

NEW CASE:

**CASE NO. 004-10
AQUA MARINE
MULTI-FAMILY DEVELOPMENT
PHASE NO. 3 SITE PLAN**

**REQUEST OF KOPF CONSTRUCTION, 420
AVON BELDEN ROAD FOR APPROVAL OF
THE THIRD PHASE OF THE R-3 MULTI-
FAMILY SITE PLAN ON THE CORNER OF
MILLER AND WALKER ROADS. THIS IS
AN EXPANSION TO AN EXISTING
DEVELOPMENT WITHIN AN R-3 MULTI-
FAMILY RESIDENTIAL ZONING DISTRICT.**

**Waivers under the Equivalency Provisions of 1217.03(g) have been requested for:
1245.05 for the minimum distance between building being less than 40 feet between
units 30 and 31.**

Mr. Reitz stated this third and final phase of the multi-family project and will include 30 apartment units. This phase will install a new drive access to Walker Road west of Miller Road. All comments from departmental review have been addressed and one waiver under the equivalency provision is being requested.

Mr. Jim Saylor of Reitz Engineering and Mr. Doug Baldi of Baldi Design were present to represent this case and answer any questions the commission may have.

Mr. Saylor stated that this building design is different than originally thought at Aqua. We have decreased the number of units and the units are larger with a two car garage space. The waiver is needed for the units being 23 feet apart instead of 30 feet. The buildings come together at a pinch point and only involve two buildings. If the waiver is not granted that layout will need to be changed and we would lose the drives for the garage access for the garages.

Mrs. Fenderbosch asked if the catch basin and fire hydrant comments of department heads had been taken care of.

Mr. Saylor stated that a catch basin has been added and a fire hydrant has been added in the location that was requested.

Mr. Knilans asked if the waiver for the buildings 30 and 31 were the only waivers required.

Mr. Saylor stated that is the only waiver being requested with this phase.

Mr. Knilans asked if the buildings would be a similar style to the buildings already there.

Mr. Baldi showed a design plan and stated that exterior buildings would be the same, the interior would be larger units with two car garages.

Mr. McNamara asked if the streets would be public or private.

Mr. Saylor stated the street would be private as well as the sewer and water.

Mr. McNamara moved to approve the request of Kopf Construction for approval of the third phase of the R-3 Multi-Family Site Plan on the corner of Miller and Walker Roads. Waivers under the Equivalency Provisions of 1217.03(g) have been granted for: 1245.05 for the minimum distance between buildings being less than 40 feet between units 30 and 31. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

Mr. Knilans stated this case has passed.

**CASE NO. 005-10
AQUA MARINE
MULTI-FAMILY DEVELOPMENT
PHASE NO. 3 LOT SPLIT**

**REQUEST OF KOPF CONSTRUCTION,
420 AVON BELDEN ROAD FOR
APPROVAL OF A LOT SPLIT WHICH
WILL DIVIDE AND CREATE THE
PROPERTY WHICH WILL BECOME THE
THIRD PHASE OF THE DEVELOPMENT
PROJECT, THIS PROJECT IS WITHIN
AN R-3 MULTI-FAMILY RESIDENTIAL
ZONING DISTRICT.**

Mr. Reitz stated that this lot split will allow for the development of Phase No. 3 of the Aqua Marine Development that was just discussed in the case above.

Mr. Jim Saylor of Reitz Engineering and Doug Baldi of Baldi Design were present to represent this case and answer any questions the commission may have.

Mr. Saylor stated that this lot split is taking a small strip of land from the recreational property and transferring it to the apartment complex. This land is needed for the drive access.

Mr. Simonovich moved to approve the request of Kopf Construction, 420 Avon Belden Road for approval of a Lot Split which will divide and create the property which will become the third phase of the development project. Mr. McNamara seconded the motion.

AYES: All NAYS: None

Mr. Knilans stated that this case has passed.

**CASE NO. 021-10
AVON LAKE HIGH SCHOOL
STADIUM MASTER SIGNAGE
SITE PLAN**

**REQUEST OF AVON LAKE CITY
SCHOOLS, 175 AVON BELDEN ROAD,
FOR A RECOMMENDATION OF
APPROVAL OF A SITE PLAN FOR
SIGNAGE AT THE NEW STADIUM. THIS
PROJECT LOCATED IN A R-1
RESIDENTIAL ZONING DISTRICT.**

**Waivers under the equivalency provisions of 1217.03(g) have been requested for:
Waiver for 4 wall signs exceeding the allowable limits of 1262.07(c)(2).**

Mr. Reitz stated this project will install a variety of signage around the stadium and requires several waivers to the Planning and Zoning code related to the permitted sizes.

Mr. Rod Wiford of Fanning Howey and Greg Ludwig of Avon Lake City Schools were present to represent this case and answer any questions the commission may have.

Mr. Wiford passed out signage information and explained where each sign would be placed, colors and sizes. The Avon Lake Wall of Fame sign has been deleted from the signage request.

Mr. Knilans asked if the signs would be internally illuminated or externally illuminated or lit at all.

Mr. Wiford stated that the “Avon Lake Memorial Stadium” Sign will be externally illuminated, but all the rest of the signs will not be illuminated at all.

Mr. McNamara asked how much the signage would cost the school district for all the signage.

Mr. Ludwig stated that the signage would be approximately \$40,000.00.

Mrs. Deb Beard, 197 Moore Road stated that she thought the signage was a little overkill and the cost was as well. Did not think all this signage was necessary.

Mayor Zuber stated that if at any time the Avon Lake Wall of Fame signage was desired to be installed, the sign would have to come before this commission for approval before any permit could be issued.

Mrs. Fenderbosch moved to approve the request of the Avon Lake City Schools for a recommendation of approval of a Site Plan for signage at the new stadium to include waivers under the equivalency provisions of 1217.03(g) for waivers for 4 wall signs exceeding the allowable limits of 1262.07(c)(2).

AYES: All NAYS: None

Mr. Knilans stated that this case has passed.

**CASE NO. 022-10
ALLEN REFRIGERATION
614 MOORE ROAD
ADDITION SITE PLAN**

**REQUEST OF ALLEN REFRIGERATION,
614 MOORE ROAD, FOR A
RECOMMENDATION OF APPROVAL OF
A SITE PLAN TO CONSTRUCT A 6891
SQUARE FOOT ADDITION TO THE
EXISTING BUILDING ON MOORE
ROAD. THIS PROJECT IS LOCATED IN
AN I INDUSTRIAL ZONING DISTRICT.**

A waiver under the Equivalency Provisions of 1217.03(g) has been requested to code section 1264.03 the number of parking spaces required.

Mr. Reitz stated this expansion to an existing business on Moore Road is a welcome addition to the community. The addition to the rear of the building will not be visible from Moore Road and will require a waiver for the number of required parking spaces. Per our code a total of 34 spaces are required and only nine are shown on the plan. Per the applicant's use of the facility they are requesting the waiver since the operations of the facility do not require the number of spaces outlined in our code.

Mr. Tony Hamm with Allen Refrigeration, 614 Moore Road, was present to represent this case and answer any questions the commission may have.

Mr. Hamm stated that the addition will be used strictly for a warehouse. The waiver for the parking is being requested because we only have six employees and an occasional visitor. The addition will be used for a warehouse and no parking will be needed.

Mr. Sherban asked how many spaces are available now and is there any land available to put more spaces in if required.

Mr. Hamm stated that there are nine spaces presently and six spaces are used with employees during the day if all are in at once. There is land available for more spaces, but we just don't see the need to add more asphalt if it is not needed.

Mr. Knilans stated that there seems to be enough room for parking in the future if ever needed.

Mr. Reitz stated that the area to the north is open if the property is sold or if the property is ever used for more than warehouse purposes.

Law Director Kerner stated that a condition can be placed on the waiver if Planning Commission so feels that if the ownership or warehouse use changes the waiver would be voided and the spaces would be built.

Mr. McNamara moved to approve the request of Allen Refrigeration, 614 Moore Road, for a recommendation of approval of a Site Plan to construct a 6891 square foot addition to the existing building on Moore Road. A waiver is being granted under the equivalency provision of 1217.03(g) under code section 1264.03-number of parking spaces required. A condition is being placed on the approval that the waiver is only valid if the addition is used as a warehouse. If the property changes ownership or becomes used as something other than a warehouse the waiver is null and void. Mayor Zuber seconded the motion.

AYES: All NAYS: None

Mr. Knilans stated this case has passed with the waiver and a condition on the waiver.

INFORMATIONAL ITEM

Mr. Knilans stated the next Planning Commission Meeting will be on August 3, 2010.

Mr. Reitz stated a minor Alteration Permit was issued for Clearwire on a co-location of three antennas and 3 microwave dishes at the Cell Tower Flag Pole, 150 Avon Belden Road. The lease has been approved by City Council and will be used for AT&T wireless internet.

There were no comments on the minor alteration.

DISCUSSION ITEM

Mr. Reitz stated that the Avon Lake Schools have submitted the addition landscaping plans and dumpster enclosure plans and they have finally been approved. The schools submitted several plans and the final submittal was approved. The schools would like to have the bus turn around and building additions under cover by winter with completion by early 2011.

Mrs. Fenderbosch asked about the 900 feet of landscaping along Creekside Drive and asked the height of a normal dumpster.

Mr. Reitz stated that the landscaping along Creekside Drive will be the full length of the street that backs to the creek. The landscaping will be mostly evergreens. The normal height of a dumpster is around 5 feet tall and the dumpster enclosures are 6 feet tall. The dumpster will not show as long as the dumpster lids are kept closed.

GENERAL PUBLIC COMMENT

Mrs. Deb Beard, 197 Moore Road stated that with the landscaping and dumpster enclosure plans at Westview Elementary the dumpster enclosure will take up 3 parking spaces out front where there is already a parking issue. I know they have enough parking per our code, but with the

back parking not being assessable during the day due to the parking being used as a playground, I think that parking spaces should be reviewed at Westview School.

Law Director Kerner swore in members of the audience that had not previously been sworn in.

Marjorie Dambrosia, 699 Cranberry Court, stated that she had attended a long series of meetings regarding Belmont Drive. I see now that Mr. Kopf has withdrawn his request for the development of Belmont Drive and I would like to know what the next step would be for the residents of Wildberry Subdivision to continue with the process to not have the property adjacent to our property developed.

Mayor Zuber stated that he will continue to work with Mr. Kopf and the Wildberry Subdivision home owners to work out the situation. There are still many options to look at for this area. Mr. Kopf owns the property, so we cannot tell Mr. Kopf how to develop his property, just as we cannot tell you how to develop your property.

Marjorie Dambrosia stated that there was so much activity with this development and the plans that were made, we just don't want to see this all come to a screeching halt now that Mr. Kopf has pulled his plans for development.

Mr. McNamara stated that if I remember correctly your developer signed an agreement with Kopf that put you guys all in this predicament. He signed the HOA paperwork that made this all your responsibly. What you guys need to do is look into that agreement and maybe there is some action that you could take to try and change or alter that agreement, but your developer agreed to do that, now you have to figure out something legally.

Law Director Kerner stated the agreement was with the City and Mr. Romes that placed the responsibility on the HOA if the City wanted to put the street in. Mr. Kopf had nothing to do with this agreement.

Mrs. Fenderbosch stated that as long as Mr. Kopf keeps the lots platted as they have been since the 20's he does not have to apply to the Ohio EPA for a wetlands resolution. If there would be a change to the gridded plat from the 20's at that point there would need to be a survey the area for wetlands.

Mr. Reitz stated that existing platted areas from the 20's can receive an exemption for the wetlands survey.

Marjorie Dambrosia, 699 Cranberry Court asked if the paper streets are owned by the City.

Mr. Reitz stated that the paper streets are owned by the City, but the adjacent property to the City Right-of-Way is owned by Mr. Kopf, Wildberry HOA and an individual property owner.

Greg Zilka, 375 Creekside Drive stated that on Wednesday June 30th I went to the Ohio sponsored economic development conference at Lorain Community College. A gentleman was there from the Ohio Department of Natural Resources, his name is Damian Young and he said

that he is almost positive that there will be additional grant money available for future park purchases, so that option is still there. The problem is that you will have to get an agreement and appraisal that is acceptable to everyone before that grant can be applied for. There still is the option that the HOA can purchase the lots from Mr. Kopf, which is a more expensive option but is still cheaper than what your option is now if that street goes through.

Marjorie Dambrosia stated that she was excited about the option of vacation of the streets and wants to know what to do to make this happen.

Greg Zilka stated that the vacation is a disadvantage to Mr. Kopf. He will have to give up some flexibility if he does this. There is no financial incentive to do that for him, but if you could come to an agreement of a price, you could purchase the property and it would still be less than what your obligations are now.

Marjorie Dambrosia asked if the HOA or property owners should speak to Mr. Kopf to come to some agreement for redirecting the roads.

Mr. Knilans stated that because Mr. Kopf owns the property, he would be the one you would need to talk to.

Ms. Jan Sext, 614 Linsberry Court, it is my understanding now that the City owns the streets of Spruce and Courtland, is that correct.

Mr. Reitz stated that that is correct. The City owns the right-of-way for Spruce and Courtland.

Ms. Jan Sext, asked that the agreement was between the City and Mr. Romes.

Law Director Kerner stated that initially it was.

Ms. Jan Sext stated that if that is true, verify why you cannot just vacate the City streets.

Law Director Kerner stated that Mr. Kopf does not own all of the property in there, there are parcels that Mr. Kopf does not own. But if the streets were vacated or taken, my opinion would be that certain of his lots would become unbuildable, and he would have a right to compensation for the taking of his property.

Ms. Jan Sext asked if the Avon Lake City Council agreed to the agreement between Mr. Romes then why would the HOA have to go to Mr. Kopf to buy anything. This was done before we even had an opportunity to agree to the agreement between Mr. Romes and the City.

Mayor Zuber stated that when you purchased your condo or cluster unit you agreed that this would happen. You signed the documents, but legally you are responsible for that. The City cannot change that agreement. The City could go ahead and vacate the streets, but then Mr. Kopf would be in court desiring money from us because the City has made the condition that he will lose money because he will not be able to develop those lots. He would lose all access to get to his lots.

Ms. Jan Sext asked where does it come in to play that a citizen of Avon Lake has to pay for the street in front of the house just because Mr. Kopf wants to develop those lots.

Mayor Zuber stated that it came in to play when you agreed to a legal binding contract when your developer developed your homes.

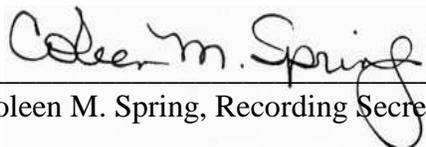
ADJOURNMENT

Mayor Zuber moved to adjourn at 8:37 p.m. the July 6, 2010 Planning Commission meeting. Mr. McNamara seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on August 3, 2010.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary