



City of Mentor-on-the-Lake

5860 Andrews Road, Mentor-on-the-Lake, OH 44060-2827

Phone: (440) 257-7216 Fax: (440) 257-2766

www.CityMOL.org

MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 4, 2019

The Regular Meeting of the Planning and Zoning Commission for the City of Mentor-on-the-Lake, Ohio, was called to order by Chair Suzanne Cason, at 7:00 p.m.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:
Aye: Suzanne Cason, Chair
Aye: Mike Sweeney
Aye: Ralph Boomer
Aye: Adam Sheldon
Aye: Rob Johnson, Council Representative

Also present: Jim Lunder, Council
Brent Moore, Service Director
David Eva, Mayor

APPROVAL OF MINUTES: January 7, 2019

MOTION MADE BY ROB JOHNSON, seconded by **Ralph Boomer** to approve minutes of January 7, 2019.
Ayes: Suzanne Cason, Mike Sweeney, Ralph Boomer, Adam Sheldon, Rob Johnson. Nays: None

MOTION CARRIED: 5/0

OPEN TO THE PUBLIC: 7:02 p.m.

Variance for fence- Corner Lot-6027 Reynold Rd.

Ms. Cason states our first order of business is the variance for a fence on the corner lot at 6027 Reynolds Rd. She asks Mr. Grant Alexander show the Commission where he plans to erect a fence and asks him to explain his intent. Mr. Alexander explains and shows the Commission on an aerial view map where he intends to put his fence, he states that there is a row of bushes on his property and the fence will be behind the bushes that are currently on there. Mr. Moore explains the bushes are 23ft from the center of Primrose Rd. Ms. Cason states then

the fence will extend significantly past the front of the house on the Reynolds Rd. side. Mr. Moore states according to the measurements taken from the printout of the property the right of way is behind the back edge of the sidewalk so he is well within the right of way. Mr. Boomers asks if this is above the ditch on the Primrose side. He states that 20ft past the front of the house may interfere with the view of drivers coming out on Primrose. Mr. Moore states that said fence will be 3 ft. high and chain link. Mr. Alexander adds that the bushes which are currently there are higher than the fence will be and it is a 36 inch black chain link fence. Mr. Sweeney asks if the whole fence will be 3 ft. high. Mr. Alexander states it will be. Brief discussion was had regarding the fence on the neighboring property and several concerns.

Ms. Cason voices her concern that even as she drives through the city, fences in Mentor-on-the-Lake rarely go past the front of the house on the street side. She explains that approving Mr. Alexander's request will set an unwelcomed precedent. Ms. Joanne Alexander, mother of Mr. Alexander, of 9485 Jackson St. Mentor, Ohio states that Mentor-on-the-Lake is already on this path and this precedent has already been set in the city. Ms. Cason states not since she has been on the Commission and as she drives around the city there is not a fence beyond the front of the house on Reynolds Rd she adds not on Primrose either. Ms. Alexander responds that the shrubs will be outside the fence and you will actually see the shrubbery before you will see the fence her son plans to erect. Ms. Cason agrees and states that shrubbery is treated differently than fences. Ms. Cason asks the Commission if there are any additional questions for Mr. Alexander. Mr. Sheldon asks what the space is between the house on the right on Primrose and extending back. Ms. Cason states that another concern the Commission needs to consider is whether the neighboring property can see to back out of their driveway. Brief discussion was had regarding the neighboring property.

Mr. Sweeney asks Mr. Moore if it's a 36 or 42 inch fence. Mr. Moore states Mr. Alexander is requesting a 36 inch chain link fence. Mr. Moore states he doesn't have a problem with the request for the fence in the front of the home as he has seen this in other properties in the city and he states there is a house on Manor Drive that was approved for a fenced front yard. Ms. Cason asks if the resident had been approved for a permit. Mr. Moore states yes they did get a permit for their fence. Ms. Cason voices her concern about setting a particular precedent in the city. Mr. Moore states the shrubbery also falls under fence zoning and Ms. Cason agrees that the ordinance states the shrubbery should be no higher than 2 ft. Mr. Moore states the only reason he denied the permit was because of the corner lot variance and the height. Ms. Cason states she is less concerned about the Primrose side of Mr. Alexander's property and more concerned with the fence extending past the front of the house. Mr. Sheldon states that the point of his previous question was to see if there is ample space for his purpose on the side of Mr. Alexander's property if we didn't approve the permit. Mr. Alexander states he wanted to erect the fence and make that decision then, he states the request for the permit is to contain his dog. Brief discussion was had regarding chain link vs. split rail fencing and zoning.

