



Village of Harveysburg

Planning Commission

79 West Main Street, Harveysburg, Ohio 45032-9998

December 12, 2023

Planning Minutes

Present:

- Randy Carruthers – Commission member
- Mark Wilkie – Commission member
- Phil Trovillo – Commission member
- Tim Hill – Commission member / President
- Dick Verga – Commission member /Mayor

Visitors / Guests:

- Mark Tipton – Council President
- Josh Allen – Cross Development/ DG rep
- Pat Bennett – Resident & Council member
- Jim Nelson – Resident & Council member
- Mike Hatfield – village resident (visited late, mostly to pick up Verga)
- Jonathan Funk – future mayor

This is a summary of the meeting of the Harveysburg Planning Commission held December 12, 2023, at 6:30 PM. Upon request, a recording of the meeting is available for review.

- I. Call to order at 6:30.

- II. Roll Call: Trovillo, Carruthers, Wilkie, Hill, Verga.

- III. Approval of Meeting Minutes: Minutes read from October. Carruthers motions to approve minutes; Verga seconds, all in favor, ayes have it. **Motion passed – minutes approved.** Minutes from November read. Carruthers motions to approve; Hill seconds, all in favor, ayes have it. **Motion passed - minutes approved.**

- IV. Opening Remarks by the Chair & Commissioners:
 - A. Free School Update: Hill sat in on a zoom meeting with Chase Kirby & Ben Yoder. All agreed on the call that the paving is ok for now since the zoning code makes the exception for 601.2 to apply only when “parking spaces do not provide direct access to a public street”. The paving does provide direct access so it’s a bit like street parking in Hyde Park per Kirby. Yoder agrees. Hill told Yoder any new plans need to be reasonable & done right. Yoder agrees states “yes, it has to be done right.”

- B. Verga states Rivera says they need an accessible way from parking into the building. Jim Nelson states future plans of the HBHS are to put parking across North Street. Hill states they need to (& have been told this) get ownership sorted out with the auditor GIS so when they go to develop, property records will not be an issue.
- C. Pat Bennett asks if Planning commission needs to vote that the stop work order be lifted. Carruthers makes a motion that the stop work order be lifted. Phil seconds. All in favor, ayes have it. All opposed – none. **Motion passed & stop work order lifted.**
- D. Verga states old articles of incorporation specified Main, North & South to have 40' right-of-ways. North Street has no utilities underground & believes the right-of-way should be redrawn to be narrower. Discussion follows that water & sewer lines are under the street, but nothing beside the road. Jim Nelson mentions ditch lines need to be captured in ROW also. Verga mentions the old ROWs were set based on drainage swales on each side of the street. Jim Nelson talks about ROW on Loraine did not have enough room for drainage which created a problem for the school foundation.
- E. Jim Nelson asks if \$100 permit fee for parking improvement can be refunded since they did not need the permit. Verga says the village should refund. Hill states improvement to their property was done which required site plan review. Nelson states council approval for parking to be in the grass was already in place & all they did was put gravel down. Hill contends that since no site plan or striping plan was submitted, it is unclear how exactly the asphalt is intended to be used. It could be one parking space for one car parked parallel to North Street. We don't know until a proper site plan is submitted which hasn't yet happened. More discussion followed. Jonathan Funk asks if a builder put a deck in & was stopped for no permit. Then if the deck was found to be wrong, would the fee be refunded? Nelson brings up Kevin Martin & why he has never had a stop work order. He'd like to see people treated equal. Tipton submitted 20 locations in town that were zoning violations to the mayor last year & nothing was done. Verga says a lot of phone calls were made but admits not much was done. Nelson says the Free School requested parking improvement prior to installing the blacktop. Hill states the fee could be refunded, but more discussion & explanations would need to happen.

V. Old Business (7:30-8:18pm)

- A. DG/ Cross – Josh Allen explains traffic study example from Ross TWP was out of 11,000; DG had 9 of those cars in am, & 18 in pm; As a comparison, new 73 has 7,000 cars in the peak hour. Hill asks Allen what sort of pedestrian access is planned for this “neighborhood grocery.” Response by Allen – all the access would be along the road. Discussion follows regarding potential sidewalk to bring pedestrians in. Slope of the existing site is an issue. Allen contends if a sidewalk were to be put in, it would have to be made accessible, & it is an 8' drop from Old 73 down to the building site. Hill research's Ohio Building Code after the meeting confirms this:

- i. *From OBC1104.1 Site arrival points. At least one accessible route within the site shall be provided from public transportation stops, accessible parking {etc}...
Exception: Other than {residential units} an accessible route shall not be required between site arrival points and the building or facility entrance IF the only means of access between them is a vehicular way not providing for pedestrian access.*
 - ii. *Hill commentary (in these notes only) – based on the building code rule above, it appears that Mr. Allen was correct. If a sidewalk goes in, it would then need to be made accessible. There is no rule however that I know of that says a sidewalk to the street must be put in so it appears to be up to the discretion of the developer to build it without a sidewalk & the Planning Commission to also approve it that way. If 3 commissioners agree this development should be allowed without a sidewalk, then the development can happen as proposed. **(this commentary in italics was not stated in the meeting & is entered in these notes as clarifications on items brought up in the meeting; this will be read in the next meeting in case more discussion needs to happen then).***
 - iii. Allen states he will look for a way for pedestrians to access the site. Extending a sidewalk from the town is probably not in the budget. Ross TWP example was a very walkable site with sidewalks so if no sidewalks exist, then cars may increase. Allen doesn't feel anything can be done by DG in the right-of-way. Hill appreciates Allen's willingness to try to find a way to make a pedestrian access.
- B. Allen asks if PC can clarify what they needed to go to BZA for. Discussion follows on parking, stormwater & crosswalk. Staff report from Planning Commission to BZA will state the variance being applied for & other relevant issues. The developer is proposing 32 parking spaces where 56 are required per zoning code which would be a 42% reduction from zoning code. Also, there will be no access for pedestrians from the street, other than the vehicular access. Allen asks if there will there be an official zoning approval document after BZA. Hill answers: something would need to be granted after BZA approval before Allen could apply for building permit.
- C. Carruthers motions application is rejected based on parking so Allen can apply to BZA for parking variance. Hill seconds. Role call, Carruthers, Trovillo, Wilkie, Verga, Hill.
Motion passed - Application request denied to allow Allen to apply to BZA.

VI. New Business (Mark Tipton has open items)

- A. Owner at 10047 Old SR 73 started replacing a deck in the front without a permit. Hill states a replacement should conform the same way as before. Wilkie moves to approve the deck replacement, Phil seconds. Role call, Randy, Dick, Phil, Wilkie, Hill. **Motion passed – deck replacement approved.**

- B. Renfest changed from RE to R-1 on 2009/ 2011. Renfest applied to build a new shop. A letter was approved & sent to Renfest owner Dave Ashcraft that no expansion can happen until the property is changed back to RE. Jon Funk says he understands the Renfest needs to change back to RE & asks how hard that will be for the owner to do. Essentially 3 readings in council so 6 weeks with 3rd reading being a hearing that is advertised for 10 days prior to the hearing. Carruthers motions the letter to Ashcraft saying they can't expand until they are rezoned to RE. Wilkie seconds. Roll call: Randy, Phil, Verga, Wilkie, Hill. **Motion passed - building permits will be denied until rezone.**
- C. Renfest, will demolitions be allowed? Hill motions demolitions be allowed; Wilkie seconds. Role call, Randy, Phill, Dick, Wilkie, Hill. **Motion passed – Demolition allowed.**
- D. Wilkie brings up the issue of old town area where existing conditions don't meet setbacks. Wilkie doesn't know the answer, but it needs to be addressed. Wilkie brings up solar brought up at township. Township zoning doesn't say much specifically about solar. Does Harveysburg need to have the zoning code address solar? *The word 'solar' does not appear in the Harveysburg zoning code.*

VII. Citizen Comments

- A. Mike Hatfield asks if geothermal is ok in the town because he wants to do that to save operating cost. Vertical wells should be ok. Hill gives example Site Plan to Mr. Hatfield.
- B. Randy mentions architectural design requirements, 10 pages for commercial buildings. A big reason is to not allow pole barns. They just have to do stone on the face of the building. Verga says Brewer couldn't be there, but there's nothing to report. Site plan example is uploaded to the website & attached to these notes for citizen reference.

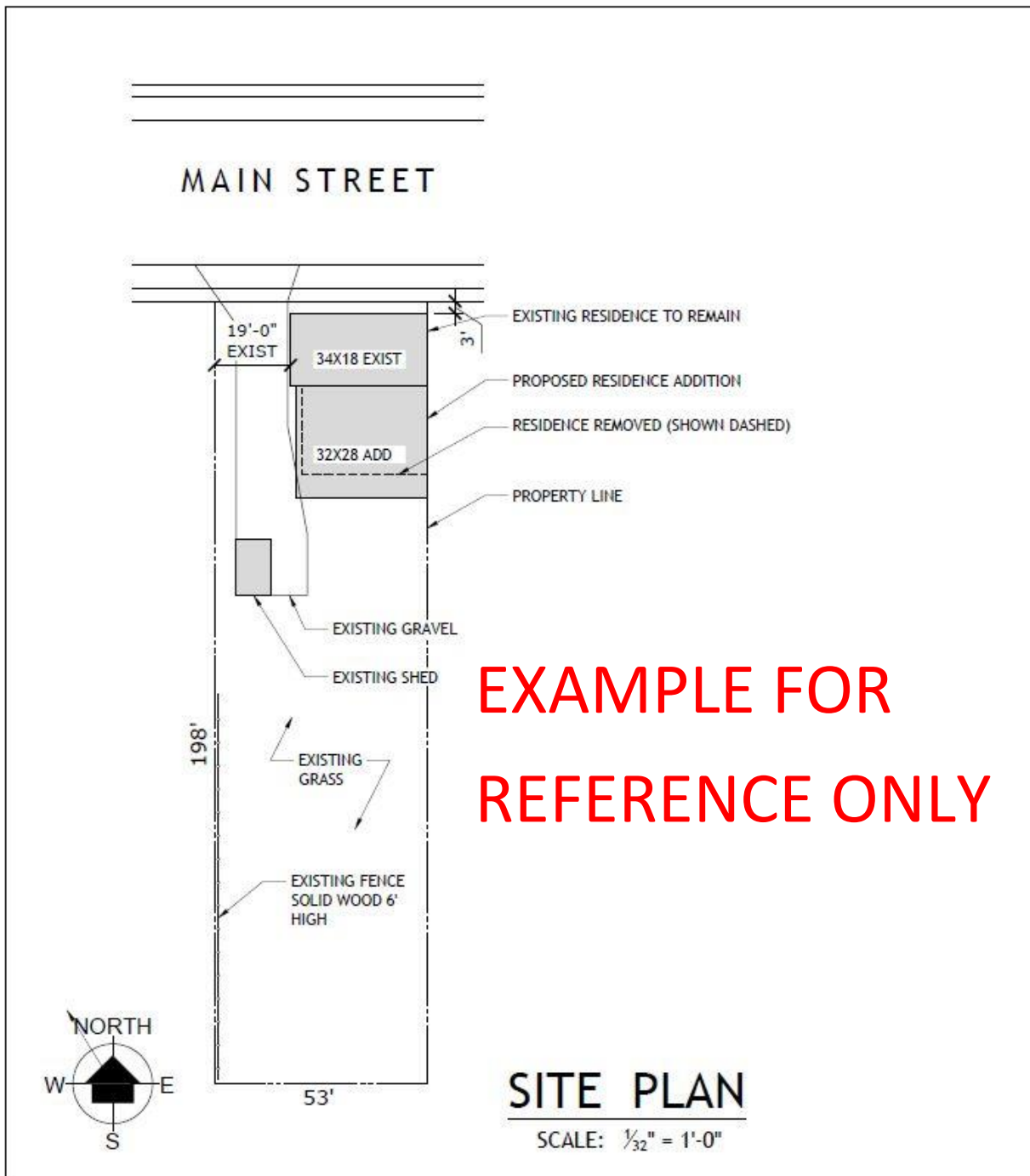
VIII. Upcoming Meetings – Next meeting will be January 23rd after council meets on the 22nd.

IX. Adjournment – 8:47pm

X. Attachments – Site Plan example (page 5 of these meeting notes).

Attest:

Tim Hill – President of Planning Commission _____
 Randy Carruthers _____
 Phil Trovillo _____
 Mark Wilkie _____
 Verga _____



PROPERTY OWNER: _____ ADDRESS: _____ _____ PHONE: _____ EMAIL: _____	DATE: _____ DRAWN BY: _____	SITE SKETCH #1
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