



**NEW CASES:**

**CASE NO. 011-08  
SWEETBRIAR GOLF COURSE  
STORAGE BUILDING  
SITE PLAN  
(PUBLIC HEARING)**

**REQUEST OF KOPF CONSTRUCTION/J.R. KOPF,  
750 JAYCOX ROAD, AVON LAKE FOR  
RECOMMENDATION OF APPROVAL OF A  
CONDITIONAL USE SITE PLAN FOR PROPOSED  
STORAGE BUILDING AT SWEETBRIAR GOLF  
COURSE. THE SITE PLAN IS FOR  
IMPROVEMENTS TO A GOLF COURSE WHICH  
IS A CONDITIONAL USE IN A LIGHT  
INDUSTRIAL ZONING DISTRICT. ONE WAIVER  
IS BEING REQUESTED UNDER THE  
EQUIVALENCY PROVISION OF 1217.03(G):  
REQUESTING A WAIVER TO 1250.03(A)(1) FOR A  
FRONT BUILDING SETBACK OF LESS THAN 200  
FT (184 FT SHOWN) AND A SIDE YARD  
SETBACK LESS THAN 150 FT (50 FT SHOWN).**

Mr. Reitz stated this request will construct a 3000 square foot building for storage of golf course equipment. The garage doors for the building will face the railroad to the south and will not be visible from Jaycox Road. The design of the building will match that of the other existing storage buildings in this same area. 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. Doug Baldi, Baldi Design and Jim Sayler, Reitz Engineering were present tonight to represent this case and answer any questions the commission may have.

Mr. Baldi stated this building will take the place of all the equipment that is sitting the outside storage area now, we will just be putting the equipment in the building and cleaning up that outside storage area. The building will be white horizontal siding with a red roof.

Mr. Fell opened the meeting to the public.

There were no comments from the public, Mr. Fell closed the public portion of the meeting.

Mr. Kerner stated that the applicant would need to provide information in regard to the equivalency provision stated in the code for the waivers being requested.

Mr. Baldi stated that maintenance storage area was here before the golf course and the current code. The current code doesn't want these maintenance areas too close to the homes, therefore I would think the best situation is where we located it, next to the railroad tracks and further from the houses.

Mr. Sayler stated that we were trying to protect the residential areas by putting the maintenance areas where they were already. They built their homes knowing that the maintenance garages were there. Would rather have the buildings up against the track than the houses. With strict application of the code it would put this building close to homes.

Mr. Simonovich moved to approve the request of Kopf Construction, 750 Jaycox Road for recommendation of approval of a Conditional Use Site Plan for a proposed storage building at Sweetbriar Golf Course. Mr. Zilka Seconded the motion.

Mr. Simonovich amended the original motion to include the waiver to 1250.03(a)(1) for a front building setback of less than 200 feet (183ft shown) and a side yard setback less than 150 ft. (50ft. shown). Mr. Knilans seconded the amendment.

AYES: All

NAYS: None

**CASE NO. 012-08  
McCARTY'S ALE HOUSE  
33382 WALKER RD.  
PATIO CONDITIONS  
(PUBLIC HEARING)**

**REQUEST OF McCARTHY'S ALE HOUSE, 33382  
WALKER ROAD, AVON LAKE, FOR A  
REQUEST TO REVISE THE RESTRICTIONS  
PLACED ON THE USE OF THE OUTDOOR  
PATIO AS PART OF THE ORIGINAL SITE PLAN  
APPROVAL. THIS PROJECT IS LOCATED IN A  
B-2 BUSINESS ZONING DISTRICT.**

**The applicant is requesting that the following two restrictions be revised as were placed on the original wood deck by Planning Commission as Case 030-99:**

- 1. Hours of operation. Request to extend the hours of operation from closing the deck at 9:00 pm to 10:00 pm on weekdays and 11:00 pm on Friday and Saturday.**
- 2. Outside music. Original 1999 approval did not permit music to be played on the deck.**

Mr. Reitz stated the request before Planning Commission is to reduce the restrictions placed on the original Conditional Use Site Plan approved by Planning Commission in 1999 as Case No. 030-99 when the business was known as Spunkmeyer's Pub. This use was revisited in 2004 as Case No. 023-04 and at that time the restriction to permit the use of plumbing and electricity was removed by Planning Commission but the project was never constructed as approved, therefore the 1999 restrictions apply to the current deck. The request is to extend the use of the deck to 10:00 pm Sunday through Thursday and until 11:00 pm on Friday and Saturday and permit the playing of music outside on the deck. 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. Tom Mann, McCarthy's Ale House, was present tonight to represent this case and answer any questions the commission may have.

Mr. Mann stated that he is here tonight to get the restrictions placed by Planning Commission on the outside patio changed. The outside patio has no music proposed right now. I purchased the property in August 2005 and had no idea that there were restrictions on the patio. Business is down by 40% because of the no smoking rules and the poor economy. David Kos my councilman and I walked the neighborhood and got the opinions of all the neighbors about the changes. The comments from the neighbors were mostly about the language, noise, motorcycles engines and the traffic in and out of the parking lot, mostly from the Drug Mart patrons. There seems to be a lot of litter that I pick up and it doesn't seem to be mine, the litter is not anything that I sell. The racing on Moore Road the police department can monitor, I have no control. I am a man of my word and I will work on all the issues that were brought to my attention. I have reduced the number of tables from 10 to 5 on the outside patio to cut down on the noise. I have only solar lighting for mood and I never had live music on the patio. I do play the radio, but have taken it in due to the comments from the neighbors.

Mr. Fell opened the meeting to the public.

Mr. Art Daniels, 33316 Chatham, the first house on the corner right behind the applicant. The loud noise, language, fights etc. have been going on for years. I have tried to be a good neighbor, but last year was the worst year since the patio opened. When I did finally call to complain the managers were very rude. The patio never closes at the correct time, I always have to call. The younger crowd doesn't respect their neighbors or other people's property. I do not support any changes and would like to see the current restrictions enforced.

Mr. Boswell, 33324 Chatham stated that he feels the same as his neighbor Mr. Daniels. When I purchased my home there was not a patio. Since then it seems like every year they ask for changes and always want to increase the hours, music etc. This has to stop, this is a residential neighborhood and already is a nuisance. The younger crowd is very noisy. Also, the Memorial Day to Labor Day open and close is never enforced. I do not support any changes to the patio.

Mr. Brian Geary, 33328 Chatham stated that he believed that the deck was illegally built first and then asked for permission. The deck is attached to the building and has a major entrance/exit to the building and believe the smoking laws should apply to the deck.

Mr. Mike Kovacs, 33315 Chatham stated there is a lot of noise and would like to see Mr. Mann follow the rules that are in place and see how things go with his ownership before we allow him to make any changes.

Mr. Mike Stanek, Councilman stated that he has fielded numerous complaints of noise and hours of operation and times the deck is used. I spoke against expansion of the deck and opposed the deck originally. I feel this is the wrong location to have an outside deck. The patrons cannot be

easily controlled. I am always interested in helping the local businesses in the area but would like to see the new ownership follow the rules already in place and see how it goes for a while before any changes are made.

Mr. David Kos, 32901 Redwood, Councilman, Ward 4 I have no agenda tonight. I walked the neighborhood with Mr. Mann and listened to the comments of the residents. I feel Mr. Mann welcomed the comments and concerns of the neighbors. The comments were fair and legitimate. The comments were mostly about the speeding on Moore Road, and the noise of the traffic, noise and language on the deck.

Mr. Art Daniels stated that we (the neighbors) are not opposed to at some time listening to the time addition to the deck if Mr. Mann takes responsibility and is willing to listen to the concerns and follow the restrictions already in place first.

Mr. Fell closed the public portion of the meeting.

Mr. Fell asked what one more hour of business will do to help his business.

Mr. Mann stated that it would be the retention of the customers when it is still light outside. This will help keep my patrons at my business as well as trying to attract new business.

Mr. Fell stated that he should have known about the restrictions before he purchased the property.

Mr. Mann stated that the new smoking laws have really changed the business. I hope to build my reputation with the police department and the neighbors. I had no idea that the patio was only to be open from May to September, that is why I haven't been enforcing that restriction.

Mr. Fell stated that he could not support the changes. The deck is too close to the residential homes and feel the hours are late enough.

Mr. Knilans stated that the commission has been aware of the history of the deck. We have seen the same issues every time a owner has come before the commission to make changes. I would like to support the local business because I know that times are tough, but cannot support the changes tonight. I feel we have to listen to the comments and concerns of the residential neighbors.

Mr. Simonovich stated that he feels the same way. We have seen cases before us in 1999 and 2004 and now, every time the neighbors have had the same complaints. I would like to know from the applicant the percentage of food vs. beverages.

Mr. Mann stated that it is currently 18-20% food, 80% beverages.

Mr. Simonovich stated that in 1999 the applicant stated that the food percentage was 50%. As the food purchases go down and the beverage purchases go up, the problems go up as well. Alcohol and residential don't mix. I feel you made a step in the right direction by walking the

neighborhood and listening to complaints, but my feeling is buyer beware and cannot support the changes tonight.

Mr. Zilka stated that Mr. Daniels, Mr. Boswell, Mr. Geary and Mr. Stanek were at the last two presentations and expressed the same concerns at both of those meetings and are here again tonight to express the same concerns. Chief Owad states in his comments that noise is a very personal issue and is hard to enforce. I think the applicant should listen to the suggestions before him tonight. I have difficulty changing the times when we have complaints about the hours now.

Mayor Zuber stated that he has spoken to Mr. Mann and feels even though he would like to support the local business he cannot support the changes tonight with the complaints from the residents.

Mr. Mann stated that the original intent of the outdoor patio was to be for casual dining not an outside bar. I understand the comments and concerns of the neighbors, but with the smoking bans the outdoor area has taken on a new life. I hope to be responsive the changes and will try to work with the neighbors with the noise issues and hours.

Mr. Fell moved to deny the request of McCarthy's Ale House, 33382 Walker Road to revise the restriction placed on the use of the outdoor patio as part of the original site plan approval. Mr. Zilka seconded the motion.

**AYES: ALL NAYS: NONE**

Mr. Art Daniels asked for some clarification on the current restrictions on the original site plan approval.

Mr. Fell stated that there is to be no music at all and closed by 9:00 p.m.

Mr. Daniels asked what the recourse is if the restrictions are not followed.

Mayor Zuber told him to call the police department. That way a pattern will be formed and monitored.

**CASE NO. 013-08  
HOBAN PEST CONTROL  
296 MOORE ROAD  
SIGN SITE PLAN**

**REQUEST OF HOBAN PEST CONTROL, 296  
MOORE ROAD, AVON LAKE FOR  
RECOMMENDATION OF APPROVAL OF A  
SITE PLAN TO INSTALL A FREESTANDING  
SIGN FOR THE BUSINESS. THIS PROJECT IS  
LOCATED IN A B2 BUSINESS ZONING  
DISTRICT.**

Mr. Reitz stated this request is to install a sign facing Moore Road for the business. The request is within the parameters set forth in the code and requires no waivers.

Mr. Dave Hoban, Hoban Pest Control was present tonight to represent this case and answer any questions the commission may have.

Mayor Zuber asked would there be any lighting on the sign.

Mr. Hoban stated that there would be low voltage on the front side shining west on the sign. The lights would be on a timer from dusk to dawn. I have spoken to the neighbors about the lighting and they all seemed ok with the lighting.

Mr. Art Daniels asked where the sign would be placed.

Mr. Hoban showed Mr. Daniels the site plans and told him about the expected landscaping.

Mr. Daniels stated that he just didn't want any bright lights shining.

Law Director Kerner stated that the motion could include the restrictions on the lighting.

Mr. Knilans moved to approve the requests of Hoban Pest Control, 296 Moore Road for recommendation of approval of a Site Plan to install a freestanding sign for the business to include low voltage lighting on the sign. Mayor Zuber seconded the motion.

**AYES: All NAYS: None**

**CASE NO. 014-08  
GRAMERCY SUBDIVISION  
IDENTIFICATION SIGN  
SITE PLAN**

**REQUEST OF GAMELLIA HOMES, 32745  
WALKER ROAD, AVON LAKE FOR  
RECOMMENDATION OF APPROVAL OF A  
SIGN SITE PLAN TO INSTALL A SUBDIVISION  
IDENTIFICATION SIGN AT THE ENTRANCE  
TO LEAR ROAD. THIS PROJECT IS WITHIN A  
R-1 RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated this request will install signage and landscaping around the entrance to the new subdivision. The signage will be installed in the central island in the intersection of Gramercy Lane and shall be externally illuminated. The sign shall match the style as was approved and installed across Lear Road for the Ventanas Subdivision.

Mr. Doug Baldi, Baldi Design was present tonight to represent this case and answer any questions the commission may have.

Mr. Baldi explained that this sign for Gramercy Place will mirror the sign on the other side of the street at Ventanas with the same landscaping theme.

Mr. Simonovich stated that at Safety Committee there is an ongoing discussion about objects in the right-of-way.

Mr. Baldi stated that he is aware of the discussions, but there are a number of signs in the right-of-way. I can only go by the current code.

Mr. Simonovich suggested that Mr. Baldi attend the meeting where this is being discussed. You may need the information for upcoming site plans.

Mr. Zilka stated that he has been attending the meetings as well . I never thought these signs were an issue until now. Will this sign be set far enough back to be out of the site line for cars at the intersection?

Mr. Baldi stated that this sign is a full vehicle length behind the site line. You have to pull up and view the traffic. The landscaping tends to calm the traffic as well and make people slow down?

Mayor Zuber asked if the right of way is from center line?

Mr. Baldi stated that the tip of the island is at the right-of-way line.

Mr. Knilans moved to approve the request of Gamellia Homes for recommendation of approval of a sign site plan to install a subdivision identification sign at the entrance to Lear Road. Mr. Fell seconded the motion.

**AYES: ALL**  
**CASE NO. 015-08**  
**GAMELLIA OFFICE BUILDING**  
**510 AVON BELDEN ROAD**  
**SITE PLAN**

**NAYS: None**  
**REQUEST OF GAMELLIA CONSTRUCTION,**  
**32745 WALKER ROAD, AVON LAKE FOR**  
**RECOMMENDATION OF APPROVAL OF A**  
**SITE PLAN TO CONSTRUCT A 9,000 SQUARE**  
**FOOT COMMERCIAL BUILDING IN THE**  
**REAR PROPERTY OF 510 AVON BELDEN**  
**ROAD. THIS PROJECT IS WITHIN A B-2**  
**BUSINESS ZONING DISTRICT.**

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

- 1. Waiver to 1244.04 Parking Setback Requirements. Per the code a 20 feet setback is required for parking setbacks adjoining a residential district. Setbacks shown on the plan are 2.88 feet to the west property line (along the Fire Department), 17 feet to the south property line.**
- 2. Waiver to 1244.04 Parking Setback Requirements. Per the code a 10 feet setback is required abutting non-residential property and 4.66 feet is provided.**

**3. Waiver to 1244.05 Accessory Structures for the dumpster setback being less than 25 feet from the adjoining residential district.**

Mr. Reitz stated this project is for the construction of a commercial building in the rear property of 510 Avon Belden Road behind Taco Bell. The building is 9000 square feet with parking for 45 vehicles for this phase. This site will require waivers under the equivalency provisions to the parking setbacks to the north, west and south property lines and for a dumpster to be located within 25 ft or residential zoned property.

