

DATE: June 12, 2020

APPROVED BY: David J. Radachy, Secretary



## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**February 25, 2020**

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.

The following members were present: Messrs. Bernard (Alt. for Hamercheck), Brotzman, Reppert, Siegel, Valentic (Chair); VanBuren (Alt. for Cirino), and Veselko and Mmes. Collise (Alt. for Young) and Kurt (Vice Chair).

Planning Commission Officers present were: Historian Hausch and Secretary Radachy.

Planning and Community Development Staff present were: Mr. Rose and Ms. Andrews (Recording Secretary).

Visitors present: Kevin Hoffman, Polaris Engineering & Surveying (Topic of Interest: Fairway Pines Subdivision); Traci Salkiewicz, Lake County Engineering; and Todd Hausch.

### **CALL TO ORDER**

Chairman Valentic called the meeting to order at 5:37 PM.

### **ROLL CALL**

Roll call was taken. There were eight (8) voting members present. There was a quorum.

### **MINUTES**

Mr. Brotzman noted two (2) typographical errors on Page 8 relative to the spelling of "sub-watersheds."

Mr. Siegel moved and Ms. Kurt seconded the motion to approve the January 28, 2020 Minutes as amended.

All voted "Aye".  
Motion passes.

## **FINANCIAL REPORT**

### January 2020 Financial Report

Mr. Radachy reported that expenses for the month of January include supplies, contract services and postage. He reported that revenue for the month of January was \$900 in subdivision permits and lot split fees. Mr. Radachy stated the finances are in good order.

Mr. Reppert moved and Ms. Collise seconded the motion to accept the January 2020 Financial Report as submitted.

All voted "Aye".  
Motion passes.

## **PUBLIC COMMENT**

There was no public comment.

## **LEGAL REPORT**

Legal was not present. No report was given.

## **DIRECTOR'S REPORT**

Mr. Radachy reported on the following:

- Office Move Ongoing
  - Half of the staff has now moved into the new offices on the 4<sup>th</sup> floor of 105 Main Street (previous office location of the County Commissioners)
  - Mr. Radachy and Mr. Rose will be moved into their new office space by the end of the week
  - Phone numbers will remain the same
  - Planning Commission meetings will likely continue to take place in the new administration building

## **ANNOUNCEMENTS**

Mr. Radachy briefly reviewed information about the following upcoming conferences:

- April 30 and May 1 – Northeast Ohio Housing Conference
  - Organized by the Fair Housing Resource Center
  - Location: Four Points by Sheraton in Eastlake, Ohio
  
- June 5 – Northeast Ohio Planning and Zoning Workshop
  - Organized by the American Planning Association Ohio Chapter
  - Location: Punderson State Park in Newbury, Ohio
  - Planning Commission will cover the cost for Board Members to attend
  - More information regarding topics will be forthcoming

## **SUBDIVISION REVIEW**

### **Painesville Township – Fairway Pines Subdivision, Phase 3, Final Plat & Improvement Plans, 56 Lots, 41.0151 Acres**

Mr. Rose presented the Fairway Pines Subdivision, Phase 3, Final Plat & Improvement Plans. Palmieri Builders is the Developer and Polaris Engineering and Surveying is the Engineer/Surveyor. Fairway Pines Subdivision is a subdivision consisting of fifty-six (56) sublots, with an average lot size of 0.2313 of an acre, on 41.0151 acres of land, in the northeast section of Painesville Township. Phase 3 will have 24.5404 acres of open space, which is 59.83% of the site. The site, previously a golf course, is currently vacant and is zoned FPUD (Planned Unit Development). Land to the north of the site is zoned REC-3 (Recreational Commercial), R-1 (Single Family), and R-3 (Duplex Dwelling); land to the south is zoned R-3; land to the east is zoned R-4 (Multi-Unit Dwelling) and B-3 (Commercial); and land to the west is zoned FPUD.

Mr. Rose stated that Prestwick Path will eventually be extended into Phase 3 and noted the locations of the existing stormwater basins on the map. He stated that Muirfield Lane will extend to Bacon Road and will be the second of two access points into the subdivision. Mr. Rose stated that Sunriver Drive will extend and will become a different road after this phase is complete. He noted that Bethpage Lane will connect Prestwick Path to Sunriver Drive. Mr. Rose stated that the developer is proposing to place a detention basin above the lots located on Bethpage Lane and another stormwater basin off of Muirfield Drive. He stated that the developer is also proposing to combine two ponds into one single detention basin. Mr. Rose stated that there was some minor concern due to the CEI transmission easement and the location of several transmission towers in the area, but the detention basin will be located nearly in the previous footprint of the two existing ponds.

Below are the proposed stipulations and comments submitted:

## Final Plat Stipulations

1. The Home Owners Association listed in the local service drainage easement is not the Home Owners Association of this subdivision. It also is not the same HOA listed in other sections of the plat. *Lake County Planning and Community*
2. There are no temporary cul-de-sacs shown on this plat, the temporary cul-de-sac easement language is not necessary on the cover sheet. *Lake County Planning and Community Development*
3. This subdivision is subdividing two permanent parcel numbers. Area for being split for both parcel numbers shall be indicated on the plat. *Lake County Planning and Community Development*
4. The structure under the Muirfield Lane by sublots 113, 114, 121 and 122 is a road structure and not a stormwater facility. Currently it is shown to be in a stormwater easement. Please check with the County Engineer to determine if this is the proper easement for this structure. *Lake County Planning and Community Development*
5. The Stormwater Easement between sublots 121 and 122 is not clearly defined. *Lake County Planning and Community Development*
6. The easement names, language on the plat and depictions on the plat and improvements plans must be consistent. *Lake County Planning and Community Development*
  - a. HOA name and language to be consistent throughout plat, plans, and stormwater basin maintenance plans. *Lake County Stormwater Management Department*
  - b. Stormwater basin #6 easement is "Stormwater Management Drainage Easement" but plat language shows "Stormwater Management Easement". *Lake County Stormwater Management Department*
  - c. Easement language over Basin #5 not consistent with Language on Plat Title page. *Lake County Stormwater Management Department*
  - d. Easement to be over storm sewer pipe between sublots 151-152 to respective party. *Lake County Stormwater Management Department*
  - e. On Sheet 14, the easements on the west side of S/L 114 and between 115/116 should be local service drainage easements. *Lake County Stormwater Management Department*

## Improvement Plans Stipulations

1. Commissioner Cirino is not the President of the Board of Lake County Commissioners. Commissioner Hamercheck is the President. *Lake County Planning and Community Development*
2. Stormwater Management report for Phase 3 to be submitted for review. Report subject to review and revision. *Lake County Stormwater Management Department*
3. Utility lateral information to be included. *Lake County Stormwater Management Department*
4. Pertinent SWP3 data to be added to plans such as disturbance, percent pervious and impervious area for pre and post conditions, soil types, etc. Reference the OEPA SWPPP checklist for the current NPDES Construction General Permit for additional information. *Lake County Stormwater Management Department*
5. Stormwater Maintenance Plan language to be consistent with managing party/HOA name language on plat title page. *Lake County Stormwater Management Department*
6. Stormwater basins to meet Lake County Standards. *Lake County Stormwater Management Department*
7. Can Proposed Stormwater Basins 6 and 7 be located under CEI' overhead wires and partially in their easement area. Please confirm with CEI that you can have stormwater basin in their easement. *Lake County Stormwater Management Department*
8. Will the ponds that are to be filled require special fill material or compaction testing if they are to be built on? *Lake County Stormwater Management Department*
9. Was a hydraulic analysis conducted to determine the conveyance capabilities of the existing stream that runs under Muirfield Lane? *Lake County Stormwater Management Department*
10. Stormwater from the rears of lots 122-129 discharge off site undetained and untreated. *Lake County Stormwater Management Department*
11. Stormwater from the rears of sublots 158-163 on Prestwick Path discharge offsite untreated and undetained. *Lake County Stormwater Management Department*
12. Rears of sublots 132-134 drain offsite into existing ponds and drainage channel. *Lake County Stormwater Management Department*

13. Improvement Plans subject to detailed review and revision. Additional comments were provided to Planning and Community Development Staff. Those comments will be forwarded. *Lake County Stormwater Management Department*
14. Improvement Plans subject to detailed review and revision. *Lake County Sanitary Engineer*
15. Both the plat and improvement plans are subject to detail review by the Lake County Engineers Office. *Lake County Engineer's office*

### **Improvement Plans Comments**

1. SWCD has concerns with drainage issues resulting from existing poorly draining soils with high water tables (depth 0.0 to 0.5 of inch). *LCSWCD*

Staff recommends approval of the Fairway Pines Subdivision, Phase 3, Final Plat & Improvement Plans with the correction of all stipulations and comments.

Ms. Kurt asked for clarification as to the location of the community swimming pool.

Mr. Rose stated that the pool is already present and noted the location on the map.

Mr. Radachy stated that the pool is located in the footprint of the old clubhouse.

Mr. VanBuren stated that the early concept of this development included one giant basin because of all the stormwater runoff going into Lake Erie Shores and The Pines. He asked for clarification as to whether the combining of the two existing ponds is the early concept of the giant basin coming to fruition.

Mr. Rose stated that each phase of development for the subdivision is to operate its own stormwater system which would then flow into a regional detention basin. He noted that the regional detention basin will likely be located in the northwest corner of the site. Mr. Rose stated that there are five (5) phases to this subdivision, and the stormwater plan is being developed in phases as well.

Mr. Radachy stated that the developer provided a dedicated easement for a regional detention basin to the Painesville Township Trustees in the Phase 1 development of this subdivision. He stated that Painesville Township is earmarking its stormwater management funds to design a regional detention basin that will be constructed at a later date.

Ms. Salkiewicz, Lake County Engineering Department, stated that a preliminary plan for the regional detention basin has been completed.

Mr. Veselko asked for clarification as to whether the material between the two existing ponds would be excavated and whether the existing ponds would be deepened to increase capacity.

Mr. Hoffman, Polaris Engineering and Surveying, stated that plans include the excavation of the material in between the existing ponds. He noted that rather than excavating material from the existing ponds, the grade for the sides of the ponds will be increased. Mr. Hoffman noted that there are some spots in the back of the lots nearest to the ponds that will need to be filled.

Mr. Brotzman asked if the basins would be wet basins throughout.

Mr. Hoffman confirmed the basins will be wet basins.

Mr. Brotzman asked if stormwater would flow into the right-of-way at all.

Mr. Hoffman briefly reviewed the stormwater flow for the site noting that stormwater runoff would flow into the stream as well as to the basins.

Mr. Brotzman asked for clarification as to whether the phased stormwater plan means that stormwater from Phase 1 flows into Phase 2, and the Phase 2 stormwater flows into Phase 3, and so on.

Mr. Hoffman confirmed this to be the case.

Mr. Brotzman asked if the stormwater flow would be diverted via pipe or swale.

Mr. Hoffman stated that the stormwater flow would be piped.

Mr. Brotzman inquired as to the ambient water table for the property.

Mr. Hoffman stated the water table is fairly high. He noted that the road grades have been raised substantially, i.e. two (2) to three (3) feet from the existing grade. Mr. Hoffman stated that there are storm connections, and the sump pumps for the houses are being directly connected to the stormwater system.

Mr. Brotzman inquired as to whether there has been difficulty with installation of utilities due to the high water table.

Mr. Hoffman stated that has been no difficulty putting in the sanitary sewer, which tracks to the north. He stated that in the spring the property will be a little damp. Mr. Hoffman stated that he has heard of no difficulties relative to utility installation due to the high water table from either Ryan Homes or the contractor.

Ms. Salkiewicz stated there were some issues with the high water table in the first phase when the roadway was being constructed, but the utilities were able to be installed fairly easy. She noted there were very few high water table issues with construction in the second phase.

Mr. Brotzman noted that it was his understanding that when the property was originally cleared to construct the golf course, a number of pits were dug where stumps and other debris were buried. He inquired as to whether there have been any issues along these lines.

Ms. Salkiewicz stated they did not run into any of those types of issues.

Mr. Reppert stated there are three (3) pages of stipulations and comments noting that perhaps a vote on this matter today would be premature.

Mr. Radachy stated that the Board is to ensure that the improvement plans match the plat. He noted that the Lake County Engineer has jurisdiction, and this process takes months to complete. Mr. Radachy stated that the issues outlined in staff's stipulations and comments are not large issues. He noted that the only time he can recall that the Planning Commission did not recommend approval of subdivision improvement plans is when a developer wanted to construct a pump station in a flood plain.

Mr. Reppert read Stipulation 11, "Stormwater from the rears of sublots 158-163 on Prestwick Path discharge offsite untreated and undetained," and asked for clarification as to why this stipulation would not be considered significant. He stated that he believes three plus pages of stipulations and comments is significant.

Mr. Radachy stated it is not unusual. He noted that if the final plat and improvement plans are approved by the Lake County Planning Commission today, they would not become final until the several Lake County departments also approve them. Mr. Radachy noted that all issues in the stipulations and comments would be rectified before that approval will occur. He noted that, given the process in place, delaying this matter for another month does not make sense.

Mr. Brotzman stated that there have been a number of proposals in the past where the Board has had a lot of concerns and so preapproval meetings took place. He asked if there have been any preapproval meetings in this matter.

Mr. Radachy stated that preapproval meetings have not occurred in this case. He noted that staff would welcome the opportunity to bring all the relevant parties together for such a meeting before the plat is submitted to the reviewing agencies.

Mr. Brotzman asked if perhaps some of these issues might have been able to be mitigated prior to this meeting.

Mr. Radachy stated if the final plat and improvement plans are approved today, the developer still has plenty of time to correct any issues. He noted that the stipulations and comments are mostly meant for the Lake County Engineer to facilitate his review.

Ms. Kurt asked for clarification on the review process.

Mr. Radachy briefly described the subdivision final plat and improvement plans review process. He stated that the entire process takes six (6) months to a year.

Mr. VanBuren stated that it makes sense to approve the final plat and improvement plans with a condition that all stipulations and comments be incorporated.



Mr. Brotzman read Improvement Plan Comment 1, "SWCD has concerns with drainage issues resulting from existing poorly draining soils with high water tables (depth 0.0 to .05 of an inch)," noting that this sounds like a pond.

Mr. Radachy stated that it is only a comment; not a stipulation. He noted that there have been very few issues installing utilities. Mr. Radachy stated that the Lake County Planning Commission cannot prevent building on certain lots or from constructing basements.

Mr. Brotzman asked for clarification as to whether a lot with a water table depth of 0.0 to .05 of an inch would be considered a buildable lot.

Mr. Valentic inquired as to how many houses have already been built in the previous two (2) phases.

Mr. Radachy stated that there have been approximately one hundred (100) houses built in the first two (2) phases.

Mr. Brotzman inquired as to whether the water table depths were the same in the first two (2) phases as they are in this third phase.

Mr. Radachy stated he believes this to be the case.

Mr. Brotzman stated that in the years he has served on this Board he does not recall ever seeing a comment about a 0.0 to .05 of an inch water table.

Mr. VanBuren moved and Mr. Siegel seconded the motion to approve the Fairway Pines Subdivision, Phase 3, Final Plat & Improvement Plans with the correction of all stipulations and comments.

All voted "Aye".  
Motion passes.

### **Subdivision Activity Report**

Mr. Radachy reported on the following subdivision activity during the past month:

- Fairway Pines Phase 2, Painesville Township – Recorded; Construction of homes is underway
- Lilly Farms, Concord Township – Construction has begun.
- Quail Hollow 10, Concord Township
  - Met with Pulte Homes to review process for obtaining house permits once Quail Hollow No. 10, Phase 1A is recorded
  - Performed a walk-through relative to the road, which is very close to being accepted into maintenance
- Updated the Concord Township Subdivision Activity Map

- Began assisting a developer get two (2) subdivisions approved (one in Willoughby and one in Mentor) by the Lake County Prosecutor and the Lake County Commissioners
- He noted that there is no subdivision activity in Leroy, Madison or Perry Townships at this time

Mr. Brotzman stated that the old Schooner’s Cove property is being cleared.

Mr. Radachy stated he would look into the matter.

Mr. Siegel inquired as to whether Mr. Radachy had received any calls from developers relative to the old Booth Farm. He noted that there has been discussion that the property on both sides of Highway 84 will be developed.

Mr. Radachy stated that the north side of Highway 84 is Perry Village, and there is a flood zone located there. He noted that the other side would fall into the jurisdiction of the Lake County Planning Commission but there is no sanitary sewer.

## **LAND USE AND ZONING REVIEW**

### **Painesville Township – Zoning District Amendment from R-1, Single Family to B-1, Gateway Business**

Mr. Rose stated that the proposed district amendment was brought by Painesville Township. He stated that the proposed zoning district change involves a portion of the parcel on which Hadden Elementary School is located. Mr. Rose noted that Painesville Township Zoning Commission would like to rezone 4.16 acres of the existing parcel from R-1, Single Family to B-1, Gateway Business. He stated that the site and all the surrounding land is zoned residential. Mr. Rose noted that several changes to the Purchase Agreement for Painesville Township to acquire the property from Riverside Local Schools were required due to errors. He reviewed the major points of the proposed district amendment to include the following:

#### **AMENDMENT SUMMARY**

- The Comprehensive Plan recommends rezoning to CS, Community Service.

#### **STAFF NOTES**

- Currently, the school is a legal non-conforming use.
- If the building is not used as a school before July 1, 2021 the non-conforming status will expire.

- The proposed district zoning change will bring it into compliance with the zoning code.
- The land adjacent to the property along Mentor Avenue is zoned B-1.

Staff recommends approval of the proposed zoning district amendment.

Mr. Radachy stated that some of the land to the east and west is zoned B-1. He noted that, while this zoning district change is not consistent with the Comprehensive Plan, it makes sense to rezone to B-1 as this is consistent with surrounding zoning and will allow for more uses for the property. Mr. Radachy noted that rezoning to B-1 will make the property more valuable for the school district.

Mr. Valentic asked for confirmation that the back half of the property will remain a park.

Mr. Radachy confirmed this to be the case. He noted that there is language in the Purchase Agreement for Painesville Township to acquire the back half of the property for the park and the front portion of the property must be rezoned to B-1.

Mr. Rose confirmed this to be the case noting that this language was not present in the initial Purchase Agreement and had to be added. He stated that this proposed zoning district change is to fulfill that which was memorialized in the corrected Purchase Agreement, i.e. the front half of the parcel must be rezoned to B-1.

Mr. Reppert noted that the property should perhaps be surveyed first and then rezoned.

Mr. Radachy stated that the property does not need to be surveyed in order to make a zoning district change as minor clarifications can be added later. He noted that the role of the Lake County Planning Commission is to make recommendations to Painesville Township. Mr. Radachy stated that Painesville Township does not have to incorporate any recommendations made by the Lake County Planning Commission.

Mr. Rose noted that the Lake County Planning Commission recommended that a survey be done and that the back half of the property be rezoned to Recreation.

Mr. Bernard stated that the survey has been completed but the deed has not yet been recorded.

Mr. Radachy stated that the worst case scenario is if the lines do not match, Painesville Township will have to convene another public hearing and then come back to the Lake County Planning Commission.

Mr. Siegel moved and Mr. Bernard seconded the motion to approve the proposed zoning district change with the incorporation of all comments and recommendations.

All voted "Aye".  
Motion passes.

## **REPORTS OF SPECIAL COMMITTEES**

There were no reports of special committees.

## **CORRESPONDENCE**

There was no correspondence.

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

Mr. Brotzman noted that he read in the newspaper about Camp Stigwandish being put up for sale. He stated that the entirety of the property is located within the boundaries of Lake County.

Mr. Radachy concurred that the entirety of Camp Stigwandish is located within Lake County boundaries. He noted that the property is a legal non-conforming use because the camp was constructed in 1930 prior to Madison Township zoning laws. Mr. Radachy stated that Madison Township would like to rezone the property to AR and partition it into lots. He noted that there is a quirk in Madison Township zoning laws that if a property is under common ownership the township considers it to be one parcel. Mr. Radachy stated that if Madison Township wants to divide the property, they will have to submit plans for either lot split or subdivision review to the Lake County Planning Commission. He stated that Madison Township Council has indicated the property will be divided into lots and has submitted a preliminary plan for division of the property. Mr. Radachy stated that Madison Township is proposing thirteen (13) parcels with legal descriptions and parcel numbers. He stated that, under the Auditor's rules, there is a possibility to transfer lots without frontage to existing property owners via easement. Mr. Radachy noted that should a property owner then wish to build a house on the lot with no frontage, Madison Township would deny the zoning permit because it does not meet zoning requirements.

Mr. Siegel inquired how many acres are involved in the sale.

Mr. Radachy stated that the property is 350 acres.

Mr. Brotzman asked for more clarification as to the transfer of lots by easement.

Mr. Radachy stated that each lot has to have acreage and frontage to be considered a lot of record. He noted that a portion of the proposed thirteen (13) lots do not have frontage. Mr. Radachy stated that the Auditor can transfer the lots without frontage to existing property owners; but because said lots without frontage do not meeting zoning requirements, any building permit requested to build on said lot would be denied by Painesville Township Zoning.

Mr. Siegel stated there is no sewer or water utilities.

Mr. Brotzman asked how a previous similar situation in Madison Township had been handled whereby the frontage was kept and the back half of the property was then able to be sold to the Lake Metroparks.

Mr. Radachy stated that a Lot Line Adjustment was completed. He noted that Lake County Soil and Water Conservation has purchased small parcels on both ends of the property. Mr. Radachy stated that if Lake County Soil and Water Conservation wishes to purchase some of the property in between the lots, they can then attach it to their existing property. He noted that the Lake Metroparks could purchase a lot without frontage by applying for a variance from Madison Township Board of Zoning Appeals. Mr. Radachy stated that a lot can be created without frontage, but a variance is required and there will need to be a very good reason for that variance.

Mr. Siegel asked how much frontage the property has.

Mr. Radachy stated that the property has 2,100 feet of frontage, which is about nine (9) of the proposed thirteen (13) lots. He noted that lots with no frontage can only be transferred rather than parceled. Mr. Radachy stated that the lots with no frontage cannot be used for anything. He stated that he has been in contact with Madison Township and the Lake Erie Council to discuss permitted uses in the zoning district so as to avoid any issues in the future. Mr. Radachy stated that Madison Township Council knows that commercial use is not a permitted use for the district.

Mr. Brotzman inquired as to whether the entire property is zoned Agriculture.

Mr. Radachy confirmed this to be the case. He noted that Lake Metroparks was approached about buying the property, but Lake Metroparks does not want to buy the buildings.

Mr. Brotzman inquired as to whether a buyer could define the area they wish to purchase.

Mr. Radachy confirmed this to be the case noting that as long as it meets zoning requirements, i.e. frontage and acreage, the property can be split. He noted that Lake County Soil and Water Conservation and Lake Metroparks own a conservation easement on the property.

Mr. Brotzman inquired as to whether the conservation easement has a term.

Mr. Radachy stated that the conservation easement is open-ended. He noted that there is language contained in the conservation easement that it can be used for hiking by the general public.

## **PUBLIC COMMENT**

There was no further public comment.

## **ADJOURNMENT**

The February 25, 2020 meeting of the Lake County Planning Commission was adjourned at 6:23 P.M. by consensus.