

**CASE NO. 019-09
NORTH POINT DRIVE
FENCE AND WALL
CONDITIONAL USE SITE PLAN
(PUBLIC HEARING)**

**REQUEST OF THE CITY OF AVON LAKE FOR A
RECOMMENDATION OF APPROVAL OF A SITE
PLAN TO INSTALL A FENCE AND DECORATIVE
WALL ON NORTH POINT DRIVE. THIS
PROJECT IS LOCATED IN A R-1 RESIDENTIAL
ZONING DISTRICT.**

Ms. Spring stated this project will improve the safety and appearance of the east end of North Point Drive where in 2007/2008 the City completed construction of a breakwall which created a large open area on top of the bluff. During several discussions with the residents in the area the resulting proposal will be to install a 42 inch tall fence along the top of the bluff, grade, topsoil and seed the area and install a decorative wall of concrete bollards off the edge of the road to keep vehicles away from the bluff. Enclosed are typical sections of the wall and fence as being proposed. This project is an improvement to a Conditional Use and requires a Public Hearing by Planning Commission. Notice of the hearing has been posted on site, mailed to properties within 300 feet, advertised in a newspaper and posted at various locations within the City.

Mr. Fell opened the meeting to the public.

Mr. Eric Hammer, 75 North Point stated that he understands the need for safety for the bluff, but preferred not to have a fence for the visual aspect of his property. He thanked the City for working with the residents of North Point on this area.

Ms. Mary Ann Woods, 32043 Lake Road stated that she was sorry to see her lake view go, and preferred no fence.

Mr. Fell closed the public portion of the meeting.

Mr. Fell stated that he was pleased with the decorative fencing that was chosen.

Ms. Spring stated the Mr. Reitz wanted the commission to know that the plan before you is a full plan. The budget will allow for as much as possible of the plan to be put into place. There will be a resident meeting next week to discuss the landscaping.

Mr. Knilans moved to recommend approval of a Site Plan to install a fence and decorative wall on North Point Drive with the waivers on the waiver and motion worksheet attached for waivers to 1240.06. Mr. Fell 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 and approval.

Mayor Zuber arrived to the meeting at 7:44 p.m.

**CASE NO. 020-09
GRAMERCY PLACE
REVISION TO PRELIMINARY
PLAN
(PUBLIC HEARING)**

**REQUEST OF GAMELLIA CONSTRUCTION,
32745 WALKER ROAD, AVON LAKE FOR
RECOMMENDATION OF APPROVAL FOR A
REVISION TO THE PRELIMINARY PLAN FOR
PHASE 3 OF GRAMERCY PLACE SUBDIVISION
ON LEAR ROAD. THIS PROJECT IS LOCATED
IN AN R-1 RESIDENTIAL ZONING DISTRICT.**

THE REVISED PROJECT WILL REQUIRE THE FOLLOWING WAIVERS:

- 1. The front yard setbacks per 1240.04 being less than 50 feet for sublots 23, 24, 25 and Block "D" if the wetlands are mitigated;**
- 2. The rear yard setbacks per 1240.04 being increased to 50 feet for sublots 23, 24, 25 and 26;**
- 3. Minimum lot width at building setback not being 100 feet per 1240.03 for sublots 26, 29, and 30;**
- 4. Pavement width on a public street not being 27 feet per 1222.06.**

Ms. Spring stated this request is for a second revision to the Preliminary Plan based on the need to preserve wetlands on the property. The revised plan modifies the location of the retention basin and the configuration of the cul-de-sac. The previous waivers as granted by Planning Commission at the March 2009 meeting are still applicable and the corrected subplot numbers are included on the agenda. Mr. Reitz would like to express his appreciation on the applicant's willingness to modify the layout of the cul-de-sac based on the departmental comments. The revised layout will provide a better flow for emergency vehicles. This project requires a Public Hearing by Planning Commission. Notice of the hearing has been posted on site, mailed to properties within 300 feet, advertised in a newspaper and posted at various locations within the City.

Mr. Jim Sayler, Reitz Engineering was present tonight to answer any questions the commission may have.

Mr. Sayler stated the plans have changed with the EPA changing the locations of the wetlands. The EPA considered the furrows to the east of the retention basin part of the wetlands. The basin was moved to the east, but the lots have all remained the same. Everything was just shifted over. The developer lost one buildable lot with the shift and remains of the wetlands.

Mr. Fell opened the meeting to the public.

Mr. Ray Cook, 36745 Chestnut Ct., North Ridgeville, representative for the church asked about the drainage and how that would work for the church property.

Mr. Sayler explained the drainage for the church and showed him the plans for the stormwater, sewer and basins.

Mr. Fell closed the public portion of the meeting.

Mr. Zilka asked Mr. Sayler about posting signs about the wetland. Mr. Reitz in his departmental comments asked for education of the people on the wetlands areas and maintenance of the wetlands.

Mr. Sayler stated that he would discuss those issues with the developer. He understands Mr. Reitz's comments and will discuss putting signage up to let the people know about the wetlands areas.

Mr. Zilka was happy to see the comments of the Fire Department have been addressed.

Mr. Fell asked where the wetlands mitigation property would be.

Mr. Sayler stated that he did not know, it changes depending on the EPA, but they generally want it to stay in the same water shed area.

Mr. Knilans asked if all the waivers were the same and still applicable from the prior meetings.

Mr. Kerner stated the waivers are still applicable from the prior meetings.

Mr. McNamara asked who will maintain the block area and wetlands.

Mr. Sayler stated that the homeowners association will maintain the block area where the wetlands are. Mr. Gamellia will keep ownership of the block and wetlands area until he can mitigate the wetlands area. If the wetlands are mitigated, there will be another buildable lot.

Mr. McNamara asked about the City's responsibility of allowing the homeowners association maintenance of the block and the wetlands after the developer has kept ownership of the property for a period of time and then decides to either turn the property over to the HOA or at some point the lot can be mitigated and a house can be built.

Law Director Kerner stated that the developer can have a binding agreement for the HOA to accept the property and maintenance. This is a residential area, so if the developer at some point wants to build a home on that block property he can. He would have to revise the general development plan, and re-plat the subdivision. The revision to the general development plan would be a public hearing and the residents would be notified within the 300 feet surrounding. The residents would then have their say in that development of land. If the developer decides not to build on the property, it would just be part of the common property.

Mr. McNamara stated that he would just like to see some type of protection for the property owners and the HOA in the future.

Mr. Fell moved to approve the request of Gamellia Construction for the recommendation of approval for a revision to the Gramercy Subdivision, Preliminary Plan for Phase No. 3. The previous waivers as granted by Planning Commission at the March 2009 meeting are still

applicable and the corrected subplot numbers are included on the agenda. Mr. Knilans 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 and approval.

**CASE NO. 021-09
GRAMERCY PLACE
SUBDIVISION NO. 3
IMPROVEMENT PLANS**

**REQUEST OF GAMELLIA CONSTRUCTION,
32745 WALKER ROAD, AVON LAKE FOR
RECOMMENDATION OF APPROVAL OF THE
IMPROVEMENT PLANS FOR GRAMERCY
PLACE SUBDIVISION PHASE NO. 3. THIS
REQUEST IS WITHIN AN R-1 RESIDENTIAL
ZONING DISTRICT.**

Ms. Spring stated this request is for approval for the Improvement Plans for the previous case.

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

Mr. Zilka asked Mr. Saylor if the storm water issue had been taken care of that Mr. Roy Cook asked about during the preliminary plan discussion.

Mr. Saylor stated that the storm water runoff and retention are on the plans and have been allowed for.

Mr. McNamara stated that he still had issues with Block “D” and the protection of the HOA and the residents.

Mr. Simonovich moved to approve the request of Gamellia Construction, for approval of the Improvement Plans for Gramercy Place Subdivision No. 3. Mr. Knilans seconded the motion.

AYES: All NAYS: None

Mr. Fell stated this case has passed.

**CASE NO. 022-09
SAVE THE WOODS
DEDICATION/IDENTIFICATION
SIGNAGE SITE PLAN**

**REQUEST OF SAVE THE WOODS
COMMITTEE FOR A RECOMMENDATION OF
APPROVAL OF A SITE PLAN TO INSTALL A
FREESTANDING IDENTIFICATION SIGN AT
THE INTERSECTION OF THE UNIMPROVED
ARMOUR AND BELLE ROADS. THIS
REQUEST IS WITHIN AN R-1A RESIDENTIAL
ZONING DISTRICT.**

Mr. Fell and Mayor Zuber stated that they are both members of the Save the Woods committee. They both have no financial gain on this case and feel there would be no conflict of interest voting for the signage.

Law Director Kerner stated that he had reviewed the conflict of interest ordinances and agreed that as long as no members had any comment or concerns regarding Mayor Zuber and Mr. Fell voting on the case and as long as neither member had any financial interest in the case, it was his opinion that it would be appropriate for Mayor Zuber and Mr. Fell to hear and vote on the case in accordance with the commission's usual procedures.

There were no comments from members on the conflict so Mayor Zuber and Mr. Fell were not excused from hearing and voting on the case.

Ms. Spring stated this request is for approval to install a freestanding sign within the paper street inside the park. The sign is intended to be read by patrons on the asphalt trails and will not be readable from the improved portion of Armour Road. The sign shall not be illuminated.

Mr. Jack Koch, 32610 Carriage Lane, Save the Woods committee member, was present tonight to represent this case and answer any questions the commission may have.

Mr. Koch stated that the committee has been very successful in their fund raising campaigns. We would like to use the money that is left after all is pretty much done on the committee. The dedication/identification sign will acknowledge the people who were involved and have a nice gathering place. The sign will be made from masonry block and field stone with a smooth finish with the plaque in the center. The sign will be 9 feet by 16 inches deep with the 4 foot by 3 inch high plaque. There will be a path leading to the sign that will be constructed of paver stones.

Mr. McNamara asked if tax dollars have been used in any of the Save The Woods property?

Mr. Fell stated that this has been a combination of City Council budgeted tax dollars and the Lorain County Metro Parks along with the money raised by the Save the Woods Committee thru fundraising.

Law Director Kerner stated that the Zoning Administrator had made a comment on the sign being located in the public right-of-way. If the commission decides to approve the request for the sign I would like to see the wording of the proposed motion included in the motion for approval to cover the City if the property owner decides to improve the lots that he/she owns in the park area. The Planning Commission can approve this sign under the equivalency provision with the attached proposed motion. There would be a condition placed on the Save The Woods Committee that the approval would terminate and the sign would have to be removed or moved if any property owner abutting the paper street makes application to improve his property and extend Armour Rd. to access the property. The sign would otherwise be an obstruction in the right-of-way.

Mr. Fell stated that the private property owner would have to improve the public right-of-way in order to build on his lots. That would be very costly.

Law Director Kerner stated that we would be taking an entrance away from the property owner to access his property. We just have to add the condition if the situation ever arises that the property owner decides to improve his lots. We are expecting that over time the situation will resolve itself by the park acquiring the lots.

Mr. McNamara asked if this will set a precedent for the City for these types of conditions being placed on properties, by being able to take things way once an applicant has been given approval. Why not just ask the applicant to move the sign back out of the public right-of-way now.

Law Director Kerner stated that the commission has under its ordinances and by laws the right to make conditions. The conditions can be site specific. I wouldn't say that it is a precedent. And, even if it were a precedent, if you were going to find like conditions, where would you find another park that was putting in a sign and blocking the right-of-way under like circumstances.

Mayor Zuber stated that the sign would be too far into the park that it would not be seen and would not be able to direct people to the park if it was moved back off the right-of-way.

Mr. McNamara moved to approve the site plan submitted by Save the Woods for approval to install a freestanding sign within the paper street known as Armour Road inside the park, subject to the condition that the approval shall terminate and the sign shall be removed should any property owner abutting the paper street make application to install improvements for the development of such owner's property abutting Armour Road, and based upon the finding that the site plan adheres to or is equivalent to the requirements of the Planning and Zoning Code. Mr. Zilka seconded the motion.

AYES: ALL NAYS: None

Mr. Fell stated this case has passed.

INFORMATIONAL ITEM

Mayor Zuber stated that he had attended the grand opening of the new Crushers baseball facility in Avon. There was a huge traffic jam, the parking lot was a mess, but I am sure that will correct itself as the facility gets up and running and kinks are worked out.

Mr. Fell stated that an information item was received in our packets regarding the Scarpelli Cell Tower situation. We will continue to monitor this situation.

The next Planning Commission meeting will be July 7, 2009.

DISCUSSION ITEM

None

GENERAL PUBLIC COMMENT

None

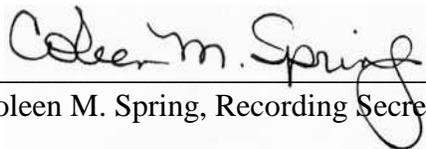
ADJOURNMENT

Mr. Knilans moved to adjourn at 8:16 p.m. the June 2, 2009 Planning Commission meeting. Mr. McNamara seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on July 7, 2009.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary