

DATE:	August 26, 2020
APPROVED BY:	David J. Radachy, Secretary



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

**June 30, 2020**

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: Messrs. Bernard (Alt. for Hamercheck), Brotzman, Perkovich, VanBuren (Alt. for Cirino), and Veselko; and Mmes. Cossick 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: David Kane, Alban Surveying Co. (Topic of Interest: West Jackson Street Estates); Mitch and Esther Daniels, West Jackson Street Estates Developer (Topic of Interest: West Jackson Street Estates); Jim Lyons, Esquire, 240 E. Main Street, Painesville (Topic of Interest: West Jackson Street Estates); Julie Leonard, 1717 W. Jackson Street (Topic of Interest: West Jackson Street Estates); Brian and Charlene Lorek, 1771 West Jackson Street (Topic of Interest: West Jackson Street Estates); Judy Mulhouser, 1730 West Jackson Street (Topic of Interest: West Jackson Street Estates); David Novak, Barrington Consulting Group (Stoneridge Estates); and Traci Salkiewicz, Lake County Engineer.

### **CALL TO ORDER**

Acting Chairman Kurt called the meeting to order at 5:33 P.M.

## **ROLL CALL**

Roll call was taken. There were six (6) voting members present. There was a quorum.

## **MINUTES**

Mr. VanBuren moved and Mr. Bernard seconded the motion to approve the May 26, 2020 Minutes as written.

Five (5) voted "Aye".  
One (1) abstained.  
Motion passes.

## **FINANCIAL REPORT**

### May 2020 Financial Report

Mr. Radachy reported that expenses for the month of May involved costs associated with supplies, contract services, and postage. He noted that the credit transaction amount of \$565 is due to chargebacks for the Public Officials Directories being processed prior to the printing invoice being paid. Mr. Radachy reported that revenue for the month of May was \$1,425 in subdivision permits. He stated that the County has implemented a hiring moratorium, and spending is being curtailed due to COVID-19. Mr. Radachy stated that the finances are in good order.

Mr. Perkovich moved and Ms. Cossick seconded the motion to accept the May 2020 Financial Report as submitted.

All voted "Aye".  
Motion passes.

## **PUBLIC COMMENT**

There was no public comment.

## **LEGAL REPORT**

There was no Legal Report.

## **DIRECTOR'S REPORT**

There was no Director's Report.

## **ANNOUNCEMENTS**

Mr. Radachy announced that the Farm Bureau office serving Ashtabula, Geauga, Lake, and Trumbull counties merged with nine other county Farm Bureaus, effective June 1, 2020. He noted that the new northeast Ohio regional office will be located in Cuyahoga County. Mr.

Radachy stated that a survey was included with the letter he received. He asked board members to email him if they would like to participate in the survey.

Ms. Kurt asked if the survey was to be completed by Mr. Radachy on behalf of the Lake County Planning Commission Board or whether it was a survey to be completed individually.

Mr. Radachy stated that the survey is to be completed individually.

## **SUBDIVISION REVIEW**

### **Concord Township – Stoneridge Estates, Phase III, Final Plat & Improvement Plan, 31 Lots, 37.3485 Acres**

Mr. Rose presented the Stoneridge Estates, Phase III, Final Plat and Improvement Plan. Mentor Farms, LLC is the Developer and Barrington Consulting Group is the Engineer/Surveyor. Mr. Rose noted that the subdivision consists of thirty-two (32) sublots and three (3) blocks, with an average lot size of 0.500 acres, on 37.35 acres of land. He noted that there is 17.633 acres of open space, which is about 47.2 percent. Mr. Rose stated that the site is zoned R-2 RCD (Residential Conservation District), and all surrounding land is zoned R-4 (Residential). He noted that the land is vacant with woodlands on property.

Mr. Rose stated that there was a single family home with accessory structures, which have been removed. He noted that there is a gas well, a separator, and gas tanks on the property. He stated that the northwest area of the property has some drainage issues and a stream, but there is a proposed stormwater detention basin in that area. Mr. Rose reviewed the previous phases noting that the necessary infrastructure is already in place. He briefly reviewed the differences between the Preliminary Plan that was approved by the Lake County Planning Commission Board in 2013 and the Preliminary Plan that was ultimately approved by the Planning Commission in January 2020.

Mr. Radachy stated that the Planning Commission also granted a variance in January 2020 to allow preliminary grading, which has begun. Below are the proposed stipulations and comments submitted:

## **FINAL PLAT STIPULATIONS**

1. Sublots located near the existing gas well will require wider utility easements. *Lake County Planning and Community Development.*
2. There appears to be an easement shown between sublots 33 and 32. State what the easement is for. *Lake County Planning and Community Development.*
3. Subdivision and sublots must conform to zoning.
  - a) Any area within the designated open space that is disturbed during construction or otherwise not preserved in its natural state, other than common areas such as required setback areas and both sides of new street, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. A

landscape plan shall be provided to the Township indicating species, size, and condition of all new trees, plants and groundcover that will be used to revegetate any disturbed areas. *Concord Township Trustees.*

- b) Any open space designated with residential conservation development shall be prohibited from further subdivision or development. *Concord Township Trustees.*
  - c) The final approval of the plat shall be formally accepted by the Township Board of Trustees in a public meeting prior to recording of the plat per Section 16.14 A.8 of the Zoning Resolution. *Concord Township Trustees.*
  - d) The preliminary plan approved by the Township Trustees indicated that the existing gravel drive would be removed and relocated with the open space. The improvement plans do not show this. Additional information is needed for the relocation of the existing access drive to the gas well. Will County Engineer approve the location as shown on the plat for the access easement? *Concord Township Trustees.*
  - e) All existing structures located in open space H shall be removed. Plans do not address this. *Concord Township Trustees.*
- 4. Final forms of covenants running with the land and any deed restrictions, easements and by-laws for homeowners associations shall be provided to the Township to be reviewed by legal counsel. *Concord Township Trustees.*
  - 5. The drainage easements located behind S/L 46-48 and open space F shall be dedicated to HOA not Concord Township. *Concord Township Service Dept/ LCPCD*
  - 6. The stream crossing under the roadway near S/L 20 should not be designated drainage easement, possibly listed as a right of way extension. *Concord Township Service Dept/ LCPCD*
  - 7. Subject to detailed review and revisions. *Lake County Engineer.*

## **FINAL PLAT COMMENTS**

- 1. Who is the access easement being granted to? No language is provided on the plat. *Concord Township Trustees.*
- 2. The current location of our gas main is not in the proposed utility easement. *Northeast Ohio Natural Gas Co.*

## **IMPROVEMENT PLAN STIPULATIONS**

- 1. Temporary cul-de-sac needs to be removed. Curbs and gutters must be installed. *Lake County Planning and Community Development.*

2. There is an existing gas well located at the front of subplot 33. This must be shown on the improvement plans. *Lake County Planning and Community Development.*
3. The existing 2-inch gas transmission line extending from Girdled Road to previous phases will have to be surveyed and relocated. *Lake County Planning and Development.*
4. Provide cross sections for all crossovers. Ie STA 8+55 and 11+25. *Lake County Engineer.*
5. Copies of the CBR and Sulfate Testing and Pavement Design shall be submitted with the final improvement Plans. *Lake County Engineer.*
6. Subject to detailed review and revisions. *Lake County Engineer.*
7. Update Service Director Contact information to Tim Brown 440-350-3226. *Concord Township Service Dept.*
8. The Concord Service Dept. requests that all construction traffic exists and enters the subdivision on Girdled Rd. Do not use established residential subdivisions for construction traffic. Also, post signs indicating "NO CONSTRUCTION TRAFFIC". *Concord Township Service Dept.*
9. As noted earlier, a gas line relocation agreement has not been completed. *Northeast Ohio Natural Gas Co.*
10. An agreement to relocate our gas main is needed. *Northeast Ohio Natural Gas Co.*

#### **IMPROVEMENT PLAN COMMENTS**

1. Based on submitted sight distance analysis. There is the potential for a vehicle to be "lost" at the bottom of the dip in the roadway of Girdled Road when looking west from the proposed Jo Anne Drive. *Lake County Engineer.*
2. What happened to the existing gas well head located on proposed subplot 33? Plans do not show this. Will this remain? *Concord Township Trustees.*
3. Request curb drains to be installed prior to concrete curb and gutter to prevent disturbing compacted sub grade behind curb and the curb failing due to settling. *Concord Township Service Dept.*
4. Road sub base should extend beyond the back of the curb and be compacted premium aggregate. And also have #57 limestone drainage layer. *Concord Township Service Dept.*

Staff recommends approval of the Concord Township – Stoneridge Estates, Phase III, Final Plat & Improvement Plan with the incorporation of all stipulations and comments.

Mr. Brotzman asked if the gas well is active.

Mr. Rose stated that the gas well is active and there is talk of it being capped so that the lots can be sold. He noted that lots with active gas wells typically do not sell very easy.

Mr. Novak, Barrington Consulting Group, stated that the gas well is active. He confirmed that discussions are ongoing relative to whether or not the well will be capped. Mr. Novak stated that the existing gas line referred to in the stipulations and comments services Phases 1 and 2 of the subdivision. He noted that a new gas line will be installed within the utility easement of Phase 3. Mr. Novak stated that once the new gas line is in place, the old gas line can then be abandoned.

Mr. Radachy stated that Concord Township zoning text does not include language determining how close a gas well can be to a house. He noted that the gas well can remain active, and a house can be built on that lot.

Mr. Brotzman asked if there were any unexpected issues with the preliminary grading.

Mr. Radachy stated they have heard of no issues, and the work is going according to plan.

Mr. VanBuren noted that there are drainage easements on Lots 46 through 48, which are dedicated to Concord Township, and asked for clarification as to whether there is oversight from Lake County for those drainage easements as well.

Mr. Radachy stated that Lake County Stormwater Management Department (LCSMD) requires a Stormwater Maintenance Plan as part of the final approval process. He noted that LCSMD does review detention ponds to make certain they are functioning properly. Mr. Radachy stated that if a detention pond review by LCSMD finds that repairs are required, the HOA is contacted and informed of the required repairs.

Mr. Brotzman asked what can be done to address the issue raised in Improvement Plan Comment No. 1 regarding the potential for a vehicle to be "lost" at the bottom of the dip in the roadway of Girdled.

Mr. Radachy stated that there is a potential, which is not definitive. He noted that the only way to alleviate the potential for the car to disappear in that dip is to raise the road. Mr. Radachy stated that the Planning Commission does not have the authority to require that type of improvement. He noted that the road is going in the best location to connect, which is not ideal; but it is safe.

Mr. Brotzman asked whether there is any type of signage that could be placed there to alert drivers.

Traci Salkiewicz, Lake County Engineer, stated that signage can be placed alerting drivers that there is a dip in the road; but that is about it.

Mr. Radachy stated that if the area becomes hazardous, the Planning Commission can ask Lake County to consider erecting a sign on Girdled Road notifying drivers of the dip in the road.

Mr. Brotzman asked for a comment to be added to that effect.

Mr. Radachy stated the comment relative to signage will be added. He noted that he and Mr. Rose will also discuss the same with the Lake County Engineer's office.

Mr. VanBuren moved and Mr. Perkovich seconded the motion to approve the Concord Township – Stoneridge Estates, Phase III, Final Plat & Improvement Plan with the incorporation of all stipulations and comments.

All voted "Aye".  
Motion passes.

