

**MINUTES OF THE AVON LAKE  
PLANNING COMMISSION MEETING  
OCTOBER 4, 2011**

**CALL TO ORDER**

Chairmen Fell called the Avon Lake Planning Commission Regular Meeting of October 4, 2011 to order at 7:30 p.m. in the Council Chambers of City Hall.

**ROLL CALL**

Mr. Fell, Mrs. Fenderbosch, Mr. Knilans, Mr. Sherban, Mr. Simonovich, Mayor Zuber, Director of Law Kerner, Engineering Manager Reitz.

Mr. Fell stated that Mr. Hamman had called the Planning Commission office to let us know that he was unavailable to make the meeting tonight, he is out of town.

There were no objections to the absence of Mr. Hamman, so the absence is excused.

**APPROVAL OF MINUTES**

Mr. Fell moved to approve the minutes of the July 5, 2011 regular meeting. Mrs. Fenderbosch seconded the motion.

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

**GENERAL CORESPONDENCE/ANNOUNCEMENTS**

None

**COUNCIL REPORT**

Mrs. Fenderbosch reported on the cases that have been heard at City Council and reported on the approvals.

**SWEARING IN**

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

**NEW CASES:**

**CASE NO. 013-11  
AVON LAKE BASEBALL  
FEDERATION  
WEISS FIELD  
CONCESSION STAND  
IMPROVEMENT PLANS**

**REQUEST OF THE AVON LAKE  
BASEBALL FEDERATION, P.O. BOX 54,  
AVON LAKE FOR A RECOMMENDATION  
OF APPROVAL OF A SITE PLAN TO  
BUILD A NEW CONCESSION  
STAND/PAVILION AND EQUIPMENT  
ROOM BUILDING AT WEISS FIELD.  
THIS PROJECT IS LOCATED IN AN  
EXISTING APPROVED CONDITIONAL  
USE PARK IN AN R-1 RESIDENTIAL  
ZONING DISTRICT.**

Mr. Reitz stated that this request is to construct a new building in the location of the existing concession stand at Weiss Field. The new building shall include pavilion areas on each end of the building, storage areas, and restrooms. The building will be constructed of split faced block similar to what has been used in other park buildings with fiberglass shingles and vinyl gable ends and soffits. The layout of the building has been discussed extensively with the city and the plan has been approved by the Recreation Commission. Construction of this building will be started this fall with occupancy planned prior to the start of the baseball season in April 2012. This project is within an approved Conditional Use park property.

Mr. Jon Leonard, President, Avon Lake Baseball Federation was present to represent this case and answer any questions the commission may have.

Mr. Sherban asked if the comments from the Service Department have been taken care of regarding the vinyl siding.

Mr. Leonard stated that he had spoken to the Service Director and the Baseball Federation had already decided to make the bathroom door covers in vinyl.

Mr. Simonovich moved to approve the request of the Avon Lake Baseball Federation for a recommendation of approval of a Site Plan to build a new concession stand/pavilion and equipment room building at Weiss Field. Mr. Sherban seconded the motion.

**AYES: All**

**NAYS: None**

Mr. Fell stated that this case has passed.

**CASE NO. 014-11  
REVISIONS TO  
CHAPTER 1212.03  
DEFINITION OF A KENNEL**

**REQUEST OF THE ZONING ADMINISTRATOR  
AND PUBLIC SERVICE COMMITTEE OF  
COUNCIL FOR A REVISION TO CHAPTER  
1212.03 DEFINITION OF A KENNEL.**

Mr. Reitz stated this section being proposed by the Zoning Administrator defines the number of dogs and number of cats permitted on premises.

Mr. Sherban asked if this change was just to clean up the language of the code and the number for both cats and dogs is five now with the change?

Mr. Reitz stated that the change is to clean up the code and yes the number of cats and dogs total is five.

Mr. Knilans moved to approve the request of the Zoning Administrator and Public Service Committee of Council a revision to Chapter 1212.03 Definition of a Kennel. Mayor Zuber seconded the motion.

**AYES: All**

**NAYS: None**

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

**CASE NO. 015-11  
RENEWABLE ENERGY CODE  
NEW CODE SECTION**

**THIS PROPOSED NEW CODE SECTION IS  
BEING SENT TO PLANNING  
COMMISSION BY CITY COUNCIL AND  
WILL CREATE A NEW CODE SECTION  
WHICH REGULATED RENEWABLE  
ENERGY INFRASTRUCTURE  
IMPROVEMENTS.**

Mr. Reitz stated this section being proposed by City Council, the Renewable Energy Task Force and as written by the zoning Administrator and will create a new code section which defines how structures are regulated and the approval procedures for such. This proposed code section has had a lengthy discussion and is being sent to Planning Commission by Council for a review and recommendation.

Mrs. Fenderbosch read the following page:

On September 14, 2009 at a joint Environmental and Public Service Meeting, the Renewable Energy Taskforce members were approved. They were charged with a primary task of reviewing and developing zoning language for renewable energy.

What we have before us is the reworked version of the proposed Renewable Energy Zoning Legislation that was previously presented to the Planning Commission. Thus Booher and the Law Department worked diligently with the Renewable Energy taskforce for nearly 2 years writing and re-writing the zoning language. They and the Taskforce worked many long hours comparing over 46 zoning ordinances, association industry standards, multiple state, national and international building/electrical/fire codes, FAA Regulations, National Renewable Energy Labs criteria, insurance portfolios and risk management protocols.

The Building and Fire Departments collaborated to thoroughly research and review the zoning language contacting the State Fire Marshal and State Building Code Inspector General. They continued to meet with members of the Taskforce to develop the recommended zoning ordinance language for solar PV arrays and wind turbines. The Building Department and Fire Departments are developing a check sheet with recommended installation methods.

The document that is before us tonight is the product of laborious research, review, revision and rework.

In addition to the City's Law Department, the proposed zoning ordinance language has been critiqued and accepted by four Environmental Attorneys.

Mrs. Booher defined the process of authoring a zoning ordinance as follows "Zoning Ordinances" are used for location approval for a specific use. Zoning Ordinances describe the submission process identifying which documents are required for site review and approval. The task is to create a generic zoning ordinance that will survive appliance design evolution over time."

City Council's Public Service Committee voted unanimously to move the proposed zoning ordinance on to City Council. It was presented at Collective Committee meetings and at City Council meetings July 11<sup>th</sup>, August 22<sup>nd</sup> and September 12<sup>th</sup> when it was passed unanimously on to this body for consideration and hopefully passage.

Mr. Knilans stated that on page five, item 5 there is not a definition of renewable energy. I believe there should be a definition.

Mrs. Fenderbosch stated that it was discussed, but intentionally left off because of the constant changes being made to renewable energy. It is implied that renewable energy is any energy that is removed from First Energy's grid and running on its own.

Law Director Kerner stated that Mr. Knilans had a good point. We all know what we want this ordinance to mean, but to clean up the language it should probably be cleaned up and a definition added.

Mr. Simonovich asked if the wording could be changed to not include a reference of a definition.

Law Director Kerner preferred to recommend this item back to City Council and postpone the item until City Council has time to look at the changes.

Mr. Knilans asked about the definition of renewable energy and how and who would decide on if permits would be needed and when it would have to come before Planning Commission.

Mrs. Fenderbosch explained about being connected or not connected to the First Energy Grids and if the applicant is connected to the grid already than no Planning Commission is needed. If you need to be connected into the grid then it would require approvals and permits. The Zoning Administrator would be the decision maker on the permits and approvals.

Mr. Knilans asked about the de-commissioning of solar or renewable energy.

Mrs. Fenderbosch stated that the de-commissioning is included in this ordinance.

Mr. Sherban inquired if the comments of the Fire Department are taken care of with the new wording in this ordinance.

Mrs. Fenderbosch stated that the comments were taken into consideration and included in this ordinance.

Mr. Simonovich inquired about the 60dBA of sound and how it is measured and how it can be measured from the residential property line. What and how would the wind determine the sound. Also, how will the Shadow Flicker be handled.

Mrs. Fenderbosch stated that the 60dBA is very loud and if a tower is making noise of 60dBA, all the neighbors will be complaining. Normally the turbines do not make near the 60dBA of sound. The shadow flicker is ambiguous and is set to the standards across the country. It really shouldn't be occurring these days with the technology that is involved.

Law Director Kerner stated that the ordinance refers to an owner/operator making reasonable efforts to accommodate the neighbors, so I think the wording is enough for enforcement.

Mayor Zuber asked how the 1.1% for the fall zone and 300 ft setback had been decided upon.

Mrs. Fenderbosch stated that a 1% fall zone is industry standard, but the City of Avon Lake decided to make it just a little larger.

Mr. Fell stated that he did not believe that 1.1% was enough of a fall zone, but if it is industry standard he felt better about it.

Mr. Fell asked about the jurisdiction into Lake Erie, and if any renewable energy would be grandfathered into existing properties that already are using renewable energy.

Mrs. Fenderbosch stated that there really isn't any renewable energy being used right now commercially, except for Watteredge on Pin Oak Parkway and they will be grandfathered in for the solar panels they are using now.

Mr. Fell stated that he did not like the fact that we did not have a height restriction. What if

someone came in and proposed a 500 ft tower. I wouldn't want a 500 ft tower near my property.

Mrs. Fenderbosch stated that the zoning regulations in residential areas will limit the height of the tower because of the size of the lots and the fall zones. The larger turbines will be in the industrial areas.

Mr. Fell stated that he still felt that we should have a limit, maybe 300 ft like we do for cell towers.

Mr. Fell inquired if we will be hiring a paid professional that will review the application like we are requesting for cell towers.

Mrs. Fenderbosch stated that we are not using a paid professional because the applicant would have to go through 20 different agencies for approval before it would even get to the City to apply. The process with the energy companies is very thorough.

Mr. Fell stated that he would encourage applicants to put the renewable energy on non-residential land.

Mrs. Fenderbosch stated that property size will limit the residential properties.

Mr. Fell asked if fencing or landscaping would be a requirement like we require a cell tower to have.

Mrs. Fenderbosch stated that it is not a requirement in the code, but depending on the situation we could always request landscaping or fencing.

Mr. Fell stated that he would like to see a height limitation in the ordinance.

Mr. Knilans asked if the blades are included in the height requirement.

Mrs. Fenderbosch stated that the height is calculated on the turbine itself.

Mr. Fell asked about bird migration and if we would ask the owner/operator to turn the turbine off during migration time.

Mrs. Fenderbosch stated that migration is regulated through ODNR and the 12 different agencies that look at the turbine before it even gets to Planning Commission, but yes it is regulated for bird migration.

Law Director Kerner stated that this item was referred from City Council and must be acted upon with a time frame. Because of the timing of the meeting next month, this will not meet the time frame of City Council. Mrs. Fenderbosch must ask for an extension of City Council to hear this case at the next available Planning commission meeting on November 1, 2011.

Mrs. Fenderbosch stated that there were two members of the Renewable Energy Taskforce in the

audience with backgrounds in the field that she felt confident that the commission could put together a definition tonight to avoid the time and a need for an extension.

Law Director Kerner would prefer if the Zoning Administrator and Law Department had an opportunity to discuss this issue and put wording together and bring it back to the next meeting.

Mr. Fell moved to able the new proposed code section sent to Planning Commission by City Council that will create a new code section which regulates renewable energy infrastructure improvements until the next available Planning Commission meeting to add a definition of renewable energy to the code section. Mayor Zuber seconded the motion.

**AYES:                      All                                      NAYS:                      None**

Mr. Fell stated this case has been tabled. This case will come back to Planning Commission at the November meeting.

**INFORMATIONAL ITEM**

Mr. Fell stated that there was a minor alteration for Waterside Crossing South Cluster Group “C” on the agenda. There were no comments on the minor alteration.

Mr. Fell stated the next meeting of the Planning Commission will be November 1, 2011. Mr. Fell stated that he would not be available for the November meeting. He will be out of town.

**DISCUSSION ITEM**

Mayor Zuber asked that a joint meeting of Planning Commission and Zoning Board of Appeals be set up for the beginning of the new year to discuss signs.

Mr. Reitz stated that the Avon Lake Historical Preservation Commission will be bringing in an application for a Historic Landmark Status for the Peter Miller House. What departments would the Planning Commission like to see comments from?

Mr. Fell stated that the information should be reviewed by the Law Department, Zoning Department, Engineering/Planning and the Recreation Department.

**GENERAL PUBLIC COMMENT**

None

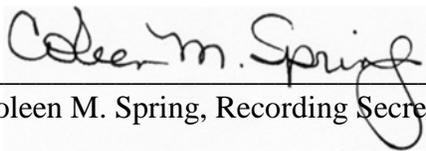
**ADJOURNMENT**

Mr. Knilans moved to adjourn at 8:26 p.m. the October 4, 2011 Planning Commission meeting.  
Mr. Sherban seconded the motion.

**AYES:                    All    NAYS:                    None**

The next regular meeting of the Planning Commission will be on November 1, 2011.

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Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary