

**MINUTES OF THE AVON LAKE
PLANNING COMMISSION MEETING
JANUARY 5, 2010**

CALL TO ORDER

Pro Tem Chairperson Knilans called the Avon Lake Planning Commission Regular Meeting of January 5, 2010 to order at 7:30 p.m. in the Council Chambers of City Hall.

ROLL CALL

Mrs. Fenderbosch, Mr. Knilans, Mr. McNamara, Mr. Simonovich, Mayor Zuber, Director of Law Kerner, and Engineering Manager Reitz were present.

Mr. Fell had told the commission at the last meeting that he would not be at the meeting tonight.

Mr. Brightwell did not respond in time for the re-appointment of his position to the commission.

There were no objections from the members to the absence of Mr. Fell, so his absence is considered excused.

Mr. Knilans stated the vacant position of Planning Commission is being advertised and the hope is to have the position filled by the next meeting.

Mr. Knilans welcomed Mrs. Fenderbosch to the commission.

APPOINTMENT OF CHAIRPERSON AND PRO TEM CHAIRPERSON

Mr. Knilans stated that at the last meeting Mr. Fell stated that he would not be against being chairperson again for another term if a motion is made by Planning Commission.

Mr. Knilans moved to nominate Mr. Fell as Chairperson. Mr. McNamara seconded the motion.

Mr. Knilans moved to close the nominations as no other nominations were made for Chairperson. Mr. McNamara seconded the closing of the nominations.

AYES: All NAYS: None

The motion to close the nominations having passed unanimously, Mr. Fell was declared Chair Person without objection.

Mr. McNamara moved to nominate Mr. Knilans as Pro Tem Chairperson. Mayor Zuber seconded the motion.

Mr. Knilans moved to close the nominations as no other motions were made for Pro Tem Chairperson. Mayor Zuber seconded the motion.

AYES: All NAYS: None

The motion to close the nominations having passed unanimously, Mr. Knilans was declared Pro Tem Chair Person without objection.

APPROVAL OF MINUTES

Mr. Knilans moved to approve the minutes of the November 10, 2009 Regular Planning Commission Meeting. Mr. McNamara seconded the motion.

AYES: All NAYS: None

Mr. Knilans moved to approve the minutes of the November 19, 2009 Work Session Meeting. Mayor Zuber seconded the motion.

AYES: All NAYS: None

Mr. Knilans moved to approve the minutes of the December 1, 2009 Regular Planning Commission Meeting. Mayor Zuber seconded the motion.

AYES: All NAYS: None

COUNCIL REPORT

Mrs. Fenderbosch stated the cases that had been approved or had readings at the City Council meetings since the last meeting.

SWEARING IN

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

POSTPONED CASES:

**CASE NO. 038-09
HISTORIC PRESERVATION
ORDINANCE**

**CITY COUNCIL BY MOTION ON
NOVEMBER 23, 2009 IS SENDING A
PROPOSED CODE SECTION TO PLANNING
COMMISSION FOR REVIEW. THE
PROPOSED ADDITION TO THE
PLANNING AND ZONING CODE WILL
CREATE A HISTORIC PRESERVATION
SECTION. COUNCIL IS REQUESTING A
RECOMMENDATION FROM PLANNING
COMMISSION ON THE ATTACHED
PROPOSAL.**

Mr. Reitz said, by a motion of Council at the November 23, 2009 meeting this proposed ordinance is being submitted for review by the commission. This proposed ordinance will create an avenue for property owners to ensure the preservation of historic properties or features of their homes or businesses. By a motion by Planning Commission at the December 1, 2009 meeting this case is being brought back to the commission. Members need to note the letter from Councilman Kos and memo from Zoning Administrator Booher.

Councilman David Kos was present tonight to represent this case and answer any questions the commission may have.

Mr. Kos stated that the commission has been working hard for over a year to get this code section to where it is today. We have had a lot of hard work, determination and lots of changes and compromises to get this far. The code will never be 100% of what you or the commission wants. After the last planning meeting the committee reviewed the language and voted 7-0 to keep the language the way it was. We tried to make the code flexible and friendly that people would not want to opt out of the historic designation once you were in. Out of fifty cities in the area 20% have no opt out language.

Mr. Knilans stated that he is on the committee. We had a rather large discussion after the last meeting to see if we wanted the opt out in the language, but decided that we would rather have the opt-out language left out.

Mr. McNamara stated that he is in favor of the ordinance but is in favor of the rescinding language and would prefer that it is in the ordinance. I also would like to see the 75% of the area when deciding on a historic district.

Mrs. Fenderbosch stated that as a resident she was not in favor of the language in the ordinance. But now that she is on the Planning Commission she has to support the views of a group. So as an elected official she will support the group and vote in favor of the ordinance.

Mayor Zuber stated that any resident that was not in favor of a district becoming historic would have plenty of opportunity via the many public hearings the individual would have to voice their concerns.

Law Director Kerner stated that the public would have plenty of opportunity. They could be heard at City Council then Planning Commission, back to City Council with a public hearing.

Mr. McNamara stated that we hear of cases all the time and are told if the applicant meets all our code requirements then we can't disapprove. If the historic district request meets the 75% requirement then how hard are we going to listen to one to three people that don't want the historic district when a majority of their neighbors do want it. I will be voting in favor of the ordinance tonight, but I am still in favor of the rescinding language being in the code. I think it should be made very, very difficult to get out, but there should be some language other than demolition.

Mrs. Deb Beard, 197 Moore Road, stated that in order to get in the historical district you have to go through a whole process. I am not sure that anyone would want to go through the whole process to turn around and get out of it. The historic properties will be taken care of because the people that have applied for this want to keep the integrity of the properties. The only properties that I can think of for a district in Avon Lake would be the Shopping Center property.

Mr. John Early, 117 Highland stated that he is on the committee and strongly believes in the preservation of historic properties. I think the historic committee needs the backing of the City. The historic preservation of properties will help owners with grants and moneys to keep the properties in good condition.

Mr. Simonovich moved to recommend approval to City Council the proposed addition to the Planning and Zoning Code that will create a Historic Preservation section with the recommended changes by Zoning Administrator Booher and Planning Commission. Mayor Zuber seconded the motion.

AYES: All

NAYS: None

NEW CASES:

**CASE NO. 001-10
COMMERCE PARKWAY
FINAL PLAT**

**REQUEST OF KNB DEVELOPMENT, LLC.,
33801 LEAR INDUSTRIAL PARKWAY, AVON
FOR A RECOMMENDATION OF APPROVAL
OF THE PLAT FOR THE SITE ON THE
NORTH SIDE OF PIN OAK PARKWAY
WEST OF AVON BELDEN ROAD. THIS
SUBDIVISION IS WITHIN AN LI LIGHT
INDUSTRIAL ZONING DISTRICT.**

Mr. Reitz stated this project on the north side of Pin Oak Parkway encompasses eight acres of light industrial land that will be subdivided into five sublots ranging in size from one to over three acres. All improvements for this project are complete and the appropriate fees have been paid.

Mr. Phil Rosebeck, P.S. 705 Little Creek Drive, Amherst, Engineer for KNB Development was present tonight to represent this case and answer any questions the commission may have.

Mrs. Fenderbosch asked Mr. Reitz if the owner/developer has presented a plan for maintaining the retention pond.

Mr. Reitz stated that the plan for the retention is on the Plat. The HOA will be responsible for the retention pond on the property and we have discussed the long term maintenance plans for down the line when the HOA has taken over.

Mrs. Deb Beard, 197 Moore Road asked if there were any problem with the cul-de-sac size or if any department head had any comments on the cul-de-sac.

Mr. Reitz stated there were no comments from department heads on this cul-de-sac. The cul-de-sac meets the requirements of the code and there is no landscaping in the middle, so there should not be any problems maneuvering the fire trucks.

Mayor Zuber moved to approve the request of KNB Development, LLC for a recommendation of approval of the Plat for the site on the north side of Pin Oak Parkway west of Avon Belden Road with the condition that a letter of credit be submitted to the Engineering Department prior to the three readings of City Council for approval. Mrs. Fenderbosch seconded the motion.

AYES: ALL

NAYS: None

**CASE NO. 002-10
COMPREHENSIVE LAND USE
PLAN UPDATE**

**REQUESTING A MOTION OF APPROVAL
BY PLANNING COMMISSION FOR THE
2010 UPDATE TO THE COMPREHENSIVE
LAND USE PLAN FOR THE CITY OF AVON
LAKE. THIS CASE IS AN UPDATE TO THE
1995 PLAN THAT WAS PREVIOUSLY
UPDATED IN 2004.**

Mr. Reitz stated the last update to the plan was in 2004 and the update is overdue per the Planning Commission rules. This update has incorporated recent building trends due to the sagging economy and also includes the recent Metro Park purchases and the future connection of Lear (Nagle Road) to I90 in Avon. After the 2010 census is completed additional demographic updates can be incorporated. This proposed update is based on currently available numbers and projected census information.

Mrs. Fenderbosch stated that on Page 19, she thought that the addition of the Lear Road interchange should be added since the interchange has been approved and accepted. The language should reflect the addition and how it will affect Lear Road and the area.

Mr. Reitz agreed and stated that he would put something together on that.

Mr. Knilans agreed that it should be added.

Mr. Knilans pointed out that the page numbering was incorrect.

Mr. Reitz stated that the page numbering and some minor typos would be corrected.

Mrs. Fenderbosch suggested that the LED lights be changed in the plan. The LED lights have been shown to be not warm enough to melt snow and to be a safety hazard. Some cities have had accidents because the snow doesn't melt and covers the lamps. Mrs. Fenderbosch also felt the stormwater and watershed needs to be added to the plan.

Mr. Reitz stated that he has spoken to the service department and the LED lights that we have in the city have not had a problem with snow cover. The stormwater and watershed can be easily added to the plan with a small paragraph or two.

Mrs. Fenderbosch asked if energy efficiency and sustainability should be added in as well.

Mr. Reitz stated that he would add some language on that as well.

Mayor Zuber stated that he thought page 19, some of that wording can be changed now with the addition of the Lear Road Exchange.

Mr. Simonovich stated that the Land Use Plan is just a guide and not a code section. The plan should just be used as a guide for the LED and energy efficiency and so on.

Law Director Kerner suggested that the plan be brought back to the commission once the changes have been made instead of voting on this tonight.

Mr. Simonovich moved to postpone Case 002-10 Comprehensive Land Use Plan Update until next month so the corrections can be made and suggested sections needed can be added to the plan. Mr. McNamara seconded the motion.

AYES: All NAYS: None

INFORMATIONAL ITEM

Mr. Knilans stated that the members received copies of the letter sent to the schools regarding minor alterations.

Mr. Reitz stated that he had recently talked to the schools and they understand the situation and will be better about the application process and permit process in the future.

Mr. Kerner stated that per the code, the Planning Commission Rules and Regulation need to be updated by the March Planning Commission meeting.

Mr. Reitz stated that he will get the Rules and Regulations out for comments from departments and will have ready for next month.

Mr. Knilans stated that the next Planning Commission meeting will be on February 2, 2010.

Mrs. Fenderbosch stated that there will be an environmental green build initiative meeting at the Avon Lake Public Library on Wednesday January 13, 2010 from 7-8.

DISCUSSION ITEM

Mr. McNamara suggested a discussion on televising the planning meetings.

There were no comments from the members.

Mayor Zuber suggested that this be brought as a discussion item at the next meeting.

Mr. McNamara stated that he just brought it to this meeting for a discussion, but if you would like to add it the next agenda as a work session or a discussion item that would be fine. Mr. McNamara just thought that if the meetings were televised the public would have a better idea of what was going on or added to their community and would be less surprised if something was going on in their back yards.

Mr. Reitz stated that he would add this as a discussion item to the next agenda.

GENERAL PUBLIC COMMENT

None

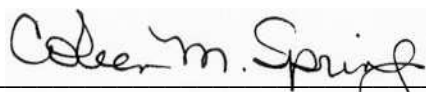
ADJOURNMENT

Mayor Zuber moved to adjourn at 8:36 p.m. the January 5, 2010 Planning Commission meeting. Mr. McNamara seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on February 2, 2010.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary