

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
July 31, 2007**

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 7:02 p.m.

ROLL CALL

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

MINUTES

Mr. Brotzman pointed out two corrections to the chart on page 5.

Mr. Zondag moved and Ms. Hausch seconded the motion to approve the minutes of the June 26, 2007 meeting as corrected.

Six voted "Aye".
One abstained.

FINANCIAL REPORT

Mr. Schaedlich moved to approve the Financial Report for May, 2007 as submitted. Mr. Adams seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Condon said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Webster said that staff is in the process of completing comprehensive plans for Madison Village, North Perry Village, and Madison Township. A representative from Kirtland City has requested mapping services and discussions are ongoing.

ANNOUNCEMENTS

Planning Commission Reappointments

Mr. Webster said the Commissioners reappointed Stephen Adams, Richard Morse and Russell Schaedlich to a three-year term on the Planning Commission to end August, 2010.

Mr. Webster announced that the Painesville City Office of Economic Development will host their Business Breakfast on August 23, 2007 featuring Congressman Steven LaTourette speaking on business in Lake County and various initiatives in the area. Ms. Hausch moved and Mr. Adams seconded the motion to approve reimbursement for the luncheon.

All voted "Aye."

SUBDIVISION REVIEW

Concord Township - Mountainside Farms Phases 3A and 3B, Variance to Article V, Section 2

Mr. Radachy said the preliminary plan was approved in 2001 and the final plat was approved in July, 2005. The developer is Properties Development and Gutoskey and Associates is the engineer. I-90 is located to the north and Pinecrest Road is to the south with Viewmount Drive to the east. There are 22 lots on 12 acres zoned R-1. They are requesting a variance to allow a crushed stone compacted turnaround for a temporary cul-de-sac as opposed to the standard asphalt road surface.

The following Conditions and Reasons were given:

CONDITIONS: If the adjacent subdivision is not completed, the gravel bulb shall be removed and replaced per county standards by July 31, 2008. An agreement between Mountaintop Estates and Mountainside Farms must be reached on who would be responsible for removing the temporary cul-de-sac. The developer will be responsible for maintaining the stone on the temporary cul-de-sac.

REASONS: Temporary cul-de-sac would be eliminated in a couple months. It would be waste of resources to pave this temporary cul-de-sac.

The reason for the request is that Mountaintop Estates has been accepted by the Commissioners and construction of the road has been started. The developer thinks it is unnecessary to put in a temporary cul-de-sac when a new road will be built. They will be required to have the Mountaintop Estates road built by July 31 of 2008 and remove the gravel bulb. If the adjacent subdivision is not built, the gravel bulb shall be removed and replaced per county standards by July 31, 2008. The developer will be responsible for maintaining the stone on the temporary cul-de-sac.

Mr. Radachy said it must be determined who will remove the temporary cul-de-sac and seed the lawn when Mountaintop Estates is open. It will also be the developer's responsibility to maintain the stone if it needs to be replaced.

Staff is recommending approval with the stated conditions because the temporary cul-de-sac of stone and gravel will be removed in several months.

Mr. Irving Fine of Properties Development, developer of Mountainside Farms fielded questions. Responsibility for snow plowing will rest on the developer if the plat is recorded.

Mr. Radachy said the Service Department of Concord Township responded that the owner should be responsible for maintaining the stone. The County Engineer stated that if the adjacent subdivision is not completed within one year, the gravel ball shall be removed and replaced per county standards.

Mr. Adams moved and Mr. Schaedlich seconded the motion to approve Mountainside Farms Phases 3A and 3B, Variance to Article V, Section 2 in Concord Township subject to the stated conditions:

1. If the adjacent subdivision is not completed, the gravel bulb shall be removed and replaced per county standards by July 31, 2008.
2. An agreement between Mountaintop Estates and Mountainside Farms must be reached on who would be responsible for removing the temporary cul-de-sac.
3. The developer will be responsible for maintaining the stone on the temporary cul-de-sac.

All voted "Aye."

LAND USE AND ZONING REVIEW

Concord Township – Proposed Zoning District Amendment from R-1 / R-4, Residential, to R-2 RCD, Mountainside Farms

Mr. Radachy said that Properties Development and their engineer, Gutoskey and Associates were asking for the district change. They are requesting that 20.6 acres, or 23 lots, of Mountainside Farms be rezoned from R-1 / R-4, Residential, to R-2 Residential Conservation District. This final phase will connect Caribou Trail to Morley Road and provide a second entrance into Mountainside Farms. Lots 4 and 5 would need an easement to access the rear part of the lots because of the large lake and intermittent stream. Sublots 5 and 6 could be affected by a wetland that was not shown and there were a couple issues with the RCD Plan. The developer is proposing 50-foot rights-of-way that will require a variance from the subdivision regulations and wetlands will need to be classified as class 1, 2 or 3. Concord Township zoning requires certain setbacks for the different classes of wetlands. Staff did not feel it would affect the lot design.

Mr. Radachy said that the 2004 Concord Comprehensive Plan encourages conservation development in R-1 and R-4 districts. The RCD design for the Villas would put an intermittent stream into open space along with the lake. The yield plan is to Lake County Subdivision Regulations and Concord Township zoning standards. The RCD plan is to Concord Township zoning standards and they have enough open space for the density bonus. Staff recommended approval.

There is plenty of space for storm, sanitary sewer and water. Asked if the open space between the sublots of the two cul-de-sacs met the minimum standards for the open space, Mr. Radachy stated that they were at least 25 feet and they were a standard cul-de-sac. Areas that would not meet the minimum of 25 feet or less than an acre of land were pointed out. The riparian setback of 25 feet was marked and they could use that as a guide. He pointed out the five lots that were in the R-4 district.

Staff stated that the road would still have 22 feet of pavement and would leave 28 feet, 14 feet on either side of the right-of-way, for storm sewer, waterlines and sanitary sewer. Usually, there are 38 feet remaining, 19 feet on either side of the right-of-way. These are short cul-de-sacs, so it would not be affected by the smaller right-of-way. Joseph Gutoskey stated that the storm sewer and water lines would be on one side of the street and the sanitary would be on the other side. There was plenty of room.

Mr. Radachy said that the 2004 Concord Township Comprehensive Plan encourages conservation development in the R-4/R-1 District. The Land Use and Zoning Committee recommended approval of the district change with the understanding that they still have to go through the Planning Commission's approval process. The cul-de-sacs were not reduced. There were 120-foot diameters for pavement and 130 feet for ROW. Mr. Fine stated that they did islands in other parts of the subdivision and they would do islands in this section. Mr. Fine said the open area would be maintained by the homeowners' association. The retention pond services a large area and eventually the pond will be maintained by the County Engineer.

On the concept plan, sublots 4 and 5 would be on both sides of the lake. An easement would be created through the subplot fronting on Morley Road. Since the lots are over minimum lot size, the subplot could be extended to the lake side. On the RCD plan, there are no lots on that side of the lake. There are only six lots on the lake side of the subdivision.

Mr. Fine said that is why conservation zoning is needed. The other reason is that a drainage swale is needed in an open space, which is the reason they obtained several more acres.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee to recommend approval of the proposed Zoning District Amendment of 26 acres of parcels 10A-23-26 and portion of 8A-23-7 from R-1 / R-4, Residential, to R-2 RCD in Mountainside Farms of Concord Township. Mr. Morse seconded the motion.

All voted "Aye."

Perry Township – Proposed Zoning District Amendment from B, Commercial, and I-1, Light Industrial, to MDPUD, Moderate Density Planned Unit Development

Mr. Radachy said the developer was King Castle Construction and their engineer was Polaris Engineering. The proposed district change is from B, Commercial and I-1, Light Industrial to MDPUD, Moderate Density Planned Unit Development. There is 19.2 acres located on State Route 84, east of Maple and west of Narrows Road. After the private street is built; there would be 3 intersections in a distance of 400 feet, 4 in a distance of 1200 feet and 5 in a

distance of 2700 feet with the road speed limit of 50 miles per hour. The zoning does not allow egress onto Maple Street because Maple Street was classified as a local street, not a primary route. The Ohio Department of Transportation will make the final determination as to egress onto State Route 84. The development would have 54 condominium units with only one entrance and exit creating a dangerous situation. Even though they own land on both Route 84 and Maple Street, they cannot access Maple Street because of zoning laws. If the single entrance is cut off by a car accident or gas main break, the owners would not be able to drive out of the development. The new state fire code recommends two entrances for developments of 30 units or more. There were no sidewalks shown on the development plan. According to the zoning resolution, sidewalks are required to connect the guest parking to the units.

Among the other zoning design issues were that the open space had a pond in the middle of it and zoning requires that water cannot take more than half of the open space. There is no information provided on the size of the pond. Staff also had some concern with the fact that 78% of the open space was going to be on land that is in Perry Village and not going to be rezoned.

The Lake County Sanitary Engineer stated that there was no sanitary sewer available for this project until Spring of 2008. But, the fact that the sanitary sewer would be built next Spring does not fulfill the zoning requirement that the sanitary sewer is required to be available. Another zoning issue was that the application submitted to the Planning Commission was unsigned. There was no petition by the owner to have the zoning changed.

The last issue that staff had was the 2006 updated Comprehensive Plan had this area designated as commercial. The Plan stated that Perry Township should eliminate the strip zoning along SR 84 and leave an area around major intersections for neighborhood commercial development. This was part of the 2003 Comprehensive Plan and Perry Township had followed this recommendation. They are actually requesting rezoning 13 acres, not 19 acres, because part of the property is within Perry Village so this would affect the densities.

Staff did not recommend approval because it does not conform to the 2006 updated Comprehensive Plan which designates the property to be commercial and there are many zoning design and submission issues. The petitioner did not sign the application. Perry Township was holding their public hearing on this case the same night as this meeting.

Mr. Condon agreed with Mr. Radachy saying that not providing notice for the public hearing has been considered by the courts to be "unauthorized and ineffective because notice was not provided to the public". These submission issues are technically their problems.

Mr. Zondag said this was a high traffic area for an influx of students attending school. A lot of this land is low-lying and was under water during the flood of 2006. He expressed his concerns about the speed of traffic, ingress/egress and water flow.

Mr. Jon Sines of Polaris Engineering said that this will be a wet pond and be a micro-environment. They are working with a client to the east to direct the water out to the Narrows Road ditch to the Red Mill Creek.

Mr. Webster said there are drainage problems on Red Mill Creek with ponding north of the railroad. Water to the north also ponds here and backs up in the Village.

Mr. Adams moved to accept the recommendation of staff as well as the recommendation of the Land Use and Zoning Committee to not recommend approval of the proposed Zoning District Amendment from B, Commercial, and I-1, Light Industrial, to MDPUD, Moderate Density Planned Unit Development in Perry Township.

Mr. Radachy said that the Land Use and Zoning Committee based their motion on the recommendation of staff that the change not be made because it does not follow the 2006 updated Comprehensive Plan and there are many zoning design and submission issues.

Ms. Hausch seconded the motion.

Mr. Sines asked for clarification on what was being recommended.

Mr. Brotzman explained about motions being made in the affirmative.

Mr. Radachy said it is the duty of the Planning Commission to recommend to make the district change or not make the district change. Decisions are based on the Perry Township Comprehensive Plan which shows this to be commercial in the future.

Mr. Sines asked for specific recommendations on what is required.

Mr. Brotzman said the motion has been made to accept the recommendation of staff and the Land Use and Zoning Committee to not recommend the change. If we vote yes, we are recommending to not make the change.

Six voted "Aye."

Mr. Zondag abstained.

REPORTS OF SPECIAL COMMITTEES

Mr. Brotzman reported that the committee looking into wetland issues expressed concern about the potential for differences between what a developer proposes and what other county departments or our Planning Commission think about a possible site. They have met once and plan to meet again on. They intend to make a recommendation to the Planning Commission.

Mr. Webster said the minutes of the last Coastal Plan Committee meeting were included in their packets.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Painesville Township Comprehensive Plan Update

Mr. Webster said that the Painesville Township Comprehensive Plan update has been passed out for the Planning Commission members to read. It will be on the agenda next month for consideration.

PUBLIC COMMENT

There was no comment from the public.

Mr. Zondag reported that he heard overwhelming compliments about the Ashtabula, Lake, Geauga and Trumbull Planning and Zoning Conference held in June.

ADJOURNMENT

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

All voted "Aye."

The meeting adjourned at 8:47 p.m.