

PLANNING COMMISSION MEETING

April 14, 2011

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. He asked the secretary to call the roll. 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/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 March 10, 2011. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Komjati, to approve the Planning Commission Meeting Minutes from March 10, 2011 as submitted. All members present said "aye". Motion carried.

NEW BUSINESS: (Public Hearing Items)

None.

ADMINISTRATIVE REPORT:

- **Preliminary Plat Approval:** Windmill Estates Residential Subdivision – consisting of 144 Single Family Lots located between Heisley Park Subdivision and Shamrock Boulevard.

Chairman Fitzgerald asked if the City had anything to add on this other than the submitted Staff Reports. Mr. Schaedlich indicated a representative for this item is present and asked that he be recognized.

Mr. Jim Pegoraro, Land Design Consultants, 8585 Osborne Drive, Mentor, introduced himself to the Commission. He indicated a similar plan was approved a few years ago. This new submitted plat has fewer lots than the previously approved plat. Mr. Pegoraro indicated this plan was presented during a previous meeting held with the City Manager and Mr. Rick Osborne, Jr. There are 27 less lots, and a bigger area was left in the south end for multi-family.

Chairman Fitzgerald asked if the road had been moved. Mr. Pegoraro indicated Elizabeth Boulevard was moved north instead of the straight configuration into the existing Elizabeth Boulevard. The City has voiced concerns about the intersection location being so close to the new interchange location. The plan was changed to address the concerns of the City Administration

Mr. Schaedlich indicated the distance is now 650-feet from the interchange location. Mr. Pegoraro agreed that was the correct distance.

Ms. Shoop asked about the open space in the center of the plan and if that was something to be added or is that currently on the site. Mr. Pegoraro stated the lake is already there. When Shamrock was put in the area was staked and the necessary dirt was removed for the construction of Shamrock. The location of the lake is correct on the plan.

Chairman Fitzgerald indicated he has seen activity at the site and asked if they were presently working the area. Mr. Pegoraro indicated he too has seen the activity; however, he is unsure as to what is being done. There was discussion of the types of construction activity seen in the area.

Ms. Shoop questioned the open space requirements and if they could include retention ponds like the one shown on the plat. Mr. Schaedlich indicated a portion of the open space could be designated retention ponds. The idea is to have a mixture of green space and water since all water is not usable. The plat does include a trail system that appears as easements through the sublots. The trails need to be separate from the lots. Mr. Pegoraro indicated the trails are going through the storm easements on the properties. Mr. Schaedlich indicated that is not acceptable. The trails should have their own access; they are not to be done as easements through property. There was discussion regarding the trails and the calculation of open space for the required percentage.

Mr. Pegoraro mentioned the 2-acres of open space that is being proposed off Elizabeth Boulevard and identified as letter D. In addition, there will be mounding installed within the 50-foot buffer at the railroad tracks where possible. Ms. Shoop asked the Administration if the open space meets the City's requirements. Mr. Schaedlich responded there are some issues. In the staff report, item number

10 states “suitability of the proposed open space areas to be determined by the city”. The applicant has provided the 2-acres at Elizabeth Boulevard and the trails, which is not a lot of open space. Chairman Fitzgerald asked about the trails and what type of surfacing they would have. Mr. Pegoraro replied the trails would have a wood chip or mulch type surface.

Mr. Schaedlich indicated the various departments have reviewed the plat. Their comments were included in the staff report. Any motion to approve the preliminary plat should include those comments. Mr. Schaedlich added that stipulation number 16 be changed to read, “All dedicated paths outside of any lot area shall be provided. Paths should be a minimum of 15-feet wide to allow for maintenance on the paths and retention basins.”

Chairman Fitzgerald asked if there were any other comments or questions. Mr. Lyons explained this area had an approved preliminary plat that was similar to this submittal. The applicant came back with another preliminary plat that was rejected. That plat showed Elizabeth Boulevard more to the south.

Mr. Lyons stated the developer appealed the rejected plat to the Court of Common Pleas. He asked Mr. Pegoraro if he knew the intentions of the developer in regards to that plan and if it would be withdrawn. Mr. Pegoraro indicated that he did not know, however, he would think that would be the case with the current submittal being suggested.

Mr. Lyons informed the Commission that the other plan has been appealed; however, it does not affect this submission. There were questions regarding the possible implications of having two approved plats. Mr. Lyons stated they could not have two. If this plat were approved, they would have the right to start building this plan. He stated that for the record, if the City approved this plat, the other plat will be considered nullified.

Chairman Fitzgerald asked if there were any questions regarding this item. There being no comments, he asked for a motion. Motion by Mr. Komjati, seconded by Ms. Shoop, to accept the preliminary plat for Windmill Estates consisting of 144 single-family lots with the sixteen (16) stipulations listed in the Memorandum from the City Planner and City Engineer dated April 7, 2011; and stipulation #16 being modified to reflect the trails are to be dedicated paths outside of any lot area to be provided. On roll call, Ms. Shoop, Mr. Komjati, Mr. Temming, Chairman Fitzgerald answered “yes”. Motion carried.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- **Walnut Ridge Condominium Project:** Approval of Findings of Fact and Conclusion of Law.

Mr. Lyons explained that a motion is necessary to approve the Findings of Fact and Conclusion due to the Court requesting a separate document that needs Commission approval.

Chairman Fitzgerald asked if there were any comments or questions. There being none, he asked for a motion. Motion by Ms. Shoop, seconded by Mr. Temming, to accept the submitted Approval of Findings of Fact and Conclusion of Law. On roll call, Mr. Komjati, Mr. Temming, Ms. Shoop, and Chairman Fitzgerald answered “yes”. Motion carried. The document will be submitted to the Court of Common Pleas.

ADJOURNMENT

Ms. McMahan indicated some members have notified the Administration that they will not be able to attend the regularly scheduled May meeting. Since there are items that require a majority of the members to be present, the members in attendance were asked if they would be present at that meeting. Chairman Fitzgerald indicated that he would be out of town for that meeting. Ms. McMahan stated the items for the Commission would be brought forth at the June meeting.

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

Lynn M. White, Secretary

Thomas Fitzgerald, Chairman