



**POSTPONED CASE:**

**CASE NO. 030-09  
WIND ENERGY  
NEW CODE SECTION  
LEGISLATION**

**ZONING ADMINISTRATOR BOOHER HAS  
WRITTEN A PROPOSED CODE SECTION  
FOR REGULATIONS REGARDING THE  
PLACEMENT OF WIND TURBINES IN AVON  
LAKE.**

Mr. Reitz stated that this case is requested to be postponed until the November meeting to permit Planning Commission members to attend various wind energy meetings and to permit the newly created renewable energy task force to review the proposed legislation.

Planning Commission members had no comments on the case.

Mayor Zuber moved to postpone Case No. 030-09 Wind Energy Legislation until the newly created renewable energy task force can look at the code section and make recommendations. Mr. McNamara seconded the motion.

**AYES: All**

**NAYS: None**

Mr. Knilans stated this case has been postponed.

**NEW CASES:**

**CASE NO. 031-09  
GRAMERCY SUBDIVISION 1&2  
PLAT MODIFICATION -RIPARIAN  
SETBACKS**

**REQUEST OF GRAMERCY PLACE LLC, c/o  
GAMELLIA CONSTRUCTION, 32745  
WALKER ROAD, AVON LAKE FOR A  
MODIFICATION TO THE SUBDIVISION  
PLAT FOR GRAMERCY PLACE  
SUBDIVISION OFF OF LEAR ROAD. THIS  
MODIFIED PLAT IS FOR A REVISION TO  
THE RIPARIAN SETBACKS THAT WERE  
PLATTED DURING PHASES 1 & 2. THIS  
PROJECT IS LOCATED IN AN R-1  
RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated, in accordance with Avon Lake Codified Ordinance Chapter 1060, riparian setbacks were shown and platted on phases 1 and 2 plats. Gamellia Construction has been working with the Army Corps of Engineers to mitigate the existing wetlands and therefore the plats need to be revised for the wetlands that are to remain. It is my understanding that the final determination letter is to be submitted forthwith to Gamellia Construction but as of this date has not been received. I request that Planning Commission approval be contingent on receipt of the signed agreement and letter from the Army Corps.

Mr. Jim Sayler of Reitz Engineering was present tonight to represent this case and answer any questions the Planning Commission may have.

Mr. Knilans asked if the riparian setbacks are on the deeds of the property owners. Are the property owners aware that the setbacks are on their properties?

Mr. Sayler stated that the setbacks are not on the deeds; however, they are on the plat.

Mr. Knilans asked if the City will keep track that no building happens in the setbacks.

Mr. Reitz stated that the City checks the plats when permits come through to make sure that nothing is being placed in the setbacks.

Mr. Zilka stated that this is very hard to enforce. If the original property owner sells and does not disclose the setbacks and plants or puts in a playground etc. that does not require a permit, then it goes un-noticed by the City and this can get away from us.

Law Director Kerner stated the EPA will monitor and has bigger penalties for disturbing the Wetlands.

Mr. Zilka stated that he believed it would be hard for the City to monitor the riparian setbacks.

Mr. Reitz stated that this plat is removing the parts of the restrictions that were on private properties. The balance of the riparian setbacks will be on the common properties.

Mr. Brightwell asked if the potential property owners will be told before purchasing.

Mr. Sayler stated that he will speak to the developer about informing the potential property owners on the wetlands setbacks. The Wetlands will be shown on the topo of the properties when purchased.

Mr. Reitz stated that during the development of phases 1 & 2 of the subdivision the developer clearly marked the wetlands area and kept the markings clear during the entire construction period.

Mr. Zilka moved to recommend approval to City Council the request of Gamellia Construction for a modification to the subdivision Plat for Gramercy Place Subdivision off of Lear Road. This modified plat is for a revision to the riparian setbacks that were platted during Phases 1 and 2. The approval is contingent upon receipt of the signed agreement and letter from the Army Corps before being signed and recorded. Mayor Zuber seconded the motion.

**AYES: All**

**NAYS: None**

Mr. Knilans stated this case has passed and will now move on to City Council for three readings.

**CASE NO. 032-09  
IMMEDIATE PHARMACEUTICAL  
SERVICES  
WALL SIGNS SITE PLAN**

**REQUEST OF IMMEDIATE  
PHARMACEUTICAL SERVICES, 33381  
WALKER ROAD, AVON LAKE FOR A  
RECOMMENDATION OF APPROVAL OF A  
SITE PLAN TO INSTALL WALL SIGNAGE.  
THIS BUSINESS IS LOCATED IN A B-2  
BUSINESS ZONING DISTRICT.**

Mr. Reitz stated this request is for the installation of wall signage on the north and west walls of the building. These letter signs shall be 51.39 square feet and shall be internally illuminated.

Mr. Major Harrison, Brilliant Electric Sign, 4811 Van Epps Road, Cleveland, Ohio was present tonight to represent this case and answer any questions the commission may have.

Mr. Harrison stated that the signs will be on north and west faces of the building. The signs will be blue and internally illuminated with LED lights to conserve energy.

There were no comments from Planning Commission members on the signs.

Mr. Brightwell moved to approve the request of Immediate Pharmaceutical Services, 33381 Walker Road for a Site Plan to install wall signage. Mr. McNamara seconded the motion.

**AYES: ALL NAYS: NONE**

Mr. Knilans stated this case has passed.

### **INFORMATIONAL ITEM**

Mr. Knilans stated there were three Minor Alterations for review tonight.

1. Approval of a minor alteration for the location of the storage shed at the Miller Park Boat Launch.
2. Approval of a minor alteration for a driveway and parking lot widening at State Farm Insurance, 702 Avon Belden Road.
3. Approval of a minor alteration for placement of a Little Tykes playground with fencing at Christ Evangelical Lutheran Church, 32747 Lake Road.

There were no comments on the Minor Alterations.

### **DISCUSSION ITEM**

Mr. Knilans stated the next meeting of Planning Commission will be November 10, 2009 due to Election Day.

**GENERAL PUBLIC COMMENT**

Mr. Knilans stated that there would be a Planning Commission Work Session following this regular Planning Commission meeting to discuss the Comprehensive Land Use Plan update and the Waivers of Planning Commission Fees.

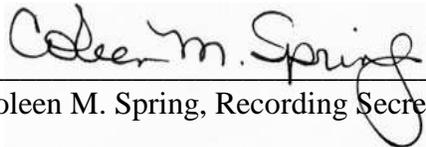
**ADJOURNMENT**

Mayor Zuber moved to adjourn at 7:52 p.m. the October 6, 2009 Planning Commission meeting. Mr. McNamara seconded the motion.

**AYES:                      All                                      NAYS:                      None**

The next regular meeting of the Planning Commission will be on November 10, 2009.

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Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary