



DATE:	January 26, 2016
APPROVED BY:	Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

December 15, 2015

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.

Vice Chair Morse called the meeting to order at 5:34 p.m.

ROLL CALL

Mr. Schaedlich took a roll call attendance and the following members were present: Messrs. Brotzman, Flenner, (alt. for Siegel), Graham (alt. for Adams), Martin (alt. for Troy), Morse, Schaedlich, Valentic, Walker (alt for Malecek), and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy, Ms. Jordan and Ms. Truesdell.

MINUTES

October 20, 2015 Public Hearing Minutes

Mr. Walker moved and Miss Hausch seconded the motion to approve the October 20, 2015 Public Hearing minutes as submitted.

All voted "Aye".

October 20, 2015 Regular Minutes

Mr. Brotzman moved and Mr. Walker seconded the motion to approve the October 20, 2015 minutes.

All voted "Aye".

The November 24, 2015 meeting was cancelled.

FINANCIAL REPORT

Mr. Walker moved and Mr. Graham seconded the motion to accept the October 2015 Financial Report as submitted.

All voted "Aye".

Mr. Martin moved and Mr. Valentic seconded the motion to accept the November 2015 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

Mr. Morse said that Mr. Adams was not at the meeting because he is ill and is in Heartland Rehabilitation Center. He asked that everyone sign the get well card being passed around.

LEGAL REPORT

Ms. Germano said there was no legal report.

DIRECTOR'S REPORT

NOACA Retail Trade Study

Mr. Radachy said that the Request for Proposals to do a retail trade study were released but there were no reasonable responses from contractors. They originally asked NOACA for a \$7,500 grant and they asked for a revision in the project amounts to allow for an increase to \$10,000 in the contract. That was approved. They are heading into the home stretch with this project.

American Planning Association Grant

Mr. Radachy said the Planning Commission along with the Health Department received a \$150,000 grant from the American Planning Association and the CDC. This was announced in the November 27, 2015 News Herald. We will be hiring contractors to help 13 communities develop Personalized Health Comprehensive Plans. These plans will be tailored to communities' needs to make them healthier through recreational uses, land use, and the elimination of food deserts. The contractors will lead each community and we will administer the project with assistance from the Health District and GIS Department. We were one of 17 communities nationally to be awarded the grant.

ANNOUNCEMENTS

There were no announcements.

Vanessa Pesec left the meeting at 5:50 p.m.

SUBDIVISION REPORT

Mr. Radachy reported on the following subdivisions:

- Summerwood Phase 3: Developer needs approval from the Sanitary Engineer, Planning Commission and Commissioners.

- Stein Farm Phases 1, 2, 3, and 4: The final plats were approved in March, 2014. The developer has until March 31, 2016 to get the plats recorded. In order to record the plats, he needs to construct the improvements but has not submitted the improvement plans for any of the developments. Currently, no construction has begun. Staff will send a letter to the developer that his approval will be expiring soon. If the approval expires, the 1.5 acre lots that are currently legal non-conforming will become non-conforming. The plat could not be accepted by the Planning Commission because it would no longer meet the Subdivision Regulations.
- No subdivisions were recorded this month.

SUBDIVISION REVIEW

Concord Township – Little Mountain Preserve (formerly Eagle Estates) Final Plat and Improvement Plans, 14 Lots, 9.6895 Acres

Ms. Jordan said Little Mountain Preserve (formerly Eagle Estates) has 9.69 acres with 14 sublots. The average lot size is 0.58 acres. The Developer is Zerbe Construction LLC and the Engineer/Surveyor is Polaris Engineering and Surveying. The current zoning is R-1 Residential. There is currently one house located on the property which will become a separate subdivision on about two acres. It is located off Morley Road.

FINAL PLAT STIPULATIONS

1. The boundaries of Concord Township, Mentor, Kirtland Hills, and Geauga County must be shown on the vicinity map, as well as labels for these communities. *LC Planning & Community Development*
2. The cover sheet does not include the current Lake County Commissioners. Article III, Section 6(D)(1)(c)
3. On the cover sheet, Drainage Easement should be changed to Local Service Drainage Easement in the fourth paragraph of the Owners Acceptance. *Article III, Section 6(D)(1)(e)*
4. The apostrophe must be removed from Judge's Court. *Article III, Section 6(D)(3)(l)*
5. Change incorrect information for adjacent parcels. *Article III, Section 6(D)(3)(m)*
6. Proof of formation of the Little Mountain Preserve Subdivision Homeowner's Association shall be provided to the Township. *Concord Township Trustees*
7. Add State Plane Coordinates. *LC Engineer*
8. Add curve data. *LC Engineer*
9. Add Morley Road to dedication paragraph. *LC Engineer*

FINAL PLAT COMMENTS

1. A separate legal description is required for the drainage easement on parcel 10-A-022-0-00-016-0. *LC Engineer*
2. Concord Township Fire Department will require a street "name change" if it is determined the name is similar to others already established in Concord Township. *Concord Township Fire Department*
3. Building numbers or identification must be provided during all phases of construction of a structure. *Concord Township Fire Department*
4. Plat coversheet language for the sign-landscape easement may need to be revised, as it references the declaration for "storm drainage purposes". *Concord Township Trustees*
5. A copy of the Declaration of Restrictions and Easements shall be provided to the Township. *Concord Township Trustees*

IMPROVEMENT PLAN STIPULATIONS

1. The vicinity map needs county and city borders. LC Planning & Community Development
2. Add a note for the Contractor to obtain right-of-way usage permit from the Lake County Engineer for work within the Morley Road right-of-way. *LC Engineer*
3. No open cut on Morley Road. Bore details must be provided for the sanitary connection. *LC Engineer*
4. Provide a Stormwater Management report. *LC Engineer*
5. Modify the southern outlet to the roadside ditch to prevent erosion of the existing ditch. *LC Engineer*
6. Extend the easement area for the northern outlet to the roadside ditch. *LC Engineer*
7. Provide site distance measurements and distances from the proposed intersection to existing intersections. *LC Engineer*
8. Provide ODOT inlet spread calculations. *LC Engineer*
9. The fire hydrant on the 2" waterline is unacceptable and needs to conform to the 8" water main. *Aqua Ohio, Inc.*
10. All pretaps of the water service line are to be set up with a curb stop and curb box. Meter vaults are to be installed at the time of the water service connection to the dwelling. Curb stops are to be installed in the right-of-way. *Aqua Ohio, Inc.*
11. Fire flows must meet ISO minimum requirements for size, type and spacing of structures built. *Concord Township Fire Department*

IMPROVEMENT PLAN COMMENTS

1. The Developer should explore the maintenance of stormwater infrastructure. Some portions may be better maintained directly by adjacent homeowners, while other portions may be better maintained by the Homeowner's Association. *LC Planning & Community Development*
2. The proposed 10-foot Drainage Easements may be too small for equipment. *LC Planning & Community Development*
3. With the removal of Sublot 15, the phrase "and hereby grant unto the Lake County Commissioners "Sanitary Sewer Easement" as shown hereon to lay, maintain, remove or repair sanitary sewers and necessary appurtenances" can be removed from the Plat. *LC Sanitary Engineer*
4. The Improvement Plans provide for a 20' buffer along the northern, eastern and southern boundaries of the Subdivision. The Township encourages the Developer to protect this in its natural state in perpetuity. *Concord Township Trustees*
5. The continued maintenance of the storm water detention ponds is a concern for the Township. If the Homeowner's Association dissolves or doesn't have the funds to maintain them, this could become a burden on the Township or the County in the future. The Township would rather see easements dedicated to the County for perpetual maintenance of these structures. *Concord Township Trustees*
6. The proposed cul-de-sac is large. It is recommended that an island be added for snow removal and water quality. *LC Engineer*
 - a. Request that the cul-de-sac be modified to include a bio retention island. *Concord Township Service Department*
7. Consider limited tree removal wherever possible to calm drainage run-off. *Concord Township Service Department*
8. Any storm sewer or utility within a three-foot radius of the curb and gutter placement or underneath proposed pavement will have premium backfill and will be compacted in lifts to prevent settlement of the affected area. *Concord Township Service Department*
9. Roadways shall have an unobstructed width of not less than 22 feet and shall not exceed 10 percent in grade with all turns having a minimum turning radius of 28 feet. All cul-de-sacs must be provided with a minimum diameter of 120 feet. All driving surfaces to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. *Concord Township Fire Department*
10. Hydrants are to be spaced no further than 500 feet apart. Fire hydrants are to be placed at the beginning of the street and at the entrance of the cul-de-sac. Streets longer than 800 feet are to have a hydrant at the midpoint of the street. *Concord Township Fire Department*
11. Street name sign and "NO PARKING ON HYDRANT SIDE OF STREET" signs shall be provided and installed prior to start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code 505.2 and be double sided. All contractors are to be instructed NOT to park on the hydrant side of the street. *Concord Township Fire Department*

Ms. Jordan said that Improvement Plan Stipulation No. 9 from Aqua Ohio states that the fire hydrant on the 2" waterline is unacceptable and needs to conform to the 8" water main. Improvement Plan Comment No. 2 from Planning states that the proposed 10-foot Drainage Easements may be too small for equipment.

Mr. Morse addressed the Planning Commission and asked them to look at the document from Polaris Engineering to the Planning Commission members. It is a response to the Commission's comment and stipulation letter dated October 22, 2015. The letter addresses the comments and stipulations.

Mr. Radachy said the letter was submitted as part of the application packet addressing how they would adhere to our Preliminary Plan stipulations.

Mr. Morse asked if everything was done that was asked for.

Mr. Radachy said as far as he could tell, yes. He recommended passage of the Subdivision.

Mr. Walker asked if we were missing a subplot or is this different from the first one.

Mr. Radachy said they removed one subplot from the development. It was an outlot in between the Judge's lot and Highlands of Concord condominiums. They moved the outlot which was not on the road.

Mr. Walker asked where the lowest part of the land was.

Mr. Radachy said the highest part is toward the east with a slight slope in either direction. That is why there are two retention ponds because there is a break in the middle of the property.

Mr. Morse asked the Contractor a question about Sublot 12.

Dustin Keeney of Polaris Engineering and Surveying introduced himself.

Mr. Morse asked about Sublot 12. He thought the house looked like it would be built right on top of a valley. What is going to happen to that house?

Mr. Keeney said the plan is to have that graded as if it were a walk-out type house. Looking at it from the street, the right hand side would be the garage side. As you look to the northwesterly corner, that would be graded as a walk-in garden-type house to help transition the grade differential that goes across the lot.

Mr. Keeney said that by removing the subplot it allowed them to push things a little farther to the north. There were concerns from the neighbors to the south. That should be from the center line of Judge's Court about 15 or 20 feet to the north which allows a little bit more separation. What that actually does is provide as much a buffer as they can.

Mr. Valentic asked Ms. Jordan what is allowed to occur in the proposed drainage easement. Did they make a recommendation?

Ms. Jordan said that was one of our stipulations.

Mr. Valentic said Sublots like 2, 6, and 7 seem small. He did not know how realistic the size of the home shown was. Are they close to the real size or are they small?

Mr. Radachy said the drainage easements of the cover sheets is the responsibility of the Homeowners Association. The proposed 10-foot wide drainage easement may be too small for equipment. For most of the subdivisions we see, the drainage easement is usually 20 feet wide.

Mr. Keeney said normally the drainage easements would be running along the back property line of the lot. In this instance, we are trying to create a buffer. We are infringing a little bit into the back yards of the homeowners but we are trying to balance being sensitive to neighbors' concerns. Mr. Keeney said he would be open to a wider easement. In order to make the lots buildable, we may have to push back the buffer.

Mr. Morse asked if there was a motion to accept this final plat.

Mr. Martin moved and Ms. Hausch seconded the motion to approve Little Mountain Preserve (formerly Eagle Estates) Final Plat and Improvement Plans in Concord Township.

Mr. Morse asked for a roll call.

Graham	Yes	Walker	Yes
Brotzman	Yes	Valentic	Yes
Schaedlich	Yes	Flenner	Yes
Martin	Yes		

Mr. Brotzman asked what the setback was for the drainage easement.

Mr. Radachy said there is no set setback for the easement line. There is no requirement in the Subdivision Regulations.

Mr. Morse asked if there were comments from the audience.

John Pogacnik, 9875 Little Mountain Road, introduced himself. He said that you are at the high point where Little Mountain Road meets Morley Road then there is a retention pond. Water does not roll up hill. His biggest concern is all the drainage that is going to affect his well. His well is very close to the property line. Obviously, none of you listen to what anybody has to say. You pass things and that's it. Living in the township, half-acre lots are not the way to go. Thank you.

Mr. Morse said this Commission has spent a lot of work on this. He has spent all week researching this and has driven the area twice. We have done everything we were supposed to do. Everything we have been asked and were required to do, we have done.

Mr. Radachy said that the wells are monitored by the Health District. So they can contact the Health District about the property. Currently, the developer moved drainage tiles away from the property line. There is a 40-foot setback for house construction, and a 15-foot setback for accessory structures.

Sharon O'Flaherty, 9855 Little Mountain Road, introduced herself. She knew that in the initial study, some wetlands were identified. She was under the impression that the Army Corp of Engineers had to come out and affirm the existence of wetlands. Her question was when will that happen and will any destruction of the trees wait until the Army Corp of Engineers do their study.

Mr. Schaedlich said the Army Corp of Engineers have their own timetable and until we get that information on whatever they decided after visiting the property, we will be made aware of it. The subdivision cannot move ahead until that is done. It could take a year or more.

Mr. Radachy said the County Engineer, the Utilities Department and Soil and Water Conservation District will not accept the final plans until the Army Corp of Engineers confirms the wetlands delineation. There is an Attorney General's opinion saying we cannot withhold approval based on that aspect. He quoted Lake County Subdivision Regulations Article 1, Section 4B: *Until improvement plans for subdivision are approved and properly endorsed no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, grubbing, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of the owner or owners or his or their agent. Clearing may occur after improvement plans and final plat have been filed and approved or approved with stipulations by the Planning Commission.*

Mr. Radachy said there are two distinct items here. First of all, clearing is defined as removing the natural groundcover such as cutting a tree, removing of brush and low lying plants. This material is above the existing grade. Grading is the excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition. They cannot grade, they cannot grub, but, they have the right to remove the trees if they so desire.

Mr. Morse asked if there was anything else. Motion passed.

Concord Township - Quail Highlands, Phase 4, Lot Split Plat, Lots 3, 38.428 Acres

Ms. Jordan said the site is zoned Capitol (C) Research and Limited Industrial (RD-2). The applicant is Concord Real Estate Investments. The Engineer is CT Consultants. She noted Stipulation 1 which states that: *Utility easements and setbacks must be redrawn to account for the area in appropriation that is located at the northeastern corner of Sublot 9.* Currently, it shows the setbacks and easements. It is not drawn to account for the area owned by Concord

Township. Staff recommends approval with five Final Plat Stipulations and two Final Plat Comments.

FINAL PLAT STIPULATIONS

1. Utility easements and setbacks must be redrawn to account for the area in appropriation that is located at the northeastern corner of Sublot 9. *LC Planning & Community Development*
2. State Plane Coordinates are required. *LC Engineer*
3. The subplot surveys do not close. *LC Engineer*
4. Add volume and page numbers for adjacent properties. *LC Engineer*
5. Sublots 8 and 9 are zoned C: Capital, which permits a minimum 40 foot front building setback from the Auburn Road right-of-way, per Table 22.04 of the Concord Township Zoning Resolution. *Concord Township Trustees*

FINAL PLAT COMMENTS

1. There is incorrect curve information on Block B. *LC Engineer*
2. There is limited sanitary service to Sublot 10. *LC Sanitary Engineer*

Mr. Walker moved and Ms. Hausch seconded the motion to approve Quail Highlands, Phase 4 lot split plat in Concord Township with 5 stipulations and 2 final plat comments.

All voted "Aye".

LAND USE AND ZONING REVIEW

Mr. Radachy said there were no submissions from the townships this month.

Land Use and Zoning Committee Appointment

Mr. Radachy said Madison Township recently hired Christopher Bernard as the Township's new Zoning Inspector. They requested that Mr. Bernard be added to the roster of the Land Use and Zoning Committee. The capacity of the Committee is 12 members so Mr. Bernard can be added. Mr. Klco is up for reappointment in August.

Mr. Graham moved and Mr. Brotzman seconded the motion to approve the addition of Christopher Bernard to the Land Use and Zoning Committee.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

There were no special committee meetings.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

2016 Nomination Committee

Mr. Morse asked Mr. Brotzman to Chair the 2016 Nomination Committee. He appointed Mr. Valentic and Ms. Hausch to be on the Committee.

Mr. Radachy pointed out that in the past the Director served as Secretary of the Planning Commission. However, since Mr. Boyd moved out of the department and Mr. Radachy became Director, there has been no one in the position of Planner to present subdivisions. Consequently, Mr. Schaedlich on the Commission filled the role of Secretary while Mr. Radachy presented subdivisions. Now that Ms. Jordan is able to present subdivisions and land use and zoning review, Mr. Radachy could move back to the position of Secretary.

PUBLIC COMMENT

There were no comments from the public.

ADJOURNMENT

Mr. Brotzman moved and Mr. Graham seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:12 p.m.