



DATE: January 19, 2012  
APPROVED BY: *ju3*

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
November 30, 2011**

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.

Chair Pesec called the meeting to order at 5:00 p.m. She pointed out that tonight's agenda used a new page numbering format to make it easier for the members to follow.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Siegel, Welch (alt. for Aufuldish), and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

**MINUTES**

Mr. Morse said that "in" Perry Township should be changed to "and" Perry Township in the second paragraph under the Subdivision Activity Report title on page three.

Mr. Siegel moved and Mr. Morse seconded the motion to approve the minutes of the October 25, 2011 meeting to include the change stated above.

Seven voted "Aye."  
One abstained.

**FINANCIAL REPORT**

Mr. Boyd stated that the budget looked good. At the bottom of the revenue account under refunds and reimbursements, you can see what the Federal Grants operation has meant to our bottom line this year. The appropriations that are remaining are well on track and under budget in most cases.

Mr. Siegel moved and Mr. Pegoraro seconded the motion to approve the October, 2011 financial report.

All voted "Aye."

#### PUBLIC COMMENT

There was no public comment.

#### LEGAL REPORT

Mr. Josh Horacek, Assistant Prosecutor, stated there was no legal report.

#### DIRECTOR'S REPORT

##### Balanced Growth Plan

Mr. Boyd said the Balanced Growth Plan is essentially complete and received six resolutions of endorsement from the participating communities. A final draft plan has been sent to the Ohio Lake Erie Commissioner for review.

##### Temporary Planning Commission Budget

The Commissioners will adopt a temporary budget for the first quarter in 2012. We should be receiving a temporary appropriation by the end of December 2011 similar to what has been done in the past.

##### County Land Bank Program

The County Commissioners have asked us to look into a County land bank program. There are 10 to 12 up and running, which essentially give the Commissioners first right of refusal on tax foreclosed properties throughout the County. To learn more about it, Mr. Boyd had attended a forum a couple of weeks ago at the Federal Reserve Bank in Cleveland. This office and the Lake County Port Authority will probably take the lead on this program for the Commissioners. The program will allow us to purchase the homes, tear them down and either sell them as side lots to adjacent homeowners or just take the houses down and seed the properties as green space to help stabilize the neighborhood values.

#### ANNOUNCEMENT

There were no announcements.

## SUBDIVISION REVIEW

### Concord Township - Plat Extension Request, Resubdivision of S/L 23 Cali Woods No. 2 (LaMalfa)

There was one subdivision review presented by Mr. Radachy this month. This was a lot split plat of subplot 23 in Cali Woods #2 approved by the Planning Commission in 2009 that received final approval by the Director in January 2010. They have not filed the plat because they did not find a buyer and did not want to have a second taxable lot until they did. They asked for a two-year extension on the plat and staff is recommending a one-year extension because that has been the standard procedure for major subdivisions approved in the past. There were no proposed stipulations from the County Engineer or the Concord Township Trustees.

Mr. Pegoraro recused himself from this item.

Mr. Siegel moved to approve a one-year extension for the lot split plat of subplot 23 in the Cali Wood #3 subdivision. Mr. Morse seconded the motion.

There was discussion on the process of changing the Subdivision Regulations on lot split plat extensions and how many times they could be extended. Mr. Boyd said he wanted to make sure we had everything together because it becomes somewhat cumbersome for the Commissioners to hear subdivision amendments one topic at a time. He would prefer to do everything at one time. The members were concerned about getting this particular change in place as soon as possible and instructed Mr. Radachy to get the procedures started.

Seven voted "Aye".

Mr. Pegoraro was recused.

### Subdivision Activity Report

The latest subdivision activity was reported by Mr. Radachy as follows:

Kimball Estates II Phase 1: The County Engineer's Office stopped the developer from trying to fix their drainage problem without supervision. The Engineer's Office is currently working on a design to correct the issues involved.

Subdivision Regulations: Mr. Radachy has sent the subdivision regulations papers twice to the various reviewing agencies. He received comments from the Lake County Department of Utilities (Utilities) and the Lake County Soil and Water Conservation District (LCSWCD). Utilities had no issues, and LCSWCD sent some minor language changes. It does not appear that the other agencies have any issues. He stated they were ready to start the subdivision regulations amendment process.

Mr. Boyd and Mr. Radachy met with Susanna Syrus, who works for a bonding company and discussed the various parts of the bonding process. Issues discussed included:

1. Three years for a bond is outside the normal period and can be difficult for people to obtain but is doable with modifications. If we are willing to work with the developers and allow them to keep their construction surety in place for a longer period of time (time served) or accept a maintenance surety with a letter of credit for a year, it should not be a problem. We do both and are currently trying to make it easier for them to happen.
2. Bonds need to come from the developer, not the contractor. We have accepted them from both the developer and the contractor in the past, but that will be changing. We will need to give notice of this change.
3. All inspections must be completed prior to the end date of the bond.
4. All inspection letters should go to the bonding company. The bonding company could place pressure on the developer to get things done. It would also serve as notice given to the bonding company.

#### LAND USE AND ZONING REVIEW

##### Painesville Township Text Amendment – Section 22.14B(b), Buffers to Adult Oriented Business

Mr. Radachy stated Painesville Township submitted language to increase the buffer size for Adult Oriented Business uses from 300 feet to 400 feet. They are also adding buffers to two residential districts that were not in place when they initially added the Adult Oriented Business regulation: Flexible Planned Unit Development and Mixed Use Planned Unit Development. This was not presented to the Land Use and Zoning Committee because of the small nature of this change and the date the proposed amendment was received.

The proposed buffers would limit the Adult Oriented Business uses to B-3 on SR 44 near Grand River, on North Ridge Road near Bacon Road, land just east of the SR 2/US 20 split, and land at the corner of Blasé Nemeth and Bacon Road. Mr. Radachy presented maps showing how the 400 feet would affect the B-3 where adult oriented business is allowed. The Township must not jeopardize anyone's first amendment right to free speech. There are no buffers proposed for land zoned REC-1, REC-2 and REC-3.

Staff recommends the code be changed as requested and also to add REC-1, REC-2, and REC-3 districts to Section 22.14B(b) requiring a 400- foot buffer.

Ms. Pesec wanted to ensure this requirement would not jeopardize the first amendment right to free speech. Mr. Radachy explained there is an area along Bacon and Blasé Nemeth Roads that would be shortened, but Adult Oriented Business uses would still be permitted along Lakeshore Boulevard in northern Painesville Township.

Mr. Radachy was asked what would happen if someone came in and rezoned the property adjacent to the Adult Oriented Business. He answered that it would become a legal non-conforming use. This is happening on Route 20 where two businesses have to be 1,000 feet apart according to Painesville Township regulations and cannot be within 200 feet of a residential zone. The two businesses across from the Fairgrounds are considered legal non-conforming uses. One closed and the clock is running down on the other. After two years of closing its doors, it is gone. A sexually-oriented business could not be put in that spot again. If you added this zoning to the regulations and someone puts a business on Bacon and Blasé Nemeth Roads and the land across the street gets rezoned to residential, that building becomes a legal non-conforming use and once it is gone, that use will no longer be allowed. The proposed regulation would allow for a 400-foot buffer regardless of parcel lines.

Mr. Siegel motioned to approve the buffer change from 300 to 400 feet to Section 22.14B(b) along with staff's recommendation to include REC-1, REC-2, and REC-3 districts to this Section. Mr. Pegoraro seconded the motion.

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

##### Potential Coastal Plan Committee Member -Painesville Township Park District

The Painesville Township Park Board, which is not affiliated with the Township, has experienced some coastal issues with a steel protecting wall and would like to become a member of the Lake County Coastal Plan Committee. They submitted a letter in tonight's packet, but we are still waiting for the return of the representative's resume or bio. Mr. Boyd had issued Mr. Hurley a letter explaining the process to become a member, which included a bio sketch for whoever they wanted to place as their representative. He asked the Chair of this Board to appoint this new applicant to this Committee. Ms. Pesec gave her approval.

##### Landscape Committee

Ms. Pesec asked about the status of getting the Landscape Committee together and Mr. Radachy stated they had not called another meeting. Mr. Radachy said that with the Balanced Growth Plan coming together, zoning work for Leroy and Madison Township, and helping Painesville Township with sexually oriented business regulations, this has not been done. He will work on setting a meeting. Ms. Pesec would like to do something on this in the first half of December.

#### CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

### Balanced Growth Initiative Plan

Mr. Boyd directed the members' attention to the four sections of the Balanced Growth Plan included in the package mailed this month to give the members a feel of the work the staff has been doing on this project. He suggested any questions or concerns be forwarded to him. He stated it was a very engaging process and would be a pretty easy blueprint to follow in the future.

### Commercial Zoning at Liberty & State Route 84

Mr. Morse inquired on the zoning of the corner lot at Liberty and State Route 84, including the lot with a house next door. Mr. Radachy said the lot had been rezoned to commercial as the Planning Commission recommended to Painesville Township.

## NEW BUSINESS

### 2012 Nomination of Officers Committee

The Chair decided to form the Nomination Committee for 2012 Planning Commission officers this month in case there would be no meeting next month for some reason. Messrs. Morse, Siegel and Brotzman agreed to be on the Nomination Committee. Mr. Boyd stated that Ms. Pesec had been Chair for two years and is no longer eligible to continue per our Bylaws. The Vice-Chair, should she be willing, is the default nominee. Ms. Pesec stated that anyone interested in chairing this Commission in the future should contact one of the Nomination Committee members.

### Oil and Gas Drilling

Mr. Brotzman stated there were many news articles and meetings going on now about the gas well interests in northeast Ohio. He wondered if there was a concern amongst the County agencies for what looks to be a huge movement into Lake County in the next few years with some pretty elaborate systems. There are some massive proposals of five acre sites for each wellhead area with huge sums of money being proposed as far as signing bonuses and royalties. He had been contacted about three meetings that have occurred by different companies pitching new services.

Mr. Boyd said he had received a few calls from trustees from Leroy Township and Concord Township checking to see if we had heard of particular companies. The Planning Commission has not had any dialog on this topic and the Director could not speak for Soil and Water, Stormwater or the Health Department.

Discussion ensued on gas and oil drilling advocates in Northeast Ohio, Pennsylvania and the State of Ohio regulations. Attorneys from Pennsylvania have been promising to get landowners the best leases and returns possible but are not willing to be advocates if there are ground water issues. That help is supposed to come from the State regulations, which are not specific enough. Deep well disposals and frack water have been dumped on streets that may lead to possible contamination of ground water. There are only thirty-two inspectors for 64,000 active wells. Every well uses over 1,000 over-loaded trucks on County roads. There is a critical need to educate landowners. Safety should be a chief concern for the residents.

#### PUBLIC COMMENT

There was no comment from the public.

#### ADJOURNMENT

Mr. Siegel moved and Ms. Hausch seconded the motion to adjourn the meeting.

All voted "Aye."

The meeting adjourned at 5:40 p.m.