

**ALLIANCE CITY PLANNING COMMISSION
MINUTES OF JANUARY 20, 2016 MEETING
4:30 P.M.**

Attendance: Mayor Andreani, Mark Locke, Kim Henderson, Cheryl Lundgren, Mike Dreger, Curtis Bungard, and Theresa DeUnger.

The Mayor made the motion to excuse Brad Goris from the meeting. Henderson 2nd motion. All are in agreement.

1) Election of new officers

Brad Goris agreed to stay on as secretary. Dreger nominated Goris to remain as secretary. The Mayor 2nd motion. All are in agreement.

Kim Henderson agreed to stay on as vice chair. The mayor nominated Henderson to remain as vice chair. Lundgren 2nd motion. All in agreement.

Mar Locke agreed to stay on as chairman. Henderson nominated Locke to remain as chairman. Lundgren 2nd motion. All in agreement.

2) Minutes from November 18, 2015 meeting.

Lundgren made a motion to accept the minutes from the November 18, 2015 meeting. The Mayor 2nd the motion. All in agreement.

3) Amendment to Original Site Plan Dated 4/19/2011 for LaBella Salon located at 2424 , S. Union Ave. Alliance, OH 44601 submitted by Jon Vollnogle of Howells and Baird, Inc (20152302PC).

David Vollnogle, representing Howells and Baird Inc., was sworn in. His company prepared the amended site plan showing the additional landscaping and fence along the northern boundary line.

Bungard has the original site plan that was approved in 2011. The main concern is the site plan shows a shared driveway which is now landscaped and fenced off along the property line blocking the neighbor to the north to access their carport. The fence was installed with no permit. Bungard recommends against the revision of the amended site plan and also the original plan has been modified without original approval and is considered the same as a use violation.

Mazzola agrees with what Bungard has stated.

Lundgren asked about a separate easement agreement. Vollnogle stated the shared drive was just an observation. There was no title search and he never saw anything on the deed or easement. Lundgren is questioning if a person uses another's property for a long period of time, does that mean that person has the right to the property and is it the role of the Planning Commission to make that decision? Bill Morris stated the Planning Commission has the control over the site plan. There could be some prescriptive rights to the driveway.

Mark Locke verified with Vollnogle that the original site plan had the driveway marked as an egress.

The Mayor asked if the things listed on the original site plan were done. Vollnogle was not sure.

Mark Whitacre, represents the Greenamyers, answered Lundgren's question concerning the deed. He stated there is no shared drive noted on the deed and no easement or written document for use.

Gary Greenamyers, owner of Labella Salon, was sworn in. He stated the original site plan only had an egress and they gave Mrs. Siegfried permission to use the drive. Greenamyers also gave examples of how the driveway was used for both an egress and ingress by the public.

Matthew Mohr, Attorney with Clunk Law Office in Alliance, representing the Siegfried Family. He just wants to determine if the site plan is appropriate for modification. There have been modifications that have been made to the property that are inconsistent with the previously approved site plan. These modifications were made without the approval of the commission.

Thomas Siegfried, son of property owner, Ruth Siegfried, was sworn in. Siegfried said his mother did not enter her home from Union Ave. as there was a sign that said One Way. He also explained that part of her property had been blacktopped.

Carol Greenamyers, owner of Labella Salon, was sworn in. Greenamyers explained when they purchased the property, the realtor stated there was no agreement with the driveway. She feels over the years the driveway has become dangerous because many people use it as an entrance and exit. She feels now is the time to correct this issue as Mrs. Siegfried is not able to live at the residence anymore and the property would eventually be sold.

Dreger asked if the pavement had been put down. Gary Greenamyers stated they did put down the pavement and they kept it plowed as well.

Lundgren feels the city has no obligation to enforce the demands of the property owners. Locke explained that all the commission is asked to do is approve the amended sight plan.

Lundgren made motion to approve the amendment to the original site plan. Motion dies as there is lack of a 2nd motion.

Dreger made motion to reject the amendment to the original site plan. The Mayor 2nd motion. Bungard recommends rejection due to the original site plan showing an ingress and egress, there were certain expectations as far as the shared driveway and the traffic flow of the site. The amended site plan would be detrimental to the original site plan. Also, the fence serves the purpose to block the garage and make it unusable. Bungard's recommendation is still to deny the amended site plan.

Lundgren asked if this is denied, would this mean the driveway would be opened up again? Bungard said this would be up to the law director, if she wants to rescind the original site plan. Bungard referred to section 1180.20 which would mean the site plan could be rescinded and it would be a use issue for not keeping it the way it was approved originally. It would become an enforcement issue through zoning. Lundgren is still concerned about opening up the driveway as we are taking a person's private property and allowing someone else use it. She stated it should be between the property owners. They should go to Common Pleas and apply for a Prescriptive Easement. This is not for Planning Commission to be the court. Locke stated the only thing they are deciding on is if the amendment to the original site plan should be passed.

Dreger stated that the asphalt was put on both properties as part of the original site plan. The revised site plan does not address that. Whitacre stated the blacktop was done after the original site plan. So the blacktop has nothing to do with the original site plan. Dreger is not sure if that would make it a violation if it is not addressed on the amended site plan.

Lundgren voted in favor of the amended site plan. The Mayor, Henderson, Locke, and Dreger, voted to deny the amended site plan. The site plan has been denied.

4) Replat of Lots 3818 & 3819 located at 256 W Broadway St, Alliance, OH 44601 submitted by Akins Land Surveying (20152292PC).

Bob Akins, 776 N. Union Ave., Akins Land Surveying, was sworn in. The owners would like to combine the two lots in order to build a garage.

Bungard and Mazzola recommend approval.

Lundgren made motion to approve the replat of lots 3818 & 3819 located at 256 W. Broadway St. Henderson 2nd motion. All in agreement.

5) Other business – Drawings submitted to Planning Commission members for minor adjustments to MAC Waste Trailer site plan located at 2360 W Main St, Alliance, OH 44601 submitted by Hettler Engineering LLC (previous site plan 20152059PC).

Michael Hettler, 1225 N. Main St. N. Canton, OH, was sworn in. Hettler is the civil engineer for the MAC Trailer project. Hettler stated the adjacent property in the south east corner is not in an industrial zone it is actually in a R-1 zone. There would need to be a Type A screening buffer which would include a 50 ft. setback, a 6ft high opaque screen, and vegetation. Hettler is proposing to add a 6 ft. high earth mound planted with pine trees. The adjoining residential property sits higher than the commercial property so Hettler stated they will make it as tall as they possibly can.

Bungard and Mazzola recommend approval.

The mayor asked if there was a berm and if it goes around the corner. Hettler said it will depend on the vegetation and does not want to disturb property along the park side, the fence would be about 100 ft. long.

Lundgren moved to approve the minor adjustments to MAC Trailer site plan. Henderson 2nd the motion. All are in agreement.

Lundgren congratulated Curtis Bungard on his Open Forum article in The Review.

Bungard noted that he gave Sally's Auto a verbal approval to improve their lighting at their temporary location. The site plans will be coming at a later date.

The next Planning commission will be February 17, 2016.

Henderson made motion to adjourn. Lundgren 2nd motion. Meeting adjourned at 5:18 pm.