



DATE:	November 25, 2014
APPROVED BY:	Russell D. Schaedlich, Secretary

## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**November 25, 2014**

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.

Vice-Chair Morse called the meeting to order at 5:33 p.m.

### **ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Martin (alt. for Troy), Morse, Schaedlich, Siegel, Welch (alt. for Aufuldish), and Ms. Hausch and Ms. Pesec. Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy and Ms. Truesdell.

Mr. Morse served as Chair in Mr. Zondag's absence.

### **MINUTES**

Mr. Welch moved and Ms. Hausch seconded the motion to approve the October 28, 2014 minutes.

All voted "Aye".

### **FINANCIAL REPORTS**

Mr. Adams asked what happens to the \$126,000 in revenue.

Mr. Radachy said that goes into the County's general fund.

Mr. Adams moved to accept the October financial report as submitted and Mr. Siegel seconded the motion.

All voted "Aye"

### **PUBLIC COMMENT**

There were no public comments.

## LEGAL REPORT

Ms. Germano said there were no legal issues to report.

## DIRECTOR'S REPORT

Mr. Radachy said Staff has been working on the Leroy Township Comprehensive Plan, Painesville Township Comprehensive Plan, and Fairport Harbor zoning issues.

## ANNOUNCEMENTS

There were no announcements.

## SUBDIVISION REVIEW

Mr. Radachy said so far this year, there have been 31 lot splits, an increase of 18 over last year. There were no subdivisions to review.

## LAND USE AND ZONING COMMITTEE

### Concord Township – Zoning Text Amendments

#### Amend Section XXII to Add New Capital Extension (CE) District

#### Amend Sections: V, VI, XI, XIII, XIV, XXIX, XXX, XXXIV, XXXVI, XXXVII and XXXVIII

Mr. Radachy said that Concord Township was creating a new district, Capital Extension or CE. As part of the change, they were adding a purpose statement, adding proposed permitted and conditional uses, adding lot standards, adding requirements that will address parking, landscaping, lighting, loading spaces, building design, waste storage and access management. They are also creating the Innovative Site/PD as a permitted use. The IS/PD allows for a limited amount of residential in the form of townhouses and live/work units. The only new use being added is Microbrewery. Staff passed out an image of the area under review for the Capital Parkway Extension and the Auburn-Crile Connector.

Mr. Radachy said ORC 519 allows the Township to regulate the location, height, bulk, number of stories, and size of buildings and other structures, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township.

Staff was concerned about the access management regulations. Townships are only allowed to regulate access on Township Roads per Ohio Revised Code. They need to pass a separate resolution in order to do it.

The other sections that are proposed to be amended are being amended because of the creation of the CE. New definitions have to be added to Section V. Section XIII has to be amended because of the new conditional use of microbrewery and several existing conditional uses have to be amended to show that they are allowed in their districts. The other sections are being amended to reflect the new district.

Mr. Radachy said that they were concerned about increasing the building height from 40 feet to 60 feet. Concord Township Fire Department would not be able to handle fire at a building higher than 40 feet. They would get mutual aid from Painesville City and their ladder truck. That could take 20 minutes or longer.

Mr. Radachy said there is no approval process for the innovative site/development. They are using an overlay PUD to develop this. An overlay PUD calls for the development of their own approval process such as was done in Perry Township. There is nothing here that states there should be some sort of approval process.

It was also noted that there is only one material specified for sidewalk construction in Section J-3, Concrete. Staff stated that sidewalks could be constructed out of many different types of materials. These include, but are not limited to asphalt, brick, stone, etc. Some of the materials are also more pervious than concrete.

Mr. Radachy stated that proposed text has a microbrewery definition that defines it as an accessory use ("in conjunction with") and the text was proposing it as Conditional Permitted Use. The Township may want to consider moving it to accessory uses. Staff would recommend that.

Mr. Radachy presented the following amendment summary:

#### Section V – Definitions

- Adding definitions for Innovative Site/PD, Live/Work Unit and Microbrewery.
- Revising the definition of Townhouse.

#### Section VI – General Requirements

- Adding references to CE District in the General Requirements.

#### Section XI

- Adding references to CE District requiring a site plan approval in Section XI.

#### Section XIII

- Adding references to the CE District in Sections 13.08, Child or Adult Day Care Center, 13.09, Church/Place of Religious Worship, 13.17, Drive Thru Facilities, 13.20, Restaurant (Counter Service); Restaurant (Table Service), 13.24, Bed and Breakfast, 13.25, Gas Stations, 13.26, Car Wash, 13.32, Outdoor Storage and/or Display in Association with a Permitted or Conditional Use, and 13.33, Outside Dining.
- Adding Microbrewery as a conditional use and creating conditions in Section 13.35.

#### Section XIV

- Adding references to CE District as a Use District in Section XIV.

#### Section XXIX

- Adding references to CE District in the Parking Regulations in Section XXIX.

#### Section XXX

- Adding references to CE District in the Sign Requirements in Section XXX.

#### Section XXXIV

- Adding references to CE District in the Fence Requirements.

#### Section XXXVI

- Adding references to CE District in the Site Plan Review Requirements.

#### Section XXXVII

- Adding references that the CE District to adhere to Design Standards.

#### XXXVIII

- Adding references that the CE District in the Landscaping and Screening Requirements.
- Adding a reference to Section XXXVII that there are special landscape requirements for CE in Section 22.10.

### **3. RELEVANCE TO COMPREHENSIVE PLAN**

- The 2004 Concord Township Comprehensive Plan goal was to promote a pedestrian-oriented environment for larger commercial development. (page 61)
- The 2006 Auburn Crile Plan recommended creating an overlay zone that would be flexible to accommodate shared parking, clustering of buildings, unified signage, varied setbacks and connection to open space.

### **4. STAFF COMMENTS**

- The definition of Innovative Site/PD would be a good place to make a reference that this is authorized under ORC 519.021 (c) as a PUD Overlay.
- The current definition of Townhouse is the same definition as Multi-Family. There is no issue with removing the language that Concord Township is proposing to do.
- Microbreweries can be considered to be an agricultural use if the property owner plants and uses hops and/or wheat.
- Outdoor Recreation and Government Facilities and requirements for those conditional uses were not added to Section XIII – Conditional Use.

## **5. STAFF RECOMMENDATION**

- 107. Innovative Site/PD: A planned development authorized by ORC 519.021 C, located within the Capital Extension District as provided in this Resolution.
- Add Outdoor Recreation and Government Facilities (if it is to remain a conditional use) to Section XIII and create conditions for the uses.

Mr. Radachy said the Land Use and Zoning Committee recommended approval with the following suggestions:

1. Create government facilities and police and fire services permitted uses in Section 22.
2. Revise Section 22.10 G 1 to state that maximum building height is 40 feet as per Section 22.04 H. The property owners may exceed 40 feet if they provide fire safety measures, such as sprinklers, fire doors, etc. that would protect the building. These measures will be required to be approved by the Fire Department. The building may not exceed 60 feet.
3. Revise Section 22.10 J 5 to read: Sidewalks shall be constructed of a hard surface such as concrete, asphalt, brick, stone, a combination thereof or other materials approved by the Township.
4. Please review to see if it would be appropriate to have regulations for sidewalks located in easements outside of the right-of-way in Section 22.
5. Review Section 22.10 M, Access Management to determine if it is in compliance with ORC 5552, Access Management. Section 22.10 M 4 could be incorporated into parking regulations.
6. An approval process for Section 22.11 should be created.
7. Make microbreweries a conditional accessory use like outdoor dining or outdoor storage in Table 22.03.
8. 107. Innovative Site/PD: A planned development authorized by ORC 519.021 C, located within the Capital Extension District as provided in this Resolution.

9. Add Outdoor Recreation and Government Facilities (if it is to remain a conditional use) to Section XIII and create conditions for the uses.

Mr. Radachy said these are language changes, not a district amendment. Concord has an approximate idea of where this section will be. Staff handed out maps from the connector road study area and Concord Comprehensive Plan that could be possible locations.

Ms. Pesec asked about how many acres are shown on the Concord map.

Mr. Radachy said 66 acres. About 14 acres are off Crile Road and about 52 acres off of Auburn Road.

Ms. Pesec asked about the areas that were previously residential and the fact that with the overlay, one of its main uses was to provide housing.

Mr. Radachy said part of the property was zoned R-1 before it became CE. The lots involved had frontage on Auburn Road and Route 44, so zoning it to CE was a better option.

Ms. Pesec said one of its main uses in the text was to allow housing.

Mr. Radachy said 30% of the area can be housing to allow for townhouses and live-work lots.

Ms. Pesec said that is high density.

Mr. Radachy said, currently, they are proposing eight units per acre, 147 units on 66 acres or approximately 2.2 units per acre.

Mr. Schaedlich said most of this is at Capital Parkway. Typically, with a Town Center, people are living and working there.

Ms. Pesec said that there should be a process where the public can hear about this proposal. Right now we are approving a PUD without a plan.

Mr. Schaedlich said we are discussing the text; it is conceptual.

Mr. Radachy said Land Use and Zoning recommended that an approval process be created.

Ms. Pesec discussed her concern about the danger of pavers on walkways. She wanted to modify the section on pavers. She was also concerned about the use of townhouses and how they do not have to be ADA compliant.

Mr. Radachy said Concord put in concrete. He said if you preferred concrete, suggestion number three can be struck completely.

The Board preferred to go in that direction.

Ms. Pesec asked if the Planning Commission can specify that a certain number of their housing units are ADA accessible.

Mr. Schaedlich said that is not a part of the zoning code. Large new complexes in Painesville are all ADA accessible.

Mr. Martin said the current code drives that.

Ms. Pesec said they are specifically saying townhouses in the text. By attaching three together, none of them have to be accessible.

Mr. Schaedlich said that perhaps you want a certain number of units to be ADA compliant.

Ms. Pesec said it can be left to Concord to decide that. They may not understand what would happen if they are doing townhouses, they would never get any elderly.

Mr. Martin said that may require more research. There is balance in the law. To incentivize that result, there may need to be more discussions with Concord. There is a lot of incentive in the market to be ADA compliant.

Mr. Radachy quoted the definition of a dwelling unit as having "two or three stories, attached to similar dwelling units by one or two of its side walls extending from the foundation or base of the first floor to the roof and having exposed front and rear walls which are used for access, light, and ventilation. Townhouses shall be attached in groups of three to eight dwelling units,..."

Ms. Pesec said we could easily end up with none of the townhouses being ADA accessible.

Mr. Morse asked Mr. Radachy if he wanted to cover the amendments separately.

Mr. Radachy said that Land Use and Zoning only gave one recommendation. They handled it as one case.

Mr. Schaedlich said on page 33, item 7c, the word "furthest" should be changed to "farthest" from the right-of-way.

Mr. Schaedlich said on page 34, item J6, "Sidewalk construction may be deferred as a condition of the zoning permit until sidewalks on abutting lots are approved or constructed." What if they deferred there on the abutting properties, too? Is there a time limit?

Mr. Martin said maybe the next person can anticipate using the same alignment.

Mr. Radachy said sidewalks are usually on the edge of the right-of-way. They may be requiring the person who buys not the corner lot, but the second lot in, to build a sidewalk.

Mr. Martin said sidewalks are optional and not required in the right-of-way.

Mr. Radachy said they are not requiring the developer to build the sidewalks. It is the timing aspect. They do not want the first builder to defer.

Mr. Martin said if they are public right-of-way sidewalks they have to be put in at the time building takes place. Some subdivisions have gaps because lots are not built on. He did not know how to have them put in after the fact. Some communities have the developer post a bond or a letter of credit from the bank so they can put them in if the developer did not.

Ms. Pesec asked if it was allowing drive-thru facilities in a mixed use?

Mr. Radachy said, yes, as a conditional use. Not as an innovative design but as a permitted use in the regular CD district.

Mr. Radachy said they allow a drive-thru in their commercial zones. This is still a commercial zone.

Ms. Pesec moved to accept the recommendation of the Land Use and Zoning Committee with the change to remove Recommendation 3 (sidewalks can be constructed of other material). The motion was seconded by Mr. Siegel.

All vote "Aye".

Ms. Pesec moved to recommend that Concord consider requiring that some townhouses be ADA compliant. Mr. Brotzman seconded the motion.

All vote "Aye".

Ms. Pesec moved to accept the recommendation of the Land Use and Zoning Committee to recommend approval of Zoning Text Amendment Section XXII to add New Capital Extension (CE) District and to amend Sections: V, VI, XI, XIII, XIV, XXIX, XXX, XXXIV, XXXVI, XXXVII and XXXVIII including the prior motion to delete Recommendation 3 pertaining to sidewalks. Mr. Siegel seconded the motion.



All vote "Aye".

Madison Township – Zoning District Amendments, R2, Residential to B2, Highway Business Commercial, Parcels 01-B-108-0-00-032-0 and 01-B-108-B00-017-0

Mr. Radachy said that the property is currently being used as a party center and residential use in the rear. The property, which includes 2.1 acres, currently has split zoning, B-2 in the front, DeRubertis Party Center, and R-2 in the rear. The Comprehensive Plan recommends that the land all be B-2. There is currently a light at DeRubertis Drive and North Ridge Road. This land would be better as all B-2. Staff recommends that the district change be made. The party center and two adjacent homes will be torn down and Aldi's Foods plans to build on the site. The Comprehensive Plan recommends that it be zoned Commercial and Land Use and Zoning recommended it to be rezoned.

Mr. Adams moved to accept the recommendation of the Land Use and Zoning Committee to recommend approval for Zoning District Amendments, R2, Residential to B2, Highway Business Commercial, Parcels 01-B-108-0-00-032-0 and 01-B-108-B00-017-0. Ms. Hausch seconded the motion.

Mr. Radachy was asked if they have public sewer access and he said that they have to bore underneath Route 20 to access it.

All vote "Aye".

REPORTS OF SPECIAL COMMITTEES

The Coastal Plan Committee

Mr. Radachy said the Coastal Plan Committee did not meet in November.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Radachy said there was no old business.

NEW BUSINESS

Mr. Morse asked about a News Herald article regarding the new Lake County Jail and the buildings housing the Planning Commission and OSU Extension Agency.

Mr. Radachy said the County will provide office and meeting space. It could be that we move to an existing building or another building may be built.

#### PUBLIC COMMENT

There was no public comment.

#### ADJOURNMENT

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

All voted "Aye".

The meeting adjourned at 6:38 p.m.