

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION**  
July 25, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Franz (alt. for Schaedlich) Klco (alt. for Troy), Politzer (alt. for Simon), Siegel, Smith (alt. for Sines), and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

**MINUTES**

The following corrections were made to the June 28, 2006 minutes.

On page 4, comment 14, change minimum to maximum.

On page 6, paragraph 6, change "Perry Township" to "Leroy Township."

On page 10, last paragraph, remove "Leroy Township Trustee", after Larry Klco.

On page 16, paragraph 6, change "Mr. Pesec" to "Ms. Pesec."

Mr. Adams moved and Ms. Hausch seconded the motion to approve the minutes with corrections for the June 28, 2006 meeting.

Eight voted "Aye."

Mr. Politzer abstained.

**FINANCIAL REPORT**

Mr. Siegel moved and Mr. Klco seconded the motion to approve the Financial Report for June, 2006.

All voted "Aye."

**PUBLIC COMMENT**

There was no public comment.

**LEGAL REPORT**

Mr. Eric Condon, Assistant Prosecutor, stated there was nothing to report.

Mr. Aveni arrived at 7:10 p.m.

## DIRECTOR'S REPORT

### Resignation of Thomas Fitzmaurice

Mr. Webster said that regretfully, Thomas Fitzmaurice resigned his position as a member of the Planning Commission due to health and personal concerns. Mr. Webster said that Mr. Fitzmaurice's contribution of experience gained over nine years of working with the Land Use and Zoning Committee and subdivision issues will be greatly missed and he wished him well.

## ANNOUNCEMENTS

### Madison Village Comprehensive Plan

Mr. Webster announced that Madison Village returned a contract and request to do the Madison Village Comprehensive Plan. The projected cost to the Village is \$5,000.00.

Ms. Hausch moved and Mr. Adams seconded the motion to approve the contract to do the Madison Village Comprehensive Plan.

All voted "Aye."

### Public Hearing for Subdivision Regulations

The Commissioners set August 24, 2006 as the date for the Public Hearing for the new additions to the Subdivision Regulations. Staff will be present to answer questions.

### Seminars

Mr. Webster announced three seminars that members may wish to attend. They are New Environmental Liability Protections, Practical Guide to Zoning and Land Use Law, and Internet Searches: How to Get Accurate and Reliable Information.

Lake Erie Protection and Restoration Agency is holding The Ohio Lake Erie Conference at Lorain Community College on September 7<sup>th</sup>. The cost is \$30.00 per person.

## SUBDIVISION REVIEW

Mr. Radachy reported that Cambden Creek Phase I and Azelea Ridge subdivisions were recorded last week. The Commissioners accepted the improvement plans for Villa Grande and Lake Erie Shores.

### Concord Township – Crestview Estates Subdivision, Final Plat and Improvement Plans, 3 Lots

Mr. Radachy said the developer is Slowey Insurance and that Polaris is the engineering firm. There are three sublots on Pinecrest Road. Located west of Viewmont Road and east of Morley Road, it is east and south of Mountainside Farms Subdivision.

### **Proposed Improvement Plan Stipulations:**

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the

approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*

2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. ESC Plan revisions shall be developed and submitted to the District for review and final approval. *LCSWCD*
5. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *L. C. Utilities*
6. Subject to detailed review of revised drawings. *L. C. Engineer*

**Proposed Final Plat Stipulations:**

1. Ownership of all land that is in the proposed subdivision must be in the name of the applicant. *LCPC*
2. Add Storm Water Engineer to the County Engineer's signature line. Add secretary to the Planning Commission Director's signature line. *LCPC*
3. Pinecrest Road is a Lake County road. The drainage easement that is given to Concord Township Trustees should be given to the Lake County Engineer. *LCPC*

Mr. Radachy said that staff recommended approval.

Mr. Brotzman asked if the easement for access to Mountaintop Estates will be given up once the subdivision is completed and will it given up to that subplot?

Mr. Radachy said it is a temporary easement and will be vacated to the homeowner adjacent to it.

Mr. Siegel moved and Mr. Adams seconded the motion to approve Crestview Estates Subdivision, Final Plat and Improvement Plans with 3 lots in Concord Township subject to 6 stipulations on the Improvement Plan and 3 stipulations on the Final Plat.

Nine voted "Aye."  
Mr. Aveni abstained.

Painesville Township – Maple View Subdivision, Final Plat and Improvement Plans, 3 Lots

Mr. Radachy said Maple View Subdivision is located north of Route 2, west of Richmond Street, south of Grand River. Zoning is Planned Unit Development on 33 acres with two sublots zoned commercial and one subplot will be condominiums.

**Proposed Improvement Plans Stipulations:**

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. Final plat and improvement plans shall conform to each other. Show the utility easement on Deming's and Coastal Properties' parcels. The Plat shows a storm water easement and the improvement plans call it a drainage easement. *Article IV Section 4(A)*
5. Remove President from Commissioner Troy's name. *LCPC*
6. County Engineer is the Stormwater Engineer, not the drainage engineer. The title shall be changed on the cover sheet. *LCPC*
7. Albert Saari is the County Sanitary Engineer. The title shall be changed on the cover sheet. *LCPC*

8. Remove the signature line for the Zoning Inspector. *LCPC*
9. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the building official inspects the building or structure and finds no violations of the provisions of the 2004 Residential Code of Ohio for One, Two and Three-Family Dwellings, or other laws that are enforced by the Lake County Building Department. **No building or structure shall be used** or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. *L.C. Building Dept.*
10. There is an inconsistency regarding the utility easement between that depicted on the plat and that depicted on the roadway improvement plan. The plat indicates the utility easement extended from the cul-de-sac to Richmond Street. The improvement plan indicates the utility easement extending from the cul-de-sac to approximate station 4+00 of Maple View Road. The manner in which electric distribution circuitry is extended into the development will vary slightly depending on the easement frontage. Please have the project consultant resolve the discrepancy and forward the revised drawing(s) to my (Ralph N. Delligatti) attention together with an autocad version of the plat in dwg or dxf file format. *The Illuminating Co.*
11. Subject to detailed review of revised Improvement Drawings. *L.C. Engineer*

**Proposed Final Plat Stipulations:**

1. Names of new street shall not duplicate names of existing streets in Lake County. Maple View exists in Willoughby Hills. *Article IV Section 3(H).*
2. Final plat and improvement plans shall conform to each other. Show the utility easement on Deming's and Coastal Properties' parcels. The Plat shows a storm water easement and the improvement plans call it a drainage easement. *Article IV Section 4(A)*
3. All owners shall sign the final plat to dedicate storm water easements to the Commissioners. *LCPC*
4. Trustees do not take local service drainage easements. Drainage Easement is the proper name. *LCPC*
5. Give record number for the C.E.I. easement. *LCPC*
6. All existing ingress/egress easements need to be released prior to filing of the plat. *LCPC*

7. The Planned Unit Development was proposed to have condominium development on it. The plat shows a homeowner's association to have maintenance responsibility for the detention pond. This needs to be changed to the condominium association because there will not be a Homeowners Association created. *LCPC*
8. Final maintenance responsibility for the storm sewer from the detention pond to Tibor Creek will need to be determined. *LCPC*
9. Plat must make reference to State Plane Coordinates. *L. C. Engineer*
10. There is an inconsistency regarding the utility easement between that depicted on the plat and that depicted on the roadway improvement plan. The plat indicates the utility easement extended from the cul-de-sac to Richmond Street. The improvement plan indicates the utility easement extending from the cul-de-sac to approximate station 4+00 of Maple View Road. The manner in which electric distribution circuitry is extended into the development will vary slightly depending on the easement frontage. Please have the project consultant resolve the discrepancy and forward the revised drawing(s) to my (Ralph N. Delligatti) attention together with an autocad version of the plat in dwg or dxf file format. *The Illuminating Co.*
11. The final plat shall conform to Painesville Township Trustees Resolution 2005- 90.

**Proposed Final Plat Comments:**

1. Mr. Urbanick owes this department a substantial amount of money and has refused to pay. *L.C. Utilities*

Mr. Radachy showed the grading plan with a proposed detention pond. Staff is recommending approval. There is a minor issue with maintenance of the storm pipe going out to Tiber Creek. It is currently marked storm water easement. On the improvement plans, it is marked as a drainage easement. Also, two owners need to sign the final plat which shows the utility easement on both the Deming's and Coastal Properties' parcels.

Sanitary Engineer recommended disapproval based on the fact that a partner of Nelson Properties LLC owes money to the Utilities Department. Legally, we cannot deny approval based on the fact that a partner of the developer owes money to the Utilities Department.

Mr. Condon agreed.

Mr. Radachy said the same comment was made with the Preliminary Plan.

Mr. Aveni moved and Mr. Siegel seconded the motion to approve Maple View Subdivision, Final Plat and Improvement Plans with 3 lots subject to stipulations and comments.

All voted "Aye."

## LAND USE AND ZONING REVIEW

### Concord Township – Proposed Text Amendments to Sections XXII-Restricted Retail, XXIV-Business Interchange, XXX-Signs, and Definitions

Mr. Radachy said Concord Township has text changes dealing with buffering, screening, lighting, and signs. He showed pictures of buildings having visible mechanicals versus buildings where walls and screening were used to cover the mechanicals.

Staff made the following general recommendations:

- Allow exclusion for roof mechanicals in regards to building height.
- Use mounding and fencing (properly installed) instead of what's proposed.
- Use the four-sided trash enclosures, but set a height of 6 to 8 feet.
- Eliminate the sections referring to satellite receiving antennas. They are covered by Section 33 of the Zoning Resolution.
- Eliminate the time restrictions for trash pick up, loading and unloading because those are covered under the noise resolution.
- Eliminate the outdoor cooking section; this is regulated by the Health District.
- Allow businesses that are adjacent to residential to use neon, backlighting, etc., on the side of the building that does not face the residential zone.

Staff said that this section is meant to provide a year-around screened buffer between residential and commercial land. The proposed changes do not reflect this concept. The present text changes would be difficult and time consuming to administer and to enforce. Written to preserve woodlands and provide open space, staff agrees that proper buffering needs to be added to protect the adjacent property owners. Mounding and fencing (properly installed with current vegetation and soil) may be a more beneficial solution.

Ms. Pesec said she would like to make sure the summary turns into a purpose statement corresponding to the Ohio Revised Code.

Mr. Radachy stated that summaries are what is being proposed and not part of the text changes. If Concord adds a site plan review process to their zoning text, then applicants and the Zoning Inspector will be able to discuss individual situations.

Mr. Radachy said that at the recommendation of the Auburn-Crile Road Study, a site plan review process should be created. Currently, a commission comprised of staff, the Concord Zoning Inspector, and several members of the Zoning Commission are working on a site plan review process to add to their zoning text for all non-residential districts.

Mr. Bill Fitzgerald introduced himself and said he, Joe Tomsick, and six other residents applied for the zoning text changes. They are concerned because property adjoining his that is currently zoned R-1 will be changed to B-1. They are concerned with outdoor cooking, mounding, pine trees used in mounds, and loading docks, tree preservation, and shade for parking. The current resolution is a resolution not a regulation.

Mr. Brotzman pointed out that some recommendations were impractical and unenforceable. Some of these details could be solved through best management practices as advised by a professional arborist or an urban forester.

Ms. Pesec said that the question of responsibility, be it owner, developer, or township, also needs to be addressed.

Staff and the Land Use and Zoning Committee made the following recommendations:

*22.08: Maximum Height of Buildings.* It is recommended that the mechanical appurtenances remain exempted from the building height requirement. Removing it would be a burden on the builders. They would lose useable space in their buildings and may force them to place the mechanical appurtenances on the ground, which would make them more visible. This exemption is also common in most zoning codes and resolutions.

*22.08 Roof Mechanicals A (new section):* It is recommended to change this section to read “All mechanical appurtenances on the rooftop and all visible equipment mounted on the side of a building shall be shielded from public view and adjoining developments. The shielding shall be integrated into the architecture of the building in terms of massing, materials and details. The shielding for the mechanical appurtenances on the roof shall be part of the roof form.

Ms. Pesec moved and Mr. Smith seconded the motion to accept the recommendations of the Land Use and Zoning Committee for Sections 22.08 and 22.08 A.

All voted “Aye.”

The following recommendations were made for Section 22.09, Sections A by the Land Use and Zoning Committee:

*22.09 A Buffers; B Transitional areas; D General Plantings, and I Loading Docks:* It is recommended that Concord Township establish a review board to review and revise the buffering regulations.

Mr. Radachy said that Land Use and Zoning recommended mounding and fencing (properly installed with current vegetation and soil) may be a more beneficial solution.

Mr. Webster said tree cover and foliage would work and can be achieved without undo stress on the developer. Again, this is where a site plan review process would help.

Mr. Politzer moved and Mr. Klco seconded the motion to recommend that Concord Township create a site plan review process.

All voted “Aye.”

Mr. Radachy said that Land Use and Zoning made the following recommendations:



*22.09 E Trash Areas:* It is recommended that language be accepted that states that the trash containers not be in the buffer area, or any of the setbacks, and also set a standard height of 6 or 8 feet. It is also recommended that a site plan review be created to review the location of trash dumpsters and other similar elements of a site. The time restrictions are also a concern. The township should consult with their legal advisor to make sure that the noise resolution is a legal resolution and enforceable by the township and the township needs to decide if the best placement of the time restrictions is in the zoning resolution or the noise resolution.

*22.09 J Loading Docks:* The time restrictions are also a concern. The township should consult with their legal advisor to make sure that the noise resolution is a legal resolution and enforceable by the township and the township needs to decide if the best placement of the time restrictions is in the zoning resolution or the noise resolution.

Mr. Radachy said Land Use and Zoning recommended mounding and fencing that is properly installed.

Mr. Webster said maintaining the existing tree cover can be achieved without undo stress on the Township or the developer and may be preferable.

Mr. Politzer said he would recommend that Concord establish a review board to establish this buffering.

Ms. Pesec moved and Mr. Smith seconded the motion to recommend that Concord Township establish a review board to review and revise the buffering regulations for Sections 22.09 E and J.

All voted "Aye."

*22.09 K Outdoor Commercial and Cooking:* It is recommended that outdoor cooking not be added to the zoning resolution because it is regulated by the Lake County General Health District through the food service license.

Land Use and Zoning recommended that Section 22.09 K be removed.

Mr. Politzer moved and Mr. Smith seconded the motion to accept the recommendation of the Land Use and Zoning Committee that Section 22.09K not be added to Concord Zoning Text.

Nine voted "Aye."

Ms. Pesec voted "Nay."

Land Use and Zoning did not have any recommendations for the lighting section.

*24.10 Buffering and Screening:* It is recommended that the proposed language be revised to include the existing language and then be added to the zoning resolution. The Planning Commission was concerned that language stating the lights shall not be emitted onto the right-of-way was being removed. It is also recommended that language stating the owners should minimize light pollution and exposure to the residential properties be added.

Mr. Smith said he did not have any issue with the proposal but he preferred that the proposal state that they maintain some warning that they prevent light from shining into the right-of-way.

Mr. Smith made a motion to accept Land Use and Zoning's recommendations and to include the existing wording in the resolution as part of the recommendation. Ms. Pesec seconded the motion.

All voted "Aye."

Mr. Radachy said that Land Use and Zoning recommended the following:

*30.02 B General Requirements for All Signs and Districts:* It is recommended that when property adjoins a residential property, exposed light bulbs and neon signs shall not be used on the exterior surface of any sign or canopy on the sides of the buildings that face the residential properties. Awnings shall not have back lighting, canopy signs shall not be illuminated; beacon lights shall not be used and no internal sign illumination shall be allowed on the side of the buildings that face the residential properties. This language change would allow a business owner to use a neon sign or exposed bulb, etc. to advertise their business while protecting the adjacent property owners.

Mr. Smith moved and Mr. Franz seconded the motion to accept the Land Use and Zoning Committee's recommendation for Section 30.02 B.

All voted "Aye."

Mr. Radachy said that the Land Use and Zoning Committee accepted all the definitions proposed.

Ms. Pesec moved and Mr. Smith seconded the motion to accept the recommendation of the Land Use and Zoning Committee for Definitions.

All voted "Aye."

Madison Township – Proposed District Amendment from R-1 to B-2 on Parcels 01B-092-000-007-0, -008-0, -010-0, and -013-0

Mr. Radachy said this is a rezoning for 31 acres located on Hubbard Road south of Route 20 and north of Middle Ridge Road. Madison Township has three commercial zones, P-1, B-1 and B-2 and they build on each other. P-1, which has offices and barber shops, is the most restrictive and B-2, which has larger stores and gas stations, is the least restrictive. Staff stated that the 1996 Comprehensive Plan states the front of the property could be zoned P-1 but the rear should remain residential.

Staff and the Land Use and Zoning Committee recommended denying the district change because it does not conform to the 1996 Comprehensive Plan.

Mr. Brotzman said that Mr. Scharver of the Lake County Soil and Water Conservation District reported that it is, historically, a wet farm, with a seasonally high water table and is poorly drained.

Ms. Hausch moved and Mr. Siegel seconded the motion to accept the Land Use and Zoning Committee's recommendation of denying approval for the proposed district amendment from R-1 to B-2 on parcels 01B-092-000-007-0, -008-0, -010-0, and -013-0.

All voted "Aye."

Perry Township – Proposed Text Amendments to Sections 310.01, 310B, 307 and 300

Mr. Radachy presented Perry Township text changes.

*Section 310.01.* Perry Township is removing #47 Multi-family Dwellings, Condominiums, Apartments, and Duplexes from Permitted Uses B, Business and Commercial. The second change deleted Sections 310.02 through 310.036, which are Multi-family Project Standards.

Multi-family uses will be removed from the B, Business and Commercial Zone. But by doing this, Perry Township will be creating non-conforming uses. The condominium communities of Canterbury Crossings, Pebblecreek Crossing and Avenue Square will be non-conforming. These owners would be required to follow the rules for non-conforming uses. The Land Use and Zoning Committee recommended that Perry Township create a multi-family district to make these developments conforming.

*Section 307.02 a.* The permitted uses allow for more than single-family homes to be built in the Single Family Planned Unit Development. The Land Use and Zoning Committee felt that Perry Township should change the name to Low Density Planned Unit Development or something similar.

*Section 307.04 a 1. ii Attached Single Family:* The Land Use and Zoning Committee suggested only allowing duplexes or triplexes. The maximum density is two units per acre. Duplexes and triplexes are still considered single family where four or more units are considered multi-family.

*Section 307.04 a 2:* Perry Township is allowing schools and nursery schools into a SFPUD. According to RLUPA, churches should also be allowed into the districts. They can do them as a conditional use if schools and other similar uses are conditional uses.

*Section 307.04 b 2. iii:* In the Section 307.02, Moderate Density Planned Unit Development is described as having multi-family dwelling in a condominium style of ownership. A condominium-style ownership involves dwellings owned by individuals with the land owned in common. That being the case, storage buildings would be inappropriate as accessory uses because land is separate from the buildings. If single homes on fee-simple lots are added to MDPUD, then these accessory uses could stay.

*Section 307.05 a. 4:* Perry Township should consider having minimum design standards set for width, depth, and acreage of open space to be considered as part of the 40%.

*Section 307.05 c 1:* Perry Township should consider going to two enclosed spaces.

Staff stated that both Concord and Painesville Townships require two enclosed parking spaces.

*Section 307.05 g:* Staff suggested changing “Lake County Subdivision Regulations” to “Lake County Standards”. This would cover the Lake County Subdivision Regulations and Lake County Engineer’s Regulations.

*307.06 d. 4:* Perry Township should consider using a setback distance from the centerline instead of setback distance from an easement or pavement edge. If a private drive does not have an easement, then the setback should be greater than 25 feet. Easements are usually larger than 22 feet of pavement. Homes on private streets without easements would be closer to the pavement edge than ones with easements.

*307.06 e 1 and 307.07 e 1:* Change “Lake County Subdivision Regulations” to “Lake County Standards”. This would cover the Lake County Subdivision Regulations and Lake County Engineer’s Regulations.

*Section 307.07 e. 3:* ORC 711.10 gives the County Planning Commission the duty to locate right(s)-of-way in accordance to comprehensive planning. They could make a suggestion of where they need to go, but they need to send them to the Planning Commission for approval. Staff stated that they did not want to see Perry Township lose the ability to approve PUDs because of language that gives them power that the Ohio Revised Code states does not belong to them.

*Section 307.09 a:* Perry Township should consider inviting the county agencies to pre-application conferences and include the County though most of the PUD process. It cuts down on issues developing in the future and helps the developer in the long run to know what will be required of him in the future.

*Section 307.09 f, Bonding:* This may go beyond what the Ohio Revised Code 519 would allow a township to do. It was recommended that Perry Township have their legal advisor look into this issue.

*307.09 h:* It is recommended that the township have their legal advisor review this section. Other agencies review plats, building permits, etc. and they have their own regulations. From time to time, their approvals may force a change to a final development plan. The Land Use and Zoning Committee was concerned that the regulation is very strict on this issue.

Mr. Aveni was concerned that there were no variance procedures where there were references such as parking requirements. There should be general language, while the PUD sets specific requirements, the Township reserves the authority to modify through the issue of variances where applicable. With regards to Section h, Compliance Required, he was not sure that subdivision plats and improvement permits are outside the authority of the Township. He would want the Township’s legal counsel to determine what can be enforced.

Mr. Aveni was further concerned with Section 307.10 Professional Assistance. He is familiar with municipalities having done this, but townships do not have home rule authority. By the Ohio Revised Code, they really fall under the authority of the agencies of the county. A developer may question what authority the township has to charge for services when he is already paying tax dollars to support these services. This should be reviewed also.

Mr. Aveni said that since we are removing the existing business and commercially zoned districts which allow some multi-family, we are deleting that allowable use from those districts. They can apply to the Township, but it will be subject to referendum and they may be restricted from a use that is currently allowed. He suggested that a distinction be drawn where there would be a rezoning for any parcel where it is not an existing allowable use but for those that are currently business and commercial districts where it is an allowable use, it should be a floating zone above those zones so when it attaches it becomes an administrative review process but not subject to the referendum. The Township could still deny it.

*307.10:* It is recommended that the township have their legal advisor review this section to make sure that the township has this authority. It was also recommended that the township set up a variance or waiver procedure for the design standards that are not flexible in the PUD section.

Mr. Aveni moved to adopt the recommendation of the Land Use and Zoning Committee subject to the additional recommendations of the Planning Commission. Mr. Smith seconded the motion.

All voted "Aye."

#### REPORTS OF SPECIAL COMMITTEES

There were no reports of special committees.

#### CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

Mr. Brotzman asked if anyone looked up the definition of mass grading. Mr. Franz said that is when a developer such as Pulte Homes grades an entire area and digs homes, setting the height of the street.

#### NEW BUSINESS

##### Auburn-Crile Rd. Business Corridor Study

Mr. Webster said that the Auburn-Crile Road Business Corridor Study was adopted by Concord Township. The Planning Commission needs to adopt it to include with the County Comprehensive Plan.

Ms. Hausch moved and Mr. Siegel seconded the motion to adopt the Auburn-Crile Rd. Business Corridor Study and add it to the County Comprehensive Plan.

All voted "Aye."

## Resolution for Thomas Fitzmaurice

Mr. Webster asked for a vote for the Resolution of Appreciation for Thomas Fitzmaurice who resigned last month.

### **Resolution of Appreciation For THOMAS C. FITZMAURICE**

WHEREAS, THOMAS C. FITZMAURICE has served the Lake County Planning Commission from January, 1996 to July, 2006 he first served as a member of the Land Use and Zoning Committee; then in July of 1997, he served as a Planning Commission member, and

WHEREAS, THOMAS C. FITZMAURICE served with honor and distinction as Vice Chairman in 2001 and as Chairman of the Planning Commission in 2002, and

WHEREAS, THOMAS C. FITZMAURICE has during this time frame actively supported and participated in planning and zoning efforts, considered private and public interests, and the county's resources both natural and built, focusing especially upon Concord, Leroy, Madison, Painesville, and Perry Townships, and

WHEREAS, THOMAS C. FITZMAURICE has served without partiality and has given due regard to the concerns of the public, members of the Planning Commission, and staff on any given issue and has showed patience and understanding in the execution of these duties, and

BE IT FURTHER RESOLVED, that THOMAS C. FITZMAURICE be acknowledged for his faithful service and concern for his community and county and that this resolution signifies the Planning Commission members' wishes for success and happiness in his continuing endeavors.

ADOPTED this 25<sup>th</sup> day of July 2006.

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Timothy C. Brotzman, Chairman

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Darrell C. Webster, Director/Secretary

Ms. Hausch moved and Mr. Siegel seconded the motion to adopt the Resolution of Appreciation for Thomas Fitzmaurice.

All voted "Aye."

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

Mr. Siegel moved and Mr. Aveni seconded the motion to adjourn the meeting.

All voted "Aye."

The meeting adjourned at 9:17 p.m.