

DATE: May 26, 2020

APPROVED BY: David J. Radachy, Secretary



MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

April 28, 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 answered roll call: Messrs. Bernard (Alt. for Hamercheck), Brotzman, Perkovich, Reppert, Siegel, Valentic (Chair); VanBuren (Alt. for Cirino), and Veselko, and Mmes. Cossick, Collise (Alt. for Young) and Kurt (Vice Chair).

Planning Commission Officers present were: Secretary Radachy.

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

Visitors present: David Novak, Barrington Consulting Group (Topic of Interest – Stoneridge Estates, Phase III) and Heather Freeman, Planning and Zoning Director - Concord Township (Topic of Interest: Concord Township Zoning Amendments)

CALL TO ORDER

Chairman Valentic called the meeting to order at 5:38 PM.

ROLL CALL

Roll call was taken. There were ten (10) voting members present. There was a quorum. Mr. Radachy stated, for ease of record keeping, all votes would be done by roll call vote.

MINUTES

Ms. Kurt moved and Mr. Reppert seconded the motion to approve the April 7, 2020 Minutes.

Mr. Radachy took a roll call vote as reflected below:

Mr. Bernard abstained.
Mr. Brotzman abstained.
Ms. Collise voted "Aye".
Ms. Cossick voted "Aye".
Ms. Kurt voted "Aye".
Mr. Perkovich voted "Aye".
Mr. Reppert voted "Aye."
Mr. Siegel abstained.
Mr. VanBuren voted "Aye".
Mr. Veselko voted "Aye."

Motion passes.

FINANCIAL REPORT

March 2020 Financial Report

Mr. Radachy reported that the majority of expenses for the month of March was due to postage. He reported that revenue for the month of March was \$700 in subdivision permits and lot split fees.

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

Mr. Radachy took a roll call vote as reflected below:

Mr. Bernard "Aye".
Mr. Brotzman "Aye."
Ms. Collise voted "Aye".
Ms. Cossick voted "Aye".
Ms. Kurt voted "Aye".
Mr. Perkovich voted "Aye".
Mr. Reppert voted "Aye."
Mr. Siegel abstained "Aye".
Mr. VanBuren voted "Aye".
Mr. Veselko voted "Aye."

Motion passes.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no Legal Report.

DIRECTOR’S REPORT

There was nothing to report.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B)

Mr. Siegel moved and Ms. Kurt seconded the motion to take the Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B) from the table.

Mr. Radachy took a roll call vote as reflected below:

- Mr. Bernard "Aye".
- Mr. Brotzman "Aye."
- Ms. Collise voted "Aye".
- Ms. Cossick voted "Aye".
- Ms. Kurt voted "Aye".
- Mr. Perkovich voted "Aye".
- Mr. Reppert voted "Aye."
- Mr. Siegel abstained "Aye".
- Mr. VanBuren voted "Aye".
- Mr. Veselko voted "Aye."

Motion passes.

Mr. Rose presented the Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B). Mentor Farms, LLC is the Developer and Barrington Consulting Group is the Engineer/Surveyor. Mr. Rose noted that the subdivision consists of thirty-two (32) sublots, with an average lot size of .5 acres, on 37.35 acres of land. He stated that the site is zoned R-2 RCD (Residential Conservation Development) and that all land surrounding the site is zoned R-4 (Residential). Mr. Rose stated that the variance request is for preliminary grading and would allow the developer to grade the land to the point where he could start installing the final improvements. He noted that the developer has requested a variance due to the challenging grade and cross grade of the site, which will require large cuts and fills and will take several months to complete. Mr. Rose

stated that the developer also anticipates rock to be an issue on this site, which will result in more time required to install waterlines, sanitary sewer lines and storm sewer elements. He noted that this grading would be done while the improvement plans are being reviewed and approved by various agencies.

Mr. Rose stated that the proposed revised preliminary grading plan is based on the improvement plans for the subdivision and survey data. He stated that the final plat has not been submitted for approval, and the improvement plans have not been submitted for determination that they correspond to the final plat. Mr. Rose reviewed the major points of the variance request, to include the following:

SUBDIVISION DEFICIENCIES PER AGENCY'S STANDARDS OR REGULATIONS

1. The title of the plans for this variance request does not convey what the purpose of the plans. *LC Planning and Community Development*
2. A preliminary grading plan that exceeds 1 acre of disturbance will require an NOI and coverage under the NPDES Construction General Permit. *Storm Water Management and LCSWCD*
3. Show stream crossing details during the grading. *LCSWCD*
4. Protection of designated watercourses, wetlands and riparian setbacks are a concern for the Township.
5. Natural area protection fencing should be erected on the site wherever soil disturbing activities are proposed with 10 feet of the boundary of the riparian setback. Concord Township Zoning Resolution Section 17.05(C). *Concord Twp.*
6. The riparian setback from the boundary of the wetlands shall be provided, per Concord Township Zoning Resolution Section 17.04(D)(4)(b). It appears grading proposed between sublots 28 and 29, and near subplot 27 does not meet the required setback. *Concord Twp.*
7. A 30 ft. riparian setback from the boundary of the wetland located in the open space between sublots 20 and 21 shall be provided, per Section 17.04(D)(4)(b). The grading and natural protection fencing will need to be adjusted. This was stated by the Township at the time of approving the Township preliminary plan. It was also a deficiency mentioned by the Township at the time the Planning Commission approved the preliminary plan. *Concord Twp.*
8. There is a concern that if the site is approved for the variance without a designated work area, the grading will dictate the conditions for the future plan review rather than the plan dictating the grading. *LC Engineer*
9. Grading the entire site without an approved plan could impact the design of the detention ponds, utilities and roadway. *LC Engineer*

10. By approving the grading for the variance plan, the Lake County Engineer's Office does not relinquish the ability to provide a more detailed review of the plans. *LC Engineer*
11. Please provide drainage area maps and stage/storage report for basins to verify adequate sediment and dewatering volumes are provided. *Lake County Stormwater Management*
12. Please provide a diversion dam detail. *Lake County Stormwater Management*
13. Disturbance limit on Page 5 doesn't match the number on other pages. *LC Stormwater Management*
14. Skimmer detail on page 6 shows a section of 18" pipe connected to the catch basin but design on page 5 shows a 24". Please verify. *Lake County Stormwater Management*
15. Skimmer detail on page 7 shows a 24" pipe connected to downstream end of outlet structure but design on page 5 shows it as an 18" pipe. Please verify. *Lake County Stormwater Management*
16. Plans subject to detailed review and revision. *Lake County Stormwater Management*
17. Evaluate the need for rock check dams or velocity dissipating practices in the rear yard swales conveying water to the sediment basins to help minimize risk of erosion.
 - a. Please provide necessary details if implemented on the plans. *LC Stormwater Management*
18. The diversion dams don't appear to have clear positive fall for them to convey water to the basin while going across rolling elevations. *Lake County Stormwater Management*

REVIEW AGENCIES COMMENTS

1. Preliminary grading in regards to a subdivision usually means removing stumps and grading the land in order to make sure water does not sit on the site. *LC Planning & Community development*
2. If a preliminary grading plan is to be considered for review without the installation of improvements at this time, a preliminary grading plan and updated Stormwater Pollution Prevention Plan would need to be submitted that does not include improvements but includes information such as existing and proposed contours, routing of stormwater, compliance with NPDES and County regulations, Best Management Practices, etc. *Storm Water Management*

3. Plans do not show a proposed culvert or crossing over the existing stream. *Storm Water Management*
4. Will the diversion dam have a crossing area for equipment to move across without damaging the dam/affecting the drainage function? *Storm Water Management*
5. Township is concerned about additional disturbances to open space areas for detention basins and other soil disturbing activities that have not yet been approved by Storm Water. These areas may not need to be impacted once the final improvement plans are approved. *Concord Twp.*
6. Section 16.24(C)(4) of the Concord Township Zoning Resolution states: Any area within the designated open that is disturbed during construction or otherwise not preserved in its natural state, other than common areas such as required setback areas and both sides of new streets, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. *Concord Twp.*

EFFECT ON PUBLIC INTEREST

Grading could cause some erosion issues.

EFFECT ON IMPAIRING INTENT AND PURPOSE OF REGULATIONS

Grading is part of the improvement installation. This variance, without proper review and control, could nullify those regulations if granted for the wrong reason.

STIPULATIONS

1. The amount of engineering work is too much to allow a grading variance without full review. The developer will work with County Engineer, Storm Water Management and Soil and Water Conservation District to complete a full review of the plans. Grading will not begin until plans are signed by the reviewing agencies.
2. Signature line for Planning Commission Secretary will be added.
3. Change the name of the plans from "Stormwater Pollution Prevention Plan (SWP3)" to Preliminary Grading Plan for Article I Section 4 Variance for Stoneridge Estates Phase III".
4. The grading shall adhere to Township zoning, including but not limited to:
 - a. Natural area protection fencing should be erected on the site wherever soil disturbing activities are proposed with ten (10) feet of the boundary of the riparian setback.
 - b. A 30 ft. riparian setback from the boundary of the wetland located in the open space between Sublots 20 and 21 shall be provided.

5. An acknowledgement from the developer/property owner that these plans will not dictate the final design of roads or storm water design for this subdivision will be placed on the cover sheet. It will be signed and notarized. Language will be provided from Lake County Planning and Community Development.

Staff recommends the approval of the Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B) with the incorporation of all stipulations and comments.

Mr. Brotzman asked for clarification as to the type of grading and natural protection fencing that was referred to throughout the variance request.

Mr. Radachy stated that this type of fencing is bright orange and is placed to keep excavators from going into natural areas.

Mr. Brotzman noted that this is just a visual signal and requested clarification as to whether the fencing would be the typical curtain fencing for disturbed soil protection.

Mr. Radachy stated he believes this to be the case. He noted that another type of fencing, black fencing two (2) feet high, will be used for soil erosion control.

Mr. Novak, Barrington Consulting Group, stated that in the areas where wetlands and streams need protection, orange construction fencing with steel fence posts will be placed. He noted that in other areas, to control soil erosion on the site, divergent dams and swales are being constructed to direct water into sediment basins. Mr. Novak stated that soil fencing could be used in those areas but silk sock would likely be used as it is easier to work with. He stated that the stipulations have been reviewed and agreed to. Mr. Novak stated that, in his estimation, 120,000 yards of dirt must be moved to make the site workable. He noted that this process will take several months. Mr. Novak stated that the COVID-19 situation has caused delays in getting approvals from Ohio EPA relative to sanitary sewer lines and waterlines. He stated that he is hopeful the necessary approvals will be received soon so that the project will continue to move forward.

Mr. Brotzman inquired as to how much soil cover of the underlying bedrock is contained on the site given this much elevation change.

Mr. Novak stated that closer to Girdled Road the soil cover is approximately twelve (12) feet, and in some other areas it is less than that. He noted that it is anticipated that digging through rock will be required in order to install some water lines and underground utilities.

Mr. Brotzman asked for clarification as to whether individual building sites would be required to excavate down into rock.

Mr. Novak stated that there may be some lots on the east side of the site that would be required to excavate down into rock, but it is rock that is fairly easy to dig into. He noted that the plan is to grade and prepare the entire site in such a manner so that each "lot pad" is balanced and ready for a builder to build.

Mr. Valentic asked for a review of the stipulations.

Mr. Rose reviewed the stipulations.

Mr. Siegel moved and Mr. Bernard seconded the motion to approve the Concord Township – Stoneridge Estates, Phase III, Variance on Article 1, Section 4(B) with the incorporation of all stipulations and comments.

Mr. Radachy took a roll call vote as reflected below:

Mr. Bernard "Aye".
Mr. Brotzman "Aye."
Ms. Collise voted "Aye".
Ms. Cossick voted "Aye".
Ms. Kurt voted "Aye".
Mr. Perkovich voted "Aye".
Mr. Reppert abstained.
Mr. Siegel voted "Aye".
Mr. VanBuren voted "Aye".
Mr. Veselko voted "Aye."

Motion passes.

SUBDIVISION ACTIVITY REPORT

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

- Quail Hollow 10, Concord Township
 - Filed; Construction of homes is underway
 - Road is being completed; May 1 deadline for installation of temporary cul-de-sac
 - Mr. Radachy will follow up to confirm developer is on schedule
 - Exploration of taking the surety likely to be discussed at the next Board meeting
- West Jackson Street Estates, Painesville Township
 - Developer requested zoning be changed to duplexes; Request was denied
 - Pre-application meeting will be held soon
 - Preliminary Plan should come before the Board sometime late summer

LAND USE AND ZONING REVIEW

Concord Township – Proposed Zoning Text Amendments to Sections 5 and 15.04, and Tables 15.04-1 and 15.02-1 (Resubmitted from Concord Township)

Mr. Radachy stated that just prior to the meeting this evening, Ms. Freeman (Planning and Zoning Director - Concord Township) informed him that she was in receipt of an email from the applicant noting that he plans to table the matter on Tuesday, May 5, in Concord Township. He noted that the Lake County Planning Commission still may review the matter this evening and provide recommendations and comments to Concord Township, if the Board would like to do so.

Mr. Siegel moved and Mr. VanBuren seconded the motion to table the Concord Township – Proposed Zoning Text Amendments to Sections 5 and 15.04, and Tables 15.04-1 and 15.02-1 to the next available meeting.

Mr. Radachy took a roll call vote as reflected below:

Mr. Bernard "Aye".
Mr. Brotzman "Aye."
Ms. Collise voted "Aye".
Ms. Cossick voted "Aye".
Ms. Kurt voted "Aye".
Mr. Perkovich voted "Aye".
Mr. Reppert voted "Aye."
Mr. Siegel abstained "Aye".
Mr. VanBuren voted "Aye".
Mr. Veselko voted "Aye."

Motion passes.

Concord Township – Proposed Zoning District Amendment of 29.6270 Acres of Land from R-1 to R-2 RCD

Mr. Rose stated that the proposed zoning district amendment was brought by Concord Township and initiated by Sommers Real Estate Group, LLC. He noted that land to the north, east and west of the site is zoned residential. Mr. Rose stated that land to the south is also zoned residential but is located in Chardon Township, Geauga County. He stated that the site and land to the north is currently vacant but that there are single family homes located to the east, west and south of the site. Mr. Rose stated that there is an acreage issue with the property as the plans state they have 29.65 acres but Lake County records show only 28.55 acres. He reviewed the major points of the proposed zoning district amendment, to include the following:

COMPREHENSIVE PLAN

- There is no recommendation for this property in the 2015 Comprehensive Plan.
- The 2004 Comprehensive Plan recommended that the Township encourage the use of RCD Development.

STAFF NOTES

- There are several stream crossings and several wetlands on the property.
- There is an acreage issue with the property. The plans state that they have 29.65 acres. County Records state 28.55 acres. The issue will effect density.
- The yield plan can support 43 sublots despite having some issues.
- The yield plan meets subdivision standards for block length and cul-de-sac length.

- The yield plan shows wetlands being filled to provide building sites. This is an option that can be done per Army Corps of Engineers Regulations if the property owners wish to pay for wetlands mitigation, and we can consider these lots to be buildable. This practice is discouraged and usually not economically viable for actual subdivision. Economic viability may not be a condition that could be viewed while viewing this plan.
- Thompson Court would need a variance not to have a temporary cul-de-sac.
- The cul-de-sac location is not recommended. The grade in the area would make it too difficult to install. Staff would recommend moving the cul-de-sac to the south and reconfiguring the lots. Staff could still see five (5) sublots at the end if the open space and lots are reconfigured. We do not see a reduction in the yield plan numbers.
- Sommers Court on the RCD plan would need a variance for no temporary cul-de-sac if the RCD plan is submitted as preliminary plan.
- The RCD plan meets the subdivision requirements for block length and cul-de-sac length.
- The RCD plan protects the large wetland and the streams better than a standard subdivision.
- This is not a subdivision approval. The design may change when the preliminary plan and final plat are filed.

Staff recommends approval of the proposed zoning district amendment.

The Land Use and Zoning (LUZ) Committee concurs with staff.

Ms. Freeman stated that a previous version of the plan was reviewed by the Concord Township Zoning Board and the Concord Township Trustees the beginning of March. She noted that the current plan is much better, but Concord Township still has some concern regarding the number of lots that would be considered reasonable under the yield plan. Ms. Freeman stated that discussions are ongoing about whether it makes sense to mitigate all the wetlands in order to get 43 lots on this yield plan. She noted that there is an anticipation that modifications to the zoning text will be required in the future in order to preserve a little more open space.

Mr. Valentic stated he does not believe the yield plan is realistic.

Mr. Brotzman noted he also has issues with the yield plan. He noted that there is a reference to a turnaround easement on the east side of property where Thompson Court comes up to the neighboring property and asked for clarification as to what will be built there.

Mr. Radachy stated that the reference is to a proposed 60-foot hammerhead, which will require a variance.

Mr. Valentic noted that the hammerhead is shown in the open space.

Mr. Brotzman inquired as to whether a fully improved, permanent hammerhead would be constructed.

Mr. Radachy confirmed that it will be a fully improved hammerhead, and the Lake County Planning Commission will have to vary the regulations to allow for this construction.

Ms. Freeman inquired as to whether the turnaround is temporary or permanent.

Mr. Radachy stated that the turnaround is temporary, but it is required to be improved with standard concrete rather than gravel.

Mr. Brotzman inquired as to who would be granting the easement.

Mr. Radachy stated that the property owner, when he declares the subdivision final, will grant the easement to Concord Township.

Mr. Brotzman commented that the easement looks to be within the open space component of the subdivision.

Mr. Radachy confirmed that the temporary easement is within the open space area, and it is in an area that is not included in the final calculation for open space requirements.

Mr. Brotzman asked for clarification relative to the increment of change between topographical lines.

Mr. Radachy stated he believes it is two (2) feet.

Mr. Brotzman noted that some lots will not have much of a backyard.

Mr. Valentic stated there are still some issues and some of the lots are questionable, but the matter before the Board this evening is whether or not to allow the rezoning.

Mr. Radachy concurred with Mr. Valentic.

Mr. Perkovich noted that the RCD plan is a far better plan than the R-1 yield. He noted that the building footprint of each proposed building site is larger in the RCD plan, which will ultimately allow for a nicer house.

Mr. Siegel moved and Mr. Brotzman seconded the motion to accept the recommendation of the Land Use and Zoning Committee.

Mr. Radachy took a roll call vote as reflected below:

Mr. Bernard "Aye".
Mr. Brotzman "Aye."
Ms. Collise voted "Aye".
Ms. Cossick voted "Aye".
Ms. Kurt voted "Aye".
Mr. Perkovich voted "Aye".
Mr. Reppert abstained.
Mr. Siegel voted "Aye".
Mr. VanBuren voted "Aye".
Mr. Veselko 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. Radachy provided an update about Census 2020 noting that Lake County is in the top 2% in the nation for census response. He stated that Concord Township had the highest initial response rate with Mentor and Kirtland coming in second and third, respectively. Mr. Radachy stated that the effort to get all households to complete the census is ongoing, and he is very pleased with the results from the efforts of the Census Committee.

PUBLIC COMMENT

There was no further public comment.

ADJOURNMENT

The April 28, 2020 meeting of the Lake County Planning Commission was adjourned at 6:26 P.M. by consensus.