

**CITY OF CHARDON PLANNING COMMISSION**

*Meeting Minutes*

April 17, 2017

Members Present: Andrew Blackley, Vice-Chairman

Chris Grau

Kenneth Miller, Chairman

Dan Meleski

Dean Peska

Mary Jo Stark

Members Absent: Al Hunziker

Also Present: Steve Bohm, Fire Inspector

Doug Courtney, City Engineer

Jim Gillette, Law Director

Steve Yaney, Planning and Zoning Administrator

Mr. Miller called the meeting to order at 6:30 p.m. The Pledge of Allegiance was said. Roll was called.

Mr. Miller said everyone received copies of the minutes from the March 20, 2017 meeting. He asked for any corrections or additions. Mr. Meleski asked for a correction on page 2. Mr. Blackley asked for a correction on the ending time. The motion was made by Mr. Blackley to approve the amended minutes. It was seconded by Mr. Meleski. Mr. Miller asked for any discussion on the minutes. All were in favor to approve the minutes.

Mr. Miller reminded all that were present to sign in for the meeting. Mr. Miller explained the procedure of the meeting. He swore in City Staff. He asked if there was any old business. There was none.

**NEW BUSINESS**

Mr. Grau recused himself for the next case and sat in the audience.

**PC Case #17-046** – Mr. Yaney explained the applicant, Christopher Grau, is requesting a sign deviation from the Codified Ordinances. Mr. Yaney explained Mr. Grau has moved into the space that is beneath ground level and a sign on his wall space will not be seen. Therefore, the applicant is asking to place a sign on the tenant wall space upstairs on the corner of S. Hambden and South Street. Staff said the size is appropriate and fits nicely. Staff requests this approval be only for this particular space. The City Manager, as the property owner, has no issues and is in favor of the proposal.

Mr. Blackley made a motion to grant the sign deviation. It was seconded by Mr. Meleski. There was no further discussion. Roll was called. The vote carried 6-0.

**PC Case #17-048** – Mr. Yaney explained the applicants, Matt and Robin Emrick, are requesting approval for a Temporary Occupancy permit for 394 Wilson Mills Road. Mr. Yaney explained the home is completed with the exception of the concrete, landscaping and grading which is under signed contracts to be completed. Mr. Yaney said Staff, Geauga Soil and Water and the Income Tax Department have no concerns.

Mr. Grau made a motion to grant the Temporary Occupancy Permit. It was seconded by Mr. Meleski. There was no further discussion. Roll was called. The vote carried 6-0.

Mr. Blackley made a motion to waive the cash bond and guarantee. It was seconded by Mr. Meleski. There was no further discussion. Roll was called. The vote carried 6-0.

**PC Case #17-049** – Mr. Yaney explained the applicants, Alan and Diane Moore, are requesting a Temporary Occupancy Permit for 104 Fern Way. He explained it is similar as the previous case with signed contracts to complete the work.

Mr. Blackley made a motion to grant the Temporary Occupancy Permit. It was seconded by Mr. Grau. There was no further discussion. Roll was called. The vote carried 6-0.

Mr. Meleski made a motion to waive the cash bond and guarantee. It was seconded by Mr. Peska. There was no further discussion. Roll was called. The vote carried 6-0.

**PC Case #17-050** – Mr. Yaney explained the applicant, City of Chardon, is proposing a Zoning Text Amendment to Section 1103.03(b) to establish the definition of “Marijuana” to match the definition in other sections of the Codified Ordinances to prohibit the retail dispensing of medical marijuana in all zoning districts. Mr. Yaney provided the Commission with the background on the topic and regulations. Mr. Yaney said this would include all parts of the plant, including the seeds.

Mr. Gillette explained this text amendment prohibits what is being dispensed.

Mr. Meleski commented that it is still federally illegal, according to the PowerPoint that was presented. Mr. Gillette said agreed.

Mr. Grau made a motion to accept the proposed Text Amendment changes and to present to City Council. It was seconded by Mr. Blackley. There was no further discussion. Roll was called. The vote carried 6-0.

Mr. Blackley made a motion for Section 1105.03 to also include the restriction of medical marijuana dispensaries in all zoning districts in the City of Chardon. It was seconded by Mr. Meleski. There was no further discussion. Roll was called. The vote carried 6-0.

**PC Case #17-052** – Mr. Yaney explained the applicant, Hidden Glen Associates, is requesting an extension for the Concept Plan approval for the subdivision which expires August 17, 2017.

Mr. Yaney said the extension request will then expire 2021. Mr. Yaney explained it is not being built out as quickly as anticipated.

Mr. Blackley commented that the housing market is picking up. He asked how many lots are currently available. Mr. Yaney said twenty (20), and five (5) are under construction.

Mr. Blackley made a motion to approve the extension for the Concept Plan approval. It was seconded by Mr. Peska. There was no further discussion. Roll was called. The vote carried 6-0.

## **OTHER BUSINESS**

Ben Sage of Ransom Sage Farms came to discuss the potential for future Agritourism operation at 505 Center Street.

Mr. Yaney explained this proposal is unique because it does not fall into current zoning regulations and will need guidance from Planning Commission. Mr. Yaney said there will be a number of text amendments needed to fit into the zoning code. Mr. Yaney commented that he does not like to see a list of variances. Mr. Yaney explained it will be rural construction in a residential and industrially zoned area. Mr. Yaney explained there will be 'pick your own', manufacturing wine, weddings and parties and luxury cabinets.

Mr. Gillette commented that there are materials included in the Commission's packet. He explained there are a lot of ideas for the property and under the township and county agricultural use, it cannot be prohibited. He explained in the municipality, it can be requested and in the past, the City has followed the township and county's use because it is pre-existing and grandfathered in. Mr. Gillette said once the uses are defined, there may need to be zoning classifications and come up with separate uses. Mr. Gillette said there is opportunity for Mr. Sage to accomplish this proposal and not in the manor of many variances.

Mr. Grau asked where else in the City is there agricultural use. Mr. Gillette not many, but there are some side properties and chickens on Canfield.

Mr. Miller asked the Commission if anyone feels the Agritourism is not right for the City.

Mr. Grau commented it is an exciting proposal because it works well and will draw people in. He said he can imagine the vision and currently, the property is not being used. Mr. Grau asked if the City will be losing out on tax revenue.

Mr. Blackley agreed. He compared the concept to Maple Ridge Farm in Medina where there is two (2) party centers and it is popular. Mr. Blackley said there is no water and sewer connection and that will be a plus for this property. Mr. Blackley commented there will be a loss in tax revenue if this is developed industrially. Mr. Blackley said it has be zoned this for a long time and there will not be residential development anytime soon. It will be contiguous to Sage's property which is good, but the details will need to be worked out.

Mr. Miller said the general attitude is favorable for this type of development on that property. Mr. Miller explained Staff will need to determine what is needed to make this happen and see that everyone benefits. Additionally, safety of the public needs to be top priority. Mr. Miller commented that he is generally in favor of this proposal.

Mr. Sage explained the long term goal is to have a bed and breakfast, the barn which is in good shape to host dances and parties which he will bring up to code. Mr. Sage shared the *Liability and Safety Bill* passed by the Ohio Senate and said Agritourism signs will be posted at every entrance on the property. Mr. Sage said he would like the property to all be Agritourism. (He did provide the Commission with the definition of Agritourism.)

Mr. Sage explained he will treat the property as a farm with smaller trucks and vehicles. Mr. Sage said he does not want City sewers because he would like to keep it on the rural side. He said the point of the property is to walk it, therefore keeping the locations far from the road. Mr. Sage said he does want a cement pad for the tent space, unless that would make it zoned industrial. Mr. Sage said he would like to sell pies. Mr. Blackley asked like Patterson's Fruit Farm. Mr. Sage said yes, but that will make it commercial. Mr. Blackley said his set up would make it easier for caterers to come in and out.

Mrs. Stark asked if events will be held, will there need to be zoning for that. Mr. Blackley said yes.

Mr. Miller asked if there will be any interest in hiring or involving the Amish for their culture and help. Mr. Sage said no because they are more from Middlefield and would need to be brought in.

Mr. Blackley asked if the soil is conducive for growing grapes. Mr. Sage said it will be cider, with some wine grapes and the elevation should be good.

Mr. Blackley asked if there are Maple trees or Sugar Bush trees. Mr. Sage said there is some of each and is requesting Foresters come in to evaluate the trees.

Mr. Blackley commented that for land clearing and non-agricultural use conforms to the regulations of storm water management. Mr. Yaney said Geauga Soil and Water will not be involved.

Mr. Sage continued by saying he would like to begin tent events this fall, and do bigger events next summer.

Mr. Blackley commented that crafting language for this proposal might include an overlay district. Mr. Blackley said to create a new zoning class so that it is only zoned agricultural and the overlay underlying district is just in case this does not work out and it can be available for its original use.

Mr. Blackley asked what the tax bill would be like. Mr. Sage said he has already applied for a tax credit and believes he will get it.

Discussion was held on the maps brought in by Mr. Sage and showing where the growing will take place, the tent space will be and the 'pick your own' will be.

Mr. Meleski asked Mr. Sage for phase plans for all the proposals.

Mr. Sage explained 2000 apple trees, 500 raspberry and blueberry plants will be going in the ground now. He said he would like to start now hosting events and do the 'pick your own'. He said he will work with the Fire Department for water irrigation. He explained he would like two (2) or four (4) spaces for events, and would like a small agricultural barn for hard cider production.

Mrs. Stark asked Mr. Sage to explain the ceremony and open air concerts area. He said the area slopes and would be a great, small space for ceremonies. It can only hold 50 people he said. Mrs. Stark said he will need to be cognizant of the neighbors.

Mr. Peska asked if the facilities will be open year round. Mr. Sage said yes, but not the tent.

Mr. Grau asked which year, is year one (1)? Mr. Sage said this year, 2017, but not for picking.

Mr. Miller commented that this is an ambitious project.

Steve Bohm, the Fire Department's Fire Inspector said as a resident, he loves the idea but as a Fire Inspector he has concerns for safety of personnel and visitors. He said he is ok with the cider production and housing of equipment being agriculture but will need to know the classification for the event space so he can go by that for his inspections and code enforcement. Mr. Bohm said instead of fire hydrants, pumps can be set up by the pond to bring in water. He said there will need to be a way for the large fire truck to come onto the property. He said he is okay with the tent, but it too will need inspection. He explained all plans presented will need to be approved by him as well.

Mr. Miller explained in his forty-five years, the Commission has always supported the suggestions of the Fire Department Inspector and will always keep public safety as the number one priority. Mr. Miller said this is a long term project and will need staff to begin writing the text amendments.

Mr. Peska asked Mr. Bohm what all gets dispatched on an emergency call. Mr. Bohm said if no other call is taking place, both the EMS truck and Fire truck. Mr. Peska commented people should be educated on other aspects of personnel and tools needed on an emergency call.

Mr. Miller said with no objections from the Planning Commission, Mr. Sage is authorized to work with staff to further the project and details.

Mr. Sage asked what is needed now to start accepting reservations and pick your own. Mr. Bohm said for him, just space to get a squad in if needed and have extinguishers in the tent space.

Mr. Yaney said nothing is approved and that can take months. Language needs to be drafted and the terminology is not established since the farm is not established. Mr. Yaney said this might not happen until fall or next spring. Mr. Gillette said a formal request from Mr. Sage is needed.

Mr. Blackley asked if planting can begin. Mr. Gillette said yes, as long as it is purely agricultural. The City cannot prevent what is planted in the ground.

Mr. Grau asked where the parking is for the 'pick your own'. Mr. Sage said in the fields and only five (5) or ten (10) at a time is accepted.

Mr. Blackley asked if people can park at the existing facility. Mr. Sage said they will likely stay away from that for now.

Mr. Miller said Mr. Sage is free to work with the Law Director, Staff and Fire Inspector and the Planning Commission endorses the project.

Mr. Peska asked if all 120 acres are in City limits. Mr. Yaney said yes.

Ms. Suzi Breedlove of Montville is with the Coalition Citizens against Marijuana and thanked the Planning Commission for its vote on prohibiting the sale of medical marijuana. She said it effects air quality and questions energy use. She asked if this allows for growing sites or separate processing sites. Mr. Gillette said he has been requested to draft his legislation and it asked only for sales. He said she will have to go to City Council for that.

Linda Miller of Chagrin Falls presented two (2) papers on the issues of legalized and medical recreational marijuana.

Pat Leech of Chesterland said she is shocked and embarrassed Chardon could be a growing site.

Mike Farrell of Geauga Faith Rescue Mission would like to use 510 Center Street as emergency housing for homeless folks and would like guidance from the Commission.

Mr. Blackley asked if this would be a residential facility. Mr. Farrell said yes, but will not be taking government money and still needs to determine the outreach.

Mr. Blackley asked what is there now. Mr. Yaney said KMI Printing.

Mr. Blackley asked if it would be a dorm setting. Mr. Farrell said eventually but would like local churches to bring in food for the people.

Mr. Peska asked if this was similar to the Project Hope in Painesville. Mr. Farrell said no because the people can get a job and save 50% of their pay.

Mr. Sage inquired about a lot split for the property. Mr. Yaney said they will speak separately on that.

There was no need for an executive session.

Mr. Blackley made a motion to adjourn the meeting. It was seconded by Mrs. Stark. The meeting was adjourned at 8:29 PM.

Respectfully Submitted:

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KENNETH R. MILLER, CHAIRMAN

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Rebecca Repasky, Secretary