

**MINUTES OF THE AVON LAKE
PLANNING COMMISSION MEETING
JULY 5, 2011**

CALL TO ORDER

Chairmen Fell called the Avon Lake Planning Commission Regular Meeting of July 5, 2011 to order at 7:30 p.m. in the Council Chambers of City Hall.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Fell moved to approve the minutes of the June 7, 2011 regular meeting. Mr. Sherban seconded the motion.

AYES: All NAYS: None

Mr. Fell moved to approve the minutes of the June 7, 2011 Joint Work Session of Planning, Zoning and City Council. Mr. Sherban seconded the motion.

GENERAL CORESPONDENCE/ANNOUNCEMENTS

None

COUNCIL REPORT

Mrs. Fenderbosch had no City Council Report.

SWEARING IN

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

NEW CASES:

Mr. Fell stated that Ms. Spring has just spoken to the applicant for Tailgators Sports Bar and the applicant is running a few minutes late.

Mr. Fell motioned to move Case No. 011-11 to the top of the agenda and move Case No. 010-11 to the second item on the agenda to give the applicant of Case No. 010-11 time to represent the case. Mr. Knilans seconded the motion.

AYES:

All

NAYS:

None

**CASE NO. 011-11
WATERSIDE CROSSING NORTH
PHASE NO. 6
IMPROVEMENT PLANS**

**REQUEST OF KOPF CONSTRUCTION, 420
AVON BELDEN ROAD, FOR A
RECOMMENDATION OF APPROVAL OF
THE IMPROVEMENT PLANS FOR
WATERSIDE CROSSING SUBDIVISION
PHASE NO. 6. THIS PROJECT IS
LOCATED IN AN APPROVED PLANNED
UNIT DEVELOPMENT WITHIN AN R-1
RESIDENTIAL ZONING DISTRICT.**

Mr. Reitz stated this phase of construction will install the improvements to connect Belmar Boulevard through to Walker Road and will create 20 single family sublots. Planning Commission should note that the street layout on the General Development Plan is the same as the proposed subdivision improvements but the proposed improvements on Crestmont Circle will create a lower density public street. The General Development Plan showed Crestmont as a private street with cluster homes. The final product has fewer homes than were originally approved.

Mr. Jim Saylor, Reitz Engineering was present to represent Kopf Construction and answer any questions the commission may have.

Mr. Fell asked if any variances were needed for this phase and what price point the houses would be.

Mr. Saylor stated that no variances are being asked for in this phase of the subdivision. I am unsure of the price points of the homes, but they will be in line with the home prices on the other phases.

Mr. Fell asked about the comments of Mr. Reitz and the EPA.

Mr. Reitz stated that the comments will be taken care of in the finalized construction.

Mayor Zuber stated that he was glad to see this coming. This will complete the connection for better traffic control.

Mayor Zuber suggested to the applicant and to City Council that an emergency be asked for to suspend the rules of three readings at City Council so the construction and connection can be completed while construction is going on. City Council will be going on break and I would like to see this go through before the break.

Mr. Reitz asked Mr. Sayler about the sidewalks in this phase and asked that the sidewalks be put in prior to the homes. This will help with the walking vs. buses to Troy School. More children will be walking to school now that the connection is open and will need to use the sidewalks.

Mr. Sayler stated that he will check with the applicant, but did not see a problem with this.

Mr. Simonovich moved to approve the request of Kopf Construction for a recommendation of approval of the Improvement Plans for Waterside Crossing Subdivision Phase No. 6. Mrs. Fenderbosch seconded the motion.

AYES: All NAYS: None

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

Mr. Jeffrey Clark arrived to the meeting and was sworn in by Law Director Kerner.

**CASE NO. 010-11
TAILGATORS SPORTS BAR
33499 LAKE ROAD
OUTDOOR PATIO SITE PLAN**

**REQUEST OF TAILGATORS SPORTS
BAR/JEFFREY CLARK, 33499 LAKE
ROAD, AVON LAKE FOR A
RECOMMENDATION OF APPROVAL OF
A SITE PLAN TO ADD AN OUTDOOR
PATIO AT THE EXISTING BUILDING.
THIS PROJECT IS LOCATED IN A B-3
BUSINESS ZONING DISTRICT.**

**A WAIVER TO THE SITE PLAN REQUIREMENT UNDER THE EQUIVALENCY
PROVISION OF 1217.03(g) IS BEING REQUESTED FOR THE FOLLOWING ITEM:**

Waiver to 1244.05(c) for the patio being installed in the side yard.

Mr. Reitz stated this request is to add an outdoor patio to the west side of the building. The patio will provide seating for 20 people and the applicant is requesting the hours of operation to be until 2:30 a.m. on the patio with no music being played or broadcast on the patio.

Mr. Robert Clark, 198 Fay Avenue was present to represent this case and answer any questions the commission has.

Mr. Clark stated that there is a need for the patio because of the smokers and wants to have an area that they can go. They are already using the area to stand and smoke here but this will make the area safer. I will be putting up brick pillars and a wrought iron fence to protect the area from the cars. There will be no music, piped or live and some sighting but nothing to bright, just enough for the area to be safe. Drinks will be carried out to the patio, we will not have a bar outside.

Mr. Fell stated that he thought the hours on the patio being requested are too late. We have not extended that time to any other patio.

Mr. Sherban thought that the 2:00 time was too late as well. I think that 12:00 weekends and 11:00 weekdays is late enough.

Mr. Simonovich agreed and liked the information handed out tonight about the times and conditions placed on patios throughout Avon Lake was very informative. I wish I had more time to review the information before now.

Mrs. Fenderbosch stated that the conditional hours at other locations are because they are in residential areas. This patio is in an area where there are no homes and I am sure that the post office that will be closed at that hour and coal pile won't mind the hours. I have spoken to the owners of the building and as an incentive of economic development this should be allowed. The owners stated that the business has always paid the rent on time and has not had any problems with the police. This would be a nice addition for the business.

Mayor Zuber stated that you already have the people out in that area to that time of night. They are just standing there smoking instead of sitting. There haven't been complaints or problem up to now, so I don't see the problem with the 2:00 time.

Mr. Hamman stated that with the area of the patio he agreed that the hours would be ok.

Mr. Sherban asked if we grant the 2:00 time are we going to give the competitors in the area an option of staying open later. We shouldn't be treating businesses different and giving one of them a one up on the competition.

Mr. Simonovich stated that we need to take an ad hoc approach on the area. The 45's are a much different area than the shopping center area. The 45's are right up against the residential area as the shopping center has no residential next to them.

Mr. Sherban stated that the other bars in the shopping center have a much earlier cut off time than the 2:00 time that Tailgators is asking for. Should we then bump the time up for Malloy's to 2:00.

Law Director Kerner stated that it is not up to Planning Commission to make the rules or change them. That decision would be in the hands of City Council. We would not automatically bump the times. An applicant can always request a time change on the conditions put in place, but that is not a decision of this commission.

Mr. Reitz stated that per the discussion of the proposed fence code revisions at the June 7, 2011 joint Planning Commission Work Session the Zoning Administrator has removed the garden fence wording in order to request the remainder of the fence code revisions be adopted.

Mr. Fell stated that he like the idea of the fence code issues going before Zoning Board as long as they did not have a problem with the number of cases that were coming before them.

Mr. Hamman asked if this code was the same as discussed last month with just the wildlife fence areas being taken off.

Mr. Reitz stated that yes it is the same. The wildlife fence section was the only item removed to get this through. The other issues will discussed at a later date and brought back to us for review.

Mr. Fell moved to approve the revisions to the fence code in order to further clarify issues encountered by the Zoning Administrator and per the discussion at the June 2011 Planning Commission joint Work Session with Council and the Zoning Board of Appeals. 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 readings and approval.

INFORMATIONAL ITEM

Mr. Fell stated the next meeting of the Planning Commission will be August 2, 2011.

DISCUSSION ITEM

Electronic dog fences

Law Director Kerner stated that this issue is covered under the general offenses portion of our code.

Ms. Booher stated that there is no building code to enforce the electronic dog fences. It will be hard to enforce with no codes or building department to issue permits or inspections. Once a electronic dog fence is covered up it will be impossible to determine its location.

Mr. Fell stated that he thought there should be signage in yards to notify people that there is a dog fence in the yard.

Mr. Sherban stated that this is a dog control issue not a planning issue. This should be discussed by someone other than Planning Commission.

Mr. Reitz and Ms. Booher stated that should be referred to Public Service to be discussed under the dog control or general offices portion of the code.

Mr. Fell agreed and asked that Mr. Reitz see that this issue be referred to the Public Service Commission.

GENERAL PUBLIC COMMENT

None

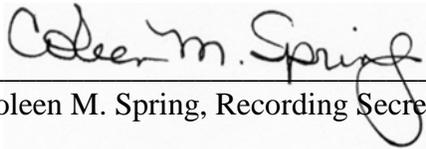
ADJOURNMENT

Mr. Knilans moved to adjourn at 8:26 p.m. the July 5, 2011 Planning Commission meeting. Mr. Sherban seconded the motion.

AYES: All NAYS: None

The next regular meeting of the Planning Commission will be on August 2, 2011.

Gary Fell, Chairperson



Coleen M. Spring, Recording Secretary