

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION**  
September 26, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:00 p.m. and welcomed Mr. Schaedlich.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Schaedlich, Klco (alt. for Troy), Siegel, Smith (alt. for Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

**MINUTES**

Mr. Schaedlich said that there were two corrections: throughout the minutes the correct spelling is Mr. Sommers beginning on page 6; and the correct spelling is Easton Creek Condominiums on page 7.

Mr. Siegel moved and Mr. Smith seconded the motion to approve the minutes with corrections for the August 29, 2006 meeting.

All voted "Aye".

**FINANCIAL REPORT**

Mr. Adams moved and Ms. Hausch seconded the motion to approve the Financial Report for August, 2006.

All voted "Aye".

ESRI Software Maintenance Contract - \$3,964.00

Mr. Webster reported that the annual maintenance contract for the ESRI software is due for renewal. ESRI software is the ArcInfo software. The contract includes maintenance updates and license renewals.

Mr. Schaedlich moved and Mr. Adams seconded the motion to approve the expense of \$3,964.00 for the ESRI Software Maintenance Contract for 2007.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

## LEGAL REPORT

Mr. Eric Condon, Assistant Prosecutor, stated there was no news regarding the Eye-Will vs. Driftwood court case still pending with 11<sup>th</sup> District Court of Appeals.

## DIRECTOR'S REPORT

Mr. Webster announced upcoming meetings and conferences. A meeting will be held with Mayor Ruffner of Wickliffe about providing planning services to them. Staff is under contract with North Perry Village and Madison Village to create a comprehensive plan. The Painesville Township Comprehensive Plan will be finished within the month. Staff is looking for grants that fit the requirements of the Ohio Department of Natural Resources, Office of Coastal Management. Staff may be looking into doing watershed plans.

- Lake County Development Council Economic Forum on October 18<sup>th</sup> featuring a speaker from the Federal Reserve Bank of Cleveland and two entrepreneurs
- Basic Land Use Practice Seminar at Lake Erie College on October 11<sup>th</sup> and Kent State University, Ashtabula Campus, October 18<sup>th</sup>
- Lakeland's Great Lakes Lecture Series – "If You've Got It, Flaunt It!" Developing Lake County's Coastline, Thursday September 28, 2006, 7:30 – 9:00 p.m. by Harry L. Allen, Jr., Lake County Coastal Plan Committee Chair and Jason Boyd, Senior Planner, Lake County Planning Commission
- Annual Ohio Farmland Preservation Summit, Thursday, November 2, Ohio Department of Agriculture, Reynoldsburg, Ohio

Mr. Webster clarified the purposes and advantages of a port authority with respect to Grand River, Lost Nation Airport, and the Hemisphere project, pointing out the benefits if the communities unite.

## ANNOUNCEMENTS

There were no announcements.

## SUBDIVISION REVIEW

### Subdivision Activity Report

Mr. Radachy said that Nature Preserve North, Phase 3 was recorded this month.

## LAND USE AND ZONING REVIEW

### Concord Township – Proposed District Amendment to Rezone Parcel Numbers 8A-12G-1, 2, 6, 9, 10, 11, 34, 8A-12F-10 & 11, 8A-12B-10, and 8A-12I-22 from R-1, Residential to R-2, RCD

Mr. Radachy showed the location of the proposed district change, which was north of Colburn Road, west of Timberlane, east of SR 44 and south of Girdled Road. Orchard Road is adjacent to the site with 44 sublots on the yield plan. There are some design issues with the yield plan which would affect the layout of the subdivision. These design issues include Orchard Road which was not extended to Colburn Road, the right-of-way of Orchard Road not shown as being a 60-foot right-of-way as required by the subdivision regulations, and there are double frontage lots on the yield plan. Also noted was that wetlands made up a large portion of sublots 24, 27, 30, 31, 37 and 38. These wetlands could affect the building envelopes. These are Class A wetlands, which would cost \$20,000 per acre to be mitigated.

The yield plan was down from the 57 sublots that were proposed last year. Most of the design issues with the yield plan are minor issues. While they could affect the layout of the subdivision, it would not affect the total number of units. Staff believes that 44 units for this site is a reasonable yield plan. 60% of the sublots are above minimum lot size and seven sublots are two to four times greater than the minimum lot size.

Mr. Radachy showed the RCD plan of the proposed site with 48 sublots on the RCD plan with 49% open space. There were some design issues with the RCD plan, one being that Orchard Road was being platted at 40 feet instead of the required 60 feet. This would have an effect on the layout of the subdivision. The Concord Township Zoning Resolution does not allow the detention ponds to be included as part of the open space. Open space percent would be reduced to 43% from 49%. This would not affect their density bonus.

Staff and the Land Use and Zoning Committee recommended approving the district change because it is in compliance with the Comprehensive Plan. This subdivision protects the wetlands and streams and minimizes the impacts on them. The majority of the wetland areas will be preserved and the riparian corridor is separated from the sublots. This corridor will create a semi-nature area with Ellison Creek in the center. The open space will be connected to the open space that is located in Cambden Creek Subdivision to the west.

Ms. Hausch moved and Mr. Smith seconded the motion to accept the recommendation of the Land Use and Zoning Commission to approve the proposed District Amendment to rezone Parcel Numbers 8A-12G-1, 2, 6, 9, 10, 11, 34, 8A-12F-10 & 11, 8A-12B-10, and 8A-12I-22

from R-1, Residential to R-2, RCD in Concord Township. The Planning Commission also recommended that parts of sublots 17, 18, and 19 go into a preservation or conservation easement.

All voted "Aye".

Perry Township – Proposed Text Amendments to Section 315I-1, Light Industry and Changing 'Uncovered Porches' to 'Unenclosed Porches' in Various Sections

Mr. Radachy said Perry Township proposed amending Section 315 I-1, Light Industry by deleting Section 315.08 titled "Corner Lots" because it conflicts with 315.07b. Staff recommended approval.

The second request was to change "uncovered porches" to "unenclosed porches" in all residential, commercial and industrial zones. Staff recommended the name change and recommended the term "unenclosed" be defined and that Subsection 306.04 a. 2. Section 306, Lakeshore Residential, needs to be included in the approved listed sections. The term "uncovered porches" appears in this section but was not included in the reference letter. They should also consider removing "unenclosed porches" all together from the zoning text.

The Planning Commission said that this exemption could be removed because Perry Township lots are large enough to have the “unenclosed porches” behind the front setback and this exemption does not exist for the rear or side setbacks.

Ms. Pesec moved and Mr. Zondag seconded the motion to accept the recommendation of the Land Use and Zoning Committee and amend Section 315 1-1, Light Industry by deleting Section 315.08 titled “Corner Lots” and changing ‘Uncovered Porches” to “Unenclosed Porches” in various sections be approved and that staff recommendations be sent as well.

Eight voted “Aye”.  
One voted “No”.

#### REPORTS OF SPECIAL COMMITTEES

Mr. Webster said the next meeting of the Coastal Plan Committee will be Wednesday, September 27<sup>th</sup> and all are invited to attend. They will discuss the Lost Nation Airport purchase and the potential for a port authority.

#### CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

Mr. Adams brought to the attention of the Board the situation at the bottom of Main Street hill in Painesville City where many people lived and became victims of the flooding in July. He requested that staff approach the legislature in Columbus to have every home purchase be accompanied by information in the title search and that the title search should include easements, temporary cul-de-sacs, 100-year flood plain ratings, and any information needed by the perspective home owners. He questioned why people buy homes in areas where they should not be buying and was concerned with young home buyers who were unaware.

Mr. Condon said that this sounds like the soil discussion of two years ago. There is a required disclosure sheet.

Mr. Webster said that educational programs can be done, but they are limited as to who will attend. A purchaser is required to be made aware of defects in the house. Possibly, this could be added to the disclosure requirements.

Mr. Zondag pointed out that as we change the landscape we are also changing flood plain and water flow issues. He was concerned that people are buying houses without protection including flood insurance. It is important to supply homeowners with information and the Planning Commission can be more proactive in doing that.

Mr. Smith said the information is available and they should call the flood plain administrator for that city and their local authority.

Mr. Siegel reminded everyone that 19 inches of water fell in six days.

Mr. Webster said the City of Painesville is looking into obtaining federal funds to purchase the Main Street flooded area.

Ohio Department of Natural Resources, Office of Coastal Management

Mr. John Watkins of the Ohio Department of Natural Resources, Office of Coastal Management in Sandusky, requested time to present a PowerPoint slide overview showing the purpose and goals of the Division of Coastal Management. He pointed out sources of information, technical assistance, and coastal resources available to citizens and governmental jurisdictions on the north shore of Ohio.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

Ms. Hausch moved and Mr. Smith seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 9:05 p.m.