



**Geauga County Planning Commission**  
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MAY 10, 2022 MEETING MINUTES

**1. Pledge of Allegiance**

Chairperson Caterina Cocca-Fulton called the May 10, 2022 regular meeting of the Geauga County Planning Commission to order at 7:37 a.m. at 470 Center Street, Building 8, City of Chardon. A quorum was obtained. Following the Pledge of Allegiance, a call was made to seek motion for 2022 Chairperson.

**2. Motion on Chairperson**

Mr. Lennon made a motion to approve Ms. Caterina Cocca-Fulton as Chairperson for 2022. Mr. Claypool seconded the motion, and upon a call for the vote, the motion carried unanimously.

The roll call was called by Pamela Irizarry, Administrative Assistant, and the following members were present:

**3. Roll Call**

Members present: Caterina Cocca-Fulton, Gary Neola, Commissioner Jim Dvorak, Commissioner Tim Lennon, Nicholas Gorris, Dan Miller, and Walter Claypool

Members absent: Commissioner Ralph Spidalieri, Jim McCaskey, Dennis Bergansky, and John Oros

Mr. Dvorak left the meeting at 9:22am.

Staff present: Linda Crombie (Planning Director), Allyson Kobus (Planner II), and Pamela Irizarry (Administrative Assistant).

**4. Approval of Minutes for the April 12, 2022 Regular Meeting**

Mr. Neola made a motion to approve the April 12, 2022 regular meeting minutes and Commissioner Lennon seconded the motion, and upon a call for the vote, the motion carried unanimously.

**5. Financial Report and Approval of Expenses**

Ms. Irizarry provided the financial report as of May 9, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$2,779.32. Commissioner Dvorak made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$2,779.32. Mr. Neola seconded the motion, and upon a call for the vote, the motion carried unanimously.

*See Exhibit 5A*

## **6. Director's Report**

1. Northeast Ohio Planning and Zoning Workshop, June 24, 2022, Punderson State Park: Ms. Crombie said plans for the NE Ohio Planning and Zoning Workshop to be held on June 24 at Punderson State Park are being finalized and will be emailed this week to township trustees, BZA secretaries, Zoning Commission secretaries, township zoning inspectors as well as officials from the villages and City of Chardon. It will contain registration and payment details. Since the workshop program will be emailed to the five counties of Geauga, Lake, Ashtabula, Trumbull, Portage, and Mahoning, there will be a limit on attendance to 75 people.

Mr. Claypool asked who was leading the workshop, and Ms. Crombie replied that Lake County Planning Director is working with Cleveland APA, American Planning Association. They are responsible for subsidizing this workshop and she is assisting with the planning.

Mr. Claypool wanted to know what the "theme" was for this workshop, and Ms. Crombie responded that there would be sessions discussing BZA, Parks, Economic Development, and Infrastructure.

2. House Bill 563, pending: Ms. Crombie said HB 563 is currently at the House of Representatives Committee review. Ms. Crombie presented the proposed bill that would limit township and municipalities from prohibiting short term rentals as well as prohibit the regulation of the number, duration, and frequency.

3. Census of Agriculture: Ms. Crombie discussed farmers receive the, Agriculture Census, and if you are new farm there is a link to sign up to receive a questionnaire. The deadline to sign up is June 30, 2022. AG Census will be mailed out in November 2022 and February 6, 2023 is the response deadline. All the information compiled from the AG Census will be released sometime in 2024.

4. Geauga Soil and Water "Ag in the Classroom" grant: Ms. Crombie talked about the importance of agriculture in Geauga County, and let everyone know that Geauga Soil and Water is offering a \$1000 grant program for any educators to increase awareness and knowledge of agriculture to youth of Geauga County.

5. Standard Operating Procedures Manual: Ms. Crombie reminded the Planning Commission board that part of the staff goals for 2022 would be to create various checklist and training materials. She mentioned that Ms. Irizarry has been working on putting together a step by step operating procedure for any of the financials reports/summary of expenses, inputting various information into spreadsheets. Once this is completed all this information will be formatted into one Standard Operating Procedures Manual. This will be great for cross training and new hire training.

6. Move to the New County Administrative Building: Ms. Crombie said that June 1<sup>st</sup> is our tentative move date and there will be a possibility to shut the office down for 1-3 days. She will let the Planning Commission know more details after her Director's Meeting. Mr. Gorris asked where would the next meeting take place if we move? Ms. Crombie replied in the new building.

7. Work Summary, April 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during April there were 23 lot splits/consolidations, 71 different planning/zoning inquiries, lot inquiries, 3 formal text or map amendments and 4 easements. Ms. Crombie briefly reviewed the various points of contact she has with each of the following townships: Claridon, Munson, Newbury, and Russell.

b. Comprehensive Planning Efforts:

i. General Plan Use: Ms. Crombie said the staff referred to the General Plan four (4) times during April 2022. The Land Use, Housing, Natural Resources, and Economic Development chapters were referenced in regard to the proposed Chester text and map amendments on the agenda today. We have been referring to the General Plan on average 4 times each month and she feels it is important to let the Commission know that it is used, given the money spent to update the General Plan and that is worth it.

ii. Continuing Education/Staff Training: Ms. Crombie said that Ms. Kobus has viewed and is learning the following training webinars: ArcGIS Pro Basics, ArcGIS Pro: An Introduction and Arc GIS Pro: Tips and Tricks

iii. Generalized Lot Size Map: Ms. Crombie discussed how in review of the county land use map, Ms. Kobus created a map called Generalized Lot Size April 2022, where lots were categorized by lot size. This map can be inserted into the next General Plan update.

iv. Website Updates: Ms. Crombie advised the 2022 list of township fiscal officers, zoning commission secretaries and zoning inspectors were posted.

v. Geauga County Township Association dinner meeting: Ms. Crombie said on April 13, Grace Gallucci gave a presentation at the Geauga County Township Association quarterly dinner meeting. Various topics such as federal and state gas tax funding, CEDS plan, and a transportation project with the Village of Middlefield were discussed.

vi. NOACA CEDS meetings: Ms. Crombie said on April 14, 2022 NOACA and their consultant, A/R 360 Consultant, held is CEDS Roundtable Workshop. She was not sure of the attendance as she was not able to see everyone who logged in. An explanation of the draft CEDS plan was discussed and a link was also provided for public comment. Ms. Crombie informed the consultant and NOACA that the draft plan was difficult to find on the website.

Ms. Crombie went on to say that she and former County Economic Development Director, Marty Castelleti, stressed the importance of agriculture in Geauga County. As of May 2, Ms. Crombie was informed about a section added into the CEDS plan discussing agriculture. She encourages the board to look at the link.

Mr. Claypool commented on how everything they are doing is harm for our county. He said he attended that Roundtable Workshop and you could not provide any useful comments during the meeting. They

do that to prevent public input. He encourages the Commissioners to write a letter to NOACA explaining that they want to opt out of it. Cleveland is planning for our county and everything he sees is problems. He is concerned that they hide information and everything is all about Cuyahoga county in their meetings. Not one mention of rural community, we need to push back.

Mr. Lennon asked what is the intended outcome of all of this? Are they planning on setting up a subsidy? Ms. Crombie replied the CEDS plan has to be in place first in order to designate the region as an economic development district. It opens up more federal funding for local businesses. Mr. Lennon wanted to know is NOACA running this or is it the consultant? Mr. Crombie responded that both NOACA and the consultant are running it and they invited all the economic development and planning directors from the five counties.

Mr. Lennon feels that he is frustrated with all of this. He said this was never the initial intent of NOACA, it was supposed to be about funding for our roads, and they go against their original plan of what they were supposed to do. He talked about how he has been on the board of NOACA for six years and he has found time and time again that Geauga County doesn't qualify for anything. There is always some reason why we don't get funding and we give them money through our taxes, but we get very little back. He doesn't see the purpose of being part of NOACA and he will discuss with the other commissioners about getting out. He asked when will this be complete? Ms. Crombie replied sometime in June.

Mr. Miller asked is there was some kind of a bylaw that says Geauga County has to be part of NOACA? Ms. Cocca-Fulton replied that was a good question. Ms. Cocca-Fulton went on to say that there is an agriculture provision, it seemed like an afterthought. What is the goal of this plan? Is it driving economic planning and how does it pair with NOACA's authority and how does Geauga county fit it? Should we be asking ourselves, do we need to do anything? Is there a way for Planning Commission to do something? Mr. Lennon feels that Planning Commission is a good place to have this discussion as there is a lot of emotion and angst against NOACA and put a real effort into the upside but really don't see how we fit into it. We have a group with the Commission that is interested in this and can discuss. He feels we need to get the Commissioners to look at another perspective. How is this going to impact the residents in Geauga County?

Mr. Claypool commented that he just pulled up NEO 2050 on the website and everything talked about on the plan is not Geauga County.

Mr. Lennon went on to say how does all of this this apply to race? Everything is focused on Cleveland and Cuyahoga county. We need to find an alternative.

Mr. Neola expressed how frustrating it is that we can talk about it but what can we do to move forward with this. NOACA doesn't sound like it wants to change to accommodate our county. If they aren't going to change than we need to change. It sounds like we need to get out of NOACA and join with other counties.

Mr. Lennon replied that it is not that easy to get out of NOACA. It is a process. He went on to say from what he has seen so far, I'm not in favor of continuing with the CEDs plan. There are a lot of hoops to jump through to get out of NOACA. We would need the state's approval including the Governor. We can stop paying them, but they will still be involved. They will still take our gas tax. Mr. Neola said he was unaware of the State's approval but responded that we would need to form our own MPO. Mr. Lennon pointed out that Geauga County could drop out of NOACA, but nothing would change. It's not about the money, it's about the control and planning. Mr. Neola replied if we leave and form an MPO, then we are taking control for Geauga County ourselves. Mr. Claypool agreed; he brought up the Vrooman Road project. He said NOACA qualified for those dollars, if we form an MPO, Geauga County would qualify for those dollars. Mr. Neola went on to say that this should be presented to Lake County.

Mr. Lennon requested that we start drafting up a response letter stating that we don't want to participate with CEDS anymore, and we don't want to be part of the planning process moving forward. Ms. Crombie said that she reports to the Planning Commission board; do you not want me to attend these meetings anymore? Mr. Lennon said it is important for Ms. Crombie to attend the meetings. He doesn't understand what this has to do with NOACA and he will contact Grace Gallucci to find out what the ultimate plan is.

Ms. Cocca-Fulton explained that she has learned a lot from being part of this board and the point was so the board was informed of what was going on. She feels it's important to be involved, although she doesn't feel that anyone on the Planning Commission is enthusiast about what NOACA is doing. As Planning members, do we see a benefit for Linda to allocate time to what's going on. Their values are affecting Geauga County. Planning Commission is interested in helping the county to make changes, if necessary, about what we feel is best for Geauga County. She went on to say NOACA doesn't spend a lot of money in Geauga County and we are spending money to be in it; if our voice doesn't bare any weight, is it worth it now to be sitting at the table when no one listens.

Mr. Lennon explained that NOACA goes out into the community to get feedback by setting up a table at a library and take in few opinions, and then they create stylish charts and blow this information up about Geauga County. They do this so they can check off their boxes.

Ms. Cocca – Fulton advised the board that we needed to move on.

Mr. Claypool asked Ms. Crombie what was discussed at the Township Meeting with Grace Gallucci. Ms. Crombie replied gas tax, general overview of NOACA, Village of Middlefield Project, and the CEDS. He wanted to know where can you look up the CEDS time line. Ms. Crombie said it was given to the Commission at the last meeting.

***See Exhibit 6A***

**7. Major Subdivision to be reviewed**

- A. Proposed Derchar Subdivision
  - Sublot 1 and 2
  - Hambden Township

Final Plat – extension request received from the applicant to extend to the 5-10-22 meeting.

Ms. Cocca-Fulton proposed that since there has been no new material, she would like to hear a motion to move this under the category of Old Business. Mr. Neola made a motion to move Derchar Subdivision to Old Business. Mr. Dvorak seconded the motion, and upon a call for the vote, the motion passes unanimously.

**8. Township Zoning Amendments to be reviewed:**

- A. Chester Township  
Text and Map Amendment No. ZC-2022-01  
Initiated April 20, 2022  
By Property Owner

Ms. Crombie said a text and map amendment was received to re-zone two parcels located on Mayfield Road from R3A One Family Residential to C General Commercial, totaling 4.008 acres. The two parcels are located on the south side of the road. The front parcel contains an automotive repair business and the rear parcel is vacant. The surrounding land uses include; commercial uses to the west, industrial to the north, and residential/agricultural to the east/southeast.

Ms. Crombie went on to explain that a land use variance was applied for by McDonald in the 1960's, and it was originally denied. She explained that a use variance is for a specific use and it stays with the land. The local Court of Appeals reversed the decision in 1963 and ordered that it be remanded back to the Board of Zoning Appeals, Ms. Crombie said she preferred to have more information about what was discussed at the BZA meeting from 1960's but the Township was not able to find the file due to the age.

Ms. Crombie continued that according to the Chester Land Use Plan Map, the Township's planned land use configuration, the two parcels were designated as residential, but were a commercial use. Ms. Crombie advised that the land use plan states that updates to the plan may occur. Ms. Crombie advised the applicant referenced the map on Page II-45 of the Township land use plan and indicated the area was not recommended for residential development. Ms. Crombie clarified that the map only illustrated the potential for residential development and did not make recommendations.

Ms. Crombie also mentioned the importance of referring to the environmental maps in a specific township when advising property owners. The applicant supplied details related to the environmental aspects of the areas such as a soil map and a wetlands map. Ms. Crombie also advised that when looking at the list of permitted uses within the C General Commercial District, some uses could generate more traffic and others less traffic than an automotive repair business. Ms. Crombie said that one parcel has cross access and maintaining it would be important.

Ms. Crombie pointed out the applicant is not asking for automotive repair to be added as a permitted commercial use, but it is important to look at the intensity of the uses permitted if the properties were to be rezoned. Ms. Crombie briefly went over re-zoning versus enforcement of Article 10: the existing business can continue based on the 1963 use variance, non-conforming uses can continue instead of re-zoning commercial, but the property owner would have to apply for a use variance to BZA for any types of modifications/expansions.



Ms. Crombie advised the County General Plan mentions the importance of retaining businesses and this comes in to play with this application regarding whether to re-zone the property or consider additional use variances.

Ms. Cocca-Fulton asked if the Planning Commission board had any questions for the applicant. Mr. Claypool asked what was the reason for the hodgepodge of zoning? Attorney Weiss replied that he wanted to bring it into conformity to Township zoning and by doing this it would bring us into the commercial district the owner pays commercial tax. He went on to say that commercial is more restrictive. He discussed details of the McDonald case and how the courts laid out a logical decision.

Ms. Crombie added that regardless of zoning, there has to be tax based upon the use. She gave an example of a restaurant in a residentially zoned area; the zoning is residential but it is taxed as commercial because it has to be based upon the Auditor's property class codes. Ms. Crombie said that the 1963 use variance was unusual in this case. Ultimately, you have to look at the impact on the residential uses; does it make sense to be commercial? Ms. Cocca-Fulton asked if changing to commercial, does this allow the property owner to do anything they want under a commercial zoning. Attorney Weiss replied, no. The area developed has been cleaned up and improved. Mr. Claypool commented on how that answer was fine with him.

Mr. Dvorak made a motion to approve the Chester Zoning Amendment ZC 2022-01 and Mr. Claypool seconded the motion, and upon a call for the vote, the motion carried unanimously.

***See Exhibit 8A***

**8. Township Zoning Amendments to be Reviewed:**

- B. Chester Township
  - Text Amendment No 2022-02
  - Initiated April 20, 2022
  - By Zoning Commission

Ms. Crombie explained that a text amendment from Chester Township was received to discuss residential districts R, R3A, R5A related to Accessory Buildings. The first change was to change the language of "dwelling" to "building", as to be a more generic correction as schools and other non-residential buildings are allowed in the residential districts. She discussed how duplicate language was removed. Crombie advised that accessory building size is currently 1280 square feet regardless of lot. This is equivalent in area to a three-car detached garage and a two-car detached garage, to give an idea of size. The township would like to keep its existing language but be more flexible to larger lots so the language regarding 500 square feet per acre with a maximum of 2,500 square feet was added.

Ms. Crombie said there was an informal review of the first draft but once this final version was submitted, she and the Prosecutor's office felt that the language could be interpreted in multiple ways so alternate language recommended, which Ms. Crombie read aloud. The Prosecutor's Office also suggested that the 1280 square feet could be reduced to 800 or 900 square feet, and residents still must comply with maximum lot coverage. Ms. Crombie also commented on how this does not apply to agricultural use.

Ms. Crombie said the effects of this amendment is that lots that are 2.5 acres and above in area will have more accessory building area, but still capped at 2,500 square feet. Ms. Crombie mentioned that regarding the measurement of the accessory building setback from the main building, measuring it from the foundation wall was added. The staff recommended alternate language though, which Ms. Crombie read aloud. Ms. Crombie suggested that the township review these recommendations with their APA.

Mr. Neola commented on how the foundation wall makes sense, as over hangs are small in area and the corner lot setback provision makes sense. He feels the side yard setback should be the same and meet the same setback as the house.

Mr. Gorris questioned the difference between an attached accessory building and a detached accessory building and whether "detached" needs to be referenced; also mentioned two different setbacks were listed, 20 feet and 15 feet and he asked if one was an offset from the principle building or front of the building. Mr. Nastasi agreed that "detached" doesn't need to be there and they would review the setback language.

Mr. Claypool asked does this apply only to residential? He is thinking of schools and churches. Mr. Nastasi replied yes.

Ms. Cocca- Fulton asked the Planning Board if there were any more comments or questions.

Ms. Cocca-Fulton and Mr. Lennon both thanked the applicant for coming to the meeting.

Ms. Cocca-Fulton asked the board for a motion to approve the amendment with modifications based upon staff comments, and to remove reference to "detached".

Motion by Mr. Lennon to approve with modifications the Chester Text Amendment No. ZC 2022-02 and seconded by Mr. Dvorak with the staff recommendations and as noted during the meeting discussion, and upon a call for the vote, the motion carried unanimously.

***See Exhibit 8B***

#### **9. Correspondence:**

**A. 2023 Budget:** Ms. Crombie presented to the board the 2023 Budget. She noted that she had sent all the board members the draft version of 2023 Budget in the Dropbox the week before. She went on to say that all the accounts with "asterisks" next to them were newly created accounts, and she is hoping to have them completed and on the Financial Report for June. She explained that she did adjust some of the appropriations on the accounts and presented the final version and a breakdown of each new account. She also said that the Budget hearings are in September.

***See Exhibit 9A***

**B. County Land Use Map Update:** Ms. Crombie let the board know that over the past several months, Ms. Kobus has been working on updating the County Land Use Map, which was one of the top five goals for 2022. The land use map has not been updated since 2009. Ms. Kobus used the 2009 land use map as a base. She also used the same land use definitions as 2009.

Ms. Crombie presented the 2020 Land Use Map and discussed some of the breakdown of the map. Ms. Crombie discussed that over the years there were inconsistencies along the way. She referenced the



example in the memo and turned it over to Ms. Kobus. Ms. Kobus said she felt that many changes made in 2009 were consistently inconsistent. She said there also have been several different people updating the map as well. One thing agreed upon was that with the next update, it would all be done on a parcel by parcel basis and treat them as they are.

Mr. Claypool asked is you have a farm house and property, is this agriculture? Ms. Crombie and Ms. Kobus both answered yes, except the area around the house. Houses have always been separated out in land use as the use is residential. Mr. Claypool commented that the use of a farm house is to farm and thinks it should just be agriculture. He asked why are we doing a land use? Ms. Crombie responded that land use shows how land is really being used, not how it is zoned; it is not a legal document, such as zoning map.

Ms. Cocca-Fulton commented on how there is much judgement on how land is being used. A parcel could have 2 or 3 different uses. She feels this is good to know, but how do we use a land use map. Ms. Crombie replied that it shows how land is used versus how it is zoned. Ms. Crombie stated simplifying the way it is updated could be done and we can discuss it again at the June meeting.

Mr. Neola asked is the primary use the way it is identified? Ms. Crombie replied, typically, yes. Ms. Kobus commented that everyone looks at maps and sees different things.

***See Exhibit 9B***

#### **10. Old Business:**

##### **A. Model Zoning:**

Ms. Crombie briefly presented the edited versions of Articles I (General Provisions), Article II (Definitions) and Article VII (Signs). She noted in mid-April the U.S. Supreme Court ruled on *Reagan. v. Austin* court case and determined that a regulatory distinction between on-premises signs and off-premises signs (billboards) is content-neutral and therefore constitutional. This means that local communities are allowed to regulate on-premises differently than billboards.

Ms. Crombie recommended that Model Zoning Subcommittee meet in June after the next Planning Commission meeting to discuss. Ms. Cocca-Fulton said with the interest of time, it would be best to discuss further after next meeting. Mr. Lennon asked if this topic could be moved up on the agenda. He also wanted to know who is on the Model Zoning subcommittee? Ms. Crombie replied that it was Mr. Neola, Mr. Claypool and Ms. Cocca-Fulton. Mr. Neola asked if the Model Zoning was still a subcommittee or does it need to be a committee? Mr. Claypool replied that no Sunshine Laws would be violated if it was not a committee.

Ms. Cocca-Fulton requested a motion to terminate the Model Zoning Subcommittee and discuss changes at the regular Commission meetings.

Motion by Mr. Neola to terminate Model Zoning Subcommittee and seconded by Mr. Claypool and upon a call for the vote, the motion carried unanimously.

***See Exhibit 10A***

#### **11. New Business:**

A. Info Sheet Series: Ms. Cocca-Fulton asked to table this to the next meeting.

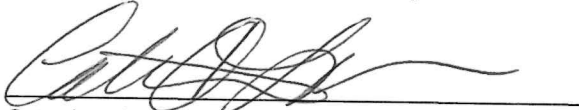
B. Mileage Reimbursement:

Ms. Crombie informed the board that the Prosecutor's office has not gotten back to her yet on this yet but in speaking with the County Administrator, Gerry Morgan though, he remembered it being brought up if one member is reimbursed, all members should be reimbursed. He recalled that Chester Miller ended up being able to obtain a ride from various Commission members so reimbursement was then not pursued. Mr. Gorris suggested that the board reimburse mileage the same way by making a motion to pay dollars for transportation; then it will not be required by the by-laws.

Mr. Miller commented that he would not request any reimbursement on travel expense.

**9. Adjournment**

Chairperson Ms. Cocca -Fulton adjourned the meeting at 9:38 am.



Caterina Cocca- Fulton, Chairman



Gary Neola, Secretary/Treasurer