



DATE:	November 19, 2013
APPROVED BY:	Russell Schaedlich, Secretary

**MINUTES OF THE LAKE COUNTY PLANNING COMMISSION  
October 29, 2013**

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 Hausch called the meeting to order at 5:33 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Welch (alt. for Aufuldish), Zondag, Mmes. Hausch, and Pesec. Legal Counsel present: Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy and Ms. Truesdell.

**MINUTES**

The spelling of Hambden Township on page 8 needs to be corrected.

Mr. Morse moved and Mr. Welch seconded the motion to approve the September 2013 minutes as corrected.

All voted "Aye".

**FINANCIAL REPORT**

Mr. Siegel moved to accept the September 2013 Financial Report as submitted and Mr. Zondag seconded the motion.

All voted "Aye".

**PUBLIC COMMENT**

There was no comment from the public.

## LEGAL REPORT

### Riparian Water Rights

Mr. Josh Horacek reported in response to a discussion last month on riparian water rights. He researched the issue and said it is an issue between the two private parties and is not a requirement of subdivision regulations but it can be considered as a comment. The Commission in and of itself does not hold any rights with the enforcement of riparian rules. Enforcement of the rights would fall on the older of the rights, whether it would be a holder or political subdivision, but not the Planning Commission.

Mr. Pegoraro asked if it would be prudent to ask for an engineering study to protect the water rights.

Mr. Horacek said it would not necessarily protect the Commission and may be going further than really needed. This can be considered but it does not have to be considered. Failure to consider does not necessarily invalidate the decision.

Ms. Pesec said it is probably something that we would consider and probably should consider. What would be the criteria for the "should consider"?

Mr. Horacek said listening to testimony from interested property owners would be the best consideration.

Ms. Pesec asked if there was something more proactive to do, such as ask for a study.

Mr. Horacek said he would have to do more research to find out on what authority there is to request additional documentation for approval. It can be recommended that there be additional documentation but it cannot be stipulated.

Mr. Brotzman said that it is the responsibility of this Commission to proactively ask the question. The subdivisions in question are submitted to Stormwater, Soil and Water and the Engineer's office and that would be the stimulus to provide comment or requirements on riparian issues since we do not have the authority to do it.

### Kimball Estates

Mr. Brotzman asked Mr. Horacek if there was an update on Kimball Estates.

Mr. Horacek said he had not spoken to George Hadden of the Engineer's Office.

Mr. Brotzman said that on September 20<sup>th</sup>, he met with Mr. Hadden and Mr. Julius Vaidean, Jr. Mr. Hadden said he would have a draft on the Rights of Egress on September 27<sup>th</sup> and the work would be completed by November 1<sup>st</sup>. To date, Mr. Brotzman had not received the draft.

Mr. Horacek said the next step is up to the Engineer's Office.

Mr. Radachy was asked if there was any action the Planning Commission could take. He said that there is a construction surety on the property. It could be acted upon but must be done so by the Engineer, the Commission and the Commissioners. The Prosecutor would initiate the procedures and everyone would have to sign off.

Mr. Zondag said eventually someone has to push someone on this issue.

Mr. Horacek said that from the legal point of view it is the Engineer who needs to initiate action. From the practical point of view, it has to be a concerted effort. He will contact Mr. Hadden.

Mr. Radachy said in September, he had a meeting with Commissioner Troy, George Hadden, Tim Miller, Dan Donaldson, Jason Boyd, Julius Vaidean, and John O'Donnell who is the Chief Assistant Prosecutor, Civil Division. It was agreed that Mr. Hadden would have Temporary Rights of Access drawn up.

Members asked Mr. Radachy and Mr. Horacek to continue to pressure all parties involved.

#### DIRECTORS REPORT

Mr. Radachy said staff started working on the following projects:

- Received a grant of \$3,750.00 from the Chagrin River Watershed Partners on the Lake Erie Protection Fund grant for "Conservation Development, Parking, and Stormwater Management Codes". They will be looking at Planned Unit Development regulations and zoning codes for various communities.
- Received a contract from the Regional Benefits Fund of the Northeast Ohio Areawide Coordinating Agency for \$16,000.00 to do a retail trade survey. There is a three-year window on that contract. We have to put out a Request for Quote to request companies to submit qualifications to do the work. This is a revision and update of a five-county study of the original done in 1999. The actual inventory will be done by the Planning staff. Hopefully, a new intern or part-time planner can be hired.
- Fairport Harbor wants to continue working on their Comprehensive Plan. He has been working on other zoning issues for them.
- Ashtabula County has asked staff to review a couple of land use and zoning cases and a subdivision.

#### ANNOUNCEMENTS

Mr. Radachy made the following announcements:

- The Fair Housing Resource Center will be holding a conference at the Lodge at Geneva-on-the-Lake on November 8<sup>th</sup>. There will be information on topics ranging

from an Introduction of Fair Housing and Reasonable Accommodations to Tenant Screening and more.

- Mr. Radachy reminded the members that the November Planning Commission meeting has been moved to November 19<sup>th</sup> because of the Thanksgiving holiday.
- Plans are starting for the Zoning Workshop of 2014. He expected it to be hosted by Ashtabula County next year.

## SUBDIVISION REVIEW

### Concord Township – Concord Ridge Preliminary Plan, 73 lots, 102.6 acres

Mr. Radachy said this is a Residential Conservation Development on 102 acres. When we reviewed this project as a LUZ case in June, it was 144 acres. The developer is Concord Ridge Development, LLC and Polaris Engineering. There are 73 sublots on 49 acres. About 48% of the Subdivision is open space. It is located near Concord Hambden Road and Winchell Road, just south of the Summerwood Subdivision which is a R-2 regular PUD. Originally, there was supposed to be two RCDs, side-by-side, divided by the stream in the middle. Now, they are just doing the west side of the property. East of the stream is still R-4 and is outside of this Subdivision.

Mr. Radachy showed a site plan of the Subdivision which has three cul-de-sacs coming out of Meredith Lane and coming out of Stanford Springs to the south and connecting to Crossroads Drive to the north. Then there is a 200-foot space between Forest Valley and where Meredith Land connects into Crossroads Drive. This Subdivision has two connections to public right-of-ways. It does not have a connection to a major road, but to two other subdivisions and not to Route 608. The Developer wanted to protect that stream as much as possible.

Mr. Radachy pointed out the stipulations and comments.

### **Preliminary Plan Stipulations:**

1. The current zoning district shall be listed. The preliminary plan is showing R-2 as the site's current zoning district. This is not correct; the current zoning district is R-4. *Art. III Section 3(D)(1)(h)* This stipulation will be removed when the district change from R-4 to R-2 becomes effective November 1, 2013.
  - a. The proposed Concord Ridge subdivision was approved to be rezoned from R-4 Residential to the R-2 Residential Conservation Development (RCD) District by the Concord Township Trustees on October 2, 2013. The zoning change will become effective on November 1, 2013. The proposed lot sizes and building setbacks conform to the R-2 RCD District zoning. *Concord Township Trustees*

2. Dimensions and width at the building setback line for each subplot shall be given. *Art. III Section 3(D)(1)(s)*
3. The name of the school district shall be provided on the plan. *Art. III Section 3(D)(1)(t)*
4. Show the easements located in the proposed subdivision that were platted by The Crossroads of Summerwood Phase 1 Plat. *Art. III Sect. D(1)(f)*
5. Show the type of stream crossing and all other stream crossings off site within 2,500 feet must be provided. *Art. III Section 4(D)(1)(x)*
6. Proposed contours are to be shown. *Article III Section 3(D)(1)(i)*
  - a. Proposed contours are not indicated. *L.C. Engineers Office*

**Preliminary Plan Comments:**

1. SHFA (Special Flood Hazard Area) must be shown for all streams/creeks. *L.C. Engineers*

**Design Stipulations:**

1. Lengths of blocks and cul-de-sacs shall be provided. Currently, Scarlett Way, Crossroads and Cora are in excess of the maximum cul-de-sac length of 1,000 feet. *Art. IV, Section 3(B)(9)*
2. The temporary cul-de-sac in Stanford Springs Subdivision needs to be removed.
  - a. Temporary cul-de-sac on Meredith Lane shall be removed and lawns shall be restored. *L.C. Engineers Office*
3. The cul-de-sacs are required to be a minimum of 110 foot pavement diameter with a 120 foot right-of-way diameter. They may be larger at the request of Concord Township. Currently, the developer is showing a 95-foot pavement diameter and 130 foot right of way diameter. *Art. IV Section 3(B)(10)*
4. Proposed temporary cul-de-sacs are required to have a 100 foot pavement diameter. *Art. IV Section 3(B)(8)*
5. The Lake County Subdivision Regulations require a 35-foot pavement/building wetland setback. *Article VII Section 5(B)(2)*
  - a. The required 35 foot wetland pavement setback is questionable across from Sublot 5. *L.C. Engineers Office*
6. Meredith Lane shall conform to all standards listed in Article IV.
  - a. Horizontal street configuration is questionable along proposed Meredith Lane. *L.C. Engineers Office*

**Design Comment:**

1. Can bio-retentions be implemented in cul-de-sacs to reduce pavement runoff and provide temporary retention? *Concord Twp. Service Dept.*
2. Can more trees be left intact to capture and store rainfall within their canopy temporarily during rain events? *Concord Twp. Service Dept.*
3. Are detention structures per current design capable of retaining a short term heavy rain scenario much like July 20th so as not to overburden downstream systems or pass the burden to the next allotment downstream? *Concord Twp. Service Dept.*
4. The crosshatched area between proposed subplot 70 and the two Crossroads parcels facing Crossroads Drive are only 30 ft. deep. Under Section 16.24 C of the Concord Township Zoning Resolution, any small fragmented open space areas that have a dimension less than 50 ft. in any direction shall not be counted toward the open space requirements. The open space percentage shown on the plan as proposed shall be adjusted accordingly. The proposed 73 lots comply with the allowable density for the project. *Concord Township Trustees*
5. The proposed subdivision plan conforms to the approved Township Preliminary Plan proposed as part of the zoning amendment application for Concord Ridge. *Concord Township Trustees*

**Technical Stipulations:**

1. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, 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 such owner or owners or his or their agent. *Art. I, Sec 4, B*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three- year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*

4. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District.
5. Complete a stormwater pollution prevention plan with the improvement plan drawings. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site.
6. Proposed pavement section to be verified with soil analysis. *L.C. Engineer's Office*
7. Building hillside regulations must be met. *L.C. Engineer's Office*
8. Every Sublot shall have access to a rear yard drain. *L.C. Engineer's Office*
9. Proposed pavement section to be verified with soil analysis. 12' foot lanes not required for cul-de-sac streets. *L.C. Engineers Office*
10. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review. *L.C. Sanitary Engineer*
11. The trip Generation report must be amended to reflect revised preliminary plan. *L.C. Engineers Office.*
12. No residential building or structure, in whole or in part, shall be used or occupied until the residential building official has issued an approval in the form of a Certificate of Occupancy. The Certificate of Occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the Certificate of Occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and inspections are completed, and no orders of the Building Official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the Residential Building Official shall issue a certificate of occupancy in a timely manner. *L.C. Building Official*
13. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have confirmation and receive the Plumbing Certificate of Use from the Lake County General Health District, and confirmation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*
14. Fire hydrants may be spaced no further than 500 feet. A fire hydrant shall be placed at the entrance of all streets and cul-de-sacs. Streets longer than 800 feet are to have a fire hydrant at the beginning of the street, midpoint of the street and at the end of the street. *CTFD*

15. All fire hydrants to be self draining and equipped with a 5 inch Stortz fitting on the steamer outlet. Fire flows must meet the ISO minimum requirements of 1,000 gallons per minute for one and two family dwellings which do not exceed 3,600 square feet.  
*CTFD*

**Technical Comments:**

1. No deficiencies shown and we have been in discussion with the developer. *Painesville City Water*
2. Concerns are not available until we have prints. *Painesville City Water*
3. Improvement Plans have not been submitted as of 10/24/13. *Painesville City Water*
4. Potable water service to be provided by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *L.C. Sanitary Engineer*
5. Additional means of access required. Subdivisions with a total of 30 or more lots are required to have two (2) means of access for safety purposes per Ohio Fire Code Appendix D Section D107.01. Roadways shall be a minimum of 22 feet in width, shall not exceed 10% in grade and have a minimum turning radius of 28 feet at intersections. Cul-de-sacs must be provided with a minimum of diameter of 120 feet per the Ohio Fire Code Appendix D Section D103.3. *CTFD*
6. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. *CTFD*
7. Concord Township Fire Prevention to be notified of all scheduled flushing and two-hour hydrostatic testing of underground piping and fire hydrants for the purpose of auditing of these procedures. *CTFD*
8. Street name signs and "NO PARKING HYDRANT SIDE OF STREET" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code Section 505.2. *CTFD*
9. All contractors are to be instructed not to park on the hydrant side of the street during construction. *CTFD*
10. Building numbers and/or identification must be provided during all phases of construction of a structure. *CTFD*

Mr. Radachy said Design Stipulations 1 and 3 say that each of the cul-de-sacs are too long. They are allowed a maximum of 1000 feet and they are between 65 feet to 154 feet too long.

Mr. Radachy said that Technical Stipulations are stipulations based on other department's regulations. Comments are received from other departments based on their rules that are not regulations but need to be included.

Mr. Radachy said that the cul-de-sac pavement is insufficient. Cul-de-sac design calls for 100-foot cul-de-sac pavement diameter with a 110-foot right-of-way diameter. They can be increased up to 120-foot diameter of pavement and up to 120-foot right-of-way diameter. They have to be proportional. The plan calls for 95-foot pavement diameter and 130 foot right-of-way diameter. They are not proportionate and do not meet the minimum standard of 100 feet pavement diameter.

Mr. Radachy said that Concord Township Trustees passed a resolution that requests that the pavement diameter be increased to 110 feet. The resolution also has a design for cul-de-sacs with islands. The Service Director requests an island in the middle with a possible bio-retention water quality in the center of the island. There was discussion from the Board that if a fire truck can make it around the cul-de-sac with islands, a fire truck can still manage on the 22-foot width of the road. The advantage of having 22 feet of pavement with a donut in the middle is that snow does not have to be cleared from the middle and it is faster for the plow driver.

Staff stated that a regular landscape island is maintained by the Homeowners Association.

The board asked who would maintain the cul-de-sac with the island.

If they do a bioswale, it is maintained by Stormwater or someone else.

The County Engineer looked into the geometry of Meredith Lane and the turning radius might be tight.

Mr. Radachy said Forest Lane and Meredith Lane do not have roadside ditches. They are concrete. He was not sure about Meredith Lane. There is a closed bulb cul-de-sac on the northern portion of Crossroads at Summerwood Phase One and an open one on the southern portion.

Staff is recommending approval of this design.

Mr. Zondag was concerned about the bioswales saying that there must be enough surface area to maintain that much liquid at one time. It may end up being a small temporary pond and there may be salt accumulation and vegetation control. If there is parking on that circle and snow removal there are other issues as well. Unless the cul-de-sacs are big enough, there are issues pulling out of driveways.

Mr. Radachy said the island cul-de-sacs have been in existence in Concord Township since 2004 when the Trustees passed the Resolution.

Mr. Radachy said that Concord Ridge changed between our Land Use and Zoning review and the final approval by the Trustees. It came before the Planning Commission as a larger subdivision of 144 acres and more lots. We were given a different lot configuration for the one-acre lots and a different RCD plan. He provided what was presented to the Zoning Commission after it left the Planning Commission with our recommendation. He referenced a map showing they could get 70 lots on the property.

In regards to the block length on the cul-de-sacs, the developer will have to shorten the cul-de-sacs or ask for a variance.

Mr. Siegel moved to approve the Concord Ridge Township Preliminary Plan with 73 lots on 102.6 acres with 6 Preliminary Plan Stipulations, 1 Preliminary Plan Comment, 6 Design Stipulations, 6 Design Comments, 15 Technical Stipulations, and 10 Technical Comments. Mr. Adams seconded the motion.

All voted "Aye".

#### Leroy Township – Stein Farm Subdivision, Preliminary Plan, 77 lots, 165.17 Acres

Mr. Radachy said Stein Farm was submitted by the developer, Mark Gordon of Leroy One, LLC and the Engineer, Dave Novak of Barrington Consulting Group, Inc. It is on 165 acres with 77 lots that average 2.08 acres in size. It is located off of Leroy-Thompson Road near State Route 86 in southern Leroy. Bates Creek runs through the eastern portion of the property. There are several streams threading across the property.

Mr. Zondag asked where the exit for the subdivision was.

Mr. Radachy showed the location of Glacier Cliff Street and where it will connect along the eastern property line of 7710 Leroy-Thompson Road.

The following stipulations and comments were submitted:

#### **Preliminary Plan Stipulations:**

1. Topography is required to be shown 200 feet past the border of the subdivision. *Article III Section 3 (D)(1)(j)*
2. Proposed contours are to be shown. *Article III Section 3(D)(1)(i)*
  - a. Proposed contours are not indicated. *L.C. Engineers Office*
3. Show the type of stream crossing and all other stream crossing off site within 2,500 feet must be provided. *Art. III Section 4(D)(1)(x)*
4. Floodplains and streams are not shown on the preliminary plan. *Article III Section 3 (D)(1)(k)*
  - a. SHFA (Special Flood Hazard Area) must be shown for all streams/creeks. *L.C. Engineer*

5. Stormwater facilities are not indicated. *L.C. Engineer's Office*

**Preliminary Plan Comments:**

1. USDA Soil boundaries are not indicated. *L.C. Engineer's Office*

**Design Stipulations:**

1. Sight distance does not comply on east bound on Leroy-Thompson Road with the 500 feet required by the Lake County Subdivision Regulations. *Article IV Section 3(C)(1)*
  - a. We are concerned that the roadway outlet will be insufficient. *Leroy Township Trustees*
2. Staff questions the sight distance compliance west bound on Leroy-Thompson Road with the 500 feet required by the Lake County Subdivision Regulations. *Article IV Section 3(C)(1)*
  - a. We are concerned that the roadway outlet will be insufficient. *Leroy Township Trustees*
  - b. Required site distance for proposed intersection with Leroy Thompson Road must be met. *L.C. Engineer's Office*
3. Sublots 6, 36, 48, 49, 52, 64, 65 and 66 may not be in compliance with Leroy Township Zoning. A flag lot in Leroy Township is defined as having a building area connecting to the right-of-way by way of land that is between 60 feet and 149.99 feet in width. Any area in connecting land does not count towards minimum lot size. The eight sublots listed have frontage below 150 feet and are close to the minimum lot size of 1.5 acres. *Article IV Section 7(A)(3)*
4. Sublot 55 must comply with the Leroy Township Zoning Resolution in regards to riparian and wetland setbacks. The Preliminary Plan shows the proposed home in what will be a riparian setback. *Article IV Section 7(A)(3)*
  - a. Riparian setbacks must be shown on final plan. *Leroy Twp. Zoning Inspector*
  - b. Riparian setbacks shall be shown for all streams located within the project boundaries. *LCSWCD*
5. Glacier Cliff block length is 3,179.94 feet +/- . This exceeds the maximum block length of 2,100 feet by 1,179.94 feet. *Article IV Section 3(G)(2)*
6. Road intersections are required to have 30 degree turn-outs. The intersection of Glacier Cliff and Leroy Thompson Road only has one turn-out. *Article IV Section 3(B)(11)*

7. This subdivision needs to comply with the fire pond regulations in Article IV Sect. 9(B)
8. No street names may be repeated. Apache Trail cannot be used because one exists in Perry Township. *Article IV Section 3(H)*
9. Existing structures must be removed prior to final approval. *Leroy Twp. Zoning Inspector*
10. Please identify the expected treatment for school bus pickups/drop-offs. Will the stops be on SR 86, Leroy-Thompson Road, or from within the subdivision? Again, sight distance conditions on SR 86 are not favorable for pickup and drop-offs for large numbers of students.

**Design Comment:**

1. Lots with a 20-foot drive will be addressed with the street it is located on. *Leroy Twp. Zoning Inspector*
2. It is noted that access to the subdivision is proposed to be from Leroy-Thompson Road, not SR 86, but the subdivision entrance is approximately 700 feet from SR 86. A majority of the traffic is expected to enter and exit via SR 86.
3. The intersection of SR 86 and Leroy-Thompson Road generally exhibits poor intersection sight distance to the southeast due to a combination of vertical and horizontal curvature.
4. Leroy-Thompson Road intersects SR 86 at a skew at an angle below the recommended minimum angle of 70 degrees for unsignalized intersections. This heavy skew compounds the difficulty of executing turns to and from Leroy Thompson Road.
5. Presently this intersection does not exhibit a noteworthy history of crashes. This office believes this is due to very light existing traffic volumes. The crash problem is expected to worsen with additional traffic that will likely include an increase in young, inexperienced drivers.
6. The Ohio Department of Transportation (ODOT) requests a thorough analysis of intersection sight distance at the intersection of SR 86 and Leroy-Thompson Road as a condition of approval for this subdivision to determine whether any reasonable improvements can be made to improve the safety of the operation at this intersection as a condition of approval.
7. Section 31.1 Riparian Setbacks states: "Section 31.1.3.B: Establishment of Riparian Setbacks:

A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than 20 square miles.

A minimum of 25 feet on each side of all designated watercourses draining an area less than 1 square mile and having a defined bed and bank.

A minimum of 50 feet on each side of all designated watercourses determined to be a Class III primary headwater habitat stream." SWCD

### **Technical Stipulations:**

1. Any lot split in the area marked not part of the subdivision and borders on SR 86 will be required to have approval from ODOT to connect the driveway to SR 86. *Planning and Community Development*
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, 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 such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
4. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three- year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
5. Please observe Lake County Erosion and Sediment Control Regulations in regards to Bates Creek watershed and adjoining tributaries, named or unnamed, that are coursing through this parcel. *LCSWCD*
6. Please provide Lake County SWCD with a copy of the wetland delineation conducted by the Army Corps of Engineers. *LCSWCD*
7. The applicant of this project will be required to file an application and provide a storm water pollution prevention plan (SWP3) to the Lake SWCD for review and approval before any clearing or land disturbance occurs. *LCSWCD*

8. Seven soils mapped on site are rated with severe ratings for frost action, wetness and/or low strength to dwellings with basements. Soil descriptions for these various soil types can be provided. It is always recommended that further analysis be made to determine the extent of these soil limitations and the extent of wetland conditions on this specific site. *LCSWCD*
9. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
10. Complete an erosion and sediment control plan with the improvement plan drawings. *LCSWCD*
11. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD*
12. Distinguish the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD*
13. Proposed pavement section to be verified with soil analysis. *L.C. Engineer's Office*
14. Building hillside regulations must be met. *L.C. Engineer's Office*
15. Every Sublot shall have access to a rear yard drain. *L.C. Engineer's Office*
16. No residential building or structure, in whole or in part, shall be used or occupied until the Residential Building Official has issued an approval in the form of a Certificate of Occupancy. The Certificate of Occupancy shall indicate the conditions under which the residential building shall be used. The building owner shall only use the structure in compliance with the Certificate of Occupancy and any stated conditions. The residential structure and all approved building service equipment shall be maintained in accordance with the approval. When a residential building or structure is entitled thereto (constructed according to the approved construction documents, final tests and inspections are completed, and no orders of the Building Official are outstanding, or as permitted in section 111 of the current 2007 Residential Code of Ohio and all successors thereto), the Residential Building Official shall issue a Certificate of Occupancy in a timely manner. *L.C. Building Official*
17. Prior to issuance of a Certificate of Occupancy, the Lake County Building Department shall have conformation and receive the Plumbing Certificate of Use from the Lake County General Health District, and conformation and receive the Final Grade / Drainage Inspection from the Lake County Engineer's Office or the Jurisdiction's City / Village Engineer. *L.C. Building Official*

## Technical Comments:

1. The results of a Headwater Habitat Evaluation Index (HHEI) survey taken in 2009 by staff members of the Lake County SWCD determined the unnamed tributary to Bates Creek coursing through the center of the parcel as a Class III primary headwater stream. The approximate location of the tributary is at N41.6696 W81.1180. Bates Creek watershed area is over 1 square mile and under 20 square miles. There is at least (2) other tributaries to Bates Creek coursing through this parcel that will also fall under riparian setback ordinances, as well. *LCSWCD*
2. Due to the high water quality of Bates Creek and its tributaries and the associated protection efforts being made in the Grand River Watershed, it is highly recommended that a riparian buffer be established along Bates Creek. This can occur by partnering with a local watershed protection group such as the Lake County Soil & Water Conservation District to establish a conservation easement along the creek. Such an effort will buy long-term protection of the water quality of the stream and add to the scenic beauty of the development project by keeping a forested buffer along the creek. Such a buffer could include walking trains. Such an easement can also be established on the wetlands on the site and also to establish buffer areas adjoining the wetlands. Clearing and land disturbance activities should not occur immediately next to wetlands or streams. *LCSWCD*

Mr. Radachy said that Glacier Cliff Street exceeds the allowed block length of 2,100 feet. This subdivision has a 3,300 foot long block length going into a temporary cul-de-sac. The main reason for the long block length is that the western portion of the property is all subdivided. The issue could have been worse. After a pre-application meeting in 2006, staff thought the development would have long cul-de-sacs and they would have to recommend a variance because staff did not want residential access to a bordering Girl Scout camp. That property has been sold and is no longer owned by the Girl Scouts. There is now a temporary cul-de-sac on the northern boundary and this has helped with a lot of the block length issues.

Mr. Radachy said that according to Design Stipulation 3, there are 6 lots on the subdivision that have 147 feet of frontage and open up to 150 feet. The developers will have to show staff that the 6 flag lots meet the minimum lot size. In Design Stipulation 4, subplot 55, the house is positioned in the riparian setback. According to the Health District, that house may have to be positioned in a locked down site plan to accommodate the well, septic and house. The Health District, through on-site visits, approves the well and septic locations after the Preliminary Plan is approved and before the Final Plan is approved.

Mr. Zondag commented that the quantity and quality of water may not be what a buyer would want.

Mr. Radachy read them an Ohio Department of Natural Resource report and said the groundwater use of 400 gallons a day is less than the recharge of 446 gallons a day. The groundwater supply should be adequate.

Mr. Radachy said that the Ohio Department of Transportation commented that the intersection of SR 86 and Leroy-Thompson Road generally exhibits poor intersection site distance to the southeast due to a combination of vertical and horizontal curvatures. Our site distance requirement is 500 feet and it seems to be well short of 500 feet. Design Comment #6 requires a thorough analysis of the intersection as a condition of approval from ODOT.

Mr. Radachy said the Commission cannot approve or deny based on that intersection.

Mr. Zondag expressed concern about the dangerous curve in the road and the short site distance, especially at dusk. Adding all those homes with additional drivers presents a major issue that ODOT needs to address.

William Gerber, Transportation Technician, from ODOT District 12 introduced himself and represented Transportation Engineer, Brian Blaine.

Mr. Zondag asked Mr. Gerber if that road was really rated for this.

Mr. Gerber said that the Planning Engineer pointed out the existing condition characteristics of that roadway including the combination of the vertical curve and reverse curve, the limited site distance, and the increase flow of traffic. He said that the subdivision will naturally bring young families with young and inexperienced drivers to that location. This brings the potential for a serious condition. Right now, Mr. Blaine mentioned in his analysis that there is no noteworthy crash history of the site but with the new traffic condition, that could possibly change.

Mr. Radachy said these are Design Comments 2, 3, 4, 5, and 6.

Mr. Zondag said that his concern is that he would like to see that corner changed because of the angles and elevation of the road. If there is a crash, there is no place to go except for the guard rail at the bottom. For people coming north to south, and if a driver comes across that road, they are going to go over the edge. This subdivision will create an increase in traffic and ODOT needs to intervene and change the road configuration.

Mr. Gerber said that is why Mr. Blaine weighed in when he did. He thought that as we progress forward with the Subdivision, typically, they look at roadways based on accident data and prioritize them. This is not a problem now and he will take these comments back to Mr. Blaine. Mr. Blaine is the person who will have input as far as roadway design.

Ms. Pesec asked if the Subdivision does not meet the requirements.

Mr. Radachy said he thought it did not meet the site distance requirements from Leroy-Thompson Road going westbound. There is a site distance of 200 to 300 feet. It has to be determined how Leroy-Thompson Road is classified in the County Engineer's hierarchy. Our Subdivision Regulations are different for different classifications of roads. Normally, we have always gone with a straight 500 feet for site distance at the connection for a major road.

Ms. Pesec asked if there was anything additional from ODOT's standpoint.

Mr. Gerber said ODOT does not look at Leroy-Thompson Road because that is not their jurisdiction. They are looking at State Route 86 and the impact the additional traffic at that intersection will have on State Route 86.

Mr. Radachy said one of ODOT's Design Comments was made a stipulation. Design Stipulation 10 states, "Please identify the expected treatment for school bus pickups/drop-offs. Will the stops be on SR 86, Leroy-Thompson Road, or from within the subdivision? Again, sight distance conditions on SR 86 are not favorable for pickup and drop-offs for large numbers of students."

Mr. Pegoraro asked about having a road onto Route 86, west of the intersection.

Mr. Radachy said that is not part of the development. They own the property but are not classifying it as part of the development. In order to connect to Route 86, they have to get a permit from ODOT.

Mr. Adams said it sounds better than what they are proposing.

Mr. Radachy said there might be some other issues with connecting to 86 but that is a possibility of connecting to 86 as opposed to Leroy-Thompson Road.

Mr. Gerber referred to himself as a good source to forward information to the design people and engineers so if there is anything that would be of interest or concern, he could forward it.

Mr. Zondag said there is not much that can be done to change the connection between Leroy Center and 86 short of taking the bend out of the road and going further west with it.

Mr. Gerber said he is not certain what design characteristics would be changed. He has driven that road and the vertical curve and the horizontal curves where stopping site distances decrease. Stopping site distance is the ability of the traveling public to stop in adequate time while someone is pulling out. There is a lot that needs to be concerned with and, unfortunately, he was not familiar with it. He appreciated the opportunity to be informed and asked to be kept in the loop.

Dave Novak of the Barrington Consulting group introduced himself. He said that there is some question as to how the road was classified and that plays a lot into the site distance. They were more than willing to move the driveway on the other side of the piece of property they do not own.

Mr. Siegel moved and Mr. Adams seconded the motion to approve Stein Farm Subdivision, Preliminary Plan with 77 lots on 165.17 Acres. There are 5 Preliminary Plan

Stipulations, 1 Preliminary Plan Comments, 10 Design Stipulations, 7 Design Comments, 17 Technical Stipulations, and 2 Technical Comments.

Eight voted "Aye".

Two voted "Nay".

Motion passed.

### Subdivision Activity Report

Mr. Radachy report on the following items:

- Summerwood Subdivision Phase 4 is in the process of building a new road. New plats will be coming in next month.
- The surveyor of Mountainside Farms said they are thinking of doing a fifth phase off of the new Karaboo Trail between Morley Road and Humphrey Hill. That will be coming in next month also.

### LAND USE AND ZONING

#### **Perry Township – District Change R to SR and B to B-1. Text amendment to Section 302.4E, changing R to SR.**

Mr. Radachy said the district change was a map change because Perry Township was doing a rewrite of the Zoning Resolution done in 2009. When the Planning Commission reviewed the new resolution, they recommended to the Township to do a map amendment from R to SR and B to B-1. If they did not do the change, then the R and B district would be legal non-conforming parcels because they did not have any regulations to govern them.

The text amendment to 304.4E was an oversight by the Township when they transferred the section from the old resolution to the new resolution.

Staff and the Land Use and Zoning Committee recommended approval.

Mr. Siegel moved and Mr. Pegoraro seconded the motion to accept the recommendation of the Land Use and Zoning Committee for the District Change R to SR and B to B-1 and the text amendment to Section 302.4E, changing R to SR.

All voted "Aye".

#### **Painesville Township – Text Amendments to Sections 5.07, 6.16, 22.02(E), 28.05 C, and 28.08**

Mr. Radachy said that the Township Zoning Commission sent a revision to the definition of fence. The definition will include walls and earthen mounds four feet in height

or more and excludes bushes and other plant materials. They are adding language to Section 6.16 that would not require a zoning certificate for fences that are part of landscaping and adding outdoor storage as a conditional use to the B-1 District in Section 22.02(E), adding language that would require applicants to comply with in Section 28.05 (C). They are also adding language that would allow electronic off-premise signs and general operation requirements in Section 28.05 (C). They are going to allow electronic message boards in B-2, B-3, I-1, I-2, and REC-3 but they are going to prohibit them in residential districts and prohibit scrolling and/or animated message copy in Section 28.08 (1).

Staff stated that these regulations are not addressed by the Painesville Township Comprehensive Plan.

The Land Use and Zoning Committee recommended the text amendments with the following changes:

Change fence definitions to read as follows:

- 5.57 FENCE: Any structure of any material or combination of materials with posts and the materials secured to those posts, that is designed to enclose land, divide land, create a barrier, limit access to or direct passage across land, provide screening, or protect against hazards. Hedges, shrubs, trees or other natural growth shall not be considered a fence.
- 5.58 FENCE, LANDSCAPE FEATURE: Any structure of any material or combination of materials with posts and the materials secured to those posts that is designed to be a decorative feature.
- 5.140 WALL: Any structure of any materials or combination of materials that does not rely on posts for support that is designed to enclose land, divide land, create a barrier, limit access to or direct passage across land, provide screening, or protect against hazard. Hedges, shrubs, trees or other natural growth shall not be considered a wall.
- 5.141 WALL, LANDSCAPE FEATURE: Any structure of any materials or combination of materials that does not rely on posts for support, and the structure is designed to be a decorative feature. Terraces, steps, and other similar improvements will not be deemed to be walls, landscape features.
- 5.69 GATE: A structure designed to allow access through a fence or a wall, but when closed, it performs the same function as a fence or a wall.
- 5.56 EARTHEN BERM: Any structure of any material or combination of inorganic natural materials such as, but not limited to dirt, sand or grass that is designed to enclose land, divide land, mark a boundary, create a barrier, limit access to or direct passage across land, provide screening, protect against hazard, or serve a decorative purpose. Hedges, shrubs, trees or other natural growth shall not be considered an earthen berm.

Amending Section 6.13 C 6 to read: Prohibited Fences: No Person shall erect or maintain:

- a. Any fence with a charged electrical current except as provided in 6.13(C)(5).
- b. A razor wire fence.
- c. A fence composed of or containing any of the following materials:
  - 1. Chicken wire

2. Pallets
3. Barbed wire
- 4. Earthen Berms**

Revise Section 6.16 13 to read: **13. Fence, landscape, or wall, landscape**

Approve the text amendment to section 22.02 (E) without change.

Revise Section 28.05 C (1) to read: Advertising signs are prohibited in residential districts and in any district with five hundred feet ~~street frontage~~ of any residential district **or use.**

Revise Section 28.08 to read: Electronic Message Boards are only permitted in the ~~Gateway Business District (B-1), (B-2), (B-3), (I-1), (I-2), (REC-3)~~ and Community Service/Institutional (CS) and must meet all requirements of the Painesville Township Zoning Resolution. **Electronic Message Boards are prohibited in all residential districts.** Delete the district name for CS and B-1.

Mr. Zondag recommended that the Commission comment on the fact that it is against the law to string a wire that is electrified to deter wild animals in residential areas. The intermittent electric fences have been a standard deterrent in many areas.

Mr. Radachy said there is a fence law in the Ohio Revised Code that deals with those issues.

Mr. Radachy said that there can be no regulation or comment as to the content of the message.

Mr. Siegel moved and Mr. Morse seconded the motion to accept the recommendation of the Land Use and Zoning Committee to approve the above changes to Text Amendments to Sections 5.07, 6.16, 22.02(E), 28.05 C, and 28.08.

All voted "Aye".

#### **Madison Township – Text Amendment to Section 101, Section 114 and Section 141**

Mr. Radachy said the Land Use and Zoning Committee recommends not adding the NAICS Codes to the definition section because it does not conform to the 2007 Comp plan. It makes the resolution longer than necessary and it is too difficult to look up the codes. The resolution will specify NAICS 2012 codes, but if someone refers to the wrong book, for example the 1998 code, it could give them the wrong uses and cause confusion. The codes are easier for the consumer to use, but harder for enforcement to use.

The codes have been updated in 1998, 2002, 2007 and 2012. There are major changes between the 2012 and 1998 codes. These are economic codes, not land use codes.

The Land Use and Zoning Committee recommended not adding the codes.

Mr. Siegel moved and Mr. Brotzman seconded the motion to accept the recommendation of the Land Use and Zoning Committee to not accept adding the NAICS codes to Section 101, 114 and 141 in Madison Township.

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

Mr. Radachy said there are minutes of the August 28, 2213 Coastal Plan Committee in the handouts.

#### CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

There was no new business.

#### PUBLIC COMMENT

There was no public comment.

#### ADJOURNMENT

Mr. Siegel moved and Mr. Adams seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 7:07 p.m.