

**MINUTES OF THE AVON LAKE
PLANNING COMMISSION MEETING
JULY 7, 2009**

CALL TO ORDER

Chairperson Fell called the Avon Lake Planning Commission Regular Meeting of July 7, 2009 to order at 7:30 p.m. in the Council Chambers of City Hall.

ROLL CALL

Mr. Brightwell, Mr. Fell, Mr. Knilans, Mr. McNamara, Mr. Simonovich, Mr. Zilka, Mayor Zuber, Director of Law Kerner, and Engineering Manager Reitz.

APPROVAL OF MINUTES

Mr. Fell moved to approve the minutes of the June 2, 2009 meeting. Mr. Zilka seconded the motion.

AYES: All NAYS: None

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.

NEW CASES:

**CASE NO. 023-09
ERIEVIEW SCHOOL
MODULAR CLASSROOM ADDITION
CONDITIONAL USE SITE PLAN
(PUBLIC HEARING)**

**REQUEST OF THE CITY OF AVON LAKE
CITY SCHOOLS, 175 AVON BELDEN ROAD,
FOR A RECOMMENDATION OF APPROVAL
OF AN EXPANSION TO A CONDITIONAL
USE SITE PLAN TO INSTALL A MODULAR
CLASSROOM BUILDING AT ERIEVIEW
SCHOOL. THIS PROJECT IS LOCATED IN
AN R-1 RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz said due to the need for additional classroom space Erieview is requesting approval to install a free standing modular classroom building on the west side of the property. The 1410 square feet building will require a waiver under the equivalency provisions of the code to the 40 feet minimum side yard setback. The building will be oriented to face the west side of the existing school building for students to exit from the existing doors. Copies of the waiver request letter are enclosed as well as a request to waive the \$200 Planning Commission agenda fee.

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.

Since this project is a Conditional Use it will require final approval by City Council.

Mr. Gregory Ludwig, 118 Geauga Drive, Huron, Ohio was present tonight to represent this case and answer any questions the commission may have.

Mr. Ludwig stated that the placement of the trailer was made because of the ease of use to the doors and restrooms of the building. All of the utilities are at that end of the building so it will make it easier to tie the utilities into the trailer. We looked at other areas but because of safety and ease of use for the teacher, students and administration it was decided to put the trailer in this location.

Mr. Fell opened the public portion of the meeting. There was no public comment.

Mr. Fell closed the public portion of the meeting.

Mayor Zuber asked if the trailer was a single or double sized trailer.

Mr. Ludwig stated that the trailer was a double wide trailer.

Mr. Brightwell asked why the trailer was so far from the building. It is 35 feet from the building.

Mr. Ludwig stated that there is a driveway in the middle between the school and the trailer. The school needs to keep the driveway in place.

Mr. Brightwell stated that by the plans it looks like there are more options for the placement of the trailer, it looks like the trailer doesn't need to be placed right up against the property line. Do you know if the property owners have been notified of the placement of the trailer?

Mr. Fell also asked if any school administrators have talked to the property owners to let them know about the trailers and how close to the property line it would be.

Mr. Ludwig stated that one of the neighbors was in the yard one day when we were measuring, and we discussed that the school was looking at adding a trailer, but no placement was discussed. It was just a casual conversation.

Mr. Fell stated that this case is a public hearing and a notice has gone out to residents 300 feet surrounding the property, signs were placed on the site and a notice was in the paper.

Mr. Reitz stated that the property owners were notified of the meeting, it is up to the residents to either come to the meeting to see the plan or to come to the office to look at the plans.

Mr. Fell asked if there would be landscaping between the trailer and the property owners.

Mr. Ludwig stated that as far as he knew, there would be no landscaping.

Mr. Fell asked how many students the trailer will hold.

Mr. Ludwig stated that approximately 50-60 students at a time. It will be a two classroom trailer.

Mr. Knilans stated that by looking at the plans it looks like there would be more room to move it further from the property line. It looks like the building can come toward the school much more.

Mr. Sean Hopkins, stated that there is a handicapped ramp that takes the trailer to five feet from the asphalt driveway. We thought it would safer to keep the building a little off the drive for safety. There is also the issue of snow removal.

Mr. McNamara did not feel comfortable about the neighbors not having any notice. The notices to the public do not have a plan, they just show that there is a public meeting. I would rather have the neighbors notified before this gets put up.

Law Director Kerner stated that we have followed all of the procedures of the code. Everything that has been done is legal.

Mr. McNamara stated that we follow the bare minimum of the code. You would think that because of this being a city building or a city school we would go the extra mile to have the resident know that a trailer would be right at the property lines.

Mr. Ludwig stated that this is a temporary unit. When the schools get the money, an addition will be done to the school following all the setback and code requirements. This is only temporary.

Mr. Zilka stated that he realized the temporary nature of the structure, but wished that the neighbors were given more information.

Mr. Ludwig stated that this trailer has been discussed for some time now. It has been discussed at all the Erieview and School Board meetings. All the meetings are public open meetings.

Mr. Brightwell did not think that all the options for the placement of the trailer had been looked at. I believe that there are more options.

Mr. McNamara stated that he thought that we should have the trailer as far off the property as available. If we have five feet then we should use it.

Mr. Simonovich moved to approve the request of the Avon Lake City Schools for a recommendation of approval of an expansion to a Conditional Use Site Plan to install a modular classroom building at Erieview School with a waiver to code section 1250.03(a)(1)(6) for the required setback of 40 feet and a waiver to the \$200 Planning Commission agenda fee. Mayor Zuber seconded the motion.

Mr. Zilka asked about the time line for installing the trailer.

Mr. Ludwig stated that he would like to have the installation complete by August 15, 2009.

Mr. Zilka explained the City Council recess time. If the applicant needs this complete they will have to have a letter to City Council as soon as possible asking for an emergency.

**AYES: Zuber, Fell, Knilans,
Simonovich, Zilka**

NAYS: Brightwell, McNamara

Mr. Fell stated this case has passed and will be forwarded on to City Council for readings and approval.

**CASE NO. 024-09
AVON LAKE HARBOR ESTATES
EASEMENT VACATION**

**REQUEST OF THE PROPERTY OWNERS
WITHIN THE AVON LAKE HARBOR
ESTATES TO THE AVON LAKE CITY
COUNCIL FOR A REQUEST OF THE CITY
TO VACATE EASEMENT RIGHTS AND
RESTRICTIONS RELATED TO A STORM
WATER DETENTION EASEMENT AS
GRANTED ON THE ORIGINAL PLAT FOR
THE SUBDIVISION. THIS REQUEST FOR A
RECOMMENDATION BY PLANNING
COMMISSION IS IN ACCORDANCE WITH
THE VACATION PETITION PROCEDURES
BY CITY COUNCIL.**

Mr. Reitz stated this case is for a recommendation of approval to City Council on a vacation petition signed by property owners within the Avon Lake Harbor Estates Subdivision at Miller and Lake Roads. This vacation request is for the City to vacate the platted restrictions and rights over a seventy feet wide strip of land in the rear yards of the properties in the subdivision. This proposal has been discussed with Council members and the residents and a study of the needs for the retention area was completed by KS Associates. The findings were that the retention area is no longer needed for storm water purposes.

Ms. Doris Forrer, 33784 Electric Blvd. was present tonight to represent this case and answer any questions the commission may have.

Ms. Forrer stated that fourteen homes with various buildings, fences, sheds etc. have been built on the easement. One property owner applied for a permit for a deck and was denied. That is how this all got started. The 70 foot easement takes the easement to about 5 feet from our houses. We the property owners hired KS Associates to do the survey and we will have the new plat recorded at our cost. KS Associates stated that the easement is no longer needed with the installation of the sewer on Miller Road.

Mr. Zilka stated that when this subdivision was approved there were conditions put in place for the easement. The developer sold the lots without telling the homeowners about the easement and the violations started. The conditions that are put in place are for a reason and the building department must be more careful to enforce the conditions.

Ms. Forrer stated that with the new sewer in place on Miller Road all we are asking is that we have the use of our properties like all the other residents of the City.

Law Director Kerner stated that the request for the property owner that was denied was sent to the Zoning Administrator for approval. The permit was denied because she caught the restrictions of the easement. The other permits that were issued by the Building Department were not forwarded to her for approval, or the property owners built without permits and the easement was not looked into.

Mr. Zilka stated that this process is only working now for the residents because the Miller Road sewer was there. If the sewer was not in place the residents would not be able to do this vacation.

Mr. Dave Zupan 33791 Lake Road was the property owner that was denied his deck. He asked how the City enforces the code once the subdivision is permitted.

Law Director Kerner stated that all building permits should be reviewed by the Zoning Administrator.

Mr. McNamara moved to approve the request of the property owners within the Avon Lake Harbor Estates to the Avon Lake City Council for a request of the City to vacate easement rights and restrictions related to a storm water detention easement as granted on the original plat for the subdivision. Mr. Zilka seconded the motion.

AYES: ALL NAYS: NONE

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

**CASE NO. 025-09
KOPF FAMILY RESERVATION
GROUND SIGN SITE PLAN**

**REQUEST OF THE LORAIN COUNTY METRO
PARKS FOR A RECOMMENDATION OF
APPROVAL OF A SITE PLAN TO INSTALL A
FREESTANDING IDENTIFICATION SIGN AT
THE INTERSECTION OF THE UNIMPROVED
ARMOUR AND ELECTRIC BOULEVARD.
THIS REQUEST IS WITHIN AN R-1A
RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated this proposed sign will be placed on the south side of Electric Boulevard east of the Armour Road trail entrance. The sign shall not be illuminated and is within the limits as to size and location as established by code.

Mr. Paul Huruby, Lorain County Metro Parks was present tonight to represent this case and answer any questions the commission may have.

Mr. Fell wanted the commission to know that he and Mayor Zuber were on the board for the Save the Woods Commission and both have no monetary gain from the outcome of this case.

The commission had no objections to Mr. Fell and Mayor Zuber voting on this case.

Mayor Zuber stated that this case will have to have a condition placed upon the approval that a licensed agreement be in place before any permits can be issued. The licensed agreement

between the Illuminating Co. and the Lorain County Metro Parks is in process but had not arrived before tonight's meeting. The original agreement was between the Metro Parks and the City, but the zoning administrator is requesting an agreement between the property owner, The Illuminating Co., and the Metro Parks.

Mr. McNamara asked why the request is always made to waive the administrative fees. Why doesn't the Metro Parks just pay the fees.

Mayor Zuber stated that the Metro Parks and the City have an agreement that the City would waive any fees associated with the Save the Woods.

Mayor Zuber moved to approve the request of the Lorain County Metro Parks for a recommendation of approval of a Site Plan to install a Freestanding Identification Sign at the intersection of the unimproved Armour and Electric Boulevard, subject to the applicant retaining a license agreement from the Illuminating Company and of a waiver to the \$50.00 Planning Commission agenda fee. Mr. Knilans seconded the motion.

AYES: All NAYS: None

Mr. Fell stated that this case has passed and will now move on to City Council for the waiver of the fees.

INFORMATIONAL ITEM

Mr. Fell asked if there were comments in regard to the Minor Alteration for Pembroke Kids, Pin Oak Parkway to install an ornamental fence along the retention basin.

There were no comments in regard to the fence.

DISCUSSION ITEM

Mr. Reitz stated that the Comprehensive Land Use Plan is due for an update. Copies of the Plan were included in your packets for review. If changes are needed we can have a work session to look at the changes and discuss them, then take it to a regular meeting for a vote.

Mr. Fell stated that members should look over the plan and let him know at the next meeting if you have any changes you would like to request.

Mr. Fell stated the next regular meeting of Planning Commission will be August 4, 2009.

GENERAL PUBLIC COMMENT

None

ADJOURNMENT

Mr. Knilans moved to adjourn at 8:15 p.m. the July 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 August 4, 2009.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary