

DATE: November 25, 2020

APPROVED BY: David J. Radachy, Secretary



MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

October 27, 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, Reppert, Valentic (Chairman), VanBuren (Alt. for Cirino), and Veselko; and Mmes. Collise (Alt. for Young), 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).

Visitors present: There were no visitors.

CALL TO ORDER

Chairman Valentic called the meeting to order at 5:30 P.M.

ROLL CALL

Roll call was taken. There were nine (9) voting members present. There was a quorum.

MINUTES

Mr. Brotzman moved and Mr. Perkovich seconded the motion to approve the September 29, 2020 Minutes as written.

Eight (8) voted "Aye."
One (1) Abstained.
Motion passes.

FINANCIAL REPORT

September 2020 Financial Report

Mr. Radachy reported that expenses for the month of September 2020 involved costs associated with supplies, contract services, and postage. He reported that revenue for the month of September 2020 was \$300 in lot split fees.

Ms. Collise moved and Mr. VanBuren seconded the motion to accept the September 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

Mr. Radachy reported on the following:

- Census 2020
 - Ended on October 15, 2020
 - Final determination relative to congressional seats is forthcoming
- Staff Changes
 - Ann Myers will be retiring on December 4, 2020 after twenty (20) years of service
 - Federal Grants Assistant was hired through CDBG
 - Ms. Myers' responsibilities will be split among Mr. Radachy, Mr. Rose and the new Federal Grants Assistant

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Subdivision Activity Report

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

- Quail Hollow No. 10, Phase 1B – Concord Township
 - County Prosecutor confirmed temporary road easement can be obtained once the road is ready for maintenance while the developer waits to finalize the plat
 - This solution is in lieu of a temporary cul-de-sac and will enable Concord Township to use the road in the future
- Stoneridge Estates, Phase 3 – Painesville Township
 - Approved by County Commissioners
 - Construction has started
- Fairway Pines, Phase 3A – Painesville Township
 - Approved by County Commissioners
 - Construction has started

LAND USE AND ZONING REVIEW

Painesville Township – Proposed Zoning Text Amendments to Sections 5 and 25

Mr. Rose stated that the proposed zoning text amendments were initiated by Painesville Township. He reviewed the major points of the proposed zoning text amendments, to include the following:

AMENDMENT SUMMARY

- Amending Section 5.81 Home Occupation adding that accessory uses shall not include employed contractors such as landscape, yard maintenance, and general contractors or any business which owns vehicles over 2 net ton capacity, multiple commercial vehicles, or employs more than one person full or part time.
- Amending 25.01H adding additional provisions to Transportation Services.
- Adding 25.01I “Used Auto and Truck sales and Leasing with Conditional Use Permit”.
- Adding 25.01L “Landscape Contractors, Yard Maintenance Contractors, Tree Service Contractors, General Contractors, Paving Contractors, and Excavating Contractors for General Headquarters, Offices, Employee Parking, Equipment, Material and Supplies Maintenance and Storage, and repair and maintenance of tools and equipment.
- Adding a provision that there may not be any materials or equipment stored or parked between the road right-of-way and the actual front setback of the nearest building to the road right-of-way under 25.07 Setback Building Line.

STAFF COMMENTS

- The addition to the definition of home occupation does not define anything; they are conditions or requirements. It may be better to put this item into R-1 and R-1 under accessory uses.
- There are no definitions of landscape contractor, yard maintenance contractor, tree service contractor, paving contractors, or excavating contractors.
- There is no definition of general contractor, but there is a definition of general building contractor.
- Frontage on dedicated road is not required with I district lot. How would that effect the restriction of storage of materials between the right-of-way line and the actual building setback on lots that do not have physical frontage and are accessed by easements?
- The building setback line in I districts is 50 feet. Is the restriction of no storage of materials between ROW and actual building line limit the use of property for lots where the building was built at a greater distance than the 50 feet (for example, 75 feet from the ROW or 100 Feet from ROW)?

STAFF RECOMMENDATIONS

- Move the language on self-employed contractors from the home occupation definition to Section 14.02 A 2 and Section 15.02 A 2.
- Add definitions of landscape contractor, yard maintenance contractor, tree service contractor, paving contractors, or excavating contractors.
- Use the term general building contractor instead of general contractor.
- Language in the existing definition of home occupation may also be considered regulating as opposed to defining the use. A definition should only define the use and not regulate the use. Requirements on floor space, number of employees, using an accessory structure for home occupation, traffic, parking, noise, vibration, glare, odors, or interference with radio or television signals should also be added to 14.02 A 2 and 15.02 A 2.

The Land Use and Zoning Committee recommended approval of the Painesville Township proposed Zoning Text Amendments to Sections 5 and 25 with the incorporation of all comments and recommendations.

Mr. Perkovich moved and Mr. VanBuren seconded the motion to approve the Painesville Township Zoning Text Amendments to Sections 5 and 25 with the incorporation of all comments and recommendations.

Eight (8) voted "Aye."
One (1) Abstained.
Motion passes.

Painesville Township – Proposed Zoning Text Amendments to Sections 5 and 6

Mr. Rose stated that the proposed zoning text amendments were initiated by Painesville Township. He reviewed the major points of the proposed zoning text amendments, to include the following:

AMENDMENT SUMMARY

- Amending section 5 Definitions adding "Heavy Industrial" as 5.81.
- Adding a provision to "Home Occupation" renumbered 5.82 stating that accessory uses shall not include self-employed contractors such as landscaping, yard maintenance, excavating, general, or any business that owns vehicles over two net ton capacity, multiple commercial vehicles, and employs more than one person full or part time.
- Renumbering "Library (Public)" 5.89.
- Adding a definition of "Line of Sight Safety Triangle" as 5.91 and adding an illustration.
- Removing "Heavy Industrial" and "Library (Public)" as numbered 5.92 and 5.93.
- Amending section 6 General Requirements removing provisions under 6.13(E) Line of Sight Safety Areas regarding fences for corner lots and adding a new provision 6.13(F) "Corner Lots" and adding height limitations for fences on corner lots.
- Removing figure 6.1.

STAFF COMMENTS

- Separating the definitions of light industrial and heavy industrial may be cumbersome. Industrial, Heavy and Industrial, light are common ways to show these definitions.
- Figure 6-1 is a good reference to how fences interact with various lot types. It is not limited to just corner lots. It may be beneficial to keep and try referencing the table in another section.
- The safety triangle in the definitions is a good reference. Has Painesville Township considered putting it in both Section 5 and Section 6?
- There is a twelve- to fifteen-foot utility easement on all subdivisions platted under the Lake County Subdivision Regulations.

STAFF RECOMMENDATIONS

- Change Heavy Industrial to Industrial, Heavy and add it to Section 5 as 5.84.
- Change Light Industrial to Industrial, Light and add it to Section 5 as 5.85.
- Keep Figure 6-1. Amend the figure to adhere to the new and old requirements and have a reference to Figure 6-1 in 6.13 C 2.
- Add the safety Triangle to Section 6.13.
- Do not allow fences in the utility easement.

The Land Use and Zoning Committee recommended approval of the Painesville Township proposed Zoning Text Amendments to Sections 5 and 6 with the incorporation of all comments and recommendations.

Mr. Brotzman moved and Mr. Reppert seconded the motion to approve the Painesville Township Zoning Text Amendments to Sections 5 and 6 with the incorporation of all comments and recommendations.

Eight (8) voted "Aye."
One (1) Abstained.
Motion passes.

Painesville Township – Proposed Zoning Text Amendments to Sections 12, 22, and 25

Mr. Rose stated that the proposed zoning text amendments were initiated by Painesville Township. He reviewed the major points of the proposed zoning text amendments, to include the following:

AMENDMENT SUMMARY

- Adding Indoor Climate-Controlled Self-Storage Facility as a conditional use to section 22 in the table of uses.
- Renaming "Gas Station Sales & Service" to "Auto & Light Truck Fuel Sales with Convenience Store (No Repair or Maintenance Services" in the table to uses).
- Renaming "Sales, Services and Leasing of New Motor & Used Motor Vehicle as one integrated business" to "New Auto and Light Truck Dealership (with or without used vehicle sales as a single integrated business entity under same ownership) in the table of uses.
- Removing the word "Automatic" from "Automatic Car Wash" in the table of uses.

- Renaming "Automotive Service (Including instant oil change)" to "Instant Oil Change (Limited to Oil Changes, filter replacements and topping off fluids and lubricants" in the table of uses.
- Adding "Auto Parts Retail Sales with no delivery vehicles on premises" as a permitted use in the table of uses.
- Amending Section 12 Conditional Use Permit 12.02C renaming "Sales, Services and Leasing of New Motor & Used Motor Vehicle as one integrated business" to "New Auto and Light Truck Dealership with or without used vehicle sales as a single integrated business entity under same ownership.
- Renaming 12.02H from Gas Stations to "Retail Sales of Auto & Light Truck Fuels with Convenience Store with No Repair or Maintenance Services.
- Amending 12.02I by removing the word automatic from Car Wash.
- Renaming 12.02J from "Automotive Services (includes instant oil change)" to "Instant Oil Change".
- Adding 12.02U "Indoor Climate-Controlled Self Storage Facility in the B-1 Zoning District".
- Adding 12.02V "Used auto & truck sales and leasing in the I-1 zoning district".
- Amending 12.05C to reflect changes made in 12.02C.
- Amending 12.05C(1)(a).
- Amending 12.05C(1)(b) to reflect changes made in 12.02C.
- Amending 12.05C(2) to state "auto and light truck dealership" rather than "car agency".
- Amending 12.05C(5)(b) changing the word "that" to "than".
- Amending 12.05H adding "Retail Sales of Auto & Light Truck Fuels", "With Convenience Stores excluding any vehicle maintenance or repair services".
- Adding 12.05H(j) "No vehicle maintenance or repair services may be offered or conducted on the premises".
- Removing the word "Automatic" from 12.05I.
- Amending 12.05I(c) requiring services done by hand must not interfere with flow of any automated car wash operation.

- Changing 12.05(J) to "Instant Oil Change". Adding 12.05(J)(d) stating instant oil changes must only perform the removal and replacement of automotive fluids.
- Adding 12.05(U) "Indoor Climate-Controlled Self-Storage Facilities in the B-1 Zoning District as required in section 22.02E, Table of Uses and adding provisions.
- Adding 12.05(V) "Used auto and truck sales and leasing" and adding provisions.

STAFF COMMENTS

- There are no definitions of Auto and Light Truck Fuel Sales.
- How big is a light truck?
- Will fuel sales be limited to autos and light trucks? No fueling of backhoes, boats, jet skis, semi-trucks, buses, campers, lawn mowers, etc.?
- No semi-truck sales in the B districts?
- There is no definition of instant oil change.
- When the table was created, different categories of automotive repair and service were created. The intent of automotive service was to allow for light maintenance to be performed in B districts. These services included but limited to instant oil change, replacement of headlights, replacement of brake lights, replacement of filters, replacement of batteries, and replacement of windshields.
- When the table was created, Automotive Repair was created to handle the heavy automotive repair and body shops and the intent was to put those uses into the I districts.
- Changing to instant oil change may limit to that use only.
- This may be a definition issue. Here are examples of better definitions of auto service and automotive repair:
 - AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): A building, or part of a building which is used for the routine maintenance and service, and the making of *minor* repairs to motor vehicles including instant oil changes, except that repairs described as major repairs in "Automotive Repair" shall not be permitted. Retail sale of lubricants and motor vehicle accessories may also be included as an accessory use. (Concord Township)
 - AUTOMOTIVE REPAIR: A building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major

overhauling of engines requiring the removal of the engine cylinder, head or crank case pan; repairs to radiators requiring the removal thereof; or similar activities. (Concord Township)

- When the use table was created, the term Car Wash (Automatic) was used to differentiate the use from Car Wash (Self-Serve). There is a definition of car wash automatic, but there is not a definition of car wash self-serve.
- The auto parts stores deliver parts to automobile service facilities, automotive repair facilities and body shops. Auto part delivery also has increased because of COVID. This would hamper their businesses. Also, there is no restrictions on car dealership auto part delivery vehicles. They also do not have a restriction on Pizza Delivery Vehicles.
- There are no definitions of Heavy Equipment Repair and Maintenance Servicing, and Auto and Light Truck Service and Repair facilities including tire sales. This use would also be included under Automotive Repair.
- Tire sales are a retail use.
- There is no definition of "Actual Front Setback".
- There are many industrial structures that are further back than the 50-foot front setback and have very little land behind the building. Requiring materials and vehicles to be parked behind the actual front setback will make these lots difficult to use for contractors.

STAFF RECOMMENDATIONS

- Change Gas Station Sales and Service to Gas Station with Convenience Store in Sections 12 and 22.
- Change Sales Service and leasing of New and Used Motor Vehicles to New Motor Vehicle Dealership in Sections 12 and 22 and define the use in Section 5.
- Eliminate "No Delivery Vehicles" from the Auto Parts Retail Sales use.
- Do not change use "auto service" to instant oil change, but redefine the use to make it more understandable as to what the use is.
- Do not change the name "Car Wash Automatic" to "Car Wash".
- Allow for delivery vehicles for Auto Part Sales.
- Define Heavy Equipment Repair and Maintenance Servicing.
- Leave tire sales in the B districts.

- Allow for storage of materials and equipment to be stored between the front setback and the building location if the building is built beyond the front setback.

Mr. Brotzman noted that Section 5.81 Home Occupation adding that accessory uses shall not include employed contractors such as landscape, yard maintenance, and general contractors or any business which owns vehicles over two (2) net ton capacity. He asked for clarification as to whether an existing home operation would be permitted as a non-conforming use with this proposed change.

Mr. Rose noted that this was discussed at the Land Use and Zoning Committee meeting as well as home occupation instances where landscape, yard maintenance and general contractors only have an office and are not storing equipment on the property. He stated that the proposed language could potentially restrict the ability of a business of this type to even have a business office in their home. Mr. Rose stated that this could potentially create an unnecessary burden for home occupant/business owner.

Mr. Brotzman asked for clarification as to whether existing home-based businesses of this type would be grandfathered in; and if so, would the business have to relocate if they decide to upgrade equipment.

Mr. Radachy stated that if a business of this type decided to upgrade to a 5-ton truck, they would have to move the equipment to another location.

Mr. Rose stated that the language about self-employed contractors should be moved into the sections governing R-1 and R-2 districts under accessory uses.

Mr. Brotzman asked for clarification as to how many businesses would be impacted by this change, i.e. grandfathered in as non-conforming but permitted use.

Mr. Radachy stated that enforcement would likely be a bit challenging.

Mr. Brotzman concurred.

The Land Use and Zoning Committee recommended approval of the Painesville Township proposed Zoning Text Amendments to Sections 12, 22, and 25 with the incorporation of all comments and recommendations.

Mr. Brotzman moved and Mr. Perkovich seconded the motion to approve the Painesville Township Zoning Text Amendments to Sections 12, 22, and 25 with the incorporation of all comments and recommendations.

Eight (8) voted "Aye."
One (1) Abstained.
Motion passes.

REPORTS OF SPECIAL COMMITTEES

Land Use and Zoning Committee – Mr. Radachy reported that, upon recommendation of the Leroy Township Trustees, Mr. Dan Himmelman was appointed to the Lake County Land Use and Zoning Committee (LUZ) as their representative. He noted that Mr. Himmelman was appointed to replace Mr. Anthony Falcone who resigned in April 2020. Mr. Radachy stated that Mr. Himmelman is a member of the Leroy Township Zoning Commission. He noted that Mr. Himmelman will be a wonderful addition to LUZ.

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 October 27, 2020 meeting of the Lake County Planning Commission was adjourned at 6:00 P.M. by consensus.