

**City of Avon Lake
Planning Commission
Work Session**

Taken on May 16, 2023

Reporter Melissa Cruz

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1 MR. EBERT: We're going to
2 miss -- this planning commission is going to
3 miss you as chairman. You've been very,
4 very --
5 MS. RAYMOND: I second that.
6 MR. EBERT: -- not only helpful
7 but intuitive, et cetera, and ran a great
8 meeting, and we wish you all the success and
9 good luck in Texas.
10 CHAIRMAN PLUNKETT: Thank you.
11 I appreciate it.
12 Would someone care to make a motion to
13 adjourn this, the regular session?
14 MAYOR ZILKA: I would like to
15 also thank you for your service. And we're
16 trying to figure out what it was. Five years
17 approximately, you finished up the term, and
18 you have a little bit left on this one.
19 CHAIRMAN PLUNKETT: Yeah, I think
20 so. Pretty close.
21 MAYOR ZILKA: Well, you've done a
22 great job, and we appreciate all of the
23 efforts. I know there were a lot of phone
24 calls before and after meetings to clarify
25 things and get us on the right track. And your

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1 professionalism and your professional
2 experience has really been an asset to the
3 city, so we really appreciate your service.
4 Good luck to you in Texas.
5 CHAIRMAN PLUNKETT: Thank you.
6 I appreciate it.
7 Now, will someone care to make a motion?
8 MS. FENDERBOSCH: I'll make the
9 motion to adjourn.
10 Is there a second?
11 MS. RAYMOND: I second.
12 CHAIRMAN PLUNKETT: Call the
13 roll, please.
14 MR. ESBORN: Mr. Plunkett.
15 CHAIRMAN PLUNKETT: Yes.
16 MR. ESBORN: Mr. Haas.
17 MR. HAAS: Yes.
18 MR. ESBORN: Mr. Orille.
19 MR. ORILLE: Yes.
20 MR. ESBORN: Ms. Fenderbosch.
21 MS. FENDERBOSCH: Yes.
22 MR. ESBORN: Mayor Zilka.
23 MAYOR ZILKA: Yes.
24 MR. ESBORN: Dr. Ma.
25 DR. MA: Yes.

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1 MR. ESBORN: Mrs. Raymond.
2 MS. RAYMOND: Yes.
3 CHAIRMAN PLUNKETT: Thank you.
4 That concludes the regular meeting of the
5 planning commission.
6 We'll move into our work session. As
7 you're aware, the conversations that happen
8 during the work session are nonbinding for the
9 planning commission. This is an open
10 discussion in which we'll engage in
11 conversations about different project aspects.
12 We have seen you obviously before, so we're
13 interested in leaping into this as quickly as
14 we can.
15 Roll call, please.
16 MR. ESBORN: Mrs. Fenderbosch.
17 MS. FENDERBOSCH: Here.
18 MR. ESBORN: Mr. Haas.
19 MR. HAAS: Here.
20 MR. ESBORN: Mrs. Ma.
21 DR. MA: Here.
22 MR. ESBORN: Mr. Orille.
23 MR. ORILLE: Here.
24 MR. ESBORN: Mr. Plunkett.
25 CHAIRMAN PLUNKETT: Here.

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1 MR. ESBORN: Mrs. Raymond.
2 MS. RAYMOND: Here.
3 MR. ESBORN: Mayor Zilka.
4 MAYOR ZILKA: Here.
5 MR. ESBORN: Director of Law,
6 Ebert.
7 MR. EBERT: Here.
8 MR. ESBORN: And I'm community
9 development director Esborn, here.
10 CHAIRMAN PLUNKETT: Please read
11 the first case.
12 MR. ESBORN: Case WS 003-23, this
13 is Avon Lake Land Holdings, Sandridge Run R-2
14 Development. This is a request of Avon Lake
15 Land Holdings for a review and discussion of
16 their proposed modification to the design of
17 the Sandridge Run R-2 Development. Approved by
18 planning commission in February of 2022.
19 This project is located on the west side
20 of Avon Belden Road between Walker Road and
21 Webber Road in an R-2 multi-family residence
22 district. The project is located on Avon
23 Belden that -- just to the south and west of
24 Huntington Bank. The properties involved in
25 the Sandridge Run development were rezoned from

<p>1 R-1, single-family, to R-2, multi-family, in 2 2020.</p> <p>3 In early 2022, planning commission 4 approved a site improvement plan for Sandridge 5 Run. As part of that case, the applicant 6 requested and was granted use of alternative 7 equivalency for identity that exceeded the R-2 8 standard of five units per acre.</p> <p>9 The current proposal from the applicant 10 is a modified site design and an increase of 11 three units. Avon Lake Land Holdings has 12 formally applied under our current planning and 13 zoning code for alternative equivalency. As 14 part of site plan approval for an increased 15 density, alternative equivalency is detailed in 16 1214.06(e) of the planning and zoning code.</p> <p>17 Based on the discussions of the planning 18 commission, this case will be revised and will 19 come back to planning commission for site plan 20 approval.</p> <p>21 CHAIRMAN PLUNKETT: Thank you. 22 Mr. Gamella. 23 MR. GAMELLA: Jim Gamella, 24 32745 Walker Road, Avon Lake, and I have been 25 sworn in.</p>	Page 49	<p>1 where we could not get verification that we 2 were going to be able to get utilities to hook 3 up to.</p> <p>4 And, now, this -- that would be our 5 Tuscan Village where we had our last 6 subdivision ready to go in August of last year. 7 April, we finally got power to that 8 subdivision. So there was just a tremendous 9 amount of problems still out there. Even 10 suggested this week, that there are three 11 companies that manufacture transformers in the 12 United States. So not having transformers 13 means we have power. So we did not want to get 14 ahead of ourselves and have the infrastructure 15 and not have any power to feed into those. So 16 that was one of the verbiage.</p> <p>17 So during this time frame, Doug and Jim, 18 I asked them, you know, is there anything that 19 we could do based upon two things? There were 20 a lot of great comments that came out of the 21 planning commission when we were trying to 22 develop this project as far as streetscape. 23 It's kind of been the entrance into our city 24 from the south, and there's a lot things that 25 we tried to incorporate into that. So I asked</p>	Page 51
<p>1 CHAIRMAN PLUNKETT: Yes. 2 MR. GAMELLA: To piggyback Ted's 3 comments, to welcome you to Avon Lake and 4 Doctor, congratulations. That's quite an 5 honor.</p> <p>6 I appreciate you letting us come back 7 tonight to review this project with you. What 8 I want to do tonight is, I wanted to give you a 9 little bit of an update of where we're at, 10 review some site plan alterations that Doug and 11 Jim and I have been working on, and then try to 12 get maybe some input as far as procedure after 13 tonight.</p> <p>14 So, basically -- 15 Doug, if you want to put that up so we 16 can get a visual of this.</p> <p>17 So as Ted was giving us an overview, we 18 did engage in an awful lot of our off-site 19 work. That was one of the things that we 20 wanted to do when we came the last time, and we 21 did get our approval.</p> <p>22 Just because of the traffic on Avon 23 Belden and the timing of everything, we ran 24 into a roadblock with some of our supply chain 25 issues that we were experiencing on this site</p>	Page 50	<p>1 Doug and Jim to try to come up with some 2 different ideas that we could enhance that 3 streetscape keeping with the theme of our 4 original development.</p> <p>5 And then in our last meeting that we had 6 together, Jim had mentioned that we would be 7 coming back for a phase 2. So we thought, at 8 this point, let's try to see what we can do 9 with the streetscape. Let's see what we can do 10 with the other part of our subdivision that we 11 wanted to try to bring in, which has added 12 three units to our project as was suggested 13 here at the onset.</p> <p>14 So what Doug and Jim have come up with is 15 moving actually our retention basin to the 16 north. In doing that, we're able to come up 17 with kind of a focal point where we're taking 18 that gazebo and that common entry that could be 19 used not only for our residents but all people 20 that are using Avon Belden to access, whether 21 it'd be the bank or a place to eat or do 22 something of that nature.</p> <p>23 So, Doug, if you will point out that 24 focal point where that gazebo is now. 25 That will be kind of enhancing where we</p>	Page 52

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<p>1 were kind of like to set a community in there. 2 And, obviously, looking at that retention 3 basin, that's going to be for the folks to kind 4 of congregate whether they're in this Sandridge 5 Run subdivision or people that are out for a 6 walk or doing anything that's in our Towne 7 Center focus area.</p> <p>8 And, Doug, if you wouldn't mind putting 9 that up just so we could get just a little 10 visualization of that gazebo and that focal 11 point.</p> <p>12 MR. BALDI: Yeah. I think what 13 I'm going to do is show you two things. 14 It's -- this is our original streetscape that 15 we had proposed, and it was approved with the 16 Sandridge Run, which were the signs on the 17 sides of the entry and fencing along the front.</p> <p>18 What we've done is, as it extended to the 19 north end here, which is right in this 20 direction, we have extended that. And here's 21 the entry that you were seeing. And then 22 putting up a pergola structure that would be 23 overlooking the lake with the city sidewalk 24 walking by and then walks going in an area here 25 with three benches that would be overlooking</p>	<p>1 Expanding this project and opening it up to the 2 north allowed that pond to get much bigger and 3 actually be more of a functioning basin than it 4 was.</p> <p>5 To remind you, the original project was 6 kind of all down at the south end of it, didn't 7 extend to the north, and we were -- it had it 8 that way with the intention that there was a 9 road going to the north. What we've done is 10 just completed that and made it so we not only 11 have that, but to the north end, we're 12 terminating it into a grass open area.</p> <p>13 One of the things that we have found at 14 Tuscan is that the residents there -- one of 15 the things that we're finding is a lot of the 16 residents are retired. They have grandkids 17 coming over and everything like that. They 18 like the idea of the unit with minimal amount 19 of maintenance around it, but they also need a 20 place where kids can come. And, you know, if 21 they have a frisbee or something, they can go 22 over there, or they can run around with the dog 23 or something like that, and so we're putting 24 that there.</p> <p>25 It would really be great if somewhere</p>
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<p>1 the pond or just to sit in and chat and 2 everything like that.</p> <p>3 You know, one of the things -- the master 4 plan that was developed was talking about these 5 walkable neighbors and everything. And we 6 thought that this would be something that, even 7 though we don't have townhouses bordering right 8 up against Route 83, we're trying to bring in 9 some amenities that would be a focal point for 10 not only residents here but just the people 11 walking by or a meeting place.</p> <p>12 Obviously, Route 83 probably isn't the 13 greatest place to meet up, but it's slowing 14 things down. It's not just another set of 15 driveways in the project like that. So, you 16 know, we're doing something a little creative 17 there with some different elevations to the 18 pergola to make it -- to set it off in there 19 and everything for the project.</p> <p>20 And then that brings us back to -- that 21 would be right on Route 83. Next to the bank, 22 north of these units, we have the detention 23 basin now here. Before, the -- we really 24 didn't have detention basins. We have one 25 small wet one, but the rest of them were dry.</p>	<p>1 along the line the Taco Bell property to the 2 north, maybe, could be combined in with that 3 overall thing.</p> <p>4 But we just -- and then the other 5 thing -- do you want me just to go on here? 6 I'm on a roll.</p> <p>7 MR. GAMELLA: Yeah.</p> <p>8 MR. BALDI: And the other thing 9 is, we have revised the housing type here, 10 because one of the things with the changing 11 economics and everything like that is, these 12 units would have first floor masters on them. 13 The other ones that we had proposed before were 14 not all first floor masters, and we really felt 15 that with the market changes we're seeing and 16 the economics that are coming in and who's 17 looking at the units, that this was a much more 18 viable product.</p> <p>19 So, basically, the main street, the 20 circle coming in that's going to the north, all 21 of that has remained very similar to the 22 original street. This building here shifted. 23 This building here shifted a little bit, but it 24 actually brings up, I think, the -- it gives 25 you a more unique streetscape going through</p>

<p>1 there and allows a little bit -- some better 2 spaces between the buildings, also, that we 3 ended up with.</p> <p>4 MR. GAMELLA: Thank you, Doug. 5 I feel that they've done a great job. I 6 wish I could take credit for the ingenuity, but 7 I can't.</p> <p>8 But the streetscape really sang to me as 9 far as what we want to try to project.</p> <p>10 And then, Scott, you had mentioned that. 11 And, Shawn, you had mentioned that. 12 It's really, you know, what can we do. 13 And I think what they've done now, I feel, 14 really lends itself not only to the development 15 but also to that streetscape for the city.</p> <p>16 Plus, being able to come up with that 17 green space opens up space in the hope that 18 sometime in the future that maybe the neighbors 19 to the north will see that that property would 20 have a better use from a city's standpoint than 21 a commercial standpoint, especially with the 22 way that the top of that building was laid out.</p> <p>23 And that would kind of lead us to maybe 24 take walkability into -- and I know the safety 25 center doesn't want a lot of walkability there,</p>	Page 57	<p>1 a way of providing a view corridor for people 2 into the site, which is they tend to be sort of 3 reclusive, right? They have buffer zones and 4 stuff, so I think it's a nice, attractive 5 piece.</p> <p>6 I don't fundamentally have any comments 7 or anything about the layout of the buildings. 8 I tend to think that, you know, the general 9 concept of the master plan for the city is to 10 drive some density here, so I don't 11 fundamentally have any issues with increased 12 density on the site. I think it goes to the 13 kind of product and density that you would look 14 for at the city core. I like that you have 15 left some of that green space. So I think -- 16 you know, good job to you guys.</p> <p>17 I don't know -- what's the difference in 18 unit size? You mentioned first floor masters. 19 Are there significant footprint on it that 20 exist?</p> <p>21 MR. GAMELLA: To answer your 22 question, there will be a little bit more 23 frontage to the units. And then incorporating 24 that master bedroom on the first floor, that 25 also allows us to capitalize on work-from-home</p>
<p>1 which probably don't have those features of the 2 fence involved, but it allows that opportunity. 3 So I think as long as we're trying to allow the 4 opportunity, we could get the chance to have 5 the connectivity that we all spoke about.</p> <p>6 So that is the design that they've come 7 up with, is 28 units. That's a little bit 8 about what we've done and also on a new plan 9 and then after we've had a chance to get all of 10 your ideas and comments, you know, and try to 11 figure out what our steps forward are.</p> <p>12 So with that, I'll hand it back to the 13 planning commission.</p> <p>14 CHAIRMAN PLUNKETT: Thank you. 15 You know, I really like what you've done. 16 I think it's really sensitive to the spaces 17 around it. I like the gazebo. That's a real 18 big area south on 83 there, that's a lot of 19 concrete and median that you're sort of dodging 20 in between.</p> <p>21 MR. GAMELLA: Uh-huh.</p> <p>22 CHAIRMAN PLUNKETT: So to have a 23 little respite point, whether it's used a lot 24 or not, at the end of that, I think, is a 25 really nice gesture within the plan. And it's</p>	Page 58	<p>1 space that appears to be something that's going 2 to be with us from here on out.</p> <p>3 And when you look at the amenities that 4 we have in Cleveland, certainly, the amenities 5 that we have in Avon Lake on the west side, it 6 opens up the possibility to have, you know, 7 professional people living in our community, 8 living on the west side, but working in other 9 cities or even other states.</p> <p>10 So it was equally important, as Doug 11 mentioned, to get that first floor master but 12 also to make sure and accentuate our 13 work-from-home space.</p> <p>14 MR. BALDI: The units are 15 four-foot wider.</p> <p>16 CHAIRMAN PLUNKETT: Four-foot 17 wider, so it doesn't really constrict the space 18 between the rooms to fill themselves 19 substantially?</p> <p>20 MR. BALDI: No. Actually, 21 because we were able to --</p> <p>22 CHAIRMAN PLUNKETT: Spread it 23 out?</p> <p>24 MR. BALDI: -- spread it out and 25 everything like that, we actually ended up with</p>

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<p>1 similar spaces or even, in some cases, larger.</p> <p>2 CHAIRMAN PLUNKETT: Okay. Thank</p> <p>3 you.</p> <p>4 Mr. Haas.</p> <p>5 MR. HAAS: So I like the new</p> <p>6 plan. I think the gazebo and the retention</p> <p>7 ponds is a great idea.</p> <p>8 First thing I'd do if I was on the</p> <p>9 homeowners' association is put a no trespassing</p> <p>10 sign on that because, you know, they're not</p> <p>11 going to want kids coming from school, getting</p> <p>12 their Taco Bell, and going in the gazebo, and</p> <p>13 then walking in their backyards.</p> <p>14 CHAIRMAN PLUNKETT: They have to</p> <p>15 do some banking first and then go to Taco Bell.</p> <p>16 MR. HAAS: I think it's a noble</p> <p>17 idea, but I'm sure the residents are not going</p> <p>18 to want people wandering around in their</p> <p>19 backyards. You've had that issue before at</p> <p>20 Chardon when we talked about the walkway. That</p> <p>21 would have been a great idea to connect back to</p> <p>22 the park.</p> <p>23 But at the end of the day, residents are</p> <p>24 not going to want that. So I -- unless you put</p> <p>25 something in your homeowners' regulations or</p>	<p>1 kind of a fine line.</p> <p>2 MR. HAAS: It's a nice idea, but</p> <p>3 it's not going to be a park. And I don't think</p> <p>4 the residents are going to want -- I'm not</p> <p>5 suggesting you change it because I think the</p> <p>6 residents will like it, but...</p> <p>7 MR. GAMELLA: You made a good</p> <p>8 point. You're right.</p> <p>9 MR. HAAS: It's -- but I do like</p> <p>10 the changes.</p> <p>11 On the density issue, Ted, I didn't quite</p> <p>12 understand the reference to that in terms of</p> <p>13 the alternative equivalency review. I don't</p> <p>14 see where the density issue is specifically</p> <p>15 covered in that section, but I may be missing</p> <p>16 something.</p> <p>17 MR. ESBORN: So I guess just to</p> <p>18 back up a little bit, with the approval that</p> <p>19 the project got in early 2022, which because</p> <p>20 there was a complete application done in 2021,</p> <p>21 the processing, even though in early '22, was</p> <p>22 under -- it was done under the old code. So</p> <p>23 that was -- you know, that makes sense.</p> <p>24 But that approval -- as part of that</p> <p>25 approval, the planning commission used the</p>
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<p>1 restrictions that prohibit the homeowners'</p> <p>2 association from doing that, I -- you may be</p> <p>3 overselling the public access to that gazebo.</p> <p>4 MR. GAMELLA: Yeah. If I may,</p> <p>5 and you're right, it's a fine line. I mean,</p> <p>6 we're probably at the height of young activity</p> <p>7 at our Tuscan Village project. When Learwood</p> <p>8 School lets out, there's a tremendous amount of</p> <p>9 young adults that go over to the shopping</p> <p>10 center.</p> <p>11 So I think, you know, visually,</p> <p>12 obviously, during the winter months, you're</p> <p>13 probably not going to get a lot of traffic.</p> <p>14 But I think it just softens that view. And we</p> <p>15 wanted to try to tie some of the amenities here</p> <p>16 into what Mr. Kopf has done at Towne Center, so</p> <p>17 that pergola and the way that Doug designed</p> <p>18 that and the water feature -- obviously, that</p> <p>19 was a beautiful water feature there at the</p> <p>20 Towne Center sign -- I wanted to try to tie</p> <p>21 that in together.</p> <p>22 But you are right, it does kind of open</p> <p>23 up the door a little bit more for, you know,</p> <p>24 Billy and Susie. They have a Taco Bell there</p> <p>25 and some garbage and things. So that's -- it's</p>	<p>1 equivalency provision from the old code to</p> <p>2 waive a few things. And in the old code, the</p> <p>3 equivalency provision, I think, does say that</p> <p>4 it's a waiver. And so it was good density</p> <p>5 because I think, at that point, the project was</p> <p>6 at 5.3 or, you know, still a little bit over</p> <p>7 five, but then I think also the space between</p> <p>8 buildings and one other that I can't recall.</p> <p>9 So one of the things that we've been</p> <p>10 looking at and, you know, we've really been</p> <p>11 sort of trying to sort of work out the old</p> <p>12 code/new code issues with the project because</p> <p>13 it -- there's a few of them.</p> <p>14 So there's now from a new density, and so</p> <p>15 we're looking at whether, you know, using the</p> <p>16 new alternative equivalency provision will work</p> <p>17 in this situation. I would say that's</p> <p>18 something we're still working on, but that's</p> <p>19 how it comes into play, is that, you know, the</p> <p>20 use of that alternative equivalency provision</p> <p>21 is the only way that planning commission could</p> <p>22 approve the project at a higher density than</p> <p>23 five units an acre. So...</p> <p>24 MR. HAAS: If we can be clear on</p> <p>25 that, when they come into who?</p>

<p>1 CHAIRMAN PLUNKETT: Yeah. And I 2 think as an extension of that conversation, 3 Bob, I think at the time that we're making a 4 decision, the city had just gone through the 5 city's vetting process. So our old provisions 6 weren't going to line up with the new 7 provision. So this was -- we were using the 8 old pretext in order to substantiate an outcome 9 that was more in line with the city plan. So I 10 think we're just jogging our way through that. 11 The question, I think, fundamentally for 12 this group is, does this have the right density 13 that we believe to match what the city's 14 ultimate goal is? 15 As, you know, to me, whether that's 16 five-and-three-quarters or that's 17 six-and-a-half is not a large leap on a site of 18 this kind. 19 MR. HAAS: Thank you. 20 CHAIRMAN PLUNKETT: Sure. 21 Mr. Orille. 22 MR. ORILLE: Yes. I agree with 23 the chairman. The increased density doesn't 24 bother me at all, and I think that's a 25 tremendous improvement to the plan. I really</p>	<p>Page 65</p>	<p>1 The little white dot, is that a path that 2 I see? I'm going to show you where it is. 3 It's right here and here, Mr. Baldi. 4 Yes, exactly. 5 Is that drainage? 6 MR. BALDI: The dry basin on -- 7 MS. FENDERBOSCH: Oh, the dry 8 basin. Okay. 9 MR. BALDI: Yeah. This is a dry 10 basin -- 11 MS. FENDERBOSCH: Okay. 12 MR. BALDI: -- which was actually 13 on the other plan, also. This one was. The 14 other one was in a different location. 15 MS. FENDERBOSCH: It's been a 16 while. So -- 17 MR. BALDI: Yeah, it was. 18 MS. FENDERBOSCH: It's been a 19 year. 20 MR. BALDI: This is a dry basin. 21 MS. FENDERBOSCH: Okay. Thank 22 you. 23 And the marks that you have that are 24 here, is that an elevation mark? Is that what 25 that is? Up and down --</p>	<p>Page 67</p>
<p>1 like it. So you did a great job. 2 MR. GAMELLA: Thanks to all of 3 you. You have a lot of great comments, and 4 these two gentlemen were able to incorporate 5 them. So thank you. 6 CHAIRMAN PLUNKETT: 7 Ms. Fenderbosch. 8 MS. FENDERBOSCH: Thank you. 9 I also think it's a great plan. And I 10 like how it's curving, and it's not just 11 straight. The streetscape is lovely. 12 Also, I see that there's more parking. 13 Even though there's higher density, there's 14 more parking with this plan than there was with 15 the other one. I think that's a bonus because 16 people have friends. They can bring somebody 17 over, right? 18 I really like that. I think that we're 19 on the right track of trying to meet the land 20 use plan that we all set up and worked so hard 21 on. We need it to be marketable. We also need 22 to plan for what's next. And you've done that 23 both to the south and to the north. And I do 24 believe that you will have expansions. 25 I have a couple of questions.</p>	<p>Page 66</p>	<p>1 MR. BALDI: That's a slope on the 2 side of -- 3 MS. FENDERBOSCH: -- the 4 elevation? 5 MR. BALDI: -- the dry -- the wet 6 basin in that. 7 MS. FENDERBOSCH: I think it's 8 lovely. Thank you. 9 No further questions. 10 CHAIRMAN PLUNKETT: Thank you. 11 Mr. Mayor. 12 MAYOR ZILKA: I have to apologize 13 to Mr. Haas, because about 15 years ago, when I 14 was maybe in my early 60s, I was one of the 15 young people walking through their village, and 16 we would take that route. It was delightful. 17 And all of a sudden, there's a sign up, private 18 property, so we'd have to stop, but I know -- 19 MR. HAAS: Nobody else does, 20 Mayor. 21 MAYOR ZILKA: But that's really, 22 I think, a good example of a beautiful layout, 23 and it adds a great deal to the city. 24 Every morning when I leave for work, I 25 drive down Creekside going east, and I look at</p>	<p>Page 68</p>

<p style="text-align: right;">Page 69</p> <p>1 the gazebo across the street at Tuscan Village, 2 and it is a heck of lot better than the ugly 3 woods that was there, with those ash trees. 4 And, you know -- 5 CHAIRMAN PLUNKETT: I'd have to 6 agree with that. 7 MAYOR ZILKA: -- I heard people 8 complaining, All you're doing is tearing down 9 trees, and you're building more -- and they -- 10 their -- 20 years ago, their house was -- you 11 know, their development does the same thing, so 12 that stops it all. 13 But it really does make a difference, and 14 I think that's what's going to happen here. 15 People aren't necessarily going to walk through 16 there, but it's going to be a calming effect as 17 people will drive by there. It's going to tip 18 the balance from a commercial-looking place 19 with lots of cars and a little bit of confusion 20 sometimes, busy traffic, but that's going to 21 really calm things down. 22 So as I look at that gazebo, I think 23 people are going to look at that and say, Well, 24 that's really nice. It's going to be a real 25 plus. And I think it does set up potential for</p>	<p style="text-align: right;">Page 71</p> <p>1 Mr. Mayor. 2 Dr. Ma. 3 DR. MA: Thank you. 4 I agree with the comment. I'm not really 5 worried about the increase in units. And I 6 would say the gazebo is lovely. 7 I agree with Mr. Haas. I don't live that 8 far from here, walk this way. My son even 9 requests to go to the gas station to hang out 10 with his friends. I see them all the time 11 heading down 83 there. In fact, I saw a few 12 coming here every evening, and so I think 13 you're -- you are going to have teenagers. I 14 know the Speedway had to limit the number of 15 teenagers in the store at one time recently. 16 And so I think that could be problematic. I 17 agree they're like -- I don't want to see it go 18 either, so just figuring out what does that -- 19 how does that work in terms of with the 20 community? 21 MR. GAMELLA: You know, again, 22 that's a good question. It's a fine line. I 23 think, you know, when you look at used -- when 24 I look at -- we're now just at the gazebo at 25 Tuscan Village. We see some folks from</p>
<p style="text-align: right;">Page 70</p> <p>1 the south of the property someday where that 2 can be extended, and we can see more of this. 3 I need to address or bring up the issue 4 that Chief Molnar would bring if he were here, 5 and that is the need, perhaps, for a turn lane 6 to be extended further south. And I'm trying 7 to figure out how we might be able to squeeze 8 that in there. 9 But I think with all of the traffic we 10 have and the commercial entities we have there, 11 we probably need to consider that. And, oh, 12 geez, we've got three more units. But how many 13 more cars does three units generate? Not very 14 many. It's a heck of a lot less that were 15 commercial area, which would get, you know, 16 cars coming and going at a much greater rate, 17 so -- in the longer period of time during the 18 day. 19 It really is impressive, and I think it's 20 going to be a real asset. These people are 21 going to compliment it because -- people would 22 compliment it because people can go down across 23 the street. 24 Thank you. 25 CHAIRMAN PLUNKETT: Thank you,</p>	<p style="text-align: right;">Page 72</p> <p>1 Independence Village stopping there resting, 2 going to the shopping center, or just going 3 over there. We have, you know, folks that will 4 do a morning walk through Tuscan Village and do 5 some e-mailing on the phone or speaking on the 6 phone. And then we have about 2:45 or so when 7 the young adults come out, and it's a whole 8 different flavor. 9 You know, I have two older granddaughters 10 that are -- you know, they like to go to that 11 part of town, ride their bikes, and, you know, 12 get some nutrition of some sort, and it's a 13 fine line. 14 But I think, for us, you know, it's a 15 tremendous expenditure. Doug has done a great 16 job. And if we're going to do it, it's going 17 to be done right. I think just for 18 visualization, I think at the end of the day -- 19 and I can understand everybody's comments, the 20 visualization for the city, you know, I get -- 21 when you're sitting at the traffic light and 22 you see the fountain from Towne Center, it just 23 kind of -- as you said, it's just kind of 24 calming. It just gives a nice -- it gives -- I 25 think it accentuates not that we're just a</p>

<p>1 bedroom community, but we're a -- you know, a 2 functioning nice place to live, create some 3 memories, and raise children.</p> <p>4 So it's tough because I'm sure -- and we 5 have had to, at Dustin Village, you know, daily 6 pick up some debris that's he been left from 7 the dogs. So I'm sure there's going to be some 8 maintenance involved, but we would be under a 9 maintenance contract usually. So that would be 10 part of what we would expect our folks to take 11 care of there with that. But you're right, it 12 is going to be touched by kids.</p> <p>13 DR. MA: It is a very trafficked 14 area by then.</p> <p>15 I also really like the green space on the 16 north. I think that's a nice add, a really 17 nice space. You know, when you don't have much 18 yard, to have that option to come to it, I 19 think that's really a nice touch. So nice 20 work.</p> <p>21 Thank you.</p> <p>22 CHAIRMAN PLUNKETT: Ms. Raymond. 23 MS. RAYMOND: Thank you.</p> <p>24 I agree with everything that has been 25 said tonight. I think that it's a good plan.</p>	Page 73	<p>1 sort of leave it at this work session as, you 2 know, there are old code/new code questions to 3 answer. I think there was, you know, three 4 primary things that, you know, especially, you 5 know, the law director and I need to work on in 6 the near future here.</p> <p>7 One, like we said, is confirming that the 8 current code's alternative equivalency 9 provision can address density. So that's one 10 thing.</p> <p>11 The second thing, our code now has, any 12 subdivision over five that -- any subdivision 13 that results in over five parcels is a major 14 subdivision. Now, under the old code, it was 15 something more like if -- you know, if there's 16 a dedicated road for something like that. That 17 was more of the trigger, but now, we kind of 18 have this five-parcel language.</p> <p>19 And, you know, the only implication there 20 is that, you know, a major subdivision, you 21 know, it -- you have to have a preliminary 22 plat, and then, you know, the process is a 23 little bit different than what we had under the 24 old code.</p> <p>25 So, again, for all of these things, I'm</p>	Page 75
<p>1 I'm sitting here wracking my brain, trying to 2 remember the restrictions that were on it maybe 3 prior, because this is a much better use of the 4 acreage than what you had prior, meaning there 5 was a lot of land left to the north that was 6 not developed, and I think this is just a 7 better use of the acreage.</p> <p>8 CHAIRMAN PLUNKETT: I think there 9 was a lot of discussion about whether or not 10 the fire department was going to have access 11 through that or not.</p> <p>12 MS. RAYMOND: Yeah. I think that 13 was very limiting to what you could do here, 14 and this is now what you should do. So --</p> <p>15 MR. GAMELLA: Thank you.</p> <p>16 MS. RAYMOND: -- I think it's 17 great.</p> <p>18 MR. GAMELLA: Just moving onto 19 the last part, if we could just maybe get some 20 direction from the commissioner and law 21 director and economic director about what the 22 next steps would be.</p> <p>23 MR. ESBORN: If we could, I 24 think -- I was actually just about, you know, 25 to mention because, you know, I don't want to</p>	Page 74	<p>1 very positive that we'll find a way forward, 2 but kind of, these are the pieces that we need 3 to figure out.</p> <p>4 The third and final one, in the 2019 5 comprehensive land use plan, the northern half 6 of this site was included in the Towne Center 7 focus area, which, if that had stayed true in 8 the new planning and zoning code, would have 9 made it eligible for greater density.</p> <p>10 I think what happened, though, was that 11 this property got rezoned -- the two properties 12 got rezoned in 2020. And when we went to do 13 the planning and zoning code in 2021, we said, 14 Well, we're not going to have the focus area 15 split through this site that now are two, and 16 so they sort of excluded it from the focus 17 area. But, you know, we do have in our sort of 18 key planning document that, you know, part of 19 the site was -- you know, as Mr. Mayor has 20 pointed out, it was sort of intended for larger 21 density.</p> <p>22 So, you know, those are the three things 23 that we really need to put together making sure 24 that alternative equivalency covers density, 25 you know, figuring out how to do this major</p>	Page 76

<p>1 subdivision process. And then, you know, I 2 think the piece about the comp plan really just 3 kind of works to, you know, the applicant's 4 advantage here because he can point to the comp 5 plan, and, you know, it does make it unique. 6 So, you know, with that, I don't know, 7 Gary, if you -- you know, anything to say about 8 process from here forward. 9 MR. EBERT: Well, you and I have 10 talked about these things, as a matter of fact, 11 under the new code to try to make sure that 12 equivalency is being addressed. You know, 13 remember back in April, I think it was 2021 is 14 when we -- I think the first time the planning 15 commission used that provision. And I had done 16 research on it. 17 And the three main requirements that 18 we're looking at concerning the -- having 19 equivalency, and that was the substantial 20 compliance of the code, number one. Two was a 21 higher quality use of the land, which could be 22 achieved through having equivalency. And, 23 three, whether allowing the development without 24 a strict hold and compliance would have an 25 adverse effect on the surrounding areas. I</p>	<p>Page 77</p>	<p>1 of the new code where it allows for 2 modifications or amendments to approve the 3 application. This is in Code Section 1214.01. 4 MR. EBERT: 1214.01? 5 MR. SAYLER: Yeah. And it's 6 in -- under the letter OO. It's on page 20 of 7 my code book. 8 But, basically, it says, Where the code 9 administrator determines that the proposed 10 modification, amendment, or change is not 11 minor, the applicant shall be required to 12 submit an application and payment of additional 13 fee, and the application is to be reviewed in 14 accordance to the procedure and standard 15 established for its original approval. 16 So this may be a way for us to still keep 17 it under the old code. According to -- 18 MR. EBERT: Yes. You're 19 referring back to the old code. Based on that, 20 you're referring back to the old code. 21 MR. SAYLER: And I'm wondering if 22 that might make it easier. So if you guys 23 could look at that section of the code and see 24 whether that might be a cleaner way to try to 25 approach this.</p>	<p>Page 79</p>
<p>1 think it's just done the opposite based on this 2 situation. 3 But we've talked as to how that would be 4 implemented under the new code, and that's what 5 we've been working on this week. In fact, as 6 recently as yesterday and this morning, we're 7 talking about it. 8 So I think what we would do there is come 9 to a conclusion on that and move forward. 10 MR. ESBORN: Yes. 11 MR. EBERT: But, you know, as you 12 heard all the people here right now, I mean, 13 it's a better development than before and a 14 better use of the land, and it's really 15 compliant with the equivalency purpose when it 16 was even implemented back in April of 2021. 17 CHAIRMAN PLUNKETT: Mr. Saylor. 18 MR. SAYLER: Yeah, Mr. Esborn and 19 Mr. Ebert did reach out to me. We had -- I was 20 involved in a couple of these discussions 21 trying to wrestle with how to fit the new code 22 versus the old code. 23 And after we had that conversation, I did 24 a little research, and I was wondering 25 whether either of you had looked at the section</p>	<p>Page 78</p>	<p>1 MR. ESBORN: Yeah. And I had 2 started thinking about that during this meeting 3 because I think, before, my thinking was, well, 4 it's -- you know, when it got the approval in 5 February of '22, that kind of sealed that. And 6 this is something different. 7 But as we were discussing it, I was 8 thinking along these lines, too. I mean, maybe 9 this -- maybe it could be considered a 10 modification of an application. 11 MR. SAYLER: Especially if you 12 consider the fact that, you know, 13 technically -- not just technically, but, in 14 fact, this project has already started 15 construction. They approved the sanitary 16 sewers. They have done some of the storm 17 improvement work. They've done the clearing. 18 They've done the demolition. 19 So this isn't just a project that, you 20 know, has been laying dormant and, you know, 21 needs to be reviewed. This is actually a 22 project that, I think, has been grandfathered 23 in and the construction has occurred down 24 there. 25 So, again, with that in mind, I think</p>	<p>Page 80</p>

<p style="text-align: right;">Page 81</p> <p>1 that might give us a little more excuse to use 2 that section of code if you feel it's 3 appropriate. 4 MR. EBERT: I will take a look at 5 that. 6 CHAIRMAN PLUNKETT: 7 Ms. Fenderbosch. 8 MS. FENDERBOSCH: Thank you. 9 I had -- I think this is a perfect use of 10 the new code administrator position. I truly 11 do think the interpretation is adequate and 12 could be something that I would definitely be 13 kind of supporting. 14 Thank you. 15 CHAIRMAN PLUNKETT: Mr. Mayor. 16 MAYOR ZILKA: Yeah. One last 17 thing. In this section, which is -- well, this 18 isn't going to make much of an impact. But if 19 you're driving south on Route 83, just before 20 you get to the Public Works' garage, there used 21 to be a house with those ugly things in there. 22 MR. SAYLER: Uh-huh. 23 MAYOR ZILKA: That was removed, 24 and they have grass in there. 25 And what changed in that whole area?</p>	<p style="text-align: right;">Page 83</p> <p>1 and your thought. So thank you very much. 2 Thank you for allowing us to present. 3 ----- 4 (Off-the-record discussion.) 5 ----- 6 CHAIRMAN PLUNKETT: We're 7 adjourned. 8 ----- 9 (Meeting adjourned at 8:30 p.m.) 10 ----- 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 82</p> <p>1 So it wasn't a big strip of land, but it 2 was something that was ugly that was removed, 3 and, now, it looks pastoral and pleasant. And 4 I think this might have the same impact in that 5 area. It will just calm things down 6 psychologically. 7 MR. GAMELLA: Mr. Chairman, with 8 your permission, if we could continue working 9 on that. 10 And, Gary, we'd like to try to come back 11 with maybe some kind of site plan approval 12 maybe in July, if that's possible, if we could 13 try to get some direction. 14 MR. EBERT: Sure. 15 CHAIRMAN PLUNKETT: Sure. It's 16 okay with me. 17 MR. EBERT: You-all got to stay 18 for the final. 19 CHAIRMAN PLUNKETT: Yes. Thank 20 you for all your presentations here tonight. 21 You guys have really done a lot to enhance this 22 community. I appreciate you all. 23 MR. GAMELLA: Well, thank you for 24 all of your comments. They help to where we 25 are today, so I truly appreciate all the time</p>	<p style="text-align: right;">Page 84</p> <p>1 REPORTER'S CERTIFICATE 2 The State of Ohio,) 3 SS: 4 County of Cuyahoga.) 5 6 I, Melissa Cruz, a Notary Public within and for 7 the State of Ohio, duly commissioned and qualified, do 8 hereby certify that the meeting was by me reduced to 9 stenotypy in the presence of said witness; afterwards 10 transcribed, and that the foregoing is a true and 11 correct transcription of the meeting. 12 I do further certify that this meeting was 13 taken at the time and place in the foregoing caption 14 specified and was completed without adjournment. 15 16 17 18 19 20 21 22 23 24 25</p>

1 I do further certify that I am not a relative,
2 counsel or attorney for either party, or otherwise
3 interested in the event of this action.

4 IN WITNESS WHEREOF, I have hereunto set my hand
5 and affixed my seal of office at Cleveland, Ohio, on
6 this 31st day of May, 2023.

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12
13
14 _____
15 Melissa Cruz, Notary Public
16 within and for the State of Ohio

17 Commission No: 2018-RE-712782
18 My commission expires April 8th, 2028.
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