

**PLANNING & ZONING COMMISSION MINUTES  
VILLAGE OF MADISON  
Regular Meeting  
May 12, 2014**

Regular Planning & Zoning Commission Meeting

Chairman Rob Johnson called the Regular Planning & Zoning Commission Meeting to order at 7:00PM.

**Roll Call**

Planning and Zoning Commission members in attendance: Mr. Mark Vest, Mr. Dan Donaldson, Mr. Rob Johnson, Mr. Jerry Gardner and Mayor Britton. Dwayne Bailey, Village Administrator and Mr. Szeman, Law Director was also in attendance.

**Approval of Minutes**

Mr. Johnson presented the March 17, 2014 meeting minutes for approval.

Motion made by Mr. Vest and seconded by Mr. Gardner.

Questions/Discussion: None

Roll call on approval of minutes: 4 yeas, 1 abstention (Gardner) motion carried.

**Old Business – None**

**New Business** – Jan Pavlinak – Rabbit Run – Approval of paint color for 49 Park Street. Ms. Pavlinak stated that through a combination of grant money and private funding, Rabbit Run Community Arts Association is planning to repair and repaint the School of the Arts building located at 49 Park Street. They are also repairing the gutters on the back of the building. They are requesting approval of paint color for their building. Ms. Pavlinak stated that are planning to have the work done this summer. She stated that the building will have white trim with the body of the building being ‘Universal Khaki’. She added that the only accent color would be underneath the roof of the porch which would be ‘polished mahogany’ or ‘Roycroft Bottle Green’. The accent colors would not be visible from the road but rather only if someone is standing on the porch. Mr. Vest stated that he has had previous conversations with Ms. Pavlinak and added that the colors closely match the colors approved by the Architectural Review Board that we represent. Mr. Szeman asked for confirmation that no architectural changes are being made. Ms. Pavlinak confirmed. Mr. Szeman requested to keep the color samples for the administration files. Ms. Pavlinak agreed.

Motion to approved proposed colors made by Mr. Donaldson, seconded by Mr. Vest.

Roll Call on approval, 5 yeas, Motion approved.

Ordinance 14-2014: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO PART SEVEN – PLANNING AND ZONING, SECTION 8.7 (C), RELATED TO THE LOCATION OF SEXUALLY ORIENTED BUSINESSES. Mr. Johnson asked Mr. Szeman for explanation. Mr. Szeman stated that this item was on the agenda for Council and was referred to Planning and Zoning for recommendation. He stated that P&Z has forty-five days from tonight’s meeting to forward that recommendation to Council. He stated that it is P&Z’s choice to act on this tonight or review the information and discuss it at the next meeting. Mr. Szeman provided details that this amendment would prohibit sexually oriented businesses from operating in any M-2 zoned property north of interstate 90. Mr. Szeman stated that there may be alternative language to be considered.

Discussion/Questions – Mayor Britton asked for confirmation that this would limit all sexually oriented businesses to one area of the Village. Mr. Szeman stated that it would be the M-2 zoned areas south of I-90 on 528. Mr. Gardner asked if this would have any effect on the current occupant of that area. Mr. Vest and Mr. Szeman stated that it would not have any change being that this is simply changing language within the code and not changing the zoning itself. Mr. Donaldson asked if that this essentially does what Ordinance 33-2013 stated. Mr. Szeman explained that Ordinance 33-2013 was a rezoning. Mr. Johnson stated that part of the commission just received the documentation this evening. It was decided to allow the commission time to review and they will address/vote on this at the next meeting on a motion by Mr. Donaldson, seconded by Mayor Britton.  
Roll call 5 years, Discussion tabled.

Mr. Donaldson made a request to modify the agenda for the meeting to add Elizabeth Sill of Remax Innovations for a request to extend a conditional use permit (CUP) that she received in January 2013. Motion to amend the agenda made by Mr. Donaldson, seconded by Mr. Gardner. Roll call on amendment, 5 years.

Questions/Discussion: Ms. Sill is requesting the CUP be extended for one year from today's date. She stated that she is looking to update the electrical and heating and cooling to make the area above Remax Innovations (82 West Main Street) suitable for residential apartment lofts with conditional use that would permit the resident to use it for business use as well. Mr. Szeman stated that CUP's 'go stale' after six (6) months if not acted upon. Mr. Szeman stated that it is clear that Ms. Sill is asking for the exact CUP to be reinstated and that there are no changes to it. Being that it is identical and that all she is asking for is an extension of time there is not an issue. Nothing has been started at this time.

Discussion as to the time frame of the CUP took place and Ms. Sill explained details as to why she is asking for a one year extension. It was stated that a fire escape must be installed.

Motion to approve the extension of the permit for loft apartments at 82 West Main with no changes to the scope of the project (exterior) made by Mr. Gardner, seconded by Mr. Donaldson.

Roll call, 5 years. Motion approved.

Visitor's Comments: Ms. Brenda Rarick (140 Huntington Woods) stated that she, along with four other residents of Huntington Woods that are in attendance tonight are asking for an update for the landscape plan at South Elementary School. She stated that they have complaints in regards to the blue exterior that faces their homes. She stated that she finds it hard to believe that Rabbit Run had to come before the commission to receive approval for the paint color of their building but no one consulted the residents of Huntington Woods before the school painted their building bright blue. She added that she has her home up for sale and has had prospective buyers comment on the 'eyesore' in the backyard. Ms. Rarick also stated that the residents are looking for an update as to the noise issue at the school as well. Mr. Gardner stated that Dr. Goudy appeared before the commission earlier this year and stated that the color of the building would be changed however he believes that the time frame for that change would be at a time when the building would require it. Mr. Johnson also stated that Dr. Goudy said that the paint will oxidize over time and fade in color. Mr. Vest mentioned that the Rabbit Run building lies within the Historical District of the Village and that is why they needed to receive approval for the paint color at 49 Park Street. He clarified that South Elementary does not lie within the Historic District. Mr. Bailey stated that the school district is still in a cooperative nature as we try to iron out these issues. He stated that Ms. Rarick is not going to see absolute resolution to all of the issues that she has brought forward but he feels that things are moving in the right direction. Mr. Bailey stated that it is his understanding that the plantings will be installed this week. He added that the district is in

discussion with their HVAC contractor to come up with alternative plans for the noise issue. This issue was delayed due to the fact that the 'chillers' were not used during the cooler season, it appeared that the issue was taken care of. Now that it is getting warmer and the air conditioning is being used, the noise has returned. Ms. Sandra Wagner (148 Huntington Woods) stated that the chiller noise wakes her up nightly. Mr. Bailey stated that the school district is aware of the issue and has reported that they are working on it. Ms. Wagner asked for a time frame as to when she can expect it to be resolved. Mr. Bailey stated that he was told that the district has plans to address the chiller noise within the next few weeks. Mr. Bailey stated that with the district remaining cooperative, the Village is trying to give them as much leeway as possible as to resolve this issue. If this is not resolved, Mr. Bailey stated that the Village can pursue additional measures to ensure that it is addressed. Mrs. Wagner stated that the noise of the children is a 'lovely' noise and it is anticipated when you live near a school. She added that neither the contractor nor the district representatives has to live near the school and put up with the noise of the chiller. Mr. Bailey stated that there are legal limits as to what the Village can do. Mayor Britton and Mr. Donaldson made the audience aware that they do not need to attend a P&Z meeting to discuss noise issues. They can contact Village Hall Administration as well to ensure that the noise ordinance that is in place in the Village is being abided by. Mr. Donaldson stated that he has visited the Huntington Woods area and he was surprised at how loud the noise from the chiller is. He added that the landscape issue must be addressed before the engineer signs off. Discussion in regards to the landscape plan took place. Mr. Donaldson stated that after the conclusion of this meeting, he will display the revised landscape blueprints. Discussion took place in regards to the placement of South Elementary School on the property. Mr. Donaldson suggested that the residents attend a School Board meeting to also have their concerns addressed.

Other Comments: Mr. Ken Cahill (710 Jonquil Lane) asked P&Z to support Ordinance 14-2014.

#### NEXT MEETING

The next scheduled meeting of the Planning and Zoning Commission is Monday June 9, 2014.

With no other business before Planning and Zoning Commission, a motion for adjournment was made by Mayor Britton and seconded by Mr. Gardner at 7:55 pm. Motion passed unanimously with 5 yeas.

Meeting adjourned.

  
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Rob Johnson  
Planning & Zoning Commission Chairman

  
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Sam Britton, Jr., Mayor

  
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Date