

# 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, August 12, 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: Ms. A. Wisniewski, Mr. J. Hyrne, Mr. B. Diak, Mr. J. Witt, and Mr. R. Rothlisberger. 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 July 8, 2019 Meeting, seconded by Ms. Wisniewski.

Roll Call: All "Ayes."

A motion to Re-Open the Continued Public Hearing for Mr. Mike Profeta, 1300 Belleair Ave., was presented by Mr. Diak, seconded by Mr. Hyrne.

Roll Call: All "Ayes."

Mr. Walland stated for the record that the Continued Public Hearing for this evening is for Re-Zoning Request #19-002 for Mr. Michael Profeta, 1300 Madison Properties, LLC located at 1300 Belleair Ave, Permanent Parcel #'s: 01-B-098-C-00-056-0, 01-B-098-C-00-055-0, 01-B-098-C-00-054-0, 01-B-098-0-00-004-0, 01-B-098-0-00-003-0, 01-B-098-0-00-002-0, and 01-B-098-0-00-001-0. Mr. Walland stated that the request is to Re-zone the properties from R-2, Single Family Residential to A-1, Agricultural.

Mr. Walland stated for the record that the neighbor/applicant letters were mailed on June 19, 2019 and the Public Hearing was advertised in The News-Herald Legal Section on June 21, 2019 and that the Zoning Office has had no correspondence from neighbors commenting for or against this request.

He also informed those in attendance that the Lake County Planning Commission met on July 30, 2019 and recommend approving the re-zoning request.

Mr. Walland stated for the record that at the last meeting there wasn't any strong opposition other than a concern about parking and increased road traffic. Mr. Walland informed those in attendance that he has spoken with Mr. Profeta about the possibility of over-flow parking to use the Township Park parking area and that he has spoken with Mr. Tim Brown, Township Administrator, and was informed that that could be done. Mr. Walland added that the pavement is only seventeen feet (17') wide on Belleair, which could pose an issue.

Mr. Michael Profeta, 1300 Belleair Ave., Madison, OH.

Mr. Profeta asked the Board if there were any other questions regarding his property.

Chairman Witt asked if Captain Sopko from the Madison Fire District has commented on the street and safety forces ability to access the property. Mr. Walland stated that in his opinion it is a bit early to address that until an actual site plan is presented for the property. Chairman Witt commented that he felt it was a little skewed regarding the comment from the Lake County Planning Commission that the owner and the Township should work together to improve the road. Mr. Walland stated that he did not feel that was a function of the Lake County Planning Commission to address that kind of thing. Ms. Wisniewski questioned the Lake County Planning Commission's comment regarding the over-flow parking to possibly use the Township Park parking area, and asked isn't there a fence on that property line. She also asked what kind of liability would that put on the Township if someone was to trip or hurt themselves in the process of going from the Township Park parking area to Mr. Profeta's property. Mr. Walland stated that he would assume that Mr. Profeta will have insurance. Mr. Walland stated that there are gates on that property line.

Chairman Witt asked if there is a functioning vineyard on the property, how many parking spots would be available on site. Mr. Profeta stated that he has done three (3) different layouts and depending on the number of vines, he would have at least fifty (50) parking spaces, plus six (6) handicapped parking spaces. Chairman Witt asked about the outside patio space and parking requirements for that area. Mr. Profeta stated that he has not done that yet because the patio areas have not been solidified yet. Mr. Rothlisberger asked if there would definitely be a Site Plan Review. Mr. Walland stated that there are requirements that even a Winery/Tasting Room needs

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to follow. Mr. Rothlisberger asked again if there would be a Site Plan Review requirement. Mr. Profeta stated that he would submit a Site Plan for the property. Mr. Walland stated yes, there would be a Site Plan Review.

Chairman Witt asked Mr. Profeta if he has considered any other zoning districts for business purposes. He also asked about the expansion of other businesses on the property. Mrs. Howell stated that if the Bed & Breakfast was to evolve, then Mr. Profeta would need to go before the Madison Township Board of Zoning Appeals for a Conditional Use Permit for the Bed & Breakfast. Mr. Walland added that if the business evolved into a restaurant, there would need to be a site development plan review.

Chairman Witt commented that this is a little backwards from the way the Board usually sees something, typically it is in a more commercial setting. Mr. Hyrne commented that per the Ohio Revised Code (4303.031) a majority of the grapes must come from own operation. Mr. Profeta stated that grapes can be brought in to produce the wine.

Mr. James Doherty, 6783 Beach Dr., Madison, OH.  
Mr. Doherty stated that he lives next door to Mr. Profeta's property and is concerned about the number of people and the hours of operation. Mr. Walland asked Mr. Doherty to keep in mind that the Public Hearing is for the re-zoning of the property. Mr. Doherty commented that in his opinion his property value will decrease. Mr. Walland stated for the record that a winery would be permitted in an R-2 District as well.

A motion to make a recommendation to the Madison Township Board of Trustees to approve the re-zoning of 1300 Belleair Avenue, Permanent Parcel #'s 01-B-098-C-00-056-0, 01-B-098-C-00-055-0, 01-B-098-C-00-054-0, 01-B-098-0-00-004-0, 01-B-098-0-00-003-0, 01-B-098-0-00-002-0, and 01-B-098-0-00-001-0 from R-2 to A-1 was presented by Mr. Diak, seconded by Mr. Rothlisberger.

Ms. Wisniewski stated that she doesn't feel the re-zoning is necessary in order for Mr. Profeta to do what he has proposed, so in her opinion it should be left as an R-2 zoning classification.

Roll call: Mrs. Wisniewski: No Mr. Hyrne: No  
Mr. Diak: Yes Chairman Witt: No Mr. Rothlisberger: Yes

A motion to close the Public Hearing for Mr. Mike Profeta was presented by Mr. Rothlisberger, seconded by Mr. Hyrne.

Roll Call: All "Ayes."

Mr. Walland stated for the record that the next item on the agenda this evening is the Public Hearing for a Site Plan Review for Mr. Brian Sharp, Allstate Insurance Agency, located at 6396 N. Ridge Rd. He informed those in attendance that Mr. Sharp is proposing to construct a 22.92' X 23.60' addition to the existing structure.

Mr. Walland stated that there was a Preliminary Site Plan Review that occurred on July, 8, 2019 before the Zoning Commission and on July 10, 2019 the zoning office had four review comments for compliance with Section 126 of the Zoning Resolution that were sent to the applicant. Those comments have been addressed.

Mr. Walland stated for the record that owner and neighbor letters were mailed on July 30, 2019, and the Public Hearing was advertised in The News-Herald Legal Section on July 31, 2019 and that there has been no correspondence from neighbors commenting for or against this request.

Mr. Walland informed those in attendance that lighting has been shown on page 2 of the site plan as well as the trash receptacle location. Mr. Walland added that Mr. Sharp informed the Zoning Department that there is no need for a dumpster because there would not be enough waste produced. Instead, they will have a fence that will be in front of the trash bins. Mr. Walland also informed those in attendance that the flood plain has been depicted on the site plan as well and Mr. Sharp has received approval from the Stormwater Department.

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Mr. Brian Sharp, 6396 N. Ridge Rd., Madison, OH.

Mr. Sharp stated for the record that the project is for a one story addition being added to the existing structure. He stated that there will be a ninety-six (96) gallon trash receptacle for trash.

Mr. Hyrne asked if all county approvals have been received. Mr. Walland confirmed that all approvals have been received.

A motion to approve the Site Plan was presented by Mr. Mr. Hyrne, seconded by Ms. Wisniowski.

Roll call: Mrs. Wisniowski: Yes Mr. Hyrne: Yes  
Mr. Diak: Yes Chairman Witt: Yes Mr. Rothlisberger: Yes

Mr. Walland informed those in attendance that the next item on the agenda this evening is a Public Hearing for Re-Zoning Request #19-003 for Mr. Adam Butcher, Gene Sr., LLC, located at 1955 Hubbard Rd., Permanent Parcel #01-B-097-0-00-036-0. He stated that the request is to re-zone the property from R-4, Multiple Dwelling District to B-1, Neighborhood Business District. Mr. Walland informed those in attendance that the applicant plans to build a new structure to house classrooms for training for an appliance business. He also stated that the adjoining property to the south is zoned B-1.

Mr. Walland stated for the record that the Applicant and Neighbor letters were mailed on July 19, 2019, and the Public Hearing was advertised in The News-Herald Legal Section on July 31, 2019. He informed those in attendance that there has been no correspondence from neighbors commenting for or against this request.

The Lake County Planning Commission met on July 30, 2019 and do not recommend the approval of the Re-Zoning Request, but instead suggest a Conditional Use Permit for a Trade School. Mr. Walland stated that the Zoning Department disagrees, due to the fact that a conditional use for construction of a new building designed as a learning center is a significant commitment of time and money for a structure located in an R-4 Zoning District and that over time rezoning would be the better option. He stated for the record that there has been no correspondence from neighbors commenting for or against this request.

Mr. Walland informed those in attendance that the Lake County Planning Commission usually references the Comprehensive Plan Map when reviewing a request and the current Comprehensive Map has the parcels on the north and south sides of this parcel as B-1 Zoning. Mr. Walland stated for the record that he is in favor of re-zoning the property.

Mr. Adam Butcher, 1955 Hubbard Rd., Madison, OH.

Mr. Butcher stated for the record that the academy has been operating in Madison at the Chapeldale Plaza since October 2008. He also stated well over one thousand (1,000) students have attended the academy. He also stated that students have come from every state, except Vermont and there have even been international students. Mr. Butcher asked if the Board had any questions for him.

Mr. Walland stated for the record that Mr. Butcher also owns the property that is directly in front of the aforementioned parcel and that parcel fronts on Hubbard Road. Mr. Walland also added that when the time comes for a site plan review, Mr. Butcher will probably be asked to grant an easement for the back parcel for ingress/egress. Mr. Rothlisberger asked if the aforementioned lot has frontage on Hubbard Road. Mrs. Howell replied, no it does not. Chairman Witt asked how long Mr. Butcher has owned the property. Mr. Butcher replied that they have owned the property since June 2012. He added that when they purchased the parcel with the apartments, the back parcel came with that front lot. Mr. Diak asked Mr. Butcher what type of structure he plans on constructing. Mr. Butcher replied that the plan is to build a simple pole building structure, approximately ten thousand (10,000) square feet. Mr. Walland asked what type of finish is being planned for the building. Mr. Butcher stated that has not been finalized yet, but he would hope to have a brick façade, depending on cost. Mr. Butcher stated that they want the building to have some "curb appeal." Mr. Walland asked if it will be one or two stories high. Mr. Butcher stated

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that the current vision is hopefully a two story, with a loft for storage and maybe a conference room, but not for public access. He added the training would be taking place on the first floor.

Mrs. Howell asked if the apartments are strictly for the students attending the academy. Mr. Butcher stated that there are twelve (12) units, with two (2) permanent tenants and the other apartments are used for student housing. Mr. Walland asked if the classes are currently held in the Chapeldale Plaza. Mr. Butcher stated that is the current location and there are currently fifteen (15) students. Mr. Walland asked if the new building would relocate those students. Mr. Butcher stated that they would be vacating the current location.

Mr. Butcher added that there are no plans to ever convert the structure to any type of retail. Mr. Walland commented that there will probably be the need for improving the drive. Mr. Butcher stated that that is already part of the plan. Mr. Butcher stated for the record that the actual entrance lot is a shared easement between him and the adult day care building. Mr. Walland commented that the site plan would go to the Madison Fire District for review.

A motion to make a recommendation to the Madison Township Board of Trustees to approve the re-zoning of 1955 Hubbard Rd., Permanent Parcel #01-B-097-0-00-036-0 from R-4 to B-1 was presented by Ms. Wisniowski, seconded by Mr. Diak.

Roll call: Mrs. Wisniowski: Yes                      Mr. Hyrne: Yes  
                  Mr. Diak: Yes                                      Chairman Witt: Yes                      Mr. Rothlisberger: Yes

Mrs. Howell informed the Board that in front of them are the updated pages to their Zoning Resolution Books that went into effect August 8, 2019 and to please replace the pages in their books.


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

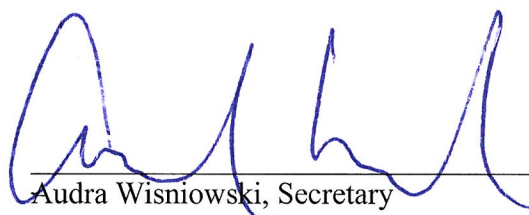
Mr. Diak asked if Mr. Walland has heard anything about Mary's Diner and when they will be opening. Mr. Walland stated that he is not quite sure what is taking them so long to open. Mrs. Howell commented that Mary's Diner in Geneva had a patron run into the building, so they most likely were addressing that issue. Mr. Walland commented that he heard that there was trouble with some of the county permits.

Mr. Walland stated to the Board that he has put a hold on working on the Comprehensive Plan because the Trustees have requested that he create a Planned Unit Development (PUD) Zoning District so that the PUD Section can be removed from the Conditional Use Section of the Zoning Resolution. Chairman Witt commented that he has heard that the Trustees were a little apprehensive about the fifty (50) acre requirement for a PUD. Mr. Walland stated that the Trustees did not approve the increase. Mr. Hyrne asked Mr. Walland if he is planning on keeping the retail requirement for a PUD. Mr. Walland replied that he probably will not as a mandatory requirement.

There being no further business before the Board, a motion to adjourn the Meeting at 8:00 p.m. was presented by Mr. Hyrne, seconded by Ms. Wisniowski.

Roll call: All "Ayes."

  
John Witt, Chairman

  
Audra Wisniowski, Secretary