

HERMITAGE PLANNING COMMISSION

MINUTES

Monday
November 5, 2007
Regular Meeting
8:30 a.m.

MEMBERS PRESENT:

Chuck Rogers – Chairman
Woody Steele – Secretary
Ed Benton
Laura Blaire
Shannon McConnell
Chester B. Scholl

MEMBERS ABSENT:

John Coupland
Mark Passalinqua
James Tamber

OTHERS PRESENT:

Marcia Hirschmann
Tom Kuster
Cindy Pagliaroli
Jeremy Coxe
Jan Farmakis
Nathan Zampogna
Gary Hinkson
Gary Gulla
Joe Pinchot
Luanne Franklin
John Fair
Mike Ristvey

There was one other person in attendance.

Mr. Rogers called the meeting to order at 8:31 a.m. in the Hermitage Municipal Building, Conference Room #303.

Mr. Rogers asked for public input. There was none.

APPROVAL OF MINUTES:

Mr. Rogers asked for approval of the minutes of the October 1, 2007 meeting. Mr. Benton made a motion to approve the October 1st minutes. Mrs. McConnell seconded the motion and the motion carried unanimously. The minutes were approved as distributed.

SUBDIVISION PLANS:

Paul P. & Stephanie Fusco Subdivision Lots 2 & 3 (Robertson Road)

Mrs. Hirschmann explained that the purpose of this plan is for the creation of two building lots, Lot 2 and Lot 3, each containing 20,000 square feet, with remaining lands containing 44 acres. She noted that this same plan came before the Planning Commission previously but was not completed by the contingency deadline and therefore is being resubmitted now.

Approval of the plan would have the following contingencies.

- 1) Drawing corrections
- 2) Letter from water company verifying water service or executed waterline extension agreement
- 3) Two sets of permanent ink mylars with signatures and seals

Mr. Rogers asked for questions or comments on this plan. There were none. Mr. Steele made a motion to approve the Paul P. & Stephanie Fusco Subdivision Lots 2 & 3 with the noted contingencies. Mrs. Blaire seconded the motion. The motion carried unanimously.

PROPOSED ZONING ORDINANCE AMENDMENTS:

Recommendation on a proposed Zoning Ordinance Text amendment to create an Institutional-3 Zoning District and recommendation on a Zoning Ordinance Map amendment to change the classification of lands situated on the west side of North Hermitage Road from Institutional to Institutional-3 Zoning District.

Mrs. Hirschmann explained that after tabling a Commercial rezoning request from Hoss's Restaurant for the Frankin property, the Board of Commissioners directed the City staff to create a draft amendment for a new zoning district that was named Institutional-3. She noted that a sub-committee of the Planning Commission met to discuss the proposed Institutional-3 district, and then City staff created the amendments being considered today.

Mr. Rogers asked for comments from the Planning Commission. He stated his opinion that a restaurant is not a compatible use with current uses in the Institutional district. Mrs. McConnell agreed with Mr. Rogers.

Mr. Rogers also noted Section 308.46 (B) of the proposed text amendment regarding building architecture and questioned if a restaurant would match the existing buildings on the neighboring properties, most of which are of a residential design. Mrs. Hirschmann responded that a conditional use provides for some degree of subjectivity whereby the developer must prove to the Planning Commission and the Board of Commissioners that the building design meets the standards set forth in the Zoning Ordinance. Attorney Kuster said that the proposed language is not binding but instead is criteria for approval of a design.

There was a brief discussion about a restaurant built in the style of the Golden Corral locating in the proposed Institutional-3 district. Mrs. Hirschmann stated that it would need to be reviewed by the Planning Commission and the Board of Commissioners to determine if it met the established criteria and they could then make design suggestions. Attorney Kuster noted that the Golden Corral had issues like volume, parking restrictions, signage, traffic study and access that may not apply to a building locating in the proposed Institutional-3 zone.

Mr. Rogers stated that he felt there was no language in the proposed amendment that would prevent a Golden Corral style restaurant from locating in the Institutional-3 district if a developer was to purchase a few adjoining lots. He said that a restaurant of that type would be totally out of character with the intention of the Institutional district.

Mrs. Blaire asked if there was a consideration to place a restriction on the size of buildings in the proposed Institutional-3 district, noting it would address the concern of too large of a building being constructed. Jeremy Coxe, City Planner stated that the current lot sizes would limit the building size. Mrs. Hirschmann replied that language addressing building size could be added to the proposed amendment.

Mrs. McConnell asked if the language allowing dine-in restaurants could be removed from the proposed amendment because if they are permitted, eventually multiple restaurants could locate there and that would create a "restaurant zone".

Mrs. Hirschmann briefly explained the history of the Institutional zone, noting that it was originally created to protect the character and the adjoining land uses in the areas immediately surrounding the schools and government offices while allowing for the redevelopment of the residential properties in the district.

Mr. Rogers asked for a motion on the recommendations from the Planning Commission.

Mike Ristvey, property owner of lands in the proposed Institutional-3 district, asked the Planning Commission what is to be preserved by maintaining the Institutional zoning designation instead of rezoning these lands to Commercial district. He feels that it is a dangerous proposition to create the Institutional-3 district because future developers will present requests for new zoning districts that will suit their needs and expect the Zoning Ordinance to be tweaked in their favor also. Mr. Ristvey stated that the remaining residential property owners in the proposed district have tried but cannot sell their properties as Institutional because there are no interested buyers.

Mr. Steele stated that the proposed amendment will provide the necessary latitude for the Planning Commission and Board of Commissioners to be selective in what to allow in the Institutional-3 district, and he felt size and height limitations could be incorporated into the amendment language. He said that the area proposed to be rezoned as Institutional-3 is no longer just residential and that rezoning it as such will preserve the property owners' rights and protect the schools. Mr. Benton agreed with Mr. Steele.

Mrs. McConnell commented that if the proposed Institutional-3 lands were rezoned to Commercial, the traffic volume would increase and cause a problem for the school district if the students ever need to cross North Hermitage Road to access one of the other buildings. She said that she could not see the reason to rezone these lands to Institutional-3 and asked why they could not remain as Institutional.

Mr. Scholl said that creating more Institutional areas would increase traffic because people working at the businesses in that district would need to drive to lunch since there would be no commercial establishments within walking distance.

Mr. Ristvey stated that amending the Zoning Ordinance would not give developers the assurance that they can build in Hermitage without appearing before a committee for a decision. Mr. Rogers responded that there are 130 acres of undeveloped commercial property in the City, which is ample space for development. Mr. Ristvey said that it is time to change the zoning along Route 18 to commercial.

Mr. Rogers asked if there was any motion to present to the Board of Commissioners regarding a recommendation on the Institutional-3 Zoning District. He reminded the Planning Commission that in the past they had twice approved a rezoning request for the Franklin property from Institutional to Commercial.

Mr. Benton made a motion to recommend approval of the Institutional-3 Zoning District as written. Mr. Steele seconded the motion with comment, stating that he would like to see square footage and height requirements included in the amendment language.

There was a brief discussion about building and lot sizes.

Mrs. Blaire asked if there are homeowners in the Institutional district who cannot sell their properties as Institutional properties.

Luanne Franklin, property owner of land in the proposed Institutional-3 district, stated that she has not been able to sell her property in recent years because interested buyers are looking for commercial

property. Mr. Ristvey said that he knows of two residential properties next to his that tried to sell for a year and a half and could not, even though they were trying to sell them together.

Mr. Rogers again asked if there was a second to Mr. Benton's motion, since Mr. Steele's second could not be accepted due to his request for a change in the amendment language. There was no second to Mr. Benton's motion.

Mr. Steele then made a motion to recommend approval if square footage and height requirements are added to the amendment language.

John Fair, a realtor working with Mrs. Franklin, said that he had no objection to Mr. Steele's suggestion to add building size requirements, but he felt that limiting a building to 5000 or 6000 square feet was too small for a 3-acre lot. Mr. Ristvey added that the road frontage should determine building size. Mr. Rogers replied that if two or more lots were combined, a very large building could be erected that would not be in character with the Institutional zone.

Mrs. McConnell stated that the Institutional zone protects the feeling of the corridor around the schools, which is very different from the feeling of the corridor in the Wal-Mart area.

Mrs. Hirschmann reminded the Planning Commission that the Board of Commissioners has scheduled the public hearing and final vote for December, so a recommendation on the proposed amendments is needed from the Planning Commission before that time. She and Attorney Kuster advised that a change and/or addition to the amendment language can be made now and it would be included in their recommendation to the Board of Commissioners.

Mrs. Blaire stated that she is interested in insulating the schools, but she noted that there currently is a commercially zoned parcel next to the Park Place Plaza that is very near to the Artman School. There was a brief discussion regarding allowable uses in commercial zones and lot coverage requirements.

Mr. Rogers asked Mrs. McConnell if she wished to make a motion. She replied that she was still concerned that allowing restaurants in the Institutional zone would change the emotive quality of the area.

Mrs. Blaire asked what the Institutional-2 zone allowed and Mrs. Hirschmann responded that it included senior housing, assisted living facilities and similar uses. Mrs. Blaire stated she would like to see further study done to revise the existing Institutional zone language instead of creating additional Institutional zones.

Mr. Scholl made a motion to recommend rejection of the proposed Zoning Ordinance Text and Map amendments for the addition of an Institutional-3 zoning district, as submitted. Mrs. McConnell seconded the motion. Mrs. Blaire and Mr. Rogers voted in favor of the motion. Mr. Benton and Mr. Steele opposed the motion. The motion for the recommendations to reject the proposed amendments carried.

Mrs. McConnell suggested adding a comment to the recommendation opposing the creation of new Institutional zones. Mr. Steele suggested adding a comment that the amendments could be acceptable if square footage and height requirements are added to the language.

OTHER BUSINESS:

Buffer / Lighting Requirements – Mrs. Hirschmann stated that the sub-committee has discussed ideas for proposed ordinances.

Regarding buffers, it was recommended to categorize development into more than one category, and these would be based on building size and zoning district. It was also determined that the buffer requirements should vary depending on the development category.

Regarding lighting, it was recommended to add language defining direction and shielding of lights, height of light fixtures, and submission of a lighting plan for large developments.

There was a very brief discussion about buffers and lighting. Mrs. Hirschmann advised the Planning Commission members to forward their comments and suggestions to her.

Shenango Valley Multi-Municipal Comprehensive Plan update – Jeremy Coxe said the draft would probably come before the Planning Commission for discussion in January or February.

Mercer County Regional Planning Commission update – Mr. Benton stated there were no items relating to Hermitage on the agenda at the last meeting.

Mr. Rogers advised the Planning Commission members of an upcoming, public meeting concerning the Interstate 80 tolls issue.

There were no public comments. The meeting adjourned at 9:48 a.m.

Respectfully submitted,

Cindy Pagliaroli
November 8, 2007