

# RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION

Meeting

## REGULAR MEETING & PUBLIC HEARING MINUTES

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Monday, September 9, 2019

20

7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:00 p.m. by Chairman Witt, with the following people present: Mr. R. Rothlisberger, Mr. J. Witt, Mr. B. Diak, and Mr. J. Hyrne. Ms. A. Wisniowski was absent. Mr. F. Walland was present as Zoning Inspector, and Mrs. M. Howell.

A motion was presented by Mr. Hyrne to approve the minutes from the August 12, 2019 Meeting, seconded by Mr. Diak.

Roll Call: All "Ayes."

Chairman Witt stated that there are two (2) Preliminary Site Plan Reviews on the agenda this evening. Mr. Walland stated for the record that a Preliminary Site Plan Review is now required to determine if the site designer or architect needs to be present at the Public Hearing for the Site Development Plan Review.

Mr. Walland stated that Mr. Frank Latin, Frank's Auto Body is here this evening for a Preliminary Site Plan Review for the construction of his new building. He informed those in attendance that the location is 7279 N Ridge Rd. Mr. Walland invited Mr. Latin to the podium.

Mr. Frank Latin, 7279 N. Ridge Rd., Madison, OH.

Mr. Latin stated for the record that he is hoping to get something going before the snow flies, at least getting the preparation of the site completed and the utilities. He stated he hopes to break ground for the actual foundation come early spring. He added that the weather this year has set things back, with all of the rain we've had. Mr. Walland asked Mr. Latin what the square footage of the structure will be. Mr. Latin replied that the proposed structure will be twenty-two thousand five hundred square feet (22,500 sq. ft.).

Mrs. Howell informed the Board that Mr. Walland would like the Board to consider changing the meeting dates for October and November to the alternate dates, because October 14<sup>th</sup> and November 11<sup>th</sup> are holidays.

Mr. Walland stated for the record that Mr. Latin requested a variance last year for a Lot Frontage Variance so he could split off the current parcel for his new building and leave sixty feet (60') of frontage to the west of it for an access drive for the remaining acreage.

Mr. Rothlisberger asked Mr. Latin where his current building is located. Mr. Latin replied, it is located right next door to the new site (the east side of new site). Mr. Walland asked Mr. Latin if he is going to lease his current building or sell it. Mr. Latin replied that he will most likely sell it, because he has had a few people inquire about it.

Mr. Walland suggested that Mr. Latin check with the County Engineer for "County Standards" for roadways, regarding his access drive. Chairman Witt asked if the new business location will be using that access drive. Mr. Latin stated that is correct. Chairman Witt asked if the signage is changing. Mr. Latin stated that his current sign will be moved over to the new lot, and probably a sign on the building. Mr. Rothlisberger commented that there should be some kind of easement for that access driveway.

Chairman Witt asked if there is a landscaping plan. Mr. Walland stated that the landscape plan will be submitted with the final set of site plans. Mr. Rothlisberger asked how soon Mr. Latin would need approval for the Site Plan. Mr. Walland replied that there will need to be a full set of plans submitted. Mr. David Rapp commented that he hopes to have most of the approvals by next week. Mr. Walland added that as long as he has all approvals in by the first week in October, then the Public Hearing for the Site Plan Review could be set for October 28, 2019.

Mr. Rothlisberger asked Mr. Latin if he will be doing the same thing in the new building, just more of it. Mr. Latin replied, yes, that is correct. Mr. Rothlisberger also asked if the entire

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parking lot is asphalt grindings. Mr. Latin replied, no, the parking lot in front of the building and to the west side of the building are going to be concrete, just asphalt grindings behind the building, and the access drive will be asphalt. Mr. Walland stated that in his opinion the asphalt grindings would need to be sealed or something like that. Mr. Rothlisberger commented that it appears Mr. Latin has enough parking spaces with the front and west parking areas. Mr. Walland asked if the exterior of the building is going to be aluminum and brick. Mr. Latin stated that the exterior is going to be steel siding with split face block on the front and west sides of the building and the north and east sides of the building will be standard straight block. Mr. Walland asked Mr. Latin if he will be bringing samples of the exterior finishes to the Site Plan Review. Mr. Latin stated that he would bring samples to the Public Hearing for the Site Plan Review.

The Board discussed and agreed that the design engineer or architect must attend the Public Hearing for the Site Plan Review. The Board thanked Mr. Latin for coming in and providing the information for his proposed new structure.

Chairman Witt stated for the record that the next item on the agenda is the Preliminary Site Plan for Rose's Refinery. Mr. Walland stated that the location is 6723 Warner Road, and the owner is Michael Rose, 4347 S. Madison Road. Mr. Walland informed those in attendance that Mr. Rose is proposing a small bistro place with some craft beers and sandwiches, along with some retail.

Mr. Michael Dean Rose, 4347 S. Madison Road, Madison, OH.

Mr. Rose stated that ideally there would be a drive-thru retail space, welcoming tourists and local patrons, to take advantage of a streamline approach to selling retail for sundries, such as, milk, beverages, snacks, and a segregated section for pourable bar service, full counter service and dine-in area, with extremely limited capacity.

Mr. Rose stated that their first objective would be for the retail sales of wine and beer, soda, juice, water, and snacks, and the secondary approach would be to start to advertise for the sit down dine-in area. He also stated that the liquor license is contingent upon having both sides of the business open and available to the public. Mr. Rose stated that ingress and egress needs to be streamlined, entering and exiting on both Rte. 307 and Rte. 528. He commented on the traffic flow issue with the Marathon gas station, so efficient traffic flow is a very important aspect of their plans. Mr. Rose stated that there has already been correspondence with the Ohio Department of Transportation (ODOT), explaining the goals and ODOT responded amicably.

Mr. Walland informed the Board, that last year Mr. Rose went to stabilize the foundation on the old building that was built in 1912 and it was discovered that the sill plates were rotted and the building was very unstable. Mr. Rose stated that it started to move and became unstable and dangerous to everyone. Mr. Walland stated that the reconstruction will be on the same foot print that was there previously. Mr. Diak asked if the old structure is gone. Mr. Rose replied that the old structure is gone, the foundation is the same, and they remedied a few breaks in the compromised structure around the foundation and with permits from the Lake County Building Department they back filled it and made it into a concrete slab.

Mr. Walland commented about the sanitary option #2, which references boring under the road to tap in on the west side of Rte. 528, and why that location. Mr. Rose stated that the elevation of the sewer is the catalyst regarding the tap in. Mr. Rose stated that they have come up with a couple different options, one for on-site septic and water in case they are unable to tie in to the sewer. Chairman Witt asked if the existing septic is non-functional. Mr. Rose stated that it is his understanding that it is non-functional. Mr. Rose added that he had a plumber come out and take a look awhile back, and the plumber had said that it would not meet current health department and EPA regulations. Mr. Rose stated that a soil test was recently done and it was determined that the soil is not suitable for septic.

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Chairman Witt asked if the second property is vacant. Mr. Rose stated that the property to the north has a fully functional two (2) bedroom, one (1) bath home that he and his family currently reside in. Mr. Rose added that it has its own leach field and has been inspected and it is serviceable and working, and there is city water provided to that parcel.

Chairman Witt asked Mr. Rose about the parking, are twelve (12) parking spaces sufficient. Mr. Rose stated that this is just to make the Board aware of what is happening on his property. Chairman Witt asked Mr. Rose what he thought the hours of operation would be. Mr. Rose stated that he has been on-site for the past several months and has observed traffic in the area fade out around 9pm/10pm. He added that he would love the place to someday be a destination spot for hotel guests at the two (2) hotels located at Rte. 528 & Rte. 90. Mr. Rose stated at this point it's hard to say, even the local wineries close around 9pm. Mr. Rose presented a breakdown of the structure and a conceptual layout for down the road.

Mr. Walland asked if there is a ditch for the pond to outlet if it were to overflow. Mr. Rapp stated that there is a culvert/ditch that wraps around the corner of Rte. 528 and Warner Road. Mr. Rose stated that there are two (2) ten or twelve inch culvert pipes under both drives. He also stated that as far as expansion goes, if they ran into that issue, owning the adjacent property would allow them to expand responsibly. Mr. Rose stated that if down the road the need for expansion presented itself, they own the property just north of the corner lot. He also added that he and Mr. Rapp have discussed the possibility of moving the retention pond onto the adjacent property as well. Mr. Rose stated that when they are not occupying the home on the northern property they make it available for guests to come stay through airbnb. Chairman Witt commented that there is a great shortage of housing when the large sports events are taking place at SPIRE. Chairman Witt asked what the primary service for the property will be, either the drive-thru service or the dine-in social area. Mr. Rose stated that he and his wife are trying to create a model that will support an annual year round entity, so their vision is to provide year service, whether through the drive-thru or the dine-in portion of the business.

Mr. Rose stated that they have been friends with the owners of the Nifty Fifty Diner and Cornerstone Brewery and have been consulting with them to open up channels to bring in other local vendors. Mr. Walland asked if he is working with an architect. Mr. Rose stated that the floor plan drawings are his own and that he has been working with Mr. Rapp. Mr. Rose also stated that he has been working with an architect, who does all drawings by hand.

Chairman Witt asked approximately how many square feet. Mr. Rose replied approximately one thousand nine hundred fifty square feet (1,950 sq. ft.). Mr. Rose stated that they currently have full building permits from the Lake County Building Department to continue as a residential structure, so the architectural drawings have been approved for a complete finish.

Mr. Rose informed those in attendance that he and his family were displaced from hurricane Irma that hit their home in 2017 in the Virgin Islands. He added that because of that they were forced to find a new location to live and saw this property and purchased the property through a probate sale from the court with the intentions of developing it as a residential structure. Mr. Rose stated that after being there and working on it, it started to get quite a bit of attention from several cross sections of the community; government officials, business owners, residents, just people in general. He added that being there cleaning up the property, eliminating the eye sore, they realized there is a lot of traffic within the immediate area and realized the potential for a business venture. He stated that his long term goal has been discussed with Mr. Walland and they have since applied for a liquor license. Mr. Rose stated that their intentions with the property were to renovate and live in the dwelling, but they realized the structure needed to come down because it started to crumble. He added that they had anticipated going in and renovating the home, live in it, and get their life back in order after being displaced, and eventually turn it into a business entity. Mr. Rose stated that all changed because the building had to be completely replaced, so that has pushed them back a bit. Mr. Rose stated that they currently have a family member who has a physical illness, and along with the weather, has slowed their progress.

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Mr. Diak stated that there would need to be a full set of prints for the property. Mr. Rose stated that there are, and he has given Mr. Walland a set today. Mr. Walland stated that he has not had a chance to review the prints yet. Chairman Witt asked if it would have a full service kitchen. Mr. Rose replied that their plan is to have light fare food, and there would not be any deep fryers, no fire suppression needed. Mr. Walland added that Mr. Rose has been in contact with the fire department. Mr. Rose stated that he believes fire suppression requirements are for any guest numbers fifty (50) and over, and their intentions are to keep their numbers lower than that.

Mr. Rothlisberger asked if the plan, at this point, is to build it as a residential dwelling. Mr. Rose stated that currently that is the plan. Mr. Rose stated that the one major hurdle is the sewer, septic and water. Mr. Rose stated that he and his wife hope that with the proposal and the Board's approval they will be able to set a time frame for being able to use the structure for a business entity.

Mr. Walland stated that he is a little confused and asked if the site is being developed as commercial. Mr. Rose stated that he is preliminarily proposing the business aspect to the Board. He stated that he wanted to make the Board aware of their goals, and a worst case scenario, as a family, they could build a five (5) bedroom home and then rent it as an airbnb for people to come stay in. He reiterated that this was their landing pad after being displaced and they are still in a temporary place, because the two (2) bedroom, one (1) bath house on the adjacent property is just not large enough for their family.

Mr. Diak asked if the liquor license is pending. Mr. Rose confirmed that it is pending, and will continue to be pending so long as they show progress. Mr. Hyrne asked if the liquor license is a definite. Mr. Rose stated that it is his understanding that there is a list of requirements that need to be met, all of which they are confident they will meet, then the liquor license would be granted. He stated that the state has been holding the application since June of 2018. Mr. Walland informed the Board that the state will confirm with the Zoning Department and the Trustees that the proposed use is permitted in the zoning district in which it is located. Mr. Walland asked how long the state will hold the license. Mr. Rose stated, indefinitely, as long as there is progress.

Mr. Walland stated that if and or when Mr. Rose moves forward with this plan, he will need to submit a formal plan with the appropriate fee. Mr. Walland stated that the next Zoning Commission Meeting will most likely be October 28, 2019. Mr. Hyrne stated that the concept is good, but the details will need to be provided when moving forward and the architect and/or engineer would need to be present at the Public Hearing for the Site Plan Review for the proposed project.

The Board thanked Mr. Rose for coming in.

Chairman Witt asked if there was any new or old business.

Mrs. Howell informed the Board that she has provided them with a copy of the cul-de-sac text that was presented and discussed in October of last year, and thought the Board might want to review the text to refresh their memory.

The Board discussed and agreed to hold the October and November Meetings on the alternate dates of October 28, 2019 and November 25, 2019.

A motion to meet on the alternate dates for the October and November Meetings was presented by Mr. Diak, seconded by Mr. Rothlisberger.

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

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Chairman Witt asked Mr. Walland if there was any other new business. Mr. Walland stated that someone has come in wanting to put a "FroYo" right next to Joey's Italian Grill. He commented that he has not had a chance to look at the plan due to the fact that he received a new house plan today.

Mr. Walland informed the Board that he heard that K. Hovnanian Homes bought Pepper Ridge Tree Golf Course. He added that Mr. Dave Radachy from the Lake County Planning Commission is the individual who informed him of the sale.

Chairman Witt asked if there is any other old business. Chairman Witt asked if there was any new information regarding Mr. Profeta's property (1300 Belleair). Mr. Walland stated that one of the Trustees is not sure about the re-zoning, but in his opinion, in the long run, the re-zoning is a better fit. Mr. Walland added that in his opinion the A-1 zoning is a better fit, than say B-1 zoning. Mrs. Howell informed the Board that the Trustees' Public Hearing for the Re-Zoning is tomorrow evening.

There being no further business before the Board, a motion to adjourn the Meeting at 8:11 p.m. was presented by Mr. Hyrne, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."

  
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John Witt, Chairman

  
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Randy Rothlisberger, Acting Secretary

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