

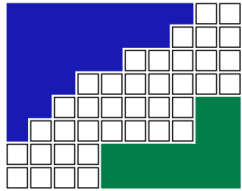
DATE:

April 21, 2020

APPROVED BY:

David J. Radachy, Secretary

LAKE COUNTY



PLANNING COMMISSION

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

April 7, 2019

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.

The following members answered roll call: Commissioner Hamercheck, Messrs. Reppert, Valentic (Chair); VanBuren (Alt. for Cirino), Veselko, and Webster (Alt. for Brotzman), and Mmes. Cossick, Collise (Alt. for Young) and Kurt (Vice Chair).

Planning Commission Officers present were: Secretary Radachy.

Planning and Community Development Staff present were: Mr. Rose and Ms. Andrews (Recording Secretary).

Legal Counsel present was Assistant Prosecutor Harrison Crumrine.

Visitors present: Heather Freeman, Planning and Zoning Director - Concord Township (Topic of Interest: Concord Township Zoning Text Amendments)

CALL TO ORDER

Chairman Valentic called the meeting to order at 5:32 PM.

ROLL CALL

Roll call was taken. There were eight (8) voting members present. There was a quorum. Mr. Radachy stated, for ease of record keeping, all votes would be done by roll call vote.

Mr. Perkovich joined the meeting after the Roll Call was taken. He attended the remainder of the meeting but did not participate in discussion or voting.

MINUTES

Ms. Kurt moved and Mr. VanBuren seconded the motion to approve the February 25, 2020 Minutes.

Mr. Radachy took a roll call vote as reflected below:

Ms. Collise voted "Aye".
Ms. Cossick Abstained.
Ms. Kurt voted "Aye".
Mr. Hamercheck Abstained.
Mr. Reppert voted "Aye."
Mr. Veselko voted "Aye."
Mr. VanBuren voted "Aye".
Mr. Webster Abstained.

Motion passes.

FINANCIAL REPORT

February 2020 Financial Report

Mr. Radachy reported that expenses for the month of February were \$764.29 and include supplies, contract services, printing, postage and travel. He reported that revenue for the month of February was \$4,000 in subdivision permits and lot split fees.

Mr. Webster moved and Ms. Collise seconded the motion to accept the February 2020 Financial Report as submitted.

Mr. Radachy took a roll call vote as reflected below:

Ms. Collise voted "Aye".
Ms. Cossick voted "Aye."
Ms. Kurt voted "Aye".
Mr. Hamercheck voted "Aye."
Mr. Reppert voted "Aye."
Mr. Veselko voted "Aye."
Mr. VanBuren voted "Aye".
Mr. Webster voted "Aye."

Motion passes.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no Legal Report.

DIRECTOR'S REPORT

Mr. Radachy reported on the following:

- Office Move
 - All staff has now moved into the new offices on the 4th floor of 105 Main Street
 - There are files still located at the former office location (125 East Erie), which cannot be moved until the COVID-19 crisis is over
- Fairport Harbor Zoning
 - Fairport Harbor Zoning office has been closed due to COVID-19 crisis
 - Fairport Harbor zoning is temporarily being managed from Mr. Radachy's office
 - Fairport Harbor Zoning Inspector is fielding questions along with Mr. Radachy. All questions are being handled via phone and email
- Digital Maps / Address Grid Project
 - Conversion of paper maps to digital files
 - Received additional funding to include 1966 air photos and address maps
 - GIS layer of 1966 data will be created
 - Currently there is a gap between 1951 and 1973
 - The 1973 layer is not complete as there are areas that are blank
- Census
 - Response rate for Lake County is 56%
 - Response rate for Ohio is 49.7%
 - Response nationally so far is 45.1%
 - The three (3) communities with the highest response rate thus far are Concord (64%), Mentor (61%), and Kirtland (60.5%)

ANNOUNCEMENTS

Mr. Radachy announced that the Northeast Ohio Planning and Zoning Workshop has been postponed to June 2021 due to the COVID-19 crisis. He noted that the American Planning Association Ohio Chapter is planning to organize webinars over the summer to fill the gap of cancelling the workshop. Mr. Radachy stated that the Cleveland Planning and Zoning Workshop will be held on October 30, 2020, and he will likely send a couple of people to that workshop.

SUBDIVISION REVIEW

Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B)-Grading

Mr. Rose presented the Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B)-Grading. Mentor Farms, LLC is the Developer and Barrington is the Engineer/Surveyor. Mr. Rose noted that the subdivision consists of thirty-two (32) sublots on 37.35 acres of land. He stated that there were some concerns from county reviewing agencies that what was submitted was more akin to a subdivision improvement plan rather than a variance request. Mr. Rose stated that after speaking with the various county reviewing agencies and the developer, it was agreed that the developer would like the Lake County Planning Commission to table the variance request until the next available meeting.

Mr. Reppert asked for clarification as to why the developer would like the board to table the matter rather than simply withdrawing the request for variance and then resubmitting the request once the deficiencies have been resolved.

Mr. Radachy stated that there are only four (4) ways that a matter before this Board can be acted upon: 1) approval, 2) approval with stipulation(s), denial, or to table. He noted that the Board must act on the matter. Mr. Radachy stated that if the board approves or approves with stipulation(s), the developer can proceed with the grading. He noted that if the board denies the variance, then the developer has to start over from the beginning. Mr. Radachy stated that if the board tables the matter, this allows the developer to correct the deficiencies and resubmit the variance request at the next meeting. He noted that staff initially recommended that the variance request be denied, but the developer would like to make the necessary changes and has asked that the board table the matter until the next available meeting.

Staff recommends that the matter be tabled until the next available meeting to allow the developer to correct the deficiencies.

Mr. Reppert moved and Mr. Hamercheck seconded the motion to table the Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B)-Grading until the next available meeting.

Mr. Radachy took a roll call vote as reflected below:

Ms. Collise voted "Aye".
Ms. Cossick voted "Aye."
Ms. Kurt voted "Aye".
Mr. Hamercheck voted "Aye."
Mr. Reppert voted "Aye."
Mr. Veselko voted "Aye."
Mr. VanBuren voted "Aye".
Mr. Webster voted "Aye."

Motion passes.

LAND USE AND ZONING REVIEW

Concord Township – Zoning Text Amendments to Sections 5 and 15.04, Tables 15.04-1, 15.05-1 and 15.02-1

Mr. Rose stated that the proposed district amendment was brought by Concord Township and initiated by Hillshire Woods Condominium Association. He reviewed the major points of the proposed district amendment to include the following:

AMENDMENT SUMMARY

- Revising the definitions of “frontage;” “lot;” and “street, private.”
- Revising Section 15.04 by allowing frontage to be along a private street.
- Adding a minimum lot acreage for R-3 dwelling, attached – with public sanitary sewer.
- Adding minimum lot width of 26 feet for R-3 Lots.
- Adding minimum project width of 200 feet for R-3 Projects.
- Revising term “Principal Building Dwelling” to “Principal Buildings and Detached Dwellings” in Minimum Side Yard on Table 15.04-1.
- Adding “Between Attached Single Family Dwellings within a building” as term to the minimum side yard and giving it a distance of 0 feet.
- Adding new minimum dwelling sizes of 800 square feet for a one bedroom, one story dwelling, 1,150 square feet for 1½ story building, and 1,300 for two story dwelling.
- Adding Dwelling, Attached Single Family as a permitted use.

STAFF COMMENTS

- Lake County Subdivision Regulations define Private Street or Road as a street or road, including a new easement of access, subject to platting in accordance with these regulations and held in private ownership, for which the state, county, or township shall not assume any maintenance responsibility. The construction of a private street or road shall conform to the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to O. R. C. 711.101.
- Any fee simple lots and private streets will be required to follow subdivision regulations including but not limited to right-of-way width, block length, cul-de-sac length and utility easements. These developments will be required to be approved by the Lake County Planning Commission.
- Private streets are not required to be used to interconnect subdivisions. Allowing private streets may cause issues for interconnection of developments in the future.

- Painesville Township has allowed single family detached houses, fee simple on private streets. But the streets themselves are in blocks owned by the Homeowners associations. The blocks are similar size to rights of way or have variances.
- The proposed regulations on cover lot size, width and sideline clearance for fee simple lots for attached Single Family. It does not cover front or rear setbacks or setbacks for accessory structures. It does not cover distance between accessory structures and principal structures.
- The term "principal buildings and detached dwelling" is very confusing. What does that mean? The way this is written creates a loophole which would allow a developer to bring single family detached structures into a development with attached single family units.
- Dwelling, Attached Single Family does not describe the use very well. The use does not describe what the developer wants it to do. The use that the developer wants would allow the homeowner to own the land under the house. Attached Single Family, Fee Simple is a better term. The owner would own the unit and the land. This is different from Attached Single Family, Apartment (everything is owned by one person) and Attached Single Family, Condominium (the condominium owner owns their unit, but the land is owned in common).
- Currently, there are townhouses in R-3. Are they defined as multi-family?
- Number of units per building for attached single family is not defined in density. Multi-family buildings have three to eight units.

STAFF RECOMMENDATIONS:

- Do not make the change:
 - The regulations are not written clearly. Some of the language is very confusing and may be difficult to enforce. It may create loopholes in the regulations.
 - It is missing important standards such as front setback, rear setback, setbacks for accessory structures, distance between principal building and accessory building and number of units per building.
 - Dwelling, Attached Single Family does not clearly do what the applicant wants it do.

Staff does not recommend approval of the proposed zoning text amendments.

Mr. Reppert stated that the requested change does not seem to make sense.

Mr. Rose stated that there are developments like this. He noted that the Riverwood Subdivision in Painesville Township is a development that is fee-simple lots with private streets.

Mr. Rose stated that this is not an uncommon practice. He stated that what the applicant proposed to Concord Township is unclear, and there are deficiencies in what they submitted. Mr. Rose noted that it is for these reasons that staff does not recommend approval of the proposed zoning text amendments.

Mr. Radachy concurred with Mr. Reppert that the requested change was confusing, which is why staff is not recommending approval of the proposed zoning text amendments.

Mr. Rose stated that the intent is to have a multi-family development, and the R-3 district in Concord Township allows for this. He noted, however, that the way the amendments were written is confusing and not concise enough to ascertain what exactly they plan to do.

Ms. Freeman stated that Concord Township has been discussing this proposed idea with the applicant for about a year and a half. She stated that the applicant does not want to develop condominiums on the site. Ms. Freeman noted that the applicant would like to keep the original zoning and develop fee-simple lots. She stated that this is an issue as Concord Township zoning requires all lots to have frontage on a public road. Ms. Freeman stated that if this version of the proposed zoning text were to be adopted, a loophole would be created which could result in the unintended consequence of changing the way the remaining areas of Concord Township are subdivided.

Mr. Veselko moved and Mr. Reppert seconded the motion to approve the zoning text amendments.

Mr. Radachy took a roll call vote as reflected below:

Ms. Collise voted "No".
Ms. Cossick voted "No".
Ms. Kurt voted "No".
Mr. Hamercheck voted "No".
Mr. Reppert voted "No".
Mr. Veselko voted "No".
Mr. VanBuren voted "No".
Mr. Webster voted "No".

Motion does not pass.

Mr. Radachy reported that Anthony Falcone, the Leroy Township member of the Land Use and Zoning Committee, submitted his resignation on Sunday, April 5, 2020. He noted that a new member from Leroy Township will hopefully be appointed before the next board meeting.

REPORTS OF SPECIAL COMMITTEES

There were no reports of special committees.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Mr. Radachy queried the Board about whether the April Board Meeting, which is scheduled for April 28, 2020, should be moved to May 5, 2020, since the March meeting had to be moved out a week to April 7, 2020.

The Board briefly discussed the same.

Mr. Valentic asked if there was a motion to move the April meeting to May 5, 2020. Hearing none, Mr. Valentic noted that the April meeting of the Lake County Planning Commission would remain on its originally scheduled date of April 28, 2020.

PUBLIC COMMENT

There was no further public comment.

ADJOURNMENT

The April 7, 2020 meeting of the Lake County Planning Commission was adjourned at 6:09 P.M. by consensus.