

DATE: October 1, 2020

APPROVED BY: David J. Radachy, Secretary



MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

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

Planning Commission Officers present were: Secretary Radachy.

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

Visitors present: Richard Sommers, Colburn Development, LLC (Topic of Interest: Eagle Point Subdivision), Greg Sommers, Colburn Development, Keith Mitchell, Palmieri Enterprises (Topic of Interest: Fairway Pines Subdivision Phases 3A and 3B), Heather Freeman, Concord Township Zoning (Topic of Interest: Eagle Point Subdivision), Andy Rose, Concord Township Administrator (Topic of Interest: Eagle Point Subdivision), and Traci Salkiewicz, Lake County Engineering Department.

CALL TO ORDER

Chairman Valentic called the meeting to order at 5:33 P.M.

ROLL CALL

Roll call was taken. There were ten (10) voting members present. There was a quorum.

MINUTES

Mr. VanBuren moved and Mr. Veselko seconded the motion to approve the June 30, 2020 Minutes as written.

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

Mr. Bernard – Aye
Mr. Brotzman – Aye
Ms. Collise – Aye
Ms. Cossick – Aye
Ms. Kurt – Aye
Mr. Perkovich – Aye
Mr. Reppert – Abstain
Mr. Siegel – Abstain
Mr. VanBuren – Aye
Mr. Veselko – Abstain

Motion passes.

FINANCIAL REPORT

June/July 2020 Financial Reports

Mr. Radachy reported that expenses for the month of June and July 2020 involved costs associated with supplies, contract services, printing, and postage. He reported that revenue for the months of June and July 2020 was \$2,400 in subdivision permits and lot split fees. Mr. Radachy stated that the finances are in good order, and he has recently submitted the proposed budget for 2021. He stated that some necessary adjustments have been made in the 2020 budget to finish out the year. Mr. Radachy stated that because there is much more work on the CDBG side (due to the CARES Act), he has shifted some of Ms. Myers' clerical responsibilities to include assisting staff with CDBG matters.

Mr. Brotzman asked for clarification as to whether the changes have enabled the staff to remain at full capacity.

Mr. Radachy confirmed this to be the case.

Mr. Siegel moved and Mr. Perkovich seconded the motion to accept the June and July 2020 Financial Report as submitted.

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

Mr. Bernard – Aye
Mr. Brotzman – Aye
Ms. Collise – Aye
Ms. Cossick – Aye
Ms. Kurt – Aye

Mr. Perkovich – Aye
Mr. Reppert – Aye
Mr. Siegel – Aye
Mr. VanBuren – Aye
Mr. Veselko – Aye

Motion passes.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no Legal Report.

DIRECTOR'S REPORT

Mr. Radachy reported on the following:

- Census 2020
 - Will be coming to a close soon
 - Lake County has a 76% response rate, which is one of the highest responding counties in Ohio as well as the nation
 - Concord Township, Leroy Township and the City of Mentor had the highest response rates in Lake County
- Leroy Township Board of Zoning Appeals (BZA)
 - Hemlock Ridge Subdivision was accepted by the Planning Commission and recorded in 1998
 - Leroy Township made changes to its zoning legislation since the Hemlock Ridge Subdivision was recorded
 - The Leroy Township BZA requested assistance with the handling of front setback and lot size variances, as well as grandfathered lots, for the Hemlock Ridge Subdivision
- Vrooman Road
 - The public hearing for the Vrooman Road name change petition is on the Agenda for the Board of Commissioners meeting on Thursday morning
 - Discussion will include the proposition of renaming the existing section of Vrooman Road to Vrooman Road Extension once the bridge is complete

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Painesville Township – Fairway Pines Subdivision, Phase 3A, Resubmitted Final Plat, 29 Lots, 24.3789 Acres and Fairway Pines Subdivision, Phase 3B, Resubmitted Final Plat, 27 Lots, 16.6359 Acres

Mr. Radachy presented the Fairway Pines Subdivision, Phase 3A and 3B, Resubmitted Final Plats. Palmieri Builders is the Developer and Polaris Engineering and Surveying, Inc. is the Engineer/Surveyor. Mr. Radachy stated that the matter originally came before the Planning Commission in February of 2020 as a single plat, Fairway Pines Subdivision – Phase 3 Final Plat and Improvement Plans, which was a total of 56 Lots on 41.0151 acres of land. He noted that, due to the economy, the developer has since opted to split the plat into two (2) plats, 3A and 3B. Mr. Radachy stated that the majority of the stipulations identified from the Phase 3 review in February 2020 have been corrected. He noted that a set of improvement plans for each phase will be required. Below are the proposed stipulations and comments submitted for both phases:

FINAL PLAT STIPULATIONS – PHASE 3A

1. The improvement plans shall conform to the proposed final plat. *Lake County Planning and Community*
2. Missing curve data and open space border needed to be better defined. *Lake County Engineer and Lake County Tax Map*

FINAL PLAT COMMENTS – PHASE 3A

1. Surveyor made corrections per Tax Map Comments. *Lake County Planning and Community Development*

FINAL PLAT STIPULATIONS – PHASE 3B

1. The improvement plans shall conform to the proposed final plat. *Lake County Planning and Community*
2. Missing curve data and open space G and H are on Phase 3A. *Lake County Engineer and Lake County Tax Map*

FINAL PLAT COMMENTS – PHASE 3B

2. Surveyor made corrections per Tax Map Comments. *Lake County Planning and Community Development*

Staff recommends approval of the Painesville Township Fairway Pines Subdivision, Phase 3A Resubmitted Final Plat, and Painesville Township Fairway Pines Subdivision, Phase 3B Resubmitted Final Plat, with the incorporation of all stipulations and comments.

Mr. Siegel moved and Mr. Reppert seconded the motion to approve the Painesville Township Fairway Pines Subdivision, Phase 3A Resubmitted Final Plat, and Painesville Township Fairway Pines Subdivision, Phase 3B Resubmitted Final Plat, 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 – Aye
Ms. Cossick – Aye
Ms. Kurt – Aye
Mr. Perkovich – Aye
Mr. Reppert – Aye
Mr. Siegel – Aye
Mr. VanBuren – Aye
Mr. Veselko – Aye

Motion passes.

Concord Township – Eagle Pointe Subdivision, Preliminary Plan, 47 Lots, 29.6311 Acres

Mr. Radachy presented the Eagle Pointe Subdivision Preliminary Plan. Colburn Development, LLC is the Developer and Polaris Engineering and Surveying, Inc. is the Engineer/Surveyor. He noted that the subdivision consists of forty-seven (47) sublots, with an average lot size of 0.254 of an acre, on 29.6311 acres of land. Mr. Radachy stated that there are 13.6531 acres of open space, which is about 46 percent. He stated that the site is zoned R-2 RCD (Residential Conservation District), which was rezoned from R-1 (Residential) with the approval of the Planning Commission in April 2020. Mr. Radachy stated that land to the north, east and west is zoned R-1 (Residential); and land to the south is zoned residential in Chardon Township. He noted that the site is vacant with woodlands. He briefly reviewed the access points and road information for the subdivision. Mr. Radachy stated that the sanitary sewer is coming from an easement from the property to the north. He noted that there are two (2) stream crossings in the front of the subdivision, Jordan Creek and a tributary to Jordan Creek. Mr. Radachy stated that there will be two (2) culverts constructed for the stream crossings. Below are the proposed stipulations and comments submitted:

PRELIMINARY PLAN STIPULATIONS

1. The Lake County Auditor has the acreage of the property listed as 28.56 acres and the preliminary plan has the acreage as 29.6311 acres. The property owner had the property resurveyed and prepared a lot consolidation legal description. The survey is shown on the Lake County GIS. But the Auditor cannot change the acreage of the property until the consolidated legal description is filed with Auditor and presented to the Recorder. Until that time, the official acreage of the property is 14.905 acres for 08-A-012-B-009-0 and 13.655 acres for 08-A-012-B-00-018-0. This is a total of 28.56

- acres. This is the acreage that should be on the preliminary plan, final plat and improvement plans.
- a. Site data acreage does not add up, and possibly conflicts with the plat. *Concord Township Zoning*
2. Sommers Court cannot be used. The street name needs to end in Drive or Road. *Article IV Section 3(H)*
 3. The yard drains for sublots 14 to 23 and 28 to 41 are shown. But the storm pipe connecting them to the storm sewer system are not shown. *LCPCD*
 - a. Sublots 14-23 and 28-41 show yard drains with no connections. *Concord Township Zoning*
 4. The proposed grading lines are required to be labeled correctly. The proposed grade lines in the open space behind sublots 18-22 are labeled 1152, 1150, 1184, 1146 and 1142. They should be 1052, 1050, 1048, 1046, and 1044.
 - a. Contour lines are mislabeled. In one area they jump from 1024 to 1144. *Concord Township Zoning*
 5. Page 5 is showing a storm water easement. This easement should be a sanitary sewer easement. *Lake County Sanitary Engineer*
 6. Plans do not show the correct riparian setbacks as required in Section 17. Riparian setbacks shall be extended to the outermost boundary of any remaining wetlands with the appropriate additional setback based on the wetland category. Wetlands B, C, D, and E shall have an additional 30 ft. setback. Riparian setback does not apply to the piped section of the stream, but still applies to any remaining stream and wetlands. *Concord Township Zoning*
 7. Sheet 1: Connecticut is repeated. *Concord Township Zoning*

DESIGN STIPULATIONS

1. A temporary cul-de-sac is required at the end of Sommers Court. *Article IV Section B(8)*
2. The culvert for the stream crossings for Chandler Court extends beyond the right-of-way. The culvert is a road structure and will need to be included in the right-of-way or in an easement to allow for proper maintenance. *LCPCD*
 - a. Culverts at road crossings extend 180 feet and 118 feet headwall to headwall. Will these areas be listed as storm water easements? *Concord Township Service Department.*
3. All sublots are required to meet local zoning. *Art. IV Section 7(A)(3)*

- a. Sublot 42 does not meet minimum 10' side yard. *Concord Township Zoning*
 - b. Sublot 16 has 15' side yard on one side and 5' side yard on the other. *Concord Township Zoning*
 - c. Sublots 26, 27, 28, and 42 show grading that encroaches within the riparian setback. *Concord Township Zoning*
 - d. Clearing and grading S/L 5 encroaches into 30' riparian setback from the wetland. *Concord Township Zoning*
4. Concern with the extensive proposed grading for lots 26, 27, and 28. The extensive proposed grading is to make the lots constructible due to the steep slopes in the rears. *Storm Water Management*
 5. The swale in the open space behind sublots 14 to 23 must be designed to keep storm water crossing the property line. An additional berm may be required.
 - a. The landscape plan approved by the Township Trustees shows proposed landscaping and 2-3 ft. high mound along the western property line, but grading plan shows no mounding. This appears to conflict with the swale shown. *Concord Township Zoning*
 6. All stream crossings will be returned to a natural condition. The developer will use native species to return the crossing to a natural state. *Article IV Section 8(B)(3)(a)*
 - a. Grading opposite S/L's 44-47 encroaches into 30' riparian setback from the wetland for the road crossing. We understand this is required for the road crossing, and recommend using the best methods to limit the encroachment and grading. Additionally, native landscaping should be used to revegetate this area. *Concord Township Zoning*
 7. The storm sewer between sublots 12 and 13 will be required to be placed into an easement to Concord Township for maintenance purposes. *LCPCD*
 8. Soil testing information shall be used to develop the proposed pavement section and submitted for review prior to final approval. *Lake County Engineer*
 9. Design calculations for the proposed culvert along Jordan Creek will need to be reviewed for sizing. A width of 10 feet or greater will be classified as a bridge. *Lake County Engineer*
 10. Offsite drainage coming down behind lots 46 and 47 to be evaluated so water can be conveyed in a controlled manner. *Lake County Stormwater Management*
 11. Recommend rear yard drains be a separate system and in an easement for better flow acceptance and conveyance to the pond. *LCSMD*

DESIGN COMMENTS

1. Do not recommend walkout basements for lots 24 and 25 being in such close proximity to Basin #4. *Lake County Stormwater Management*
2. Are the houses without garden/basement elevations slabs or will all the houses have basements? *Lake County Stormwater Management*
3. If possible, the storm sewer between sublots 46 and 47 should be moved to between sublots 45 and 46 to allow for a straight line to the detention area. *Concord Township Service Department*
4. If you move the fire hydrant from subplot 31 to subplot 30 (beginning of the cul-de-sac), you can remove the fire hydrant at subplot 26. *Concord Twp. Service*
5. Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be undertaken upon approval and consultation with the Lake County SWCD. *Concord Township Zoning*
6. Box Culvert between S/L's 4 and 47 shall specify 3 sided box culvert. *Concord Township Zoning*
7. We understand that stormwater outlets are required to be located within the riparian setback areas, and we suggest that they use the best method to limit the encroachment and grading into these areas. Work with the Township, Stormwater Management and Soil and Water to update the landscape plan to revegetate areas with native species in the riparian setback area that will be disturbed. *Concord Township Zoning*

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. *LCSWCD*
5. Complete a stormwater pollution prevention plan with the improvement plan drawings. *LCSWCD*
6. 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*
7. Plans are subject to detailed review by the Lake County Engineer. *LCE*
8. Stormwater ponds to be constructed per County Standards. *LCE*
9. Stormwater Basins 1 and 2 to be evaluated for detention and water quality to improve subdivision's drainage as a whole. *LCSMD*
10. Box culvert/roadway crossings to be sized per County standards. *LCE*
11. 18" minimum clearance between storm sewer and sanitary line crossings. *LCE*
12. SWM #4 to have velocity dissipating device at outlet's discharge point. *LCSMD*
13. Erosion control matting to be used on slopes greater than 3:1 to minimize against erosion. *LCSMD*
14. Fire hydrants shall be self-draining and equipped with a locking five inch Storz fitting on the steamer/pumper outlet. The fire hydrants must have the steamer/pumper outlet forward facing the street. Until in service, the fire hydrants must have black plastic bag over it to show that it is not in service. *CTFD*
15. Fire hydrants must be at finish grade for safe operations. *CTFD*
16. If land development or soil disturbing activities will occur within ten (10) feet of the outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall be required to be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained on the lot until the completion of such development or soil disturbing activities. *Concord Township Zoning*

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. Fire hydrants must be no further than 500 feet apart for residential districts. *CTFD*
7. Concord Township Fire Prevention to be notified to 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*
11. There shall not be a fire hydrant located in the ditch line. Any fire hydrant located in the ditch line shall have access to it without walking through the ditch. *CTFD*
12. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. *CTFD*
13. All detention areas to be granted to HOA along with the cul-de-sac island. *Concord Township Service Department*

Staff recommends approval of the Concord Township Eagle Pointe Subdivision Preliminary Plan with the incorporation of all stipulations and comments.

Mr. Valentic stated that the review was very thorough. He stated that the right-of-way issue is a concern that can hopefully be addressed because maintenance of the culverts is important. Mr. Valentic stated that he is pleased that staff identified the issue with grading encroachment of the riparian setback area so that can be corrected early in the process.

Mr. Radachy stated the riparian setback issue was actually identified by Concord Township Zoning.

Mr. Perkovich asked for clarification on Technical Comment No. 5, which states that a secondary access point for the subdivision is required. He noted that, while a comment at this stage, perhaps a secondary access point would be realized once the second subdivision eventually connects through the temporary cul-de-sac.

Mr. Radachy confirmed this to be the case. He noted that the stub street is considered a secondary ingress even though it is not connecting to anything at the present time.

Mr. Brotzman asked Mr. Radachy to review the information relative to the easement for access to the two culverts at the headwalls of the stream crossings.

Mr. Radachy stated that both culverts at the road crossings extend 180 feet (southern) and 118 feet (northern) headwall to headwall.

Mr. Brotzman asked if some sort of access will need to be granted to access the headwall itself, and how many additional feet will be necessary for some type of an easement.

Mr. Radachy confirmed that access will need to be granted. He noted that for the northern culvert, an additional sixty (60) feet on either end would be required; and for the southern culvert, an additional twenty-five (25) feet on either end would be required.

Mr. Brotzman asked how the headwall would be accessed.

Mr. Radachy stated that the road would be constructed down the middle, and the easement would be long enough on either side of the road to provide access to the headwall.

Mr. Brotzman commented that the topography, as it exists today, will likely make accessing the headwall difficult and should be addressed at some point.

Mr. Valentic concurred.

Ms. Pesec asked for clarification as to whether the culvert would be a three-sided box culvert.

Mr. Radachy stated that the preliminary plans did not specify which type of culvert will be constructed, but the improvement plans will need to include that information.

Mr. Valentic noted that the culvert would have to meet county standards.

Mr. Radachy confirmed this to be the case.

Ms. Pesec noted that Ms. Heather Freeman and Mr. Andy Rose from Concord Township government are on the line. She asked Ms. Freeman and Mr. Rose if Concord Township prefers a three-sided box culvert rather than the more destructive pipe.

Mr. Radachy stated that township zoning handles certain things, such as location of houses, setback distance from the right-of-way, use of property, etc. He noted that Lake County Subdivision regulations and Lake County Road regulations deal with road structures. Mr. Radachy stated that the county will always consider what the township specifies, and they will likely require a three-sided box culvert. He noted that, at this time, he cannot state for certain what type of culvert will be constructed. Mr. Radachy stated that county regulations take precedent noting that, officially, the county handles all matters concerning roads and townships deal with the development of houses.

Ms. Freeman stated that Concord Township is requesting three-sided box culverts for both culverts. She noted that the developer has agreed to only one three-sided box culvert.

Ms. Pesec asked that a comment to this effect be added.

Mr. Radachy stated that Technical Stipulation No. 10 already addresses the matter.

Ms. Pesec asked if Technical Stipulation No. 10 means that both will be a three-sided boxed culvert or that it could be a box culvert or a road crossing.

Mr. Radachy stated that it could be either, however, the county will try to adhere to what Concord Township is requesting. He noted that this issue would be further flushed out in the improvement plans.

Ms. Pesec stated that it would be comforting to Concord Township residents if the phrase "roadway crossing" was removed so it would be very clear that Concord Township is requesting three-sided box culverts.

Mr. Radachy asked Mr. Sommers if he plans to construct two (2) box culverts.

Mr. Sommers stated that one (1) box culvert would be constructed, but there may not be enough flow in the stream to construct a box culvert in the second instance. He stated that intentions are to construct three-sided box culverts for both, which are currently in design and will hopefully be approved by the Lake County Engineer.

Ms. Pesec stated that she would like more clarification relative to Design Stipulation No. 5, which addresses a discrepancy between the landscape plan approved by Concord Township and the grading plan of the developer.

Mr. Radachy stated that the Lake County Stormwater Management Department recommended that rear yard drains be installed from Lots 14-23 and from Lots 28-41, which would be on a separate system that would move water to the detention pond. He noted that the preliminary plans do not show the connections for the yard drains to the storm sewer system. Mr. Radachy stated that the landscape plan and the comment about putting a berm along the western property line is to ensure that more water is being diverted to the detention pond and

away from the houses on Timber Lane. Mr. Radachy stated that the developer will be required to ensure that the swale is in good shape and moves as much water as possible to the detention pond.

Ms. Pesec stated that Concord Township made a comment about there being a conflict between the mounding of the swale shown on the landscape plan approved by Concord Township and the grading plan, which shows no mounding.

Mr. Radachy stated that the landscape plan and grading plan need to match.

Ms. Pesec asked Mr. Sommers to provide comments regarding the ability to provide both.

Mr. Radachy stated that this matter is something that needs to be studied further.

Mr. Sommers stated that the goal is to keep the mound and believes he can make both work. He noted that this matter is being reviewed by the Lake County Engineer. Mr. Sommers stated that he does not believe this will be an issue.

Ms. Pesec stated that she spoke to Steven Houser at the Lake County Stormwater Department regarding this matter. She noted that Mr. Houser stated that connections exist for Sublots 14-23 but that there is nothing to Sublots 41-30. Ms. Pesec stated that the eastern side is known for flooding. She noted that there is a potential for swales to be inside property lines for these lots and asked for clarification regarding Design Stipulation No. 11.

Mr. Radachy stated that yard drains are shown on the Preliminary Plan in the rear of Sublots 14-23 and 28-41. He noted that it is unclear at this time how the developer intends to connect the yard drains to the storm system. Mr. Radachy stated that it is assumed that each yard drain will connect from the back of the property to the main storm system. He noted that Mr. Houser is concerned about overburdening the street storm system. Mr. Radachy stated that staff is requiring (stipulating) that the developer study this issue to determine if yard drains would be better served by a separate system.

Ms. Pesec noted that Mr. Houser stated that a swale with an access easement should also be considered for each of the sublots in question.

Mr. Radachy stated that if swales are designed and are being maintained by the HOA, then they will be placed in an easement. He noted that if the swales are designed and are being maintained by the individual property owners, and the swales from each subplot are connected, a local service drainage easement will be considered.

Ms. Pesec asked for clarification regarding the open space being managed by a third party.

Mr. Radachy stated that management of the open space is not typically discussed at this juncture in the process.

Ms. Pesec asked for clarification on Technical Stipulation No. 9.

Mr. Radachy stated that the Lake County Engineer will advise as to whether the stormwater basins need to be upgraded. He noted that this stipulation is to ensure that the developer and the Lake County Engineer work together on this matter.

Ms. Pesec noted that the topography of the rear of Sublot 47 goes from 1079 elevation to 1072 right next to house. She asked for clarification about what is being done to ensure that Sublot 46 does not flood.

Mr. Valentic stated there is a catch basin between the two sublots.

Mr. Radachy stated this is a Preliminary Plan with preliminary grading. He noted that more engineering and topography work are required. Mr. Radachy stated that Improvement Plans include between 11 and 30 pages of different designs on every aspect of the subdivision, from roads to how water will be moved. He noted that Ms. Pesec's question will be addressed with much more depth in the Improvement Plans.

Ms. Pesec asked if a comment could be added relative to Sublot 46.

Mr. Valentic stated that this issue will be revisited at the time that Improvement Plans are submitted.

Mr. Radachy stated that it is far too early in the process to address the matter now.

Bill Witt asked for clarification as to how flows are calculated for the two stream crossings. He noted that the entire area flash floods several times each spring. Mr. Witt stated that he would like to ensure that proper flows are determined, which will impact how the culverts are designed.

Mr. Sommers stated that the Lake County Engineer will determine how much water comes through, and that will be approved by the Lake County Stormwater Department. He noted that the Lake County Engineer provides a very detailed book based on water flows and projected water flows based on 100-year flood calculations. Mr. Sommers stated that this very thorough examination of water flows will be provided as part of the next step in the approval process.

Mr. Brotzman stated that Design Stipulation No. 5 should probably be changed to read: "The swale in the open space behind Sublots 14 to 23 must be designed to keep storm water **from** crossing the property line."

Mr. Radachy confirmed this to be the case.

Mr. Brotzman asked for clarification as to which type of construction fencing is being referenced in Technical Stipulation No. 16.

Mr. Radachy stated that the type of construction fencing being referred to is the orange mesh fencing which shows the areas that are to be protected. He noted that the fencing referred to in Technical Stipulation No. 16 is not soil erosion control fencing.

Mr. Brotzman asked if soil and erosion control fencing should be stipulated.

Mr. Radachy stated that the Lake County Soil & Water Conservation District will make that determination.

Mr. Siegel moved and Mr. Veselko seconded the motion to approve the Concord Township Eagle Pointe Subdivision Preliminary Plan 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 – Abstain
Ms. Cossick – Aye
Ms. Kurt – Aye
Mr. Perkovich – Aye
Mr. Reppert – Aye
Mr. Siegel – Aye
Mr. VanBuren – Aye
Mr. Veselko – Aye

Motion passes.

Concord Township – Eagle Pointe Subdivision, Variance to Not Provide a Temporary Cul-de-Sac

Mr. Radachy stated that developer requested a variance for the elimination of the required temporary cul-de-sac at the end of Sommers Court due to topographic issues, environmental features, and limited available space. He noted that the developer suggests that a full cul-de-sac would also encroach on the open space and sub-lots. Mr. Radachy stated that a fully-improved hammerhead turnaround is being proposed, which does meet required standards. He noted that the cul-de-sac is meant to be removed once the road is extended. Below is a summary of staff and reviewing agency comments:

REVIEW AGENCIES COMMENTS

1. A 70 foot cul-de-sac would render sublots 41 and 42 unbuildable until the pavement is removed. *LC Engineer*
2. The proposed 40 x 40 turnaround on Sommers Court is compliant as long as the road surface meets required standards. *Concord Township Fire Dept.*

EFFECT ON PUBLIC INTEREST

1. The proposal is for hammer head instead of regular paved temporary cul-de-sac.
2. The movement of emergency vehicles will be slowed but the hammer head does allow for safe turning around of vehicles.

EFFECT ON IMPAIRING INTENT AND PURPOSE OF REGULATIONS:

1. Temporary cul-de-sacs are required for vehicles to turnaround safely.

Staff recommends approval of the Concord Township Eagle Pointe Subdivision Variance to Not Provide a Temporary Cul-de-Sac with the incorporation of all recommendations and comments.

Mr. Brotzman asked for clarification as to whether 120 feet is the standard length for a hammer head.

Mr. Radachy confirmed this to be the case noting that dimensions are taken straight out of the Fire Code.

Mr. Siegel moved and Mr. Bernard seconded the motion to approve the Concord Township Eagle Pointe Subdivision Variance to Not Provide a Temporary Cul-de-Sac with the incorporation of all recommendations and comments.

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

Mr. Bernard – Aye
Mr. Brotzman – Aye
Ms. Collise – Abstain
Ms. Cossick – Aye
Ms. Kurt – Aye
Mr. Perkovich – Aye
Mr. Reppert – Aye
Mr. Siegel – Aye
Mr. VanBuren – Aye
Mr. Veselko – Aye

Motion passes.

SUBDIVISION ACTIVITY REPORT

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

- Lilly Farms – Concord Township
 - Sanitary sewer and water are ready to be accepted
 - Lake County Engineer did an inspection and provided a punch list of items to be completed.
 - Plat will be signed by the Township Trustees soon
 - Approval from County Prosecutor and County Commissioners must be received, after which the plat will be filed and lots sold

- Quail Hollow No. 10, Phase 1A – Concord Township
 - The developer filed the plat with a construction surety to guarantee construction of temporary cul-de-sac
 - The cul-de-sac has not been built
 - Developer has stated he does not want to build a cul-de-sac because he is going to pave the road
 - Concord Township is not pleased that the temporary cul-de-sac has not been built
 - Staff is getting very concerned
 - Construction surety may have to be taken

- Quail Hollow No. 10, Phase 1B – Concord Township
 - Proof roll for road paving was completed a week and a half ago
 - Waiting for developer to schedule the paving (proof rolls only last two-three weeks if the weather is good)

- Stoneridge Estates, Phase 3 – Painesville Township
 - Under review by the various agencies

- Villas at Lake Erie Shores – Painesville Township
 - Detention pond completed
 - Construction surety should be released soon

Mr. Siegel suggested that a deadline of September 10, 2020 be given to the developer for Quail Hollow No. 10 to construct the temporary cul-de-sac. He noted that the Board can address the matter of taking the construction surety at the September Board Meeting if the developer misses the deadline.

Mr. Reppert asked for clarification as to how long it will take for the Prosecutor's Office to rule on the construction surety matter.

Mr. Radachy stated that the Planning Commission has never taken a construction surety, therefore, he is unaware of how long it will take the Prosecutor's Office to rule on the matter.

Mr. Siegel stated that if a developer has a construction surety taken, it becomes much harder to obtain a bond for the next project.

Mr. Valentic asked for clarification as to how long the matter has been ongoing.

Mr. Radachy noted that the pre-conference was held in June 2020.

Traci Salkiewicz, Lake County Engineering Department, stated that the developer was to complete the paving by the middle of July.

Mr. Radachy stated that he would issue a letter to the developer.

Mr. Siegel requested that the letter include the statement that if the paving is not completed by September 10, 2020 the Lake County Planning Commission will be sending the matter to the Prosecutor to begin the process of taking the construction surety.

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning Review matters.

REPORTS OF SPECIAL COMMITTEES

Land Use and Zoning Committee – Reappointments

Mr. Radachy stated there are four (4) members that need to be reappointed to the Land Use and Zoning Committee (LUZ) from Painesville Township and two (2) from Concord Township. He noted that all members wish to continue on the LUZ Committee and the townships concur.

Mr. VanBuren moved and Mr. Siegel seconded the motion to approve the reappointment of committee members to the Land Use and Zoning Committee.

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

Mr. Bernard – Aye
Mr. Brotzman – Aye
Ms. Collise – Aye
Ms. Cossick – Aye
Ms. Kurt – Aye
Mr. Perkovich – Aye
Mr. Reppert – Abstain
Mr. Siegel – Aye
Mr. VanBuren – Aye
Mr. Veselko – Aye

Motion passes.

CORRESPONDENCE

There was no Correspondence.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

PUBLIC COMMENT

There was no further public comment.

ADJOURNMENT

The August 25, 2020 meeting of the Lake County Planning Commission was adjourned at 6:39 P.M. by consensus.