

Harrisville City Planning Commission Meeting
Held at Harrisville City Hall
7:00 p.m., June 9, 2010

Conducting: Chairman Pearce Secretary: Shanna C. Edwards

Attendance:	Jeff Pearce	Visitors:	Ruth Pearce
	Ed Saunders		Kevin Butters
	Roger Shuman		Craig Butters
	Bob Howard		Clive Stander
	Paula Knighton		Don Knighton
	Mike Norseth		
	Kathy Hohosh		
	Steve Weiss		
	Mike Junk (City Attorney)		
	Richard Hendrix (Mayor)		

Chairman Pearce called meeting to order. Commissioner Howard motioned and Commissioner Saunders seconded with unanimous approval to open the meeting.

1. Discussion/preliminary and final approval of site plan for Expo Nail Salon to construct a building at 893 N. Washington Blvd.

Clive Stander is the contractor who will be building the 2,000 square foot structure. The exterior will be stucco and rock. Commissioners reminded him that natural colors are the standards of the city. Kent Jones did not provide a letter to the planning commission, but Secretary Edwards talked with him today. He did receive the calculations and he told her he would recommend approval at this time and he will recheck the plat before he signs off on it. Commissioner Norseth reviewed the grading of the detention basin for clarity of what minimum versus maximum slope means. Sidewalk alignment will be adjusted at the access driveway. Commissioner Howard asked for more detail in landscape design including that there is a sprinkler system. Clive Stander stated they can submit that with the final building drawings.

(Commissioner Hohosh arrived 7:17 p.m.)

MOTION: Commissioner Saunders motion to grant preliminary and final site plan approval for Expo Nail Salon, contingent upon requirements established in project management meeting May 13, 2010, and installation of sprinkler system and landscaping to meet city standards.

DISCUSSION: Commissioner Norseth referred to the recently passed “architecture, landscaping and screening ordinance” and the need to make sure the building design complies.

ADDITION TO MOTION: Commissioner Saunders agreed to add that approval is also contingent on meeting requirements of the recent ordinance governing architectural standards and colors. The motion was seconded by Commissioner Howard.

DISCUSSION: Commissioner Shuman stated that the planning commission has the responsibility to determine if the exterior of the building meets the requirements. Clive Stander went to his vehicle and returned with the building elevation plans for commissioners to review. They were satisfied with the drawings and the builder stated that he will inform the owner of the requirement that building colors be natural earth tones.

VOTE ON THE MOTION: Unanimous

2. Discussion/approval of a permitted use application for emission testing business in an existing building on SPS property 722 North Larsen Lane.

Kevin Butters explained that the existing building is not on the same property tax ID number as the SPS building. The majority of the building is located on an adjacent property at 122 North Larsen Lane-not 722- Larsen Lane. The building front is on the SPS property and the rest of the building is on property at 122 North Larsen Lane. The emission testing business will be wholesale only. SPS will take one vehicle at a time from SPS to this building where it will be tested for emissions and taken back to SPS, so there will only be one car at a time in the building. It will be a subsidiary of SPS. The owner will be an employee of SPS acting as an independent contractor and will get paid by the piece instead of hourly. SPS will not actually own the business, there are three owners who are also employees of SPS. The business license will be filed as a dba of SPS. The business name is CJR Emissions, initials of the three employee owners. SPS will keep a portion of the fee charged for testing to compensate for use of the building space and equipment. The rear of the building is owned by Butters Properties and the front by Klassy SPS Properties. The building sits on the property line. The only access to the building is off of the SPS property but the bay is on the Butters Properties. They will only use one small bay in the rear of the building. Kevin Butters stated that they may bring some cars over from Jiffy Lube to test as well, but it will be strictly wholesale. No public will be in the building. Since it is on a separate parcel, they thought they may need to apply for a separate business license. Paula asked what the building is currently used for and Kevin Butters stated it is being used for repair. It has been used by SPS and/or the Butters family for storage.

Commissioner Norseth stated that he agrees with the concept, but he is confused about the whole situation. Kevin Butters responded that CJR is leasing from Butters, and will only be doing business with SPS and possibly another business, not any business with the public.

Commissioners explained that it does not eliminate the planning commission's responsibility to insure access, adequate parking, and other site plan issues that have not been provided for their review. Commissioners have a responsibility to assure this is an appropriate use and that the site meets certain requirements. Commissioner Shuman said if it is a separate, new business entity, it is necessary to have a separate site plan for this business. Commissioners agreed that the aerial photo provided is not adequate for a site plan. Kevin Butters questioned the necessity for a more detailed plan because the customer for the business will be SPS. He said the front ten feet of the building is already on SPS property. Commissioner Knighton stated that the commission wants to see a site plan provided for use of that building as a business, and CJR Emissions should provide a letter from SPS giving permission to cross over the SPS property to their business. Kevin Butters asked what type of site plan commissioners are looking for; they brought what was

asked for from the project management meeting. Commissioners stated they want a site plan like was presented with the first item on the agenda for the nail salon. It should include access, parking, existing pavement, etc. Kevin Butters stated that they have provided an engineered site plan in the past and nothing is going to change. He brought out that he sits on a planning commission in Washington Terrace and they use the same staff resource as Harrisville, and it is not necessary to have detailed a site plan for an existing building. If the building is existing, why do they need a drawing when nothing has changed from the drawing they already furnished? Commissioners agreed that they want to see a site plan for this building that addresses access, parking and how they are going to do business. Kevin and Craig Butters left the meeting.

(Kevin and Craig Butters left the meeting)

DISCUSSION: Chairman Pearce invited City Attorney, Mike Junk, to respond. He said commissioners acted appropriately. Butters said that this is a new business. He said it is a part of SPS but not part of SPS. If it is a new business in that building as they indicated, clearly the planning commission needs to make sure the new use complies with the ordinance, and in order to do that, a real site plan is needed. Kevin Butters indicated that they provided what was asked for at project management meeting, but at that meeting Kent Jones asked them to provide a site plan. They need to show how patrons access this property, not just tell us. They need to show how it will comply with parking and other ordinances. When Butters shows this with a site plan, then commissioners can make a decision. When asking for a changed use of the building, he needs to show how it will comply. Commissioner Weiss questioned ventilation of the building for emission testing. Mike Junk said that commissioners represent the city and the citizens and they need to make sure it is in compliance with the ordinances and that business is conducted in a safe and reasonable manner. Mayor Hendrix recalled that Kevin Butters stated they are only using one bay of the building. Will the building be sectioned off with petitions to create the bay? Who actually owns the business? Should CJR Emission owners be the ones actually applying? Commissioner Knighton stated that if it is a change of use for that building, the facility may need to be updated to the current standards in order to meet the ordinances currently in effect. Chairman Pearce stated that if they are doing emissions for Jiffy Lube, then would it be wholesale or a public use because they have a customer?

MOTION: Commissioner Norseth motioned to table permitted use approval for the requested emission testing business in an existing building on SPS property until adequate information is provided by the applicant in order for the planning commission to make a sound decision. The motion was seconded by Commissioner Hohosh. Voting was unanimous.

DISCUSSION: Mike Junk stated that he is not aware of anywhere in the ordinance that states a new business in an existing building does not need a site plan. The planning commission wants a site plan that complies the ordinance which is consistent with what would be expected for any applicant. Commissioner Shuman stated that the building sits on two different lot numbers and could be considered a nonconforming building because property line goes down through the middle of the building so it does not exist on its own lot. Mike Junk said it was not to be used as

a business when it was built, it was constructed as a replacement for an existing barn. He said that by their own admission they have already been doing some work there. He is leery of them expanding their use all the time. Mayor Hendrix stated that what the Butters needs to bring in is a measurable scaled drawing showing the existing building including the new use, showing relationship with other buildings, parking lot access for that use, and what the building will look like for the new business bay, address ventilation, and how the business will be accessed. Commissioner Norseth said that the building inspector needs to make sure it meets requirements for ventilation, firewall and other requirements related to the building. He said that the planning commission is not qualified to pass judgement on those things, but they may want to know if it complies with those requirements before they approve it. Commissioner Saunders stated that the city does not want to make it too tough for Butters, they have a desire to be in compliance and have a separate business license. He agreed that the commission needs to make sure they are consistent with every applicant and that the ordinance is met every time.

(Commissioner Knighton left the meeting - 827 p.m.)

Mike Junk summarized the paved parking issue with SPS. He said that at this point, the city has asked them to come into compliance with the ordinance by June 20, but the city may provide the option to discuss this or bring them into compliance through a written plan or deferment agreement. If they do not respond timely, the city will have to decide what needs to be done to bring them into compliance.

3. Discuss/recommend an amendment to the Land Use Ordinance Chapter 11.08 to clarify the number of animals allowed for family food production and include bees.

Commissioners reviewed the formula that provides points according to property size to determine what animals are allowable on the property. Commissioner Howard said he has a problem allowing animals in some residential zones at all. Commissioner Saunders stated that he thought the ordinance looked good.

MOTION: Commissioner Saunders motioned to recommend an amendment to the Land Use Ordinance Chapter 11.08 to clarify the number of animals allowed for family food production and include bees. The motion was seconded by Commissioner Hohosh. Commissioners Saunders, Hohosh, Norseth, Weiss, Howard, Saunders and Chairman Pearce, voted in favor.

4. Approval of Minutes of meeting held May 12, 2010.

MOTION : Commissioner Norseth motioned and Commissioner Weiss seconded to approve minutes of the planning commission meeting held May 12, 2010. The motion passed with a unanimous vote of commissioners present.

5. Public Comments.

Roger Shuman questioned site plan compliance of the Sean Hart property and mentioned the portable signs out on the street and unsightly outside storage. He mentioned Interpace Storage has signs advertising outside storage and he does not remember the original approval including

outside storage. Secretary Edwards will check on the original site plan. Emogene Barrett is using the structure on Highway 89 for personal storage rather than the original intent for display of construction material. Commissioner Norseth stated that he did not see a problem with storing personal equipment. If it is being leased out and people are paying to store things there then it would not be OK because it would be a business.

6. City Council Report - Commissioner Saunders and Chairman Pearce.

Chairman Pearce reported that council meetings have consisted of budget work sessions, and an increase in garbage fees. There will be an audit done on the number of garbage cans that are actually assigned to each resident.

7. Adjournment.

At 8:50 p.m. Commissioner Norseth motioned and Commissioner Howard seconded to adjourn the meeting. The next regular planning commission meeting will be held July 14, 2010, 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Jeff Pearce
Chairman