

NEW CASES:

**CASE NO. 029-10
VERIZON WIRELESS
WATERBURY & DURRELL
SITE PLAN RE-APPROVAL**

**REQUEST OF VERIZON WIRELESS C/O
SCHNELZ WELLS, P.C. 280 N. OLD
WOODARD, SUITE 250, BIRMINGHAM,
MICHIGAN FOR RE-APPROVAL OF THE
SITE PLAN FOR A MONOPOLE WIRELESS
TELECOMMUNICATION TOWER ON
MUNICIPALLY OWNED PROPERTY AT
THE SOUTHEAST CORNER OF
WATERBURY AND DURELL. THIS
PROJECT IS LOCATED IN AN R-1A
RESIDENTIAL ZONING DISTRICT.**

**THIS REQUEST WILL REQUIRE A WAIVER TO THE FOLLOWING CODE
SECTION:**

WAIVER TO 1240.06(d) FOR FENCE HEIGHT IN A RESIDENTIAL DISTRICT.

Mr. Reitz said that per Section 1217.03(i) of the Planning and Zoning Code approval of a Site Plan shall remain valid for a period of 12 months. The work on this site had not started within the 12 months preceding the August 4, 2009 approval by Planning Commission. Therefore the applicant is requesting re-approval of the original Site Plan. This request is for a project on property owned by the City of Avon Lake and controlled by Avon Lake Municipal Utilities east of Miller Road on the southeast corner of unimproved Durrell Avenue and Waterbury Avenue. This unimproved property is currently wooded and is immediately adjacent west of sewage treatment plant. Due to the need for security the applicant is requesting approval to install fencing more in accordance with an industrial use but which matches the adjacent plant fencing. Technically this project is on a corner property with two front setbacks.

Mr. David Walter, 220 Stein Crest Dr., Moreland Hills, was present tonight to represent this case and to answer any questions the commission may have.

Mr. Walter stated that this tower was in the process with multiple approvals from many different people and organizations because the tower will be so close to a sewer plant. The time for approvals was extended for environmental approvals and lease negotiations and we are now at the permit stage and just lost sight of the fact that permits had to be issued within a year time period.

Mr. Knilans asked what the time period is for the start of construction.

Mr. Walter stated that with this approval we will request building permits and would like to get started with construction as early as spring 2011.

Mr. Knilans asked if the site will be exactly the same as the last plan.

Mr. Walter stated that the plans are the exact same plans that were used for the last approval.

Mrs. Fenderbosch asked about the waiver for the fence.

Mr. Walter stated that the fence is 8 foot with barbed wire. The fence will be the same that is at the sewage plant.

Mrs. Fenderbosch asked if the fence would be chained link or wooden.

Mr. Walter stated that the fence would be chained link.

Mrs. Fenderbosch stated that she did not see a soil report from Dan Casteel, Engineer.

Mr. Walter stated that the soil report is issued at the time of building permits, after approval from Planning Commission.

Mrs. Fenderbosch stated that the tower will be 439 feet from the nearest building and 631 feet from the single family houses. Can you please explain the RF maps and what the coverage colors mean.

Mr. Walter stated that on the coverage maps, the yellow color means good coverage, blue is medium coverage and red is dropped calls.

Mr. Fell asked if the fence that you will be installing will be the standard fence that is used for Verizon towers placed in other areas.

Mr. Walter stated that yes the black vinyl coated chain link is the fence that is used for all our tower fences.

Mr. Fell asked where Verizon will be positioned on the tower.

Mr. Walter stated that Verizon will be at the top of the tower and a microwave dish at 120 feet. The number of co-locations depend on the loading and where the co-locators need to be based on loading.

Mr. Fell asked if the tower had any commitments for co-locations?

Mr. Walter did not know at this time.

Mr. Fell opened the meeting to the public.

Mr. David Kos, 32901 Redwood, Ward 4 Council representative and Chairperson of the Public Utilities Board stated that he fully approves of the tower and need for the coverage in the area, but with the months of testimony on life and death and councils concerns of the towers falling and large icicles I feel the need to speak for the residents living in the area about 180 feet from the tower. This tower is 170 feet tall, 130 feet from a diesel fuel tank at the sewage treatment plant. This sewage treatment plant is manned with 8 full time workers 24-7. These are City employees working within the towers fall zone. Residents that oppose these towers have made

the City have studies done, structural reports have been done, etc. I think the residents of this ward along with the City Employees that live and work in the area should have the same rights that the other towers neighbors have had. If it was unsafe for the Harbor Court Residents than it should be treated the same and not be allowed here.

Mr. Fell closed the public portion of the meeting.

Mr. Fell asked if there have ever been issues with icicles falling or the towers themselves falling.

Mr. Walter stated that there may always be issues with icicles but never hitting any homes or businesses. The towers themselves, I have only heard of one instance of a tower falling and that tower was one of the first towers ever installed and it was an old style and not engineered that same way that towers are engineered now. Mr. Walter explained that and showed examples of how the towers are designed to fall in on itself and not to fall the height of the tower. The towers have stress points 2/3 of the way up the tower and designed to collapse in sections in on itself. These are standard of the State of Ohio.

Mr. Kerner stated that evidence of the fall zone is in the packets and were discussed during review.

Mrs. Fenderbosch stated that that is why we asked if all conditions of Planning Commission and the Code have been met.

Mayor Zuber moved to approve the request of Verizon Wireless for re-approval of the site plan for a monopole wireless telecommunication tower on municipally owned property at the southeast corner of Waterbury and Durrell. This request will include a waiver to 1240.06(d) for the fence height in a residential district. Mr. Simonovich seconded the motion.

AYES: All NAYS: None

Mr. Fell stated this case has passed.

**CASE NO. 030-10
T.I.D. CO.
32891 PIN OAK PARKWAY
REVISION TO SITE PLAN**

REQUEST FOR A REVISION TO THE SITE PLAN FOR T.I.D. CO., 32891 PIN OAK PARKWAY FOR THE EXISTING SITE ON PIN OAK PARKWAY. THE REVISION IS FOR THE RELOCATION OF THE DRIVEWAY FOR ACCESS TO PIN OAK PARKWAY. THIS PROJECT IS LOCATED IN A LI LIGHT INDUSTRIAL ZONING DISTRICT.

Mr. Reitz stated that this request is for a revision to the approved Site Plan for the existing tower on Pin Oak Parkway. The revision is for the approval to relocate the driveway to gain access directly to Pin Oak Parkway. The previously approved Site Plan had the driveway access to the easterly adjacent property which the applicant no longer owns.

Mr. Joseph Scarpelli, 352 Avon Belden Road was present tonight to represent this case and answer any questions the commission may have.

Mr. Scarpelli stated that the tower on the original site plan shared a driveway with the property to the east. I no longer own the property to the east and must move the driveway now to have access to the tower from Pin Oak Parkway.

Mrs. Fenderbosch asked about the time line for completion of the site.

Mr. Scarpelli stated that the entire project will be complete within two months.

Mayor Zuber stated that the fence posts are in and most of the landscaping has already been done in the past couple of weeks.

Mr. Fell stated that he would like to see the project complete.

Mr. Scarpelli stated that the electrical will be tied in by this Sunday and the fence is waiting to be installed because he is waiting for this approval to know where the fence post would go. The light is working now and a new lighting system is on order. The new lighting system is approved by the FCC.

Mr. Fell asked Mr. Scarpelli for his word that this site will be complete.

Mr. Scarpelli gave his word that the site will be completed by the end of two months.

Mrs. Fenderbosch asked if Mr. Scarpelli had a co-locator on the tower.

Mr. Scarpelli stated that he is in the works for a locator for the tower.

Mr. Simonovich moved to approve the request of T.I.D. Co., 32891 Pin Oak Parkway for a revision to the Site Plan to relocate the driveway for access to Pin Oak Parkway. Mr. Knilans seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that this item has passed.

**CASE NO. 031-10
REVISIONS TO CHAPTER 1252
P.U.D. REGULATIONS
PROJECT BOUNDARY SETBACKS**

**THIS AGENDA ITEM IS FOR THE
DISCUSSION AND APPROVAL OF
REVISIONS TO THE P.U.D. CODE IN
REGARDS TO PERMITTING FENCES IN
REAR YARDS THAT ARE WITHIN PROJECT
BOUNDARY SETBACKS.**

Mr. Reitz stated the revision as presented was the consensus of the Planning commission and Zoning Board of Appeals discussion to address some of the issues heard by the board in regard to fences being placed within Project Boundary Setbacks in older P.U.D.'s. This revision has been reviewed by the Law Director and Zoning Administrator.

Law Director Kerner stated that he had revisions to the wording in the last line of 1252.04(f)(2), the word "its" should be "their" and add an "s" to the word area and add "iron or" to the wrought aluminum, wood or PVD/Vinyl.

Mr. Knilans stated that he though wrought iron and wrought aluminum were the same?

Mrs. Fenderbosch asked if wording should be added to say no chain link?

Law Director Kerner stated that if it does not state that you can have chain link then it will not be allowed.

Mayor Zuber asked if we have asked the HOA's for input on wording based on the HOA documents.

Mr. Reitz stated that the HOA documents are separate of what the City code allows. If the property owner gets past the HOA for approval, then this code would fall into place. This code meets most of the HOA requirements.

Mr. Sherban moved to approve the revisions to the P.U.D. code in regards to permitting fences in rear yards that are within Project Boundary Setbacks to include the corrections made to the wording changes discussed tonight. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that this item has passed. This case will now move on to City Council and have three readings and approval.

INFORMATIONAL ITEM

- (1) Administrative Approval Minor Alteration Zoning Permits have been issued for the following projects:**
 - a. Lubrizol Break Room Building;**
 - b. Learwood School Scoreboard;**
 - c. Safety Center Cell Tower Clearwire Co-location;**
 - d. Clearwire co-location on water tower at 32105 Division Road; and**
 - e. Clearwire Co-location on water tower at 33420 Walker Road.**
- (2) Letter to Planning commission from JND Properties.**

Mrs. Fenderbosch stated that she was aware that building permits are being issued before the administrative approval process had been done. This must stop. Permits cannot be issued for projects before approval is given by Planning and Zoning.

DISCUSSION ITEM

- (1) Revisions to Chapter 1256 Wireless Telecommunication Submission Requirements and Demonstration of Necessity; and
- (2) Mac Development Associates discussion for possible commuter rail station at the southern corporation line of Avon Lake along Avon Belden Road.

Mr. Reitz stated that the revisions to chapter 1256 were derived from the comments from the public service meeting, the planning and zoning work session and comments from cell tower applicants.

Law Director Kerner stated that he felt the code revisions should be looked at further. I suggest we wait on this and discuss more what we would like in the code to make sure that all bases are covered for the City.

Mr. Simonovich stated that he was glad to see we asked for comments of the cell providers to get their side.

Mr. Sherban stated that he felt that 1256.11(b) should include radius coverage maps and fall zone maps with the structural reports and site line analysis.

Mr. Fell discussed the setbacks within residential areas instead of residential zoning lots, and would like to see wording that would state that all equipment within the storage area be no higher than the fence around the equipment area. I would push applicants for a stealth or monopole tower when possible. When checking into surrounding areas, I noticed that other communities are requiring co-location spots for 5 carriers. I would like to see this amount or something close in our code as well.

Mrs. Fenderbosch stated that she preferred a monopole/stealth tower over the lattice towers.

Mr. Reitz stated that most of the carriers are going with these towers because of the newer technologies.

Law Director Kerner urged Planning Commission members to read the information enclosed in your packets and the PCIA memo attached and look at this item again after everyone had an opportunity to give input.

Mr. Sherban stated that the code will work itself out over time as technology increases and space becomes an issue.

David Kos stated that he thought the City should take a common sense approach to the code revisions. I think that the Public Service commission should look at these items and decide when a consultant should be hired and what the criteria of a consultant should be.

Mr. Fell stated that there should be discussion of the consultant and how to determine rebuttal and costs for these issues and procedures should be in place.

Mr. Fell stated that this item will come back to Planning Commission after the Law Director and members have had another opportunity to give feedback on this item.

Mr. Richard Enty, 226 Middle Avenue, Elyria was present tonight to discuss the Northeast Ohio Commuter Rail Feasibility Study.

Mr. Enty stated that the commuter rail system will be from Cuyahoga County, Erie and Lorain Counties.

Mr. Tim Rosenberger, Parson Brinkerhoff, Federal Transit Association was also present tonight to answer any questions the commission many have.

Mr. Enty stated that this is the first real action that the commission will be taking is to see how the cities that will be affected with the commuter rail feel about it. We are now in the system planning phasing.

Mr. Fell asked how the does the commission fund this project and how will the cities be involved.

Mayor Zuber stated that he has been to several meeting on this and for right now the project is just in the planning phases.

Mr. Enty stated that the cities that have stops along the commuter rail would be responsible for the station and areas that surround the stop.

Mr. Simonovich asked how the new governor would play into this.

Mr. Enty stated that this is not the rail system that will go from Cincinnati, Columbus and Cleveland. This is a Lorain, Cuyahoga system and will not be affected by the new governor.

Mrs. Fenderbosch asked if this rail system would be a separate project than the high speed Cincinnati, Columbus, Cleveland rail system.

Mr. Enty stated that they are two separate projects. This project is part of the regional transit authority. Speeds would be below 50 mph with multiple stops. The discussion on funding will happen as the project gets further into the planning stages. So far local communities will have to fund the station at the stop which is in their community.

Mayor Zuber stated that Erie County Commissioners are looking at the rail system going from the airport to Erie County.

Mr. Fell stated that if this ever comes to fruition I would encourage the stop points to connect to parks, bike trail and walking paths.

Mr. Fell thanked the gentleman for the presentation.

Mr. Fell inquired about the Zidner Zoning Case.

Mayor Zuber stated that the use changed from a residential use to an assembly use with the Zoning Boards discussion.

Law Director Kerner stated that the matter is still ongoing. The use went beyond the residential use with the assembly use. The Zoning Board put conditions on the new use.

Mr. Fell asked how the new Tomko pole sign went up. I thought the City was trying to get away from allowing pole signs.

Mayor Zuber stated that Kowalski Ford and the car dealers all have larger pole signs than in the industrial area.

Mr. Fell asked about the wind energy legislation and when we might see that.

Law Director Kerner stated that Ruth Booher, Zoning Administrator, was working on that.

Mrs. Fenderbosch asked about the front yard fence issues and when we might see that code revision come to Planning.

Mr. Reitz stated that the ZBA and Ruth Booher are working on changes to the fence code wording and the revision will come when all the revisions are complete. We did not want to take the revisions in and have to turn around and make more revisions in a few months.

GENERAL PUBLIC COMMENT

David Kos stated that when the revisions to the telecommunications code come through he would like to have the fall zones discussed at length. I think that public buildings should be looked at closely as well as residential areas. Towers don't just fall or loose ice during non-business hours in residential areas.

Mr. Sherban stated that we should look at all structures on fall zone maps, not just residential areas.

ADJOURNMENT

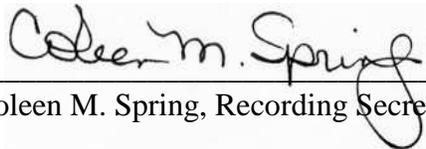
Mr. Fell stated that he would be unavailable for the January and February meetings. He will be out of town.

Mr. Knilans moved to adjourn at 9:09 p.m. the December 7, 2010 Planning Commission meeting. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on January 4, 2011.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary