

Village of Middlefield Planning & Zoning

Minutes

June 11, 2024

The Village of Middlefield's Planning & Zoning meeting was called to order at 6:00 p.m. with the following members present: Mr. Scott Klein, Mayor Garlich, Mr. Dietrich, Mr. Linberg, and Ms. Carissa Shaffer.

Also present: Leslie McCoy-Village Administrator, Mr. Luke McConville- Village Solicitor, Mr. John Boksansky-Zoning Inspector, Mr. Tom Cappello- Village Engineer, Ms. Ann Wishart- Maple Leaf, Mr. Tom Dudinsky, and Ms. Sabine Weizer.

Agenda: No Additions/Deletions.

Minutes: The minutes of the May 7, 2024 meeting were presented for approval. **Ms. Shaffer made a motion to approve the minutes as presented, motion seconded by Mr. Linberg. All in favor: Yeas (5).**

PUBLIC HEARING:

1. **15971 Pierce St addition of a front covered porch of a multifamily residential home located in a GC- General Commercial district. Variances for square feet of structure addition as well as the front setback of 23' where 50' is required. Given parameters of <60' ROW front yard measurement point is 30' from the center of the street per 1155.02a. note: measurement to the edge of the sidewalk is 37'**

Mr. Boksansky stated Mr. Dudinsky came to zoning last year about this project but per the zoning code for variances at the time it was denied. Since that has been changed Mr. Dudinsky is back and requesting to do this project on a home he owns. Mr. Dudinsky stated he has not started the project but would like to start as soon as possible.

Mr. Klein made a motion to approve the setback, motion seconded by Mr. Dietrich. All in favor: Yeas (5).

Mr. Klein made a motion to approve the variance for the square feet, motion seconded by Mr. Dietrich. All in favor: Yeas (5).

NEW BUSINESS:

1. **Giant Eagle 15400 W High St Open Storage of Materials and Equipment (renewal: 2 year term):** Mr. Klein stated it looks very nice and they keep it well maintained. **Mr. Klein made a motion to approve the open storage at Giant Eagle, motion seconded by Ms. Shaffer. All in favor: Yeas (5).**
2. **PPN's 19-081107 & 19-080933 proposed consolidation of industrial land creating a 44.0991 acre parcel:** Mr. Boksansky stated the two parcels are being put together for development of a warehouse for the adjacent business but he has not seen any plans yet. Mr. Boksansky stated the Village Engineer has not signed off on anything yet but it is being worked on. Mayor Garlich stated this is an investment that will stay in the Village for a very long time. **Mr. Dietrich made a motion to approve contingent on Village Engineer approval, motion seconded by Mr. Klein. All in favor: Yeas (5).**

OLD BUSINESS:

1. **Noise Ordinance Update:** Mr. Linberg stated he found a company of professionals that he is recommending the Village hires to come out and do a survey of the noise from Industrial Pkwy. Mayor Garlich stated the police have been taking readings and

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he would like to get someone who is unbiased to come in and take a look to see what facts that they find.

2. **16216 Kinsman Property conditions (located in Middlefield Township) next steps, condemnation through the county, plus additional steps. Update, letter was sent:** Mayor Garlich stated the owner would like to sell it but Middlefield Township stated there are no for sale signs at the property so the township is going to move forward with the condemnation process. Mr. McConnville stated the township would file a suit under the Ohio Nuisance Laws and ask the court to appoint a receiver. The receiver would have the ability to clean up the property and then hold a lien on the property. Mr. McConnville stated based on that lien the receiver would then foreclose the property, market it, and sell it.
3. **Review Lot Coverage 60/40 and parking space requirement adjustments to the Zoning Ordinance:** Mr. McConnville stated any pervious structures will not count for lot coverage calculation. This would be a 60% lot coverage for Commercial and Industrial projects. The commission discussed having 1 parking space for each 250 sf of retail space, where 1 space per 200 sf of retail space is the requirement in the current ordinance. **Mr. Klein made a motion to take lot coverage 60/40 zoning change to Council and waive Planning Commission's public hearing, motion seconded by Mr. Dietrich. All in favor: Yeas (5) Mr. Klein made a motion to take the parking space zoning change requirements to Council and waive the Planning Commission's public hearing, motion seconded by Mr. Dietrich. All in favor: Yeas (5).**
4. **Smallwood Subdivision storm water easement for proposed storm water retention facilities:** Mr. Boksansky stated this is a 13 acre site proposing 24 total single family homes in the R-1 (8 units) and R-2 (16 units) zoning districts. Ms. Boksansky stated the easement review has been forwarded by the engineer for the project. McConnville stated this would not affect the drinking water because it is not connected to the drinking water. Mr. Klein stated if there was any bad data for contamination on the property he doesn't think Third Dimension would have built another building on that property. Mr. Klein stated as far as he knows the EPA has done testing for contamination on the property and has not reported any contamination. Mr. McConnville stated there is no information stating that the Smallwood property has been contaminated and it is not drinking water so should not need required testing. Mr. McConnville stated there is also no evidence that the Smallwood property has been environmentally contaminated. **Mr. Klein made a motion to approve the storm water retention easement, motion seconded by Mr. Dietrich. All in favor: Yeas (4: Mr. Klein, Mr. Garlich, Mr. Dietrich, and Ms. Shaffer). No (1: Mr. Linberg).**
5. **Parking license agreement east of 15163 Burton Windsor Rd, Village owned property PPN 19-706184:** Mr. McConnville stated the license is designed to give the Village a lot of flexibility in terms of termination and also creates obligations for the owner of the adjacent property to identify the Village and make sure there are no nuisance conditions and to limit the parking to this specific footprint area of the house. **Mr. Klein made a motion to approve the parking license agreement with the following changes: number one being that the vehicles must be parked west of the fence line contiguous to property and number 2 being that provision be added that the Village can have any use to that property that they desire, motion seconded by Mr. Dietrich. All in favor: Yeas (5).**

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PUBLIC DISCUSSION:

ZONING INSPECTORS REPORT – Mr. Boksansky stated the report is included in the packet. Mr. Boksansky was able to issue 16 out of 18 permits for the month of May.

PENDING

- 1) Adult Recreational Marijuana Moratorium
- 2) Smallwood Sub Division Preliminary Plan approved 11/7/2023 off S. State Ave prepared by C.W. Courtney Company Owner is River Oaks Investment Company. Final plan anticipated for review in 2024.
- 3) Adult Use Recreational Marijuana; Moratorium Second Reading 4/11/2024 in Council
- 4) 15885 W High St Property Nuisance 1313.00 letter started. Letter was sent: compliance date is 05.23.2024. Painting estimate rec'd \$6,200.
- 5) Residential Rain Garden continue draft ordinance first reading was May 9, 2024.

Mr. Klein made a motion to adjourn the Planning & Zoning Commission at 7:20 pm, motion seconded by Mr. Dietrich. All in favor: Yeas (5).

Next meeting is on Tuesday, July 9, 2024 at 6 PM.

There being no further business before the Planning & Zoning Commission the meeting adjourned at 7:20 pm.

Leslie McCoy – Village Administrator

Scott Klein-Chairman