

Planning Commission Meeting
October 13, 2016

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

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

Roll Call, Board of Zoning Appeals: Paul Emch – present, A.J. Bissell – present, Sharon Moster – absent, Al Tolchinsky – absent. BZA did not have a quorum.

Visitors: Rick Gruber, Christopher Paquette, Brian Passow

New Business:

Mayor Koster opened the meeting with a brief update on the status of the Ford property and those other parcels that were recommended for a change in zoning to Council. All ordinances have been presented to Council and are scheduled for a final vote at the 24 October 2016 meeting. Mayor Koster briefly discussed Council member R. Dobay's concerns about allowing stays of thirty (30) days at bed and breakfasts. Ms. Dobay has also expressed an interest in not changing the existing zoning for the properties suggested on East Center other than the Ford residence on East Park. Mayor Koster informed those present that Council needed five (5) votes to modify the ordinances. No changes are anticipated.

Mayor Koster reviewed the changes proposed and talked about the need for institutional memory. Mr. Paquette suggested that the best source of material and the only reliable record would be the minutes of the meeting. The minutes should reflect a brief but accurate description of the discussion and a clear record of events.

Mayor Koster asked Mr. Gruber to talk about Ronyak Paving and their potential driveway onto Colony Lane. Mr. Gruber reported that from a zoning perspective a use variance or a lot split would be required for Ronyak's to use the residentially zoned Colony Lane property for commercial purposes. Mr. Gruber explained that township residents on Colony have come out against the change. Ronyak's have offered to maintain Colony Lane including chip and seal every couple of years. Mayor Koster noted that Mr. Walkos, a Burton township resident living on Colony Lane has proposed at Council a suggestion to close off the road with a guard rail.

Mr. Johnson pointed out that there was a limited amount of R-1 (Suburban Residential) zoning within the Village and that every effort should be made to maintain it including removing the potential ability to change Ronyak's Colony Lane property from R-1 to M-2 (Industrial). Several Commission and Board members asked what impact that would have on other areas that are currently R-1 but being used as B-2 (Highway Business); Preston Auto Group on Dragon Sugar's property at Rapids and West Center was the example given. This broader area of discussion was left for a strategic planning meeting to complete. Mr. Bissel and Mr. Emch asked about truck use on Colony. Ronyak Paving would have to get a change not only of zoning but to the limitation on truck use on Garden and Colony as currently posted in the Village. Ronyak Paving would have to prove a hardship. Mr. Gruber was asked if the building of the driveway can be controlled. Mr. Gruber explained that under current zoning there was nothing preventing a driveway on residential or commercial property. The installation would be treated as new construction and as such would fall under those rules applied to all new construction

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such as Mayor's Permits, Erosion Control and the like. The Village Engineer would most likely become involved. The Village Solicitor has agreed with this view. Mr. Emch asked what would happen if they just put in a driveway for private vehicles, an employee entrance to Ronyak's industrial site. Mr. Gruber stated that in his opinion it would amount to commercial use of a residential property would require a variance. Mr. Gruber reported that he had driven by the site and noticed grading and a culvert being put in. Mr. Gruber stated that he contacted Dave Ronyak and asked him to stop until he obtained the proper permit. Mr. D. Ronyak agreed and said they were done. Maybe a few more trees but that was all. Ronyak's are awaiting a legal opinion. Mr. Paquette, noting that Mr. Ronyak's legal representative has been discussing options and opinions with the Village Solicitor, asked if the Village could obtain a deposit from Ronyak Paving to cover the cost of this legal advice. This would normally be the case if Ronyak Paving had presented a plan and applied for a variance or lot split with the Village. As they had not, the Village is paying out of pocket. The Board and Commission members discussed precedence and efforts of other communities with regard to collecting fees and recommended to Mr. Paquette that he go ahead and request a deposit from Ronyak Paving to cover legal and engineering costs with regard to this project. Mr. Bissell pointed out that changing zoning for one individual was spot zoning. Mayor Koster mentioned that consolidating the lots owned by Ronyak Paving may or may not make it all one type of zoning. Mr. Gruber didn't think that was the case based on precedence he had seen. Mr. Gruber had suggested a lot split to keep the larger portion residential and change only the portion with the driveway to allow commercial trucks. The entire parcel on Colony Lane owned by Ronyak Paving is over 11 acres. Mr. T. Blair suggested that the Village be proactive and put a weight limit on the road. The Commission and Board learned that Colony Lane starts at the curve on the north end of Garden Street. The prohibition for truck traffic on Garden extends through to the south end of Colony Lane in the Village. Mayor Koster summarized the discussion saying that at this point the Village was awaiting more information and a plan from Ronyak Paving.

Mr. Paquette asked about the procedure for someone living in the township to go through to request annexation into the Village. Mrs. Samuel, 14219 Claridon Troy, had requested annexation into the Village in order to obtain Village water and sewer access. Her property is not contiguous with the Village line and would require annexing other properties between her and the Village. Several suggestions were made as to how go about doing this including pursuing a method using the road right of way much as Middlefield Village has done. Mr. Paquette noted that Mrs. Samuel had received water and sewer pending her lot split solution however another individual in the Township, Mr. Dvorak, has approached the Village office and asked about the possibility of annexation or obtaining water and sewer or both. In this case, Mr. Dvorak's property is immediately outside the Village at the southwestern corner of Rapids and Hotchkiss. Mr. Emch suggested contacting Middlefield to see what procedure they used and Mr. Johnson suggested that the County Prosecutor and Commissioners be consulted. Mr. Passow suggested contacting the Village legal Counsel. In any case, the Village should establish a procedure so anyone coming before them and asking for annexation knows what to expect. Mr. Passow followed up with a question as to why the Village would want to annex. Mr. Johnson explained that in general, if we provide the benefit our water and sewer service to someone the Village would like to benefit from the extra revenue generated from that property. For the purpose of annexation, Mayor Koster asked to have them present a letter of intent to Council.

Mayor Koster asked those present what their general feeling on annexation was. Most agreed that the Village should try to annex at least north to the Kent State Campus. The

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Board and Commission held a brief discussion on septic systems versus the Village sanitary sewer. Information from the County has led to the understanding that the State of Ohio wants to discourage septic systems. The cost of new septic systems is apparently very expensive.

Old Business

Mr. Johnson asked after the Historic District Review Ordinance and wanted to know why it wasn't before the Planning Commission instead of the Village Council. Mr. Johnson went over a number of concerns within the content of the revised ordinance that he disagreed with. Mayor Koster stated that maybe the Historic District Review Board (HDRB) should be a subcomponent of the Planning Commission. Mr. Paquette explained that the HDRB was in place per a requirement from the Ohio History Connection in order to qualify for grants as a Certified Local Government under the Ohio History Connection programs. Mayor Koster felt that sometimes the HDRB took too long in resolving requests. Mr. Paquette pointed out that the HDRB met within the same standard of time as the Board of Zoning Appeals. Mr. Johnson stated that there was the potential to exceed that time frame. Mr. Paquette conceded that advertising for certain meetings could extend the time. Mr. Johnson also asked about changing the boundaries of the Historic District protective area and the makeup of the Historic District Review Board. Mr. Johnson felt the too few people had too much say. Mr. Paquette stated that the HDRB had similar safeguards as the other Boards and Commissions in the Village in that an aggrieved party could appeal to Council. Mr. Paquette recommended that he present these concerns to Council as they had the authority to change the document.

Mayor Koster mentioned the complaint made about Mr. Freilling's trailer and parking. Mr. Gruber explained that current zoning excludes travel trailers from consideration. The complaint now includes a concern about power cables. Mr. Gruber noted that the zoning regulations do not allow him to address it. Mr. Koster asked if the Village wanted to consider ordinances that could control these types of issues. Mr. Passow shared that his driveway and garage are on neighbor properties. The Board and Commission discussed other problems of shared driveways and buildings or drives on another person's property. Mayor Koster wanted to know if the Planning Commission would look at these types of issues in the future. Mayor Koster asked about requirements for driveways. Mr. Gruber stated that there were no restrictions in Village zoning concerning driveways. Mr. Bissell recommended looking at other towns around us to see what they did right and wrong. The Commission noted that the Young house on Goodwin, next door to the Cemetery annex, was demolished.

Mr. T. Blair made a motion to approve the Planning Commission Minutes from September 6, 2016. Mr. Johnson seconded. By voice vote motioned approved.

The Board of Zoning Appeals did not have a quorum and could not vote on the minutes of their last meeting.

Ms. Squire recommended that the Planning Commission and Board Zoning Appeals start looking at a formal strategic plan. She noted that the economic realities of the Village should be included in any plan. Ms. Squire recommended that the Village at least develop and maintain a standard level for a plan. Mayor Koster mentioned that Mr. Preston had donated \$10,000 to develop a strategic plan. Mr. Passow asked about the use of Cleveland State University to conduct and prepare a strategic plan. Ms. Squire felt that public needed to be involved and that the plan be followed and perceived to be followed. Mr. Paquette mentioned that the proposed survey was supposed to help with

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this. Ms. Squire recommended including the township, Berkshire and Kent State. Mr. Paquette explained that Ms. Kirby Date of Cleveland State had done some 60 hours for the Village and the results will be provided to the Commission and the Board. The cost for contractor to do a complete survey would be more than \$50,000, according to results from the recent Burton Public Library strategic plan. A cheaper alternative suggested by Ms. Date would involve a group of at least eight (8) citizens meeting once a week for about a year. Grants maybe available. Mayor Koster wants the Commission to start on this. A brief discussion was held about how to direct growth and where to encourage business. Mr. Passow and Mr. Gruber debated the B-1 (Central Business) area in the center of the Village.

Mayor Koster asked for a date to hold the next meeting and whether they would be holding it. Mayor Koster suggested 17 November at 7PM and asked everyone to confirm. Meeting to be held in the Village library.

Mayor Koster moved to adjourn and Mr. T. Blair seconded. Meeting adjourned at 9:30 PM.

Mayor

Clerk