

Memo

To: Planning Commission/DDA Members
From: Julie Durkin, Zoning Administrator
Date: May 6, 2024
Re: Zoning Administrator's Report

Permits & Code Enforcement:

- 3 Land Use Permits were issued – 2 fences & 1 new address
- 1 Sign permit
- 10 Waivers were issued (roof/siding/gutters)

Planning Commission Updates:

OLD BUSINESS:

1. Request for Extension – Final Site Plan Review: Jennifer Cooke of Cooke Coaching LLC has made a request for an additional extension of the final site plan approval granted May 2, 2022. A one-year extension was granted in 2023. The Planning Commission may grant an additional year extension upon a showing of good cause.

Section 152.393

(G) Expiration of approval. Approval of a final site plan shall be valid for one calendar year, and shall then expire and be of no effect unless a building permit, when required, is applied for and granted within that time period. Approval shall expire and be of no effect 545 days following date of approval by the Planning Commission, unless construction has begun and is being diligently pursued in accordance with the approved site plan. The applicant may extend final site plan approval for one additional year upon written request to the Zoning Administrator and approval by the Planning Commission, prior to the original expiration date. The Planning Commission may grant further extensions of final site plan approval in accordance with the procedures noted herein upon a showing of good cause.

Jennifer Cooke has requested additional time to complete their site plan as they have been working on funding through the MEDC. She has provided a schedule which reflects substantial completion by November 1st. It should be noted that the plan was approved for the parking lot improvements with very little building renovation. The schedule reflects exterior building improvements which may require an amendment to the site plan.

I would suggest the following motion:

To approve an additional 6-month extension of the final site plan for Tru-fit/Cooke Coaching, LLC at 140 Main Street with the understanding that a review of any building improvements may require an amendment of the final site plan approval.

2. Final Site Plan Review – Lakeland Knoll:

History:

- July 8, 2020 the Planning Commission approved both the Special Land Use and Preliminary Site Plan with conditions.
- July 27, 2020 Village Council approved both the Special Land Use and Preliminary Site Plans with conditions
- One-year Extension granted in 2021 and 2022
- September 26, 2023 after proper notice was given, a public hearing was held for the final site Plan for the Lakeland Knoll Residential Open Space Development. At that meeting, several members of the public spoke and the issue was tabled for further review. Since that time, Mr. Blau has been working with the Village and its consultants to make further modifications to the site plan.

- April 8, 2024, the Zoning Board of Appeals approved a variance to allow the street trees to be located within the right-of-way thereby amending the landscape plan as previously submitted.

The process for approval of the final site plan for an open space development is as follows:

§ 152.351 GENERAL REQUIREMENTS.

(L) Review Process. The application for a residential open space development shall require review and approval of both the applicable special use application and site plan application and in some cases may also require a rezoning request for some or all of the property involved. At the request of the applicant, or at the direction of the Planning Commission or the Village Council, these applications may be considered concurrently. Review of the proposed residential open space development plan by the Planning Commission and Village Council shall require the procedures for both site plan and special use reviews and shall be acted on as follows:

- (1) Planning Commission action. The review of the final residential open space development plan shall be noticed for public hearing in the same manner as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law.
 - (a) Approval. Upon finding that the final plan meets the criteria and standards set forth in the Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242 and 152.388 , the Planning Commission may recommend approval of the plans, with or without conditions.
 - (b) Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388 , but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.
 - (c) Denial.
 1. Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388, the Planning Commission shall deny the final plans.
 2. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the project, including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.
- (2) Village Council action. The final plan shall be noticed for public hearing as a rezoning before the Village Council, and otherwise acted upon by the Village Council, as provided by law.
 - (a) Upon receiving a recommendation from the Planning Commission, the Village Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the Village Council shall approve, approve with conditions, table or deny the final plan.
 - (b) Within a reasonable time following the hearing, the Village Council, or its designee, shall prepare a report stating the Village Council's conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
 - (c) Prior to approval of a final plan, the Village Council may require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be approved by the Village Attorney, and the Village Council, and signed by both the village and the applicant.

Suggested Motion:

Finding that the revised plan dated 4/16/2024 for the Lakeland Knoll Residential Open Space Development meets the criteria and standards set forth in the Village Zoning Ordinance Section 152.242 and 152.388, the Planning Commission recommends to the Village Council approval of the Open Space Development with the following conditions: **I will have a list of outstanding items for inclusion in the motion once I have verified with the Village Engineer.**

NEW BUSINESS:

1. Preliminary Site Plan Review - Proposed Class A Microbusiness: Based on the reviews by the Planner and Engineer, this item has been left on the agenda for discussion only. The applicant will be at the meeting to make a brief presentation and accept any comments from the Commission as he makes adjustments per the recommendations of the consultants.

DDA:

1. Part-time Seasonal help: I was hoping that our seasonal help from last fall would be able to pick up where he left off, however he has accepted another position and no longer available. There are funds budgeted, and I would like to advertise for summer help with downtown maintenance (gardens, weeding around the community garden, etc.). The DPW was also able to take advantage of some additional work that needed to be done such as the rain garden along the Library property, cemetery clean-up, etc. This would be for 10-15 hours per week at a rate of pay \$15-17 per hour.
2. Budget Discussion: Village Council has begun their budget meetings to discuss the upcoming 2024-2025 budget. If the Board has any ideas for projects within next year's (7/1/24 – 6/30/25) DDA budget, I would be happy to get estimates. Other than some minor increases, etc., the changes currently being proposed are as follows:
 - Although funds were budgeted for the northeast corner of Howell and Main Street improvements within this year's budget, the project will not be complete until next fiscal year.
 - Monies are being budgeted for sandblasting and powder coating the remaining benches and planters downtown.
 - There are 24 light poles remaining along M-36 to complete all of the poles to be decorated with garland and lights for the holiday season. The cost will be \$110 for the additional poles and \$55 for 80 poles.
 - Funds for a 2nd gateway sign have been removed as it has been determined unlikely that we will be able to extend the DDA boundaries to The Means project as originally anticipated.
 - We will be looking at replacement of the skirting around the light poles this year. It has been discussed in the past, but yet to be accomplished.

OTHER BUSINESS:

1. Addition of 2 ad hoc members of the Planning Commission: At their April 22nd meeting, Council adopted an ordinance amendment providing for the addition of two non-voting, ad hoc members of the Planning Commission/DDA. The amendment will become effective on May 19th after which President Lavey will nominate two members of the general public for Council confirmation. The purpose of this amendment was to allow two non-residents (business owners) to sit on the DDA without changing the current structure (ie: splitting of the PC & DDA).