

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-17-16

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, AUGUST 17, 2016 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00p.m.

BET TRUCKING SPECIAL USE PERMIT. The public hearing was opened by Chairman Witherspoon at 7:00P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:00P.M

RED TAIL GOLF COURSE AMEND SPECIAL USE PERMIT TO INCLUDE COMFORT STATION. The public hearing was opened by Chairman Witherspoon at 7:01P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:01P.M

RED TAIL SUBDIVISION PHASE 15 PRELIMINARY PLAT. The public hearing was opened by Chairman Witherspoon at 7:01P.M. There being no one present in the audience, Chairman Witherspoon closes the Public Hearing at 7:02P.M

MASTER SANITARY SEWER DISTRICT MODIFICATION-LONG ROAD. Ms. Fechter explains this item will be removed from the agenda. Mr. Meyers expresses his concern on the project and would like more information and was told to contact the clerk with his phone number for future correspondence.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, AUGUST 17, 2016 IN COUNCIL CHAMBERS OF CITY HALL

Present: Mary Berges; Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Carolyn Witherspoon; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer; and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-JULY 20, 2016

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on July 20, 2016, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

None

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #16 Palmer Village Amend the Preliminary Plat. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

ITB UTILITY-SECOND PRESENTATION-FINAL DEVELOPMENT PLAN
PL20160060

Robert Knopf of ITB Utility is requesting approval of the site plan to install two utility poles to be Located on Center Road and French Creek Road and the recommendation to Council for approval to Create a developer's agreement.

Ms. Fechter explains they are still working through some details and asks that this be tabled until next month. The Chair declares ITB Utility tabled until next month.

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ANDREA GIBBONS-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION

Mike Bramhall of Bramhall Engineering representing Andrea Gibbons is requesting the split of .6690 acres to create Parcel A from 32821 Schwartz Road leaving that with 1.6314 acres.

Mr. Cummins says they have reviewed the lot split and plat and would recommend approval. They will split .6690 acre off the rear of the Schwartz Road parcel and create that new parcel that will be on Napa Blvd.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the split of .6690 acres to create Parcel A from 32821 Schwartz Road leaving that with 1.6314 acres. The vote was: "AYES" All. The Chair declared the motion passed.

LOVE'S TRAVEL STOP-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION

Nicholas Hershberger of CESO, Inc. along with Chad Brunner of Love's Travel Stops are requesting approval of consolidating two parcels to create a 10.3 acre parcel for the proposed Love's Travel Stop.

Chad Brunner of Love's Travel stop explains they are family owned company with 400 location nationwide and are proposing a new store on Chester Road near 611. They new store will have a Hardees, Convenient store and gasoline. Ms. Fechter says the parcel is across from Wood and Wine and Nick Hershberger says they are consolidating the two parcels to make it one for the store. Mr. Cummins says the review has been done and they have comments supplied to applicant and would recommend a contingent approval.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the consolidating two parcels to create a 10.3 acre parcel for the proposed Love's Travel Stop contingent upon final engineering review. The vote was: "AYES" All. The Chair declared the motion passed.

LOVE'S TRAVEL STOP-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Nicholas Hershberger of CESO, Inc. along with Chad Brunner of Love's Travel Stops are requesting approval of the site plan for a proposed 16,000 sq. ft. Love's Travel Stop and Country Store to be located on Chester Road.

Nicholas Hershberger of CESO shows the drawing for the Love's travel stop and explains where the gas pumps will be, the location of Hardees and then the location of the truck area. Mr. Hershberger also says there is a tire shop that allows the trucks to get their tires changed and they also do small repairs. Mr. Hershberger says they have received comments and have started to work on those. Mr. Hershberger says their main storm water detention is located in the front of the building by Chester Road. He also says they are proposing some improvements to Chester Road which would include a right and left turn lane due to the traffic study that was completed. Ms. Fechter says this project does have a large list of things that are being proposed with site work, storm water issues and road work as well. Ms. Fechter continues that after speaking with Mr. Brunner and Mr. Hershberger it was determined that they wanted come in tonight to give their first presentation to show the location and see if there were any concerns. Mr. Cummins says they have provided comments and there are a number of things that have to be addressed and they have actively been working together to work on those. Mr. Hershberger says they have worked to make too sure that Chester Road stays open during the process. Mr. Cummins says that it's important not to close

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the road and keep it open and says they will not be taking any additional right of way from other property owners. Ms. Fechter says Love's is aware of the road work that was just completed. Mr. Malloy asks if they for see any additional road widening or turn lanes in that area. Mr. Hershberger shows the drawing and the location of where the turn lanes can be done and it will be done within the right of way. Mr. Malloy states to Mr. Brunner and Mr. Hershberger that that area can get pretty congested. Mayor Jensen wants to know if there is enough area for the trucks to turn into the drives because sometimes when trucks do turn it can back up traffic. Mr. Hershberger says they do have adequate room, they do use an AutoCAD system for the radius of semi's turning to make sure there are not any issues. Ms. Fechter says they are also a CAD weigh station and the study was done using 500 trucks a day, but never have that many per day, even though they would like it. Mr. Cummins says there are still a number of items that they will work through.

The Chair declares this first presentation.

SPEEDWAY-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Jonathan Ziegan of Richard L. Bowen & Associates is requesting approval of the site plan for a proposed 4,416 sq. ft. Speedway gas station to be located on Middleton Road, east of Nagel Road.

Ms. Fechter explains Speedway is looking to locate next to Levin Furniture. Currently the City has denied them full access and they are to be working issues on ingress and egress and should be back next month.

The Chair declares this item tabled.

BET TRUCKING-FIRST PRESENTATION-SPECIAL USE PERMIT

Tom Arcoria of Sagamore Companies is requesting approval and the recommendation to Council for approval to create a Special Use Permit for a Class 4 Composting facility to be located on 28 acres off Avon Commerce Parkway.

Tom Arcoria of Sagamore explains they would like to do a compost facility that will consist of leaves, grass and yard waste. He also says there is a pile of dirt on the property that they would like to screen. Ms. Fechter says Sagamore purchased 28 acres on Avon Commerce Parkway. They have applied with the EPA for permits and they are required to have a Special Use Permit. Ms. Fechter says they would need to submit a SWPPP plan with Ryan, this is just for the Special Use Permit. Ms. Fechter says they are looking to do this in phases with the composting being the first and when they figure out they will need to extend the Road. Mrs. Berges does ask about the road as she thought it was to go through. Ms. Fechter says there is a curb cut there now for phase one and once they decide what phase two or the future will hold they will extend the road. Mayor Jensen asks what the City's ability to control the composting is. They have had a number of complaints about Kurtz Brothers for the smell and Mayor Jensen is concerned this could do the same. Mr. Gasior says that he needs to look into the code to see if there are any special conditions that can be added above what is allowed in the Special Use Permit. Mr. Gasior says that they need to take into consideration as to what is going on the rest of the property and needs more time to look into this. Mr. Fitch asks if the City has any regulations as for the yard waste being brought in from other cities. Mr. Gasior says he believes there are no regulations right now. This is not a permitted use, it is special use and the commission can add any restrictions as they feel are appropriate. Ms. Fechter sums it up there will not be a vote tonight, Mr. Arcoria will need to come back next month to allow more research on this item. Mr. Arcoria asks about the screening of the dirt, can that be done. Ms. Fechter says a SWPPP plan can be done and Mr. Cummins can review the moving of the existing dirt. Mr. Cummins says there isn't really enough information on this item. Mr. Cummins says he could not give any approval as there are insufficient information that was submitted. Mr. Schneider says they can have a Class IV composting facility. Mr. Gasior says that he thinks that is separate from the special use permit. Ms.

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Fechter explains what the next steps are and Mr. Arcoria is concerned as September is his busy month and wants to get things going.

The Chair declares this to be first presentation.

RED TAIL GOLF CLUB-FIRST PRESENTATION-MINOR MODIFICATION

Sam Khouri representing Red Tail Golf Club is requesting approval of the site plan for a comfort station to include a 476 sq. ft. pad and 140 sq. ft. building to be located near hole 4 on the golf course.