MOTION MADE BY ROB JOHNSON, to approve the permit for the fence minus the portion that will extend 20 ft. from the front of the house on the Reynold Rd. side, seconded by Ralph Boomer.

Ms. Alexander asks Commission to explain the motion. Mr. Johnson states basically we would approve the fence permit less the 20ft from the front of the house. Ms. Alexander states that then Mr. Alexander would not be able to come out of the front door with his dog. She explains there is no garage on the property and no place to enter and exit. There is a side door that goes out to Primrose and the front hits Reynolds. Ms. Cason states the side door would still be available for use. Ms. Alexander says well then we would have to add another gate if you are saying take the fence from the front of the house. Ms. Cason asks if there was an intention to put a gate on the Reynolds Rd. side of the house. Mr. Alexander explains yes a car. Ms. Alexander says that is correct and the whole reason they wanted to get the permit to erect the fence is to keep the dog in and everything else out.

Ms. Cason explains that although the Commission understands, this is a particular problem with owners of corner lots. Ms. Alexander agrees that there is only so much Mr. Alexander can do with his lot because of its size and the whole idea was to have some yard for the dog. Ms. Cason agrees and points out that the dimensions of Mr. Alexander's lot has not changed. Ms. Alexander replies that she has lived in the area 30+ years and has seen a lot of fences in the front yard in Mentor-on-the-Lake. Ms. Cason states unfortunately in regards to this request the Commission cannot approve a fence that spans beyond the front of the house unless it's a split rail. She asks for further discussion from the Commission.

Mr. Johnson introduces the idea of an Invisible Fence to Mr. Alexander. He explains that would keep your dog in the yard. Ms. Alexander responds yes, but it will not keep the deer out. Both Ms. Cason and Mr. Johnson state the requested chain link fence will also not keep the deer out they will simply jump the fence. Ms. Alexander says that the fence would keep a lot of things out and she has seen fences in other yards and describes the fence that they plan to erect. Ms. Cason assures Ms. and Mr. Alexander that she is sure the fence will be of good taste but the purpose of the Commission is to keep zoning consistent throughout the municipality.

Mr. Sheldon states the motion will allow for the fence to come out from the front of the house to the sidewalk? Will there be stipulation where it ends up? Ms. Moore states it would be 23ft. from the middle of Primrose. Mr. Sweeney asks Mr. Johnson about where his motion will end the fence on Primrose and asks is it the side front corner? Mr. Johnson verifies yes and adds that he would not like to see houses with fences in the front yard. He adds that he is sure there are one or two around Mentor-on-the-Lake but as a resident he wouldn't like if his neighbor put a fence in the front yard across the street from his home. Mr. Sweeney adds that sometimes they back it up with a thick amount of shrubbery too and then it becomes a privacy issue. Discussion was had regarding shrubbery and the possibility of adding a requirement that it stay.

Ms. Cason states there is a motion on the table and asks if there is any more discussion. Mr. Boomer explains that if the Commission votes to allow the fence, other Mentor-on-the-Lake residents will want an approval on their fences as well. He states that he has no problem with a chain link fence no higher than 3ft, if you kept the shrubs higher where no one would know the fence is there but then that would have to be a requirement. Mr. Moore explains then there is a requirement to keep them at 3ft and 2ft is the rule. Ms. Cason states that is where we are "between a rock and a hard place" and asks the Commission if there is an amendment to the motion. Mr. Boomer asks Mr. Alexander if he could live with them approving the fence 10 ft. past the house. Mr. Alexander states he doesn't think that could be done because there is a tree on his property that would stand in the way of the fence. Ms. Alexander states then that's like stepping out and the fence is right there.

Ms. Cason asks for additional discussion before entertaining the motion on the table. Mr. Sheldon adds that he would like to caution the Commission about the precedent they are setting for additional requests to amend zoning request and he adds that he does understand having an animal and giving it ample space to roam but just in the eco system and global view he adds that we should be careful. Mr. Johnson states that he also understands being able to keep the deer out but the Invisible Fence is also another option. Mr. Alexander explains that his experience with Invisible Fence has not be favorable and that they run right through it. Mr. Johnson responds that he has had dogs and has never had a problem using Invisible Fence to contain them.

Ms. Cason reintroduces the motion by Mr. Johnson.

MOTION MADE BY ROB JOHNSON, to approve the permit for the fence minus the portion that will extend 20 ft. from the front of the house on the Reynolds Rd. side, the fence will extend to front of the house on either side specifically 23 ft. from the center on the Primrose side and then going up to the front door on the Reynolds Rd. side, seconded by **Ralph Boomer**. ROLL CALL: Ayes: Suzuanne Cason, Rob Johnson, Mike Sweeney, Ralph Boomer, Adam Sheldon. Nays: none

MOTION PASSED: 5/0

Ms. Cason explains to Mr. Alexander that we have approved the fence up to front and there is a right to appeal this but we are bounded by the city regulations. We do have a fence for you although it's not what you had hoped for but you can contact Mr. Moore to help you understand the process for the Board of Zoning Appeals.

Ms. Cason addresses the next item on the agenda which is a Conditional Use Permit for the Crooked Corner at 5816 Andrews Rd. to operate a food truck. Representing The Crooked Corner is owner Mr. Teigen Gavrilovic of 351 Lawrence Blvd. Eastlake, Ohio.

Mr. Gavrilovic states that more specifically a food truck park and that it would be the first in Ohio. He explains his intention is to open a very tasteful establishment featuring a number of food trucks. Ms. Cason asks Mr. Gavrilovic to explain what exactly a food truck park is. He states this type of business is becoming popular on the west coast and they wanted to bring it to Mentor-on-the-Lake to introduce something different to the area. Ms. Cason asks if the cooking is done inside a building or inside the food truck. Mr. Gavrilovic explains that the food is customarily prepared inside the food truck. He states his intent is to lease the spaces in the building. He states he has a tattoo shop, a jewelry store, a sound studio and a t-shirt retailer in line to lease from him. He adds he would like to have at least 7 food trucks set up outside daily.

Ms. Cason asks how big the lot these food trucks will be parked on. Mr. Gavrilovic states that the parcel is actually three lots together and in his estimate it's about 8096 sq. ft. Mr. Sweeney asks if there will be different trucks set up daily. Mr. Gavrilovic explains how his vision started was that he didn't have a place to park his food truck during the winter and he decided he would like to have a place where his and other food trucks could be parked all year round. So he would have a set number of food trucks permanently operating there and would also invite special guests every now and again. Mr. Johnson asks if food trucks need a permit to operate and how many would he actually like to have there. Mr. Gavrilovich states 7. Mr. Boomer asks if this would be sort of like a carnival. Mr. Gavrilovich states his intent on having a tasteful elegant experience and are he is sparing no expense to make the park that way. Ms. Cason asks exactly what does that mean. How will it be elegant and tasteful? Mr. Gavrilovich states for now he will have a tent and the trucks will be lined up outside. He is looking to purchase furniture and install televisions inside the tent. He explains he would like to eventually build a much more stable and permanent structure to house the tables and chairs.

Mr. Moore states that this permit will need to be amended to allow the tent. Ms. Cason explains we would also need to amend the application because it is stated to allow for "a food truck" not a food truck park. Ms. Cason asks what the measurements of a standard food truck are. Mr. Gavrilovic explains about 16 ft. Mr. Sheldon asks about licensing for food trucks and whether the credentials are then presented to him and if they have health department inspections. Mr. Boomer adds a question about a fire department inspections. Mr. Gavrilovic explains the food trucks are usually licensed and inspected on an individual basis.

Ms. Cason asks if there is an intention is to sell alcohol. Mr. Gavrilovic states he wants to keep the venue family focused and would not be selling alcohol.

Mr. Sweeney asks what the hours of operation will be. Mr. Gavrilovic responds he was thinking Monday-Friday 11:00 a.m. to 7:00 or 8:00 p.m. but that could change once they are up and running. Additional discussion was had regarding business hours and requirements for businesses to operate in the city. Mr. Sheldon suggests to set the hours but leave Mr. Gavrilovic the privilege to adjust the hours accordingly.

Mr. Johnson asks if Mr. Gavrilovic if he would have a problem changing the number of food trucks to have. He asks if he would change his number to 5 and then add the other two can be introduced when he renews his permit next year. Ms. Cason asks why exactly Mr. Johnson asked about having 5 instead of 7. Mr. Johnson responds he is having trouble picturing what the park will look like and he didn't want to cut the amount of trucks in half so he thought 5 was a good number. Mr. Moore states that the regulation is usually 5 vehicles per acre so Mr. Johnson's request is accurate for at least the first year.

Mr. Sheldon asks if there will be generators and noise pollution. Mr. Gavrilovic explains they should be up and running with a propane grill and a charcoal grill. Mr. Boomer asks about refuge and the smell of trash and will there be a dumpster. Mr. Gavrilovic states he does plan on having a dumpster and regular ground maintenance. Mr. Moore states what the distance will be from the closest residence. Mr. Gavrilovic states the closest residence about 15-20 ft. from the back end of the parking lot. Ms. Cason asks if he plans to put the food trucks in the front of the building. Mr. Gavrilovic states the food trucks will be lined up along the left side of the building. She states we would have to keep an eye on traffic flow this year. Mr. Sheldon asks if the reduction of the number of trucks suggested by Mr. Johnson have a negative impact on his business plan. Mr. Gavrilovic states it doesn't hurt things as much as it puts a small price difference per month about \$800 less per month because his plan was to charge \$400/month for the space. Ms. Cason states she doesn't mind if the number of trucks are 5 or 7 just as long as the business hours are set so that the safety forces will be aware. A brief discussion was had regarding number of trucks and business hours. Ms. Cason states she has a bit of proposal that there would be "up to" 7 trucks and business hours would be set for Sunday through Thursday 11:00 a.m. to 8:00 p.m. and Friday and Saturday 11:00 a.m. to 10:00 p.m. She states that this would be a one year conditional use permit and then subsequent to that Mr. Gavrilovic would come back and the Commission would have report from the safety forces and then at that point we could extend the conditional use permit beyond a year.

MOTION TO APPROVE the operation of a food truck park with up to 7 food trucks. Hours of operation would be limited to Sunday through Thursday 11:00 a.m. to 8:00 p.m. and Friday and Saturday 11:00 a.m. to 10:00 p.m. This is subject to all appropriate licensing for all of the food trucks including inspection by safety forces and the health department.

Mr. Johnson states he would feel much better about approving the number of trucks if he could see how they will be laid out. He states he just would like to see what it will look like and how it will affect any neighboring properties. Discussion was had about the concerns the Commission has and not knowing what to expect from the park. Ms. Cason proposes to put a motion on the table and set it up as pending a drawing of the layout. She asks Mr. Gavrilovic if this would affect his plan to open. He responds that they had planned to open as soon as next weekend at least have his truck going because not having it set up is hurting his business. Mr. Johnson suggests that we approve the one truck as written on the permit and revisit the permit and not charge more money and ask for the additional trucks. Mr. Gavrilovic agrees that that would be reasonable. Brief discussion was had regarding Mr. Gavrilovic's next visit in front of the Commission.

MOTION MADE BY ROB JOHNSON and seconded by **Adam Sheldon** to approve the operation of a food truck at 5816 Andrews Rd. with the understanding this issue will be revisited at a later date. ROLL CALL: Ayes: Suzanne Cason, Mike Sweeney, Ralph Boomer, Adam Sheldon, and Rob Johnson. Nays: None

MOTION CARRIED: 5/0

CLOSED TO THE PUBLIC: 7:43 P.M.

REPORTS:

Mayor

Mayor Eva reports he just came from the Lake County Health District they have a meeting yearly to approve their budget. They were approved for a grant to bring in someone in from the state to look at a lot of the programs that they have going right now and how to make them better. They have started to talk about the aging population in Lake County and what they tasks us with is to locally start looking at what programs the Health District could bring to help the residents in our area.

He reports the road program with Mentor was approved my Mentor City Council and together Mentor and Mentor-on-the-Lake can save a lot of money on asphalt and concrete this year. Reef Rd. is going to be redone in concrete and Sharon will be asphalt. Golden Rod and Liberty will also be done and a few of the box outs and storm sewers in the city will be done as well.

Council Representative

Mr. Johnson reports that Council's main focus currently is the appropriations. He states there are no major issues with the appropriations.

Service Director

Mr. Moore reports we have a representative from KFC that has called and they will be remodeling the KFC again. He states we also have been getting calls about vacant property within the city.

Mr. Sheldon asks about the Habitat for Humanity (H4H) house. Mr. Moore states that the project is done. Mayor states they had a whole celebration with the family that moved in this past weekend. H4H would like to build another house in Mentor-on-the-Lake. Mayor states he will probably talk to the Land Bank this week to see what's available making sure the available properties have no back taxes or to make sure issues are cleared up before they start considering the land for construction. Brief discussion was had regarding some of the vacant properties, H4H, and the locations of possible lots for H4H to build on.

Mr. Boomer asks about Lake Overlook Park (LOBO) and asks if we are doing anything over there this year. Mr. Moore states that we lost more bank of the park to Lake Erie erosion. He states his foreman looked at it today and we lost another 15-20 ft. to the east including a tree. He explains Mayor Eva and Administration is always looking for ways to help save it. Mayor states that he is waiting to hear from Peter Zahirsky from the Lake County Port Authority. Mr. Zahirsky is looking to implement a plan to help with the shore erosion throughout Lake County.

Mayor Eva adds regarding H4H I was there and both council member Kevin Bittner and Dave Chabut were there at the dedication. You think about what we have here we are always looking to bring in new businesses. But when you build these houses and have people move in and they are happy and paying taxes. We have the vacant land a

and it's just a matter of little by little building houses on them. H4H has built over 100 houses throughout the county. He adds Painesville has built a lot of these houses and he believes it is beneficial to build newer houses in the city. Mr. Johnson asks about our Community Reinvestment Area (CRA) if the owners of the H4H house get a tax break? Mayors states no they don't. H4H he believes is a non-profit organization. Mr. Johnson states right but the owner of the home is just paying a mortgage to them and it's a newly built home. Mayor states yes but some of the down payment comes from he believes outside sources and there are stipulations to being a H4H house recipient so he doesn't believe they will be eligible for the CRA program. Mayor Eva adds if a private owner builds from the ground up then the CRA would apply.

Mr. Johnson asks Mr. Moore when we created the Business 1 and 2 in the city we had a requirement for the screening of dumpsters and I was wondering how we are relaying that information to the business owners. Have we given them a time table to have the required work done? Mr. Moore states we are telling new businesses about the changes and giving them a year to comply. He adds as for the other existing businesses no, we have not told them. He explains that he and the City Administrator have talked about it and agreed they are grandfathered in so the stipulations don't apply to them. But for example if someone moves into the Business 1 or 2 zone they would have to update the meet the requirements. For example the new Subway who he will talk to about this soon.

Mr. Moore introduces Ms. Velez to the Commission. He states she is filling in for the prior clerk Mary Bill who resigned. He states Ms. Bill's replacement will start tomorrow and he is looking forward to getting her acclimated.

ANNOUNCEMENTS AND SETTING OF MEETINGS: Monday, April 1, 2019


MOTION TO ADJOURN MADE BY ROB JOHNSON, seconded by **Adam Sheldon**. ROLL CALL: Ayes: Suzanne Cason, Rob Johnson, Mike Sweeney, Ralph Boomer, Adam Sheldon. Nays: None

MOTION CARRIED: 5/0

MEETING OF THE PLANNING AND ZONING COMMISSION adjourned at 7:55 p.m.

ADOPTED: 4/1/2019


SUZANNE CASON, CHAIR

ATTEST: 
~~NIKKI M. VELEZ, CLERK (acting)~~
Andrea Hathaway