

**City of Sheffield Lake Planning Commission
Sheffield Lake, Ohio
September 16, 2020**

The regular meeting of the Planning Commission was held Wednesday, September 16, 2020. Chairwoman Pugh called the meeting to order at 6:31 PM.

ROLL CALL OF MEMBERS:

Present: Pugh, Rewak, Eiermann, Siebenhar, Tollett, Building Inspector Melbar, Mayor Bring, Law Director Graves, Council Representative Gee.

Absent: None.

Attending: Applicants.

MINUTES: July 15, 2020 – *Motion by Rewak/Second by Siebenhar to approve the minutes with any noted corrections. Yeas All.

CORRESPONDENCE: None.

REPORT FROM COUNCIL REPRESENTATIVE GEE: Councilwoman Gee reports there is someone interested in the bowling alley and we will keep you apprised on that. We also had some discussions on another property located behind the shopping center. Also, Irving Park is almost completed.

REPORT FROM ZONING BOARD OF APPEALS MEMBER SIEBENHAR:

Member Siebenhar reports the August meeting was cancelled. On the July docket was the city of Sheffield Lake. We voted to approve the variance for the creation of one buildable and one non-buildable lot behind the gas station on Lake Rd.

PRESENTATION: A) Referral from Council for the rezoning of five lots. Paul Morrow and Robert Corna.

Paul Morrow property owner states I'm really excited about this project and have gotten a lot of positive feedback. There were some issues including parking. The architect has rearranged the plans and I would like to introduce that now.

Robert Corna architect for the project states we have had a lot of input from a lot of different people from council to our last meeting with planning. We absorbed all the comments and addressed each one. They have actually improved our plan. We now have executed drawings that are exactly what we are going to build. The concern about the type of zoning we are asking for is that it is limited to this project. We will build exactly what we show you, if not, the zoning will revert back. There is also a time limit of one year to get started and we have accepted those limits. To summarize the initial plan: on parking, it was suggested that it was a little crowded and hard to maneuver. What we did was plot these units to this side, so the driveways come in off of Buckeye. That cleared up the court to be more of a landscape court. To give a comparison, the Perch has one car per unit and there are 240 parking spots. We have five spots per unit now, two in the garage and three outside. We created a visitor parking area for eight cars out front. You

can enter the units from the front or the back. There will be no parking on Buckeye or the streets. We also slightly reduced the size of the units. By restriction of the R-2 zoning, we are restricted to 35% coverage of buildings. We are now down to 22% coverage. There is more green area now. The plan you see here is exactly what we are going to build. It meets the criteria of R-2 zoning. We are allowed 35 ft. for the height of our buildings and we are at 30-32 ft. We cannot go more than 2 ½ stories, we met that criteria. The minimum floor area for all the units is like 1400 sq. ft. Allowed is 19-2200, so we are compliant. We are at a total sq. ft. of 69,000, we have about 15,000 lot coverage, so we are at about 22%. All setbacks are taken out of the four corners of the ordinance. The front yard should be 35 ft. from Lake Rd., 20 ft. is established on Buckeye Dr. 25 ft. is the established rear yard setback and 5 ft. are the side yard setbacks. We are compliant with all of those. Chairwoman Pugh states the rear yard setback, there is a dotted line drawn. Mr. Corna replies yeah, the red line is the actual setback within the ordinance. Chairwoman Pugh asks so the dotted line, a building can go to that dotted line? Mr. Corna replies yes. We designed our buildings around the ordinance. There are no variances needed, just a building permit after approval. The way the units are arranged, they all have a lake view. We think that is really going to mean a lot to the success of the project. Member Eiermann asks are you proposing to make it all one parcel of land? Mr. Corna replies yes, we are doing what is called a lot consolidation. It will be one condominium project where all the land is controlled by an association. Member Eiermann states building A is pretty big, 10,000 sq. ft. almost. If you didn't make it all one parcel and you split it up, because building B, you would've been over 35%, correct? Mr. Corna replies no, we would not have. Member Eiermann asks so you don't need to make that one big parcel because it wouldn't have affected your ratio? Mr. Corna replies no, we did it for one reason: to make it one condominium, one maintenance. It would be a shared expense. Member Eiermann asks if the homeowners die, those two single family homes, what's happening with that? What does the deed look like? Is someone buying the whole parcel of land? You have two single family homes and then condominiums on one single parcel of land. Does it not effect it? Mr. Corna replies the way ours is going to be done, the way a condominium is defined, it is the footprint of the building. That will be the ownership of that individual. Member Eiermann asks but who owns all the land, that parcel. Mr. Corna replies the association. Member Eiermann asks what about the two single family homes? Mr. Corna replies each is owned by the owner. The buildings are separated out as condominiums are. They are pulled out as individual parcels within a large condominium. All the land that surrounds it is called common area. That is associated with a common ownership of everybody. No matter what happens to Paul or he sells, or any of these individuals sell, they are selling their unit, not the land around it. Member Rewak asks would Mr. Morrow's home currently be changing ownership from a single-family home with a lot, to him joining into the condo association? Mr. Corna replies no, it's still a single-family unit. Member Rewak asks right now he owns the land and the (inaudible) around it, correct? Mr. Corna replies yes.

Member Rewak asks and he essentially would be entering into the condo association? Mr. Corna replies yes. Member Rewak asks so, any future buyer would just be buying the footprint of the home and entering into the condo association? Mr. Corna replies yes. The only thing that changes is the land around the homes will be treated the same way. i.e.: grass is cut at the same time, landscaping all blends together, etc. Member Rewak states I think the only difference is normally condos are built into the project rather than incorporating an already built house. Mr. Corna replies yes. Member Eiermann asks Mr. Morrow will own all that except the small, little middle piece, correct? The neighbor's part of the land he does not own yet? (response is inaudible) All of parcel A is everything but that, is what you are proposing? Mr. Corna replies yes. Mr. Morrow's ownership will include the entire property as a member of the condominium association. He has an individual ownership on his home which will give him title to that home and be able to finance. Chairwoman Pugh states it is my understanding that nine other people will have a vote in the condo association, of which he is a member. Once he sells these units, they each become an owner and they each have a vote, correct? Mr. Corna replies that includes the management of the property and the exteriors of the units. Like when the roofs get done, they all have to be done at one time. If they need painted, they all get painted at one time. Member Eiermann asks does he sell that portion of land then to the condominium association? Chairwoman Pugh replies you don't sell it to a condominium association. When you buy a condo, you are now the owner of that condo. There will be nine owners of nine different condos. The association takes care of all the surrounding area and you have a vote on the money that is spent that you are paying each month into the association. Member Rewak states at some point in the production of this project, the land would be transferred from Mr. Morrow into the association that's developed for the maintenance. Mr. Corna replies yes. Chairwoman Pugh asks building C is Mr. Morrow's home, what is building B? Mr. Corna replies that is another single-family home. Chairwoman Pugh asks who owns building B, or are you about to build it? Mr. Corna replies right now Mr. Morrow owns all the land and he will be selling off parcels. Chairwoman Pugh asks he will be selling building B as a condo? Mr. Corna replies as a house, as a condo. I plan on living there somewhere and that's one of the units I'm thinking of living in. Chairwoman Pugh states I do not know Ms. Ledyard, I only have the minutes from the last meeting, but I feel compelled to speak for everyone in Sheffield Lake because it is a responsibility of the planning commission. Now, she is in that house and I know she wanted to build a garage and it was approved by the city. Mr. Morrow took her to court and I personally feel that he did that to try and get her to sell. Mr. Graves had to submit a brief and she got her garage built. Now, right behind her property, we are going to build building B and block as much as we can of the lake. I think that is a bad place. You say we are only using 22% of the land, but if you are only using 22%, why don't you move that building? Mr. Corna replies we are limited by the creek and the floodplain. We have really concentrated on keeping the integrity of the land around her, even though she doesn't own it. We have done everything to make sure she is not

closed in. We kept it completely open here (points to diagram) for views. The fence in her backyard is 8 ft. high, she can't even see the lake. We aren't taking anything away from her. Mr. Corna continues to show the views on the diagram. Her fence blocks more of our view than her view. We have gone a long distance to make sure she doesn't lose anything she is living with now. Member Eiermann asks Law Director Graves what is the actual ordinance we are looking at right now? Law Director Graves replies originally the application came through under a traditional request for rezoning. They first approached the building department, then it went to council for resolutions setting the public hearing and referring it to planning commission. Because this rezoning is so closely tied to approval of a development plan, in discussions with the applicant, their legal counsel, city council and the administration, it was agreed upon that this is more appropriately submitted as a request for limited use rezoning under chapter 1119. Chapter 1119 requires planning commission first undertake a preliminary plan review and consider the criteria set forth in 1119.01(a) – (g). If they approve the preliminary plan they come back for approval of a comprehensive detailed plan and consider it under 1119.02(a)- (h). The first time they came to planning commission is considered the preliminary plan approval and tonight they are back under 1119.02, the comprehensive plan review and approval. Planning Commission can review it and determine if the submissions are adequate, they can approve it, they can recommend disapproving it or they can approve it with modifications. It would then go onto council for approval of the plan and formal rezoning would be the last step contingent on this plan going forward within one year. Member Eiermann asks does this comprehensive plan meet all the requirements that the ordinance requires? Law Director graves replies I did not see the new drawings until tonight. They are much more detailed than what was submitted before. I do have a couple more questions about parking especially, as far as buildings 4 and 5. Under 1119.02 (a)-(h), (g) especially: provisions made for the location of existing storm and sanitary sewers, water supply, parking lights and other utilities. There should be some delineation of where the sewers and utilities are going to be. Member Siebenhar states when you do work on the lake, you often have to get city approval and FEMA approval, particularly if you are in a floodplain. I don't know if that was approved prior to this. Mr. Corna replies we have an engineer who has been working, we have the plan here. The natural creek itself is governed by a core of engineers and FEMA. The thing about this property is it has had a flood study prepared by FEMA. What you see in blue is the designated floodplain. We are not near it. In our plan, we have provided a 20 ft. repairing rights area, so the city has access to come in and maintain it if they want to. The whole idea of floodplain is you aren't allowed to build over it and you aren't allowed to fill it. We aren't doing either. We are 6 ft. above that floodplain for our house location. The next step is final engineering. All these conditions will be met when we submit it. Member Eiermann asks without these buildings, right now it's all grass in that area. Mr. Corna replies yes. Member Eiermann asks so, when it rains it just puddles there and runs off into that ditch, right? Mr. Corna replies yes. Member Eiermann states now we are

going to build buildings on it and that is gonna run off somewhere, because the water is gonna stay on the concrete, where exactly is that water gonna runoff? Is there a plan that can be seen? Mr. Corna replies all that is part of the engineering. That is when we apply for the permit, it's the next process. Chairwoman Pugh states actually, the planning commission should ask to see those. It's comprehensive plan evidence. Mr. Corna states this meeting is not about final approval, we still have to come back with plans, details and engineering for your approval before we can build. Chairwoman Pugh replies we can ask for stamped architectural designs that show us where the sewers and everything are before we have to move it on. Member Eiermann states I don't want to send a rezoning situation to council saying we approve this rezoning if I don't even know how the sewers are gonna be. Mr. Corna replies the creek starts here, the creek comes underneath the road and from the creek to the lake is 17 ft. (inaudible). The lake would have to come up 17 ft. for this creek to flood. The creek bed is made of shale and there is no erosion. You can see our land has a lot of grass and tree area to help slow down any kind of flow. The buildings have downspouts and gutters to capture the rain. The storm sewer will be designed to go to the creek, and it will be adequately funneled there. Member Eiermann states I would like to see plans for that before. Mr. Corna states we are just here to present to you the changes. You already approved it before. You can't expect us to go out and spend tens of thousands on final engineering unless we have an approval to move forward with. Chairwoman Pugh states I asked my questions tonight, not to get personal with anybody, about the preliminary plan because I was really concerned about the value (inaudible) property adjacent will be safeguarded. I read through our ordinances and I still want to see the signatures that you have asked the people all along the lake there that they don't mind condos as opposed to single-family homes. Mr. Corna replies we have 100 signatures of the people around there, the next-door neighbors, everyone is in favor of it. Chairwoman Pugh states 1119.02 is for comprehensive plans and evidence. Mr. Graves, I have some individuals here who are concerned about sewers, runoff of water, etc. A lot of times we do get stamped architectural designs before we approve something that goes to zoning. What does it tell us we should be doing in 1119? Law Director Graves replies it does not specifically require engineered drawings at this stage. However, because of this being set on for a rezoning contingent on the project, I think that additional detail is warranted. Some of the questions that need to be looked at are simply not answered by these drawings. Under section (h) it does say planning commission can require such additional data as they deem necessary to enable them to judge the effectiveness of the design and character of the entire special use district and to consider the relationship to surrounding areas, anticipated traffic and the public health, safety and general welfare. So, under this ordinance you would have the authority to require such additional data that you feel is necessary to make an informed recommendation to council. Chairwoman Pugh asks we have 60 days, right? Law Director Graves replies actually, this ordinance doesn't have a time frame. Member Rewak states procedurally, I think there was discussion that we

were going to treat our prior vote as approval of the preliminary plan and under 1119.02, moving towards the submission of detailed plans and accompanying evidence before transmittal to council. Would an approval at this point be final or can that approval be conditional prior to it officially getting sent to council? Chairwoman Pugh states if we approve this tonight, it does go to rezoning. It goes back to council and to rezoning. There is no conditional on it. Member Rewak asks is (h) a conditional approval or do we need (h), any additional data, before any approval would take place? Law Director Graves replies these factors are what this commission can require before making your recommendation to council. Mr. Corna states we got the approval to move onto council for rezoning. We went to council and they were unanimously in favor of this project. They wanted to make sure you were aware of changes we submitted to them that you didn't see. I presented those tonight. If there are any problems with those changes, then you have to tell us. Member Rewak states I am hearing two different things. Are we reintroducing a preliminary plan for approval or are we approving a comprehensive plan to be sent to council? Chairwoman Pugh replies it depends on this commission. Somebody can make a motion to move it on and it has to be voted on, or we can say we want more information before moving it on. Law Director Graves states the preliminary plan was recommended for approval. Now it's back for review and a recommendation on the comprehensive plan. The ordinance requires that he submit a comprehensive detailed plan and all accompanying data to the planning commission for review. When you are satisfied, you can vote whether or not to recommend that approval to council. Chairwoman Pugh states is this a comprehensive detailed plan that if you send on, you pretty well know where everything is gonna be and you are ok with it. Mr. Corna states when you met last time, this is almost 98% of what you saw. We haven't changed it that much. You're here to look at those changes. Council decided to limit us. They were afraid if they rezoned, we could build anything we wanted. They wanted to make sure that what we drew up is exactly what we are going to build. Chairwoman Pugh replies I am not disagreeing on any of that. I am trying to make sure that everybody here feels it's a comprehensive detailed plan. Member Eiermann states I think the changes you made were good, but to say this is a comprehensive plan when I don't know where drainage and utilities are, for me causes some concern. I would like to see that. You gave us access to it, but because we have access to it, is it our responsibility or a shared responsibility? Law Director Graves asks access and maintenance of what? Member Eiermann replies that drainage, the creek. Law Director Graves replies it is privately owned, but the city has the right to enter on there to make sure the water drains properly. It is a natural drainage corridor. We have an obligation to make sure the water drains. Member Eiermann asks can you show me where you gave access? Mr. Corna points to it on the plans. Member Tollett asks (inaudible) utilities or storms, where all that's going to go, it would all still have to be under code and up to par with what the city requires, right? Mr. Corna replies yes. Law Director Graves replies there will be a review of that by the city engineer. The comprehensive plan is supposed to set forth that the proposed

development or project will make adequate provision and show the location. Member Tollett asks so it does state that it has to be presented tonight? Law Director Graves replies that is 1119.02 (g). Mr. Corna states the project already has storm design, it's existing on Buckeye, it's clogged. We agreed with the service department that we would repair that pipe and rebuild it. The gas and the electric is all there. The sanitary sewer is all there. It's not a subdivision where you bring in everything new. There are two houses on the street being fed gas and electric. We aren't putting streets, curbs or storm in. Everything is there. It may have to increase in size because of what we have. Member Rewak states 1119.02 says the comprehensive detailed plans shall show the following and that to me says it is required. The changes made to the plans do make me more comfortable. (inaudible, sidebar talking). Everything seems to be there. The one issue that has come up is the provisions made for the location of existing or proposed storm and sanitary sewers, water supply, parking lot lights and other utilities. Ultimately, we have to decide if the provisions made for the location requires specific diagrams or the fact you are utilizing some of the existing framework. Member Rewak addresses each provision and asks to be shown on the plans where those are. Chairwoman Pugh asks are you building extra storm sewers to go to the street? Mr. Corna replies no, the storm sewers are gonna be built in their existing... the one storm sewer runs... we were out there with your service director and he camerad it and it's clogged. It needs to be replaced. Our plan is to replace it in existing conditions. That is the major storm sewer for the project. Mr. Corna goes on to show where all the existing utilities are. Chairwoman Pugh asks Mr. Melbar these lots were originally when sewers were built and everything from the city, they were originally arranged for three houses, we are now going to put nine condos and another building in there and they are just going to run into what's existing, is that going to be enough? Building Inspector Melbar replies that is why you need engineering done. Member Siebenhar states I don't want anyone to misinterpret the concerns or questions we have as not thinking it's a solid project or anything like that. My concern, having built in the city as well, is that it is a storm sewer runoff. With our biggest resource right in front of there, the lake, everything flows directly to that. The reason it is important to have that on these plans, and I found out firsthand having to reconfigure a lot of things, I had to put a retention pond on the lot. That would potentially change this. I don't know what the storm sewer size is, I don't know what it can handle, I don't know the volume. Your plans may be fine and exactly how they need to be, but we need to see that. If we move this on and then engineering asks what are you guys doing, there's no retention pond and too much water for the storm, I don't know. I know being 15, 215 sq. ft. total and mine being slightly smaller than that, I had to put a huge retention pond in. We want to see that yes, that is ok to go into the storm and then we can push it forward. Mr. Corna replies that is normally what we do with the next step. Member Siebenhar states before we get to that step, I think we would like to see that. I understand how much it costs to do engineering. It may be as simple as having them take a look at that and maybe just do a quick calculation and give

you an approval. Mr. Corna replies we have studied this and there is nothing here to preclude us from meeting all the requirements. This is a matter of size, location and capacity. He has looked at all that and he would be glad to present that at the next meeting if that is what you are asking us to do. Member Siebenhar states I would just like something that says this is fine and the calculations to go into that storm. Mayor Bring states the thing I have a concern about is when you have unit 3 and 4, I don't see any dimensions on the size of that parking lot coming in. I ask that for fire reasons and ambulance. Can an ambulance turn around in there? You are talking about elderly people moving in here. I would like to have those dimensions to talk to my fire chief and see if he is ok with that. I need to know if we can get a firetruck in there with cars parked there, etc. Mr. Corna replies from what I understand, the fire department has looked at this, they have studied it. They would fight the fire from Buckeye or Lake Rd. They would never drive their truck into this driveway. Member Rewak states I don't believe the issue is just the large truck, but also auxiliary vehicles, the ambulances, etc. Law Director Graves states with the parking, it looks like they have addressed the concerns that were primarily brought up by member Rewak at the last meeting, as far as access to the parking garages. With #3 and #4, it looks like parking is still going to be the same. Member Rewak wasn't that your concern, that it was going to be a t bone issue there? member Rewak replies those were some of my original concerns. One of my issues with the prior drawing was that I think there was an expectation that the people who resided in #3 and #4 would be able to park outside of their residences, but it did appear to be an impossibility. My understanding on the new drawing is that you moved the parking so that if 3 and 4 or any other visitors needed to park there, they would have that (inaudible, sidebar talking) or 10 spots of auxiliary parking there with it. Is parking on Buckeye Dr. permitted and on what side? Mr. Corna replies yes, not overnight though. Mayor Bring replies and not on the fire hydrant side. Chairwoman Pugh states what it comes down to tonight is whether or not we are going to move this on to zoning. Law Director Graves replies to council, zoning board has nothing to do with it. Chairwoman Pugh states I have heard concerns about the fire dept. and Mr Siebenhar talked about wanting more comprehensive detailed plans. Member Eiermann states my biggest concern is the ditch and is this a comprehensive plan to move forward. Mr. Corna says when you pass this onto council, council will react to what you say. Then we as the designers will present to council the answers to your concerns. Member Eiermann replies we are being told via our ordinances that that is actually not how it works. Chairwoman Pugh states if we approve this, it goes to council, it is out of our hands. Law Director Graves states if you approve it, you are saying that in the opinion of this commission, they have satisfied the factors of 1119.02. Council has final say and proceeds with the rezoning. Once it gets rezoned and the comprehensive plans are approved, they would get their engineered drawing, and it would come back here for site plan approval. That is what you are saying, correct? Mr. Corna replies yes. Law Director Graves states I would say the more questions that can be answered at this phase, the better; before you send it on to council

with your imprimatur. Member Rewak states I think you have addressed the issues needed since the last meeting. I am just stuck with the plain language of 1119.02. I think we need a,b,c,d,e,f,g and h. G says we need the provisions for those locations in order to move forward. Member Tollett states last time I voted for it and I'm not gonna change that vote. I think you have provided everything and given the changes. I trust in our city that the utilities and things not presented to us is going to be within code. My only question is you said you scaled down and I think it would be 9,8,7 and 6 have less sq. ft., did the price decrease because of that? Would it effect the tax revenue for the city? Mr. Corna replies that's not going to change. If I had a full set of plans tonight, you wouldn't know if it's right or wrong or different unless it's really studied and done properly. Tonight, all we are asking you to do is if you have certain things that you want to have council look at and be part of this approval, put that in your recommendation. Member Tollett states I believe we talked about this last time, but there was a time constraint and not just anything could be built on there. If the plans didn't allow it to go forward, it would revert back to the original zoning. Chairwoman Pugh states at this point, there are several people with concerns, and some feel they need to come back to us with more detailed plans, one does not.

*Motion by Eiermann/Second by Rewak to see more detailed plans at the next meeting before approval.

ROLL CALL FOR APPROVAL: Rewak, Eiermann, Siebenhar, Pugh.

Nay-Tollett

Member Siebenhar states I would like to see a brief calculation to show a retention pond is not needed on the lot and if it is needed, I would like to see where it would be put. It is important. I would also put the dimensions of a turnaround for an ambulance.

Mr. Morrow asks does this have to wait until next months meeting? Law Director Graves replies the next meeting is the third Wednesday in October. You do have the ability to schedule a special meeting if the commission votes to do so. Mr. Corna asks can we apply to have you start the process of the review before this is done? Building Inspector Melbar replies not without engineered plans. Law Director Graves states I believe he is asking if they can get the engineering plans completed, can you start their review even if the rezoning hasn't been completed? Building Inspector replies I don't see why not.

OLD BUSINESS:

Master Plan– Member Gee asks have you spoken to Mr. Rosso yet? Chairwoamn Pugh replies no, I will this week.

NEW BUSINESS: None.

CITIZENS' COMMENTARY: **None.**

MEETING ADJOURNED: With no further business before this committee, *Motion by Eiermann/Second by Rewak to adjourn at 7:59 pm. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This meeting of the City Committee

of the City of Sheffield Lake, Ohio was held and conducted under All Rules and Regulations Governing the Sunshine Laws of the State of Ohio as they may apply. All meetings are recorded and available in Councils Office.

CLERK OF COUNCIL/COMMITTEES

Brandy Randolph

I, Brandy Randolph, duly appointed Clerk of Commission of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Planning Commission of September 16, 2020.

CHAIRPERSON

Cathy Pugh

COUNCIL PRESIDENT

Rick Rosso