

Brewster Village Planning Commission Meeting Minutes March 28, 2019

Chair Chuck Hawk called the Meeting to Order at 7 pm and the following PC members answered the Roll Call: Jerry Layne, Joe Musacchia, Mike Schwab, Don Glick, and Chuck Hawk

Also, in Attendance: Zoning Board of Appeals members Ken Damewood & Ray Heitger and VA/Zoning Commissioner Mike Miller

Noted on Meeting Agenda : Legal Ad for meeting ran in the Massillon Independent on 02/23/2019

Audience – No one in attendance

Minutes of the January 24, 2019 Planning Commission Meeting were provided. Schwab provided a quick review of those Minutes. Chairman Hawk asked if there were any corrections or addition to these Minutes and received none. **A Motion was made by Jerry Layne and Seconded by Joe Musacchia to approve the Minutes as provided. There was no discussion and all members voted to Approve**

Business: Tonight's meeting is a continuation of a January 24, 2019 meeting for the review and updating of the Village Zoning Code

TOPIC #1: Hawk noted that Topic #1 on Agenda is to revisit the Carport Amendment addition to 153.019(O) Accessory Buildings recommended by the Planning Commission that was denied by Village Council

VA Miller provided several handouts which included a Carport Informational Sheet that will be provided to the Public, a sheet listing sections of Chapters 153.002 and 153.019 that apply to the installation of a Carport as an Accessory Building, and a Detached Garage Informational Sheet that is provided to the Public. VA Miller advised the PC that after some internal discussion and research it has been determined that a Carport should be considered to be an Accessory Building and will be required to meet all restrictions in the Village Zoning Code for an Accessory Building as a Detached Garage.

In discussion Planning Commission & Zoning Board of Appeals members offered:

(1) that a carport could be considered as a temporary building requiring a renewal of a permit and fee once a year, (2) contents of a carport should be restricted to such items as vehicles or boats, but not storage of items or trash, (3) that vehicles stored in carports should have a valid & current license (4) that the carport must have access from an improved street or alley, (5) that a limit be placed on the number of accessory buildings on a Lot, (6) that carports should be inspected regularly or annually, (7) an annual fee be established for carports. NO ACTION was taken on any suggestion

VA Miller also talked about a residential property that recently had all grass and vegetation stripped from the rear yard and replaced with limestone. He suggested that the PC may want to consider a review of requiring a specific percentage of lot coverage in grass and vegetation under the zoning code.

TOPIC # 2: Chairman Hawk moved to Topic # 2 on the Agenda – Sidewalks and asked VA Miller to address this topic. VA Miller provided a two-page handout that listed current Village ordinances that regulates sidewalks in Brewster: 93.17 – Opening Permit Required, 93.18 – Issuance of Permit; Fee, 93.26 – Duty to Repair & Maintain, and 93.27 – Concrete Sidewalks; Free of Hazards. On the handout the VA suggested that the PC may want to look at under Duty to Install Sidewalk: "It shall be the duty of every owner of a lot or parcel of land situated within the corporate limits of the Village to construct a new sidewalk along the public street, alley, or way adjacent to the owner's lot or parcel at the time a new building is built on the owner's lot or parcel of land when there is an existing sidewalk that terminates at either side of the owner's lot or parcel of land." The handout also suggested that it would be the Village's responsibility to provide curbing and ADA compliant ramps at intersections when newly constructed or reconstructed sidewalks are installed.

VA Miller talked about a new home constructed on Sixth Street W. that would fit the situation described in the Duty to Install Sidewalks and that the Village currently does not have zoning regulations to require sidewalk on the property on which the home has been built to continue that neighborhood's existing sidewalks. Discussion by the PC agreed with the VA's assessment and allowed that it was a common-sense application of a zoning code to require the continuation of the sidewalk in such situations.

A Motion was made by Mike Schwab and Seconded by Jerry Layne to recommend to Village Council that Duty to Install Sidewalk: "It shall be the duty of every owner of a lot or parcel of land situated within the corporate limits of the Village to construct a new sidewalk along the public street, alley, or way adjacent to the owner's lot or parcel at the time a new building is built on the owner's lot or parcel of land when there is an existing sidewalk that terminates at either side of the owner's lot or parcel of land." be added to the Village Zoning Code. All members voted to Approve

TOPIC #3: Chair Hawk noted on the Agenda that Topic #3 was a continuation of a topic from past PC meetings – the proposed addition of an Agricultural Zoning District to the Village Zoning Code. He asked Mayor Schwab if he would like to start the discussion.

Schwab provided a handout that was a draft of an A-1 Agricultural Zoning District. He noted that this draft is similar to the draft provided to the PC on January 24, 2019 with minor revisions offered by the Village Solicitor. He also noted that the Solicitor has advised that in his opinion the content meets legal requirements and is applicable to the intended use. Schwab provided a review of the content citing the Intent, Definition, Uses, including Accessory Uses, Conditional uses, signs permitted, parking, and minimum dimensional requirements – setbacks and so forth. Schwab mentioned that the creation of an A-1 District is intended to be prepared for the annexation of the recently acquired solar field property into the Village. It was added that the solar field as a public utility facility would be grandfathered and not require a conditional use permit.

Jerry Layne asked about #8 – Public Utility facilities under the (C) Conditional Uses and suggested it should be expanded to also include other public utility facilities including those that may not be in existence at this time.

VA Miller suggested that under 153.208 – Minimum Dimensional Requirements a note should be added that the listed "Percentage of Lot Coverage of 10%" may be increased by the Planning Commission as a part of any Conditional Use Permit approved in an Agricultural Zoning District.

Schwab mentioned that the proposed draft is consistent with what the Ohio Revised Code permits in a Township that has zoning and would fit any future instance of annexation of land that is adjacent to Brewster.

A Motion was made by Jerry Layne and Seconded by Joe Musacchia to recommend that Village Council adopt an Agricultural Zoning District as provided in the draft reviewed and with two additions: under (C) Conditional Uses #8 – Public Utility facilities additional language "and similar utility installations" be shown after wind turbines, and in 153.208 that in reference to "Percentage of Lot Coverage" that language be added "Note: The percentage of Lot Coverage may be increased by the Planning Commission as a part of any Conditional Use Permit approved in an Agricultural Zoning District" There was no discussion and all members voted to Approve

TOPIC #4: Chair Hawk returned to the Agenda and asked if the members of the Planning Commission & Zoning Board of Appeals had any zoning topics or issues that they would like to offer or discuss. None or offered

TOPIC #5: Chair Hawk asked member Schwab if he would like to talk about the draft of Screening and Buffering Zoning regulations that were included in this night's handouts. Schwab a quick overview of the proposed three pages of the draft. He mentioned that research has shown that other communities use Screening and Buffering regulations that are much more complicated with more hurdles and stipulations and the offered draft is a starting point to address the many potential conflicts between commercial/industrial zoned properties and the Village residential areas. Schwab believes the Village has an obligation to find measures that would lessen the impact of future commercial growth on residential areas and that trying to address such issue after the fact is impossible. He urges each PC member to review the draft for the next PC meeting in hopes of reaching a conclusion in the proposal.

TOPIC #6: Chair Hawk asked if there were any other topics for discussion. VA Miller offered that he would like to address what he believes to be a discrepancy in the Village Zoning Code. He advised that in a B-1 General Retail-Office District the Maximum building height is 80 feet which is nearly as tall as a recent height variance of 87 feet approved by the Zoning Board of Appeals in an I-1 Restricted Industrial District. (Note: the Maximum building height permitted without a variance is 45 feet in an I-1 Restricted Industrial District). VA Miller suggested that the maximum height in a B-1 Zoning District be similar to that of a B-2 General Retail, Office, Intensive and Motorist Services Business District which is set at 35 feet.

A Motion was made by Jerry Layne and Seconded by Joe Musacchia to recommend that Village Council adopt language in the Village Zoning Code to modify Section 153.139 MAXIMUM BUILDING HEIGHT to set the Maximum building height at 35 feet in a B-1 General Retail-Office District. There was no discussion and all members voted to Approve

TOPIC #7: VA Miller mentioned that there are two potential zoning variances that may be put before the Zoning Board of Appeals as possibly as soon as an April date.

Schwab asked the Planning Commission/Zoning Board of Appeals members whether there was an interest in adopting Bylaws for the Zoning Board of Appeals similar to what the Planning Commission adopted on January 24, 2019. The members offered that they would have an interest and Schwab stated that he would possibly have a draft document available as early as the potential April meeting of Zoning Board of Appeals.

Chair Hawk asked if there was a Motion to Adjourn the Meeting. **A Motion was made by Jerry Layne and Seconded by Joe Musacchia to adjourn. There was no discussion and all members voted to Approve**

Meeting adjourned at 8:05 pm

Chair Chuck Hawk

Secretary Mike Schwab