Vince Bobkovich of Euthenics explains it's a restroom that will be located near hole 4 on the east course. Mr. Bobkovich says he has talked with the Utility Department and made some changes. Mr. Cummins adds he did have some comments and received some plans back and would recommend approval. Ms. Fechter says all utility issues have been addressed and recommend approval. Mr. Gasior asks about lighting and it was determined it would be light but would not affect any of the neighbors.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a comfort station to include a 476 sq. ft. pad and 140 sq. ft. building to be located near hole 4 on the golf course. The vote was: "AYES" All. The Chair declared the motion passed.

RED TAIL GOLF CLUB-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Sam Khouri representing Red Tail Golf Club is requesting approval and the recommendation to Council for approval to amend the Special Use Permit to include the comfort station to be located near hole 4 on the golf course.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval to amend the Special Use Permit to include the comfort station to be located near hole 4 on the golf course. The vote was: "AYES" All. The Chair declared the motion passed.

RED TAIL SUBDIVISION PHASE 15-FIRST PRESENTATION-PRELIMINARY PLAT

Sam Khouri representing Carnegie Residential Development is requesting approval of the Preliminary Plat for Phase 15 of the Red Tail Subdivision to include 45 new sub lots to be located on and west of St. Theresa Blvd.

Vince Bobkovich of Euthenics explains the original had 60 lots and they are reducing them to 45 lots. Most of the lots are still the same with a few changes. Ms. Fechter has asked for a contingent approval as they need an auto turn, they have brought to their attention the mailbox issues and there is a street just north with similar name that the city would like changed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the Preliminary Plat for Phase 15 of the Red Tail Subdivision to include 45 new sub lots to be located on and west of St. Theresa Blvd. contingent upon auto turn submission and minor details. The vote was: "AYES" All. The Chair declared the motion passed.

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MCINTOSH FARMS-SECOND PRESENTATION-AMEND PRELIMINARY PLAT PL20160066

Jim Saylor of Reitz Engineering and Richard Batt are requesting approval of the amended Preliminary Plat for a 63 home subdivision McIntosh Farms to be done in 2 phases, located on 37.8 acres west of Moon Road and South of Orchard Trail Subdivision.

Jim Saylor of Reitz Engineering explains they were here last month and shows the location of the proposed subdivision. Mr. Saylor says they have had numerous meetings to make sure they would get everything thing compliant. After all that work, Mr. Saylor is happy to say they have made it so one corner lot on Moon and the cul de sac are the only two items that will need a variance. Mr. Saylor continues to say that there are about 6 lots with non-radial or non-perpendicular lines. Mr. Saylor says they don't quite go to the center of the circle and that allows them to have the 60 foot frontage and keeps them out of the rear basin. Mr. Saylor says nothing is major but the adjustments needed to be done. Ms. Fechter says in the commission's packets, there is some information on the Design Standards which gives a good overview of the non-radial and non-perpendicular lines and reads a section of that code. Mr. Cummins says the non-radial lines intent is to not create drastic lots out of the plan. Mr. Cummins says they are not radial but it works for this lay out. Mayor Jensen asks about the century home and Mr. Batt says there are two homes there. Mr. Batt says Mr. Sylvester is working on moving the house to another site but they could level that house. Mayor Jensen says just look into making sure they check with the Landmark Preservation before anything is done. Ms. Fechter says she would like a contingent approval due to the language on the drawing for utility and the BZA approval. Mr. Cummins also adds he has no issue with the lay out but does have an issue with the storm water language and that will be noted when he signs the drawing.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the amended Preliminary Plat for a 63 home subdivision McIntosh Farms to be done in 2 phases, located on 37.8 acres west of Moon Road and south of Orchard Trail Subdivision contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

REFERRAL TO COUNCIL-FIRST PRESENTATION-SANITARY SEWER DISTRICT MODIFICATION

Chuck Szucs of Polaris Engineering representing Lawrence and Mary Rak is requesting approval of the modification of the Master Sanitary Sewer District. Per Article VII, Planning Commission (d) Mandatory Referral of the Council, Avon Planning Commission is recommending Council approval of site plan for the modification of the master sanitary sewer district.

The Chair will table the Sanitary Sewer District Modification until the September meeting.

COMMENTS

ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:40P.M.