

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING FEBRUARY 13, 2018**

To Order: Chairperson Swallow called the Planning Commission meeting to order with the pledge to the flag at 7:00 p.m.

Roll Call:

Present were members Steve Ali, Jim Maleski, Jim Smolik, Jennifer Swallow and Council Liaison Bruce Abens.

Also present was Assistant Law Director Toni Morgan, Zoning Inspector Paul Blanchette, and Deputy Clerk of Council Donna Tjotjos.

Minutes:

Chairperson Swallow asked if there were any corrections or comments to the minutes of the regular meeting dated January 9, 2018 and the workshop minutes dated January 9 2018. Hearing none, those minutes will stand approved as presented and will be placed on file.

Correspondence:

Old Business: None

NEW BUSINESS:

Amendment to Article III, Section 2 and Section 4 of the Planning Commission By-Laws.

Chairperson Swallow explained that at the January 9th workshop the Planning Commission discussed proposed amendments to Article III, Meetings and Procedures to limit the time period in which members of the public would be permitted to speak. The members discussed a amendment to limit that time to five minutes unless a Commission member moves and the Commission votes to extend that time by an additional two minutes and that is per individual. She asked if there was any discussion. She asked if there were any comments from the Administration. Hearing none, she opened the floor to the public for comments. Hearing none, she asked for a motion.

It was moved by Maleski and seconded by Smolik to approve the amendment to Article III, Section 2 of the Planning Commission By-laws.

Chairperson Swallow asked the clerk to call the roll.

Yes, 5 No, 0

Deputy Clerk Tjotjos announced the motion was approved by a vote of five to zero.

Chairperson Swallow noted that the motion was only made on Section 2 and not Section 4 and so there should be a separate motion on that. She read the amendment to Article III, Section 4 Special meetings was discussed and the proposed amendment is to allow more than one subject matter to be described on a notice of a Special Meeting. The purpose is to not limit each Special Meeting to one subject matter. She asked the members if they had any comments regarding the amendment. Hearing none, she asked if the Administration had any comments. Hearing none, she opened the floor to the audience for comments. Hearing no comments, she asked for a motion.

It was moved by Smolik and seconded by Maleski to approve the amendment to Article III, Section 4.

Chairperson Swallow asked the Clerk to call the roll.

Yes, 5 No, 0

Deputy Clerk Tjotjos announced the motion was approved by a vote of five to zero.

Chairperson Swallow asked the Clerk to read the application that is before the Commission.

APPLICANT: Cody Bruce, K. Hovnanian Waterbury, LLC, 3296 Columbia Road, Richfield, OH 44286
OWNER: K. Hovnanian Waterbury, LLC, 3296 Columbia Road, Richfield, OH 44286
REQUEST: Final plat approval of Waterbury Subdivision 9
LOCATION: South side of Sugar Ridge Road and extension of Shady Drive in Waterbury Planned Community Development District.
Permanent Parcel Nos. 07-00-035-900-003, 07-00-035-102-128 and 07-00-035-102-024

Application was read along with comments received from Administrative Officers Guy Fursdon, Police Chief Mike Freeman, Safety-Service Director Jeffrey Armbruster, Fire Chief John Reese, and Engineer Daniel Rodriguez.

Chairperson Swallow asked if there was a representative and if they could step to the mic and give their name and address for the record.

Cody Bruce of K. Hovnanian Waterbury, 3296 Columbia Road, Richfield, OH 44286.

Chairperson Swallow asked if he would give a brief description of the plan.

Cody Bruce stated that this is the northeast section of the Waterbury Subdivision; south of Shady Road that connects to Sugar Ridge Road. He showed the street on the drawing and noted that this would be Waterbury Blvd., the collector street. It will be replacing that portion of Shady Drive. This drive will be from Terrell Drive to Sugar Ridge. It is a 47 lot layout. There will be no houses abutting the main street. There will be cul-de-sacs off the collector street. There is one basin on one side and there will be one basin on the other side.

Chairperson Swallow stated that at some point it looks like Shady Drive comes into the proposed

Waterbury Blvd. She asked if that was correct.

Cody Bruce stated yes. He asked if she was referring to Shady Drive, east and west or Shady Drive, north and south.

Chairperson Swallow stated on page 36 it looks like east and west. She asked if that would connect to Waterbury Blvd.

Cody Bruce stated yes.

Chairperson Swallow opened the floor to the Planning Commission members for their comments and questions.

Member Smolik stated as far as the rear yard drainage, it looks like they are having storm inlets installed, but yet there is no storm connection. He believed that the storm connections were only for sump pumps and asked the representative to explain.

Cody Bruce stated he would have to look at what he was talking about but in most situations if there is a rear yard inlet, then they would have both a rear connections for the sump pump drainage and then the house is splash block and everything is sheet flow from the back of the house down to the storm inlets.

Member Smolik asked what do the storm inlets connect to because there is no infrastructure showing for it.

Cody Bruce stated that if there is no storm infrastructure being shown then most likely there is a rear yard drain specific for each house. So, each house would have its own rear yard drain that would normally go to front yard storm infrastructure. He would have to know which location he was looking at specifically.

Member Smolik stated basically, almost all the lots.

Cody Bruce asked if there was shown infrastructure in the street or in the rear yards.

Member Smolik stated that typical North Ridgeville construction is the storm connection only carries the sump pump and then if there is rear yard drainage that would be a separate storm system in the back yard. He stated he just doesn't see them on the improvement plans.

Cody Bruce stated that they integrated everything into the front yard infrastructure. So, the infrastructure in the right-of-way carries both rear yard and sump pump drainage.

Member Smolik asked if that would be built when the house is built.

Cody Bruce stated yes. The lateral connection to the main would be built during the construction of the street and then the houses would be tied in on a house-by-house basis.

Member Smolik addressed the Administration and asked if that followed the storm water plans because he thought that wasn't the case.

Zoning Inspector Paul Blanchette stated that is all approved by the Engineering Department. Normally,

with the sump pumps, they are usually by code to light. It has to go into the back yard and can flow anywhere it wants. They can put them in the ground and have them pop up. A lot of times too, they can go to the storm drainage; the swales and the ditches. He addressed the applicant and asked if this particular one is in regard to hooking up to the front storm drainage along the street.

Cody Bruce stated he believes so and would have to verify it with his engineers.

Member Smolik stated that his concern is, if additional infrastructure needs to be put in, then there needs to be easements granted and that would have to show up on the plat.

Cody Bruce stated that if he is seeing this correctly, the infrastructure from the street will carry everything from the houses and so, you won't need any easements specific to any sublots. There is no storm water running from lot to lot. Everything is running to the right-of-way. The right-of-way carries the easement for the storm water. There are easements between some of the lots to take the water directly to the basins and those easements will be in place, but nothing specific to the sublots unless there is storm infrastructure that would be maintained by the HOA or the city in the future.

Member Smolik stated as far as the retention basins, he didn't see any easements dedicated to the city for those.

Cody Bruce stated that most of the time there would be a storm water management easement or block that would be dedicated for the HOA for maintenance and they would be required to maintain that. If the city would require a separate easement on top of that, they would give it to them. That all goes through Dan, the City Engineer, in whether or not he requires it.

Member Smolik asked if that shouldn't show up on the plat.

Cody Bruce yes, if necessary. If it isn't on there, it will be submitted to Dan for approval.

Chairperson Swallow asked if there were any comments or questions from the Commission.

Member Abens addressed the Engineer's comments relating to the excavation material into the 100 year retention. He asked if the applicant would explain.

Cody Bruce stated that there is a basin that will go in the northwest side of the property. There is a flood plain that comes in and has been addressed with the Engineer. There are rules and regulations that go in with adding fill that basically comes down to a structural need for a house or foundation. Fill like that requires that you get a permit necessary to do the specific fill that would go into the structure. Outside of that, he believed they established with the Engineer that, that was not an item that would be needed. In fact, the basin would most likely take on additional waters back from the stream which would most likely be a zero affect to the flood plain areas.

Chairperson Swallow asked if there were any other comments or questions.

Member Smolik stated that since this is a Planned Community Development, it looks like this phase is only 11 percent open space and when it is all said and done, we should be at 25 percent. He asked where are we in terms of calculations of phases one through eight.

Cody Bruce stated he didn't know.

Member Smolik addressed the members and stated that he knows this was discussed for Meadow Lakes and he believes that the applicant needs to provide the members with calculations when they come in for these approvals because we can't wait until the final end. That sort of defeats what the whole purpose is. He could foresee that what will happen is all of a sudden there is going to be a corner of the parcel that will be undeveloped so that they meet their 25 percent and that is not the intent per the code.

Zoning Inspector Blanchette stated that there is an overall 20 percent necessary for the entire Planned Community Development.

Member Smolik stated 25.

Zoning Inspector Blanchette stated 20 and this particular one, because it is subdivision number 9; when Guy calculated this, that is the reason he came up with those percentages because of the size of the particular cluster versus the rest of them. That is what this one must have.

Member Smolik stated yes, this one is 11 percent, but the members don't know how it sits in relationship to the whole entire subdivision.

Zoning Inspector Blanchette stated that will be done when the final plat comes for approval.

Member Smolik stated that is why he is cautioning his fellow Commission Members because he didn't think that can wait that long.

Zoning Inspector Blanchette stated that would be up to the Commission.

Assistant Law Director Morgan addressed the Chairperson and asked if Mr. Blanchette was inferring that the Chief Building Official assigns a percentage to each phase so that it does total the correct amount at the end.

Zoning Inspector Blanchette explained that when he calculated this one, he took what the entire development is supposed to have in open space. He knows the calculations of each one. He stated that he didn't know as he doesn't have that privy as he didn't actually do it. He said he was just explaining how the Chief Building Official figures are. He calculated that out for this particular phase, number nine subdivision so that everything would be copasetic with the entire development. He is right by the book.

Member Maleski asked if one through eight is the other nine percent. He asked if Guy calculated one through eight as the nine percent to come up with the 20.

Zoning Inspector Blanchette stated he believes so. He wasn't 100 percent sure. He is just going by what his calculations show and what he figured had to go on and that is how he figured out how he did it.

Chairperson Swallow addressed member Smolik and asked if it would be helpful if in the future, that Planning Commission ask the Administration to bring those numbers so that the members can review those as we are doing these separate finals.

Member Smolik stated that he believes for the Planned Community Developments, the members need to

have the actual summation of the previous phases so that we know where we are at.

Chairperson Swallow stated that she felt that would be helpful as well.

Member Smolik added that because right now, the members are just looking at one particular phase. Members have no idea of what happens when you add this phase to the rest.

Member Maleski stated that he understands what member Smolik is saying, but if you look at the comments, it mentions in there that this phase only shows 11 percent and asked if it isn't supposed to be a total of 20.

Zoning Inspector Blanchette stated he wasn't sure if he could answer that 100 percent correctly for Chief Building Official Guy Fursdon, but this is subdivision nine and when you look at all the other subdivisions, he is almost sure; as Guy is strictly by the book, he has probably taken all the ones that are existing already, figured out what they have for their open space, calculated it out and that is probably what is left.

Member Smolik addressed the Chair and stated that if the Administration would provide that information, up front to the members as it would be helpful.

Chairperson Swallow stated she felt it would be helpful too in order to see that the development is on track to keep that open space. She asked if there were any other comments from the Commission. Hearing none, she asked if the Administration had any comments. Hearing none, she opened the floor to the public for comments and asked that they go to the podium and state their name and address because this is being recorded.

Barry Friedner of 37188 Shady Drive asked if the applicant could back up to the diagram showing Shady Drive as he didn't believe anyone living on Shady Drive knows what is being discussed here tonight.

Chairperson Swallow asked that page 24 and 36 be shown on the smart board. She pointed out Shady Drive.

Barry Friedner asked what would be the name of the street going north and south.

Chairperson Swallow stated that it would be Waterbury Boulevard.

Barry Friedner asked where is Sugar Ridge located.

Chairperson Swallow asked the Clerk to go to page 36 where it will show all of that area.

Member Smolik stated that basically Shady Drive is going to be converted into Waterbury Boulevard. The leg of it that goes north and south.

Cody Bruce showed Shady Drive that goes north and south and ties into Sugar Ridge Road. He then showed the east and west leg of Shady Drive that doesn't connect to Sugar Ridge and will remain as is. He explained Waterbury Boulevard will go over top of Shady Drive. So, Shady Drive that goes north and south all the way to the bend will be removed and replaced with concrete pavement known as Waterbury Boulevard that will extend south down to the entry of their subdivision and will extend down to the stub

street known as Terrell Drive, which is inside the Waterbury Subdivision.

Alan Friedner pointed to the drawing and asked what that road is.

Cody Bruce answered that it was Sugar Ridge Road and showed where Shady Drive connects. He then began to explain again what section of Shady Drive would be removed and replaced by Waterbury Boulevard.

Alan Friedner asked what the big circle was.

Cody Bruce explained it was a basin.

Alan Friedner stated that they get stuck with the basin and not the back side where all the trees are at. He explained that in reference to the current Shady Drive and looking south, he asked why the retention pond placed way back toward the ball field and the trees instead of located up by Shady Drive where it is going to flood.

Cody Bruce explained that was the best location for it for drainage. This entire site collects and drains down to the stream on the north end of the site.

Alan Friedner added that it floods their property.

Cody Bruce stated that per law, they are not allowed to put any more storm water into that stream than what currently goes in during a rain event. The basins are designed to hold storm water that they currently have on site. If they add concrete, houses, roofs and anything that makes the water flow faster, they have to add more retention basins. They will hold water longer. They have smaller outlets and so, the water will back up into the basins and are designed for slow releases into the stream at the same pace that it would during a normal rain event.

Alan Fiedner asked how wide will the Waterbury Boulevard be in relation to what Shady Drive currently is. He asked if it was two lanes, three lanes or four lanes.

Cody Bruce stated that it is currently laid out as two lane commercial street, which is just slightly wider than your typical 26 foot street.

Alan Friedner asked if Shady Drive will come off of that road still or will that be a dead end.

Cody Bruce state that you will still be connected in from both sides.

Francis Friedner of 37188 Shady Drive, father of Alan Friedner stated that on their side of Shady Drive, there are drains. It goes down and comes underneath the culvert that is there now. He asked if that will be blocked off or will they still have connection as his sump pump goes into that.

Cody Bruce stated that if there is an existing line, they have a tie into that to carry water into their basin. The existing infrastructure will stay in place. He believes that there is a connection to that existing infrastructure and he would have to review the plans once again to be 100 percent sure.

Francis Friedner stated then for now, it will just go into that drainage ditch that is down there.

Cody Bruce stated that was right.

Debbie Weyland, explained her mom lives at 37101 Shady Drive. She is the first house to the right after the bend. She addressed the applicant and asked if she would have houses next to her or the retention basin.

Cody Bruce stated that the current design for this phase has houses around the basin. There will be two houses on Shady Drive in a future phase.

Audience spoke from their seats.

Cody Bruce stated that there is intended to be a four way intersection. The current phase is what is being shown now and there is a future phase that will show those houses.

Audience spoke from their seats regarding the location of the streets and the connection of future phases. He stated that this lady will have a street right next to her house.

Cody Bruce explained that the phase in front of the Commission is for this side of the street. There are no final plans in place yet for the other side. There are intentions, but until they have it finalized with the City Engineer, it is all up in the air. At this point, they are only installing this street he showed on the drawing and the connector street.

Audience spoke from their seats indicating that it made no sense in that if they are putting houses around the retention basin, then they will be taking that ladies house. This lady is next to the field they are building at.

Cody Bruce stated that there is nothing going on the north side of Shady Drive. He stated that their property ends right before you get to the woman's house.

Audience spoke and stated that this lady will be stuck between two streets. Line Drive and then the new street.

Chairperson Swallow stated that isn't part of the plat that is being discussed tonight.

Audience spoke from their seats stating that they are looking at the future.

Chairperson Swallow stated that she understood but that will come before the Commission and conversations will be had regarding that at that time. The part that the Commission is working on tonight is what is up on the board right now. She understands the concerns about future developments but her point is that the Commission isn't approving that portion tonight. She asked if there was anyone else that would like to speak.

Mike Babet of 38601 Sugar Ridge explained that they are the far west end of Sugar Ridge. He knows that Guy does the calculations for the open space. The question he has is when they determine the size of the basin, when they initially do the 100 year retention/detention, as the phases go along and we are in the final phases now. We have had a couple of those 100 year rains and had some flooding primarily along

the west end of Sugar Ridge because as the retention basins slowly leak out, they fill the ditch and more surface rain where they are at comes from the farm fields and fills the ditch at a regular pace. Once they start moving dirt they are done. He just asks that since we have a new engineer, can that be recalculated and whatever that takes to make sure that they are the correct size because they do have in the spring time when the ground is still frozen and we get that rain and the thaw and the detentions work but he is sure that as open space changes, this will bottleneck all the way at the east end of Sugar Ridge. So, with what this puts in the creek as it slowly leaks out like he said, if rain continues, it causes it to back up down at their end. He would just like to make sure that due diligence is being done. Secondly, he didn't realize that the road didn't actually connect to Terrell. The construction traffic that will be coming in and out of this development as our laws are now, anything three quarter ton or over commercial vehicle cannot turn left onto Sugar Ridge out of that development. As he reads the law correctly, they must proceed to the nearest state route, which is Route 83 and so, they have done a great job with truck traffic on Bender and coming out of the exits they have now in Waterbury, this one will only have one exit. He wanted to reiterate that the truck traffic needs to go to the west out of that development and come from the west into that development and not to proceed to Race to Bender as they are hauling out basements or foundations or whatever materials these contractors will be moving.

Chairperson Swallow asked if there was anyone else that would like to speak.

Renee Koch of 8857 Wheaton Place asked how the road Waterbury Boulevard will affect them because they are part of that road. They are in between the baseball field and Terrell. There is no one behind them. She asked how this road will affect them and how much land will they be losing because of it. She explained also, that when the developer was building houses on Franklin, they were dumping all of their dirt right in that back yard. There is a mound back there where they can't see what is going on anymore. It is horrible. She also asked what will happen to their utility line once Waterbury Boulevard goes in.

Cody Bruce stated that there is currently a 100 foot easement directly behind the properties on Wheaton Place and essentially, that will get brought to grade and that road will eventually connect into that stub.

Renee Koch stated that means that they will end up taking that dirt that they have been fighting for seven years to get you to remove.

Cody Bruce stated that anything that is there that is not being used will be brought out and taken to grade.

Renee Koch asked if they would be coming onto their utility property and taking some of that.

Cody Bruce stated that there is already 100 feet of property already in place that will be dedicated to the city as a right-of-way.

Renee Koch asked if that means they will take down that big ugly guard rail that is there that is protecting the mound.

Cody Bruce stated that if that has to come down to put the road in place, then yes.

Renee Koch asked if that water will go into their yards when it rains.

Cody Bruce stated that this is just phase one and he is not 100 percent sure what is planned for phase two. They will not be taking any water from any property and putting it on anybody else's property.

Everything from this phase, will be going toward the basin on the north end.

Renee Koch stated that they should have thought about this before they dumped all that dirt. When should all this be taking affect and when do they expect this change to happen.

Cody Bruce stated that it would depend upon the sales pace in this first phase.

Renee Koch asked if there was any way they can get a copy of the plans.

Deputy Clerk Tjotjos responded that they can come into the office and get a copy. She indicated that they do charge for the bigger copies.

Renee Koch asked if they can be smaller.

Deputy Clerk Tjotjos stated that they can be printed out smaller.

Member Abens addressed the drawings and indicated that page 1 of 4 might answer many of the questions.

Chairperson Swallow asked if he was referring to the overall design.

Member Abens stated that it shows the retention waters. Wheaton isn't showing on this page. It looks though that the retention waters are going to be running toward the Waterbury area. He remembers speaking with Ms. Koch.

Ms. Koch spoke from the audience, but it was inaudible.

Member Abens stated that a lot of that mound will disappear and a lot of that water that they have had issues with will now have a place to go. Mr. Rodriguez will also be reviewing this.

Ms. Koch stated that they have been fighting this for about five years now.

Member Abens stated two and a half years that he knows of.

John Lupica of 37387 Sugar Ridge referred to the conversation of the northwest corner, which is where his yard butts up to and right by the horse farm. He showed the area on the drawings.

Cody Bruce stated that there isn't anything inside of that area. They have no intentions of doing anything with the area that is right behind the horse farm. The wooded area behind his house that butts up to the horse farm they have no intentions of doing anything with that. Everything from there up to the piece that runs right beside Shady will remain in place. They will clear a small area running just alongside of Shady.

John Lupica asked if that will all be open space. He asked if the retention basins will be directly shooting into that pond.

Cody Bruce stated that everything from the streets and houses and anything that is on that site currently has to make its way ultimately to the big basin at the north end of the site before it makes its way out to

the street.

John Lupica asked if it was going to the stream and not the city sewer.

Cody Bruce stated that nothing goes to the city sewer. The only sewer that it will go through is any storm sewer that they install per phase.

Chairperson Swallow asked if there were any other questions.

Al Krage of 37903 Sugar Ridge Road stated that the road that is being put in is a future truck route. When he first moved to Sugar Ridge Road back in 1988 the ditch that is the biggest behind his house and several houses. The land was even from their yards across. Waterbury has raised that grade up to the level of right here, which was his chest. It floods in his back yard. It used to be when there was two inches of rain it wouldn't even bother that ditch and five inches of rain would bring it to the top of the bank. Fast forward to now, it is pretty well up to volume. Two or three inches of rain now brings the water to the top of that ditch. We haven't had five inches of rain in a while. The last time we had it was back February 28, 2011 and it flooded everything. He had two feet of water in his basement. The water is exceeding the ditch capacity. This development will add to this problem. Adding all of this in has ruined the drainage systems. All they want to do is run all the water off their land and on to ours. That is what has been done. He stated that he didn't know if they are going to raise the property, but the people on Shady Drive will flood. He didn't know if they are going to raise that property, but that needs to be checked because they did it behind them. It has consequences that they have to live with and they worry a lot every time it rains two inches. It is causing problems.

Laura Artino of 37210 Shady Drive stated that they have been at that property for over 20 years and that farmer's field runs right across into their yard and it floods. In over the years it has come into their yard. They have noticed the same thing and she remembers the flood Mr. Krage talked about. It is getting higher and higher ever since Waterbury and everything down Bender got built up. She asked if the Commission would please protect their property for them. After 15 years, they were put in a federal flood zone, which will make it very difficult for them to sell their home. Now they are worried that they can actually get flooded. The other question she had was when the roadway construction would start.

Cody Bruce stated as soon as they get the final approvals and have the project out for bid, but it could be potentially April or May for the infrastructure and paving in the summer.

Laura Artino asked the Commission to consider the comments she has made adding that they have worked their whole life; they built their house for their future and they are really concerned that they won't be able to sell their house and this stuff keeps happening.

Sherry Lupica of 37387 Sugar Ridge Road stated that they are also in the flood zone and her concern is with that basin in the back of their property in which water rises to the top. They have been at that property for over four years. The water hasn't gone over, but it has crested to the top. Her main concern is that they are in the flood zone and this could ruin what they have also.

Chairperson Swallow asked if there were any other questions.

Barry Friedner of 37188 Shady Drive continued on the subject of flooding he stated that before they started building Waterbury off of Bender, most of them were not in the flood zone. As soon as they

started building, FEMA comes in and tells them they are in a top level flood zone, because they don't do very good drainage and now the Commission is going to let them build a pond across the street from him. He didn't think that is going to happen.

Chuck Harvey of 37299 Sugar Ridge Road asked where exactly does the flood zone begin and end.

Chairperson Swallow stated that the Commission doesn't have that information.

Chuck Harvey stated that he is on the northwest corner. When they build back there will they build to grade.

Chairperson Swallow stated that he can get a copy of the drawings but a little bit of it looks like it is depicted on here, but as her colleague just informed her, these aren't the official FEMA maps that show the flood zones.

Member Smolik stated that the Federal Government is the one that establishes the 100 year flood plains and what we call the FEMA flood maps and that is what he is referring to. He believes they are on line and the city should have a copy of them as well.

Zoning Inspector Blanchette suggested that he come into the Building Department as they do have a copy of it.

Chuck Harvey stated that he put a barn up back there. Everything was up and he had to take it back down because it was in the flood zone. When they build in the back, what is good for the developer is not good for him and he is in the flood zone.

Member Smolik stated that it depends upon where you are in the state, but FEMA did come in and studied all the streams and ditches and created the revised maps. The previous maps did not have all the data they have now and that is why some of these people who were never in a flood plain are now in the flood plain. It has really nothing to do with new development or anything like that. It was just the fact that FEMA had more resources to create better maps.

Chuck Harvey asked if that isn't in a flood plain back where they are proposing to build.

Member Smolik stated he has no idea as he doesn't have a FEMA flood map in front of him, but if he is building in a flood plain, there are regulations which the City Engineer stated in his opening comments. He has to perform certain hydraulic analysis to make sure that, that flood plain doesn't get worse. That is some of the stuff that the City Engineer stated in his opening letter.

Chuck Harvey asked if when he puts the new road in over Shady, is that going to be a turning lane or widen that road.

Chairperson Swallow stated that she believes they indicated that they were not turning lanes. She asked if there was anyone else in attendance to speak.

Mike Zenone of 8119 Lexington Way stated that they are in a flood plain and he expressed his concerns with the flooding. His yard is five and a half acres and it is pretty much a swamp year round. It is his hope that they get the drainage right so it doesn't kill his property value. He stated that his property is on

the southeast corner of this development. Approximately, 12 houses will be in his backyard. He has concerns about any tree removal as well. He is concerned with the street lights and lights from the houses and of course his property value.

Chairperson Swallow asked the applicant to address those concerns.

Cody Bruce stated that he can't speak toward the property value, but he can speak toward the trees and lighting. Along the property perimeters there are intents to leave all existing trees in place around the perimeter of the property. There is a line of trees that run through the center of the property that don't about any neighboring properties that will be removed. The south end of the property is wetland and so, there will be no trees that are removed. He showed that location on the drawing.

Chairperson Swallow asked if he would talk about the lights and more specifically the street lighting.

Cody Bruce stated that any street lighting that they install will be specific to the city standards. So, street lighting is the typical colonial post on a 16 foot pole. House lighting he can't speak towards. They install different house lights on different houses and people of course, will install lights afterwards. He didn't know if there were any city regulations on the wattage on house lights. Once the house is sold to the homeowner, they determine what they want to install.

Chairperson Swallow asked if there was anyone else.

Audience spoke from the seat and asked if the baseball fields will remain there.

Cody Bruce stated as far as he knows yes. They don't own that property it is city owned.

Chairperson Swallow asked if there were any other comments or questions from the public.

Mike Babet stepped to the mic and stated that on page 36 of 43 shows the limit of special flood plains as FEMA's map. It says that grading is proposed to general drainage purposes via FEMA Federal Emergency Management Act. He showed a contour line that went right through the development.

Audience spoke from the seat and asked if the basin will be installed in the first phase.

Cody Bruce stated that both basins will be installed in the first phase because of the drain pattern. They will be draining water from the street to the first basin. He stated that they will see an area on Shady Drive from the first basin of about 160 feet roughly. There will be two houses proposed that will face the front onto Shady Drive.

Audience stated meaning their driveway is right.....

Cody Bruce stated it will come out onto Shady Drive.

Audience asked if there were two houses.

Cody Bruce stated proposed right now, yes. However, not in this phase. That all has to go to the city engineer for his review.

Audience stated that could change as it is another phase.

Chairperson Swallow stated that is correct.

Audience spoke from their seat and asked how close the new houses will be from the new Shady Drive.

Cody Bruce asked if he was talking about the south end.

Audience spoke and referred to the two houses.

Chairperson Swallow stated that the Commission does not have those plans in front of us yet.

Audience addressed the applicant and asked if he knew that there was a house buried there on that corner.

Cody Bruce stated he didn't.

Chairperson Swallow asked if there were any new comments from the public.

Audience spoke from the seat and asked if this was a done deal.

Chairperson Swallow stated that the Commission hasn't voted yet.

Audience spoke and asked if the Commission was voting tonight.

Chairperson Swallow stated yes, the Commission will make a decision this evening.

John Tipple of 36655 Chestnut Ridge Road asked if the collector road was going to be part of the Beckett Waterbury Parkway where 480 extends to Sugar Ridge as Waterbury Parkway.

Cody Bruce stated he wasn't sure what the original name of it was, but from his understanding yes.

John Tipple asked how far back does that collector road go.

Cody Bruce stated that with the current phase, it stops at their front road which is approximately 2,000 feet. When it is fully finalized the intent is to take it down to Terrell Drive. He stated that they are only putting in the portion of the road that sits on their property.

John Tipple asked if there is a whole plot plan so that he could see along that road.

Chairperson Swallow asked if he was talking about the whole development.

Member Abens stated that page 1 of 4 shows it.

John Tipple stated that the people that are on that side of the room can't see what is going on here.

Assistant Law Director Morgan addressed the Chairperson and asked if this is also pertinent to this particular plan that is in front of the Commission tonight. She is losing track here.

Chairperson Swallow stated that she believes he was asking about the length of Waterbury Boulevard.

John Tipple spoke and stated that he was talking about the infrastructure as there is a big water line back through there that feeds southern Lorain County that goes along Shady Drive.

Chairperson Swallow responded that it is all shown on the maps.

Cody Bruce stated that there is a 30 foot permanent water line down Shady Road.

John Tipple stated that there is one that goes all the way down to Chestnut Ridge down to Route 82 somewhere.

Chairperson Swallow stated that according to these drawings she didn't think that was affected. The drawing shows one of the easements for an Avon Lake water line. It is shown on here and is not affected.

John Tipple stated that a previous plan that was shown for the other end of this development, there are houses on top of a 40 inch water line.

Cody Bruce stated that they have no intentions of putting houses near or on water lines.

Chairperson Swallow asked if there were any new comments from the audience.

Audience spoke from their seat and asked if these houses were electric.

Chairperson Swallow interrupted and stated that there is someone on their way to the podium, if he would like to speak, he can do so by stepping to the mic and giving his name and address.

Al Krage of 37903 Sugar Ridge Road asked if these houses will be built on the existing level of land or are they going to be allowed like the rest of Waterbury and raise the level higher so that all the flood water goes into the existing houses that are already there.

Chairperson Swallow stated that they are not allowed to build to allow the water to run onto your property in order to keep their properties dry. As part of the plans that are submitted, there are water shed calculation plans that are reviewed and approved by the Engineer to make sure that is not happening.

Al Krage stated that it happened behind his house. Their property got raised up and any floods go into their yard instead of the developed land. It used to go across to the other side of the ditch and now it all goes to them. If they develop down here, showing the location on the drawing, then it will flood that guys house. He stated he has been watching the water and it is flooding over Shady Drive and in his back yard and everywhere around there.

Chairperson Swallow stated she understood and he has already indicated that. She stated that they have to submit plans that are approved by the Engineer to make sure that is not occurring. She asked if there were any new comments or questions regarding the plat that is before the Commission tonight.

Member Smolik stated he wanted to reiterate on that drainage. The rear yards elevation shown on here matches pretty much Sugar Ridge within 12 inches. It depends on where the resident sits.

Mike Babet spoke from the audience and stated that on page of 8 of 43, he believes it states that the elevation of the collector road starts at 730 and increases up to about 739 and so, a nine foot elevation rise of Shady Drive to the new road. He hears what they are saying. The applicant is stating that they are collecting the storm water but when it hits the creek; if the creek overflows and the land is higher to the south, it will overflow to the north. So, the elevation of this street shows a nine foot rise. The lots match the street. As far as page 36 and the flood plain, the flood plain information is taken from the plans graphically reproduced from the FEMA Flood Insurance Rate map, which they are being graded on for homeowner occupancy and resale from Lorain County Ohio and map number is listed. It clearly shows the 100 year flood plain runs directly through the middle of the development. That means that the outer reaching's of the overflow of the bank will go that far. They can't go that far if its five, six or even four feet higher than the ground to the north when the banks overflow; unless there is ditching there or some visible barrier for the overflow of the bank, it will then proceed north into their lots. While it is not directly impacting the lots, like where he is at, they have nothing to the south of them, but when the ditch fills up, it evenly flows north and south overflowing the map, but if these folks do get that rain and the system works as it should, they will bear the burden of the majority of the water if the elevation is higher to the south. It is common sense.

Chairperson Swallow asked if there were any new questions or comments from the audience. She closed public comment at this time. She asked if there were further comments from the Commission. Hearing none, she entertained a motion.

It was moved by Smolik to approve the final site plan for Subdivision 9 of Waterbury PCD with the following condition that administration can add drainage easements if required after Planning Commission approval for basins and rear yards.

Assistant Law Director Morgan raised the question to the Chair. She stated if the City requires an easement, they automatically have ordinances that take care of getting those, so the motion does not require the condition.

Member Smolik agreed and stated that he wanted to make sure because this is a final plat.

Assistant Law Director Morgan stated that the Engineer will review all the drainage calculations, which is what they spend a huge amount of time doing and so these concerns will definitely be addressed.

Chairperson Swallow asked if there was any discussion on the motion. She asked for a second.

The motion was seconded by Maleski with the motion being restated as the motion to approve the final site plan for Subdivision 9 of Waterbury PCD.

Chairperson Swallow asked the Clerk to call the roll.


Yes, 5 No, 0

Deputy Clerk announced the motion was approved by a vote of five to zero.

ADJOURNMENT:

Chairperson Swallow announced the next regular meeting is scheduled for March 13, 2018. She then adjourned the meeting.

The meeting was adjourned at 8:09p.m.



Chairperson



Deputy Clerk of Council, Donna Tjotjos

3/26/2018

Date Approved