

PLANNING COMMISSION MEETING

August 13, 2009

The Planning Commission convened in Courtroom No. 1 at City Hall for their regular meeting. Chairman Fitzgerald called the meeting to order at 7:30 PM.

Members in attendance were, Mr. Andrew Eade, Mr. Brian Temming, Ms. Christine Shoop, and Chairman Thomas Fitzgerald. Absent was Mr. David Komjati. Also present were, City Manager Rita McMahon, Assistant City Manager Douglas Lewis, City Planner Russ Schaedlich, Assistant Law Director James Lyons, and Secretary Lynn White.

MINUTES: Motion by Ms. Shoop, seconded by Mr. Temming to approve the Planning Commission Meeting Minutes from July 9, 2009 as submitted. All members present said “aye”. Motion carried.

ADMINISTRATIVE REPORT:

Chairman Fitzgerald moved onto the first item under the Administrative Report.

Preliminary Plat Resubmission for Windmill Estates Residential Subdivision – consisting of 181 Single Family Lots located between Heisley Park Subdivision and Shamrock Boulevard.

Mr. Russ Schaedlich explained to the Commission that the Staff reviewed the Preliminary Plat dated July 23, 2009. The applicant received the City’s comments and resubmitted a revised Plat dated July 31, 2009. The subdivision being proposed is Windmill Estates and consists of 181 single-family lots. The lot sizes are comparable to the lots currently being built in the Heisley Park subdivision.

Mr. Schaedlich explained the road layout on the preliminary plat. The proposed Elizabeth Boulevard connection to Shamrock Boulevard is within 360 feet of the intersection of realigned Jackson Street and Shamrock Boulevard. The City has concerns that it would create a very congested intersection. The Staff’s recommendation is that the portion of Elizabeth Boulevard from Sapphire Drive to Shamrock Boulevard be approved as a temporary access road to the Windmill Estates development until the second phase of construction is started.

The City prefers the permanent connection to be at Ruby Lane as shown on the 7/23/2009 drawing. A connection at Ruby Lane and Shamrock Boulevard should be aligned with a future drive for the proposed commercial area on the east side of Shamrock Boulevard thus providing a coordinated and controlled access intersection with Shamrock Boulevard. There was some discussion regarding the differences between the two plans that were submitted. Chairman Fitzgerald asked about the corner lots located near Garnet and if they would be turned into parkland. Mr. Schaedlich stated those two lots are as proposed. They will remain as buildable lots.

Mr. Schaedlich also explained that the City does not want any potential frontage development along the relocated Jackson Street due to the fact that commercial and/or retail development would create a need for a curb cut less than 250 feet from the intersection. Our concern is that this will create potential congestion at the intersection.

Mr. Schaedlich stated that the City of Painesville’s Design Standards require that the developer set aside parkland or open space for the development. The preliminary plat is showing the retention ponds as open space.

Chairman Fitzgerald inquired about the eight (8) inch nitrogen line. Mr. Frank Chorba, Land Design, explained the nitrogen line has been abandoned. Ms. Shoop asked if there should be concern given to this area in case there is an issue with the line. Mr. Schaedlich indicated the plat shows an easement through that area to allow access to the area.

Mr. Frank Chorba of Land Design addressed the Commission. He explained that modifications were made to the plat based on the City’s comments. He handed out copies of the modified plat to the Commission. The shaded green area is phase one. Mr. Chorba discussed the open space issue. When they calculate the open space in the final design, they will make the storm easements bigger to allow public access to the areas. Another thing they did was create wetland easements. He stated that area will never be developed and will be open space dedicated to the homeowners. The three detention ponds will be dedicated open space. Mr. Chorba stated that Mr. Osborne wants Elizabeth Boulevard to go through to Shamrock Boulevard, not Ruby Lane. He explained that Mr. Osborne does not

own the area behind the lots on Elizabeth so they are not sure as to what will be developed there. He would rather the access be at Elizabeth. He has agreed to bonding the project for the future road connections. Since it is unknown as to the Jackson Street realignment, the developer does not wish to change the access to Ruby Lane. Mr. Chorba indicated that Mr. Osborne would like to discuss the future of the surrounding property as it relates to his project. He wondered if the City was interested in purchasing the property for future roadway. Ms. McMahon responded the City is not interested in purchasing the property; they would like the developer to dedicate the area as an easement to the city in trade for this development. Mr. Chorba asked what is the trade off. Ms. McMahon indicated the extension of Elizabeth Boulevard is in violation of the State requirements. The separation of Elizabeth Boulevard connection to Shamrock and the intersection at relocated Jackson Street has to be a minimum of 600 feet. Even on a temporary basis, it would not be permitted. Mr. Chorba asked what could be done with the land located outside of the right-of-way and north of the proposed relocated Jackson Street. Ms. McMahon indicated the zoning is multifamily and there are a number of different things that can be done. The development agreement allows for a certain percentage of land to be developed as multifamily. As long as the plan for the property follows the zoning and the original development plan the property can be developed.

Mr. Chorba asked for clarification on the bond for the roadway connecting Garnet Way to Jackson Street. Ms. McMahon indicated the bond is for the connection costs to Jackson Street, not for Jackson Street. She indicated the City and the County Engineer are applying for federal grant money for the installation of relocated Jackson Street, but would like to work with developer since it will enhance the development to the road. Mr. Chorba indicated he did not feel there would be a problem as long as he did not have to do the same for Ruby Lane. Ms. McMahon stated the original submission that was approved last year for this development included the developer was going to build part of relocated Jackson Street. Since the developer does not have to build the road, the city is asking for the right-of-way.

Ms. McMahon indicated that as soon as the interchange goes in we would have an issue with the proposed location of Elizabeth Boulevard its proximity to the intersection. This will be the same situation that Mentor is dealing with now at Diamond Center and Heisley Road. While it could be a temporary situation, there needs to be something in place to remove the Elizabeth connection to Shamrock when relocated Jackson Street is done. She explained that ODOT would not approve the Shamrock intersection with Elizabeth Boulevard in its proposed location. All of the necessary agreements need to be in place before going forward. Ms. McMahon reminded the Commission that with the original approval of this development, the developer was putting in the first phase of relocated Jackson Street as part of their contribution to the development. Now that he has changed the development, the city should still have the right of way to make it happen at the point in time it does occur.

Ms. McMahon discussed the open space issue for this development. The subdivision regulations state public sites, open space, and natural features and that the subdivision needs to provide land or payment in lieu of public sites or parklands. We have never counted ponds as open space to meet that requirement. If we do not require actual parkland open space, then the developer should be required to pay a fee as each phase is completed. This has been done for a number of developments in the past and it is a calculated formula based on lots in the subdivision. This fee allows the city to improve on existing parks or to acquire additional lands in the area for such purpose.

Mr. Chorba asked if there were any other questions for him. Ms. Shoop asked for clarification on the comment in the Staff Report "The City does not want any potential frontage development along the relocated Jackson Street in this area". She wondered if they would be able to place something in that area at all. Ms. McMahon explained how the lots that have double frontage could not have access from both sides. There was continued discussion regarding the bonding requirements for this subdivision and how the road connections would be created once the interchange and relocated Jackson Street were put in place.

Mr. Chorba explained to the Commission how the retention ponds and the drainage for the phases would work in this subdivision. The water would be directed toward a culvert located near the railroad tracks. The double frontage lots located on Shamrock will be noted on the plat that access will only be from Sapphire Drive and not from Shamrock. Mr. Chorba indicated that he would like to have approval of this plat tonight with the various items that were discussed.

Ms. McMahon explained that this application is for a Preliminary Plat Approval. Due to the fact the previous submission was expiring and the changes that were made to the plat were substantial, the developer must go through the process again. The Commission must make a recommendation on

the plat and it will be forwarded to City Council for their approval. Chairman Fitzgerald asked how that could be done with all of the discussions and stipulations. Ms. McMahon commented that if the Commission is inclined to move forward and approve the plat, the stipulations are outlined in the report and the right-of-way discussion.

Chairman Fitzgerald commented that he felt there were still a lot of items to be discussed between the City and Osborne on this plat. He wondered if that was a correct assumption or not. Ms. McMahon replied there are obviously a couple of items that need to be stipulated if the Commission wishes to approve the plat. The major issue is the road structure and how that will work. The developer meets all of the other criteria for a preliminary plat. The issues relate to the road configuration and open space. Ms. McMahon replied that if there were not enough open space on the plan he would be paying the fee associated with parkland.

Chairman Fitzgerald asked if Mr. Lyons had any comments. Mr. Lyons stated the developer has a right to develop their land. They do not have the right to come out onto Shamrock Boulevard wherever they want. The City is well within their rights to ask for the concessions they are asking for in regards to developing this property and the temporary access off Shamrock. Otherwise, the City does not have to sacrifice its development of the interchange and relocated Jackson Street for this development. Mr. Lyons stated in regards to the right of way and the discussion we had, the developer had proposed to dedicate a portion of the land to the City. In order to move forward the developer would have to dedicate that land in a form that is acceptable to the City.

Ms. McMahon presented the Commission with the previously submitted plat for this subdivision. This is the plat that was approved by both Planning Commission and City Council. She explained the layout and the differences between the two plats. The developer had placed on the previously approved plat a 60-foot right-of-way, which could handle a two-lane road out of the development.

Ms. Shoop commented that she feels this situation is still in need of discussion and she is not prepared to approve this since Mr. Osborne is not present to indicate this is acceptable to him. She would feel better to have a written agreement prior to approval. Ms. Shoop stated she would like to see this matter tabled until all of the issues are worked out.

Chairman Fitzgerald addressed the audience. He indicated this matter is not a public hearing item however, he would like to recognize the audience if they so wish to address the Commission.

Mr. Bob Sternot, 464 Walker Lane, stated he and his brother do not have an objection to this development. He stated that they are concerned with possible water issues. The Heisley Park residents have had many issues with sump pumps and drainage problems. He would like to be sure this does not happen to those citizens moving into this proposed development. Mr. Sternot asked that the city make sure the developer address the water issue prior to construction. He also commented about the two exits for the development. He mentioned the train derailment and the problems they have with school busses and garage sales on the street. The streets are narrow and there is not a lot of room for emergency traffic. He would like to make sure these issues are addressed.

Chairman Fitzgerald thanked Mr. Sternot for bringing the matter to the City's attention. He then asked if there were any further comments or questions from members of the Commission. There being none, Chairman Fitzgerald asked for a motion. Motion by Ms. Shoop; seconded by Mr. Temming, to table the Preliminary Plat Resubmission for Windmill Estates to allow the Developer/Owner and the City to finalize the outstanding issues relating to open space and bonding of future roadways to Shamrock Boulevard. On roll call Ms. Shoop, Mr. Eade, Mr. Temming, and Chairman Fitzgerald answered "yes". Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

There were no other items to come before the Planning Commission.

ADJOURNMENT

There being no further business, the meeting was adjourned.

