

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION REGULAR & WORKSHOP MEETING MINUTES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Monday, November 9, 2020

20

7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:01 p.m. by Chairman Diak, with the following people present: Mr. R. Rothlisberger, Mr. B. Diak, Mr. J. Hyrne, and Mr. J. Witt. Ms. A. Wisniowski was absent. Mr. F. Walland was present as Zoning Inspector, and Mrs. M. Howell.

Mr. Walland requested a motion to approve the minutes from the October 12, 2020 Meeting.

A motion was presented by Mr. Hyrne to approve the minutes from the October 12, 2020 Meeting, seconded by Mr. Witt.

Roll call: Chairman Diak: Yes Mr. Hyrne: Yes Mr. Witt: Yes

Mr. Rothlisberger abstained due to the fact that he was absent from the October 12, 2020 Meeting.

Mr. Walland stated for the record that the first item on the agenda this evening is for a Preliminary Site Plan Review for a Dollar General Store located at 1826 Hubbard Road, Permanent Parcel #01-B-116-0-00-003-0. He informed those in attendance that this was emailed to the Zoning Office from the Site Designer, Mr. Tim Miracle, from Bohning & Associates, Friday afternoon last week and the site designer wanted to get the preliminary hearing done with. Mr. Walland reminded those in attendance that the Preliminary Site Plan Review is required to determine if the architect or engineer must be present at the Public Hearing for the formal Site Development Plan Review. Mr. Walland invited anyone from the audience who wanted to present the proposed plan.

Mr. Matt Casey, Zaremba Group, 14600 Detroit Ave., Lakewood, OH.

Mr. Casey stated for the record that his company is the developer for the project. He informed those in attendance the project engineer, Mr. Todd Sciano, from Bohning & Associates, is also present this evening to answer any questions the Board might have regarding the project. Mr. Casey stated that the proposed project is for a new Dollar General Store at 1826 Hubbard Road, and that the original parcel is approximately seventy-six (76) acres and they are proposing to subdivide the parcel, and the Dollar General site would be right around 1.38 acres. He stated for the record that all utilities are available for the proposed site.

Mr. Casey stated that typically Dollar General Stores operate seven (7) days a week from 8am to 10pm. He added that each store will modify their hours based on the demand in the area in which it is located. Mr. Casey stated the store will employ 8-12 workers, across three (3) shifts and will add additional staff during peak seasons.

Mr. Casey stated that the parking lot lighting does not burn all night long. He added that the parking lot lighting comes on a half hour before the store opens and stays on a half hour after closing. He stated that the only lighting that stays on all night would be the business sign and some perimeter wall packs, unless the Township or the Police Department require additional parking lot lighting for security reasons. Mr. Casey stated that Dollar General is a very solid company. Mr. Casey asked the Board if they had any questions regarding the proposed Dollar General.

Mr. Witt asked Mr. Casey if the closest Dollar General is the one on Route 534 in Geneva. Chairman Diak commented that there is a Dollar General in Madison Village. Mr. Casey commented that the stores are usually about three (3) miles apart. Chairman Diak asked how similar are the buildings in the area. Mr. Casey stated that he has not seen all of the stores in the area, but this store will have a split face block front with a corner entry to the store, which faces the parking lot area. Mr. Casey also stated that the proposed project at this point appears to meet all zoning requirements and there would be no need for any variances. Mr. Walland stated that the plans would also need to be submitted to all County Departments and the Madison Fire District. Mr. Walland asked if there is a fire hydrant close to the site. Mr.

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Casey stated that there is a hydrant near the corner. Mr. Witt asked if the dumpster is going to be enclosed. Mr. Casey stated that the dumpster will be enclosed and gated. Chairman Diak commented that many of the Dollar General Stores have nice landscaping, and seeing as this proposed store is right across the street from a higher end apartment complex, the landscaping will be important. Mr. Witt asked if the MatPad (electrical) will be out of the traffic areas, with bollards protecting it. Mr. Casey stated that the electrical is proposed to be located on the back side of the building and will have bollards. Mr. Walland asked about the business sign. Mr. Casey stated that Dollar General has their own sign design consultant. Chairman Diak asked if the land has been reviewed for wetlands. Mr. Casey stated that they have done a wetland delineation just beyond the proposed parcel boundaries, which is free from wetlands. Chairman Diak commented that there are known wetlands just across the street. Mr. Walland stated that Lake County Soil & Water would be reviewing the property regarding wetlands.

Mr. Walland asked the Board if they would require construction materials be presented at the Site Development Plan Review. Chairman Diak stated that the Dollar General Stores are pretty straight forward regarding the construction materials, however, in his opinion, Mr. Casey and Mr. Sciano should be present for the Site Development Plan Review. Chairman Diak asked who would be operating the store. Mr. Casey stated that it will be a corporate store.

The Board agreed that the architect, site designer, and/or engineer must be present at the Public Hearing for the Site Development Plan Review.

Mr. Walland reminded the attendees that per Section 126, a Site Development Plan Review cannot be scheduled until the Zoning Office receives all approvals from the various entities involved. He also stated that once they are ready to move forward with the Site Development Plan Review a check for \$400 is required for the hearing.

Mr. Casey thanked the Board for their time.

Mr. Walland stated that the next item on the agenda is for a Re-Zoning Request initiated by the Trustees, per Resolution #20-126. He informed those in attendance that the property owner is C & G Properties, LLC, Claude Paquet and the property is located at 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0.

Mr. Walland informed those in attendance that the owner, C & G Properties LLC, had applied for a Conditional Use Permit for an Adult Day Care/Activity Center for the aforementioned property, and that it was discovered that the property is currently zoned A-1, Agricultural and that commercial business activity has been conducted on the property for over fifteen (15) years and commercial sign permits have been issued for the parcel going back more than a decade.

Mr. Rothlisberger stated that the only question he has is should the other A-1 parcels to the east of this property be re-zoned also. Mrs. Howell stated that the properties to the east of the aforementioned property are residential. She added that in researching the area, the property to the west of this parcel was re-zoned in the eighties, and at that time, 5813 N. Ridge Rd., was not owned by the same person. Mrs. Howell stated for the record that she reached out to Mr. Dave Radachy to get his input and he concurred that Permanent Parcel #01-B-126-0-00-019-0 is zoned A-1, Agricultural. Mrs. Howell stated that the commercial use years ago may have fallen under the pyramid zoning that existed, and that a commercial use would still be permitted on the site today, but since a special use (Conditional Use) is being requested the zoning of the parcel must be addressed. Mrs. Howell stated for the record that Mr. Claude Paquet has signed a letter acknowledging that he agrees with having the property re-zoned.

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Mrs. Howell requested the Board to set a Public Hearing for Wednesday, December 2, 2020 at 7:00 pm to hear the Re-Zoning Request for 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0 from A-1, Agricultural to B-2, Regional Business.

A motion was presented to set a Public Hearing for the Re-Zoning of 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0 from A-1, Agricultural to B-2, Regional Business by Mr. Hyrne, seconded by Mr. Witt.

Roll call: All "Ayes."

Mrs. Howell informed the Board that the Re-Zoning Request has already been submitted to Mr. Dave Radachy for his November 24, 2020 Meeting. Mr. Rothlisberger asked if the December 2nd meeting will replace the normal meeting date of December 14, 2020. Mrs. Howell stated that if the Board has nothing to discuss at the normal scheduled meeting that the December 2, 2020 date would be used for the December meeting date and it would be posted to the website.

Mr. Walland informed those in attendance that the next item on the Agenda is for the Workshop portion of the meeting to discuss several proposed text amendments that have been discussed over the last several meetings.

Mr. Walland Stated that the first item on the agenda is for Section 101 Definitions, adding a definition for Self-Storage Facility; *A facility that provides secured self-storage units of varying sizes within one (1) or more completely enclosed buildings/structures, leased or rented for varying periods of time, in which a renter customarily stores and removes personal property on a self-service basis*, and Section 114.3 Permitted Use Table, adding Self-Storage Facility as a permitted use in B-2, B-3, and M-1 Zoning Districts.

Mr. Rothlisberger asked why the "C" Conditional Use for a Self-Storage Facility in B-3 and M-1 Zoning Districts. Mrs. Howell stated that in talking with Mr. Dave Radachy about the proposed text changes, she had informed him that Mr. Rothlisberger had suggested updating the Permitted Use Table, and that the letters in Red are Mr. Radachy's suggestions and that he did not provide any reasoning for the Conditional Use for the Self-Storage Facility in the B-3 and M-1 Zoning Districts.

Mrs. Howell asked the Board if everyone agreed with the first item. She stated for the record that at the Board's last meeting, the Board wanted to address was outdoor storage in regards to a Self-Storage Facility. The Board discussed and agreed with the language for a Self-Storage Facility and agreed that Outdoor Storage can only be an accessory use to the Self-Storage Facility.

Mrs. Howell informed those in attendance that at the last meeting Mr. Witt had asked if there was any language in the ORC regarding self-storage facilities, and that she has provided each Board member with a copy of the section of the ORC that provides guidelines for these types of facilities.

Mr. Walland stated the second item on the agenda is for a Work/Live Unit. He stated that for Section 101, Definitions, adding a definition for Work/Live Unit; *An existing building used jointly for commercial and residential purposes, where the residential use of the space is secondary to the primary use as a place of work*, and Section 114.3, Permitted Use Table, adding Work/Live Unit as a permitted use in P-1, B-1, and B-2 Zoning Districts, and creating language for Section 142.2.1.1: Work/Live Unit; *In order to encourage greater utilization of existing residential structures in the P-1, B-1, and B-2 Commercial Zoning Districts and to promote the economic well-being of the Township, existing structures may be used in accordance with a commercial development plan per Section 126, and shall comply with the following requirements:*

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As used in this Resolution, a "Work/Live Unit" means an existing structure that combines a commercial or manufacturing activity permitted in Table 114.3 with an accessory residential living space for the owner of the commercial or manufacturing business and that person's household.

Only existing structures shall be permitted to be occupied as a Work/Live Unit.

Within each Work/Live Unit, there shall be separate amenities for the residential area.

The Board discussed and agreed to the proposed text amendments for Work/Live Units.

Mr. Walland stated for the record that the next item on the agenda is for proposed language for a Similar Use. Mr. Walland stated that the proposed text change would remove the language in Section 114.2.4; ~~Although a use may be indicated as a permitted, conditional or accessory use in a particular business, commercial or industrial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted use or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12,~~ and to Add the following language for Section 114.2.4: A "Similar Use" requires that a petition be submitted to the Madison Township Board of Trustees, who shall declare by Resolution that a specific use proposed by a specific petitioner is similar in nature and shall require a Conditional Use Permit (See Section 142.4.5.28)

Mrs. Howell stated for the record that the language proposed for Section 142.4.5.28 was taken from Painesville Township's Similar Use language.

Mr. Walland stated that the next section for proposed changes is Section 129, Swimming Pools. Mr. Walland informed those in attendance that the Board has discussed and agreed to removing the language, *or being required by the manufacturer to use a filter system,* from Section 129. The Board concurred with his statement.

Mr. Walland stated the other proposed change is for Section 129.1.2, changing the inground pools minimum fence or hedge height from, *not less than five (5) feet,* to not less than forty-eight (48) inches. The Board concurred that they agree with this proposed change.

Mr. Walland stated that the last item on the agenda is proposed updates to Section 114.3 – Permitted Use Table. Mrs. Howell informed those in attendance that the Board has been provided the Use Table with Mr. Radachy's recommendations (in red) to broaden the uses for the M-1, B-3 Zoning Districts, along with the proposed permitted uses discussed earlier in the meeting.

Mr. Rothlisberger asked how the Similar Use process would work. Mrs. Howell directed the Board's attention to the proposed language in Section 142.4.5.28. The Board discussed and agreed that they wanted that determination to be left up to the Board of Zoning Appeals as to whether or not a use is a "similar use," and that a Site Development Plan Review also be required. Mrs. Howell stated that she would update the language and forward that information to the Board for their approval, which would then be sent to Mr. Radachy for his November 24, 2020 Meeting.

Mr. Walland requested a motion to set a Public Hearing for the aforementioned text amendments for December 2, 2020.

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A motion to set a Public Hearing for the aforementioned text amendments for December 2, 2020 was presented by Mr. Hyrne, seconded by Mr. Witt.

Roll call: All "Ayes."

There being no further business before the Board, a motion to adjourn the Meeting at 8:03 p.m. was presented by Mr. Hyrne, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."



Bob Diak, Chairman



Jeff Hyrne, Secretary

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