It should be noted that the Police Department and Fire Department and Planning Department reviews have brought up concerns about access and traffic flows during peak times for the overall site.

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

Mr. Sayler stated the office will be a medical office building. The parking setbacks requested were already approved with the Taco Bell site plan. The Dumpster could be moved up but would be closer to the parking and traffic patterns if we did that.

Mr. Fell stated that this is an unusual lot and I knew there would be problems when this lot was developed. I think the traffic patterns will be an issue.

Mr. Sayler stated that this will be a medical facility with only 2 tenants in the building.

Mr. Fell asked if the business would be open regular business hours.

Mr. Sayler stated that he believed that it would be a physical therapy practice with regular business hours, it may have extended after school hours on certain days.

Mr. Knilans stated that he too knew this lot was going to be a problem when developed.

Mr. Simonovich stated that this lot will have issues, I just hope the hours will help the traffic patterns in the drive thru areas. I have no problems with the waivers.

Mr. Zilka stated that he has no problems with the equivalency and the waivers. I do have concerns with the area, but I don't see much of a change that can be made.

Mayor Zuber stated that he thought the medical facility might be the best use for the lot. There are concerns but I don't feel it will be a safety concern. Police and Fire can still access the area.

Mr. Fell moved to approve the request of Gamellia Construction for recommendation of approval of a Site Plan to construct a 9,000 square foot commercial building in the rear property of 510 Avon Belden Road with the waivers listed below:

- 1) Waiver to 1244.04 Parking Setback Requirements. Per the code a 20 feet setback is required for parking setbacks adjoining a residential district. Setbacks shown

on the plan are 2.88 feet to the west property line (along the Fire Department), 17 feet to the south property line.

- 2) Waiver to 1244.04 Parking Setback Requirements. Per the code a 10 feet setback is required abutting non-residential property and 4.66 feet is provided.
- 3) Waiver to 1244.05 Accessory Structures for the dumpster setback being less than 25 feet from the adjoining residential district.

Mr. Zilka seconded the motion.

**AYES:**

**ALL**

**NAYS:**

**NONE**

**CASE NO. 016-08  
HINKLEY LIGHTING  
33000 PIN OAK PARKWAY  
SITE PLAN**

**REQUEST OF FREEMAN BUILDING SYSTEMS,  
ON BEHALF OF HINKLEY LIGHTING, 33000  
PIN OAK PARKWAY, AVON LAKE FOR  
APPROVAL OF A SITE PLAN TO CONSTRUCT  
A 243,225 SQUARE FOOT BUILDING ON A 23  
ACRE SITE ON PIN OAK PARKWAY. THIS  
PROPERTY IS ZONED INDUSTRIAL.**

**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 1246.06 Accessory Use Regulations for the height of fence in a front yard.**
- 3. Waiver to 1246.07 Landscaping and Screening of the dumpster.**

Mr. Reitz stated this project is located on Pin Oak parkway opposite the storage condominiums on the north side. The total Hinkley site is a total of 30 acres. Phase 1 will construct a 243,225 square foot building on 23 acres. The site is a "rear" parcel which has two 7 acre parcels fronting on Pin Oak Parkway. The proposed project is set back approximately 600 feet from Pin Oak Parkway with the building being nearly 800 feet from the right-of-way. The building will be used for storage and distribution of the lighting products and will include office space.

The site layout shows areas for future expansion and is provided to show an overall perspective of the site. The proposed driveway will align with the property purchased by the City for the future anticipated extension of Avon Belden Road which is currently being used by the Service Department as access to the City composting site.

Final review comments were discussed with the applicant at a meeting held May 29, 2008. It is anticipated that final approvals from the departmental reviews will be provided to Planning Commission at the meeting with final plans presented to Planning Commission the same night. Previous comments have been included in the packets.

This site is a welcome new project on Pin Oak Parkway and the City welcomes Hinkley Lighting to our community.

Mr. Craig Sanders, Freeman Building Systems was present tonight to represent this case and answer any questions the commission may have.

Mr. Sanders stated that there is currently 159 parking spaces on the plan and 32 employees per shift. We feel there is plenty of coverage or spaces. We would be willing to bank 116 spaces for the future if needed. The height of the fence in the front yard is 6 feet. The current code states 3 feet in the front. The building would be 700 feet back from Pin Oak Parkway and do not feel the fence would be an eye sore. The landscaping and screening of the dumpster once again would be 700 feet back from Pin Oak Parkway and don't feel the dumpster would even be able to be seen. We will not be dealing with open containers. We are proposing a 6 foot mound and a six foot fence.

Mr. Fell asked the reason for the six foot fence as opposed to the 3 foot.

Mr. Sanders stated that the fence would be for security reasons, just to keep vandalism down.

Mr. Fell asked if the fence would be decorative, I hope not a chain link.

Mr. Reitz stated that most of the department head comments have been taken care of. The only outstanding comments are with the Utility Department and can be taken care of shortly. The plan could be approved contingent upon the Utility Comments being taken care of.

Mr. Knilans asked if there would be any manufacturing at this facility?

Mr. Sanders stated the building would have no manufacturing, just a storage/mailing type facility.

Mr. Knilans stated he just wanted to make sure there would be no factory noise, only truck traffic/noise. Will there be any outside lighting?

Mr. Sanders stated there would be light poles in the drive areas and parking areas. May have lighting at doors/entrances.

Mr. Simonovich stated that he has no problems with the waivers being requested.

Mr. Zilka questioned the comments of the Utilities Department and hoped that the fence would not be chain link.

Mr. Sanders hoped as well that the fence would not be chain link. We would strive for a decorative fence but it will come down to cost.

Mayor Zuber stated that this has been a long time coming and welcomed Hinkley Lighting to Avon Lake.

Mr. Reitz stated that Mr. Sanders has been very easy to work with. He has been very helpful in getting comments taken care of in a short period of time and appreciated his quick turn around of the plans. I appreciate the landscape and mounding.

Law Director Kerner stated that only 159 of the 212 parking spaces will be put in. Is there any time frame of when the additional spots will be put in.

Mr. Reitz stated that we generally wait until the applicant request that more be put in. The user will put more in as needed. We will see the plans as this site expands and can watch the spaces.

Mr. Simonovich moved to approve the request of Freeman Building Systems, on behalf of Hinkley Lighting, 33000 Pin Oak Parkway for approval of a Site Plan to construct a 243,225 square foot building on a 23 acre site on Pin Oak Parkway with the condition that the Utility Department comments are taken care of and approved by the Engineering Department and the following waivers:

1. Waiver to 1264.03 for the required number of spaces based on the square footage of the building.
2. Waiver to 1246.06 Accessory Use Regulations for the height of fence in a front yard.
3. Waiver to 1246.07 Landscaping and Screening of the dumpster.

Mr. Zilka seconded the motion.

Mr. Reitz stated that the routing of the storm sewers might require minor changes to the retention pond. I will keep you addressed of any changes that will be made.

**AYES:                    ALL                                    NAYS:                    NONE**

**INFORMATIONAL ITEM**

None

**DISCUSSION ITEM**

None

**GENERAL PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Knilans moved to adjourn at 9:24 p.m. the May 6, 2008 Planning Commission meeting. Mr. Zilka seconded the motion.

**AYES:**

**All**

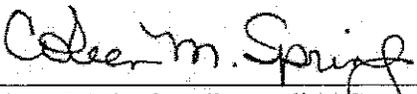
**NAYS:**

**None**

The next regular meeting of the Planning Commission will be on June 3, 2008. Mr. Simonovich stated he would not be at the June meeting.

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Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary

