



## **COUNCIL REPORT**

Mr. Zilka 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.

Mr. Brightwell arrived to the meeting at 7:35 p.m.

## **NEW CASES:**

**CASE NO. 012-09  
BLESER PARK AQUATIC CENTER  
CONDITIONAL USE SITE PLAN  
PUBLIC HEARING**

**REQUEST OF THE CITY OF AVON LAKE,  
150 AVON BELDEN ROAD FOR A  
RECOMMENDATION OF APPROVAL OF A  
CONDITIONAL USE SITE PLAN TO  
CONSTRUCT A NEW AQUATIC CENTER  
AT BLESER PARK. THIS PROJECT IS  
LOCATED IN AN R-1 RESIDENTIAL  
ZONING DISTRICT.**

Mr. Reitz stated this plan before Planning Commission is for final approval for the Site Plan for the new pool to be built at the existing site in Bleser Park. The proposed pool has been long awaited and has been presented and discussed at many meetings within the community. The new pool facility will consist of three buildings and the nearly 15,000 square feet of water surface area. Features include two high water slides, a family slide, spray ground, ten lap lanes, a one meter and three meter diving board, lazy river, three pavilions, toddler play area, a vortex pool area, and a concession stand to be shared with the park. The proposed parking lot will have entrances from Lake Road and Electric Boulevard. This project is a Conditional Use and requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, advertised in the Morning Journal, posted at various locations within the City and properties within 300 feet have been notified by mail.

Mr. Rick Parker, Brandstetter Carroll Inc. and Alexandria Nichols, Recreation Director for the City were present tonight to represent this case and answer any questions the commission may have.

Mr. Parker showed the color renderings of the pool and the lay out and explained the lay out and the changes to the site from the existing pool site. The landscaping on Electric Boulevard will stay and some of the trees on the existing site will come out. Landscaping will be done with the pool to help buffer the parking. There will be an entrance and exit at both Electric Boulevard and Lake Road.

Ms. Nichols showed the design of the pool buildings and explained the details of the styles and lay out of those buildings. The design will be very similar in concept to the existing buildings now.

Law Director Kerner asked about the entrance and exit ways and how many lanes they will have.

Mr. Parker stated that both the entrance and exits will be one lane in and two lanes out.

Mr. Zilka asked Mr. Parker to expand on the public meetings that have been held and also the changes that have been made to incorporate some of the changes that were suggested from those meetings.

Mr. Parker said that the pool has been discussed at two recreation commission meetings, several open public meetings and, a public service meeting.

Ms. Nichols stated that some comments from the public meetings were on the lap lanes. The swim team and residents were concerned about the orientation of the lap lanes. We shifted the lap lanes to the opposite direction and removed the diving area from that space which gives greater access to the lap lanes. We also received comments on the lazy river and have incorporated some of the comments on that use and have incorporated some senior programming in the lazy river area. Those were the two main topics that had come up during the public hearings that changes were made to accommodate.

Mr. Parker stated that the dual drive access and landscaping have been changed as well. Early on we noticed that noise and landscaping was going to need to be addressed. We have left the existing trees on Electric Blvd. and have eliminated the drive between the existing pool and the baseball fields and shifted the drive to the west. The landscaping and trees on the western and northern edge of the property will be addressed as the plans continue. The dual drive will help with the increased traffic with the addition of the new pool activity.

Mr. Zilka asked Mr. Parker if he could show the plans of the existing pool lay out and how they compare to the new pool lay out. I think it is important to show the people that the pool moved to the east to take care of some concerns, and that the original design the slide was shifted to the east side because of some concerns about the views and noise.

Mr. Parker showed the original concept plan and how the new design has shifted to the east thru evolution and comments to push the driveway to the west and slides to the east.

Mr. Simonovich opened the meeting to the public.

Denise Monschein, 109 Glenview Drive, asked Mr. Parker to speak on the height of the slides.

Mr. Parker stated that the platform will be at 25 feet with an open railing 3 ½ feet tall.

Ms. Monschein stated that she lives directly across from the pool and her flag pole is 25 feet tall, just to give you some perspective to what the planning commission is voting on how it will impact your homes. My concern is that we the tax payers are paying for this pool. I have been at many of the meetings and it has always been said that we would guarantee that this pool would be used by Avon Lake residents only. In the Avon Lake Press, the mayor was quoted as saying that it would be the crown jewel of Avon Lake. He was then asked whether or not the pool would be limited to use by Avon Lake residents only. The mayor was quoted as saying, “well we will not be checking utility bills at the door” which indicated to everyone that I spoke with, come one come all. I would like to know today what provisions are in place to assure that this pool will be used by Avon Lake residents only as promised.

Mayor Zuber stated that you were referring to the article in the Avon Lake Press that no one outside Avon Lake will be able to purchase a pass for the pool. My comment was that I don't know how you are going to stop a kid twelve years old from Sheffield Lake riding his bike down and paying and getting into the pool. I don't know how you are going to stop that. I think that this will be a learning experience for all of us as far as the process that we are looking at. I just don't know how we are going to stop a child from coming into the pool.

Ms. Monschein stated that she has a solution for that Mr. Mayor and I think you are wrong and have to publicly state that. To check out a library book, you must register, it doesn't cost you anything but you simply have to prove who you are to check out a book. To go to our schools you have ID cards. In order to have a pass for our pool now, you have a picture taken and you prove with a driver's license, utility bill that you are an Avon Lake resident. We already have a system in place, the computer technology to take a picture that a photo shows up when you enter the pool. So, I am proposing to you that you for safety issues as well as to ensure to the tax payers of Avon Lake that are paying for this pool that it is used by the tax payers, so I suggest to you that the parents of the children that will be using the pool come up and register their family. They don't have to buy a pass, they just have to have their picture taken and then when little Johnny comes up to the pool as an individual he can pay for the day when his picture pops up on the computer and proves he is a resident. You assure the tax payers that the only people using the pool are residents, and second of all if 12 year old Johnny from Sheffield Lake or Lorain falls off our slide we have an emergency contact. It doesn't cost the City anything except that it backs up your promise that only residents of Avon Lake will be using the pool that we are paying for and I think you owe that to us.

Mr. Simonovich stated that you have very good comments, but I am not sure that they are in respect to the planning perspective of this meeting. I am sure that with the Mayor and City Council President, Recreation Director in attendance tonight the input will be valuable.

Ms. Monschein stated that you are correct in what you are saying, except that for the residents that surround this pool we have gone to a community pool to an aquatic center. This whole thing completely changed from the concept of upgrading our pool and we are dramatically impacted

by it. I have a 30 foot slide 50 feet from my bedroom window. I am not happy with what is going on, I can tell you that right now. I don't like the way it is handled and I just think it is wrong. And to have the additional people, when it is in the paper, come one come all, there is going to be so many more additional people at this pool and I don't think you are going to get your numbers if it is only going to be Avon Lake residents. The pool that we have is used by less than 1% of the community. There are 14 pools in this town, so I think those things need to be considered tonight.

Larry Meiners, 32617 Surrey Lane. I was not sworn in tonight.

Law Director Kerner swore in members of the audience that had not previously been sworn in.

Mr. Meiners asked how many lap lanes there will be. Mr. Parker stated there would be 8 and Mr. Reitz stated there would be 10.

Mayor Zuber stated there would be 10 lanes.

Mr. Meiners stated that the trees directly south of the pool on Electric Blvd. would stay intact. Is that a true statement?

Mr. Reitz stated that all but one tree on the south side of the property would remain intact. One tree will have to come out, but the rest on the south side only will remain.

Mr. Meiners asked if the planning commission has decided if anything, or the safety committee has decided if anything or Chief Owad has decided if anything what kind of traffic signals are we going to be seeing on Lake Road to designate to the traffic on Lake Road that there is a driveway to a pool area, what kind of signage does the planning commission have in mind. If we are proposing to increase the daily population of the pool from 200 some odd users to over 600 then I would surmise Lake Road is going to be heavily used for the pool. I would like to know what the planning commission has or safety committee has to notify traffic on Lake Road.

Mr. Simonovich stated that the planning commission has nothing planned because this is the first time the planning commission has seen these plans. The commission did have a work session on the plan, but the commission is looking at the lay out-site plan at this time. Chief Owad had no relevant comment during the department head review phase of these plans.

Mr. Reitz stated that park entrance signs may be appropriate on Lake Road. The comments have been duly noted that signage may be needed to show an access point on Lake Road.

Mr. Zilka stated that he is unaware of any discussion of this at the safety committee meeting. I am not a member and have not been at every one of the meetings, but am unaware of the discussion at a meeting. But, as the plans evolve, that will be studied very carefully. There is no question that there is a need for signage indicating a park entrance or drive entrance. We did receive a letter from the Harts stating their concerns about the ditch being there and a dip in the road. Even though I drive that area frequently I have not sensed that dip, but I do intend to mention that to Chief Owad and look into the area.

Mr. Simonovich stated that the members had received tonight the letter received from the neighbors, the Harts. The Harts asked whether the area would warrant a traffic signal.

Mr. Reitz stated that he cannot say at this time if the area would or would not warrant a light. It requires a large volume of main arterial traffic as well as feeder traffic. We will keep an eye on this and work with the police department on any actions necessary to make this area as safe as possible. In my one on one comments with the police department on this, we had not talked about signage on this, but have talked about the need for two access points to help dissipate the traffic in two directions as something the police department was very favorable on. Even though the department did not have comments to that effect, the department looked at the plans in front of them as satisfactory to them.

Mr. Simonovich mentioned that even though the department had no comment it is basically saying that the plans as presented are in accordance with their needs and requirements. The comments may have come outside of the department head review thru other venues or may come at a later date further into the planning phases.

Mr. McNamara wanted to make sure that Mr. Meiners and the members of the audience were aware that the commission is looking at a site plan tonight. This is not an improvement plan, so we are not really looking at the traffic flow and things of that nature at this phase of the development. We are just making sure that the site plan meets the rules and regulations of the codified ordinances. The improvement plans will look further into the other things being discussed tonight.

Law Director Kerner stated that the public can raise the issues, whether the comments are germane to your purview is another matter.

Mr. Meiners supported the comments of Ms. Monschein about the people using the pool. I want to go on record to oppose any proposal to open up the pool to residents outside the boundaries of Avon Lake.

Mrs. Ruth Hardwig, 32816 Lake Road, I have lived there for 44 years. Lake Road has always been a very busy road. There have always been drivers on Lake Road that drive too fast, I have a lot of times that I have trouble getting into my driveway. I too am going to raise concerns about safety. I too thought that this meeting is to be able to raise concerns. I am very, very concerned about the danger with the entrance to Lake Road.

Ms. Barbara Wiedl, 108 Glenview Drive, I wanted to ask about the height of the slide. What is the highest point the slide is going to be?

Mr. Parker stated that the platform will be 25 feet and the slide starts at the platform and go down from there.

Ms. Wiedl asked if a variance will be needed for that height. If I wanted to put a 25 foot platform in my front yard, it probably would not be allowed. And under what basis would the variance be granted if needed.

Mr. Simonovich stated that yes a variance will be needed. The Law Director has done some research on the variances along with Joe Reitz so I will defer to the Law Director on the variances.

Law Director Kerner stated that Mr. Reitz has prepared a request. This is a determination the commission will make. We are here for an approval of conditional use, site use plan and that is an aquatic pool setting. I think what the board wants to approve or hopes to approve is something that would be consistent with what the residents want in that kind of center.

Mr. Reitz stated that one of the fundamental elements of the pool that was talked about in the levy that was presented to the people was to have similar elements that the City of Bay Village has at their pool.

Ms. Wiedl stated that the Bay Village pools sits in the middle of the field, not in the middle of a residential area. When considering a variance, does the commission not look at the location being in the middle of a residential neighborhood?

Mr. Reitz stated that that is an issue for planning commission to consider.

Ms. Wiedl, as far as the parking goes, do we have some kind of guarantee that if the parking lot is full that Glenview will not become a parking lot, lined with parked cars all day.

Mayor Zuber stated that there is plenty of parking at the pool and at the ball diamond on the other side. I don't think there will be a problem with the parking. The 600 cars a day is an estimate, and will certainly not be all at the same time.

Ms. Wiedl asked if something would be done if there seems to be an issue with the parking on the street.

Mayor Zuber stated that a lot of the concerns people have are the same concerns that we have. This is something new for us too. We will address the parking of the cars on the street if that becomes a problem, we will look at the concerns of Lake Road as the concerns come up, just as the issues with people using the pool from out of town, these are the concerns that we will have to deal with as the time comes. We have meetings on the pool once a week, these issues have come up and how we are going to deal with issues as they come up. This will take some time.

Ms. Wiedl stated that please consider that this area is a residential area when looking at the issues brought up at tonight's meeting. This is not out in the middle of open field like Bay Village.

Deb Beard, 197 Moore Road, stated that she was here tonight to represent her mother who lives on Lake Road and received a public notice. I did not notice there was a landscaping plan on the plans being looked at tonight, can you please discuss the landscaping in the northern area of the plans.

Mr. Reitz stated that there would be at least two rows of vegetation that will be worked in to the existing vegetation that will be left in the area. Some trees will be taken out and not necessarily put back in the same space but will be landscaped as the plans develop.

Mr. Todd Roth, 32822 Lake Road, and I am one of the young families that live on Lake Road and am excited about the new plans for the pool. I do have concerns as well though. Whether or not they are germane to the issue, the biggest issue that I have is the Lake Road entrance. I have young children who I do not let cross Lake Road by themselves, but it is a heavily traveled road. I am concerned #1 about safety about cars coming in and out of the entrance there and children on bikes in the area. Has there been a traffic study of any kind about the number of cars in the area and the speeds of those vehicles? What is the additional cost of the drive and can that be considered at the back end of the plans and only needed if determined that there is congestion becomes an issue on Electric Blvd. and third what plans do you have in place for residents that have constant lights shining in and out of their driveways and homes at night because of the exit. My primary concern is the safety, and with what Mr. Reitz said about the police commissioner being very favorable about the two entrances because he said nothing, to me is called into question if you have no comments. I am very concerned about the second entrance, not just because it comes out right across from my driveway. I would like to see a solid traffic study being done. I think we are going to be looking at a entrance similar to the Huntington woods entrance is and then I have to put up with that.

Mr. Simonovich stated that when I stated that the Police Chief had no relevant comment, it does not mean that there were no discussions that had taken place. Our safety forces have in this case and in all cases have looked for more than one ingress/egress. This is for parking lots, subdivisions and any and all plans that are forwarded them.

Mr. Reitz stated that no traffic studies have been done in relationship to this pool.

Mayor Zuber stated that traffic studies have been done on Lake Road. There are no traffic lights at Lake Road, Moore Road or Miller Road.

Mr. Roth stated that you will now have 600 hundred kids there.

Mayor Zuber stated that that is why you will have two entrances. You will not have 600 hundred cars going in and out of the Lake Road entrance. The park closes at dusk and the pool will be closing at 8:30, the only lights that you should have coming in and out of the park at night should be the police that are on patrol. I don't think that we will have any more cars coming in and out of that location that come down Route 83 to Lake Road.

Mr. Simonovich stated that you had asked about the cost of the entrance, and may be an alternate.

Mr. Reitz stated that he cannot comment on the cost of that particular drive. The bids are for the whole project with the street and sidewalks coming out to Lake Road with a bridge over the creek.

Mr. Roth asked that the Lake Road entrance be looked as a separate project and not be included in the total bid process.

Mr. Simonovich mentioned that it will be looked at for an alternate as opposed to the original bid process. Your comments will be looked at when the bid process is being discussed.

Law Director Kerner swore in members of the audience that had not previously sworn into the meeting.

Mr. James King, 216 Duff Drive, said as a positive note. I want to thank you all for trying to accommodate most local and non local residents by keeping the pool in the same spot, by shoving the pool over so noise levels will be lower, and I think this is a long over asset to our great community. I am looking forward to seeing the pool going.

Mr. Ken Prince 32850 Lake Road, I live a couple doors down from Todd. I just wanted to add to the comments of Todd that I already agree with. A lot of the kids are already starting to cross the street going over to Veterans. This is going to increase the foot traffic in the area and think that the traffic should be addressed.

Ms. Barb Wiedl, stated that she understands their concerns, but if there is only one entrance and exit you could really have a mess with everyone trying to get in and out.

Ms. Denise Monschein asked if the zero entrance pool area would have railings for those who have difficulty walking.

Mr. Parker stated that there would be hand rails in the zero entrance water area.

Ms. Monschein asked the number of lap lanes and if there would be a separate area of the lap lanes for the diving area and how deep is the water in the lap lanes.

Mr. Parker stated that there will be 10 lap lanes, if the diving area in the lap lanes are being used there will be four lanes being used for the diving area and will be 4 ½ feet deep in the lap lane area.

Mr. Simonovich closed the public portion of the meeting.

Mr. McNamara, the question of the parking area came up and agree somewhat that if we have an excess of 600 people in the area, but if you consider the ball fields, park area, tennis courts and swim team, who is in charge of the area, what is a problem does come up in the area, how do we overcome this issue if a problem arises.

Mr. Reitz stated that the police department enforces the parking. If vehicles are parked properly and correctly then there shouldn't be an issue.

Mr. McNamara asked what happens if the parking does become an issue.

Ms. Nichols stated then if we find that we are having parking issues at certain times then we will adjust the programming with the baseball federation, swim team etc. to try and work together so that we do not have a swim meet and baseball tournament at the same time. We are committed to managing the facility and making sure the area does not become an eyesore to the community.

Mr. McNamara stated that the same questions that the Lake Road residents would have, I think the Electric Blvd. people would say what about 600 cars coming in and out and our kids trying to cross the street. Every time we build any type of residential development the service, fire and police talk about having two ways to get in for safety. Though I definitely agree we need to address the entry and how to mark them, I really think we need to have two entrances and will help the flow of traffic. I think the site layout with all the changes that we made are fantastic. I think that there will always be pluses and minuses to any plan.

Mr. Simonovich asked if there would be any lighting? What will the hours the lights will be on.

Ms. Nichols stated there would be security lighting. The light will be open during park hours, after park hours it will be looked at. We may need to keep some lights on for security and turn the light down in the parking areas.

Mr. Simonovich stated that in code section 1264 (c) it looks at lighting and directing the lighting from residential homes in the area. I am sure that the lighting will be looked and taken into account the homes in the area. Mr. Simonovich asked Mr. Reitz to discuss the landscaping and the variety of plants that will be going in.

Mr. Reitz stated that when the landscaping has been discussed, we looked at having a variety of plantings in the area. We would like to have varieties other than evergreens, and something that would be more of a variety and year round plantings.

Mr. Simonovich asked if the trees would be mature trees. Most of the trees on the west side are mature trees and now we are putting parking in on the west side, want to make sure there is consideration being made about the parking and the landscaping and lighting.

Ms. Nichols stated that we have talked about a different variety of heights of types, trees, shrubs, bushes, flowers, grass. We want to be good neighbors and will be as kind as we can be.

Mr. Simonovich commented on code section 1264 (b) it states that 5% or more be internally landscaped, how are we looking with that.

Mr. Reitz stated that the parking area will be have landscaped islands in four different areas. We are within the limits. When you put landscaping within a parking area, especially up close to the building, people tend to walk over it. So those area will be looked at when the time comes.

Mr. Simonovich stated that whenever you have the opportunity to landscape the area and break up the expansive asphalt areas it would be much appreciated if you looked at that.

Mr. Zilka, the plan we have today is a result of a long evolution. We had a proposal for a rec center on Pin Oak Parkway and a much grander proposal and that was turned down by the voters. Some of us were advocating a facility like this just west of the safety center but it was confusing to me that some residents thought Avon Lake kids were incapable of crossing the street without getting hit by a car. There was a strong sentiment in ward three to keep the pool where it was. What I found interesting was that people that had moved here 30-40 years ago that their kids were long gone had a very emotional attachment to the pool where it is, even though they no longer had kids going to the pool, maybe the grandkids would come back and visit and so forth. I certainly did vote to put this on the ballot, I did not vote for it at the polls because I really believe this is the wrong spot for the reasons we heard today. My very first conversation with the new mayor became very spirited about this topic to the point that his administrative assistant had to come and close his door because we could be heard down the hall. But the voters voted and they voted for this. I was a distinct minority on Council thinking that this was not the correct location, what we really have now is a neighborhood pool and now we are squeezing a community aquatic center in the same spot and it is causing a problem. We heard this from Mrs. Wiedl and Mrs. Monschein, and we heard it from the individuals on Lake Road. I wish I could have heard more concerns of the effecting the immediate neighborhood before and I would have put up more of a spirited fight. But this is what we have, I do think this is a good plan. I am really impressed with the architects who have worked with the City and who have tried to accommodate the concerns and impact on the neighborhood. They have done a great job and I know it is not going to be pleasing to everyone and I can certainly appreciate the concern of a 25 foot platform being 50-60 feet away your bedroom window. The pool will be certainly be closed by 9:00 though and hopefully the inconveniences will be limited. But this is going to be well received. the numbers are going to be quite significant. We went over to Bay Village and the numbers they quoted went way beyond what we ever imagined and they do even accept Avon Lake residents heaven forbid. I think it is interesting that we talk about Sheffield Lake and Lorain residents coming to our pool coming to our pool, but we don't talk about Bay Village people coming to our pool, I just find that kind of interesting. I have never heard that this was going to be a Avon Lake resident pool only, and we do talk about people having guests. I sure hope that Avon Lake residents can bring guests that are not residents. I am a strong advocate in having a Lake Road access because of the impact it would have on Electric Boulevard. The only comment we did receive in our packet was from the service director Mr. Lescher who wrote, would as an enter only on Electric and exit only on to Lake Road work better as a question. I don't think that it would, but I am not a traffic expert. But that is certainly something that we need to look at as we go through this process. I am concerned about the impact it would have on Lake Road, and certainly safety is the paramount concern, paramount interest here. I do have a question, when the case was heard the second waiver was not read, was that inadvertent, there is a chain link fence waiver? Is that something that still is to considered?

Mr. Reitz stated that a revised agenda was given out at the beginning of the meeting. After discussion with the law director, the second waiver was not required.

Mr. Zilka stated that he has been a strong advocate for going beyond going for a chain link fence and having an ornamental fence so it would look better for the neighborhood so it would look better for the area. Chain link fences are very utilitarian, but we did see some ornamental fences that looked very nice and they have a hybrid of ornamental that is viewed from the street and had

a chain link in the less visible areas to cut down on costs. I hope that we consider that so the structure itself looks good. The mayor has been very concerned about the impact of the physical plan of the immediate area and the architects have come up with some interesting proposals. It is important that we continue to listen to the public and continue to take into consideration the traffic flow issues which are very important and how that will affect the people on Lake Road and the people using the entrance and exit for safety reasons. I would expect that we will see the police department get involved here and also monitor the evolution of that entrance as well as we go along here. The reasons why I asked some of the early on questions here in regard to the changes that have been made, again I am very impressed with the architectural group which has been very accommodating in trying to meet the needs of the people in the area and by trying to move things around it is evident that they tried to make this the best possible pool in this location.

Mayor Zuber had no questions.

Mr. Brightwell stated that one of the ladies in the audience quoted a distance of the slide to her home. Can you tell me the distance to the residential lines to the pool, slides etc.

Mr. Reitz stated that the setback has to be 50 feet from the city right-of-way. The slide is approximately 80 foot off the right-of-way.

Mr. Brightwell asked how far is it from the residential property.

Mr. Reitz stated it would be 200-210 feet plus or minus in each direction.

Mr. Brightwell will agree with the comments of Mr. Zilka, this is a nice design and everything else, but we are here as part of planning commission and yes some of the voters said they wanted a pool, maybe they said they wanted a even better pool, but from a planning standpoint this is in the wrong place. I really feel for the people there. My mother lives in a different state, in a totally different area, and the city there decided that it was just a wonderful idea to throw in an aquatic center in a residential area. My mother's house is probably 400-500 feet away and it has changed the whole style of her living, the towers are very noticeable, the noise is very noticeable, the security lights are very noticeable and they don't turn them off. If you just shut the light lights off by the pool, I live by a pool and I guarantee what will happen at night if the lights are turned off, the skinny dippers come out all over the place. From a planning standpoint, I just cannot agree that this massive of an undertaking is being put in the right space and I guess the question for Mr. Reitz a document has been put into place that has been put in front of us, that I guess we are going to vote on if we agree or not that putting up these tall towers creates an undue hardship on the City of Avon Lake, and that these are necessary to the preservation of enjoyment and right of the applicant, there is no way that I can vote yes on any of those to build these towers and stick them in the middle of a residential neighborhood. I think that is being very unfair to the land owners and like I said, I have personal experience with what it is like to have one of these pop up behind you and I guarantee that the people that live behind that one are not happy with that aquatic center. It has been a great success of attracting kids, but to stick it in the middle of a residential area is just the wrong thing to do from a planning standpoint.

Law Director Kerner stated he just needed a clarification. I think that Mr. Parker stated that the slide would be 25 feet plus 3 ½ feet. Is that correct?

Mr. Parker stated that the slide deck would be 25 feet to the platform deck or the start of the slide with a 3 ½ foot guard rail attached per code requirements, being 28 ½ feet in total height.

Law Director Kerner stated that the waiver form will need to be amended to those figures stated tonight.

Mr. Simonovich asked if Mr. Reitz has an average height on the evergreens on Electric Blvd.

Mr. Reitz stated that based on the height of Mrs. Monscheins flag pole, I would say they are going to be approximately 25 feet or so.

Mrs. Monschein stated that she has measured the flag pole and the trees and some of the trees are at least 35-40 feet. But keep in mind the slide is not a pole, it is a massive structure.

Mr. McMamara asked when the voters voted on this issue did we vote on an aquatic center and did we vote on this location.

Mayor Zuber stated that the ballot language specifically stated the pool would be at Bleser Park.

Mayor Zuber moved to approve the recommendation of approval to City Council a Conditional Use Site Plan to construct a new Aquatic Center at Bleser Park, this is located in an R-1 residential zoning district with the following request for waiver to 1240.05 for the height of an accessory use being over 17.5 feet based on the waiver work sheet Mr. Reitz has put before us and amending the height of the slide to 28 ½ feet on the work sheet. Mr. McNamara seconded the motion.

**AYES:            McNamara, Simonovich, Zilka,            NAYS:            Brightwell**  
**Zuber**

Mr. Simonovich stated that this case has been approved and will be forwarded on to City Council for the three reading process.

Mr. Zilka stated that based on the time line that we have seen there may not be a full three readings on this case. There has been a request to move that up to meet the scheduling deadlines. That is yet to be determined. There will probably be two readings.

Mrs. Monschein asked if this is a done deal then?

Mr. Simonovich stated that this will now be heard by City Council.

Mrs. Monschein asked if there will be any consideration at a further time. This is a different plan than was proposed to the voters, is it fair to ask of you to re-think the height of the slide. I am all for upgrading this pool. I just think we are jamming it in to an area that is just too small, given

that is there any consideration that you will give to the residents that surround the pool to lower the slide.

Mr. Simonovich stated that at this time the plan has been approved by the Planning Commission. The case would move on to City Council. The public has the opportunity for input to City Council. There may not be an opportunity for three readings of council, so be sure to check the council agendas to make sure that you can be present.

Mr. Zilka stated that in his conversations with Mrs. Dopp, Clerk of Council, the discussion has been to have the first reading on Monday the 13<sup>th</sup> of April, CCM meeting on the 20<sup>th</sup> as a work session and suspending the rules on the 27<sup>th</sup> regular meeting and voting at that time.

Mayor Zuber has stated that he thought that a special meeting was to be called on the 20<sup>th</sup> and voting at that time.

Mr. Zilka stated that City Council has been talking about this for a long time. We have had numerous public hearings and public input sessions all along. We had a joint committee meeting on the financing trying to get all of our ducks in a row. Council is well versed on this, so this may go that council will have a first reading on this on Monday the 13<sup>th</sup>, and then the next week have a collective committee meeting and after that meeting call a special meeting that same night and perhaps vote then to try to move this along to time this to work in the best interest of the City. You will have an opportunity to speak this Monday and the week after and that may be the night of the vote.

Mr. King asked the elevation of the existing the diving board.

Mr. Reitz stated that is it a 3 meter board, so 9-10 feet in height.

Mr. Todd Roth stated that Mr. McNamara asked about additional parking and what to do if a problem occurs. I was just brain storming and thought that you could come in from the east through the skating rink north of the playground and use existing parking area and skating park area as opposed to adding the three lane street through a green space.

**CASE NO. 014-09  
AVON LAKE INDOOR SKATE PARK  
CONDITIONAL USE SITE PLAN  
PUBLIC HEARING**

**REQUEST OF ROBERT ELLIS, 33501-A LAKE  
ROAD, AVON LAKE FOR  
RECOMMENDATION OF APPROVAL FOR A  
CHANGE OF USE TO CREATE AN INDOOR  
SKATE PARK AT THE TRUE NORTH  
SHOPPING CENTER. THIS PROJECT IS  
LOCATED IN A B-3 BUSINESS ZONING  
DISTRICT.**

Mr. Reitz said this project is for approval for the proposal to convert the former fitness center at

True North into an indoor recreational facility as a skate park. The project will not include an expansion to the building. This request is for approval of the proposed use which is a Conditional Use within the business district. This project is a Conditional Use and requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, advertised in the Morning Journal, posted at various locations within the City and properties within 300 feet have been notified by mail.

Mr. Robert Ellis, 33501-A Lake Road was present tonight to represent this case and answer any questions the commission may have.

Mr. Simonovich opened the meeting to the public.

Mrs. Deb Beard, 197 Moore Road asked what is allowed at the skate park, bikes, roller blades, skate boards?

Mr. Ellis stated that it will be for skate boards and inline skates. We may open it up for small bikes at a later date.

Mr. Simonovich closed the public portion of the meeting.

Mr. Zilka asked Mr. Ellis to explain the plans that were submitted.

Mr. Ellis explained the plans and stated that the case is just for the change of use, so the plans were just roughly drawn to give the commission an idea of what would be inside the building.

Mayor Zuber stated that the applicant did not have a chance to have plans drawn up. Mr. Ellis is trying to move this case along, he would like to open the business as soon as possible.

(Resident) Mr. King asked where the facility would be.

Mayor Zuber stated the facility would be in the Avon Lake Shopping Center in the old Competitive Edge space now vacant.

Mr. McNamara moved to approve the request of Robert Ellis for approval for a change of use to create an indoor skate park at the True North Shopping Center at 33501-A Lake Road. Mayor Zuber seconded the motion.

**AYES: All NAYS: None**

Mr. Simonovich stated this case has been approved and will now move on to City Council for three readings.

Mr. Simonovich moved to move case 013-09 Harwin Signs up on the agenda to the third case. There was no objection to the moving of the case on the agenda.

**CASE NO. 013-09  
AVON LAKE STORAGE CONDOS  
WALL SIGNS SITE PLAN**

**REQUEST OF HARWIN DEVELOPMENT,  
1535 FIRST STREET, SANDUSKY OHIO  
FOR RECOMMENDATION OF APPROVAL  
TO INSTALL WALL SIGNAGE AT THE  
BUSINESS ON PIN OAK PARKWAY. THIS  
PROJECT IS LOCATED IN A I INDUSTRIAL  
ZONING DISTRICT.**

Mr. Reitz stated this request is for approval to install wall signage on the westerly building facing Pin Oak Parkway. The signage areas per unit are the same as was previously approved by Planning Commission for the other two buildings on the site. The overall signage area is within the limits of the code and has no outstanding comments from departmental review.

Mr. Chris Donato, 378 Avon Belden Road was present tonight to represent this case and answer any questions the commission may have.

There were no comments from Planning Commission members.

Mr. Zilka moved to approve the request of Harwin Development, 1535 First Street, Sandusky for recommendation of approval to install wall signage at the business on Pin Oak Parkway. Mr. Simonovich seconded the motion.

**AYES:                    All                                    NAYS:                    None**

Mr. Simonovich stated this case has been approved.

**CASE NO. 010-09  
REVISION TO PLANNING AND  
ZONING CODE 1246.05(a)  
AIR POLLUTION**

**A RECOMMENDATION OF THE  
ENVIRONMENTAL AFFAIRS ADVISORY  
BOARD AND PLANNING COMMISSION  
SECRETARY TO UPDATE SECTION  
1246.05(a) AIR POLLUTION TO REFLECT  
REVIEW AND ENFORCEMENT OF AIR  
QUALITY STANDARDS AS THEY RELATE  
TO PLANNING COMMISSION CASES.**

Mr. Reitz stated this revision to the Planning and Zoning Code is to address a recommendation from the Environmental Affairs Advisory Board related to the City's Air Pollution Control Officer. These duties and responsibilities are handled by EPA for the City and therefore these wording revisions are to better explain the City's working relationship with EPA. This proposal is being brought back to Planning Commission as a tabled case.

Law Director Kerner stated a little background to this case. The Environmental Affairs Advisory Board which reports to the Environmental Committee has reviewed our code and found that the City does not have an air pollution control officer and never did, so they recommended to City Council and Council has passed legislation to remove the chapters and sections that related to the air pollution control officer and board from it. One of the references was this section of the Planning Commission code, section 1246.05(a) and the recommendation that the Environmental Advisory Board and committee recommended was that we revise it take into consideration the air pollution control officer and so forth. The original recommendation that was made included a lot of changes that would have or could have had the City trying to have the Ohio EPA air pollution guys coming to our meetings and so forth, but the City cannot order them to do so. After tabling this last month, I looked at the codes of other cities. The air pollution section is one part of a number of performance standards in industrial districts. Having reviewed it and the memo in the file, and discussing it with Mr. Reitz, it became evident that to the extent that there is any concern about air pollution by any industrial facility that's going to be beginning to operate in the city or starting a new process for Planning Commission information, you can always ask the individuals when they make their application what there process is, but the bottom line is the applicant won't get a permit to operate unless the applicant complies with the air pollution control codes of the State of Ohio. I looked around and I came up with this simple statement for the air pollution section of our performance code that I believe is sufficient for your purposes, but I am just the lawyer so.

Mr. McNamara stated that obviously the EEAB has spent some time addressing this issue. You have taken multiple sentences down to one crisp simple line of text. Have you gotten any feedback from the EEAB on this?

Law Director Kerner stated that when he spoke to Joe Reitz and responded to the original revisions proposed he also copied Jennifer Fenderbosch who is chair of the Environmental Affairs Advisory Board. This will have to go to City Council for three readings and they will have plenty of time to comment on this if they have comments, but I do not think they will have any comments.

Mr. Simonovich moved to approve the request for recommendation to City Council from the Environmental Affairs Advisory Board the update to Section 1246.05(a) Air Pollution to reflect review and enforcement of air quality standards as they relate to Planning Commission cases. Mr. Zilka seconded the motion.

**AYES:                      All                      NAYS:                      None**

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

**INFORMATIONAL ITEM**

None

## **DISCUSSION ITEM**

Mr. McNamara asked if there was anything that could be done in the future with the agenda to move an item to the beginning of the agenda to avoid making an applicant sit through a whole large discussion item and have them first on the agenda.

Law Director Kerner stated that you could always make a motion to move an item up if you foresee a lengthy discussion that could hold someone up.

Mr. Zilka stated that you could get into a tricky situation there. People look at the agenda and how they are placed and might plan their arrival on the agenda.

Mr. Reitz stated that Planning Commission Rules and Regulations state that public hearings must be first on the agenda, then tabled cases and then new cases. If the commission decides they would like to move a case up on the agenda it can be done at the meeting by motion.

Mayor Zuber asked if the next Planning Commission meeting could be moved to the following Tuesday due to the election on May 5, 2009.

Mr. Zilka moved to approve the recommendation to change the date of the next Planning Commission from May 5, 2009 to May 12, 2009.

Mr. Zilka stated that the following election in November also is on a Planning Commission meeting day.

Mayor Zuber stated that we will look at that meeting day when it comes closer to that time.

## **GENERAL PUBLIC COMMENT**

Ms. Deb Beard, 197 Moore road asked what the name of the pool was going to be. We were told that the name of the pool would remain the Ellen Trivanovich Municipal Pool, but they keep saying the Bleser Park Aquatic Center. What is the name going to be?

Mayor Zuber stated that we have never talked about changing the name of the pool. The ballot language talked about the Bleser Park and the new aquatic center, so it has just been discussed that way.

Ms. Beard stated that she would like to see it stay the Ellen Trivanovich Municipal Pool.

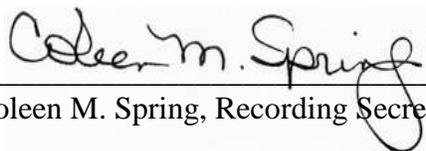
**ADJOURNMENT**

Mr. Zilka moved to adjourn at 9:23 p.m. the April 7, 2009 Planning Commission meeting. Mr. McNamara seconded the motion.

**AYES:                    All                                            NAYS:                    None**

The next regular meeting of the Planning Commission will be on May 12, 2009.

\_\_\_\_\_  
Gary Fell, Chairperson

  
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Coleen M. Spring, Recording Secretary