

**MINUTES OF THE AVON LAKE  
PLANNING COMMISSION MEETING  
FEBRUARY 7, 2023**

**CALL TO ORDER**

Chairmen Plunkett called the Avon Lake Planning Commission Regular Meeting of February 7, 2023 to order at 7:00 p.m. in the Council Chambers of City Hall.

**SWEAR IN**

Law Director Ebert swore in Christine Raymond to a new term as Planning Commission member.

**ROLL CALL**

Mrs. Fenderbosch, Mr. Haas, Mrs. Ma, Mr. Orille, Mr. Plunkett, Mrs. Raymond, Mayor Zilka, Director of Law Ebert, Economic Development Director Esborn.

**APPROVAL OF MINUTES**

Mr. Haas moved to approve the minutes of the September 7, 2022 Regular Meeting as amended at the meeting. Mrs. Ma seconded the motion.

**AYES:                      All                      NAYS:                      None**

Mr. Haas moved to approve the minutes of the October 4, 2022 Regular Meeting as amended at the meeting. Mayor Zilka seconded the motion.

**AYES:                      All                      NAYS:                      None**

Mrs. Fenderbosch moved to approve the minutes of the October 4, 2022 Work Session meeting as amended at the meeting. Mayor Zilka seconded the motion.

**AYES:                      All                      NAYS:                      None**

Mayor Zilka moved to approve the minutes or the December 6, 2022 Regular Meeting as amended at the meeting. Mrs. Fenderbosch seconded the motion.

**AYES:                      All                      NAYS:                      None**

**GENERAL CORRESPONDENCE/ANNOUNCEMENTS**

Mr. Esborn reported that there was correspondence from Kopf Construction and Towne Center Properties in opposition of the Goddard School Building Addition. These memos were included in the planning packets before they went out.

Correspondence was received from Pulte in regard to the Pulte setback case on the agenda were handed out at the meeting tonight as they came in after the planning packets had gone out.

## **COUNCIL REPORT**

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

## **SWEAR IN**

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

## **NEW CASES:**

**CASE NO. 001-23**

**JESS LAKE LLC**

**GODDARD SCHOOL**

**BUILDING ADDITION SITE  
PLAN**

**REQUEST OF JESS LAKE LLC, DON BAKER, 430 AVON BELDEN ROAD, AVON LAKE FOR APPROVAL OF A BUILDING ADDITION SITE PLAN. THE 1701 SQUARE FOOT BUILDING ADDITION WILL BE FOR CLASSROOM ADDITIONS AT THE EXISTING SCHOOL BUILDING AT 430 AVON BELDEN ROAD. THIS PROEJCT ISLOCATED ON THE WEST SIDE OF AVON BELDEN ROAD BETWEEN COMMUNITY DRIVE AND WALKER ROAD WITHIN A B-1 LIMITED BUSINESS ZONING DISTRICT.**

Mr. Ted Esborn stated this is a request for approval of a site plan to construct a 1702 square foot addition onto an existing Goddard School Facility. The addition is located on the west and south sides of the building. This addition will allow the Goddard School of Avon Lake to add classroom space. The site is located west of Avon Belden Road between Walker Road and Community Drive, in a B-1 Limited business District. There are no outstanding comments to be addressed. Based on the recommendation from Planning Commission this plan can do directly to the Building Department for permits.

Mr. Eric Baker, 722 Alma Dr, Akron, Goddard School, Mr. Leon Sampat, 22082 Lorain, Architect and Mr. Jim Dixon were present to represent this case and answer any questions the commission may have. Mr. Baker, Mr. Sampat and Mr. Dixon were sworn in.

Mr. Baker stated that the school opened in 2017 with 7 classed. Our thought was to always expand the school as this is the smallest of the Goddard Schools. We had come back last year to expand the school with a plan that just didn't work. We went back and changed the plans. Mr. Baker passed out exhibits. We have reached the capacity for the school. This plan will be an addition of 1 classroom. At this point we only have a pre-k classroom that can only hold 20 kids. With our two classrooms that feed into this pre-k and only having 20 spaces, we have to turns kids away. We need to be able to service our community. We plan to do this addition to service our clients and also preserve the look of the building and shopping center.

Mr. Leon Sampat stated that last year when we came in for an addition it was a larger addition. We have reduced this plan to one room, rest room and make the two present classrooms slightly larger with a new fence to enclose the whole space.

We will keep all the siding, brick and exterior the same as the whole building as well as the same brick and exterior as is used at Towne Center. We tried to maintain a lower profile as to not block the view.

We have addressed the safety concerns that were given to us last site plan and took care of all the comments with this plan.

We do not feel visibility is an issue, the building is in an area that really doesn't block the view any further than before. We have tried to fit in with the shopping center as well as follow the new comprehensive land use plan.

The fencing around the back of the property is strictly for the safety of the kids. We follow the code and all safety that the Goddard Schools set.

Mr. Plunkett opened the meeting to anyone in the audience that had comments on the Goddard School Case.

Mr. Jim Dixon, 13700 Shaker Blvd., Attorney for the applicant and was sworn in.

Mr. Dixon stated that we have taken the comments of the past meetings here at planning commission and feel this plan meets all the objectives that we were given. The comments of the objections from Mr. Kopf and the shopping center we disagree with and feel we have proven against these comments. There are no safety concerns from the Police and Fire Departments. Mr. Dixon showed an exhibit of pictures that show we do not block the plaza any more than it does now, the trees are the only items that block the view, and the trees are existing. We follow the new comprehensive land use plan and the new mixed-use plan.

Mr. H.R. Kopf, 420 Avon Belden Rd. and testified that he was sworn in.

Mr. Kopf stated that he is amazed at how differently the code can be interpreted. Believe me, this objection has nothing to do with the school, its reputation or the kids. I am all for the school and the kids of this community. I am however not in favor of the visibility of the plaza from the new site plan. Mr. Kopf showed exhibits of the old Wendy's site plan (Photos) of then and now. The Wendy's site was open all the way around and the view to the plaza could be seen from all angles.

If you visit my offices, and a lot of people who do the visibility getting out is a problem. There are near misses of car accidents almost daily. You can't get out of the parking lot because the visibility is blocked by the fences. I previously met with Mr. don Baker about the issues and voiced our concerns about the guard rails and the fencing. There are other ways to add on to the building without the obstructions. We have never been against the additions to the school, just think it can be an addition without the obstructions of views to the tenants of the shopping center.

When the original building came in, I granted 8 free parking spaces because they didn't meet the code, so I am all for the business. I have a signed petition letter from the businesses in the shopping center voicing the concerns on the visibility and safety issues.

Mr. Tyler Kissinger, 33556 Park Place and was sworn in. Mr. Kissinger stated that he has signed the petition for the Goddard School. I can now name the businesses in Towne Center that I couldn't before because of my being a client of the Goddard School. I take the kids there every day and visit the businesses in the shopping center almost daily, because of the school. I come in, I can see what is in the shopping center, get breakfast, work out and eat good food. I wouldn't

have known about a lot of these businesses if I wasn't coming to Goddard. Goddard is a good school – I do not want to steer the kids to another city. You want the kids in the program here to be promoted and eventually go to the Avon Lake schools. When purchasing my home, I looked for communities that had a good local day care and pre-school, before I purchased.

Mr. Doug Baldi, Baldi Design and was sworn in.

Mr. Baldi stated that we do agree that the building fits in with the look of the shopping center with the brick and siding, but the part of that we don't agree with is the guard rails, and fencing. There is not a part of any landscape or any of our out lots that have fencing and guard rails. The back of the building faces the shopping center. The landscape, fencing and guard rails could be done differently to not block the visibility and not have the look of the guard rails.

Mr. Chuck Zubek 32272 Dakota Run was sworn in.

Mr. Zubek stated that his kids go to the Goddard School and one of his kids had to go to a different school at first because they didn't have room. We looked at this school before we purchased our home and moved in. I believe the addition of the classroom will help to keep the number of kids in the program that funnel into the city schools.

Mr. Ken Resar, 37520 Broadway, Suite 200, Lorain , Attorney for Mr. Kopf, and was sworn in.

Mr. Resar stated that this is not a question of if this is a good school, or the school needs the addition for the kids. This is a question of the site Plan and whether it meets the code section 1214.06 Site Plan. This code section stated this plan shall meet all sections of this code. 1214.07 (I)(7) in regard to the setbacks. The original Site Plan for the Wendy's met all the code, the other out-lots have larger setbacks, setbacks from the road. The fences go right up to the lot lines, there are no walkway and no setback of the lot to the Towne Center project. There is a visibility issue whether the safety forces believe so or not. The safety forces are looking to see if the code is met for safety, not the practical uses. When pulling out of the parking area at the Kopf offices, you have to pull into the intersection before you can see if there are any cars coming. We do not feel this site plan is in accordance to section 1214.06. The Wendy's had open spaces around the whole building – had larger setbacks to the building and open spaces around the lot for access to the shopping center. This is not harmonious.

Mr. Haas asked the name of the applicant. We have different names on the comments, application and agenda.

Mr. Baker stated that application should be the Jess Lake LLC, Eric/Don Baker.

Mr. Haas asked the timing of the project.

Mr. Baker stated that he hopes to get approval and pull building permits as soon as possible. We hope to have the project in place for the 2023/2024 school year.

Mr. Baker and Mr. Sampat stated that they had just received the comments from the Kopf Properties, and apologized that they are just now addressing some of these comments. Mr. Sampat showed exhibits of the site plan and some pictures to disagree with some of the visibility issues.

Mr. Haas asked if the guardrails are mandated by the code or state code for daycares.

Mr. Baker stated that the guardrails are mandated by the Goddard School regulations. We have them at all of our sites for the safety of the children.

Mr. Haas asked if there are any other options, like a bollard or brick wall or something that would look nicer.

Mr. Baker stated that we have looked at other options, but for this site this is the only option that we have for the safety of the children.

Mr. Haas asked if the fencing, fencing height is not just to keep the kids in the lot, but for safety of cars and people entering the site for safety reasons.

Mr. Sampat stated the fencing is existing around the facility. The fencing that is being added is just for the new building and attaching to the existing. The fencing is per code at 6 feet and is vinyl.

Mr. Sampat stated that the stop sign that is there in the parking lot is already existing, there is no other changes being made to the signage or the access to the Kopf Offices.

Mr. Haas asked if there is any binding agreement that the building meet the ascetics of the existing buildings of the Towne Center.

Mr. Baker stated that no, there is no agreement. But we met with them and have made every effort to match the existing buildings in Towne Center.

Mr. Haas stated that he doesn't seem that the new building will block much more of the shopping center than it does now. Are there any other alternatives for the guardrails or bollards? Maybe a brick wall made of the same stone?

Mr. Sampat stated that this has all been looked at, and we have to stick to the Goddard standards due to the safety of the children.

Mr. Orille asked about the parking spaces and the locations of the parking spaces on the plan. It seems to me that if 4 of the spaces were moved, the building could be turned slightly for better visibility. What are the uses for the 4 parking spots along the back at the new building.

Kevin ?, Polaris Engineering was sworn in.

Kevin stated that the 4 parking spaces are for the employees, and so the front parking can be left for the clients and the children. We meet all the parking requirements of the parking.

Mr. Orille asked if the comments of the City Engineer were taken into account and if the auto turn was used for the parking areas and delivery/garbage truck turn around.

Kevin stated that the auto turn was completed and checked and all the parking and turn around meet specifications.

Mr. Plunkett asked if there are any visual impairments from the trees in the islands and the parking and backing out of spaces.

Mr. Sampat stated there are no visual impairments for the cars, the cars just have to back up carefully. We have had no accidents or incidents in the parking lot in the six years.

Mrs. Fenderbosch asked again about the applicant's name. Is it Jess Lake?

Mrs. Fenderbosch asked if the comments of the Fire Chief, Jeremy Betsa have been addressed and if you can tell me if the building will be sprinklered.

Mr. Sampat stated that he had spoke to Chief Betsa directly and all comments have been addressed. The existing building is sprinklered and the new building will be sprinklered and will connect the two.

Mrs. Fenderbosch asked if the fencing could be changed, possibly to the brick or metal that was suggested by Mr. Kopf. I know the fence is not just keeping the kids in, but to keep people, cars, filming and custody issues at bay.

Mr. Baker agreed that the fence is not just to keep kids in, safety is out main concern. But the fence is existing and we will be just adding to the new area with what is existing now.

Mrs. Fenderbosch suggested that maybe the signage for the Towne Center needs to be updated. Maybe a larger sign with larger tenants' signs that can be seen from the road.

Mrs. Fenderbosch stated that she is part of the Avon Lake Garden Club. The garden club has a plant sale every year. The Goddard School is used for the plant sale. You walk into the sale and purchase the plants and then a garden club member gathers the plants and brings your plants out to you in the main Towne Center parking lot. We have never had any issues with the parking, and or negotiating the parking lot. There have never been any accidents. I always follow the comments of the expertise of the Police and Fire Chiefs and their comments about safety. The departments did not have any comments of the safety issues in the lot.

Mayor Zilka asked someone from the Kopf team to show him pictures from the packet of information they had provided. The original Wendy's site, and there are no visibility issues on the original plan. The original pictures show Wendy's and all the open space there was, and the ability to see all around the site, you can see all the shops in the shopping center from Avon Belden and the Wendy's parking lot.

Mr. Kopf stated that he welcomed Goddard and had offered parking spots for fee, agreed that the building is nice, but the difference between Wendy's and the new building setbacks, it does block the views.

Mayor Zilka stated that he has driven through the area several time and am surprised that our safety services did not have any comments on the visibility and the fencing and guard rails.

Mr. Baldi stated that the safety services are probably going by code. This plan does meet all the safety code requirements. They probably can't comment on something that meets the code.

Mrs. Ma stated that it was mentioned about the walkability from the other out-lots within the shopping center, and specified the sidewalks on the west and north side of the building. Can you tell me if there is any type of sidewalks or walkability on this site plan or do you know if the other out-buildings have walkability from their sites?

Mr. Baker stated that there is no sidewalks on the west side of the building. But on the plans presented it does not show any sidewalks or walkability from the other out-lots. I walk throughout the shopping center on a daily basis. When I go to Walgreens or Buffalo Wild Wings, I have to walk in the streets.

Mrs. Ma agreed with Mrs. Fenderbosch comments on possibly new larger signage for the tenants of the shopping center. I truly while driving do not look though the shopping center for businesses. I rely on the signage while driving.

Mrs. Raymond asked for the applicant to speak about the 6 parking spaces against the building and the reason for them.

Mr. Baker stated that the parking is for the teachers/workers. We try to leave the spaces in the front of the building for clients and the kids. The lot is empty all day except for pick-up/drop-off times.

Mrs. Raymond questioned the placement based on the addition placement and if these spots were moved the addition placement could be turned shifted slightly for visibility. The restroom placement could be better.

Mr. Baker stated that the restroom placement is an additional safety barrier to the classrooms and is placed there for access to the outside.

Mrs. Raymond stated that the building addition could have been made longer, shallower with the removal of some of the parking spaces to accommodate or meet in the middle on the setbacks, fencing and guardrails. I see that most of these comments are dealing with existing conditions, but have to look at what is presented to us tonight. I don't want to change the design, I just want to offer suggestions that could have made this a better plan. Is the west corridor required, why that location?

Mr. Sampat stated that we looked at all these situations. The west corridor is to the playground and so that for safety we have two entry and exit locations. If the building was a rectangle instead of a square, you wouldn't have as nice of a look as this building. The roof line and ridge would have to be higher and we felt more of a site issue.

Mrs. Raymond agreed that the compatibility for the building/outbuildings is there. The looks is the same. I just wish that the back side of the building that faces into the Towne Center could look better, not a guard rail and look like the back of the building. It should look more like the front of the building.

Mr. Plunkett questioned the necessity of the fencing type and the guardrails. I would like this looked at for other alternatives. I would like to make this feel more harmonious, softening the look and maybe so landscaping or plantings if you are using a guardrail and fencing. Materials to the addition are fine, but the back of the building needs to be softened. The look should be more harmonious and landscaping should be added.

Mr. Dixon, attorney went through documents and exhibits that were presented by Goddard tonight to the planning commission members. The plans show that the site plan is harmonious with the shopping center and all other out-buildings.

The current view or current school is in line with the current Kopf Buildings. We show harmonious brick and siding to keep in with the Towne Center. We also have presented petitions tonight for the support of the addition. We exhibited pictures with signage and car traffic, and site lines. There were no comments from the Police and Fire on the safety issues documents.

Mr. Haas asked the Kopf team about exhibit E 12 and the aerial and site lines. Can you tell me about the stop sign at the NW corner of the Goddard School? Why is that stop sign there at all?

Mr. Baker stated that the sign was existing before the site plan of 2017. I have no idea.

Mr. Baldi stated the sign was put there so you don't fly through the parking lot and was just an added safety issue. There is a fair amount of traffic from this site.

Mr. Plunkett asked the applicant about the time line of the construction.

Mr. Baker stated that he would like approval and be able to start construction right away. The 2023/2024 school year is out time line. There is not interruption to our facility, only short times where the kids might be in the gym.

Mrs. Fenderbosch asked the team about the south and west side of the building and if landscaping along the guardrail, is there room there for an addition of landscaping along the guardrail?

Mr. Sampat stated that yes there is room for landscaping, however there was landscaping there originally and it all died. It is very hard for grass and landscaping to grow in the area. There is no irrigation so it dies.

Mrs. Fenderbosch just wanted to know if there is room for the landscape. There can always be an addition of plants that will work for the area, and a hose can be drug over if needed for watering.

Mr. Haas moved to approve the request of Goddard School, 430 Avon Belden Road for a 1700 square foot building addition site plan with the condition of landscaping along the south and west side on the outside of the guardrail and the possible materials of the fence and guardrail for softer and better look. Mrs. Fenderbosch seconded the motion.

<b>AYES:</b> Haas, Orille, Fenderbosch, Ma, Raymond, Plunkett	<b>NAYS:</b> Zilka
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Mr. Plunkett stated this case as passed.



**CASE NO. 002-23  
TYLER RANDALL  
RANDALL PROPERTIES  
33710 WALKER RD.  
2-BUILDING ADDITONS  
SITE PLAN**

**REQUEST OF TYLER RANDALL, T. RANDALL  
PROPERTIES, 33710 WALKER ROAD, AVON  
LAKE FOR APPROVAL OF A NEW BUILDINGS  
SITE PLAN. THE APPROVAL WILL BE  
CONSTRUCTION OF 2 COMMERCIAL  
WAREHOUSE BUILDINGS ON THE PROPERTY  
AT 33710 WALKER ROAD. THIS PROJECT IS  
LOCATED ON THE NORTH SIDE OF WALKER  
ROAD BETWEEN MILLER ROAD AND MOORE  
ROAD WITHIN A B-2 GENERAL COMMERCE  
ZONING DISTRICT.**

Mr. Esborn stated this is a request for approval of a site plan to construct two buildings on a property at 33710 Walker Road that has one existing building. The first proposed building, on the part of the lot closer to Walker Road, would be a 6,860 square foot building. The second proposed building, toward the rear of the property, would be a 10,725 square foot building. This site is located on the north side of Walker Road between Miller Road and Moore Road, in a B-2 General Commerce District. There are no outstanding comments to be addressed. Based on the recommendation from Planning Commission this plan can do directly to the Building Department for permits.

Mr. Tyler Randall, Randall Properties, 3894 Stoney Ridge Rd. and Mr. Tom Baldwin, 801 Moore Rd. Bramhall Engineering were present to represent this case and answer any questions the commission may have. Mr. Randall and Mr. Baldwin were sworn in.

Mr. Baldwin stated there will be two office/warehouse buildings, all stormwater maintenance issues have been addressed.

Mr. Haas asked about the nature of the businesses that will occupy the businesses.

Mr. Randall stated that the shop closer to Walker Road will house my brother's business, Randall's Team Shop. The second building will be an expansion of the existing business in the back building. All the buildings will have the same look as the existing building.

Mrs. Fenderbosch asked if there would be any semi's or any large trailers coming in on a daily basis.

Mr. Randall stated that there is an occasional semi or trailer, usually UPS or FedEx, but the same as before. We have had no issues with trucks in the past.

Mrs. Raymond asked if the elevation sheet was submitted. There is no elevation sheet in our packets.

Mr. Baldwin stated that the elevations were submitted. He showed the commission the elevations and the existing buildings and new buildings exteriors.

Mrs. Raymond inquired about the oil separator in the handicapped spot on the site plan.

Mr. Randall stated that the existing and new oil separators are all underground. There are no caps that protrude. They are all flush to the concrete.

Mr. Haas moved to approve the request of T. Randall Properties, 33710 Walker Road for approval for construction of 2 commercial warehouse buildings Site Plan. Mayor Zilka seconded the motion.

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

Mr. Plunkett stated that this case has passed.

**CASE NO. 003-23  
PULTE HOMES  
LEGACY ISLE NO. 1  
REVISION TO SETBACKS  
ON VARIOUS LOTS**

**REQUEST OF PULTE HOMES OF OHIO, 387  
MEDINA ROAD, MEDINA FOR  
RECOMMENDATION OF APPROVAL FROM  
PLANNING COMMISSION THE REVISIONS TO  
THE IMPROVEMENT PLANS FOR THE  
SETBACKS ON LOTS 2, 12-15, 24 & 25 TO THE 25  
FT. SETBACK AND LOT 23 TO A 30 FT. SETBACK  
IN LEGACY ISLE SUBDIVISION. THIS  
SUBDIVISION IS LOCATED ON THE SOUTH SIDE  
OF WALKER ROAD BETWEEN JAYCOX ROAD  
AND AVON BELDEN ROAD IN A R1A SINGLE  
FAMILY RESIDENTIAL PUD ZONING DISTRICT.**

Mr. Esborn stated this is a request for a change to an approved PUD. These changes are governed by Chapter 1220 of the Planning & Zoning Code. The Legacy Isle Estates Phase 1 PUD plan that was approved called for front setbacks of 40'. Pulte is now seeking to change those setbacks in the approved PUD plan to allow for 25' front setbacks on seven lots and 30' front setback on one lot. Under Planning & Zoning code section 1220.03(b)(2), this change requires approval by Planning Commission. In interpreting this section, the Code Administrator has determined that these changes fall into the category "Major Change Reviewed by Planning Commission Only," but has also determined that the changes are not significant enough to warrant a public hearing. With approval from Planning Commission this approved PUD plan can be modified accordingly and acted upon by the applicant.

Mr. Keith Filipkowski and Jim O'Conner of Pulte Homes and Jim Sayler, Reitz Engineering were present to represent this case and answer any questions the commission may have. Mr. Filipkowski and Mr. O'Conner were sworn in.

Mr. Filipkowski stated that we have provided a notarized letter in response to all the comments. All of setback revisions that we are asking for are all within the PUD code requirement, just not to the plan that was platted. These revisions lessen the utilities in the ROW and contrary to the comments, we feel will allow for a safer environment.

The background is that at the start point when the lot analysis was done, when we acquired the property we found the 8 lots that had added the building envelope to the shapes of the lots, it is just difficult to fit the house and need to move the lot setbacks, it is more just the shapes of the lots. The 40- foot setbacks that are on the plat, but the code only requires a 25- foot setback. These

lots are all in Phase No. 1 in the Estate Lots. When this phase was installed there was a need to increase the size of the wet basin, we had to make that larger which made the lots a little more misshaped.

We can fit a product on lot #2, but the issue is the side entry garage. The corner lots would have to switch the house and garages and all the houses would face the corner, cannot have a side entry garage and the garages would all face the street. That is not a look we are going for. Most of the lots are a pie shape and we are just trying to keep the look of the rest of the subdivision.

Lot #25 we are asking for a 30-foot setback. The lot is rectangular on the overall street scape. We would to a step up on the setbacks for the same setbacks of the houses in the area. We are trying to keep the overall look of the subdivision and still be able to fit a house on the lot.

Our thoughts to the safety issues is that we thought that if we keep the houses set back, if we kept the houses back with the garage would be up front, if the setback changed this would be allow a side entry garage to elevate any safety issues.

Mr. Haas asked if you had seen the comments of the emails from today.

Mr. Filipkowski stated that he had not seen the comments of today's emails. Mr. Haas gave him a copy and he would review and comment by the end of the meeting.

Mr. Orille asked about the sublots, the agenda stated lots 23 for the 30-ft. setback, but when commenting, you mentioned subplot 25. Is the subplot 23 or 25 for the 30-ft. setback.

Mr. Filipkowski stated it was subplot 25.

Mrs. Fenderbosch inquired reason being that the lot that you are asking for the 30- foot setback is wrong either on the application or your plans submitted. We just need to know the lots to clean up the application.

Mrs. Fenderbosch stated that originally the plans called for a 40-foot front setback and 10-foot side, but before the new code the code only requires a 25 front and 10- foot side setback. I can understand the reasoning for lot #2, but is there truly no other homes that will fit on these lots?

Mr. Filipkowski stated that there are no other home styles that will fit on these lots and keep within the style and products of the other homes in the subdivision.

Mrs. Fenderbosch stated that she had an issue with the house next door that is already built that has a 40-foot setback. That house was sold with the thought that the neighboring house would have a similar setback. How will this look.

Mrs. Filipkowski stated that the way the house and lot are shaped it will not be offensive in any way.

Mrs. Fenderbosch asked about lots 12,13,14 and 15 which are corner lots. Corner lots have two front yards per our code. Why not turn the house to the other direction to meet the code?

Mr. Filipkowski stated that we looked at this. We need to add a side entry garage on these units so you are not facing the garage to the street and to hide all the stuff that goes in the garages.

Mrs. Fenderbosch stated that she thought that sublots 14 and 15 can be turned to still fit a house with a side entry garage.

Mr. Filipkowski stated that we are looking for consistency of the lots with side entry garages.

Mrs. Fenderbosch stated because the streets are curvy, this gives a natural setback. I have a problem with just realizing now that there is no other way to move these and make it work. I agree with lot 2, but cannot agree to these other changes to the lots at this point. Lots 13 & 14 if kids are playing in the yard and a car misses the curve, the car would go right into the yard.

Mayor Zilka stated that he is surprised that as a national builder that you have no other product that will fit on these lots, and that you are just realizing now that you cannot fit a house on these lots.

Mr. Filipkowski stated that we have an approved subdivision with a certain look, now the houses will be out place with the look and feel of the subdivision.

Mr. Filipkowski stated that with the timing of the purchase of the land from Mr. Kopf, and the land already being platted, it was not foreseen before now. We are already working on the other phases for the subdivision to make sure this problem does not arrive, before we plat any more phases.

Mayor Zilka stated that as we move forward will we see this in any other phases then.

Mr. Filipkowski stated that we are looking at all the phases now, that is our goals.

Mrs. Ma had no comments at this time.

Mrs. Raymond asked that if there wasn't a problem with the house styles, would the lot setbacks be at the 40 ft?

Mr. Filipkowski stated that yes, the other lots are at the 40-ft. setbacks.

Mrs. Raymond asked if they had seen the comments of the engineer and asked about why the 33-foot setback wouldn't work.

Mr. Filipkowski stated that yes, we did see the comments of the engineer and we are looking at this. We plan to use the 33-foot setback where we can.

Mrs. Raymond asked that they explain the side entry garage vs. front entry and how that effects the placement of the house.

Mr. Filipkowski showed all the house plans and the garages from the plans and explained the placement. The concrete and driveways don't always line up and work when the placement is changed as well.

Mrs. Raymond asked if this is just a change then to where the garage door faces?

Mr. Filipkowski stated that we are trying to maintain house styles, yard sizes and style to the subdivision. We try to keep the house values up to standards of the subdivision and still have an opportunity for a different house on the lot.

Mr. Plunkett stated that he had an issue with lot #2. The house next door is already built and that home owner had expectations when they purchased that the setbacks were at 40-feet. Lots 12, 13, 14 and 15 I don't have a problem with this as all of the lots will have a 40-foot setback on at least one side. Lots 23, 24 and 25, will just have a front facing garage if not granted. Is there any other homes in the subdivision that will have a front facing garage?

Mr. Filipkowski stated that there are no other homes with a front facing garage.

Mr. Plunkett stated that he is not against the stepping of the setback for the lots on the curve. If approved at 25, but you can make the 33-foot setback as suggested, will you make the 33-ft setback where you can.

Mr. Filipkowski stated they will try to make the 33-ft setback where possible.

Mr. Haas asked the chair if the motions can be made by lot as opposed to the whole case.

Mr. Esborn stated that this is the first time with the new code. I think we can do the changes individually as this was just a referral to pc.

Law Director Ebert stated that there are no issues with the motions being done individually.

Mr. Jim O'Conner asked if he could address some of the comments of the emails that came today.

Mr. O'Conner stated that subplot #2, we had to increase the pond size, which changed the shape of the lot. We just don't want to push the home closer to the basin if not necessary.

Sublot #1 is a model home and will be there until the subdivision is complete. There is not a homeowner that will purchase that home with the expectation of a 40-foot setback on subplot #2. All of the homes will be sold with the knowledge of the setbacks of the neighboring home. Sublot #2 is the parking for the model home. These houses will not be sold until the last. All the setbacks will be in place before any sale of the home.

We believe that sometimes the streetscapes can be a traffic calming, like 25<sup>th</sup> street for an example. Sometimes if you pull the houses closer to the front to show the traffic that this is meant for a calming. It works in other areas and we feel it can work here.

We have seen the comments of Mr. Reeder and we haven't increased the density of the subdivision with these setbacks, as a matter of fact we are still under density for the subdivision. The setback changes will be for less than 5% of the total number of homes.

Mrs. Fenderbosch asked if we will see these issues in the future phases of the subdivision.

Mr. Filipkowski stated that we are looking at all the phases now, we don't anticipate any changes, but cannot guarantee that there will be none.

Mr. Haas moved to approve the request of Pulte Homes as requested for a 30- ft. setback on lots 23, 24 and 25 as presented at meeting. Mr. Orille seconded the motion.

**AYES:** Haas, Orille, Zilka, Ma  
Raymond, Plunkett

**NAYS:** Fenderbosch

Mr. Plunkett stated this case has passed.

Mr. Haas moved to approve the request of Pulte Homes as requested for a 25 ft. setback on lot 2 as presented at the meeting. Mrs. Raymond seconded the motion

**AYES:** Raymond, Plunkett

**NAYS:** Haas, Orille, Fenderbosch, Zilka, Ma,

Mr. Plunkett stated this case has been DENIED.

Mr. Haas moved to approve the request of Pulte Homes as requested for a 25 ft. setback on lots 12,13,14, 15 as presented at the meeting. Mr. Orille seconded the motion.

**AYES:** Haas, Orille, Zilka, Ma  
Raymond, Plunkett

**NAYS:** Fenderbosch

Mr. Plunkett stated this case has passed.

**CASE NO. 004-23  
WOODSIDE HOLDINGS/  
STAR BUILDERS  
32950 PIN OAK PARKWAY  
NEW BUILDNG SITE PLAN**

**REQUEST OF WOODSIDE HOLDINGS/STAR BUILDERS, 46405 TELEGRAPH RD., AMHERST FOR APPROVAL FROM PLANNING COMMISSION FOR A PROPOSED SITE PLAN FOR AN OFFICE/WAREHOUSE BUILDING AT 32950 PIN OAK PARKWAY (04-00-017-102-219). THIS PROPOSED SITE PLAN IS LOCATED ON PIN OAK PARKWAY BETWEEN AVON BELDEN ROAD AND MOORE ROAD WITHIN A I-1 LIGHT INDUSTRIAL ZONING DISTRICT.**

Mr. Esborn stated this is a request for approval of a site plan to construct a 36,720 square foot building on a currently undeveloped property on Pin Oak Parkway. This new development is just to the east of Hinkley and just to the south of Rebecca Lane. This building will allow for an office and warehouse operation. The site is located west of Avon Belden Road between Pin Oak Parkway and Webber Road, in an I-1 Light Industrial District. There are no outstanding comments to be addressed. Based on the recommendation from Planning Commission this plan can do directly to the Building Department for permits.

Mr. John Reyes, Star Builders, 46405 Telegraph Rd. was present to represent this case and answer any questions the commission may have. Mr. Reyes stated he was sworn in.

Mr. Reyes stated this new building will be an office/warehouse. The back property will remain natural and will be the natural buffer for the back setback. This facility will be used for possible medical and aerospace parts. There will be 4-5 semi-trucks coming in to the facility daily, but the parking lot has been designed with ample turn around space for the truck turnaround.

Mr. Haas asked if there will be any hazardous waste.

Mr. Reyes state the parts will be more of an aluminum base. There will be hazardous waste at the property.

Mrs. Fenderbosch stated that you have already taken care of my comments about the truck traffic.

Mayor Zilka asked how many employees will be at the facility.

Mr. Reyes stated that there will be 10-15, mostly office with a couple in the warehouse. We plan to submit for building permits if approved tonight and get started right away, and hope to be complete by end of summer.

There were no other comments from planning commission members.

Mr. Haas moved to approve the request of Woodside Holdings/Start Builders for a Site Plan to construct a new office/warehouse building at 32950 Pin Oak Parkway. Mrs. Fenderbosch seconded the motion.

**AYES:                      All                                      NAYS:                      None**

Mr. Plunkett stated this case has been approved.

#### **REHEAR CASE:**

**CASE NO. 031-22  
CITY OF AVON LAKE PLANNING  
AND ZONING  
CODE REVISIONS  
SECTIONS  
1212, 1214, 1218, 1224, 1226, 1228,  
AND 1246**

**REQUEST OF THE CITY OF AVON LAKE, 150  
AVON BELDEN ROAD, AVON LAKE FOR  
RECOMMENDATION OF APPROVAL THE  
REVISIONS TO THE PLANNING & ZONING  
CODE SECTIONS 1212 ADMINISTRATION AND  
DECISION-MAKING BODIES, 1214 REVIEW  
PROCEDURES, 1218 MIXED USE OVERLAY  
DISTRICT (MUO), 1224 ACCESSORY AND  
TEMPORARY USE REGULATIONS, 1226  
GENERAL DEVELOPMENT STANDARDS, 1228  
ARCHITECTURAL STANDARDS, 1246 GENERAL  
DEFINITIONS. THESE REVISIONS IF  
APPROVED WILL REQUIRE READINGS AND  
APPROVAL FROM CITY COUNCIL.**

Mr. Esborn stated this is a request from the City of Avon Lake, through its Community Development department, to revise several sections of the Planning & Zoning Code. This case was originally brought to Planning Commission in December 2022. Of the twelve recommended

changes brought initially, one of them was approved by Planning Commission and City Council, and two have been withdrawn by the Community Development Department based on feedback from Planning Commission and the Law Director. There are now nine recommended amendments.

Mr. Ted Esborn, Economic Development Director and Austin Page, Zoning Administrator were present to represent this case and answer any questions the commission may have. Mr. Esborn and Mr. Page stated that they were sworn in.

Mr. Haas asked if Law Director Ebert has had an opportunity to review the code revisions and if so, did he have any comments.

Law Director Ebert stated that yes, he has reviewed the code and has met with Mr. Esborn and Mr. Page. There were no comments on the amendments.

Mr. Orille asked if the red-lines are the comments from the last meeting?

Mr. Esborn stated that the red-lines are from the last meeting along with the new comments from the last meeting included.

Mrs. Fenderbosch stated that Code Section 1236 Signs was approved at the February 19<sup>th</sup> City Council meeting and signed by the Mayor on February 20<sup>th</sup>.

Mrs. Fenderbosch thanked the members for reviewing and re-visiting this item after more reviews.

There were no other comments for the planning commission members.

Mr. Haas moved to recommendation approval to City Council the balance of Case No. 031-22, Revision to the Planning and Zoning Code Sections 1212, 1214, 1218, 1224, 1226, 1228 and 1246 as discussed. Mrs. Raymond seconded the motion.

AYES: All NAYS: None

The case is approved and will move on to City Council for readings, public hearing and approval.

### **INFORMATIONAL ITEM**

None

### **DISCUSSION ITEM**

Mr. Plunkett stated the next regular meeting of Planning Commission will be March 7, 2023.

### **GENERAL PUBLIC COMMENT**

None



## **ADJOURNMENT**

Mayor Zilka moved to adjourn at 9:47 p.m. the February 7, 2023 Planning Commission meeting.  
Mr. Plunkett seconded the motion.

**AYES:**

**All**

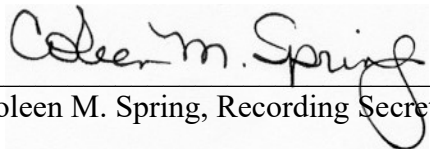
**NAYS:**

**None**

The Work Session of the meeting will immediately follow this meeting.

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Mr. Plunkett, Chairperson



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Coleen M. Spring, Recording Secretary