

City of Canal Fulton

HPC and PLANNING COMMISSION MEETING MINUTES Thursday – September 15, 2005

Mr. Clayton Hopper called the September 15, 2005 Historic Preservation Commission and Planning Commission meetings to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL - PRESENT

HPC

Clayton Hopper
Bill Dorman
Chell Rossi
John Workman
Sandra Hayes

Absent: Dennis Browne, Diane Downing

Planning Commission

Clayton Hopper
John Workman
Mayor John Grogan
Don Schwendiman

Absent: Diane Downing

Others in Attendance

Johnson Belford, Zoning Inspector; Mike Mouse, Council President; Fred E. Etheridge, Schalmo Properties, Inc; Gene Houser and Terry Shultzman, American Traditions; Brent Artman, W.S. Design & Dev; Tom Bartlebaugh, Union Commerce Corp; Erik Flickinger, Flickinger Wetland Group, Inc.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mr. Workman made a motion to accept the August 18, 2005 HPC meeting minutes; seconded by Mr. Hopper. Correction: Cindy Bagocius and Johnson Belford were not in attendance; remove same. **ROLL CALL: Yes – ALL**

Mr. Workman made a motion to accept the August 18, 2005 Planning meeting minutes; seconded by Mr. Hopper. *Discussion:* Planning Minutes were not approved due to missing information; transcriptionist asked to resubmit. **ROLL CALL: NO – ALL**

HISTORIC PRESERVATION COMMISSION

PRESERVATION BUSINESS & CERTIFICATES OF APPROPRIATENESS

Certificate of Appropriateness

NEW BUSINESS

Mr. Bud Graham presented revised sketches incorporating requested changes from Stark County Building Dept. HPC approved the changes and Mr. Belford will advise Mr. Graham.

ADJOURNMENT OF HISTORIC PRESERVATION COMMISSION

Mr. Hopper adjourned the HPC portion of the meeting.

PLANNING COMMISSION

OLD BUSINESS

Recommendation to Adopt Stark County's Storm Water Management Plan and Send to Council for Adoption into the City's Zoning Code: Mr. Hopper said the Planning Commission could ask Mr. Belford to go to the Law Director and ask him to prepare same for review at their next meeting to send to Council. Mr. Dorman said they need to see where they are; whether they've been adopted yet by Stark County. Mr. Workman said they'll have to say the current Stark County Storm Water Management Regulations are adopted; Mr. Dorman said the ones today, he wasn't sure if it was in the final stages of approval. Mr. Belford requested a marked-up copy to get to the Law Director. Mr. Dorman said, "Or 'As Amended' – I don't know how to make sure, as 'current' could be now – playing semantics here. Mr. Workman stated, "Well, Stark County Storm Water Management Regulations 'In Effect at the Time of Application.'" Mr. Workman said it said further down, "In the event of a conflict between the balance of this chapter and the Canal Fulton ordinances." He asked why does this chapter have all/everything to do with it and was told, "in the event of a conflict between any Canal Fulton ordinance and the Stark County Storm Water Manage Regulations, the regulations shall prevail." Mr. Dorman said, "There are other storm water regulations that may not be addressed by Stark County that are still in effect. But, if there is a conflict, then Stark County governs, was the intent." It was asked why should they limit it to that chapter, and Mr. Dorman said he would have to see what that is a particular chapter or just a section. Mr. Workman said he didn't see why it would hurt to just take that out and then it would apply to everything in our code. If there's any conflicts, Stark County takes those, which is "kinda' what we want to do here; right?" Mr. Hopper said, "You'll find out when it goes back to the Law Director." Mr. Workman made a motion to approve the changes to the ordinance submitted that we're requesting be submitted to Council for the adoption of the Stark County Storm System Water Management Plan, subject to the changes we've made tonight; seconded by Mr. Hopper. **ROLL CALL: Yes - ALL**

Ordinance Clarifying the Conditional Use Permit Regarding Apartments Above Businesses that the Law Director was Requested to Formulate to Forward to Council for Approval: Mr. Hopper said this ordinance was for approval clarifying the Conditional Use Permit wording in B-1 and B-2. Mr. Workman said it doesn't say that; it says, "Whereas Section 1171.02 conditionally permits apartments above businesses in a B-2 zone, but it's a B-1 zone." Mr. Hopper said it was B-1 and B-2. He said the conditional use for this really is already in the book as a conditional use; it's just that it doesn't have the text in it for rentals, and they want to add the word "rental" to it. Mr. Workman said, "It applies only to rented apartments? So, in other words, if I have a large building, I can put in as many apartments in as I want to as long as I don't rent them?" (Transcriptionist could not understand answer.) Mr. Workman, "So you could have your extended family living in three apartments with no regulations whatsoever." Mr. Hopper, "Well, John, even on the, uh, when I look at the Conditional Use ordinance, for last month, we had our Conditional Use Hearing. I looked it and I thought about it, and I said yeah if I owned a business, as a, as a property owner, the building owner, and a business owner, if I want to sleep in that business overnight, why do I need the city's permission to do so? I'm paying taxes on it. It's my building." He went on, "They say they're standing up for the protection of or they're staying up because they don't want to sleep in the streets." Mr. Workman, "Doesn't that ordinance limit to one apartment above?" Mr. Hopper, "Yes; the ordinance says 'apartment above business.' Now, what we did last time, we looked at it as a business, if they had two businesses down below, we allowed them to have two apartments." Mr. Workman a motion to forward the ordinance to Council once it returns from the Law Director with the corrections to it; seconded by Mr. Schwendiman. **ROLL CALL: Yes – ALL**

Ordinance from the Law Director to Bring the City's Ordinance into Line with Certain Decisions Made by the Ohio Supreme Court on the Granting of Variances: Mr. Belford said Mr. Kincaid sent it to him, saying it was basically housekeeping. Mr. Hopper made a motion to forward the ordinance to Council and ask them to review it and add it to our current code as housekeeping; seconded by Mr. Workman. **ROLL CALL: Yes – ALL**

CONDITIONAL USE: No issues discussed

SHADE TREE BUSINESS: No issues discussed

NEW BUSINESS

Mr. Gene Houser, 655 Elm Ridge (Final Site Plan Review for Construction of New Building): Mr. Dorman said he was certain they needed to take any action. Based on the last review, it was left up to him meeting the engineer's recommendations. Mr. Johnson said he did submit a final plan. Mr. Dorman said there were no drainage calculations, and he wasn't expecting it to be on Planning's agenda, as they really don't need to appear before them again. Mr. Hopper said what's happened is that they approved it based on the engineer's recommendation, and if he is recommending that they submit storm water calculations, or at least proof that their storm water is contained or controlled to his satisfaction. The site plan still will remain approved. Mr. Workman made a motion to approve the final plat subject to the City Engineer's recommendation; seconded by Mayor Grogan. **ROLL CALL: Yes - ALL**

W.S. Design & Development Company (Preliminary Site Plan for Puffenberger Property): Mr. Belford presented comments from the department heads: Mr. Hopper made a motion that the Planning Commission table the preliminary plat until they have time to review the comments from the city department heads and talk a look at the infrastructure impacts of this development on the current sewer and water lines; seconded by Mr. Workman. **ROLL CALL: Yes – ALL**

Mr. Hopper suggested the Engineer and Mr. Artman review the comments from the department heads. Mr. Artman requested the comments from Police and Fire also; he received same.

The owner of the property, Mr. Tom Bartlebaugh, Union Commerce Corporation, engaged in a general discussion with Mr. Mouse, Council President, Mayor Grogan, and Planning Commission members about the development and general use of the property. Mr. Bartlebaugh requested a meeting with the Mayor, Council President and the Chairman of the Planning Commission to discuss the city's position and the ultimate use of the property.

ADJOURNMENT

Mr. Hopper made a motion to adjourn the meeting; seconded by Mr. Workman. Mr. Hopper adjourned the Planning Commission meeting.

Clayton Hopper, Chair