

NEW CASE (PUBLIC HEARING REQUIRED):

**CASE NO. 015-10
RE-SUBDIVISION
PRELIMINARY PLAN FOR
AVON CENTER ESTATES**

**REQUEST OF KOPF BUILDERS, 420 AVON
BELDEN ROAD, AVON LAKE FOR A
RECOMMENDATION OF APPROVAL FOR
THE PRELIMINARY PLAN TO RE-
SUBDIVIDE A PORTION OF AVON CENTER
ESTATES ON THE EAST SIDE OF AVON
BELDEN ROAD EAST OF THE
INTERSECTION OF PIN OALK PARKWAY.**

As part of the overall Preliminary Plan approval the applicant is requesting Waiver to the Design Standards per 1216.11. Per the standards in 1220.09 which relates to parcel widths in 1240.10(g) the following waivers are being requested:

- (1) Minimum lot areas under 10,000 square feet (25 lots);**
- (2) Minimum lot width at building line less than 80 feet (25 lots);**
- (3) Setbacks of 15 feet from right-of-way for corner lots 17, 18 and 29; and**
- (4) Corner lot widths less than 100 feet for lots 17, 18 and 29.**

Mr. Reitz stated this review of a Re-Subdivision will create a new Preliminary Plan for a portion of Avon Center Estates along Belmont Drive east of Avon Belden Road. The plan will widen the existing 50 feet wide right-of-way to 60 feet where Kopf Construction owns the land and will consolidate the existing properties to create frontages ranging in size from 60 to 75 feet in width. In total the re-subdivision will create 28 new single family parcels in two construction phases and will install full sewer, waterline and pavement improvements on nearly half of Belmont Drive which is currently a tar and chip roadway. Per the standards in the Planning and Zoning Code, waiver to the standards are being requested for parcel frontages, setbacks and parcel areas. This request requires a Public Hearing by Planning Commission. Notice of the meeting has been posted on site, published in the Morning Journal, posted around the City, and notices mailed to property owners within 300 feet of the site.

Mr. Jim Saylor of Reitz Engineering was present tonight to represent this case and answer any questions the commission may have.

Mr. Saylor explained the layout of the lots and showed the plans on the overhead screen for the public to see.

Mr. Fell opened the meeting to the public. Mr. Fell stated that the case open for discussion tonight is the re-subdivision plan for Belmont. We will not be discussing anything other than what is on the agenda.

Mr. Reitz stated that Belmont Drive is the only street on the plans tonight for discussion.

Judy Chevrolet, 697 Cranberry Court stated that she had 45 letters to Planning Commission to read into the record. We are against the development of this property.

Marjorie Dambrosia, 699 Cranberry asked if Belmont, Lewis, Courtland and Spruce are existing streets.

Mr. Reitz stated that the streets are dedicated streets and have been dedicated streets since they were platted, I believe, in the '40's.

Eileen Reigart, 702 Avon Belden stated that she has concerns about the traffic on Pin Oak Parkway and Route 83 with the addition of Belmont Drive and the school bus garage. I don't believe the City has a safe reasonable traffic plan in place and would like the intersection looked at for a traffic light.

Mr. Reitz stated that a signal warrant analysis will need to be done to see if a traffic light is warranted.

Pat Oboyle, 705 Cranberry Court stated that the residents of the Wildberry Subdivision were led to believe the property that is now being developed behind us was land locked and would not be developed. The residents do not want Mr. Kopf to benefit from Wildberry's demise.

Pat Neforos, 695 Cranberry Court stated that this is just the beginning. We would like to have a more specific plan of what will be happening in our back yards. We would like for Planning Commission to wait until we see what the plans are for the future.

Mr. Fell stated that the future is unknown at this time. The Planning Commission is looking and voting on the plan before us.

Dan Lavigne, 697 Linsberry stated that he would like a meeting with the Law Director, Mr. Kopf and Mr. Romes. We do not think that the documents that are in place for our development are legal and we think that the City should not have agreed to the way the streets are going to be handled and the homeowners paying for Mr. Kopf's benefit.

Law Director Kerner stated that the issues between the homeowners association and their builders/developer is a private matter. The Law Director will look into the documents that were signed and recorded with the county, but I believe the City has no part in this future development.

Cindy Salmon, 663 Avon Belden Road stated that the developer is asking for quite a lot with the variances. I would like to keep some of the nature of the area by keeping as many of the trees as possible.

Janine, 716 Waterbury Court stated that she would like to see more information about the future and what would be happening before this is approved.

Mr. Fell stated again that the future is unknown at this point and we are reviewing and voting on the re-subdivision of Belmont Drive.

Mr. Saylor stated that he has done no plans and has not spoken to Mr. Kopf about future plans for this area. The design for the future is unknown depending on the market and house sales.

Larry Boudon, 852 Wildberry stated that he did not believe that this plan was what was best for the future of Avon Lake. The Wildberry residents already have to wait over five minutes to get out of our drive. The City should look at what would be best for the area. The City is already overdeveloped.

Mr. Fell closed the public hearing portion of the meeting.

Mr. Sherban had no comment at this time.

Mr. Simonovich had no comment at this time.

Mrs. Fenderbosh stated that she had been discussing this case with the Wildberry residents. The residents would like to see some type of buffer area between the new street and their properties because it would be their rear property. By law a buffer is not required, but certainly we would like to see as much of the woods and trees saved if possible.

Mr. Saylor stated that Albion and Woodstock would not be included in this phase of the subdivision.

Mrs. Fenderbosh stated that she would like to see Woodstock connect as part of the Master Thoroughfare Plan. If it is not done in this phase I would like to see this in the next phase or as soon as possible. What are the time frames for the construction of this phase of construction?

Mr. Saylor stated that the Improvement Plans would be delivered to the Planning Department as soon as possible and hopes are to be on the June agenda for improvement plans. Then the only thing we would be waiting for is EPA approval and Council approval. The applicant would like to break ground mid-summer.

Mrs. Fenderbosch asked if any improvement would be done at the entrance to Route 83.

Mr. Saylor stated the improvements and street would all be to City Code Requirements, but the developer would not be asking for any property that would be up to the City if they wanted any other improvements done.

Mr. Reitz stated that the City has asked the developer to dedicate five feet of property for right-of-way but homeowners would have to donate their properties, otherwise it would be a City Council authority to ask for any additional property from property owners. It has not been discussed.

Mayor Zuber stated that if Planning Commission does not approve this plan the developer could still build on the already platted lots without having to come before this board. If the developer decided to do that the lots would be smaller with more houses. I believe this plan is the best for the area. If this plan is denied, the developer could take the City to court on the basis that we

denied him use of his property. I feel this could have been much worse and do not disapprove of this plan. I do have concerns about the connection of Woodstock and Ryeberry. I would like the streets to connect as soon as possible.

Law Director Kerner stated that this commission has to make sure the applicant satisfies the zoning code, but as long as the applicant puts through a plan that complies, the City would have no reason to turn him down on the project.

Mr. Fell stated that he felt this is the best plan we could have received for the area. Mr. Kopf has always done a nice job with landscaping and building a project that is a nice addition to our city. I would like to see a traffic study done because I do believe there are traffic issues in the area and would like to see the Woodstock connection. Mr. Fell asked Mr. Saylor if there would be enough room at the Avon Belden intersection for right and left turn lanes.

Mr. Saylor stated there would not be enough room. There will be only one lane in and one lane out.

Mr. Fell asked why “Block A” was left off the plan as a buildable lot.

Mr. Saylor stated that the developer has left the block available to the adjacent property owner. If he/she would ever like to sell the lot or build on the lot then “Block A” would be available.

Mr. Fell stated that he would like the developer to save as many trees as possible.

Mr. Fell stated that the developer would like to leave as many trees as possible as well.

Mr. Knilans asked who owns the property to the east of the ditch.

Mr. Saylor stated that the property is owned by Kopf Builders, but at this time they have not decided what to do with that property. It may be more natural to connect that property with Legacy Pointe.

Mr. Knilans stated there will be connectivity between Legacy Point and Wildberry in the future.

Mr. McNamara asked if this would be a public street and would they have an association.

Mr. Saylor stated that the street would be a public street and there would be not an association. The Wildberry and Legacy association would have no connections to this.

Mr. McNamara stated that the developer could build on the 40 foot lots and not have to come to us for approval. I believe this is the best situation for the area.

Mr. Saylor stated that Mr. Kopf will build on this property regardless of the outcome of the waivers here tonight. Mr. Kopf wants to be good neighbors and work with the Wildberry home owners and association.

Marjorie Dambrosia 699 Cranberry Court asked where the construction vehicles would be traveling through Wildberry with this development.

Mr. Sayler stated that the construction traffic would be coming off Avon Belden to Belmont.

Dan Devine, Wildberry, asked if the Wildberry HOA would have to pay for the connection of First Energy to the new Belmont construction.

Mayor Zuber stated that it would have to be determined how and where the connection is made when First Energy makes the connection. But this could be an assessable project.

Mr. Reitz stated that Woodstock is not included in the agreement with Mr. Romes and the association.

Pat Oboyle asked if this project could be done without doing any improvements to Cortland and Spruce.

Mr. Fell stated that this project will not have an effect on Cortland and Spruce, but I cannot speculate on what the future will bring. If that area is developed, the plans would have to be approved and there would be a public hearing and notification.

Diane Pascaru, 709 Cranberry stated that she loved the woods and did not want to see the trees go. I believe this will be too close to the homes in Wildberry. How will the cars turnaround when they go down Belmont, there is no place to turn around.

Mr. Sayler stated that for now they will have to turn around in a driveway. The homes will not be built until the property is sold. The developer will build a few spec houses, then build the homes as they sell.

Judy Chevrolet stated that this street will be a typical street with front yards, when Cortland and Spruce go in we will not have a typical street, we will have a street in front of our homes and a street in the back of our homes.

Mr. Fell moved to approve the request of Kopf Builders for a recommendation to City Council for approval of the Preliminary Plan to Re-Subdivide a portion of Avon Center Estates on the east side of Avon Belden Road east of the intersection of Pin Oak Parkway. As part of the overall Preliminary Plan approval, the applicant is granted the requested waivers to the Design Standards per 1216.11(as demonstrated in the applicant's waiver forms). Mr. Sherban seconded the motion.

AYES: All NAYS: None

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

POSTPONED CASE:

**CASE NO. 013-10
AVON LAKE CITY SCHOOLS
PIN OAK PARKWAY
BUS GARAGE
LOT SPLIT**

**REQUEST OF THE AVON LAKE CITY
SCHOOLS, 175 AVON BELDEN ROAD, FOR
APPROVAL OF A LOT SPLIT TO CREATE A
FIVE ACRE PARCEL ON PIN OAK
PARKWAY FOR THE FUTURE BUS
GARAGE.**

Mr. Reitz stated this request will split off a five acre frontage parcel on the north side of Pin Oak Parkway from a parcel currently occupied by Thogus Products. The proposed five acres is adjacent to and east of the Powdermaker Ditch where currently there are grape vines. Per the discussion at the Planning Commission meeting of April 6, 2010 this case is being brought back to the commission for a discussion. A representative from the current property has stated he will be at the meeting to discuss some of the issues discussed at the last meeting.

Mr. Jeff Keefe, KS Associates, Mr. Mike Abfall, Avon Lake City Schools, and Greg Ludwig, Avon Lake City Schools were present tonight to represent this case and answer any questions the commission may have tonight.

Mr. Ludwig stated that at the last Planning Commission meeting the commission asked that a representative from Thogus Products, owners of the properties be present tonight to answer questions from the commission. Mr. Matt and Dale Levine are present tonight to help answer questions.

Matt Levine stated that the drive to the west of our building was designed as a street. The street will be extended as development happens to the property to the north behind our building. The property will have access from that street to the property.

Mr. Sherban asked if, when the property is developed behind your building and behind the school bus garage that will be developed with the existing zoning, Will there be any zoning changes requested when that property is developed.

Matt Levine of Thogus Products stated that there would be no zoning changes requested with the development of the property behind our building.

Mrs. Fenderbosch asked whether the width of the street next to the Thogus building is a standard pavement width or was it designed as a driveway. The building seems to be too close to the drive.

Mr. Lavine stated that there is plenty of room for trucks and cars or equipment to pass through the street next to our building.

Mr. Reitz stated that the street is a 27 foot wide pavement per our code, but is being used as a drive until the back property is developed.

Mr. Knilans thanked the representatives from Thogus for coming tonight to answer the questions of the commission.

Eileen Reicart, 702 Avon Belden Road stated that she is concerned with the traffic of the buses coming out to the intersection and feels there should be a traffic light put in.

Mr. Reitz stated that Avon Belden Road is a state route and a traffic study would need to be done. The state would need the traffic study to have enough traffic to warrant a light.

Mayor Zuber stated that the City is looking into doing a traffic survey for this location at Avon Belden and Electric Blvd. The light is not warranted at that intersection. If the traffic light is warranted then the City would then look into funding the approximate \$200,000 for the cost of the light.

Mr. Ludwig stated that there would be approximately 32 buses at the Pin Oak Parkway location. Approximately 1/3 of the buses would be exiting Pin Oak Parkway from Moore Road, not Avon Belden Road.

Law Director Kerner asked Mr. Reitz if he was comfortable with the explanation for the extension of the road to the property behind Thogus when the property is developed. Are you comfortable with the timing, otherwise the City would still be creating a land locked property parcel.

Mr. Reitz stated that the property cannot be developed without the consent of Planning Commission and City Council, so at the time of development the City can be sure the drive is extended.

Mr. Knilans moved to approve the request of the Avon Lake City Schools for approval of a Lot Split to create a five acre parcel on Pin Oak Parkway for the future bus garage. Mr. Simonovich seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that the case has passed and thanked the representatives from Thogus for coming in tonight to answer some of the questions and representing Thogus on this case.

NEW CASES:

**CASE NO. 016-10
AVON LAKE CITY SCHOOLS
PIN OAK PARWAY
BUS GARAGE
SITE PLAN**

REQUEST OF THE AVON LAKE CITY SCHOOLS, 175 AVON BELDEN ROAD, FOR APPROVAL OF A SITE PLAN TO CONSTRUCT A STORAGE AND MAINTENANCE FACILITY ON PIN OAK PARKWAY. A WAIVER TO THE SITE PLAN REQUIREMENTS UNDER THE EQUIVALENCY PROVISION OF 1217.03(G) IS BEING REQUESTED FOR THE LOCATION OF THE FUELING ISLAND PER THE REQUIREMENTS OF 1246.06(c) SINCE THE PROPOSED LOCATION IS IN A SIDE YARD AND NOT THE REAR YARD OF THE SITE.

Mr. Reitz stated this site plan is to construct the storage and maintenance facility for the Avon Lake City Schools Bus Garage. Due to budgetary issues the project will be constructed in phases. The complete project will house a total of 40 buses inside, a mechanics bay, 60 employee vehicle parking spaces and an above ground fueling station. This project will require a waiver from Planning Commission under the equivalency provision of the code since the fueling area, as an accessory use, is being proposed for the side yard versus the code which requires the use in the rear yard.

Mr. Jeff Keefe, KS Associated, Mr. Greg Ludwig, Avon Lake City Schools, and Mr. Mike Abfall, Avon Lake City Schools were present tonight to answer any questions the commission may have.

Mr. Keefe showed plans of the garage on the projector. The garage will have 22 bays now with future gravel area for more bays to be added. The plans are out to bid and due to money constraints the project has gone in a different direction. The first 22 bays will be done now, and the rest of the bays as money allows. The maintenance area and office areas will also be done as money allows.

Mr. Simonovich asked about the buses. If only 22 buses will be housed at this location will all the buses be under cover? Where will the other buses be housed.

Mr. Ludwig stated that the other buses will remain at the High School facility along with the maintenance, as the other bays are added the buses will come over to this location. We will keep the bus garage and maintenance facility at the high school until the buses can come to the new location.

Mrs. Fenderbosch asked for plans of the fueling station. Will there be any possibility of fuel getting into the creek that is very close to the fueling station.

Mr. Keefe stated that he did not have the plans for the fueling tank, but he believed that the tank itself is a tank in a tank design so there could never be any leakage.

Mayor Zuber asked if there would be fencing around the fueling station and dumpster.

Mr. Keefe stated that there would be fencing around the fueling station but there would be no dumpster at this site.

Mr. Knilans asked if the swales and drainage will be initiated with the first phase of building at this site.

Mr. Keefe stated that the swales and drainage will be done with the first phase of construction.

Mr. McNamara asked if there are landscape plans. I also have concerns for taxpayers with this plan. The taxpayers approved this levy with the idea that all the buses would be under cover for longevity of the buses.

Mr. Ludwig stated they didn't plan for the upgrades to the stadium placed upon them by the City and State code requirements. The upgrades for the toilets and lighting used up more money than was originally planned for the bus garage. The buses will eventually all be under cover at the new facility, but for now some of the buses will remain at the old site under cover.

Mr. McNamara asked for a time frame for all the buses to be under cover at the new facility that the tax payers approved and are paying for.

Mr. Ludwig stated that they anticipated two years or less.

Ms. Deb Beard, 197 Moore Road stated that at the Planning Commission meeting for the stadium renovations the parking waiver was approved for the stadium renovations based on statements from the school that the bus garage and maintenance facility would be removed when the new bus garage was built and that area would be paved and marked as parking spaces. Now they are saying that the bus garage will remain there at the high school and be used for maintenance and storage. The schools never follow through with plans, they say one thing at a meeting then the next meeting they say something else.

Mr. Simonovich moved to approve the request of the Avon Lake City Schools for approval of a Site Plan to construct a storage and maintenance facility of Pin Oak Parkway. A waiver to the Site Plan under the equivalency provision of 1217.03(g)(as demonstrated in the applicant's equivalency forms) was also granted and the approval is contingent upon receipt and approval of a fencing and fueling station detail plan and showing that the fencing is not within a side yard setback. Mr. Knilans seconded the motion.

AYES: All NAYS: None

**CASE NO. 017-10
AVON LAKE LANDMARK
PRESERVATION COMMISSION
PLANNING COMMISSION
MEMBER APPOINTMENT**

**WITH CITY COUNCIL PASSAGE OF THE
PRESERVATION COMMISSION
LEGISLATION BY CITY COUNCIL,
PLANNING COMMISSION NEEDS TO
APPOINT A REPRESENTATIVE TO THE
COMMISSION.**

Mrs. Fenderbosch nominated Mr. Knilans for the commission. Mrs. Fenderbosch stated that Mr. Knilans has been working with the Landmark Preservation Commission since they started and is familiar with their practices. The commission meets six times a year unless other meetings are added.

Mr. Knilans stated he was fine with the nomination. I have been helping the commission getting the legislation together, so I would be happy to be on the commission.

There were no other nominations.

Mrs. Fenderbosch moved to approve the nomination of Randy Knilans to the Avon Lake Landmark Preservation Commission. Mr. Simonovich seconded the motion.

AYES:

All

NAYS:

None

**CASE NO. 018-10
CITY OF AVON LAKE
PLANNING COMMISSION
ALCTV AIRING OF MEETINGS**

**PLANNING COMMISSION HAS HAD
SEVERAL DISCUSSIONS OF THE
POSSIBILITY OF AIRING MEETINGS ON
ALCTV AND A VOTE BY THE
COMMISSION IS THE NEXT STEP IN THE
PROCESS.**

Mr. Fell stated that at the last meeting the commission discussed the idea of airing the Planning Commission meeting on ALCTV. The vote could not be taken because it was not an agenda item. The item has now been placed on the agenda for a vote.

Mr. McNamara stated that he would like the residents of our city to have any information they can get, the more information the better.

Mayor Zuber stated that he was always for having all meetings televised, but his opinion has changed recently. I believe that people will play to the camera and audience. I believe this could be a platform for personal gain and I am not in favor of televising the meetings at this time.

Mrs. Fenderbosch stated that there are many stages to plans and even though residents may not be able to be here at all the meetings they can see the meetings and know what plans are going through or not going through. They might have the opportunity to see us here on this show and then have the information needed to show up at the next meeting or follow up at the City Council meeting. I believe that many, many people watch ALCTV and it would be a good learning experience.

Mr. Sherban stated that he is in favor of as much information as possible getting out to the public, whether it be on T.V. or available on line, taped delayed, or available through the planning department. I think all the more information the better.

Mr. McNamara moved to approve the request to air the Planning Commission Meetings on ALCTV. Mrs. Fenderbosch seconded the motion.

AYES: Sherban, Fenderbosch, McNamara

NAYS: Simonovich, Zuber, Fell, Knilans

Mr. Fell stated the item has been denied.

INFORMATIONAL ITEM

Mr. Fell stated the next Planning Commission Meeting will be on June 1, 2010.

DISCUSSION ITEM

None

GENERAL PUBLIC COMMENT

Deb Beard, 197 Moore Road stated that she would like to see a developer finish what they start. We have many subdivisions and projects started and not completed all over the city. I would like to see a developer finish one project before starting another subdivision. I would also like to see applicants that come before this commission do the projects they say they are going to do, like the schools, they come in with a plan for a bus garage, but only do half the project, the project gets put on hold and somehow we never see the project get finished. I have seen this happen with the schools all the time.

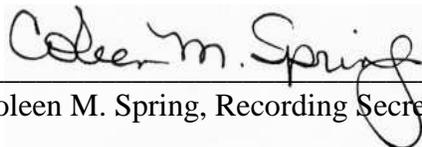
ADJOURNMENT

Mr. Knilans moved to adjourn at 9:43 p.m. the May 11, 2010 Planning Commission meeting.
Mr. McNamara seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on June 1, 2010.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary