

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

CALL TO ORDER

Chairmen Fell called the Avon Lake Planning Commission Regular Meeting of October 5, 2010 to order at 7:30 p.m. in the Council Chambers of City Hall.

ROLL CALL

Mr. Fell, Mrs. Fenderbosch, Mr. Knilans, Mr. Sherban, Mr. Simonovich, Mayor Zuber, Director of Law Kerner, Engineering Manager Reitz.

Mr. McNamara was not in attendance. The commission had not heard from Mr. McNamara at the time of the meeting. The commission will wait to see if Mr. McNamara arrives late to the meeting before excusing his absence.

APPROVAL OF MINUTES

Mr. Fell moved to approve the minutes of the September 7, 2010 regular meeting. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

GENERAL CORESPONDENCE/ANNOUNCEMENTS

None

COUNCIL REPORT

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

Mayor Zuber stated that there has been lots of discussion regarding the Clear Wireless Cell Tower that was approved by Planning Commission. Mayor Zuber suggested that Planning Commission members watch the City Council Meeting of October 4, 2010.

SWEARING IN

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

NEW CASE:

**CASE NO. 027-10
ALLBLEND LTD.
APPLIED SPECIALTIES
BUILDING ADDITION
SITE PLAN**

**REQUEST OF ALLBLEND LTD., 33531 PIN
OAK PARKWAY, AVON LAKE, FOR
APPROVAL OF A SITE PLAN TO
CONSTRUCT A 6,120 SQUARE FOOT
BUILDING ADDITION AT THE EXISTING
SITE. THIS PROJECT IS LOCATED IN AN I
INDUSTRIAL ZONING DISTRICT.**

Mr. Reitz stated that based on the overall site and usage of the two separate properties as a congruent operation these comments are being consolidated into one discussion. The Applied Specialties project will construct a free-standing building which will be constructed to blend the architectural styles of the other buildings in the complex. The Allblend addition to the existing building will further expand the business which recently received approval from Planning Commission to add the office area to the east side of the building. Overall the parking requirements of the two parcels and three buildings are met. This site is being looked at as a Zoning Lot with 12 banked parking spaces on the 33555 Pin Oak Parkway parcel. The truck dock setback requirements are also being viewed as part of a Zoning Lot which will not require a waiver to the code.

Mr. Terry Scheurman, Allblend, LTD and Mr. Leon Sampat, LS Architects were present tonight to represent this case and answer any questions the commission may have.

Mr. Sampat stated that the applicant would be adding an addition and removing a portion of the warehouse structure.

Mr. Sherman explained how the new stormwater management would work. He stated that by using the rain water that will be collected from the run-off the usage of water will go from \$4.00 to .40 a gallon and the water will actually be cleaner.

Mr. Sherban stated that he had a family member that worked for Allblend, but stated that he had no monetary conflict.

There were no objections to Mr. Sherban commenting and voting on this case.

Mrs. Fenderbosch asked if this space would be used for warehouse or manufacturing and production.

Mr. Sherman stated that the building would be used for production and some chemicals would be maintained in this area as have always been used in the past. All chemicals are stored in double contained containers and pose no threat.

Mayor Zuber moved to approve the request of Allblend Ltd., 33531 Pin Oak Parkway for approval of a Site Plan to construct a 6,120 square foot building addition at the existing Pin Oak Parkway site. Mr. Simonovich seconded the motion.

AYES: All NAYS: None

Mr. Fell stated this case has passed.

**CASE NO. 028-10
ALLBLEND LTD.
APPLIED SPECIALTIES
NEW BUILDING
SITE PLAN**

**REQUEST OF APPLIED SPECIALTIES INC.,
33555 PIN OAK PARKWAY, FOR APPROVAL
OF A SITE PLAN TO CONSTRUCT A 17,518
SQUARE FOOT BUILDING AT THE
EXISTING SITE. THIS PROJECT IS
LOCATED IN AN I INDUSTRIAL ZONING
DISTRICT.**

Mr. Terry Scheurman, Allblend, LTD and Mr. Leon Sampat, LS Architects were present tonight to represent this case and answer any questions the commission may have.

Mr. Sampat stated that this new structure will be used as warehouse space and a will have a truck dockage.

Mr. Sherban asked if there would be any chemicals stored in this facility.

Mr. Sherman stated that all the items will be pre-packaged non-hazardous materials.

Mr. Sherban asked if the materials will be moved from one building to the other.

Mr. Sherman stated that they will be moved from one building to another for shipping.

Mrs. Fenderbosch stated that she was in favor of the traffic containment in these new areas.

Mr. Knilans moved to approve the request of Applied Specialties Inc., 33555 Pin Oak Parkway, for approval of a site plan to construct a 17,518 square foot building at the existing site. Mr. Sherban seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that this item has passed.

INFORMATIONAL ITEM

A windmill handout was distributed in the Planning Commission packets from Gary Fell.

Law Director Kerner asked if there was a date of the article so he could look up the information.

Mr. Fell stated that he did not have the date of the article, but stated that he could look up the information online from the papers website.

DISCUSSION ITEM

Mr. Fell discussed changing the November 2, 2010 Planning Commission to the following Tuesday due to the meeting falling on Election Day.

Mayor Zuber moved to change the November 2, 2010 Planning Commission to November 9, 2010. Mr. Sherban seconded the motion.

AYES: All NAYS: None

Discussion of the restrictions placed on improvement/accessory uses per 1252.04(f) Project Boundary Setbacks within PUD's.

Mayor Zuber stated that he brought this subject up for discussion last month because of the issues with private lots 15,000 square feet and some have 45 foot setback requirements because of the project boundaries on the private property. If we do not want to change the code then I think we should give the Zoning Board some type of direction of how Planning Commission feels about this subject.

Mrs. Fenderbosch stated that she agreed with the comments of Mr. Reitz and Ms. Booher.

Mr. Knilans stated that he did not see the need to change the code. In early PUD's the Planning Commission was allowing the setbacks to be on private property. Now that the Planning Commission tries not to allow that when possible, I think that we should just let the Zoning Board know what and how the commission feels about the setbacks and letting Zoning Board deal with the setback issues on a case by case situation.

Ms. Booher stated that there are restrictions on all lots within the City. There will always be some type of restriction that property owners don't agree with. Buffers are there for a reason.

Mr. Knilans stated that he thought in some cases the homeowner's association documents are more severe than the restrictions of the PUD code.

Law Director Kerner stated that if the homeowner's association documents are more restrictive than the PUD code then the resident still must follow the association documents.

Mr. Fell stated that he thought the best idea is to discuss these issues with the Zoning Board directly. If the Planning Commission feels that we should keep the code the way it is, and try to make sure that the project boundary setbacks are not on private property, then it should be discussed with the Zoning Board to let them know our feelings about this issue.

Mr. Fell stated that a work session of Planning Commission and Zoning Board will be added to the next agenda immediately following the regular Planning Commission meeting. That meeting date will be November 9, 2010 because of Election Day.

Mr. Fell asked if Mr. Reitz could get ready some cases that have been in question regarding the setbacks and where the problems are. We should be more specific if possible. Also if Mr. Saylor from Reitz Engineering has any comments that would be helpful we could bring them as well.

Discussion of possible updates to the Fence Height regulations in residential districts per 1240.06(d).

Mrs. Fenderbosch raised the issue about the fence height and has had many issues brought to her attention about fence heights in the City. Mrs. Fenderbosch discussed areas on Webber Road, Lake Rd., and the Westwind's Subdivision that have fence issues that were denied by Zoning Board. Mrs. Fenderbosch handed out for review a copy of zoning regulations from Bay Village, Lakeville, Saginaw MI, Baltimore MD, Fairfax County Virginia, Dublin Ohio, Gahanna Ohio, Cleveland Ohio and Berea. The scales of houses are much different than they were when the code was put in place. I believe that 3 feet is too short for some of the larger homes we have now, this is no longer a cottage town, the homes are much larger.

Law Director Kerner stated that Ms. Booher has been doing research on the fence code for some time now. Ms. Booher is in the audience tonight and may have some comments on this issue.

Ms. Booher stated that she has been researching our fence code for some time now. I have looked at surrounding areas and their codes and how they differ to ours. I have not seen an area around here that allows a four foot fence in the front yard. Most of the surrounding areas do not allow fences in the front yard at all. I understand scale, but I don't think we have ability to control, measure or apply these issues in our code.

Mrs. Fenderbosch asked that Ms. Booher get a copy of the research that she provided tonight to include in her work that she has been doing on the code and see the cities that do have larger fences in the front yards.

Mr. Fell stated that a change doesn't excite him. Where do we stop, if we allow a larger fence now, then it will just keep on going and going and going. There will always be someone that is unhappy.

Mr. Simonovich stated that we had many public meetings when the fence code was put in place. This code that is place now took many, many months and a lot of work to get to this place. This code section was greeted by the community with love and affection. There were lots of meetings

between advisors and the public getting the code to this point. I believe that it was of the opinion that we wanted openness, not a lot of fences to block that openness.

Law Director Kerner stated that fences do not stop a person from using their land.

Mr. Simonovich stated that he believed that the code is ok and that the Zoning Board should be looking at these issues in a case by case issue.

Mr. Fell stated that he believed that this issue should also be discussed in the joint work session meeting with the Zoning Board.

Ms. Booher stated in Dublin Ohio the fences can be 4 feet within the building envelope, then drop to 3 feet after the building envelope in the front yard. This may be something we want to look at and discuss.

Mrs. Fenderbosch stated that it does make sense to have the higher fence at the house.

Mr. Fell stated that these issues can be brought up at the joint work session between Planning Commission and Zoning Board on November 9, 2010.

GENERAL PUBLIC COMMENT

Mr. Robert Young 395 Harbor Court stated that he had a landscaping fence issue that was heard and turned down by the Zoning Board three times. He stated that in 1953 our code allowed for fences that were four feet in height. Mr. Young gave members of Planning Commission copies of photo that were taken in the Westwind area that have either been allowed or put up without permits. He does not understand why some people are allowed to have the landscaping fences in the front yards but some are not. This issue should be looked at and be more universal.

Mr. Fell asked Mr. Young why he wanted the higher fence in the front yard, and what height are you looking for.

Mr. Young stated that it was for aesthetics and with keeping with the landscaping theme. The height would be somewhere in the neighborhood of 42 to 46 inches.

Mr. Sherban stated that he wasn't aware that the fences in the pictures given to him by Mr. Young were not allowed in our code and could see the confusion with the code. Mr. Sherban did not have a problem with the landscaping fences if they were not a full run of the yard and not connected to any other fences.

Law Director Kerner stated that the zoning procedures Mr. Young has been discussing tonight have been brought to the attention of the Zoning Board but the board did not agree with Mr. Young and the variances were denied. I do not believe that Mr. Young's issue is something that the Planning Commission can take care of.

Mr. Fell asked that if we do look at landscaping fencing as an item at the joint work session, what point of the fence is being measured. Is it the fence post or the overall height of the fence?

Ms. Booher stated that it could be done either way. It makes sense to base the height on the majority of the fence run, but the code does not allow for that.

Mrs. Kim Young, 395 Harbor Court stated that when they bought their home she looked at a 20 year plan for landscaping. She had no idea that there would be as many restrictions that there are on the lot. We applied with the ZBA just for what our neighbors have done in the past. We are not asking for anything that would offend the neighbors. When we went to the ZBA we were very respectful and thought that the board would be respectful as well. We thought that the ZBA would address the issues, instead they just said no.

ADJOURNMENT

Mr. Fell stated that Mr. McNamara did not show up for the meeting. There were no objections from Planning Commission members on Mr. McNamara being absent, so his absence is considered excused.

Law Director Kerner stated that Mr. McNamara has been absent to many meetings recently. It was suggested that Mr. Fell contact Mr. McNamara to make sure that he can still meet the obligations of the commission.

Mr. Fell stated that he would contact Mr. McNamara to discuss the situation.

Mr. Knilans moved to adjourn at 8:38 p.m. the October 5, 2010 Planning Commission meeting. Mr. Fenderbosch seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on November 9, 2010.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary