

Mr. Reitz stated this request will expand the existing facilities by adding three new buildings. Construction will build a three-story addition to the assisted living facility and two one-story additions to the existing skilled nursing facility. The architecture of the proposed addition and proposed landscaping matches the existing theme of the development.

Mr. Chris Mallet, Springer Health Care was present to represent this case and answer any questions the commission may have.

Mr. Mallet showed color building elevations and stated how the new buildings would match the existing buildings when completed. There will be 12 units of assisted living, a skilled nursing facility with 20 beds and add 8 beds to the Alzheimer wing and 12 beds to the Rehab bed area.

Mrs. Fenderbosch asked if the sewer comments of the Utilities Department have been taken care of.

Mr. Reitz stated that those comments will be taken care of during the construction phase.

Mr. Fell asked if this addition is because there is a demand for more use? Does the facility take Medicaid.

Mr. Mallet stated that yes the facility accepts Medicaid and yes we have a demand all the time for more beds in the facility, especially the rehab area and the Alzheimer wing.

Mr. Hamman asked if there would be any job creation with the additions.

Mr. Mallet stated that there may be a few added, but the number of people is undetermined at this time.

Mr. Knilans moved to approve the request of Towne Care Center, LLC, 3905 Oberlin Avenue, Lorain, Ohio for a recommendation of approval of a Site Plan to construct three building additions at Towne Center Community Campus. Mayor Zuber seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that this item has passed.

**CASE NO. 006-11
LIPTAK CONSTRUCTION
153 LEAR ROAD
SITE PLAN**

**REQUEST OF LIPTAK CONSTRUCTION, 153
LEAR ROAD, AVON LAKE FOR A
RECOMMENDATION OF APPROVAL OF A
SITE PLAN TO ADD PARKING AND AN
OUTDOOR PATIO AT THE EXISTING
BUILDING. THIS PROJECT IS LOCATED IN
A B-3 BUSINESS ZONING DISTRICT.**

**A WAIVER TO THE SITE PLAN REQUIREMENTS UNDER THE EQUIVALENCY PROVISION OF 1217.03(g) IS BEING REQUESTED FOR THE FOLLOW ITEMS:
WAIVER TO 1264.11(E) FOR PAVING THE PARKING LOT; AND
WAIVER TO 1244.05(C) FOR THE PATIO BEING INSTALLED IN THE FRONT YARD.**

Mr. Reitz stated the applicant is requesting these improvements for a new tenant for the building. The improvements to the site will increase and better distinguish the 20 parking spaces needed for the new business and will still provide parking for the existing home that is also owned by the applicant at 155 Lear Road. The waivers being requested have been explained in the two worksheets enclosed in the agenda packets.

Mr. Michael Liptak, Liptak Construction & property owner and Mr. Tom Curry, 33379 Lake Road were present to represent this case and answer any questions the commission may have.

Mr. Liptak stated that he has a new tenant. The Stop 45 Tavern will be moving from across the street into my facility if the site plan is approved tonight. The tavern will double in size from what it is now with a full kitchen, patio and parking. The patio is very important for the business. The patio would have to have a 25 foot setback from the rear of the property and because of the setbacks it cannot be placed on the side of the property. The code allows for the building to go to the Right-of-Way but I can't add a patio without a waiver, it doesn't make sense. The paving, fencing and landscaping site improvements will be done in three phases. The widening of the apron, fencing, grading curbs and striping will be done in the first phase. If given the waiver the actual paving of the parking lot would be paved in two more phases.

Mr. Simonovich stated that he had no problems with the waivers but would like to see a time line on the paving to be complete. Maybe one year, or by next summer.

Mr. Liptak stated that there is already parking for 20 spaces.

Mr. Reitz stated that it cannot remain gravel because of the revisions. The pavement would need to be added because of the residential neighborhood.

Mr. Simonovich stated that this area is a unique situation.

Mrs. Fenderbosch stated that patio makes sense to be put in front, away from the residential homes in the rear. She stated that in the past conditional permits for paving and improvements have been hard to track or follow up on. I would like to see all the pavement go in at the time of improvements.

Mayor Zuber asked if the drainage would be put in with phase one.

Mr. Liptak stated that the trench drain was going to be put in with the paving, but supposed it could be done when the grading is done in the first phase.

Mayor Zuber asked what would happen with the ice cream shop.

Mr. Liptak stated that he is working with Mr. Kopf to move the ice cream shop to the old thrift store location across the street.

Mayor Zuber stated that he did not have a problem with the waivers. The parking lot for the ice cream shop has always been gravel and we have not had complaints, so I don't see a problem with the paving in phases.

Mrs. Fenderbosch stated that she would like to front area pavement to be extended to 36' in phase no. 1 at the drive.

Mr. Fell asked Mr. Liptak to show the commission the gravel areas of the parking lot now paved.

Mr. Liptak showed the site plan and stated that the front and a portion of the drive are paved now.

Mr. Fell stated that he felt the paving in the front should be completed now, but had no issues with the patio waiver. We have previously placed restrictions on patios and feel that with this patio being in or very close to a residential area that restrictions should be placed on the hours of operation, music and lighting.

Mr. Tom Curry, 33379 Lake Road and owner of Stop 45 Tavern stated that with the limited space and a full kitchen he would like the patio open with very little or no restrictions on the hours. The lighting would be overhung lights or can lights that shine down and would possibly have some small landscape lighting. We will have food on the patio, but no music, piped or live.

Mr. Hamman asked what would an alternative be if we allow the waiver for the parking in the back. Is it possible to have a smaller gravel that can be rolled or compacted for now until the paving can be done.

Mr. Liptak stated that he did not know because of the expense of the business at this point. We would rather put the money into the improvements of the business now and work on the rest as the business expands. At this time banks won't give loans for improvements and we are doing all of this out of pocket. We are not saying we don't want to do the paving, we just need to spread the expenses of the improvements out.

Mr. Hamman stated the he did not have a problems with the waivers, but felt that conditions should be placed on the amount of time to complete the phases.

Mr. Knilans stated that he would like to see all the front paved now, realizing that some of the landscaping would have to come out and the balance of the paving to be complete within a certain time frame. The waiver for the patio is fine.

Mr. Sherban asked about the landscaping and how many tables and chairs there would be and how big they would be.

Mr. Curry stated that there would be 7 four top tables, that would be easy to monitor the activity in the front.

Mrs. Fenderbosch stated that she would be ok with the plan in phases if some of the pavement in the front was put in now. She agreed with the landscaping, lighting, music and restrictions on hours of the patio use.

Law Director Kerner stated that a condition could be added to the motion for the phases. The follow up on the conditions goes without mention.

Mr. Greg Zilka, 375 Creekside Drive asked about the patio being in the front and the room for snow and snow removal. There has been a problem with space before with snow and the sidewalks and just want to make sure there will be room and no snow on the sidewalks.

Mr. Liptak stated that he would plow the snow to the east of the lot and away from the right-of-way or truck the snow out if he had to.

Mr. Fell stated that he felt there should be restrictions on the hours of operation of the patio. We have placed restrictions on all patios' that have come before us. Mr. Fell asked the commission how they felt about a 11 o'clock restriction for weekends and 10 o'clock weekdays.

Mr. Liptak and Mr. Curry stated that they have always been courteous with their neighbors and that would not change now. If the neighbors complained they would take care of any problems right away.

Mr. Sherban asked if they had talked to Mrs. Donahue. Mrs. Donahue is the neighbor to the north that is right up against the business and would be closest to the business and patio.

Mr. Liptak stated that he has an easement on that property and that Mrs. Donahue has not had a problem with the business up to now, but he had not talked to her about the new business and patio. There will be a small green space and we will work with the landscaping to make sure that the patio wouldn't be a problem.

Mr. Sherban said he was ok with the waivers as long as there were time limits on the paving.

Mayor Zuber stated that he would be ok with phase one being complete within six months and the balance of the paving being complete within 18 months to include paving of spaces 3,4,5 and 6 in the first phase of paving.

Mayor Zuber moved to approve the request of Liptak Construction 153 Lear Road for a recommendation of approval of a Site Plan to add parking and an outdoor patio at the existing building. The approval was granted with a condition and waiver to 1264.11(e) that the waiver be allowed, and paving the first 36 feet of front to include spaces 3,4,5 and 6 within the first six months and the balance of the paving of the parking lots within 18 months. A waiver to 1244.05(c) was also granted with conditions that there will be no music, live or piped, moderate

down lighting and hours of operation not to exceed 12:00 on weekends and 11:00 p.m. on weekdays. Mr. Knilans seconded the motion.

Mr. Fell stated he would vote no on the motion because he thought the hours of 12:00 and 11:00 were too late for the area.

**AYES: Simonovich, Fenderbosch, Zuber, NAYS: Fell
Hamman, Knilans, Sherban**

Mr. Fell stated that this item has passed.

**CASE NO. 006-11
AVON LAKE CITY SCHOOLS
REVISION TO LANDSCAPING PLANS
REDWOOD, LEARWOOD, ERIEVIEW,
EASTVIEW AND WESTVIEW
SCHOOLS**

**THE AVON LAKE CITY SCHOOLS ARE
REQUESTING A REVISION TO THE
APPROVED LANDSCAPE SITE PLANS
FOR REDWOOD, LEARWOOD,
ERIEVIEW, EASTVIEW AND
WESTVIEW SCHOOLS.**

Mr. Reitz stated that these five cases presented to Planning Commission in 2010 were contingent on the Planning Commission Secretary review and approval of Landscaping Plans. The Board of Education is requesting revisions to the plans as a cost savings measure. The specific areas the revisions are being requested for are attached and have been marked-up individually.

Mr. Gregory Ludwig, Avon Lake City Schools, 175 Avon Belden Road was present tonight to represent this case and answer any questions the commission may have.

Mr. Ludwig stated that the Board and Superintendent asked him to come back before Planning Commission to have the landscaping issues re-addressed. The Board of Education and Superintendent felt that the landscaping was too much in some areas. They would like to know why the landscaping had to be put in around the dumpster enclosures. The dumpsters are already being enclosed with a brick and wood structure why does there need to be landscaping as well. The dumpster enclosures are costing \$88,000.00 and felt the landscaping was overkill. The Board and Superintendent are looking at difficult financial times and ask the Planning Commission to re-look at the landscaping and see if any of it could be scaled back.

Mr. Fell stated that we would look at each, school by school, then make one motion at the end.

EASTVIEW SCHOOL 1 of 2 – Mr. Ludwig asked about the landscaping around the dumpster when they are putting an enclosure around the dumpster with Cedar siding 8 feet tall.

Mr. Simonovich asked if the code required the landscaping and enclosure or just the enclosure?

Mr. Reitz stated that the code required one or the other.

Mrs. Fenderbosch stated that she was ok with removing the landscaping around the dumpster enclosure as long as the dumpster is kept closed when not being used.

Mayor Zuber did not see a problem with removing the trees as long as the code did not require it.

Law Director Kerner stated that is was a condition of Planning Commission, not a code requirement.

Mr. Fell did not have a problem with it as long as the fence would cover the dumpster and it could not be seen.

EASTVIEW SCHOOL 2 of 2 – Mr. Ludwig asked if the decorative tree could be taken out.

Mr. Simonovich stated that one tree really didn't help, there are plenty of trees on the property already, he did not have a problem with this.

Mr. Reitz stated that at the time of Planning Commission there was a lack of any type of landscape plans. I am not offended if they are taken off of the plans. The plans were submitted by Fanning Howey and I looked at them to make sure they met what Planning Commission was looking for at the time Planning and approved them. I do not have a problem with the one tree as long as the shrubs are to remain.

ERIEVIEW SCHOOL 1 of 2 – Mr. Ludwig stated again that the dumpster is already being enclosed and felt the landscaping around the dumpster enclosure was overkill.

Mrs. Fenderbosch asked what direction the doors would be facing?

Mr. Ludwig stated the doors would be facing the south east.

Mayor Zuber stated that he has had complaints from a neighbor about the time the dumpster is emptied, but I believe this situation has been taken care of. I would like to see the dumpster left closed.

Deb Beard stated that when the pool was put in the City had to landscape the dumpster enclosure. Why is it that the schools do not have to abide by the same rules. This dumpster is right up against the home owners property. Ms. Beard asked if the 8 foot fence would require a variance.

Mayor Zuber stated that the dumpster is behind the cafeteria. The houses are about 200-300 feet away from any residences.

ERIEVIEW 2 of 2 - Mr. Ludwig stated that the original landscape plan would be done with no changes.

REDWOOD 1 of 1 – Mr. Ludwig stated that once again the dumpster landscaping, and no decorative trees be put in. The power lines are right up above the where the trees would be put in and would eventually be a problem.

No commission members had any comments or concerns about this school.

WESTVIEW 1 of 2 - Mr. Ludwig asked if the decorative tree could be taken out. It's original intent was decoration only.

Ms. Deb Beard, 197 Moore Road stated that she had a problem with the tree being taken out. I think the school should add more trees as the playground was moved to the side, up against the residential area with no landscaping buffer. The playground was never on the plans that were originally approved and the playground is much larger than it ever was in its original placement. With a larger playground there will be more children, more use and more noise for the residents that are up against the school property on Karen Drive.

Mr. Ludwig stated that even though we are requesting that landscaping be taken out, it doesn't necessarily mean that we won't be doing any landscaping to make our properties look nice. It just means that we are not required to put some of the landscaping in where it was on the plans. We still want to landscape, but may not be a decorative tree. We are just trying to cut the budget on some of this landscaping.

WESTVIEW 2 of 2 – Mr. Ludwig stated that they are asking for the dumpster enclosure landscaping be taken off. The dumpster was moved away from safety town and is more adjacent to the cafeteria.

Ms. Deb Beard stated that Safety Town had to put landscaping in because of the apartments and to buffer to noise and activity, and now the school has to do nothing?

Mr. Fell stated that the dumpster would be enclosed per our code, so it will not be seen by the apartments.

LEARWOOD 1 of 2 – Mr. Ludwig stated that they would like the area due east of the parking reduced by 50%. The placement of the trees and landscaping would be up against a fence that is existing. The trees will not be buffering anything other than a fence that is owned by Mr. and Mrs. Aufdenkamp on Lear Road.

Mrs. Fenderbosch stated that the landscaping absorbs noise as well as giving a buffer.

Ms. Deb Beard stated that on the plans the trees are shown as Blue Spruce. If you reduce the trees by 50% the trees will not be large for a long time. They are very slow growing trees.

Mr. Knilans stated the wording in our code states that the landscaping must be dense vegetative planting.

I do not have a problem reducing the landscaping if a landscape designer puts a plan together that would meet our code. The landscaping must meet our requirements.

LEARWOOD 2 of 2 – Mr. Ludwig stated that the current plans show 900 feet of 6 foot trees. The new addition is only a small portion of this length. We have no problem buffering the addition from the neighbors, but 900 feet is a bit much.

Mrs. Fenerbosch said that she would like to see the landscaping remain. The buffer is for the residents and for the school. We already have activities there and the use of the open fields should be buffered for the neighbors.

Mayor Zuber stated that he would like to see the area where the addition was done landscaped for the neighbors. I wouldn't be opposed to about 12 trees less, 6 on either side.

Mr. Fell would like to see one more tree to the east and is ok with a reduction of trees in total.

Mr. Sherban stated that it may be easier to state the landscape be done in a box area, some to the east and west from a point, maybe centerline of the new addition.

Mr. Zilka, 375 Creekside stated that there has never been a problem with the balls and the soccer field use in the past, but I do have a problem with the Planning Commission making Holy Spirit Church having to put in mound and landscaping for their parking lot and addition a couple years ago and the school not having to meet the same regulations.

Mr. Fell stated that he would like to see at least three trees to the east and west past the new addition.

Ms. Deb Beard, 197 Moore Road said that the plans are very deceiving. The trees are not going to be what they look like on the plans. They are 6 foot trees with spacing in between. They will not form a row of dense buffer.

Mr. Fell stated that he did not have a problem with this because there was no landscaping in this area before the addition.

Mr. Sherban stated that if the code says that the landscaping has to be dense then I don't think we should get hung up on the number of trees of the square feet. I think we should just state that a landscape designer should make a plan that is bushy and dense.

Mr. Knilans agreed that the landscape should be a dense coverage, and cover the building and beyond the edges to the east and west of the addition.

Mr. Sherban stated that he would agree to 200 feet to each side of the centerline of the new addition. I think that would be enough of a buffer to the residents on Creekside Drive.

Mayor Zuber moved to approve the request of the Avon Lake City Schools, 175 Avon Belden Road for a revision to the approved Landscape Site Plans for Redwood, Learwood, Erieview, Eastview and Westview Schools to remove the trees around the dumpster enclosures. Included in this approval is a waiver to the fence height of 8 feet and a condition that the lids of the dumpsters be closed at all times when not being used. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

Mr. Fell moved to approve the request of the Avon Lake City Schools, 175 Avon Belden Road for a revision to the approved Landscape Site Plan for the Eastview School plan 2 of 2 and Westview School plan 1 of 2 for the removal of the decorative trees only. Mayor Zuber seconded the motion.

AYES: All NAYS: None

Mr. Knilans moved to approve the request of the Avon Lake City Schools, 175 Avon Belden Road for a revision to the approved Landscape Site Plan for the Learwood School plan 1 of 2 to reduce the north landscaping to be determined by a landscape architect as long as the density remains between the existing trees as shown on the plans and is per City Codes. Mr. Sherban seconded the motion.

AYES: Simonovich, Zuber, Fell Hamman NAYS: Fenderbosch
Knilans, Sherban

Mr. Sherban moved to approve the request of the Avon Lake City Schools, 175 Avon Belden Road for a revision to the approved Landscape Site Plan for the Learwood School plan 2 or 2 to reduce the south landscaping to be determined by a landscape architect as long as the density and coverage remains per City Code. Coverage of trees to begin at the centerline of the new addition and be placed 200 feet to the east and west with a total of 400 feet. Mr. Knilans seconded the motion.

AYES: All NAYS: None

INFORMATIONAL ITEM

Mr. Fell stated that he had included a copy of an article from the newspaper regarding wireless cell towers and how they are changing. I just thought it would be good to take a look at how things are changing and how it might affect the Planning Commission and City Council cases from now on.

Mr. Reitz stated that he will need to have a Planning Commission Work Session in the future on Storm Water Issues and how it impacts Planning Commission.

Mr. Fell asked how the Renewable Energy legislation is looking and when we might see that code come back to the commission.

Mrs. Fenderbosch stated that the Renewable Energy Task Force is meeting with the Fire Department to work out some issues and we hope to have it back before the commission soon.

DISCUSSION ITEM

The next meeting of Planning Commission will be May 10, 2011. The meeting was moved back due to Election Day.

GENERAL PUBLIC COMMENT

Ms. Deb Beard, 197 Moore Road stated she was disappointed with the Planning Commission and allowing the schools to reduce the landscaping. When other people come before the commission they have to follow the rules.

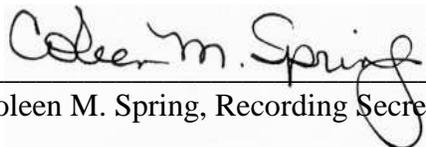
ADJOURNMENT

Mr. Knilans moved to adjourn at 9:41 p.m. the April 5, 2011 Planning Commission meeting. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on May 10, 2011.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary