



PLANNING AND ZONING COMMISSION MEETING

MINUTES

Tuesday, July 14, 2020 – 7:00 p.m.
(meeting conducted via Zoom)

CALL TO ORDER: Dr. Boester called the meeting to order at 7:00 p.m.

ROLL CALL: Charles Boester, Geoff Aiken, Monica Day, Dan Holahan, and Bart Sauer were present.

OTHERS PRESENT: Planning and Zoning Director Brian Frantz, Mayor Michael Wheeler, Village Engineer David Neumeyer, and Law Director Alejandro Cortes were present.

AGENDA REQUEST: None.

OLD BUSINESS: None.

NEW BUSINESS:

1) Case No. 24-2020

Applicant/Owner: Rick Turner/True North Energy
Location: Kinross Lakes/Wheatley Road
Zoning District: Industrial
Code Section: 1179.15

Mr. Frantz explained how the Planning Commission serves as the BZA in cases regarding riparian areas. The applicants have submitted additional information following comments from the Village Engineer. Exhibits H and I have been added to the record which are comments from the Village Engineer in response to the applicant's resubmittal. The site has a stream and drainage feature the applicant is proposing to remove by installing a culvert; and they plan to construct their facility on top of the culvert.

Mr. Holahan noted that a report from the Army Corps of Engineers or an updated wetlands report had not been provided and he was concerned how the Commission could proceed. Mr. Frantz said that is correct, however, the applicant has met the requirements of Chapter 1179 to illustrate the impact for the variance area being requested and those are jurisdictional issues outside the purview of the Commission. The items mentioned will be required by the Village Engineer throughout the process, but for the purposes of holding a variance request, what the applicant has submitted meets the standards to hold the hearing. Mr. Neumeyer went over the delineated waterways detailed in the 2009 Flickinger plan. Mrs. Day asked about upstream consequences if the culvert is enclosed.

Rick Turner with Diamond Z Engineering and Surveyor Dennis Kolp were present to speak on the proposal. Mr. Turner explained that he used the County GIS map to determine high water marks. He stated the riparian area cuts right through the center of the parcel and coupled with setbacks reduced the lot to an extremely small area, rendering the lot practically unbuildable. He read from the code, "No lot should be made unbuildable based on riparian setbacks requirements", and said this was happening on the property in

question. He estimated about 270 lineal feet of water flow travels from Kinross Lakes Parkway towards the east and northeast. He also answered Mrs. Day's question regarding backup and said the water will continuously flow through the culvert without causing backup.

Mr. Kolp said he has done work in Kinross Lakes for 22 years and the riparian code section existed before the development of Kinross Lakes. He stated that wetlands or stream course in the area have not changed since the 2009 Flickinger report. Mr. Kolp also mentioned that disallowing a building here would be a significant takeaway to the development plan. Mr. Aiken asked if there was any consideration to develop to the east, outside the riparian area, but Mr. Kolp said they would like to utilize the traffic light at Kinross Lakes Parkway/Wheatley Road to allow for easier access to the site.

Mr. Kolp insisted there are no true wetlands on the site, nor has there ever been, and the stream has remained dry and in the same location. Mr. Neumeyer and Mr. Frantz questioned Mr. Kolps credentials to make such a statement. He said he is not an environmental scientist or wetlands expert, but he has 22 years of walking the site and has read past reports regarding the property. He said he sees no significant changes to the wetlands or streambeds on this parcel. Mr. Frantz also entered the Crossroad District Plan into the record as Exhibit J to show that Wheatley Road is not to be closed with landscape islands from I-77 to Brecksville Road, and that ~~there~~ clear breaks in the islands to provide access.

Mr. Holahan said when he walked the property he sank in mud. Mr. Turner said there are no cattails or other wetland plants present in wetlands. He also noted the slopes are considerable which do not create wetlands. Mr. Holahan said there are cattails at the edge of the property. Mr. Frantz also asked Mr. Holahan and Mr. Turner their qualifications to make their statements. Both stated they are only making observations.

Mrs. Day asked about the size and material of the proposed pipe. Mr. Turner said the existing is 18" and they may keep the same size for the replacement. The material could be steel or reinforced concrete. Mr. Neumeyer added that maintenance to the pipe would be the responsibility of the property owner.

The members did not feel there was a need to move to executive session. Mr. Sauer felt their statements of practical difficulty were met, and that they weigh in favor of granting the variance. Mrs. Day felt there were still some unknowns as far as the plans for the site and the placement of the building. She said it is never a good idea to construct a building over a culvert and there could be serious consequences if the culvert were to fail. She suggested the applicant look into repositioning the building and request setback variances rather than a change to the riparian corridor. Mr. Aiken agreed that the applicant should see if there are other layout options and ways to mitigate the need for the riparian variance.

Mr. Turner said the flow line is about seven feet in front of the building; however, the pipe could be brought out ten feet in front of the building so that if maintenance is needed, it can be done without going under the building. The way the code reads, you cannot build on them, so anything we would do would have to be done solely on one side of the riparian setback. Mr. Frantz clarified that private drives can be constructed in the riparian area, so it would be permissible to construct the gas station on one side and parking on the other. Mr. Frantz was also in favor of trying to reduce the needs for a variance. Mr. Turner agreed to look at alternate layouts for the site and requested the Commission table his application.

MOTION: TO ACCEPT THE REQUEST TO TABLE CASE 24-2020 TO ELIMINATE OR MITIGATE THE NEED FOR A VARIANCE

Moved by Mr. Holahan, seconded by Mrs. Day.

YAY: Dr. Boester, Mr. Aiken, Mrs. Day, Mr. Holahan

NAY: Mr. Sauer

Upon roll call, motion passed.

2) Case No. 25-2020 & 26-2020

Applicant/Owner: Curtis Smock/Columbus Equipment Company
Location: 3492 Brecksville Road
Zoning District: Office & Limited Industrial
Code Section: 1157.03 (b) (4)

Mr. Curtis Smock and Mr. Brady Jarvis with Columbus Equipment Company were present to discuss the case. Mr. Frantz explained that Mr. Papp notified Columbus Equipment they did not meet the current EPA standards. Columbus Equipment wanted to adhere to the EPA standards and expand their existing service facility at the same time. They are proposing to cover their existing wash out bay and expand the facility, causing the existing conditional use to be expanded.

Review comments were provided by the Service Director and Village Engineer.

Mr. Frantz said they are proposing to decrease the current nonconformity by putting the wash bay under roof. Mr. Aiken asked if the driveway is being expanded around the proposed addition and Mr. Jarvis said they are not enlarging or relocating the gravel area. Mr. Smock said the addition will be constructed of masonry block and will match the existing building.

Mr. Frantz requested they add additional landscaping in the back of the site adjacent to the cemetery to provide better screening, as well as in front of the building along Brecksville Road. Because Columbus Equipment has a large, nonconforming outdoor storage area, anything to soften the front of the building would be appreciated.

MOTION: TO APPROVE THE CONDITIONAL ZONING CERTIFICATE FOR CASE 25-2020 WITH THE INCLUSION OF ADDITIONAL LANDSCAPING ADJACENT TO FAIRVIEW CEMETERY AND ALONG BRECKSVILLE ROAD.

Moved by Mr. Holahan, seconded by Mr. Sauer. Upon roll call, motion passed unanimously.

Mr. Thomas Goelble and Ms. Patricia Shumai of 3921 Brecksville Road voiced concerns that the creek is backing up onto their property. They requested a pipe be installed on their property and under Brecksville Road. Mr. Neumeyer said that drainage calculations have not been submitted yet but he will review their concerns upon receipt of final development plans.

MOTION: TO GRANT PRELIMINARY PLAN APPROVAL FOR CASE 26-2020 WITH THE INCLUSION OF ADDITIONAL LANDSCAPING ADJACENT TO FAIRVIEW CEMETERY AND ALONG BRECKSVILLE ROAD.

Moved by Mr. Holahan, seconded by Mrs. Day. Upon roll call, motion passed unanimously.

APPROVAL OF THE JUNE 23, 2020 MINUTES:

MOTION: TO APPROVE THE JUNE 23, 2020 MINUTES AS SUBMITTED

Moved by Mr. Holahan, seconded by Mr. Aiken. Upon roll call, motion passed unanimously.

MAYORS REPORT: Mayor Wheeler reported the following:

- An officer recently tested positive for Covid-19. He and three others have been quarantined.
- Debbie Bluso-Rodgers announced her retirement. She will be greatly missed.
- All public buildings remain closed. The playgrounds are open but are not being sanitized, so use at your own discretion.

COUNCIL REPORT: Dr. Boester reported the following (from the 7-7-2020 Council meeting):

- Council approved resolution 42-2020 for current Village expenses, resolution 43-2020 accepting our share of funds for the Covid-19 grant program, resolution 44-2020 approving funding for the widening of I-77 from the turnpike to Ghent Road, and resolution 45-2020 to reimburse employees for Teledoc services.
- Council also participated in discussion regarding the Eastwood barn and discussed adding to the feasibility study.

DIRECTOR OF PLANNING AND ZONING REPORT: Mr. Frantz reported the following:

- He reminded everyone of the upcoming Council work session where Rob Morgan will discuss options for the Heinle/Library property.
- There are no applicants for the July 28th Planning Commission meeting and Dr. Boester recommended cancelling the meeting.

MOTION: TO CANCEL THE JULY 28, 2020 PLANNING COMMISSION MEETING

Moved by Mr. Holahan, seconded by Mrs. Day. Upon roll call, motion passed unanimously.

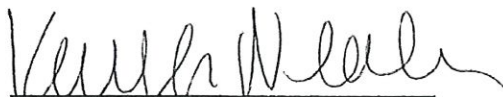
COMMENTS FROM THE PUBLIC: None.

UNFINISHED BUSINESS: None.

ADJOURNMENT:

A motion was made by Mr. Aiken to adjourn the meeting and Mrs. Day seconded the motion. All members were in favor and the meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Kayla Nealon, Board Secretary
Planning and Zoning Commission

Approved,



Dr. Charles Boester, Chairman
Planning and Zoning Commission