### **Painesville Township – West Jackson Street Estates, Variance on Short Block**

Mr. Rose presented the West Jackson Street Estates Variance on Short Block. The variance was brought by Painesville Township and initiated by Mitchell Daniels of DD Mitchell Construction. He noted that the developer has requested a variance as Lake County Subdivision Regulations require a block length of at least 500 feet. Mr. Rose explained that the new road is required to be 500 feet from Nye Road and 500 feet from Waldorf Drive, i.e. 1000 feet. He noted that the distance between Nye Road and Waldorf Drive is only 797 feet, which means there will be a short block on one side of the new road. Mr. Rose stated that the previous variance request was denied, as it was determined that the proper block length of 500 feet would be more preferable to Nye Road than Waldorf Drive. He noted that Nye Road is more heavily traversed and connects Mentor Road to Jackson Street. Mr. Rose stated that the variance request was revised, and below are the comments and recommendations submitted:

### **REVIEW AGENCIES COMMENTS**

1. Painesville Township does not feel that a 40% variance is warranted. *Painesville Township*
2. Painesville Township is concerned about the Jackson Street overpass and how it effects the new road. *Painesville Township*
3. A traffic study for the proposed Jackson Street interchange was prepared approximately ten (10) years ago. The study projected that traffic in this area would increase significantly. There is concern that residents of the proposed Denning Drive or Waldorf Drive may feel that there are not sufficient gaps in traffic due this close proximity of adjacent streets. *Lake County Engineer*

### **EFFECT ON PUBLIC INTEREST**

1. The reduced distance impacts the flow of traffic on Jackson Street.
2. Two driveways would be replaced with one road.

### **EFFECT ON IMPAIRING INTENT AND PURPOSE OF REGULATIONS**

1. The reduced distance impacts the flow of traffic on Jackson Street.

## **OTHER INFORMATION**

1. Nye Road is an original Painesville Township Road and Waldorf Drive was recorded in 1956. Waldorf Drive was not approved by the Lake County Planning Commission.
2. Additional driveways can also be eliminated.

## **CONDITIONS**

1. Provide an ingress/egress easement for 1725 West Jackson Street so that they can access West Jackson Street from the new street.

Staff recommends approval of the variance with conditions.

Mr. Brotzman asked for clarification concerning the ingress/egress easement for 1725 West Jackson Street.

Mr. Radachy stated that staff recommends an easement along the entire length of 1725 West Jackson Street so the home owner would have the option to bring their own driveway to Denning Drive.

Mr. Brotzman asked for clarification regarding the road-building standards for driveways.

Mr. Radachy stated it would be a standard driveway constructed in compliance with Painesville Township Zoning. He noted that typically, zoning standards for driveways state they are to be constructed with asphalt or concrete and are between eight (8) and twelve (12) feet wide with an apron. Mr. Radachy stated that staff recommended the ingress/egress condition as it would eliminate another driveway off of Jackson Street.

Mr. Brotzman stated he believes it is a good solution.

David Kane, Alban Surveying Co., stated that they moved the road as far as they could to the west closer to Nye Road. He noted that this modification results in 297 feet to Waldorf, and the new proposed pavement curb will now be a distance 43 feet to the back curb from the common property line to the east. Mr. Kane stated that this change allows for more area between the development and existing parcel. He noted that the driveway for the existing parcel will now be to the east of the proposed road. Mr. Kane stated that the developer is proposing five (5) lots, i.e. the lots with the two (2) existing homes and then adding three (3) more homes, with traffic entering from one controlled point.

Ester Daniels, 4663 Middle Ridge Road, Perry, Ohio, stated that the property is uniquely shaped with property lines and a road that was dedicated long before current zoning laws such as block lengths were put into place. She stated that she would like to see a collaboration of ideas regarding the project. Ms. Daniels stated that she is in favor of approving the variance because much needed housing is being added, there will be one less entry into property, and it will increase the value of the properties in the area.



Julie Leonard, 1717 West Jackson Street, noted that she is also speaking on behalf of her neighbor's property to the west (which is her father's property), 1725 West Jackson Street. She stated that there is a lot of traffic, and she does not agree with the statement that a traffic impact study does not need to be undertaken to pursue this variance. Ms. Leonard indicated that she disagrees strongly with several statements made in the Variance Narrative by Mr. Kane. She stated that there is a lot of speeding in this area, which can be proven by looking at recent Lake County Sheriff records. Ms. Leonard stated that there is not a straight alignment of West Jackson Street and there are several visual obstructions. She noted that she is very concerned about safety with the increased traffic volume that will result from this proposed development.

Mr. Radachy stated that different regulations apply to variances. He noted that township zoning regulations do not allow a developer to revisit a denied variance for six (6) months if it is written in the zoning code. Mr. Radachy stated that Lake County Subdivision Regulations have no prohibition relative to resubmitting variance requests. He noted that, since there have been revisions to the layout, i.e. the road was moved twelve (12) feet, this is essentially a new variance request.

Ms. Leonard stated that variance requests are not normally granted based on a wish. She noted that the property does not have a hardship.

Mr. Radachy stated that variances that come before the Planning Commission are not based on hardships but are based on conformance to the Lake County Subdivision Regulations. He noted that variance requests that come before Planning Commission are based on physical or topographical reasons. Mr. Radachy stated that there is no hardship being claimed and that this variance is being requested based on physical distance, i.e. there is not 1,000 feet between Nye Road and Waldorf Road.

Ms. Leonard noted that perhaps a precedent is being set. She stated that she is not in favor of approving the variance. Ms. Leonard stated that her father is also not in favor of the variance being approved.

Charlene Lorek, 1771 West Jackson Street, stated that if there is a physical requirement that there be 500 feet between the new road and both Nye and Waldorf, she does not believe there should even be a discussion of granting a variance.

Brian Lorek, 1771 West Jackson, stated he does not believe that this new development will improve property values or safety. He noted that these zoning rules are in place to protect the residents who have lived there for thirty (30) or more years and have maintained their property.

Ms. Judy Mulhouser, 1730 West Jackson, stated she does not understand why there is even a consideration of granting a variance because the physical distance requirement of 500 feet is there for a reason. She stated that the increased traffic which will result from this new development is a safety concern. Ms. Mulhouser stated that she does not agree with granting the variance request.

Jim Lyons, Esquire (attorney for the developer) noted that there is one small issue, i.e. location of the road. He stated that everyone agrees that the subdivision meets all other standards

in terms of use. Mr. Lyons stated that this is a land use issue. He noted that Mr. Daniels has owned the property for forty (40) years. Mr. Lyons stated that he is unsure of how long the physical distance requirement of 500 feet has been in place.

Mr. Radachy stated that the 500 foot requirement was contained in the Lake County Subdivision Regulations that were adopted in 1960, and the short block language was modified a couple of years ago to reduce the physical requirement. He noted that this road is required to have the 500-foot requirement because it connects to a collector street.

Mr. Lyons stated that in terms of safety, some of what is being described by the residents in the area is a speed enforcement issue. He noted that there will be about three (3) to six (6) more cars coming out of the subdivision via the new road rather than two (2) to four (4) cars backing out onto West Jackson Street. Mr. Lyons stated that if the variance is not granted, the property will not yield a reasonable return. He noted that the land needs to be fully developed, and a person is entitled to get the full use of his land. Mr. Lyons stated that the subdivision would not adversely impact delivery of government services. He noted that the variance request is within the spirit and intent of government regulations. Mr. Lyons stated that there is not a hardship but a practical difficulty involved in developing the property based on the configuration of the land and the ability to fully use it. He stated that the location of the road has the least impact on everyone in the area. Mr. Lyons noted that Ms. Leonard states that she has no interest in the easement, but perhaps a future owner of that property would use their right to connect into Denning Way. He noted that the new road reduces the number of people backing out on Jackson Street. Mr. Lyons asked that the Board contemplate the best use of the land when considering whether the variance should be granted.

Ms. Lorek stated that the area is not a subdivision neighborhood and the zoning rules are there for a reason, i.e. to protect the existing residents of the area.

Mr. Brotzman asked for clarification as to whether there is a setback from West Jackson Street relative to the entrance from Sublot 1.

Mr. Radachy stated that there is no setback, but the driveway would need to be moved back from the stop sign. He noted that Sublot 1 would be required to be deed-restricted to only access Denning Way.

Mr. Brotzman asked if there are standards that require a driveway has to be back so many feet from a right-of-way or collector street.

Mr. Kane stated that during the Preliminary Plan approval process there was a stipulation added that requires the driveway for Sublot 1 be the furthest possible location south in Sublot 1.

Mr. Radachy stated that the Planning Commission approved the Preliminary Plan last month with the stipulation that the driveway has to be all the way to the south of Sublot 1.

Mr. Brotzman asked for clarification as to whether the County Engineer recommended approval last month.

Mr. Radachy stated that the Lake County Engineer submitted information-only comments last month. He stated that the Lake County Engineer made the following comment this month: "A traffic study for the proposed Jackson Street interchange was prepared approximately ten (10) years ago. The study projected that traffic in this area would increase significantly. There is concern that residents of the proposed Denning Drive or Waldorf Drive may feel that there are not sufficient gaps in traffic due this close proximity of adjacent streets."

Mr. Brotzman stated they did not state an opinion and made no comments this evening.

Mr. Radachy confirmed this to be the case.

Mr. Brotzman asked for clarification as to what status is to be given to the comments submitted by Painesville Township.

Mr. Radachy stated that the Jackson Street overpass originally came up in 2007 as part of new interchange at Jackson Street that connects further north noting that the plan was to overpass the railroad tracks and bend Jackson Street out. He stated that no movement on the proposed project has occurred in thirteen (13) years, so there is no project and the County Engineer has not asked for any funding to study that further. Mr. Radachy stated that there was a discussion about the possibility of creating a better interchange at 44 and Jackson Street, but there is no project being undertaken at this time. He stated that the comment relative to the 40 percent variance was from a zoning perspective (hardship) and not a subdivision prospective.

Mr. Brotzman asked if the comment is reflective of how Painesville Township feels about the variance request.

Mr. Radachy stated he did not believe this to be the case noting that a comment sheet was not received from Painesville Township. He stated that the comments were received verbally by Mr. Constantine this afternoon.

Mr. Perkovich commented that the variance before the Board this evening is not the distance from Nye Road to the new road as that now meets the 500-foot requirement but that the distance from the new road to Waldorf is only 297 feet, which does not meet the 500-foot requirement.

Mr. Radachy confirmed this to be the case.

Ms. Leonard asked for clarification as to whether granting of this type of a variance would likely set a precedent in the area to grant the same type of variance to others.

Mr. Radachy stated that each subdivision review is done on its own merits, and no precedent will be set by granting this variance.

Mr. Rose stated that because of the location of the two (2) existing homes, the road cannot be constructed in any other location. He noted that this is the reason the developer has requested the variance.

Ms. Leonard stated that required footage is put into place for a reason. She expressed concern that the same type of situation might occur across the street. Ms. Leonard stated that Mr. Daniels could put in two very nice homes rather than five. She stated that she believes this variance request is based on a "want" rather than a "need." Ms. Leonard stated that the variance allows liberties to build more and do more at the expense of the underlying reasons why the required footage was put into place.

Mr. Radachy stated that if the property owner across the street wanted to develop a subdivision, any variance request would be considered under completely different criteria.

Ms. Leonard stated that there are guideline and stipulation on footage for a reason. She stated that she believes granting of this variance will allow manipulation of these rules so that a subdivision can be built in a non-subdivision area.

Ms. Lorek stated she believes that the distance requirements are there to protect the existing property owners in the area. She noted that her home was built in 1957 by her family. Ms. Lorek stated she is against granting this variance.

Mr. Lorek stated that twelve (12) feet is not going to change anything, and it still does not meet the required standard.

Mr. Bernard moved and Mr. Perkovich seconded the motion to approve the Painesville Township – West Jackson Street Estates Variance on Short Block with the incorporation of all stipulations and comments.

Ms. Kurt requested a roll call vote:

Mr. Brotzman – No  
Mr. VanBuren – Aye  
Ms. Cossick – Aye  
Mr. Bernard – Aye  
Mr. Perkovich – Aye  
Mr. Veselko – Aye

Motion passes.

## **SUBDIVISION ACTIVITY REPORT**

Mr. Radachy reported on the following subdivision activity during the past month:

- Villas at Lake Erie Shores, Painesville Township
  - Detention basin plantings have not been done
  - Local residents are getting upset as this was supposed to be done last fall, and the property owners are not getting the full use of their property
  - Developer has hired an engineering firm to get quotes
  - Should be under contract by the end of the week

- Planning Commission Board may be asked to take the construction surety next month should this not be accomplished timely so that the project can be completed

Mr. Brotzman asked how long has it been since the Planning Commission reviewed the matter.

Mr. Radachy stated that the subdivision was recorded in 2018, the surety was accepted in 2018, and the developer was supposed to complete the project last year after 90 percent of the houses were built. He noted that something happened with the contractor they hired, winter set in, then COVID-19 hit, and they are just now starting to move forward again. Mr. Radachy stated that the residents are getting quite upset.

Mr. Brotzman asked for the name of the developer.

Mr. Radachy stated that the principal developer/owner is Lake Erie Shores, LLC, which is owned by Palmieri Builders.

## **LAND USE AND ZONING REVIEW**

### **Madison Township – Proposed Zoning Text Amendments to Sections 101, 114.1.2 and 114.3**

Mr. Rose stated that the proposed zoning text amendments were brought by Madison Township and initiated by the Madison Township Zoning Commission. He outlined the major points of the proposed zoning text amendments to include the following:

#### **AMENDMENT SUMMARY**

- Defining Live/Work Unit
- Allowing Live/Work Units in P-1 or B-1 as accessory use.
- Adding Live/Work Units on the Permitted Use Table

#### **STAFF COMMENTS**

- Adding items such as showers or kitchens will require a building permit. There is no mention requiring the Lake County Building Inspector's approval.
- Section 114.5.1.2 states that the use is going to be accessory use, but the Live/Work units are being shown as a permitted use in the table.
- Accessory uses are usually subservient to the permitted use. There is no requirement that the "live" part of the building has to be smaller than the "work" part of the building. This would be the opposite of a home occupation. Home occupations can only take up 25% of the square footage of the house.
- Conditional use may give Madison Township more control over these uses.

## **STAFF RECOMMENDATIONS**

- Move the use from the permitted uses to the accessory use section of the permitted use table.
- Make the use a conditional accessory use. One of the conditions should be that it shall not take more than 25% of the square footage of the structure and it must be in the main structure and not in an accessory structure.
- State that the use will be required to be approved by the Lake County Building Inspector.

Staff recommends approval of the proposed zoning text amendments with the incorporation of all comments and recommendations.

Mr. VanBuren moved and Mr. Perkovich seconded the motion to approve the Madison Township Proposed Zoning Text Amendments to Sections 101, 114.1.2 and 114.3 with the incorporation of all comments and recommendations.

All voted "Aye".  
Motion passes.

## **Painesville Township – Proposed Zoning Text Amendment to Section 11.01**

Mr. Rose stated that the proposed zoning text amendment was brought by Painesville Township and initiated by the Painesville Township Zoning Commission. He outlined the major points of the proposed zoning text amendment to include the following:

### **AMENDMENT SUMMARY**

- Requiring a zoning permit for demolition of existing structure when a new structure is not being planned.

### **STAFF COMMENTS**

- It is important for Painesville Township to know when a main structure is being torn down, especially are accessory structures are present. Accessory structures without a main structure is a zoning violation.

### **STAFF RECOMMENDATIONS**

- Make the change.

Staff recommends approval of the proposed zoning text amendment with the incorporation of all comments and recommendations.

Mr. Brotzman moved and Mr. Bernard seconded the motion to approve the Painesville Township – Proposed Zoning Text Amendment to Section 11.01.

Five (5) voted "Aye".  
One (1) abstention  
Motion passes.

#### **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**

There was no New Business.

#### **PUBLIC COMMENT**

There was no further public comment.

#### **ADJOURNMENT**

The June 30, 2020 meeting of the Lake County Planning Commission was adjourned at 6:50 P.M. by consensus.