

City of Canal Fulton

HPC and PLANNING COMMISSION MEETING MINUTES Thursday – August 18, 2005

Mr. Clayton Hopper called the August 18, 2005 Historic Preservation Commission and Planning Commission meetings to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL - PRESENT

HPC

Clayton Hopper
Diane Downing
Chell Rossi
John Workman
Sandra Hayes
Dennis Browne
Bill Dorman

Planning Commission

Clayton Hopper
John Workman
Diane Downing
Don Schwendiman
Absent: Mayor John Grogan

Others in Attendance

Johnson Belford, Zoning Inspector; Dale Kincaid, Law Director; Victor Colaianni, Councilman; Paul & Cindy Bagocius, Fred E. Etheridge, Brent Artman, Ken Roberts, and John Hatfield, Residents

PLANNING COMMISSION

PUBLIC HEARING:

Ken Roberts dba Warehouse on the Canal, 239 N. Canal St. (Application for a Conditional Use Permit concerning the placing of up to two apartments located above 239 N. Canal Street - The Warehouse on the Canal building,)

Mr. Hopper opened the Public Hearing at 7:30 PM, stating after looking through some of the procedures for Conditional Zoning Certificate, the first thing he noticed is that the certificate is not filled out entirely; however, what it is lacking could be added as far as conditions that would be attached to the certificate. He said, "The certificate wouldn't be available until the conditions were met," and stated it was up to the members as to the conditions they would like to attach to the Conditional Zoning Certificate. The certificate is for an apartment above Mr. Roberts' business (The Warehouse on the Canal). Mrs. Downing asked how many apartments there would be, and Mr. Hopper stated all he has is the wording and referenced Chapter 1145.02, Line b – is some of the data required with the certificate; the other chapter says that one of the conditional uses is an apartment above a business. After talking with Mr. Kincaid, they agreed it allows for one apartment for one business. Mr. Kincaid said he and Mr. Hopper discussed the fact that it's the configuration of the building . . . that "it's sort of double, and if the Commission thought there were two separate businesses there, you could have two apartments, but that's up to you." Mr. Hopper said according to the minutes, he had asked Mr. Roberts last meeting how many apartments, and there wasn't a definite answer. He asked Mr. Roberts if he knew yet. Mr. Roberts answered, "I have one question on the parking. Is the parking – needs to be on the lot for the development?" Mr. Hopper said, "We haven't got to that point yet, but I would have to say 'No, it probably doesn't have to be.'" Mr. Kincaid said he didn't recall anything that says the parking has to be on-site. Mr. Roberts asked about it saying it only allows for an apartment above a particular business. Mr. Kincaid said, "An apartment; it's singular, says an apartment above a business, but Clayton had raised with me the issue of the fact that had a two-sided . . . building, and I think they could conceivably agree that there might be as many as two apartments." Mr. Hopper said, "But, as I

HPC / Planning Commission Meeting Minutes August 18, 2005

stated to you last meeting that's something that we need to determine." Somewhere along the line, Mr. Hopper said they need to determine if it's one or two apartments, and Mr. Kincaid said it should be on the application also, as it will become a permanent record. Mr. Roberts said it is two. Mr. Kincaid said if Mr. Roberts wants to execute one again, execute one below where he's executed already, the city should have the written records of what he's setting forth. Mr. Hopper asked Mr. Roberts to change same to read two apartments, which he did – initializing same. Mr. Kincaid said the other thing he was concerned about is that either the county or State building code is going to apply, so it's going to require all the rest of the items to be filled out as well. The location of the parking should be filled out. Mr. Hopper said the only thing he could think of that would be a condition of Mr. Roberts' certificate would be that if he is going to rent the parking spaces that are going to be assigned to the apartments that they be rented on a condition that they are on a guaranteed renewable lease, so that if the lot would ever be sold or transferred that they would go with it. Mr. Roberts said then if he had an apartment lease for one year, he has rental for a parking space for one year – and, if at the end of the year, the parking spaces go away and he can't replace them then that apartment's null and void for use. Mr. Hopper said then they would have to police that and he didn't want to get into that situation. Mr. Kincaid said that at the very beginning, we have to have where they are now at the beginning, so we know. Mr. Workman asked, "When you say off-site, are these spaces going to be so far away from the site that they're not going to be used?" Mr. Roberts answered, "No . . . within 500 feet." Mr. Workman commented on if tenants used the on-street parking that would be the concern and that is the problem – they don't want congestion in the downtown area. Mr. Roberts said he has space downstairs; he can put seven spaces in at a 45-degree angle, but it has a better use for that area as an outdoor dining and drinking area. He has made other arrangements for parking, but it's on private property and they'll have a lease, so they can provide the city "with an agreement or something." He said he can demonstrate they have spaces off-site or off-street to the city within 500 feet.

Mr. Kincaid asked that Mr. Roberts put some kind of sketch with his application regarding the layout of the upstairs. Mr. Hopper said one of the conditions he would be applying would he would want to see floor plans of the two apartments drawn to a reasonable scale, probably by an architect that meets at least State and County regulations, so that they know the safety of the occupants has been adhered to as far as the required entrances/exits, fire escape, etc. – making sure safety concerns have been met. Mr. Hopper said the best way to do that is if the plans are done and stamped by an architect, then it'll be his responsibility. Mr. Roberts said he has plans already done up, to scale, and he didn't need an architect to stamp them; he said he's been working with the fire inspector. Mr. Hopper said, "You do if I ask for it. You do it if I require it. If it's a requirement of your Conditional Use Certificate, if it's a requirement, you will need an architectural stamp on it." Mr. Roberts said, "OK." Mr. Hopper stated that Stark County's Building Code will probably apply, but most of all, the City of Canal Fulton would have a Fire Inspector make an inspection of it, but the fact that if Stark County (because it's a residence) Building Department will get involved with it if it's a remodeling or a building of an existing business. He said but because it's residential above a business, they might not, but if an architect was involved in the plans and placed a stamp on them, he would feel that all the safety codes of the county, etc., have been met at that point. Mr. Workman said he didn't think the County will accept any plans unless they are stamped. Mr. Kincaid said that's what he was getting at; we're not requiring anything that isn't going to be required by the County.

Mr. Roberts said the last time he inquired about the other apartments in town – or the other buildings in town that have apartments above the businesses – he was told they were grandfathered in. He said subsequent to the meeting, he'd spoke with Mr. Belford so he could be prepared for this meeting and asked if he could get copies of any city documentation that supported the grandfathering. Mr. Roberts stated Mr. Belford got back to him and told him there is nothing on file anywhere to support that those are grandfathered in. Mr. Roberts asked him how would he know that those apartments were there prior to the ordinance or after, and he said Mr. Belford stated he really didn't know. Mr. Hopper said he very well might not know because he didn't recall ever doing anything like this either, other than they once had a discussion about a downstairs apartment and talked about the parking, but it never happened. Mr. Hopper told Mr. Roberts that as far as what took place two days ago or 200 years ago in town; it has no bearing on this hearing whatsoever. He said the conditions that get attached to Mr. Roberts' Conditional Use, what has happened in the past does not have any bearing on it whatsoever. Mr. Roberts said he understands he's obligated for whatever the codes are today, but his question is that is other businesses in town have apartments above businesses, if they were there after the ordinance was passed, then they would be subject to the same things he is. Mr. Hopper told him if Mr. Roberts could prove that they were there after zoning

HPC / Planning Commission Meeting Minutes
August 18, 2005

then his course of action would be to file a complaint with the Zoning Inspector then go (probably) to Massillon's prosecutor. Mr. Kincaid said Mr. Belford called him about this issue and the city has no documentation they are aware of besides Mr. Roberts' application (which they have) and when somebody's grandfathered in, it is not required that they get a certificate. Mr. Roberts started talking about what Mr. Belford said, and Mr. Hopper said Mr. Belford is not here, but he spoke to him earlier. During that conversation, Mr. Hopper said Mr. Belford told him the first thing that is going to come out of Mr. Roberts' mouth is that "I told Johnson this," and guess what? It did! Mr. Roberts said, "So you're saying my only recourse . . . what I asked Johnson to ask the Law Director in the absence of any documentation supporting the city's claim, is there a procedure in place within city ordinances or how is that handled? That's all I'm asking." Mr. Hopper answered, "I would file a grievance with the Zoning Inspector." Mr. Kincaid added, "You were told correctly by Clayton. If you want to go after somebody in town, get some evidence, and you file a complaint with the Zoning Inspector."

Mr. Hopper then asked what are the conditions that are going to get attached to this zoning certificate. Mr. Kincaid said Mr. Roberts needs 1) a copy of the lease for the parking spaces (two for each apartment provided at all times); and, 2) the architect-stamped drawings. Mr. Workman said the drawings would give them the ingress and egress; that's the concern. He said there also has to be a fire escape on the building, and his concern was that it is in close proximity to the canal and in the Historic District, they wouldn't want something ugly just stuck on the side of a building that is an eyesore. They want a fire escape that will fit in/blend in with the area. Mr. Kincaid if they are going to put in a fire escape they need to come to the Commission for a Certificate of Appropriateness of same. Mr. Kincaid said the burden of providing parking spaces should be placed on the landlord. If the landlord doesn't provide the parking, he can be sited. Someone asked if sprinklers or extinguishers should be addressed, and Mr. Hopper said he was still a "little bit reliant on" there still has to be an Occupancy Permit issued, which would call for an inspection from our Fire Inspector then he would feel reasonable secure they are meeting code.

Mr. Workman made a motion to approve a Conditional Use Permit for the Warehouse on the Canal for up to two apartments, providing that Mr. Roberts can conform to the conditions imposed by this committee; seconded by Mrs. Downing. **Discussion:** Mr. Hopper said the Certificate wouldn't be issued until the other conditions are complied with (i.e., receipt of a guaranteed renewable lease for the parking spots for off-street parking and copies of the drawings). Mr. Hatfield said he does not have objections to Mr. Roberts having two parking spots, as long as it meets the requirements. He stated these requirements do not include blocking Mr. Hatfield in the back, as he has just put \$4,000 into retaining the back bank. He said he has had constant problems of everybody moving into his parking deck, and he is not going to stand down there to keep people off and he stated some of the people don't try to keep their own people off the way it is now; they're creating a problem. He will have people towed. Mr. Hatfield has maintained the road, placed drain tile, etc., so they could have room, so both Mr. Hatfield and Mr. Roberts "can get by." Mr. Hatfield said that if you put four or five other people in there and he wants to do something with the parking area under the deck also, the road needs to stay open so they can be used. Mr. Hopper said an easement for a loading dock is not a parking spot, so that easement has to stay open to that loading dock. Mr. Roberts said the seven parking spaces are 9' x 18' – you need a 13' aisle; they've got more than 30' wide, so it will not impact the easement they both use. Mr. Hatfield does not think Mr. Roberts can come up with seven parking areas there. He stated there is constant encroaching on his private property. Mr. Hopper said the receipt of your lease for four parking spots (two cars for the two apartments) and the receipt of your drawings would be subject to your receipt of the Conditional Use Certificate. Mr. Workman, referencing the lease, said it would have to be a legally instrument and not all leases are. We need something we can enforce down the road. He wants to see a lease that is a professional style boilerplate lease that can hold up in court; that's guaranteed renewable. Mr. Hopper said that in other words, if the present property owner that owns the property that you're leasing the parking spots from – if they sell it, that lease has to go with the sell, and the new owner has to honor that lease. Mr. Roberts said he didn't think that's going to happen because he can't dictate to the owner. Mr. Hopper said he could ask that owner to give him a guaranteeing lease where they have to honor that guaranteed lease. Mr. Roberts said if someone sells the property and the parking goes away, he doesn't have any parking spaces then the apartment goes away. Mr. Hopper said then it becomes a problem for the city to enforce the fact that you don't – or throw those people out of those apartments – and he does not want that problem. Mr. Workman said any lease that is written should be submitted to the Law Director for review, and if he accepts that then it's OK with the Planning Commission. **ROLL CALL: Yes - ALL (CERTIFICATE IS GRANTED.)**
PUBLIC HEARING ADJOURNED BY CLAYTON HOPPER

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mr. Workman made a motion to accept the July 21, 2005 HPC meeting minutes; seconded by Mrs. Hayes. **ROLL CALL: Yes – 5 Abstained: 2 (Mr. Browne and Mr. Dorman)**

Mr. Workman made a motion to accept the July 21, 2005 Planning meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

HISTORIC PRESERVATION COMMISSION

PRESERVATION BUSINESS & CERTIFICATES OF APPROPRIATENESS

Certificate of Appropriateness

NEW BUSINESS

Paul & Cindy Bagocis, 451 E. Cherry St. (Approval of sign for Bed & Breakfast, Approximately 3 sq. ft., construction of 6' high shadow box fence along rear of property): Mr. Workman made a motion to approve a sign and a fence for the back yard at 451 E. Cherry St; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

SS Philip & James Church, 412 N. High St. (Install new light fixtures on either side of main church entrance): Mr. Browne made a motion to approve the Certificate of Appropriateness for SS Philip & James Church; seconded by Ms. Rossi. **ROLL CALL: Yes - ALL**

ADJOURNMENT OF HISTORIC PRESERVATION COMMISSION

Mr. Hopper adjourned the HPC portion of the meeting.

PLANNING COMMISSION

NEW BUSINESS

W. S. Design & Development Co. (Review of Conceptual Plan, Puffenberger Property): Mr. Dorman introduced W.S. Design's representative Brent Artman, who is an engineer representing the owners of the property (Union Commerce Corporation) and asked him to explain the project and sketch plan to the Commission. Mr. Artman stated Union Commerce Corporation owns approximately 24 acres located between Locust and Canal Streets, right across from Lakeview and Prospect. They are proposing a 56-lot single-family residential development. The property is presently zoned R-1 Single Family Residential and there is a strip along Canal Street that is actually zoned R-2, which is one- and two-family. He said they'd like to do the whole thing in the manner of the R-1 district, and for the most part the lots they have within the development are going to range from 85' wide to 120' deep to (maybe) a 140'/150' deep depending on if they back up against Locust and Canal, where they provide a little bit deeper lots to be able to allow landscape and trees along the existing roadways. They plan on utilizing the dead-end of High Street, connect it in with that. They have a through road that comes through the property from Canal Street to Locust. There is one farm located on the property; they will be incorporating another farm for storm water management and water quality purposes to an area pointed out on the drawing. The property will be served by public water/public sewer, and they plan on installing 3,450' of roadway within the development. Mr. Artman said he intended to submit a sketch plan to Planning to get some feedback prior to going into the actual preliminary plans/plat for the development. Mrs. Downing asked if there was going to be any green space. Mr. Artman said there is no green space within the development; just roadway and lots. She said there is at least one councilman who is going to propose at least 25% green space. Mr. Hopper said currently in the works is a code revision that is just about to become law, which will increase their square footage to 12,000' with a 100' minimum width. The Public Hearing on it will be at the next Council meeting. Mr. Colaianni said there

HPC / Planning Commission Meeting Minutes August 18, 2005

was no opposition to the change. Mr. Artman asked, "Being the fact that we've already submitted or started the process, we don't fall under the regulations of existing code?" Mr. Hopper said, "No, it wouldn't because this isn't a permanent or a final site plan." Mr. Colaianni said Mr. Artman's preliminary plat and site plan has not yet been approved by the Commission, so it would fall under the new one if it's passed prior to that. Mr. Artman was told it would be an attribute to his company if they would conform to what the Planning Commission sees for Canal Fulton. Mr. Artman will have to review this with his company, as this will obviously cost them some lots. Mr. Colaianni asked which part of the property would go to the city and was told 5 acres behind the Senior Center. There were problems with High Street traffic patterns. Mr. Dorman said the area might be classified as a "collector," which would mean a much wider street and right-away. He added the collector, if you reroute the streets so you don't have a direct path through there, it may be classified as not a collector. Mr. Hopper said the main purpose of the city is to have a connection between two roads, because the city having a Police Department up there would like to have the Fire Department right next to it. Mr. Artman offered a solution referencing the map. Mr. Hopper stated part of the situation as they redo this development, the city would (he was sure) be willing to work a trade with some of the property given to them for something that is next to the Police Station. Mr. Artman said Mr. Belford explained that to him, but the only problem he could see with that is that it was some of the most desirable property on the parcel, and the low, wet property is not as desirable and not easily accessible. Not only that, the entrance they would bring in for site distance reasons and lining them up with the existing roads, he felt they were going to need the area to be able to do same. Mr. Dorman added that intersection should be 90-degrees. It was noted on the preliminary plot there has to be a grading plan/drainage concept. Mr. Artman summarized Planning's requests as follows (adding he was not aware there was a zoning change "in the works"): Change the lot sizes to conform to 12,000' with 100' wide; not make a through street between Locust and Canal; not to connect to High Street. It was noted if they have any cul de sacs, they could be 50' on the cul de sac at the property line, but the building line has to be 80' wide. A connection to High Street was also discussed.

Schalmo Properties/Fred Etheridge (Final Plat Discovery Park #5): Mr. Etheridge stated this project fills a gap they have in the zero lot line – the projects they've been doing since 1994, which have been successful – project, multi-family with age restrictions (The Villas). They are at Phase 19 now; platting/designing Phase 20, which is the last phase of that project, so they have a multi-family, zero lot line association taking care of grass, maintenance, snow plowing, etc. They have The Highlands, where they have the same concept in multi-family without age restrictions. He said this project would be zero lot line, detached single-family house with the same association-type management taken care of by the association. He said he believed zoning on this project would support a couple of hundred units. They designed it to accommodate 31 single-family houses and platting the whole allotment at this time; want to go ahead and put in all the utilities and streets; with the first platting, they'd like to do two single-family units, so they will plot the whole thing like The Villas. They put in the utilities and come back as the market pressures demand and add units to the plat; keep splitting it. This was originally approved in the preliminary plat stage in 1991. There's been some slight revision to the alignment of the roads; the zoning is the same. Together with the project approved at the last meeting (Discovery Park #4), which contained 40 single-family lots in their traditional allotment style and also the following item for Spring Morning will take care of all the property they have in what was once known as the Reese Farm. Planning will know (at this point) exactly what's to be done there, and there will be a good overview for all the infrastructure, etc. The sanitary sewer that went in before supports this project; it also opens up the balance of Elm Ridge Industrial Park. The homes will be large – as much as 2,000 sq. ft. There are three different styles of homes; Kenny Schalmo will build all the houses. Mr. Dorman stated the market has a demand for detached homes; Mr. Etheridge said they were getting a lot of requests for same. Mr. Workman asked about the zero lot lines. Mr. Etheridge said there would be 20' minimum between them. He said, "You have an undivided interest in the commons, but you own the fee simple to the footprint of the house." Mr. Etheridge said it will resemble Colonial Avenue – or the houses on Denshire – but it will be maintained by one landscape firm. Mr. Schwendiman asked what guarantees are there that the association would not collapse and the city will be forced to take the streets over. Mr. Etheridge could not guarantee same, but if there is any problem (i.e., they fail to pay their maintenance fees or take care of the property), the maintenance is a lien on the taxes. It was asked who their inspector is, and is anybody guaranteeing that the thickness of the road has been submitted; the streets that have sub grade have somebody tests to upgrade; are they being proof-rolled? Mr. Etheridge said the city inspects sanitary and water portion. Mr. Schwendiman was concerned about sub grade and are they getting the pavement thickness? Mr. Etheridge said he controls the rest and inspects himself. Mr. Schwendiman wanted to know if there was an inspector on the job making sure that when they come to soft spots on the road, do they dig them up and treat them as such; are they

HPC / Planning Commission Meeting Minutes
August 18, 2005

getting the right thickness. Mr. Etheridge's response to that was, "Yes, my pavement is thicker than your city streets. I have thicker asphalt than you have in your city streets." Mr. Hopper asked, "Would you have an objection to building these streets to the city's specifications?" Mr. Etheridge said he wasn't there watching them eight hours a day when they're working and paving. Mr. Schwendiman said, "So there is no watch dog when they're paving or making sub grade or whatever." Mr. Etheridge said he watches the conversions on the tickets on the tonnage, etc., and he is out there when they are paving, but he doesn't stay there all day long, but they have 8" grade. Mr. Etheridge asked, "Are you suggesting that because I represent the developer, I would let something go?" He was told, "No." Mr. Etheridge said, "I write the paychecks and they are bonded to me; the contractor is bonded to me on the private streets." Mr. Hopper said they (in the past) has asked the City Engineer to check into some wording changes in the code that would basically make private streets to be built according to city specifications. Mrs. Downing said there is concern from Chief Green about the width of the roads also.

Mr. Workman made a motion to approve, subject to the City Engineer's recommendations, the final plat for Discovery Park #5; seconded by Mr. Hopper. **Discussion:** Mr. Dorman wanted the parking confirmed; Mr. Etheridge said there are two spaces per house. **ROLL CALL: Yes – ALL**

Schalmo Properties/Fred Etheridge (Final Plat Spring Morning aka Colonial Hills #4): Mr. Etheridge said this project was known before as A Reserve to Colonial Hills #4. They had it approved and went to the EPA with it, but it required a lift station. Up until now, they didn't have the lift station (they do now). Mr. Workman made a motion to approve the final plat for Spring Morning aka Colonial Hills #4, subject to the City Engineer's recommendations; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

John W. Price Jr., 854 Colonial Ave. (Request for Change and Update in the Zoning Code, Chapter 1177, R-4A – Senior Housing): Mr. Price not in attendance; Mr. Etheridge represented. This issue is regarding the fact that a homeowner has a handicapped son that he has to care for and is finding housing to be a problem. Mr. Etheridge said next year Schalmo is constructing a building at the Redwing complex specifically for handicapped people. Mr. Etheridge referenced Federal Law which would allow up to 20% of the occupants of a 55 and older project to be younger than 55 years without losing the stature of senior citizens. Mr. Etheridge stated he didn't think they're asking to change any zoning; he thinks they're asking the city to conform (perhaps) to that 20% rule. They did not dedicate this area as 55 and older. Mr. Workman said why not just handle it as a Conditional Use then we could let whoever we want in there. The Conditional Use idea will be submitted to the Law Director, and if OK with Mr. Kincaid, this is the way they will go.

OLD BUSINESS

City Engineer Report on Request of Planning Commission to Recommend Construction Standards for Private Streets: Mr. Dorman would like to have a workshop done on this issue. He passed out information regarding same. He said he's done research and found out there is not much guidance for private streets, but one of the best is Summit County. He said Stark County was interesting in that regional Planning reviews private streets for single-family residents for the same standards as for public streets, but there is no review for condominium developments (per a legal opinion by a Stark County prosecutor). Mr. Etheridge stated condominiums are exempt from subdivision regulations in the State of Ohio, and that's why. Mr. Dorman said that standards listed are for public streets. He brought photos of an example in Stark County as a sample in our neighborhood they can look at in the workshop. He stated Summit County requires inspection of private streets. Mr. Dorman referenced who is going to maintain the common areas - the owners association. He said there is (language) a clause Summit County requires to be put on the plat and deed restrictions which could be useful during the workshop that states, "All responsibility and liability remains with the owners association, owners of the lots served by the private street. Deed restriction for private streets are required to include the following language: The undersigned grantee hereby acknowledges that he/she understand the premises described herein as located upon a non-dedicated right-away and further, the grantee understands that no government body is responsible for care and maintenance of said right-away and the grantee shall indemnify for any claims of any kind that may arise."

Mr. Dorman said the County is about to adopt one more public hearing, which would be the Storm Water Management System in the County. This is going to be the law of the County, probably in 30 to 60 days. Mr. Dorman reviewed it and referenced Emerald Estates saying that as a result of Emerald Estates, the County got

HPC / Planning Commission Meeting Minutes
August 18, 2005

caught in the middle of a lot of stuff, so they re-looked at their Storm Water Management System and right now we don't have a formal Storm Water Management Plan. Mr. Dorman said it was easy to default to the County – especially in situations like the Puffenberger Development where we are going to be dumping water into the County. Mr. Dorman wanted the Commission to review and adopt the County's policies (Zoning Amendment into Subdivision Regulations to add a line that says something to the effect of "Storm Water Management is to conform to Stark County Code"). Mr. Workman made a motion to ask Council to make a Zoning Amendment to the Subdivision Regulations to the effect that we adopt Stark County's Storm Water Management Regulations; **Discussion:** Mr. Hopper said they need to first request from the Law Director to draft legislation requesting Council to add this document to the Subdivision Regulations governing Storm Water Management. Mr. Dorman said this would apply to all new commercial and industrial sites and subdivisions. Motion seconded by Mr. Schwendiman. **ROLL CALL: Yes – ALL (Planning will instruct the Law Director to draft the legislation and then Planning will review same and send it to Council with the recommendation that they adopt it and add to the Code. Planning will request adding the emergency clause to the wording of the legislation.)**

The Workshop to be put on the next agenda for 6:45 PM on September 15, 2005. Mr. Workman made a motion to change the next Planning Meeting to 6:45 PM on September 15, 2005 to make room for a work session; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL (Mr. Workman will instruct Patti Troccoli to put an ad in newspaper reflecting the work session.)**

Hole Plates: There were many complaints about the hole plates on Locust Street. Somebody stated that anytime the city has multiple plates, they should be welded and at least span the hole by a bare minimum of 6" all around; there should be some coal mix, asphalt or something put around all the perimeters of those plates to hold them for a smoother ride to the public and to hold them in place. Also, there should be a time limit when the work is done on that hole, that hole should be put back and paved. A citizen got a flat tire because of this issue.

Fees for Site Plan Reviews: Mr. Workman said in the Subdivision Regulations there is a line that says the fee structure, but the way he reads it is that any lot that has been subdivided from another one, if you bring it in here for a plot review, you're subject to those fees. Mr. Hopper said that Mr. Belford is saying that lately there has been projects where there wasn't any money left, and he had to withhold a zoning certificate until he received payment. Mr. Belford said we should raise the fees to \$1,500 or higher because it's easier to refund it than it is to collect it. Mr. Workman said that language never got put in that there's \$1,000 upfront; and, when that's used up, you redeposit another \$,1000. The current language does not pick up R-1 or R-2. Mr. Workman said he thought that was a typo. Mr. Dorman read, "If the cost of site plan exceeds the \$1,000 deposit, the applicant shall pay the city a supplement deposit of \$250. Additional supplemental amount \$250 shall be levied as needed." Mr. Etheridge said you never have a site plan in R-1; you might (seldom) have one in R-2. Mr. Dorman said this was all started by developer would come in with no Engineering; the City Engineer would do all the engineering for him, so then Mr. Hopper said they didn't put the cost on the taxpayers, but they had to withhold a Zoning Certificate from a gentleman until they paid the engineer. They will ask Mr. Belford for examples at the next meeting and have it put on the next agenda.

ADJOURNMENT

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

Clayton Hopper, Chair