

**MINUTES OF THE AVON LAKE  
PLANNING COMMISSION MEETING  
JUNE 3, 2008**

**CALL TO ORDER**

Chairperson Fell called the Avon Lake Planning Commission Regular Meeting of June 3, 2008 to order at 7:30 p.m. in the Council Chambers of City Hall.

**ROLL CALL**

Mr. Brightwell, Mr. Fell, Mr. Knilans, Mr. Zilka, Mayor Zuber, Director of Law Kerner, Director of Engineering Reitz.

Mr. Simonovich had stated at the last meeting he would be unavailable for the meeting tonight.

**APPROVAL OF MINUTES**

No minutes for approval.

**COUNCIL REPORT**

Mr. Zilka stated there was no report tonight.

**SWEARING IN**

Director of Law Kerner swore in applicants and members of the audience speaking to items on the agenda.

**NEW CASES:**

**CASE NO. 017-08  
JOHNNY MALLOY'S  
OUTDOOR PATIO  
SITE PLAN  
(PUBLIC HEARING)**

**REQUEST OF MOSCHNLES, INC., DA:  
GEPPETTO'S/JOHNNY MALLOY'S, 33475 LAKE  
ROAD, FOR RECOMMENDATION OF  
APPROVAL OF A SITE PLAN TO CONSTRUCT  
AN OUTDOOR PATIO AT THE EXISTING  
BUSINESS. THIS PROJECT IS LOCATED IN A B-3  
BUSINESS ZONING DISTRICT.**

Mr. Reitz stated this request will convert the former drive thru area into a partially covered outdoor patio and will extend east to access the existing entrance from the business. This plan is similar to the plan previously approved by Planning Commission in 2002 but was never constructed. The only difference with this request to the 2002 plan is the entry point extension. This project is a Conditional Use within a residential zoning district and requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, advertised in a newspaper, posted in various locations in the City and residents within 300 feet have been notified by mail.

Mr. Larry Moschner, Geppetto's Johnny Malloy's, was present tonight to represent this case and answer any questions the commission may have.

Mr. Moschner stated the application is the same as the approval that was given to Geppetto's Pizza on August 6, 2002. The patio was never built and the approval lapsed. The plans are exactly the same, we will be extending the patio past the door for easier service.

Mr. Fell opened the meeting to the public. There were no public comments. Mr. Fell closed the public portion of the meeting.

Mr. Fell stated that the restrictions that were placed on the last approval were, no music and outdoor dining and to close no later than 10:00 p.m.

Mr. Zilka stated that the approval should state no music at all on the patio.

Mr. Zilka moved to approve the request of Moschnles, Inc. for recommendation of approval of a Site Plan to construct an outdoor patio at the existing business with the restriction that there will be no music at all and the patio will close no later than 10:00 p.m. Mr. Knilans seconded the motion.

AYES: All NAYS: None

**Mr. McNamara arrived to the meeting at 7:40 p.m.**

**CASE NO. 018-08  
SAVE THE WOODS  
WALKING TRAIL  
SITE PLAN  
(PUBLIC HEARING)**

**REQUEST OF THE LORAIN COUNTY METRO  
PARKS, 12882 DIAGONAL ROAD, LAGRANGE  
FOR A RECOMMENDATION OF APPROVAL OF  
A SITE PLAN TO CONSTRUCT ASPHALT  
PATHS THROUGH SAVE THE WOODS PARK.  
TWO PATHS ARE BING PROPOSED WITH THIS  
PROJECT THAT IS WITHIN AN R-1A  
RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated this request is to install two separate asphalt walking paths through the new Metro Park property east of Avon Belden Road and south of Electric Boulevard. Both paths will connect to the existing Armour Road path. The southerly loop path will be 5455 feet in length and connect the Armour Road path to the Library and High School. Per the departmental review it has been requested that the paths be 10 feet in width. The Metro Parks is planning to bid the project as an eight foot wide path with a 10 foot wide path being an alternate bid. This project is a Conditional Use within a Residential zoning district and requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, advertised in a newspaper, posted in various locations in the City and residents within 300 feet have been notified by mail.

Mr. Dan Martin, Lorain County Metroparks was present tonight to represent this case and answer any questions the commission may have.

Mr. Martin showed plans of the paths and explained the reasoning behind the path locations.

Mr. Fell opened the public portion of the meeting.

A resident of Stoneybrook Dr., stated that as a trail user he preferred that the paths went around the perimeter of the park. There seems to be a lot of wild life in the southern area of the park and I am afraid the wild life would be scared away. The water is an issue in that area and do not want the culverts to go away.

Mr. Fell closed the public portion of the meeting.

Mr. Martin stated that the trails have been discussed in many open meetings throughout the City. The locations of the path have come from the comments and discussions of those meetings. It has already been decided where the paths would be based on the public input. The culverts that are in place are man made culverts and the Metroparks feel safety is an issue with the old culverts.

Mr. Fell asked if the man made trails would be covered up when the new paths went in.

Mr. Martin stated the old paths would be covered.

Mr. Knilans asked when phases two and three would be done.

Mr. Martin stated that there are no plans for phases two and three. Funds would be the basis for phases two and three.

Mr. Zilka stated that when the plans for the Metroparks were discussed at City Council no plans were shown or decided upon. The trails were discussed but not location.

Mayor Zuber thanked Mr. Martin for all the hard work he has done to get the trails completed. This is a complicated area.

Ms. Wendy, 195 Hermann Drive asked if the paths would be paved and would there be any lighting.

Mr. Martin stated the paths would be paved, probably late fall, and there would be no lighting.

Mr. Fell moved to approve the request of the Lorain County Metroparks for a recommendation of approval of a Site Plan to construct asphalt paths through Save the Woods Park. Mayor Zuber seconded the motion.

**AYES: ALL**

**NAYS: NONE**

**CASE NO. 019-08  
SALLY'S WEST SHORE PUB  
OUTDOOR PATIO  
SIGN SITE PLAN  
(PUBLIC HEARING)**

**REQUEST OF SALLY KEATING, 94 WEST SHORE DRIVE, FOR RECOMMENDATION OF APPROVAL OF A SITE PLAN TO CONSTRUCT AN OUTDOOR PATIO AT THE EXISTING BUSINESS. THIS PROJECT IS LOCATED IN A B-3 BUSINESS ZONING DISTRICT.**

Mr. Reitz stated this request is to create an outdoor patio with a fire pit for the existing restaurant/bar on West Shore Drive. The patio will be created in the area west of the existing building towards the property line. The area shall be fenced and gated as shown on the enclosed plans and will not remove any of the parking areas. Six foot fencing is proposed in the rear and four foot fencing is shown for the side yard area with selective landscaping to be determined by the property owner at time of construction. This project is a Conditional Use within a Residential zoning district and requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, advertised in a newspaper, posted in various locations in the City and residents within 300 feet have been notified by mail.

Mr. Gary Fischer, Arkinetics Inc. and Sally Keating, Sally's West Shore Pub were present tonight to represent this case and answer any questions the commission may have.

Mr. Fischer described the patio per the plan presented.

Mr. Fell opened the meeting to the public.

Mr. Harvey McGarvey, 161 Brookfield stated that he likes the idea of the patio. I go to Sally's and think this would be a nice addition.

Mr. Fell closed the public portion of the meeting.

Mr. Fischer stated that he was aware of the comments on the fire pit from the fire department. We met with the fire department and have added a gate to the fence on the western side of the patio. The fire department stated that the gate would take care of the comments.

Mr. Fell asked about the fire pit. Will the fire be gas ignition with natural wood or gas logs?

Mr. Fischer stated that the fire would be gas logs.

Mr. Fell stated that he felt the hours for music on the patio are too late. The noise from this patio will carry to the homes north on the lake. I prefer shorter hours for the music.

Mr. Knilans stated that he didn't mind the hours on the patio for the patio itself and for the music. There really isn't much around there that it would bother. If the residents on the lake had a problem I would think they would be here tonight to oppose this.

Mr. McNamara had no issues with the patio or the music. There haven't been complaints about noise from this area and feel the 10:00 hours are ok.

Mr. Zilka stated that he had concerns with the live music/stereo on the deck. We just put restrictions on a patio across the street.

Mr. Fischer stated that the homes in the area have less of a restriction than the patio. With the current noise ordinance the homes in the area can play music louder and longer than we are asking for.

Mr. McNamara stated that he felt the comments of Lt. Duane Streator of the police department take care of the noise issues.

Mayor Zuber stated that he had no problem with the 10:00 hours in this area. The houses are far enough away that I don't feel the houses will be affected.

Mr. Brightwell stated that he had no problem with the hours of operation or the music hours.

Law Director Kerner stated that this establishment may not play hard rock music or loud music, but if the business is ever sold the restrictions go with the business. We cannot guarantee that the next business owner will play the type of music this owner has said she will be playing. He asked if a change to the liquor license would be needed.

Ms. Keating stated that liquor control has already been contacted and has been out to see the plans and in the process of getting approval.

Mr. Knilans stated that the applicant has stated the music would only be on Friday and Saturday evenings.

Ms. Jennifer Fenderbosch, 32316 Gable Ln., Councilperson stated that she liked and supported the plans.

Mr. Knilans moved to approve the requests of Sally Keating, 94 West Shore Drive for recommendation of approval of a Site Plan to construct an outdoor patio at the existing business with the restriction of hours of operation, Monday thru Friday 4:00 p.m. to Midnight, Wednesday

thru Friday 11:30-2:30, Saturday 6-Midnight, and closed Sundays. The live entertainment is restricted to Friday and Saturday until 10:00 p.m. and no other music after 10:00 and no outside bar, service only and gas fire logs only. Mr. Fell seconded the motion.

**AYES: All NAYS: None**

**CASE NO. 020-08  
RICHARD HOBAR  
338 JAYCOX ROAD  
LOT SPLIT**

**REQUEST OF RICHARD HOBAR, 338 JAYCOX ROAD, FOR A REQUEST FOR A LOT SPLIT FOR AN EXISTING 3.99 ACRE PARCEL OF LAND WEST OF THE MONACO PLACE SUBDIVISION. THE PROPERTY IS LOCATED IN AN EXISTING R-1 RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated this request for a lot split is of an existing 3.99 acre parcel of land locked property west of Monaco Place Subdivision. Vehicle access to the two new parcels will be through Monaco Place. Utility access to the two properties will be from Monaco Place and Redwood Boulevard through existing platted easements. The survey map shows an existing barn and home on a Parcel "A" that are proposed to remain at this time. The issue of access through Gierman Road has been brought forth and the applicant has provided a copy of a Quit Claim Deed for review by Planning Commission. Planning Commission members should note that this proposal has been reviewed and approved by the Zoning Board for the code requirements of frontage on an existing right-of-way. Please note the comments from the Departmental Review of the request.

Mr. Richard Hobar and Jim Saylor, Rietz Engineering were present tonight to represent this case and answer any questions the commission may have.

Mr. Hobar stated that the property is a land locked parcel that has had access to the property through the Wetzig's property for about 100 years. I am willing to give up the access to Gierman Road and use the access from the Monaco Place Subdivision if the approval is granted tonight. The access to Gierman Road will be Quit Claim deeded over to the property owners of Monaco Place as soon as all the approval processes have gone through.

Mr. Fell stated that he owned and lived on Redwood Boulevard (SL 63) but has no interest or gain in this approval and felt his discussing and voting on this case was appropriate. I feel much better knowing that Mr. Saylor is the engineer on this project, but am still unsure about the easement and access to the properties.

Mr. Saylor stated that the access easement given by Gamellia Construction would be used once all the approvals are given for the lot split.

Mr. Reitz stated that there are outstanding comments from the Utilities Department in regard to the rights to the easement and property.

Mr. Hobar stated the quit claim deed allows for the utilities department and maintenance.

Mr. Fell asked if the access deed allows for the City and Engineering department to access Gierman Road. Will Gierman Road still be available to the Wetzigs, who will pay for repairs of the access that Mr. Gamellia has granted in the Monaco Subdivision.

Mr. Hobar stated that he and the engineering department would take pictures of the access area in Monaco Place before the construction begins and would then take pictures after the construction. Any areas that need repairs would be done and paid for by the property owner.

Mr. Knilans asked if the Wetzig's still have access through Gierman Road to their property?

Mr. Hobar stated that the Wetzig's access has not changed. The only changes to the Wetzig's easement are that my properties will not have access through that existing easement.

Mr. McNamara stated that he relies on the department heads for their comments. I feel that there are a lot of outstanding comments on the lot split and would prefer to wait until all department head comments have been taken care of before I could support this issue.

Law Director Kerner stated that the Wetzig's rights remain exactly the same. The only thing that will change is that the Hobar's will no longer have access to the Wetzig's property or to Gierman Road.

Mr. Zilka asked what address the Hobar's will have, Jaycox or Monaco Place.. Will the right of way access to the Hobar's property be large enough for safety services to get to the back parcels.

Mr. Reitz stated that the right of way to the Hobar's property will be large enough for safety services and the address will be a Monaco Place address, no longer a Jaycox address.

Mr. Jim Capera, 32314 Monaco Place stated the sole purpose of the access was for two sublots. When I purchased my lots I was told these lots were land locked parcels and there would be no building back there. The access easement is owned by the homeowners association for Monaco Place and was only to be used for access of cars, not for construction vehicles and two more lots. If the access is used for construction I will file a trespassing complaint with the police department every time it is used. I am not paying for large trucks to be ruining the road.

Law Director Kerner stated that whatever rights the HOA gave will have to be followed or the HOA will have to change the rights. We as the City are not responsible for the enforcement of the easement.

Mr. Zilka stated that as the City is concerned we cannot deny the property owner the rights to use his property.

Law Director Kerner stated that if Planning Commission does not grant approval then the City would be leaving the property unbuildable and the rights of the property owner may be violated.

Mr. McNamara asked if we deny the approval could the City be held liable for denying the property owner his rights.

Law Director Kerner stated that this is a buildable lot if we approve. If we do not approve the City could be liable for denying the property owner his rights to improve his lot.

Mr. Knilians stated that when the Monaco Place Subdivision was approved Planning Commission asked and was granted the easement for the land locked parcel through the subdivision and was asked that Gierman Road stopped being used.

Mr. Reitz stated that with that approval a parcel number was called out not a number of lots or lot. If this approval does go through the City will need to be assured that the quit claim deed is recorded with the County and that all the Utilities Department comments are met and approved.

Mr. McNamara stated that the Wetzig's will still have access to Gierman Road and can continue to use it as a drive.

Mr. Brightwell moved to approve the request of Richard Hobar, 338 Jaycox Road for a request of a Lot Split for an existing 3.99 acre parcel of land west of the Monaco Place Subdivision with the condition the Utilities Department comments are met and approved by the Engineering/Planning Department and the Quit Claim deeds are filed with the County as soon as the approvals are complete with the City. Mr. Zilka seconded the motion.

**AYES:                      ALL                                      NAYS:                      None**

**CASE NO. 021-08  
AQUA MARINE  
PHASE NO. 2  
SITE PLAN**

**REQUEST OF KOPF CONSTRUCTION, 420  
AVON BELDEN ROAD, FOR A  
RECOMMENDATION OF APPROVAL OF THE  
SITE PLAN FOR PHASE NO. 2 OF THE AQUA  
MARINE MULTI-FAMILY DEVELOPMENT.  
THIS PROJECT IS LOCATED IN AN R-3  
ZONING DISTRICT.**

Mr. Reitz stated this request is for the second phase of three phases for the multi-family residential development at the former resort/golf course site. The second phase will create three units that are different than the first phase to better suit the current housing market. This phase will have private water and sanitary sewers with curb side garbage pickup so dumpsters will not be necessary. Access to this phase will connect phase one and create a new entrance on Miller Road. Phase 2 of the project will create 60 apartment units on 8.35 acres for a cumulative total

of 347 units over the 39.77 acres between the two phases. The units per acre are 7.19 unit/acre for Phase 2 and cumulatively 8.67 units/acre. This is well below the maximum 12 units/acre permitted by code.

Mr. Doug Baldi, Baldi Design, Jim Sayler, Reitz Engineering and H.R. Kopf, Kopf Builders were present tonight to represent this case and answer any questions the commission may have.

Mr. Sayler stated the new phase will be at the main entrance on Miller Road and connect with the condo phase already in progress. The storm sewers are to Miller Road and all the water services will be private. The water will have one meter and will be handled by the association/management company. The units will consist of 8 plex, 6 plex and 4 plex, 2 story buildings. The units will have at least one car parking, in some units 2 spaces and range from 850 to 1250 sq. ft. They will be keeping the nine hole golf course.

Mr. Fell asked if the units would be for sale or will they be rentals.

Mr. Sayler stated the units would be rentals and the price range would be \$1250.00 and up per month with a full management company handling the leases and water service.

Mr. Fell asked how full the first phase is.

Mr. Sayler stated that in the current phase four of the fifteen buildings are purchased and full.

Mr. Fell asked if any variances would be required for this phase.

Mr. Sayler stated there would be no variances required.

Mr. McNamara asked if there would be any common areas or green spaces.

Mr. Baldi stated that with the golf course there would be no space for any additional green space areas. There is a walking path around the perimeters and a recreation building and pool area.

Mr. McNamara asked if there are any EPA issues.

Mr. Sayler stated the all the Storm Water Quality was taken care of with the installation of the basin in the first phases.

Mr. Zilka welcomed the addition in the area. This will really clean up the area nicely.

Law Director Kerner asked how the tax abatement will be affected with the units being rentals instead of purchases.

Mr. Kopf stated that the tax abatement will allow me to keep my costs lower and be competitive.

Mayor Zuber stated that he likes to see the lower density and the area cleaned up and looking nice.

Mr. Reitz stated that the traffic warrants did not include this phase and may affect the lights and the warrants.

Mr. Knilans moved to approve the request of Kopf Construction for recommendation of approval of the Site Plan for Phase 2 of the Aqua Marine Multi-Family Development. Mr. McNamara seconded the motion.

**AYES: ALL NAYS: NONE**

**CASE NO. 022-08  
PERRY FIBERGLASS  
33660 PIN OAK PARKWAY  
ADDITION SITE PLAN**

**REQUEST OF PERRY FIBERGLASS, 33660 PIN OAK PARKWAY FOR RECOMMENDATION OF APPROVAL OF A SITE PLAN TO CONSTRUCT A 15,000 SQUARE FOOT ADDITION TO THE EXISTING BUILDING. THIS PROJECT IS WITHIN AN I INDUSTRIAL ZONING DISTRICT.**

**The applicant is requesting the following waivers under the equivalency provision of 1217.03(g):**

- 1. Waiver to 1264.03 for the required number of spaces based on the square footage of the building.**
- 2. Waiver to 1264.11 for the installation of concrete curbs.**

Mr. Reitz stated this project will add an additional 15, 000 square feet to the existing facility. The applicant is requesting to not be required to add the additional 6 parking spaces as required by code but has agreed to land bank an additional 18 spaces for future needs as necessary. The plans show a total of 93 spaces (18 of which are land banked) where the code requires 78 spaces based on building square footage. The applicant is also requesting consideration from Planning Commission to not be required to install the concrete curbing around the parking lot. This site has no concrete curbs currently therefore they are requesting to not be required to do so for the proposed addition.

Mr. Terry Noonan, Beacon Marshall and Chad Pulliam, Perry Fiberglass were present tonight to represent this case and answer any questions the commission may have.

Mr. Noonan stated the new building will be like and kind to the existing building.

Mr. Fell asked why is the applicant requesting the waivers, what is the need.

Mr. Noonan stated that the existing site has no curbs and that is why the waiver was asked for 1264.11. The parking on the plans will far exceed the parking needed for employees and that is

why the waiver was asked for to 1264.03.

Mr. Fell asked if the comments of Bramhall Engineering were taken care of.

Mr. Noonan stated the comments of Bramhall Engineering will all be taken care of. The comments are all related to stormwater and we are currently working on all the comments.

Mr. Pulliam stated that the loading areas will be screened. The loading areas cannot be seen at the street.

Mr. Zilka stated that he would like to see the comments of the fire department included in the motion.

Mayor Zuber stated that this addition is a nice addition to Pin Oak Parkway.

Mr. Zilka moved to approve the request Perry Fiberglass, 33660 Pin Oak Parkway for recommendation of approval of the Site Plan to construct a 15,000 square foot addition to the existing building. The approval is conditional upon the comments of the fire department being taken care of and includes the two waivers: 1) Waiver to 1264.03 for the required number of spaces based on the square footage of the building. 2) Waiver to 1264.11 for the installation of concrete curbs.

**AYES:                    ALL                    NAYS:            NONE**

Mr. Reitz stated the applicant will need to supply the planning department with signed plans for the stormwater plans. I will keep the fire department and Bramhall Engineering informed and wait for all approvals.

**INFORMATIONAL ITEM**

None

**DISCUSSION ITEM**

None

**GENERAL PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Knilans moved to adjourn at 9:04 p.m. the June 3, 2008 Planning Commission meeting. Mayor Zuber seconded the motion.

**AYES:**

**All**

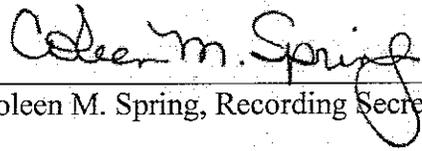
**NAYS:**

**None**

The next regular meeting of the Planning Commission will be on July 1, 2008.

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Gary Fell, Chairperson

  
Coleen M. Spring, Recording Secretary