



DATE:	December 18, 2012
APPROVED BY:	Russell Schaedlich, Secretary

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
November 27, 2012**

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 Hausch called the meeting to order at 5:03 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Schaedlich, Siegel, Terriaco (alt. for Morse), Welch (Alt. for Aufuldish), Zondag, and Ms. Hausch. Staff present: Mr. Radachy, and Ms. Truesdell.

MINUTES

The October 2012 meeting was cancelled. Mr. Schaedlich moved and Mr. Zondag seconded the motion to approve the September 2012 minutes.

Six voted "Aye".
Two abstained.

FINANCIAL REPORT

Mr. Siegel moved and Mr. Adams seconded the motion to approve the September 2012 Financial Report.

Seven voted "Aye".
One abstained.

Mr. Schaedlich moved and Mr. Welch seconded the motion to approve the October 2012 Financial Report.

Seven voted "Aye".
One abstained.

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Hamilton – Kimball situation

Mr. Josh Horacek, Assistant Prosecutor, said one solution to the drainage issue in Kimball Estates was opening a ditch between sublots three and four and install a pipe behind sublots one, two, and three. Another solution was to grant drainage easements to adjoining landowners.

Mr. Brotzman said that at the beginning they did not know the volume of the complete watershed.

He was asked how wide the easement was.

Staff said it was ten feet wide.

Mr. Brotzman said that was it was too small to work in.

Staff looked at a copy of the plat and corrected himself by stating each lot owner had a ten foot easement on their property so the total width was twenty feet.

DIRECTOR'S REPORT

Mr. Radachy said the open house held on October 30, 2012 to introduce the Office of Planning and Community Development office to the County was successful and staff was pleased with the comments we received.

Geographic Information Systems (GIS) Day was held at Lakeland Community College and Mr. Radachy attended. He explained to Lakeland students how GIS and planning were integrated.

Staff has been working with the Health Department and Fairport Harbor Village on new trail applications. The Fairport Harbor Comprehensive Plan has been started and staff met with Willoughby Hills to discuss assisting them with some projects at the Loehman Plaza and Route 91 corridor.

Staff provided information to Eric Deustch on the history of SR 2 for a presentation at the Wickliffe Library.

After some revisions, the contract with Ashtabula County will be signed. We can provide up to six hours of work per month.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said the LaMalfa lot split will expire December 31, 2012 and will probably need to be reapproved next month. The owners are close to selling.

The County Commissioners will hold the Public Hearing for the changes to the Subdivision Regulations on December 13th.

LAND USE AND ZONING REVIEW

Concord Township Text Amendments

Mr. Radachy said that the following Concord Township Text Amendments were submitted for review to the Land Use and Zoning Committee. Below each amendment are the recommendations.

Concord Township Text Amendment – Revision of Section XXII, the Creation of the Gateway Health (GH) District and Section V, Adding the Definition of Home

Mr. Radachy said that Concord Township was revising Section XXII of the Concord Township Zoning Regulations by adding a new district, Gateway Health (GH) District. Staff stated that this new section is creating an area that would allow uses that are offshoots of the hospital such as residential care facilities and rehabilitation facilities. The amendment includes adding a definition of “Home”, creating a purpose statement for the new district, adding new permitted, conditional and accessory uses for the new GH District, adding accessory building as an accessory use for all commercial and industrial uses in Section XXII, adding new lot, yard and building requirements for the new GH District and requiring the GH District to adhere to the Design Standards in Section XXXVII.

Mr. Radachy said that the Concord Township Zoning Commission tried to add residential care facilities to the RD-2 last year. It was recommended by the Planning Commission and by the Concord Township Zoning Commission, but the Trustees denied the change. They were concerned that these uses would use all of the industrially zoned land and they wanted to keep some of the land for industrial use.

Land Use and Zoning recommended the text amendment with the additions of revising the purpose statement to read “...centralize medical and dental uses, office, research...” and recommend removal of hospital from the GB and rezone TriPoint medical facility to GH. Staff asked the Commission if they wanted him to go over the permitted uses for the district. They said no.

Mr. Siegel moved and Mr. Zondag seconded the motion to recommend approval of the creation of the Gateway Health (GH) District and Section V, Adding the Definition of Home and revising the purpose statement.

All voted “Aye”.

Concord Township – Text Amendment, Adding GH to Section 11.04, Zoning Permit, Section 29.12, Parking, Section 34.01, Fences, and Section 37.03, Design Standards

Mr. Radachy said that the next changes are part of the cascade effect that happens when a new district is added to a zoning code. The district has to be added in multiple spots. Concord Township is amending their text to add a GH District to Section 11.04, Zoning Permit, Section 29.12, Parking, Section 34.01, Fences, and Section 37.03, Design Standards. Concord Township missed one section, Section XIV, Use Districts which states that Concord Township will be divided into the following named districts. They did not state that Concord Township could be divided into a Gateway Health District.

The Land Use and Zoning Committee recommended the text amendment with the addition of putting General Health District (GH) into Section 14.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendation of the Land Use and Zoning Committee to add the text amendments of GH to Section 11.04, Zoning Permit, Section 29.12, Parking, Section 34.01, Fences, and Section 37.03, Design Standards.

All voted "Aye".

Concord Township Text Amendment – Revision of Section 13 Conditional Uses

Mr. Radachy said this amendment is adding Gateway Health (GH) as a district allowing Residential Care Facility as a Conditional Use in Section 13.07 and using the following conditions:

- requiring three (3) acres of land for the Residential Care Facility in GH District and requiring that the Residential Care Facility not take up more than 30% of the total lot area in a GH District,
- requiring that B-1, B-2, GH, and THN Districts be in compliance with minimum front setbacks established for the corresponding districts as set forth in Section 22.04.

The old requirement was that all districts allowing this use require buildings to be 50 feet from the right-of-way and would now require that all buildings for Residential Care Facilities in a GH District be 30 feet from adjoining property lines unless adjacent to a Residential District which would then be required to be set back 50 feet; requiring that the parking for the Residential Care Facility be 10 feet from adjoining property lines or 25 feet from rear lines, except when adjacent to Residential Districts, which then parking shall be 50 feet and 25 feet from any ROW in a GH District; and reducing the distance for an access drive for Residential Care Facility from 25 feet to 10 feet (Section 13.07 J); and deleting the prohibition of Residential Care Facility for the emotionally disturbed, alcohol or chemically dependent.

The text amendment is also allowing Child or Adult Day Care Centers, Restaurant (Counter Serve), Hospital, Outdoor Storage and Retail in Association of a Permitted Use in a GH District. The conditions are not changing.

The final part of this text amendment is excluding GB, GH, THC and THN from the requirements of a Conditional Use for Wireless Telecommunication Facilities. State law prohibits placing conditions on cell towers in non-residential districts.

The Land Use and Zoning Committee recommended the changes.

Mr. Zondag moved and Mr. Siegel seconded the motion to recommend revision of Section 13 Conditional Uses.

All voted "Aye".

Concord Township Text Amendment – Adding GH to Section 38, Landscaping

Mr. Radachy said that Concord Township is adding GH to Section 38, Landscaping. This will require development in the Gateway Health District to follow the landscaping requirements.

The Land Use and Zoning Committee recommended the changes.

Mr. Siegel moved and Mr. Welch seconded the motion to recommend adding GH to Section 38, Landscaping.

All voted "Aye".

Concord Township Text Amendment – Requiring Design Review GH, THC and THN Districts for Conditional Uses, and Adding GH to the Site Plan Flow Chart

Concord Township is requiring design review for GH, THC and THN Districts for Conditional Uses, and they are adding GH to the Site Plan Flow Chart.

The Land Use and Zoning Committee recommended the changes.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to recommend requiring Design Review GH, THC and THN Districts for Conditional Uses, and adding GH to the Site Plan Flow Chart.

All voted "Aye".

Painesville Township Text Amendments

Mr. Radachy said that the following Painesville Township Text Amendments were submitted for review to the Land Use and Zoning Committee. Below each amendment are the recommendations.

Painesville Township Text Amendment–Adding Churches as a Permitted Use in B-1, B-2 and B-3

Land Use and Zoning recommended changing the name from "Church" to "Church or Place of Religious Worship". "Church or Place of Religious Worship" has a definition in the Painesville Township Zoning Resolutions. Land Use and Zoning also recommended making Church or Place of Religious Worship a conditional use. Churches, Motion Picture Theaters and Party Centers are all places of assembly. Motion Picture Theaters and Party Centers are conditional uses. All three uses should be treated the same.

Mr. Schaedlich moved and Mr. Terriaco seconded the motion to recommend adding Churches as a permitted Use in B-1, B-2 and B-3.

All voted "Aye".

Painesville Township Text Amendment – Signs, Section 28.04

Mr. Radachy said that Painesville Township was adding language to Section 28.04 requiring that a home has to be for sale in order to have an open house sign erected. They were also adding language allowing businesses to have multiple wall signs not to exceed 100 square feet of total signage. The allotment would be approved by the Zoning Inspector.

Identification sign language is being revised. These are the signs that hang in strip malls under the covered walkways so the customers would know where the businesses are located. Staff noted that the location of the identification signs is being listed as "above the covered walkway". That seems to be an error. It should be stated as "below a covered walkway".

There are new regulations proposed for the location of employment signs. Staff questioned if two square feet for employment signs may be small. The Township allows open house signs to be five square feet. Staff stated that having different sizes for different signs could cause a freedom of speech issue because it is being regulated based on what the sign says.

The Land Use and Zoning Committee recommended the text amendment with the following suggestions:

- Identification signs should be under a covered walkway within three feet of the door or entryway of the business.
- Employment signs posted in the ground should be allowed to be the same size as a for-sale sign or open house sign, five square feet.
- Develop rules for posting employment signs that are posted in a window. A maximum area of two square feet for these signs could be used.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to recommend approval of proposed text amendments to Sections 28.04 and 28.05, Signs.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Bylaws Review Committee

Mr. Radachy said the ByLaws Committee meeting met four times. After one more meeting, they will be ready to present their recommendations to the Planning Commission.

Coastal Plan Committee

Mr. Radachy said the Coastal Plan Committee will meet on Wednesday, November 28, 2012.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Radachy reminded everyone that the next meeting will be Tuesday, December 18, 2012.

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

All voted "Aye".

The meeting adjourned at 5:42 p.m.