

**MINUTES OF THE AVON LAKE  
PLANNING COMMISSION MEETING  
OCTOBER 2, 2012**

**CALL TO ORDER**

Gary Fell called the Avon Lake Planning Commission Regular Meeting of October 2, 2012 to order at 7:30 p.m. in the Council Chambers of City Hall.

**ROLL CALL**

Mr. Davis, Mr. Fell, Mrs. Fenderbosch, Mr. Knilans, Mr. Sherban, Mr. Simonovich, Mayor Zilka, Director of Law Lieberman, Engineering Manager Reitz.

**APPROVAL OF MINUTES**

Mr. Fell moved to approve the minutes of the September 4, 2012 regular meeting. Mr. Davis seconded the motion.

**AYES:**                      **All**                                      **NAYS:**                      **None**

**GENERAL CORESPONDENCE/ANNOUNCEMENTS**

None

**COUNCIL REPORT**

No report from Mrs. Fenderbosch as Council was on break.

**SWEARING IN**

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

**NEW CASES:**

**CASE NO. 014-12  
WATERSIDE CROSSING NORTH  
PHASE NO. 6  
FINAL PLAT**

**REQUEST FROM KOPF CONSTRUCTION,  
420 AVON BELDEN ROAD, AVON LAKE  
FOR A RECOMMENDATION OF  
APPROVAL OF THE PLAT FOR  
WATERSIDE CROSSING NORTH PHASE  
NO. 6. THIS PROPERTY IS LOCATED IN  
AN R-1 RESIDENTIAL ZONING DISTRICT  
AS A PLANNED UNIT DEVELOPMENT.**

Mr. Reitz stated this plat is for the portion of Waterside crossing that connects Belmar Boulevard through to Walker Road and creates Crestmont Circle. This phase of the subdivision shall create 20 new sublots on a 13 acre site. This plat shall also dedicate the public right-of-way for the multi-use path between Canterbury Road and the recreation area on Belmar Boulevard. Per the requirements of the plat submission all improvements are complete and have been accepted and the necessary fees have been paid.

Mr. Jim Sayler, Reitz Engineering was present to represent this case and answer any questions the commission may have.

Mr. Sayler stated that this phase of Waterside will connect Belmar Blvd to Walker Road as promised to Erma Haverback years and years ago. I am glad that I can finally follow thru with my promise.

Mr. Simonovich moved to approve the request of Kopf Construction 420 Avon Belden Road, Avon Lake for a recommendation of approval to City Council the Plat for Waterside Crossing North Phase No. 6. Mrs. Fenderbosch seconded the motion.

**AYES:                      All                                      NAYS:                      None**

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

**CASE NO. 015-12  
AVON LAKE ANIMAL CLINIC  
REZONE REQUEST  
R-1A TO B-1**

**REQUEST OF AVON LAKE ANIMAL  
CLINIC, DR. JAMES HADDAD, 124  
MILLER ROAD, TO REZONE AN  
ADJACENT PROPERTY AT 130 MILLER  
ROAD FROM R-1A RESIDENTIAL TO B-  
1 COMMERCIAL.**

Mr. Reitz stated this request is one of several proposals that will be before Planning Commission with the end goal in requesting approval of an expansion to the existing facility at 124 Miller Road for Dr. Haddad. This request is for a rezone of the property at 130 Miller Road which is currently a residentially zoned parcel with a single family dwelling on the property. The request for the rezone is needed by the applicant in order to move forward on expanding the clinic.

Mr. Clarence Watkins, Bramhall Engineering and Dr. James Haddad, Avon Lake Animal Clinic were present to represent this case and answer any questions the commission may have.

Mr. Watkins stated that this rezone request is part of a total project that will include this rezone, a property vacation and lot consolidation and a site plan for a future expansion and improvement of the animal clinic. The total project will include improving the look of the building, clean up of the alleyway, tree clearing and just a basic more appealing look to the building and area.

Mr. Simonovich thanked Dr. Haddad for the improvements and wished him luck in the project.

Mayor Zilka asked about the letter from Mrs. Kochenower and why the applicant could not get something in writing from her on the rezone request, as she is an adjacent property owner and the Law Director did make a comment about this issue.

Dr. Haddad stated that Mrs. Kochenower did not want to put anything in writing, but Mrs. Kochenower is moving and he will be purchasing the property from her. Her lot will then be combined with the other lots and will become a buffer to the other residential properties. He had thought that the sale would have gone thru by now and that it would not be an issue, but Mrs. Kochenower has decided that she needs just a little more time before moving and he did not want to rush her.

Mayor Zilka stated that he had no reason not to believe Dr. Haddad, but I would have liked to have something in writing.

Mr. Knilans moved to recommend to City Council the request from the Avon Lake Animal Clinic, Dr. James Haddad, 124 Miller Road to rezone an adjacent property at 130 Miller Road from R-1A Residential to B-1 Commercial. Mayor Zilka seconded the motion.

**AYES:                      All                                      NAYS:                      None**

Mr. Fell stated that this case has passed and will now move on to City Council for readings and approval.

**CASE NO. 016-12  
AVON LAKE HARBOR ESTATES  
ALLEY AND PARTIAL HAMILTON  
AVENUE VACATION PLAT AND  
PARCEL CONSOLIDATION**

**REQUEST OF AVON LAKE ANIMAL  
CLINIC, DR. JAMES HADDAD, 124  
MILLER ROAD, TO VACATE A 20  
FOOT WIDE ALLEY AND A PORTION  
OF HAMILTON AVENUE WITHIN THE  
AVON LAKE HARBOR ESTATES  
SUBDIVISION. THIS PLAT IS ALSO  
PROPOSED TO CONSOLIDATE THE  
PARCELS OWNED BY THE APPLICANT  
IN THIS AREA.**

Mr. Reitz stated the vacation request herein being considered is to vacate an alley on the west side of Miller Road south of Electric Boulevard and the remaining portion of Hamilton Avenue that were dedicated as part of the Avon Lake Harbor Estates. The balance of Hamilton Avenue was vacated by Council in 1971 but the previous owner at 124 Miller Road did not accept the vacation at that time. This request to vacate shall also consolidate the parcels that shall be used for the Animal Clinic site.

Mr. Clarence Watkins, Bramhall Engineering and Dr. James Haddad, Avon Lake Animal Clinic were present to represent this case and answer any questions the commission may have.

Mrs. Fenderbosch asked if there are any easements for utilities or stormwater on the vacated portion of the property that need addressed.

Mr. Reitz stated that there are no easements on the property.

Mr. Fell moved to approve the request and recommend approval to City Council the vacation of a twenty (20) foot wide alley and a portion of Hamilton Avenue within the Avon Lake Harbor Estates Subdivision. This plat is also proposed to consolidate the parcels owned by the applicant in this area. Mr. Sherban seconded the motion.

**AYES:                      All                                      NAYS:                      None**

Mr. Fell stated that this case has passed and will now move on to City Council for readings and approval.

**CASE NO. 017-12  
CAFÉ MELISSA  
OUTDOOR PATIO  
SITE PLAN**

**REQUEST OF CAFÉ MELISSA, 32950 WALKER ROAD, FOR A RECOMMENDATION OF APPROVAL FOR THE SITE PLAN TO CREATE AN OUTDOOR PATIO ON THE FRONT OF THE EXISTING BUILDING. THIS PROJECT IS LOCATED IN A B-1 BUSINESS ZONING DISTRICT. THE APPLICANT IS REQUESTING APPROVAL OF THE SITE PLAN WITH THE ADDITIONAL PARKING SPACES REQUIREMENT TO BE SHARED WITH THE EXISTING ADJACENT TOWNE CENTER PARKING LOT.**

Mr. Reitz stated this Site Plan approval request is for a new business moving into an existing vacant building on Walker Road at Towne Center. The project request will create an outdoor seating area for patrons and will be in the front of the building facing Walker Road. This request was before the Zoning Board on September 26, 2012 for the fence height regulations in a front yard and for the accessory use of a patio in the front yard. The Police Chief Owad had requested that Planning Commission be provided with copies of the restriction Planning Commission has placed on other patios in Avon Lake in the past and a copy is in the member's packets for review and consideration.

Mr. Matthew Ullom, President Savor AL, DBA Café Melissa, was present to represent this case and answer any questions the commission may have.

Mr. Ullom stated that the business they have in Rocky River has been very successful and we wanted to have a location out this way. A lot of our customers come from this area and we thought this would be a good location to expand our business. We have signed a 10 year lease and have a liquor license and will be serving breakfast, lunch and dinner. The patio is intended for extra seating during the warmer months.

Mr. Simonovich asked what the hours would be on the patio.

Mr. Ullom stated that he would like the same hours as the restaurant which are 10:00 p.m. weekends, 9:00 p.m. weekdays with no music, just tables for eating.

Mr. Davis stated concern on the distance between parking spaces and the curb for the patio and whether the space was enough to keep tail pipe smoke and smells from the patrons.

Mr. Ullom stated that there is plenty of space in between. I would not want my patrons to have to deal with that as well, so I made sure there would be enough space between.

Mr. Fell stated that with the other conditions placed on patio's in the City, I would just like to have this stated for the record that the hours of the patio will be 10:00 p.m. with no live or piped

music and no cooking and no bar on the patio. Mr. Fell asked about the lighting on the patio and if there would be any additional lighting put in place.

Mr. Ullom stated that there would be no additional lighting. We will be using the existing lighting which faces down, low ambient.

Mrs. Fenderbosch asked if there would be heaters on the patio to keep the patio open for a longer season.

Mr. Ullom stated there would be no heaters at this time. We hadn't thought about that. We do not have heaters on the patio we have at our Rocky River location.

Mr. Zilka stated concern about the secure distance between the traffic and the patio.

Mr. Ullom stated that the traffic design was already done with the last tenant. The traffic can only go west and there is not enough space to accelerate fast with the traffic pattern. We have also added a four foot fence around the patio area for security.

Mrs. Fenderbosh moved to approve the request of Café Melissa, 32950 Walker Road for the Site Plan to create an outdoor patio on the front of the existing building with the additional parking spaces requirements to be shared with the existing adjacent Towne Center parking lot. Mayor Zilka seconded the motion.

**AYES: All NAYS: None**

Mr. Fell stated this case has passed.

**CASE NO. 018-12  
RINN PROPERTIES, LLC  
33569 WALKER ROAD  
LOT SPLIT**

**REQUEST OF RINN PROPERTIES, LLC, 33569  
WALKER ROAD FOR APPROVAL OF A LOT  
SPLIT AT THE FORMER ARROW ALUMINUM  
SITE. THIS SPLIT SHALL REQUIRE  
PLANNING COMMISSION TO CONSIDER A  
WAIVER TO THE STREET FRONTAGE  
REQUIREMENTS. THIS PROJECT IS  
LOCATED IN AN I-INDUSTRIAL ZONING  
DISTRICT.**

IN ACCORDANCE WITH SECTION 1216.11 PLANNING COMMISSION IS REQUESTED TO GRANT A WAIVER TO THE STREET FRONTAGE REQUIREMENTS OF 1246.03 LOT REGULATIONS FOR THE PARCEL NOT HAVING 200 FEET OF FRONTAGE ON WALKER ROAD.

Mr. Fell stated that the applicant had called the Planning Office today to request withdrawing the case. The applicant has been granted an amendment from the Lorain County Auditor's Office under the Condominium section of the code.

There was no representation for the case at the meeting.

Mr. Fell moved to withdraw Case No. 018-12 Rinn Properties, LLC Lot Split. Mr. Knilans seconded the motion.

**AYES:                      All    NAYS:                      None**

Mr. Fell stated this case has been withdrawn.

**CASE NO. 019-12  
REVISION TO CHAPTER 1246.02  
USES IN AN INDUSTRIAL  
ZONING DISTRICT**

**REQUEST OF THE PLANNING COMMISSION  
SECRETARY TO ADD INDOOR COMMERCIAL  
RECREATION AS A CONDITIONAL USE IN A  
LIGHT INDUSTRIAL ZONING DISTRICT.  
THIS REQUEST WILL ALSO REQUIRE AN  
ADDED DEFINITION TO CHAPTER 1212.03  
FOR THE SAME.**

Mr. Reitz stated this proposed revision will be to add Indoor Recreation as a Conditional Use in Light Industrial properties. This use is currently in the Business code as a Conditional Use so this revision would be to expand the properties available within Avon Lake. Additionally a definition is being proposed for Chapter 1212 which currently there is no definition.

Mr. Davis asked the background on this.

Mr. Reitz stated that this issue was brought to the Zoning Administrator by a business owner in Avon Lake and the issue was brought to my attention. The Zoning Administrator and I drafted a code section that would allow this use, as there are a few businesses that are the same or similar on Pin Oak Parkway in the light industrial zoned district.

Mr. Davis stated that he thought this issue should have gone before the Zoning Board of Appeals first as this is a Zoning issue.

Mr. Reitz stated that the Zoning Board is for appeals to our code. This issue is not part of our code so there would be nothing for them to appeal. The Planning Commission does have the right to review, change or write new code.

Mr. Davis stated that because the recommendation was a change to the Zoning Code, he felt it should be presented to the Planning Commission as a recommendation from the Zoning Board. He stated that when considering proposed changes to the Zoning Code that affect the Industry

and Light Industry Districts, it would be helpful to the Commission to get the inputs of the Zoning Board, as well as businesses in the affected area and the Economic Development Committee. He suggested that the recommendation be tabled so that we could gather and consider these inputs before making a decision, rather than making a decision on this tonight.

Mr. Fell stated that there is already a dance studio and gymnastic training facilities on Pin Oak Parkway. How did they get their approvals?

Mr. Reitz stated that those businesses along with the day care are in the industrial section of Pin Oak Parkway. It is allowed in the industrial, but not in the business area right now.

Mrs. Fenderbosch stated that she believed this is covered in code now and did not feel a need for the change at this time. There are enough vacant business and industrial areas that can be used without adding something to our code to allow this in another area.

Mayor Zilka stated that he had seen the application for the business come in through the Planning and Zoning Departments and was aware of the application for the new business wanting to come in at this location.

Mrs. Fenderbosch stated that two summers at a economic development committee meeting Planning Commission had been chastised by Ford, PolyOne, Lubrizol and some of the other industrial corporations about putting children based businesses in what once was an industrially zoned location. The industrial corporations had wanted to bring in partnering corporations and supply line vendors but when they drove down Route 83 and then turned on to Pin Oak Parkway, they saw child based small businesses. The partnering firms could not justify bringing chemicals that would be considered hazardous past a child based business and it killed the opportunity of these other businesses from moving into Avon Lake. I do not understand why light industrial was changed from industrial to light industrial at the location. Presently, I am aware of the old tops location and the old Ace Hardware location that are zoned business that allow this type of business. I think that if there are vacant properties in areas that allow this type of business they should go where already allowed instead of changing an entire code for one business.

Mr. Fell stated that there are already areas that this business can go why not fill the areas that we have instead of adding more.

Mr. Reitz stated that the areas that we already have these types of businesses are in the industrial zoned spaces. If we are allowing these business in the larger industrial areas than we should allow them in the smaller business areas where we really want them to go, not next to the large industries like Ford, PolyOne and Thogus etc.

Mr. Simonovich moved to approve the request of the Planning Commission Secretary to add Indoor Commercial Recreation as a Conditional Use in a Light Industrial Zoning District. Mr. Fell seconded the motion.

**AYES: Simonovich, Fell, Zilka  
Knilans, Sherban**

**NAYS: Davis, Fenderbosch**

Mr. Fell stated that this case has passed and will now move on to City Council for readings and approval.

### **INFORMATIONAL ITEM**

Zoning Permits have been issued for the following minor alterations:

1. 31972 Walker Road, Avon Lake American Legion Post, 4' high split rail fence in a side yard.
2. 33461 York Street, Guardian Diversified LLC, 6' high solid wood fence in side and rear yards.

There were no comments from Planning Commission members on these minor alterations.

### **DISCUSSION ITEM**

Mr. Fell stated that there will be a tour of an asphalt plant on October 12, 2012 at 9:00 a.m. Peter Alex, applicant of the work session for a new concrete/asphalt plant in Avon Lake set the tour up for Planning Commission, Zoning Board and City Council members who were interested. Please let Mr. Reitz know by Friday if you will be attending.

Mr. Fell stated that the discussion was on for the Updates to the Comprehensive Land Use Plan Section III, Development Policies, Subsection (L) Sustainability.

Mrs. Fenderbosch stated that sustainability is very important and we should encourage businesses to use the sustainability guidelines.

Mayor Zilka stated that the discussion of the possible revision of our code dealing with business signage and the use of mounding around commercial districts will begin soon.

### **GENERAL PUBLIC COMMENT**

None

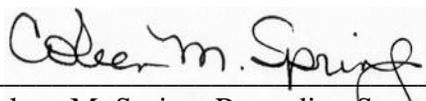
**ADJOURNMENT**

Mr. Knilans moved to adjourn at 8:15 p.m. the October 2, 2012 Planning Commission meeting.  
Mrs. Fenderbosch seconded the motion.

**AYES:                    All    NAYS:            None**

The next regular meeting of the Planning Commission will be on November 13, 2012.

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Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary