

LAND USE AND ZONING COMMITTEE

Minutes: March 22, 2007

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 p.m.

The following members were present: Messrs. Haycox, Hazel, Klco, Morse, Terriaco, and Messes. Diak and Garland.

Staff: David Radachy

There were nine cases.

Leroy Township, text amendment: *Sections 7.8 Corner Lot Setback Line and 15.07 Corner Lots*

Staff explained the change in zoning would eliminate multiple interpretations of these sections. Staff recommended that the changes be made.

There was no discussion on the issue.

Mr. Morse made a motion to recommend the changes.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

Concord Township, text amendments:

Staff explained that the next eight cases are changes to the zoning text as per recommendations in the 2006 Auburn-Crile Plan. Staff explained that they were part of the development of the 2006 Auburn-Crile Plan and staff had been involved in the writing of the text amendments. Staff gave a time line of the project.

Concord Township Case #1 text amendment: *Add a new section XXII*

Staff explained that this text change creates a new use table, purpose statements, and creates a development standards table. The amendment also consolidates and revises uses and development standards for the B-1, BX and RD-2. It also creates uses and development standards for GB, Gateway Business.

Staff noted that medical dental offices and administrative offices were not permitted in the BX. Staff felt that these uses were consistent with the purpose statement of the BX and would enhance the district. Staff recommended that they be added as a permitted use.

The committee noted that convenient food stores and strip centers were not a permitted use. Staff stated that type of use would be covered by retail establishments within an enclosed building.

Mr. Morse felt that the regulating of outdoor grills was not realistic. Staff agreed with Mr. Morse and also stated that outdoor grills would be regulated by the Health District. Staff stated that this provision is currently in the regulations; it was accepted in December 2006.

Mr. Terriaco asked why we need light standards for building heights that are not allowed under zoning. Staff stated that those standards are in place in case the BZA grants a variance or conditional use for a building to be higher than the current 40 feet or for a building that is exempted from the 40 feet.

The committee asked if flag lots will be allowed. Staff stated that they will not be allowed in the B-1, BX, RD-2, or GB. The only frontage reduction allowed will be on cul-de-sacs.

Mr. Morse made a motion to recommend the text changes with the following modifications: Add medical/dental and administrative offices as permitted uses in the BX and better define retail establishment with an enclosed building to make it easier to understand what uses are permitted. Mr. Klco seconded the motion.

All voted "Aye".
Motion passed.

Concord Township Case #2 text amendment: *Revised definitions in section V*

Staff stated that this text amendment involves revising the definitions as per the changes to the permitted use chart. The only changes we are looking at are the ones in bond or struck out. Staff recommended that definition 87, general contractor be amended to ... electrical or roofing instead of electrical and roofing. They also recommended that definition #137 be changed to ...studios or similar activities instead of ...studios and similar activities.

Different committee members were concerned that filling stations, fast food outlets, health clubs were being eliminated from the text. Staff explained that they were being defined by new definitions in the text.

Mr. Morse made a motion to recommend the text amendment with the modification of changing "and" to "or" in definitions 87 and 137.

Mr. Hazel seconded the motion.

All voted "Aye".
Motion passed.

Concord Township Case #3 text amendment: *Revise Section XIII Conditional Uses.*

Staff explained that this revision will update the procedural requirements and expand the general requirements. The revision will also add new criteria for proposed conditional uses that are listed in the new permitted use table.

The committee asked about time limits. Staff stated that there were no time limits listed in the text. If the conditional use permit holder goes beyond what is allowed, under what their conditional use permit allows or the zoning resolution, then the permit could be revoked. The committee asked how the township would know, and staff stated by complaint.

Mr. Terriaco asked if this would affect only the study area. Staff stated no. This change would affect the township as a whole.

Mr. Morse stated there should be language in bed and breakfast that requires a floor plan of the building with exits and evacuation routes being posted. They could use the language from the adult day care center. He also brought up they should reference National Fire D A regulations in section 13.27 C.

Mr. Haycox and Ms. Diak thought that the 25% maximum on the outdoor dining was too restrictive. Staff stated they need to have a limit because this would create additional seating and would affect parking and impervious surfaces. The committee thought it would not affect parking because it would not affect the number of people eating in the restaurant.

The committee felt that outdoor storage was too restrictive and they were concerned that section 13.34 would adversely affect motor vehicle dealers and garden or nursery retail sales. Staff stated that motor vehicle dealers have exemptions from this section. The committee would like to see those exemptions be more clearly written.

Ms. Diak made a motion to recommend the text amendment with the following modifications:

1. Create a 13.25 D. A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous locations within the bed and breakfast.
2. Add National Fire Protection Association as an agency whose regulations are to be complied with in section 13.27 C.
3. If there are any exemptions from section 13.34, they need to be better explained.
4. Raise the percentage allowed for outdoor dining to 35% in section 13.35.

Ms. Garland seconded the motion.

All voted "Aye".
The motion passed.

Concord Township Case #4 Text Amendment: *Revise section XXIX, Parking*

Mr. Morse did not believe that one parking space for every three seats would be enough parking spaces for a church. He believed that it did not take in account Sunday school, etc. Staff stated that they thought it was enough because there was a better chance to have families with 2 to 6 people in a car coming to church instead of single-driver cars.

Mr. Terriaco made a motion to recommend the text change.
Mr. Hazel seconded the motion.

All voted "Aye".
Motion passed.

Concord Township Case #5 Text Amendment: *Creation of Section XXXVI Site Plan Review*

Staff explained that this amendment is in conformance with the Auburn-Crile Plan. Property owners would be required to submit a site plan only in cases involving any use/development involving the construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, M, S, AP or R-3 districts. Staff explained that the site plan process was administrated by the zoning commission and the zoning inspector.

Staff had two suggestions to make this section better. 1. Require that right-of-way names be shown on the site plan as part of #3. This would make it easier for the zoning commission to find the site. 2. Require that any proposed private streets or private driveway names be included on the plan as part of #19. The site plan will be required to be submitted for R-3 multi-family. These types of developers sometimes have private streets or named driveways that no one else reviews. For safety reasons and proper mail delivery, someone should be checking to make sure that street or drive names are not being repeated or sound too similar to other existing names in the community.

Mr. Haycox stated the regulations stated that the zoning commission shall do this or do that. Which township zoning commission? Concord, Painesville? Ms. Diak stated that these are Concord Township regulations therefore it is Concord Township Zoning Commission. Mr. Haycox stated it should be referenced as Concord Township Zoning Commission though the regulations. Staff stated that would increase the number of pages in the regulations. If the committee felt strongly about this issue, they could recommend that zoning commission be defined as Concord Township Zoning Commission in the definitions section. The Lake County Subdivision Regulations define the Commission as the Lake County Planning Commission, the Auditor as the Lake County Auditor, etc. Mr. Haycox liked that idea.

Mr. Morse made a motion to recommend the text amendment be made with the following modifications:

1. Require that right-of-way names be shown on the site plan as part of #3.
2. Require that any proposed streets be included on the plan as part of #19.
3. Define Zoning Commission and Board of Zoning Appeals and other agency that is reference in the zoning resolution in the definition section.

Mr. Terriaco seconded the motion.

All voted "Aye".
Motion passed.

Concord Township Case #6 Text Amendment: *Creation of Section XXXVII Design Standards*

Staff explained that these new regulations are in conformance with the plans and ORC 519.02. As per the law, exterior materials cannot be regulated, so the township cannot tell an owner to use brick. These changes are meant to create buildings with four sided design, hide the roof top mechanicals and be consistent with their neighbors. This will only be applicable to the proposed GB district. Staff explained that this is to be reviewed by zoning commission during site plan review. The township has the right to create an architectural review board or have the zoning commission administer these rules. Concord Township decided to grant this authority to the zoning commission.

Mr. Terriaco asked why they wanted to have buildings have the look of a two story building. Staff stated that it would be easier to screen the roof top mechanicals.

Mr. Klco made a motion to recommend the text change.
Mr. Haycox seconded the motion.

All voted "Aye".
Motion passed.

Concord Township Case #7 Text Amendment: *Creation of Section XXXVIII Landscaping and Screening Standards*

Staff stated that this is relevant to any use/development involving the construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, M, S, AP or R-3 districts. It will be reviewed during site plan review and it is in accordance with O.R.C. 519.02. Standards came from other townships, and the changes that were made to section XX B-1 in December, 2006.

Many members of the committee thought that this section was too restrictive.

Mr. Morse made a motion to recommend the text change.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

Concord Township Case #8 Text Amendment: *Miscellaneous updates to other sections in response to the new sections.*

1. Section VI, add references to new districts (6.12)
2. Section XI; clarify language for permit requirements (11.01).
3. Section XIV; add new GB and AP to the list of districts.
4. Section XXXIV; clarify references and new fence specifications.
5. Add reference to proposed Site Plan Review to Sections XVII, XXIII, XXXV, XXVI, and XXXV.

Mr. Terriaco made a motion to recommend the text changes.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

Mr. Morse made a motion to adjourn.

Mrs. Garland seconded the motion.

Meeting ended at 8:20 P.M.