

## PLANNING COMMISSION MEETING

*September 11, 2008*

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. Brian Temming, Ms. Christine Shoop, Mr. David Komjati and Chairman Thomas Fitzgerald. Absent was Mr. Andrew Eade. 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:** Mr. Temming indicated the time noted on the minutes was incorrect. The minutes should reflect the meeting was called to order at 6:00 PM not 7:30 PM. Motion by Ms. Shoop, seconded by Mr. Temming to approve the Planning Commission Meeting Minutes from August 21, 2008 as corrected. All members present said "aye". Motion carried.

### **NEW BUSINESS: (Public Hearing Items)**

None.

### **ADMINISTRATIVE REPORT:**

Chairman Fitzgerald asked the secretary to read the first item listed under Administrative Report.

**Review of Conditional Use Permit (Refusal No. 2111) issued to Lakeview Bluffs LLC and Tierra Solutions, Inc.** for soil removal at Elm Street (Parcel Numbers 15-A-019-0-00-013-0; 35-A-002-0-00-002-0; and 35-A-002-0-00-003-0): Granted February 21, 2007; reviewed December 13, 2007 with stipulation to be reviewed in September 2008.

Chairman Fitzgerald asked for an update. Mr. Matt Montecalvo indicated he is representing Lakeview Bluffs, LLC and Tierra Solutions, Inc. on this matter. He works for Hull and Associates who is the Environmental Consultant for the project known as Lakeview Bluffs. Mr. Montecalvo stated the Conditional Use Permit was granted to remove soil to partial soil removal and taken across the Grand River on a bridge to be used for remediation and development purposes on the north side of the river. Last time we were before the Commission it was a brief update on the progress of the project and if additional time would be needed on a day-to-day basis under the conditional use permit. Mr. Montecalvo stated that everything has gone very well. They have moved a little under 200,000 cubic yards of soil to date over the bridge and into the north part of the project. Things are continuing. Mr. Montecalvo stated they had an opportunity this year to move a high-pressure gas line in Painesville Township on the lakeshore. He indicated they did not get as much done as they had hoped they would, as a result the contractor was busy doing the gas line work. They did make progress and things are shaping up nicely. He stated they have not had any significant issues with the community. They have had some questions and some visitors, things of that nature, which they addressed them promptly and hopefully to everyone's satisfaction. There have been no return questions or complaints and they feel they have done a good job from that standpoint. Mr. Montecalvo stated he would like to mention based on the slow progress they experienced this summer it is very likely they will return sometime before the expiration of the existing permit and request an extension. He stated they are not asking for the extension now and commented that he can answer any questions from the Commission.

Chairman Fitzgerald commented that he had read the Staff Report and it sounds like a good job has been done. He asked what the estimated time line would be for completion of the project. Mr. Montecalvo responded the project was estimated at two-years to start with and quite a bit of time was lost this year. There may be additional remediation and development that is not anticipated initially, it is possible they will need another two-years but this has not been evaluated completely.

Mr. Komjati commented that in reading the Staff Report there was some concerns about the dust and other items of that nature. Mr. Komjati thanked Mr. Montecalvo for being responsive, taking care of the situations as they came up, and keeping the residents happy. Mr. Montecalvo commented the reason for the bridge was to keep the truck off the street and we recognized even on the property the dust was going to be an issue, we stayed on top of the contractor and the complaints and everyone seemed to be happy with the operation.

Ms. Shoop stated she was under the impression the bridge was to be temporary. She asked if the bridge was going to become permanent. Mr. Montecalvo replied the permit was issued with the bridge being temporary. We have had discussions with various groups about making the bridge permanent. He stated there is a long very arduous process outside the city requirements, with the county state and federal government, which we would have to undergo to do that. At some point in time, it might make sense and if it does, they will be back before the commission for that purpose.

Chairman Fitzgerald asked for comments from the Assistant Law Director or other members of the Commission. There being none, he asked for comments from the City. Mr. Schaedlich stated his Staff Report indicates the project has gone well and he noted the Conditional Use Permit does expire at the end of December 2008.

Chairman Fitzgerald asked if they would work through the winter months. Mr. Montecalvo indicated they would work through the winter as long as it is dry enough. The wet winter weather it will not be feasible to complete the job.

There being no further comments, Chairman Fitzgerald thanked Mr. Montecalvo for the update on the Lakeview Bluffs Project.

Chairman Fitzgerald moved onto the next item on the Agenda.

**Final Plat Approval** for Asper Commons consisting of eleven (11) single-family lots.

Chairman Fitzgerald asked if there was anyone present to speak on behalf of this request. Mr. Tony Manfroni of Lake Communities Development Corporation introduced himself as Construction Manager.

Chairman Fitzgerald asked if the members of the Commission had any questions regarding the Final Plat. There being none, he asked Mr. Manfroni if he had read the Memorandum from the City Engineer and the City Planner. Mr. Manfroni indicated he had read the Memorandum and stated they had no issues with any of the stipulations.

Mr. Schaedlich mentioned the stipulations in the Memorandum were mostly housekeeping items and those items will need to be taken care of prior to recording the plat. He stated that some of the items on the list have already been addressed.

Ms. McMahan suggested that since this development had been rezoned to R-2 and a deed restriction was placed on the property indicating it could only be developed under the single-family standards under the R-2 Zoning District; she would like to see the deed restriction referenced on the plat. This would help for future reference in dealing with this development.

Chairman Fitzgerald asked for additional comments or questions. There being none, Chairman Fitzgerald asked for a motion on this item. Motion by Mr. Temming, seconded by Ms. Shoop to approve the Final Plat for Asper Commons subject to the conditions outlined in the memorandum dated August 27, 2008 from the City Planner and City Engineer; and the stipulation of adding the deed restriction language to the Plat. On roll call, Mr. Komjati, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered "yes". Motion carried.

Chairman Fitzgerald moved onto the last item on the Agenda.

**Final Plat Approval** for The Retreat at River's Edge Condominiums – Phase XIV - consisting of Unit No. 34.

Chairman Fitzgerald asked if there was anyone present to speak on behalf of this request. There being no one present, he asked for comments or questions from members of the Commission. There being none, he asked if there was anything the Commission needed to be aware of in approving this plat.

Mr. Schaedlich indicated this request is for an additional phase for the Retreat at River's Edge for the one unit, number 34 and he recommends approval with the stipulations outlined in the memorandum.

Chairman Fitzgerald asked for additional comments or questions. There being none he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati to approve the Final Plat for The Retreat at River's Edge Condominiums, Phase XIV, Unit No. 34, subject to the conditions outlined in the memorandum dated September 3, 2008 from the City Planner and City Engineer. On roll call, Mr. Temming, Ms. Shoop, Mr. Komjati, and Chairman Fitzgerald answered "yes". Motion carried.

**OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

Ms. McMahon mentioned the information forwarded to the Commission regarding the OPC Planning and Zoning Workshop held on Friday, November 14, 2008. She stated the City would pay for the registration to the workshop for anyone interested in attending.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Lynn M. White, Secretary

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Thomas Fitzgerald, Chairman