

Planning and Zoning Commission

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May 24, 2007

The meeting was called to order at 7:30 p.m. with the following members present: S. Klein, J. Linberg and R. Nichols. Commission members Mayor Poole and D. Watson are excused.

Also present: D. Weir – Village Administrator, T. Lee – Village Solicitor, B. Petronio – Administrative Assist., B. Provost – Village Engineer, S. Roesner – Zoning Inspector,

Agenda: Delete under N.B. – Revision of site plan – Briar Hill
Add under O.B. – Open Storage – Tractor Supply

The minutes of the April 26, 2007 meeting were presented for approval. No quorum; Move to June meeting.

OLD BUSINESS

Bonner annexation request: Richard Bonner and Jerry Petersen were present. There was a map included in the packet. Would like to annex a portion of property located immediately south of the main Dillen Products building. There were two issues with dedication of the road and getting a piece of land to the property line. Klein asked how Bonner felt about dedicating this road so that eventually some day the Village could use that road. Bonner stated that that's why he wants to keep the road private so that it doesn't become a thoroughfare. At the moment the road would not be connected to anything. There is an existing tentative plan to put a road through Federal Improvement which would be funded with state, federal improvement and village monies. Some time in the future this industrial area will grow and there will have to be some alternative route for traffic. The original plan was to build a truck route down to the B & O at Rte. 528. The problem was the restrictions that were imposed by ODOT on the B & O right of way because of the airport. A secondary plan was agreed to by Ford to donate the land to build a portion of the road down the B & O and then east through parcels that have frontage on Rte. 528. If that had worked out, then it would have been a good idea to have a second egress out on to Rte. 528 at least a potential to have another way to get out onto Rte. 528. The concept would be to try and get land dedicated to do that, even if it is never built. If in the future the road was built, the cost would be only for the road and not for the land also. Currently it is very difficult to get a discharge permit under the EPA regulations. It may come about that the only land that can be developed for industrial will have to already be in the village. Petersen as if Bonner builds back to the cul-de-sac area, the village is asking for a strip of land to be kept available for a roadway to be built at someone else's expense. It would be dedicated to the Village and become Village property for roadway purposes only. The Village would maintain the road. Bonner suggested giving the Village an option on the road for years out. The Village is not in favor of annexation beyond where the Village limits are currently so there has to be something that the Village would receive in return for making this annexation deal. Bonner stated he would give the Village the right to build the road at some point. Lee stated that idea could be taken to Council but that the Village could build the road but it would be on Village property. It would be the Village's right to build the road with no obligation to Bonner to build the road. It would create a restriction for him to build a building on the road. Petersen stated that there is a part where the existing road ends and asked if that is where the Village would continue the road all the way through. Bonner would have to engineer the rest of his road. Bonner stated he is not continuing the road all the way back. He is just going to develop the area around the cul-de-

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sac and back from there which is not dedicated road. Lee stated it's not so important as to what is there now but just that there is the ability to have land to get from the cul-de-sac back to the west property. The Village does not want just an easement but a dedicated right of way. This would be the best way to do this. Could do the dedicated right of way by street plat only. Would have to be 60' with a utility easement determined by the utilities company. Bonner would have full access and use of the road but the Village would completely maintain the road. The truck route was ready to go but then the planned industry did not come to town and the funding fell through. That plan could come to light years from now. The village does not want to have all of the truck traffic on Rte. 608 so the village is trying to protect the rest of it's streets from an overabundance of truck traffic. Petersen suggested reversionary language so that if the land is not used for roadway purposes it would become totally the village's property. Linberg stated that he did not think that would be a benefit to the village. In order for the village to do an annexation, the village wants a strip of land for a future roadway and the second item would be how it should be zoned. Bonner would like it to be industrial and commercial. The general area is zoned industrial but the comprehensive plan is recommending that the corner area of Rte. 528 & Rte. 87 remain as commercial. Might zone as commercial with the industrial use being pre-existing. The issue is not what is going to be used on the properties a year after the annexation but what happens when the existing buildings are falling down and something new is to be built, what gets built there. Need to plan on the zoning for years down the road. Nichols asked if the land that Bonner wants to annex have utilities on it already. Bonner stated that the utilities are on the road. Nichols stated that it would enhance the value of the property if there was access to the village utilities through the property and the road was dedicated. Would certainly increase the value of the property. Bonner will consider giving the village a 60' right of way, a 15' utility easement and dedicate the existing road. Consider looping the waterline in that area. The village will most likely ask for that in the future. Klein asked to get a map of all of the waterlines for the next meeting. Bonner asked why can't he cross the road on Rte. 528 to connect the waterline. Will discuss with the village engineer. Bonner will be at the next zoning meeting to discuss this project further.

Permit extension – Kraftmaid: Kraftmaid is requesting an extension of existing trailer and construct a second trailer. Kraftmaid has postponed the construction of new office area addition until 2008 and therefore need to extend their permit for the existing trailer and add another one. Some of the employees who were laid off have been called back to work. Lee stated that the village prohibits trailer use as an alternative to building office space. The village issued the permit under the condition that the building was going to be constructed. Allowing Kraftmaid to have these "temporary" trailers when the building is not being constructed even though they plan to construct in the future, is a very different scenario. Linberg stated that if having these trailers will keep people employed until the building is built, he would not have an issue with extending the permit and issuing for a new one. Weir stated that Tom Anderson stated that the building is scheduled to be under construction in 2008. Lee asked why do they need an additional trailer. Weir stated it was for their office personnel, equipment and supplies. Lee asked if the village is enabling them to delay construction for people who are already employed and those they are hiring for additional office staff. Since the construction has been delayed, business has increased slightly and therefore the

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additional space is needed. Nichols asked if this space is for new space or moving some from existing space until construction is complete. It is a space for some of the people until the construction is complete. Lee stated he would suggest to Planning commission that Council needs to decide this because if we have people using trailers while there is construction going that is one thing, but if people are in trailers for a building that may or may not be constructed and is tabled, that is a different thing. Could have a lot of businesses stating that it is cheaper to put up a trailer than build a building. The existing permit was for a trailer to be used by people who were coming in to review the plant process. When that project was complete, Kraftmaid requested to use those same trailers for office space. These trailers are not being just temporarily but until the office space is built in the next several years if ever. Other businesses in the village could say that they want to put their office staff in trailers because it is cheaper than building a new building. Council needs to decide on this. Nichols asked if there is a commitment on Kraftmaid's part for this construction in 2008. It is planned for construction. Planning commission can recommend to Council that they consider this permit. ***Linberg made a motion to recommend to council that they grant approval to Kraftmaid for use of one existing trailer and one additional trailer for immediate office use if and only if Masco is willing to commit to building the permanent structure to house individuals during 2008. Nichols seconded. ROLL CALL: All yeas (3) Will present to Council June 7th.***

Noise Survey Study – Bill Hannan: A good noise survey has been compiled for the Village of Middlefield. There was testing done at eight separate locations in the village. When testing is done outside, there are many other variables to deal with. Those variables have to be considered when doing this testing. Complete data is submitted in these surveys so that you can go back and figure out what was happening during a certain period of time. The village does have a noise level ordinance that might have to be amended depending on the noise study that was done. Mr. Hannan stated that the eight locations that were tested do not violate the noise level ordinance. Linberg asked why the same times were chosen for all of the testing. There was no late evening testing done in the industrial/residential. Complaints had been filed that there is a lot of noise during the sleeping hours. Could do another study for that time if the Village so desires. There was further discussion held about the noises at different times throughout the day and night. The issue at hand; is this the right standard and even if it is, could there be a better ordinance for enforcement. Enforcement is very difficult to do. Hannan stated that the most consistently enforceable is time weighted average and that he would modify our noise ordinance that is more enforceable. Lee will talk with Hannan about revising our noise ordinance and present it at the next Planning commission meeting.

Comprehensive Plan – Mark Majewski: Met with the Council and Planning commission at the beginning of the month. Had discussed some specific zoning matters and will look at a final version of the comprehensive plan soon. Klein asked if Majewski should look at the Bonner issue to give his input on that property. Lee stated it would be a good idea to hear Majewski's recommendation if this property were to be annexed into the Village. Right now it has a mixed commercial/industrial use and would it make sense to zone it commercial consistent with the other parcels along Rte. 87/Rte 528 or make it industrial without commercial. This would not change the existing use but could make a difference in what is

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built twenty years from now. Majewski will take a closer look at that area. Connections around the village are very important and have been looked at for years. Council asked Majewski to look at the old plan and still if those connections are still viable. Lee asked Majewski if requiring the connection on Bonner's property is a way of getting a long access point back into the industrial area. Majewski will have to take a more detailed look at that property. Should be included on approving the comprehensive plan. The area may never get built but the access route will be there. Weir will be meeting Majewski to go over these areas.

Open Storage Permit – Tractor Supply: Kip, store manager and Tom Battellino, regional manager were present. This request had come to the commission last month. The permit was not granted due to a number of zoning violations at the store location. Some of the violations have been resolved. Will be making a clear 4' walk way around the front of the store. Need to move equipment back behind the fenced in area. Held discussion with the zoning inspector about the plan needed to clear up these violations. The district manager stated that all of the violations will be addressed and corrected so that an open storage permit can be issued. Will still need the additional open storage for equipment that they keep in stock for sale. The handicap parking spaces need to be repainted and free of any equipment parked there. The commission commended the managers on having a scheduled plan to get these items completed. Need to have application for open storage permit submitted to the Village and have the zoning inspector inspect the area so that any changes that need to be made can be done before the next meeting. Plans, etc. need to be in to the Village two weeks prior to the next planning commission meeting.

NEW BUSINESS

Open Storage Permit – The Dog House (Shibley Property): This is to be a new business opening up at the Shibley Property. The owner would like to be able to set up a tent on the property and offer a free lunch (hot dogs, pop, cotton candy) to the participants in the Memorial Day parade. Participants would receive a coupon for the free lunch. Owner stated there is no food service permit required from the health department due to the fact that the food will be free. He has already talked to the health inspector. There will be portable sinks for hand washing. The actual business has not opened as of yet due to the issuance of certain building permits. Would like to be open within a month. The commission stated that the property owner has not completely conformed with zoning requests from the Village and therefore they cannot issue an open storage permit for this property. It is not so much the business owner but falls to the responsibility of the property owner to comply with the village codes. No occupancy permit has been issued for this property. The new renter does not feel he should be held responsible for what has happened in the past with this property. The commission denies this request.

Detention Basin – Woodsong: Information has been included in the packet. This subject has been discussed in Utilities and Council. Village engineer has reported that this is not a village problem but a private matter. The detention pond was built to specifications. Klein stated it was good to see the village help this resident solve a problem that was annoying to them.

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ENGINEER'S REPORT – None at this time.

ZONING INSPECTOR'S REPORT – Report is in the packet. There is an application for a shed on Springdale that denied and the homeowner would like to receive a refund of their application fee. The commission felt this was not warranted since the zoning inspector took time to review it.

Klein commented that the driveway exit from the Dollar General needs to be reviewed since people are using that as an entranceway because there is no distinctive sign that stated it is the exit. Weir will check on that and contact the property owner to have the problem remedied.

Being no further business at this time, the meeting adjourned at 10:00 p.m.

Secretary

Chairman