mr. T. Blair made a motion to accept the December 7, 2015 minutes and Mr. Johnson seconded. By voice vote the motion passed.

The Planning Commission scheduled a meeting for June 16, 2016 at 6 PM. The suggested location is the conference room at the Geauga Credit Union.

Mr. Johnson asked what happened to the Historic District Ordinance Chapter 159 of the Codified Ordinance. Mr. Paquette explained that the Historic District Ordinance updating Chapter 159 was before Council as was the proposed Property Maintenance Ordinance. Both are waiting on Mayor Koster's decision to either form an ad hoc committee to go over each of them or deal with them in Council. Mr. Paquette added that the Property Maintenance Ordinance was derived from Middlefield but was similar to those in Chardon and Cleveland Heights. Council, or whichever committee the Mayor appointed, could take apart the proposed ordinance and tailor it to fit the needs of the Village incorporating aspects of the nuisance abatement board and our own ordinances. The Property Maintenance Ordinance would add capabilities to Village enforcement of standards.

Mr. Johnson moved to adjourn and Mr. T. Blair seconded. Meeting adjourned at 8:35 PM.

Mayor

Clerk