



DATE:	April 22, 2016
APPROVED BY:	David J. Radachy, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

March 29, 2016

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.

Chair Morse called the meeting to order at 5:30 p.m.

ROLL CALL

Mr. Radachy took a roll call attendance and the following members were present: Messrs. Graham (Alt. for Adams), Martin (Alt. for Troy), Morse, Schaedlich, Valentic, Walker (Alt. for Malecek), Webster (Alt. for Brotzman), Zondag 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 and Mmes. Jordan and Myers.

MINUTES

February 23, 2016 Minutes

Mr. Schaedlich made the following corrections on pages 5, 6 and 7:

- Page 5 – Change “and recommend to disapprove” to “which was to disapprove” and change the “is” to “are” in the last paragraph.
- Page 6 – Change the word “areas” to “area” in the third paragraph; Ms. Jordan’s comment “of the house” to “to the house; and strike out Mr. Schaedlich’s comments in the second paragraph to last because he had not understood the question and commented wrongly.
- Page 7 – Change the words in the first line from “and the ability” to “inhibits the ability”.

Mr. Schaedlich moved and Ms. Hausch seconded the motion to approve the February 23, 2016 minutes as corrected.

Eight voted “Aye”.

FINANCIAL REPORT

Mr. Schaedlich moved and Mr. Zondag seconded the motion to accept the February 2016 Planning Commission and Workforce Development Financial Report as submitted.

Eight voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Ms. Gianine Germano, Lake County Assistant Prosecutor, said there was no legal report.

DIRECTOR'S REPORT

Mr. Radachy gave the following report:

- North Perry Village's Zoning Inspector has resigned. Mayor Klco is the current Zoning Inspector and he has asked for help on zoning issues. We are available to help on a limited basis.
- The Lake Erie Commission has provided help to the communities who were part of the Eastern Lake County Coastal Tributaries Balanced Growth Plan. Ms. Kirby Date from Cleveland State University will be reviewing Fairport Harbor's Use Table and making recommendations.
- Michael Stumpf from Place Dynamics LLC entered into a contract with Lake County to provide information for the Retail Trade Study update and visited on March 8, 9, and 10, 2016. He met with staff and the mayors of Willoughby, Wickliffe and Eastlake. He also met with Concord Township, Mentor City, and the Lake County Port Authority to discuss the state of retail in Lake County. We are expecting to have a report from him in a couple of months.
- Nine consultant submissions for the Plan4Health grant were received. They will be presented to the 13 communities that are working on this project when staff has completed reviewing them.

Ms. Pesec inquired if the Planning Commission members would receive a copy of the Retail Trade Study when it is completed and Mr. Radachy answered affirmatively. It will be public information at that time.

ANNOUNCEMENTS

There were no announcements.

Mr. Martin arrived at 5:37 p.m.

SUBDIVISION REVIEW

Leroy Township - Stein Farm Phases 1-4 Plat Extension

Ms. Jordan announced that an extension for the Final Plat of Stein Farms, Phases 1-4 was requested.

Mr. Zondag asked Mr. Radachy if staff had received any commentary from the Township concerning the variance request.

Mr. Radachy stated that Leroy Township had not submitted comments for the Subdivision's extension at this time.

Mr. Zondag asked if the Commission could wait for that information to be obtained before considering the case and Mr. Radachy replied that the extension could be tabled and reviewed at the Planning Commission meeting on May 3, 2016.

Mr. Zondag moved to table the Stein Farm, Phases 1-4 Final Plat extension for discussion at the Planning Commission meeting on May 3, 2016 to allow time for the Township to comment.

Mr. Morse said it would be past the deadline because the approval expires March 31, 2016.

Mr. Schaedlich questioned if the extension request for Stein Farms could be tabled. Mr. Radachy stated "Yes". He explained that staff had received an opinion from Assistant Prosecutor, Pat Nocero stating, if a developer submitted an extension request after the regularly scheduled Planning Commission meeting but before their expiration date, it could be moved to the next available meeting. Using that logic, we are able to table the request because the Developer applied for the extension prior to its expiration date and we are not able to make a decision because information is lacking. In this case, the information is the Township's recommendation.

Mr. Walker seconded the motion.

Ms. Pesec asked Mr. Zondag the reasoning behind his request to table this.

Mr. Zondag wanted to see what the Township viewpoint was on this case before the Commission discussed it. This has been reviewed several times already and he would like to have their input on this extension.

Nine voted "Aye".

Painesville Township – The Estates at Kallay Farms, Phase 1, Final Plat & Improvement Plans, 33 Lots, 11.3318 Acres

Ms. Jordan introduced Final Plat and Improvement Plans of The Estates at Kallay Farms, Phase 1 as consisting of 33 single-family lots on 11.3318 acres in Painesville Township. The Developer is Kallay Farms, LLC and the Engineer/Surveyor is Barrington Consulting Group,

Inc. The average lot size is .207 acres. Open space averages 2.0487 acres of the Subdivision, which is 18.1% of Phase 1 and 9.2% of all phases.

Mr. Zondag asked if that fulfilled the requirement of open space and Ms. Jordan said to her knowledge, it did not.

Mr. Schaedlich said the Township had already reviewed the plans and accepted the proposed open space, even though it does not meet the open space requirements for PUDs.

The site is zoned FPUD and is located off Mentor Avenue and consists of two cul-de-sacs on Winter Wheat Drive and Coreopsis Court. It is surrounded by the Cherry Farm Subdivision and New Haven Colony Condominiums. Zoning to the north is B-1, Restricted Retail and R-1, Single Family and to the south and east the zoning is R-1, Single Family. To the west the zoning is B-1, Restricted Retail and R-4, Multi-Family.

The following are the Final Plat and Improvement Plan stipulations and comments submitted for this Subdivision:

FINAL PLAT STIPULATIONS

- 1) All subdivision final plats shall be referenced to Ohio State Plane Coordinates, 1983 Horizontal NAD, and 1988 NAVD for vertical control. A minimum of two (2) points shall be tied into OSPC. *Article III, Section (6)(C)(5)*
 - a. Add state plane coordinates with corresponding datum. *Lake County Engineer*
 - b. Add basis of bearings and coordinate system. *Lake County Tax Map*
- 2) The proposed Final Plat Cover Sheet contains the incorrect township name and must be corrected. *Article III, Section (6)(D)(1)(a)*
 - a. Replace "Township of Concord" with "Township of Painesville" on the Cover Sheet. *Lake County Tax Map*
- 3) Parcel numbers must be provided on the Cover Sheet for the three parcels that comprise this Subdivision. *Article III, Section (6)(D)(1)(a)*
 - a. Include all three parcels within The Estates at Kallay Farms. *Lake County Tax Map*
- 4) The proposed Final Plat Cover Sheet must contain all lots where the Subdivision is proposed. *Article III, Section (6)(D)(1)(a)*
 - a. Add Lot number 37 to the Cover Sheet. *Lake County Tax Map*
- 5) The table showing total acreage in the Subdivision includes parcels owned by the State of Ohio and must be corrected. *Article III, Section (6)(D)(2)*
 - a. The overall acreage includes ODOT parcels, which will need to be removed. *Lake County Tax Map*
- 6) The proposed final plat shall include all plan boundaries. The current boundaries are inaccurate and include parcels owned by the State of Ohio. *Article III, Section (6)(D)(3)(a)*

- 7) The proposed Final Plat shall include all plan boundaries. The boundaries for all three parcels comprising the proposed subdivision are not shown on the Plat. *Article III, Section (6)(D)(3)(a)*
 - a. Include all three parcels within The Estates at Kallay Farms. *Lake County Tax Map*
- 8) The temporary cul-de-sac shall be marked as TEMPORARY for future extension. Temporary easement language needs to be added to the Cover Sheet. *Article III, Section (6)(D)(3)(j)*
- 9) When necessary, Local Service Drainage Easements must be provided and shall be shown on the Final Plat. *Article III, Section (6)(D)(3)(k)*
 - a. Rear-yard drainage easements must be in Local Service Drainage Easements to the homeowners or homeowners association. *Lake County Engineer*
 - b. The 10-foot Storm Sewer Easement between Sublots 6 and 7 and Sublots 67 and 68 must be Local Service Drainage Easements. *Lake County Engineer*
- 10) Adjacent subdivisions and lots of record shall be shown on the Plat Names of adjacent subdivisions with volume and page shall be shown. Ownership of adjacent lots of record shall be shown with volume and page and permanent parcel number (PPN). *Article III, Section (6)(D)(3)(m)*
 - a. Add surrounding property data. *Lake County Engineer*
- 11) The Landscape Easement must be labeled on the Plat. *Lake County Engineer*
- 12) Painesville Township Trustee, Chuck Hillier's, name is spelled incorrectly on the Final Plat Cover Sheet. *LCP&CD*

IMPROVEMENT PLAN STIPULATIONS

- 1) The preliminary Improvement Plans shall be based on the Preliminary Plan and they shall conform to the Final Plat. The Final Plat has been submitted for Phase 1 and the Improvement Plans include grading for both Phase 1 and Phase 2. Improvements for Phase 2 may be included in the Improvement Plans, but indicate that all improvements included in the Improvement Plans for Phase 2 are provided for reference only. *Article III, Section (4)(A)*
- 2) Add an emergency outlet to the stormwater basin. *Lake County Engineer*
- 3) A copy of the site plans must be submitted to Lake County SWCD, along with a review fee, application, and a copy of the completed OHIO EPA N.O.I. *Lake County SWCD*
- 4) Any proposed activity in Phase II, or changes to the boundary of Phase I, will require additional 404/401 Water Quality compliance. A wetland is present in Phase II. *Lake County SWCD*
- 5) An Ohio Environmental Protection Agency NPDES permit should have been submitted at least 21 days prior to the start of construction. If the applicant has not already done so, a Notice of Intent (NOI) must be sent to: Ohio Environmental Protection Agency (General Permit Program, P.O. Box 1049, Columbus, Ohio 443266-0149) *Lake County SWCD*

IMPROVEMENT PLAN COMMENTS

- 1) The proposed cul-de-sac exceeds 2000 feet and was stipulated in the Preliminary Plan approval. A variance has been submitted. *Article IV, Section (3)(B)(10)*
- 2) The Improvement Plans indicate that the Subdivision is proposed to tie into the storm sewer located on the adjacent private property. Ensure access will be granted for the stormwater outlet. *LCP&CD*
 - a. As referenced at the Pre-Application Conference, is an easement or maintenance agreement required for the connection to the private sewer? Since the existing private system extends onto properties on either side of the Subdivision, will the property owner at 1883 Mentor Avenue (Mackay) have rights to this easement? This decision will determine Stormwater Management design. *Lake County Engineer*
- 3) Upper pond has no flow into basin. *Lake County Engineer*

Ms. Jordan stated one of the stipulations of the Final Plat to focus on is that the table showing total acreage in the Subdivision included parcels owned by the State of Ohio and must be corrected.

Mr. Radachy explained that the three ODOT parcels are pieces of land that were purchased by the Ohio Department of Transportation when they expanded Route 20. There were three parcels consisting of the two where the house is located and the 60-foot strip back to the main piece. They are actually in the right-of-way and not on the property, but they need to be subtracted from the equation.

Ms. Jordan stated that the County Engineer stipulated that rear-yard Drainage Easements must be in Local Service Drainage Easements with the homeowners or homeowners' association and shown on the Plat. He also stipulated that the 10-foot Storm Sewer Easements between Sublots 6 and 7 and Sublots 67 and 68 must be Local Service Drainage Easements. The subdivision language on the Final Plat needs to be revised to include Local Service Drainage Easements.

Ms. Jordan also brought the members' attention to the fact that the Improvement Plans indicate that the Subdivision is proposed to tie into the storm sewer located on the adjacent private property. The staff asked the Developer to ensure that access will be granted for the stormwater outlet. At the Pre-Application Conference, the County Engineer asked if an easement or maintenance agreement was required for the connection to the private sewer and, since the existing private system extends onto properties on either side of the Subdivision, if the property owner at 1883 Mentor Avenue (Mackay) would have rights to this easement. This decision will affect the design at Stormwater Management.

Staff recommended the approval of the Final Plat and Improvement Plans with the correction of 12 Final Plat stipulations, five Improvement Plan stipulations, and three Improvement Plan comments.

Mr. Zondag pointed out that there was only one exit to this Subdivision.

Mr. Graham read the following comments that Mr. Adams had forwarded:

- He believed that if parcel 36 were eliminated, a connecting road between Road A and Road B could be established along the retention basin. That would shorten the block length to less than twice the allowable length.
- He would like more than one way in and out of this Subdivision. He asked if a connector could be made to the west that is not a dedicated road, like a fire road.

Ms. Jordan stated that a variance has been requested by the Developer addressing that issue.

Mr. Schaedlich said the Commission had also discussed this matter during the review of the Preliminary Plan. There were no adjacent land areas for use as a second access to this Subdivision. You cannot go through a private drive. There was one possible access further down but the owner did not want to sell that parcel. It is landlocked property.

Mr. Zondag inquired about the length of the road of the cul-de-sac and Ms. Jordan replied the proposed street is 2,018 feet.

The Developer and Painesville Township had discussed the proposed connection of the two cul-de-sacs as this body suggested, but the Township was not in favor of this design and asked for the connection to be removed.

Ms. Jordan said the Fire Chief requested that there not be an island in the cul-de-sac.

Mr. Zondag was told the length of an allowable road is 1,000 feet for a cul-de-sac. He was concerned about possible methods of slowing down the traffic on the 2,000-foot length. He asked what the difference was between the road in this Subdivision and the one in Stein Farms.

Mr. Schaedlich stated that in Stein Farms there were vacant properties around the road.

Mr. Novak of Barrington Consulting Group, 9114 Tyler Boulevard, Mentor, Ohio, was asked to comment. He stated this project was started about a year ago. They went through the Township Zoning Commission, then a couple public hearings at the Zoning Commission, then they went to the Township Trustees and again had public hearings. The currently proposed Plan was approved by the Township. Mr. Novak stated that the Fire Chief or the Road Department did not want the originally planned connection of the cul-de-sacs. Barrington had negotiated with the condominiums next door to have an emergency road access and the Fire Chief felt that was not necessary. They made many different versions of the layout for the Subdivision.

Mr. Novak continued saying that part of the issue with this Development was that all the property around it is already developed. There is no option to connect to Fairfield Road or Kingsborough Drive. New Haven Colony was a condominium development and had negotiated an easement with them. This proposed problems because 75% of the people needed to be in agreement with the decision. Originally, there were 84 lots, which have been reduced down to 76 to help offset some of the Township and agency concerns. The Township has approved this plan.

Mr. Zondag said he went through many subdivisions that have some kind of traffic-calming device or roundabout to slow down traffic. This is a single-family residential subdivision. Kids may be at risk due to the many cars on this 2,000-foot road. There are systems that can be built into this road to decrease the danger to pedestrians and to cut that length down. He suggested this should be looked into.

Mr. Radachy stated that the Regulations do allow for 2,000-foot long cul-de-sacs for subdivisions with each lot having 150-foot or larger frontages. There is a legal way to approve a subdivision with a 2,000-foot cul-de-sac that is in the Regulations. The reason this requires a variance is because the frontages are under 150 feet and there is a greater density of units.

Mr. Schaedlich stated that variances are granted for hardships. In this particular case, there is no way to design for a second ingress/egress.

Mr. Novak said one other thing he could offer was to make a three-way stop. However, they are not always effective and the Lake County Sherriff would have to enforce it.

Mr. Radachy said the issue on the table right now is the Final Plat and Improvement Plan. The variance will be addressed next on the agenda.

Mr. Schaedlich moved to approve the Final Plat and Improvement Plans for The Estates of Kallay Farms Subdivision, Phase 1 with two Final Plat stipulations, five Improvement Plan stipulations, and three Improvement Plan comments. Ms. Hausch seconded the motion.

Eight voted "Aye".
One opposed.
Motion passed.

Painesville Township – The Estates of Kallay Farms, Phases 1 and 2, Variance Request to Art. IV, Section 3(B)(10), Cul-de-sac Length

Ms. Jordan said the variance request to Article IC, Section 3(B)(10), Cul-de-sac Length for The Estates of Kallay Farms, Phases 1 and 2 was next. The Developer is Kallay Farms, LLC and the Engineer/Surveyor is Barrington Consulting Group, Inc. If the sublots had frontages of less than 150 feet, the cul-de-sac must not be longer than 1,000 feet to meet the Regulations. For sublots averaging around 150 feet, the cul-de-sac can reach 2,000 feet and still meet the Regulations. The cul-de-sac length for this Subdivision is 2,018 feet.

Ms. Jordan said the following evidence was provided by the Developer for granting the variance. The property of the proposed subdivision is long and narrow for a significant portion of the geometry. There is only space available for a single roadway with lots on either side for the portion of the property adjacent to Mentor Avenue. Additionally, the surrounding properties are already developed and there are no adjacent streets to connect to that would shorten the cul-de-sac length. She showed a dedication plat for a street off of Kingsborough Drive that was vacated. That would have been a potential connection that was eliminated. As shown, the adjacent properties are completely developed.

The following comments were received from the Lake County Engineer and the Painesville Township Trustees:

- The Engineer said the variance request for The Estate of Kallay Farms did not effect the requirements of the Lake County Engineer or Stormwater Management Department.
- The Painesville Township Trustees approved the road layout that was in the Preliminary Plan approved by the Lake County Planning Commission. They have no issues with the length of the cul-de-sac.

Staff recommended to accept the variance request to Article IV, Section 3(B)(10).

Ms. Pesec asked the reasoning for limiting the length of a road.

Mr. Radachy said it is based on the size of the frontages. The bigger the frontage, the fewer houses and less traffic you have on a road. The reason they go up to 2000 feet with 150-foot frontages is because there would be fewer homes and less cars. The shorter streets have more cars trying to exit the property. The number of units on a cul-de-sac is limited in order to limit the amount of traffic for safer and quicker exits.

Mr. Schaedlich added that the assumption made when the Regulations were written was that there would typically be some land nearby that is not developed to allow an interconnection. In this case, the Subdivision is being done very late in the game and there is no way a second ingress/egress can be added.

Mr. Walker said there will be no traffic light at the end of this development because it is too close to the one at Fairfield Road by Hellriegel's.

Mr. Schaedlich stated, in comparison, the condominiums next door have 169 units with only one access point and The Estates of Kallay Farms only has 76 units.

Mr. Morse was concerned if there were to be a fire in the middle of this development, fire trucks in that area would completely block the rest of the development so a car could not get in or out. The same thing would happen with a garbage truck. He also pointed out that there would be five driveways coming out in the same area onto Mentor Avenue and thought it would be a traffic problem.

Mr. Graham stated he did not have as much problem with this stretch as long as they have limited parking (if it is in our purview) on only one side. On both sides, you could have small kids darting out between parked cars, where you could not see them.

Mr. Zondag asked if parking is legal in this Subdivision and was told it was legal on one side of the street only.

Mr. Radachy said the paved portion of the street is 22 feet wide. This is the standard size for all subdivisions.

Mr. Zondag believed the members' responsibility is to try to look at what was the best for this Subdivision for the long term. He felt this should be discussed now, not afterwards. We need to do our due diligence.

Mr. Graham said, from a public health standpoint, with increased population and dealing with smaller lots with no park areas, making variances on policies that are going to effect the population from a health standpoint down the road should call for our due diligence. He thought there needed to be a marriage of health and welfare concerns and economics. He knew this should be approved, but suggested that staff look into having parking limitations enforced.

Mr. Zondag asked Mr. Radachy if homeowners could be stopped from parking on the street.

Mr. Radachy replied that the Commission granted a variance on North Shore Estates in Lake Erie Shores in Painesville Township because a curve in the road was too tight and the fear was that a driver could not see around the curve. We restricted that portion to no parking on either side. We could make a recommendation to the Township to limit parking.

Mr. Novak of Barrington Consulting stated that one of the things they did do was to undulate the road back and forth so it is not a straight shot, which may help slow some of the traffic. Barrington has worked in a lot of different communities and when one of those communities tried to restrict parking in a development, it became difficult for law enforcement to police. In Willoughby, there is no parking on any street overnight. The police can put a ticket on any car parking on the street. In this case, it may be more difficult for the County Sherriff to enforce. He cautioned them about putting in restrictions.

Mr. Schaedlich said we cannot accommodate everything, but do the best we can to make a cul-de-sac as safe as possible. There are some times that we are limited as to what we can do, especially when a property is entirely surrounded by development.

Mr. Valentic asked Mr. Novak if the houses were being built at the 30-foot setback and was told yes. He felt there would be cars parked on the street because that only allowed a few cars in a driveway.

Mr. Novak said people would be able to put four cars in the driveway, they have two-car garages. He was asked if Barrington had considered putting something in where the Y's met like a roundabout to break the road up and slow down the traffic. He said they did not consider this and a member stated the Fire Chief may not want that solution. Mr. Novak said every department looks at a development from a different viewpoint. Mr. Morse asked why they did not accommodate room for sheds. Mr. Novak replied that the result presented was a part of the negotiations with the Trustees to try to get this approved. New Haven has 15 or 18 homes or condos and maybe 10 or 15 on the other side and those lots are 64 feet wide.

Mr. Schaedlich reminded the members that they were talking about things that had nothing to do with the approval of the Subdivision Final Plat and Improvement Plans. When you buy into a subdivision, you accept the rules and regulations under their bylaws.

Mr. Novak said they could propose to make the road on the west a three-way stop, but that aspect is controlled by the County Engineer. They dictate where the signs are placed. He agreed that he was planning to have at least one stop sign going down into the western cul-de-sac.

Mr. Radachy said the American Association of State Highway and Transportation Officials (AASHTO) standards dictate where road signs can be placed.

Mr. Martin moved to accept staff's recommendation on the variance request to Article IV, Section 3(B)(10), Block Length at The Estates at Kallay Farms and Mr. Schaedlich seconded the motion.

Five voted "Aye".

Five voted "Opposed".

Mr. Schaedlich stated that without the variance, the Final Plat and Improvement Plans could not go forward.

Mr. Zondag said the Subdivision passed.

Mr. Graham asked if there were any solutions to address the safety concerns that half of the members had on these cul-de-sacs.

Mr. Schaedlich said he did not see any solution.

Mr. Radachy stated that this body made a recommendation when it originally saw this as a land use and zoning case. We recommended that they connect the two cul-de-sacs by making a loop at the end, which would have changed it to block length versus cul-de-sac length. That design was created by Mr. Novak's company and presented to the Township. Their Road Department and the Fire Department did not want it. They asked Mr. Novak to redesign that road layout with the two cul-de-sacs. Painesville Township changed the zoning and made a road recommendation to this Board to put in the two cul-de-sacs that were presented. As Mr. Schaedlich stated, the Preliminary Plan was approved with the two cul-de-sac lengths with the requirement that they either connected them or were to ask for the variance. They found physical reasons to be unable to connect them and the road layout that was provided to us as part of the Planned Use Development recommended the two cul-de-sacs. Now, the Developer is asking for the variance to keep the two cul-de-sacs for future development. Disapproval of this variance would not effect the Phase 1 improvements. They could go forward with that phase and put more money into this property, but they would not be able to develop Phase 2 without passage of a variance. They have already put engineering work into the two cul-de-sacs. They would have to go back to the Township and get a revision of the road layout. A whole lot of time and money would be thrown down the drain if this variance is not granted.

Mr. Novak said if the Commission demanded to interconnect the two cul-de-sacs (if they could do that), based on his knowledge of the rezoning process which was agreed upon by the Zoning Commission and the Trustees, they would have to go back through the entire process again through the Zoning Commission with discussions and at least one public hearing (It is possible they could send them back to the Planning Commission again.) and then back to the Trustees and another public hearing.

Ms. Pesec asked what the rezoning included.

Mr. Novak said the original property was zoned R-1 and was rezoned to be a FPUD.

Ms. Pesec said that it was her understanding that the Trustees were able to make small changes.

Mr. Radachy stated that was not true in this case. The Zoning Inspector for Painesville Township could force it back to the Zoning Commission and has been known to do so. This is not a small change.

Mr. Novak stated that they had the two proposed cul-de-sacs interconnecting and the Township requested that this be taken out. The Zoning Inspector's regulations do not give him a choice but to recommend that the road layout or lot reconfiguration, being a significant change, must go back through the whole process. There is a similar issue in Lake Terrace Estates. A development plan was approved, where two roads were to interconnect and are now two cul-de-sacs, where they are going through the whole process again. It could take up to three months to go through the Zoning Commission process and possibly take the same amount of time going through the Trustee process. He feels the Planning Commission is doing the Developer of The Estates of Kallay Farms a disservice because they are landlocked and cannot provide an alternative outlet for fire and safety purposes. Painesville Trustees said it was not necessary after the time and effort they had taken in this case to pursue an alternative outlet. This is what the Township wants. He suggested the Commission take another vote. This would stop the project today.

Mr. Schaedlich said if they went through the process again, they would probably end up with something that looks pretty much the same as what was submitted.

Mr. Zondag said there is a long, fairly straight road coming off Route 20 and ends in a cul-de-sac. This whole Subdivision is down if a garbage truck or fire truck uses this road. The same issue will occur if there is an accident because there will be no way to enter/exit the Subdivision. If kids are playing, a chance of an accident is high. There is no alternative here. Even with people parking in the driveways, people will still park on the road. Were he buying a house, he would not have been looking at what might happen in the road structure at that point and time.

Mr. Schaedlich did not see how the shape of a property would lend itself to an alternative entrance design. This is a renegade piece of property that was not developed at the same time the others were and there are no other options. Yes, there will be times that road may be blocked. As far as kids playing and their safety, it is part of the parent's responsibility to keep them out of the street. He understands that sometimes that doesn't work well, but you are not going to eliminate it in totality. We try to do the best job we can, but we cannot keep saying no because we do not have the right to. There are the neighboring condominiums with 169 units with one access and they make it work somehow. He had not noticed traffic backing up on Route 20 by New Haven Colony.

Mr. Novak said even New Haven Colony should have connected to the road behind them. For all of them, there is only one street that connects onto Barrington Ridge.

Mr. Zondag said if this is what the Township wants, then they will have to handle the problems but at least this has been discussed and stipulated.

Mr. Webster stated the sad thing is, we are left with something that our predecessors have done. The beginning of the problem predates the Subdivision Regulations where everyone developed their properties just as they wanted. Now 50 to 75 years later, we are left with problems stemming from this. The Knightsbridge access road situation was a title situation that made the road disappear. The Developer has a right to develop that property even though we might not agree with what they are doing with it.

The Chair called for a five minute break at 6:37 p.m.

The Chair called the meeting to order at 6:42 p.m.

Mr. Zondag moved to reconsider the previous vote on the motion to approve the variance request to Article IV, Section 3(B)(10), Block Length for The Estates at Kallay Farms, Phases 1 and 2 and Mr. Graham seconded the motion.

The Chair called for a roll call vote and Mr. Radachy took a roll call vote as follows:

Mr. Graham – Yes	Mr. Schaedlich - Yes
Mr. Walker – Yes	Ms. Pesec - No
Mr. Webster – Yes	Mr. Zondag - Yes
Ms. Hausch – Yes	Mr. Martin – Yes
Mr. Valentic – Yes	

Motion passed.

Mr. Zondag suggested that staff work with engineers and developers in looking into potential ways to solve this type of problem in the future so a variance would not be required.

Mr. Radachy stated that developers and engineers are encouraged to come in to talk to staff as early as possible. There is a mandated pre-application meeting, a preliminary plan and then the final plat discussions. There are several opportunities for developers to specify how they would like to design or re-design the Subdivision. There have been changes made to plans in the past during these opportunities. Concord Farms was helped to redesign the subdivision to make it work better. Changes were made to Crossroads of Summerwood to alleviate speeding traffic. Staff tries their best to make this happen and will continue to do as directed. There was no other option available in tonight's particular case.

Subdivision Activity Report

Mr. Radachy presented the following subdivision activity report:

- There is a Pre-Application meeting scheduled for The Woods of Madison (formerly the driving range and Madison Country Clubhouse). It is a 30-sublot lot split plat with no new roads.
- Orchard Springs, Phase 2 in Concord Township is trying to finalize information for plat acceptance and go into maintenance.

- The Villas at Lake Erie Shores in Painesville Township was accepted by the County Engineer and Utilities. Construction has started. This is the private street in the last phase of Lake Erie Shores.
- We had a request for information on Whispering Pines, Phase 2 in Madison Township off Townline Road that has been sitting idle since 2008. They are looking to see if they can get it moving again.
- Someone had called about a possible subdivision in Perry Township.

LAND USE AND ZONING REVIEW

Concord Township – Zoning Text Amendments to Include Riparian Setbacks in the Table of Contents and Sections V, XV, XVI, XVII (New Section), XXII, XXXV, and XXXVI

Ms. Jordan stated that Concord Township submitted zoning text changes to create Section 17, Riparian Setbacks and that Sections 5, 15, 16, 22, 35 and 36 are being amended to include regulations for riparian setbacks.

Ms. Jordan stated that a significant portion of Concord Township’s 2015 Comprehensive Plan update was devoted to riparian setbacks. It clearly indicates their desire to have riparian setbacks in the Township.

The Land Use and Zoning Committee met on Thursday, March 24, 2016 and upon deliberation recommended the following:

- Add a definition for “Watershed” in Section 17.02, “Definitions”.
- Remove the Riparian Setback Guide Map from the regulations.
- Review the Riparian Setback Guide Map for watercourses that may have been rerouted and make amendments as necessary.
- Reference riparian setbacks requirements in Section 6.01 (B), “Agricultural Use Exemption”.
- Reference Section 6.01 (B), “Agricultural Use Exemption”, in Section 17.
- Add language that states that wetlands have the potential to be mitigated, and provide a definition for “Wetland Mitigation” in Section 17.02, “Definitions”.
- Revise the title of Section 17.04 to state: “Establishment of Riparian Setbacks for Designated Watercourses and Wetlands”.
- Revise Section 17.04 (A) to state: “Designated watercourses or wetlands include those watercourses or wetlands meeting any one (1) of the following criteria:”
- Add Section 17.04 (A)(3): “All wetlands or watercourses created through the development process.”
- Add Section 17.03 (G): “At the discretion of Concord Township, original riparian setbacks for designated watercourses and wetlands relocated during the development process may no longer be applicable upon relocation of the designated watercourse or wetland”.
- Revise Section 17.04 (D)(5) to state “Any costs associated with the review or obtaining of the necessary wetlands delineation, review, or plan may be at the expense of the Applicant”.

Mr. Zondag asked if there was any place in the County that they could mitigate.

Mr. Radachy stated they mitigate by watershed. In the Grand River Watershed, they could mitigate anywhere in Lake, Geauga, Ashtabula and Trumbull Counties. There was a wetlands mitigation bank in Leroy Township at one point. He did not know if it still existed.

Mr. Schaedlich said he knew there was one in Ashtabula County.

Mr. Zondag asked which map they used to determine riparian setbacks because he was concerned about those tiles buried in the past. He was told by Ms. Jordan that the Lake County Soil and Water Conservation District made this determination and to her knowledge used the most updated maps they had.

Mr. Zondag asked who made the determinations of the wetlands and Mr. Martin said jurisdictional determination is confirmed by the Army Corps of Engineers.

Ms. Jordan stated the Land Use and Zoning Committee recommended the zoning text amendments with the recommendations that were just reviewed.

Mr. Zondag moved to accept the Concord Township text changes with the Land Use and Zoning Committee's recommendations and Mr. Graham seconded the motion.

The Chair called for a roll call vote and Mr. Radachy took a roll call vote as follows:

Mr. Graham – Yes	Mr. Schaedlich - Yes
Mr. Walker – Yes	Ms. Pesec - Yes
Mr. Webster – Yes	Mr. Zondag - Yes
Ms. Hausch – Yes	Mr. Martin – Yes
Mr. Valentic – Yes	

Motion passed.

Leroy Township Zoning District Change #1 – PPN 07A0340000150 - from B-2, Special Interchange to I, Industrial and Manufacturing

Staff stated that this district amendment involves 14.00 acres of land in Leroy Township directly south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to zone the subject parcel from B-2, Special Interchange, to I, Industrial and Manufacturing. Parcels to the east are zoned R-2, Residential (3 acres), parcels to the south are zoned I, Industrial and Manufacturing, and parcels to the west are zoned B-2, Special Interchange. I-90 is located directly north of the subject parcel.

The subject site currently sits vacant. The land to the east includes parcels both vacant and semi-public, where a former youth camp currently sits vacant. Land to the south is currently being utilized for industrial uses. Land to the west includes vacant parcels, as well as a parcel being used for commercial uses, and included a gas station with a convenience store.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Interchange Zone. It also shows the parcels to the east as Rural Residential and parcels to the south and west as Interchange Zone.

The 2005 Comprehensive Plan proposes the following attributes of the Interchange Zone:

- Attract public infrastructure
- Office/retail/restaurants
- Flexible setback and lot requirements
- Shared parking requirements
- Encourage new interior roads
- Avoid strip commercial pattern
- Minimize light and noise pollution
- Prohibit Travel Plaza/Truck Stops
- Prohibit residential development

Staff stated that a goal of the Comprehensive Plan includes: "LU-3-p1: Establish a commercial district oriented in a cluster at the I-90/Vrooman Road exit".

Staff provided the following comments for the district change amendment to Land Use and Zoning at their meeting of March 24, 2016:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community's vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- If the Township would still like to encourage retail, office, or restaurant development on this parcel, due to its visibility from and close proximity to I-90, changing the zoning of this parcel would not be in the best interest of this community.
- From I-90 there is a clear view of this parcel. If this zone is changed from B-2 to I, then potential industrial uses permitted in this district will likely be visible from I-90.
- Due to the topography and streams located on the site, industrial development may not be suitable for this parcel.
- Potential commercial development may occur on the adjacent parcel to the east where the former youth camp is located. Proposed industrial uses on the subject site may not be suitable, as they may be visible from the street accessing the potential commercial uses on the adjacent parcel.

The Committee discussed the proposed use on this parcel, which is a portable asphalt and/or concrete plan, and recycling operation. The Committee emphasized the issues caused by the current plant located within close proximity to the subject parcel and determined that another similar use would not be in the best interest of the community.

Land Use and Zoning recommended to disapprove the district change from B-2, Special Interchange, to I, Industrial and Manufacturing.

Mr. Schaedlich moved to accept the recommendations of the Land Use and Zoning Committee to not accept the district change to PPN 07A0340000150 from B-2, Special Interchange to I, Industrial and Manufacturing. Mr. Webster seconded the motion.

Mr. Graham – Yes

Mr. Schaedlich - Yes

Mr. Walker – Yes
Mr. Webster – Yes
Ms. Hausch – Yes
Mr. Valentic – Yes

Ms. Pesec - Yes
Mr. Martin - Yes
Mr. Zondag – Yes

Motion passed.

Leroy Township Zoning District Change #2 – PPN 07A0320000110 – from R-2, Residential to B-2, Special Interchange

Ms. Jordan stated that this district amendment involves 93.60 acres of land in Leroy Township south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to zone the subject parcel from R-2, Residential (3 acres), to B-2, Special Interchange.

The subject parcel is currently zoned R-2, Residential. Parcels to the north, east, and south are zoned R-2, Residential. Parcels to the west are zoned I, Industrial and Manufacturing, and B-2, Special Interchange. I-90 is located directly north of a portion of the subject parcel.

The subject site currently sits vacant. The land to the north includes I-90 and semi-public land where a former youth camp currently sits vacant. Paine Falls Park, which is operated by Lake Metroparks, is located to the north and east of the subject parcel. Uses to the south of the subject parcel include vacant land, agriculture, and residential. Land to the west of the subject parcel is currently vacant and the southern corner of the eastern portion of the parcel is being utilized as industrial.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Rural Residential. The 2005 Comprehensive Plan proposes the following attributes of the Rural Residential:

- Increased minimum lot size (2-4 acres)
- Establish riparian setbacks
- Establish hillside regulations
- Low density residential
- Pursue access management regulations

Staff stated that a goal of the Comprehensive Plan includes: “LU-2-p5: Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources.”

Staff provided the following comments for the district change amendment:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community’s vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- The Comprehensive Plan indicates the intent to maintain the rural atmosphere on this parcel.

- This parcel is adjacent to Metroparks' Paine Falls Park. The uses allowed in the B-2 District may not be suitable if a rural environment is desired for this portion of the Township.

The Land Use and Zoning Committee agreed that the intent of the 2005 Comprehensive Plan still exists, and that it is in the best interest of Leroy Township to maintain its rural atmosphere. They also stated that this parcel is directly adjacent to the Paine Falls Park, and that commercial development would impede the natural attributes located within and adjacent to the subject parcel.

The Committee also noted that the topography and location of natural resources, as well as the lack of access of utilities, will make this property difficult to develop.

The Committee recommended not to accept the submitted district change.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee regarding rezoning PPN 07A0320000110 and Mr. Graham seconded the motion.

A roll call vote was taken by Mr. Radachy as follows at the Chair's request:

Mr. Graham – Yes	Mr. Schaedlich - Yes
Mr. Walker – Yes	Ms. Pesec - Yes
Mr. Webster – Yes	Mr. Martin - Yes
Ms. Hausch – Yes	Mr. Zondag – Yes
Mr. Valentic – Yes	

Motion passed.

Leroy Township Zoning District Change #3 – PPN 07A0320000060 – from R-2, Residential to B-2, Special Interchange

Staff stated that this district amendment involves 78.77 acres of land in Leroy Township directly south of I-90. The district amendment was requested by JJJ Properties, LLC. The applicant proposed to rezone the subject parcel from R-2, Residential (3 acres), to B-2, Special Interchange.

The subject parcel is currently zoned R-2, Residential. Parcels to the east and south are zoned R-2, Residential. Parcels to the west are zoned R-2, Residential, and B-2, Special Interchange. I-90 is located directly north of a portion of the subject parcel.

The use of the subject parcel is Semi-Public, and a former youth camp currently sits vacant on the eastern portion of the property. Paine Falls Park, which is operated by Lake Metroparks, is located east of the subject parcel. Uses to the south and west of the subject parcel include vacant land.

The 2005 Comprehensive Plan Map shows the proposed use for the subject parcel as Rural Residential, as well as parcels to the east and south. Parcels to the west are shown as Interchange Zone and Rural Residential.

The 2005 Comprehensive Plan proposes the following attributes of the Rural Residential:

- Increased minimum lot size (2-4 acres)
- Establish riparian setbacks
- Establish hillside regulations
- Low density residential
- Pursue access management regulations

Staff stated that a goal of the Comprehensive Plan includes: “LU-2-p5: Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources.”

Staff provided the following comments for the district change amendment:

- The most recent Leroy Township Comprehensive Plan is from 2005 (an update is currently in progress). As the community’s vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan.
- The Comprehensive Plan indicates the intent to maintain the rural atmosphere on this parcel.
- This parcel is adjacent to Metroparks’ Paine Falls Park. The uses allowed in the B-2 District may not be suitable if a rural environment is desired for this portion of the Township.
- A former youth camp currently sits vacant on the property. A use allowed by B-2 may allow this property to be utilized to its full potential.

Land Use and Zoning recommended not to accept the district change as submitted.

Mr. Graham moved to accept the recommendation of the Land Use and Zoning Committee to disapprove changing parcel #PPN 07A0320000060 from R-2, Residential to B-2, Special Interchange and Mr. Valentic seconded the motion.

Mr. Graham – Yes
Mr. Walker – Yes
Mr. Webster – Yes
Ms. Hausch – Yes
Mr. Valentic – Yes

Mr. Schaedlich - Yes
Ms. Pesec - Yes
Mr. Martin - Yes
Mr. Zondag – Yes

Motion passed.

REPORTS OF SPECIAL COMMITTEES

Mr. Radachy stated the Land Use and Zoning Committee minutes were in tonight’s packets.

The Lake County Coastal Plan Committee meeting to be held on February 24, 2016 was cancelled.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Radachy said that Madison Township is looking for a full-time zoning inspector. If you know anyone who is interested in this position, please contact Madison Township.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

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

All voted "Aye".

The meeting adjourned 7:10 at p.m.