

PLANNING COMMISSION MEETING

January 13, 2011

The Planning Commission convened in Courtroom No. 2 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order. He asked the secretary to call the roll. Members in attendance were, Mr. Andrew Eade, Mr. Brian Temming, Ms. Christine Shoop, Mr. David Komjati, and Chairman Thomas Fitzgerald. Also present were, City Manager Rita McMahon, Assistant City Manager/Community Development Director Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Chairman Fitzgerald asked for additions or corrections for the Planning Commission Meeting of November 10, 2010. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati to approve the Planning Commission Meeting Minutes from November 10, 2010 as submitted. All members present said "aye". Motion carried.

NEW BUSINESS:

None.

ADMINISTRATIVE REPORT:

- Buffers / Mounding for developments adjacent to railroad tracks and non-residential roads and access to and from new developments.

Chairman Fitzgerald explained the procedure for discussion on this item to the audience members. He indicated that he would allow public comment on the items addressed under the administrative report. Chairman Fitzgerald asked the Administration to discuss the proposal.

Mr. Russ Schaedlich stated that at the request of Mr. Ray Sternot of Heisley Park, the City has looked at incorporating language to address buffers adjacent to railroad tracks. Mr. Schaedlich stated the Commission should have received information titled "LANDSCAPE BUFFERS TO RAILROAD RIGHTS-OF-WAY AND LIMITED ACCESS HIGHWAYS". He explained that the City is looking to see where this text fits the best in the current code. The suggested placement is within the Design Standards in the Subdivision Regulations. A combination of mounds, fencing and natural planting is being proposed with any combination thereof. This allows some design freedom to address situations where it might not be possible to have all of the items in place due to grade restrictions. The regulations proposed are a starting point to find out what direction the Commission would like to proceed.

Chairman Fitzgerald inquired about the additional information received in the packet, Section 1133.01. Mr. Schaedlich commented that section is currently in the code however, it is only used for Commercial and Industrial Districts. Both items will be reviewed to incorporate the best text for both sections of the code.

Chairman Fitzgerald asked if the Commission had any comments. There being none, he explained that he had lived in an area where a new shopping plaza was going to be built. The surrounding neighbors did not like the idea of having a plaza in their backyard. The developer met with the homeowners that abutted the development and came up with a mounding/fencing/landscape plan that was agreeable. Chairman Fitzgerald stated that everyone was happy with the outcome and he believes this would be a good thing to add to the City's code.

Chairman Fitzgerald inquired as to what the Administration would like from the Commission. Mr. Schaedlich stated that any comments or suggestions the Commission may have are encouraged. Chairman Fitzgerald stated that if mounding is used there should be some type of landscaping included. In the situation that he spoke of, the developer was responsible for the installation and maintenance of the fence. He wondered who would be responsible for the maintenance of the fencing in this situation, the homeowners. Mr. Schaedlich responded that is another issue to be finalized. It could be the individual homeowners or the Homeowners Association, which makes more sense for consistency. Chairman Fitzgerald indicated that he would like to see the height of the mounding and fencing increased, eight (8) feet does not seem to be high enough for all instances.

Ms. Shoop asked about drainage. By adding mounding, is there a possibility that drainage issues might occur. She commented that Heisley Park already has water issues, might this create more

problems for them. Once the mounds are installed, how is this checked so it does not create issues for the residents?

Mr. Schaedlich responded that when the mounding is put in the developer/engineer is responsible for looking at the area to be sure there will be no water issues created by the mounding.

Mr. Komjati inquired that this regulation is for new developments, not for developments that have already been built. Mr. Schaedlich responded that is correct.

Chairman Fitzgerald asked if there were any legal issues with the proposed code change. Mr. Lyons commented that this is common to add text to deal with issues the City believes need to be addressed.

Ms. Shoop wondered if the other issue of access to and from new developments would be addressed. Mr. Schaedlich explained that Heisley Park Subdivision is unique in that two sides of the subdivision are adjacent to railroad tracks. The only way in and out of the development is Elizabeth Boulevard through West Jackson Street. The City is working with the developer to the east on a future subdivision, which will provide a couple ingress/egress options for the overall development of the area. There has not been a push for this development since the economy is what it is right now. He explained how the road pattern would work once this development is constructed. Mr. Schaedlich stated that when subdivisions are reviewed initially, the plan is reviewed for adequate traffic flow.

Ms. Shoop asked about when Jackson Street is relocated, does this provide an opportunity to use Birchwood as an additional outlet for the traffic. Ms. McMahon stated based on the preliminary plans for the relocation of Jackson Street, this would not be an option since it would be impacted by the bridge embankment. The end of Birchwood would have to be extended another direction or be made a cul-de-sac. She stated that this development has been done in phases. The master plan for this entire development addressed the issue of multiple ingress/egress options. Like most developments, the entire subdivision is not built at the same time.

Chairman Fitzgerald asked if Mr. Sternot would like to make a comment on this item. Mr. Ray Sternot introduced himself. He lives at 346 Birchwood Lane, Heisley Park. He thanked the Commission for allowing him to speak. He stated that he believes that adopting the proposed planning changes are essential for Painesville and its residents. The buffers/mounding for developments adjacent to railroad tracks and non-residential roads and access to and from new developments compliments what the city is trying to do with the development of the Painesville Downtown Plan. That is, it improves the image of Painesville as a progressive community in tune with the needs of its citizens and one that is willing to position itself to the future by planning. In particular, this item improves resident's lives and adds aesthetic value to the neighborhoods. It should also improve the city's image by making it a better place to live and work. Mr. Sternot stated that there is only one minor change that he would suggest. This change should also apply to any new phases of any existing development. As an example, in Heisley Park, the developer has cleared land near the tracks, which adds noise and detracts from the value of the development thus potentially depressing housing values, revenues and quality housing stock within the city. He believes this is a value added change. Mr. Sternot asked if he could also speak on the next item.

Chairman Fitzgerald inquired if this could be done for new phases. Ms. McMahon asked that this question be deferred to Mr. Lyons. She stated that Heisley Park has received preliminary plat approval for all the phases. However, Windmill Estates does not have an approved preliminary plat. She reminded the Commission about the plat that had been submitted and has since expired. This regulation would apply to any submission for that area. Mr. Lyons stated that since Heisley Park has already been approved for preliminary plat, this could not be applied to this subdivision. The developer has the option to put in fencing and mounding voluntarily; however, the City cannot enforce the regulation in this instance.

There was questioning as to what needs to be done. Mr. Schaedlich stated that a final version of the proposed code amendment would be prepared and brought forth to the Commission at the next meeting for Planning Commission action. There is no action necessary this evening.

Chairman Fitzgerald moved onto the next item listed on the Agenda.

- Hydrogeological study for new development/construction.

Mr. Lewis explained there were issues in prior phases of Heisley Park Development, which really precipitated the fact that the City discuss with the developer about doing hydrogeological studies for

future phases and Phase 12 prior to any development. The problem there was water infiltration into the basements and it was looked at how the City could address that prior to approving basements in Phase 12. Because of the ground water issues, City Council asked staff to develop minimum standards. Initially at that time, we were looking at sump pumps and developing minimum standards for sump pumps. However, as the City Engineer looked at it as a whole he felt it would be better to provide the ability to request a hydrogeological study because each one is site specific. The problem that Heisley Park was experiencing as far as ground water, may not be the same problem they are experiencing in another development. The City wanted the option to order the study, look at the issues, and then determine the best action to deal with the problem.

There is currently language in CHAPTER 1134.08 of Planned Unit Development Overlay District (PUD) section of the Planning and Zoning Code a hydrogeological study may be required. The City Engineer is proposing a new section, 1113.211 Hydrogeologic Study, which would enable him to require a hydrogeological study and corrective plan in any development if it was deemed to be needed. It would also enable him to add corrective conditions to the plan if he decided it was necessary. Since each solution would be site specific, he recommended that we have the ability to require that a hydrological study be completed. Then, any required improvements will be based on site-specific groundwater or soil issues.

Mr. Lewis stated the draft language for this item is on a memorandum from the City Engineer, which the Commission received in their packet. Chairman Fitzgerald asked for clarification of the language. Mr. Lewis indicated this is the final language for this item and would like to forward to City Council for approval.

Ms. McMahon clarified that the text that is in the PUD section is a zoning code requirement; the language being proposed would be a design standard within the subdivision regulations.

Chairman Fitzgerald asked if there were any legal issues with this amendment. Mr. Lyons indicated that he does not foresee any issues with this proposed amendment. Chairman Fitzgerald commented that he felt this was a good idea. He asked if members of the Commission had any comments or questions.

Ms. Shoop inquired about the text "may be required". She asked at what point does the may be required are enforced. Should all developments be required to have one of these studies? Mr. Lewis responded that it would depend on the area. There are a number of factors to take into consideration that effect the hydrology of any given area. It could be the type of soil or the elevation of the property. It was explained that some of the developers are already aware that they would have to submit this information because of their location.

Mr. Schaedlich explained there are some soil types that do not become problematic. What is nice about this text is that soils vary as you go over distance so if there is some section of the property that has an issue the City Engineer has the ability to have the study done. Ms. Shoop asked where the problem would occur. Would it happen after the fact once structures are put in place or how is it determined. Mr. Schaedlich replied that it would happen early on as the foundations are being dug. The water would show up and the building inspectors and engineers would know that it would require this study.

Ms. McMahon stated the issue in Heisley Park did not show up until phase 4 before it became an issue. Liberty Greens, Windjammer, Michael Court have all been built without a need for this type of study. What we are looking for is when we realize there is an issue what can we require to regulate the situation. If the developer at Heisley Park had not been cooperative, they could have refused to do the study. This text gives the City the right to ask for a study if the City believes it to be an issue. This is another tool for the City to use in order to protect the value of the properties in the City.

Chairman Fitzgerald asked if the depth of the water table determine if basements can be constructed. Ms. McMahon stated that is not the only factor in deciding whether to build with basements. The study gives specific information about the flow of the water, volume of water, and the depth of the water table. This can be a determining factor as to what type of foundation is best for the home and the type of protection from the water would be required.

Chairman Fitzgerald asked if there were any other comments or questions. There being none, he asked Mr. Sternot if he would like to comment.

Mr. Ray Sternot, 346 Birchwood Lane, indicated that he sees this item as an improvement for the city and its residents. It should protect Painesville homeowners from the woes of flooded basements and the City from the negative publicity that it could result in. The prime example is the Heisley

Park development issue. Had there been a study done prior to development, the developer would have realized there was a water table issue and could have chosen to add French drains before development or just not offered basements as an option. This would have prevented basements from flooding and the developer from putting in French drains and in some cases external higher capacity pumps outside of houses to lower the water table after it became a problem. This, in my mind, would be a better planning approach and one that could have occurred early in the building process rather than having to be forced to react to the issue later because of a lack of a plan. As a note, in several subsequent sections of the Heisley Park development, French drains were added before the water table became a problem for the developer and builder or higher basement levels were required prior to building because there was a study completed for those phases. He stated it is a good idea.

There being no further discussion, Chairman Fitzgerald asked for a motion. Motion by Mr. Komjati, seconded by Ms. Shoop to approve the Amendment to Section 1113.211 to include language that addresses hydrogeological studies for new development/construction during the Plat Approval process as submitted. On roll call, Ms. Shoop, Mr. Komjati, Mr. Eade, Mr. Temming, and Chairman Fitzgerald answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Mr. Lewis presented the Commission with a copy of the City's Zoning map. The map has been modified to show the current non-conforming use properties throughout the City. The Commission was informed that the Administration is looking at these properties to see if it makes sense to rezone them in accordance with the Comprehensive Plan. Further information will be forwarded to the Commission as the analysis is being done.

ADJOURNMENT

There being no other items to come before the Planning Commission the meeting was adjourned.

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman