

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 3-16-22

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, MARCH 16, 2022, IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00P.M

REZONE REQUEST FOR ISOMER GROUP, LLC FOR A 12.71-ACRE PARCEL FROM R-1 TO C-4 LOCATED AT 2295 NAGEL ROAD, EAST SIDE OF NAGEL ROAD, SOUTH OF MIDDLETON, NORTH OF DETROIT ROAD. The Chair opens the Public Hearing at 7:00P.M. Dan Hopkins of DGH Developers and Michael Augoustidis of JMT Architecture. Mr. Hopkins says he has been engaged to help Drug Mart through the rezoning process of the 12 acres between current store down to Middleton. Mr. Hopkins says Drug Mart also hired Mike to come up with a feasible option to show how the property could be developed. They took a lot of information available from the city and they looked at the Master Plan and tried to get a good plan. Mr. Augoustidis says they have studied an approach to the rezoning of the property and were asked to evaluate a couple different options on how the parcel could be divided for commercial use. They wanted to make sure there was efficiency from the balance of safety considerations related to curb cuts, access to the site for emergency vehicles and maintaining a safe environment for people coming in and out of the site. Mr. Augoustidis says directly across the street is a planed retail development and they aren't sure at what approval level they are at, but they felt it was important to show it so that there is more explanation. Ms. Fechter says the project across the street also must go to the vote of the people, that has been through Planning Commission and City Council, and they are working through that process. They have studied a few different ideas to maximize that capability of what the site can do. They are proposing to split the parcel into 4 different lots and would use access that off Middleton and will provide a service lane the length of the property to the end and then they would go out to Nagel. They would be proposing for a light at that intersection. Mr. Augoustidis says for safety reasons there would be two other curb cuts that are being proposed, one at the far left for parcel A and one for parcel B. The traffic light proposed curb cut would service two parcels. They will also be putting a storm water retention pond at the back of the lot and that is their best guess at this time with some nice landscaping as a screen to the residential development.

There being no further questions or concerns Chairman Witherspoon s closes the public hearing at 7:08P.M.

CREATE A SPECIAL USE PERMIT FOR HAVONP LLC/DBA MEZQUITE TO INCLUDE AN OUTDOOR PATIO FOR SEATING TO BE LOCATED AT 35846 DETROIT ROAD. The Chair opens the Public Hearing at 7:09P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:09 P.M.

CREATE A SPECIAL USE PERMIT FOR CITY BARBEQUE, LLC TO INCLUDE OUTDOOR PATIO FOR SEATING TO BE LOCATED ON CHESTER ROAD NORTH OF ASHLEY FURNITURE. The Chair opens the Public Hearing at 7:09P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:09P.M.

CREATE A SPECIAL USE PERMIT FOR AVON HIGH SCHOOL TO INCLUDE ADDITIONAL TENNIS COURTS, PICKLE BALL COURTS AND LIGHTING AT 37545 DETROIT ROAD. The Chair opens the Public Hearing at 7:10P.M. Ben Hodge, Superintendent of Avon Schools says the current courts need to be replaced with a total tear out. Mr. Hodge says he talked to the mayor about possibly adding more courts and talking to the recreation department a lot of cities are adding pickleball courts in public places so people can us them. The additional plan was to redo the 5 courts and add 3 more tennis courts and at the top add a pickleball court and adding a small sidewalk to get you to the courts and add lighting as well.

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Gaye St. John, 37108 Hunters Trail, says if you are using the pickleball courts for the community are they going to be able to be used during school time and where will they park? Mr. Hodge says you will pull into the main entrance there is parking that will be redone and will have visitor parking and there will be grass parking as well. When kids are in session there will be talk about how many spots could be by the courts. Ms. St John is an avid pickleball player and most of the pickleball courts are at parks and not at schools. Her concern living by a school is the traffic and parking and is wondering why it's at the school and not at the parks since you must build the courts anyways. Her second issue is the school traffic and now having community coming in and its going to make it worst. The gate in the back doesn't work all the time, its either open, or broke or people are lifting it up, it's a lot. Ms. St. John says she appreciates the gate, but it seems like more times it open and not closed. With the PAC opening, that will create more issues with parking and traffic, and they have a lot of small children on the street and are concerned about it. She says if you must build, she suggests them being built at a park.

Joshua Horner, 37112 Hunters Trail says his biggest concern with the High School is with all the construction and traffic, he's all for making sure our community, our athletes, our student body have good places to plan on and his issue is with all the improvements they are doing things are going to get back logged and will run into next school year and will have more traffic on their street. Mr. Horner says the traffic is full on the street and cars are not parking and lining up on the street blocking the driveways so no one can get in or out of their driveway. Mr. Horner says there is a nice radar sign, and the kids and parents are still speeding. He is concerned for the safety of the little kids who live on that street and doesn't want anything bad to happen. Mr. Horner says they must force their way out of their own homes and a solution must be made to make the traffic better and enforcing the no parking on the street. We are all for helping and making sure we have nice things in our community but at the same time, we are asking for results from something that has been an issue for years.

Trica Glending, 37126 Hunter Trail which is the house behind the parking lot and says in addition to what the two people prior have said with the traffic, its unbelievable. Ms. Glending says there is no buffer on the back side of the parking lot and with there being no leaves on the trees, its extremely loud and the lights go shining into their house. She would ask that a buffer be places on the parking lot side and with the additional parking and lights, its going to make it worse.

Mr. Hodge says we talked about one pickle ball court, and they are looking to see if they are universal courts which means they can also do temporary lines with the OHSAA rules are with those lines. He said they had a safety meeting Monday with the City, and they completely understand what they are saying about the gate and its unfortunately its not the kids, its adults, they are adding cameras to help with that as well. Speed bumps will be added to slow people down and they are talking about restricting that gate even more as much as they can after school hours. He does understand we have to get kids in and out of school and we know that is a busy time. There will be no reason for them to open the gate for the pickleball courts they could enter off Detroit. The schools and the city are working together to work on traffic on both ways in and out and have a follow up meeting later this month. Mr. Hodge says they are going to start the high school an hour earlier to schedule kids intentionally, so they are all not coming and going at the same time.

Jerry Plas, 37577 Detroit Road asks how is the engineering firm going to handle the existing storm water runoff? Mr. Hodge says they will have them study that with our director of operations, that is in the bid as well since there is drainage in the front from the parking lot, they know that some of it needs to be redone. Mr. Plas says it is discharged into an existing detention basin that has remained dry for 25 years and now it's a 5-unit cesspool, how will that be addressed. Mr. Hodge says he will have to have the engineer's

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study that more. Mr. Plas says for the health, safety and welfare of the people playing on the courts, he recommends you investigate that. There are five little ponds that have algae, stagnant water, and dead grass, you don't want people playing on that courts with all the bugs.

There being no further questions or concerns Chairman Witherspoon s closes the public hearing at 7:26P.M

AMEND THE PRELIMINARY PLAT FOR FIELDSTONE SUBDIVISION TO INCLUDE 42 NEW SINGLE-FAMILY HOMES TO BE LOCATED NORTH OF SCHWARTZ ROAD, WEST OF STONE WHEEL RUN STREET. The Chair opens the Public Hearing at 7:26P.M. Jim Gamellia says the amended plan deals with trying to house the additional storm water on the site and the result of that was a curvature in the road and that is why its back tonight.

Michelle Miceli, 3086 Stone Wheel wants to know since the last time they were here in October you said nothing was approved now a couple weeks ago all the woods behind her home were destroyed. She wants to know how far they are going to go back behind their homes and if you are destroying all the trees or leaving some trees for them. Mr. Gamellia says the clearing is going to go back to Grismill from south to north, they are trying to save some of the trees on the eastern side of the property. There is a small band they are going to try to save. Mr. Gamellia says he is not sure how far the clearing with go yet and that would be part of the phase 2 and that will be addressed then. Ms. Miceli asks when will that take place? Mr. Gamellia says if he had to guess, it would be later part of 2023.

Anthony Lauricia, 3198 Stone Wheel says his concern is once this construction starts with the houses being built on Schwartz Road and the new subdivision, the road is getting all torn up with the construction traffic and going to tear up the road more. Do they plan on coming down Stone Wheel and making a left on Grismill to get back in there to work? Mr. Lauricia says Schwartz Road was complete mess last year with the mud and gravel. Mayor Jensen says Mr. Cummins could answer this more but there should be no truck traffic down there for that development it will have to be off Schwartz Road, if there are trucks that go through there, we will address it with the Police. Mr. Lauricia says when the development across the street is going in, is there anything you can do about getting those contractors to start cleaning up the road. Mayor Jensen says if you see it, call the city and we can make sure they get it taken care of, they should be maintaining it as it is. Mayor Jensen says there is an ordinance that says they must keep it clean.

Mark Hastings, 3147 Stone Wheel says his residents on the west side of the street are concerned about water drainage and how the new homes are going to be maintained so their yards don't get the runoff water, they are already wet as it is. They are also concerned about the traffic for construction on their street. Mr. Hastings asked if there is a traffic plan for managing the additional traffic.

Mr. Gamellia says thank you for bringing that up and will give his email so they can work through some of this stuff as it comes up. Mr. Szucs his engineer is working with the city to make sure that all the new homes keep their own water.

Mr. Cummins says it's been a special effort made along both sides for back yard drainage to stay within that subdivision to stay and be managed within their subdivision. Their plans are still under review and have tried their credit to try and maintain and save some existing trees while still providing an adauquet back yard drainage system.

Brian McNett, 2944 Stone Wheel says the last time they were here there was a proposed traffic study and asks if that was completed. Mr. Cummins says the applicant did prepare a traffic study and it showed a

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turn lane was not needed to serve the proposed development. Mr. McNett says there is a lot of concern with the maintenance of the road with all the construction traffic, it is falling apart. Mr. Cummins says he agrees it will stay on the maintenance radar as with Jaycox and Nagel as they will need to be resurfaced. There was some work done to improve the drainage a few years ago, the city will continue to make efforts to potentially widen that road somewhat and fix up the surface over time, yes, it's something they will be watched.

There being no further questions or concerns Chairman Witherspoon s closes the public hearing at 7:37P.M

AMEND THE PRELIMINARY PLAT FOR RED TAIL SUBDIVISION NO. 17 TO INCLUDE 19 NEW SINGLE-FAMILY HOMES LOCATED EAST OF ST. THERESA OFF RESERVE WAY AT ST. ANDREWS. The Chair opens the Public Hearing at 7:37P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:37P.M.

AMEND THE PLANNING AND ZONING CODE, SECTION 1264.04E AREA AND DENSITY REGULATIONS. The Chair opens the Public Hearing at 7:37P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:38P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, MARCH 16, 2022, IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon, Chairman; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, Safety Director and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-FEBRUARY 16, 2022

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 February 16, 2022, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

ADDITIONS/DELETIONS

Mr. Malloy, seconded by Mayor Jensen to delete item #18 Fieldstone Landing Subdivision at the Planning Coordinator request. A motion was made by the vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #20 Nagel Farms at the applicant request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #21 Red Tail Subdivision No. 17 at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #22 Red Tail Subdivision No. 17 at the applicant's request. 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 amended agenda. The vote was: "AYES" All. The Chair declared the motion passed.

Mayor Jensen says some people might leave but wanted to say the concern on Schwartz Road will be a tricky situation as once that development starts, we must decide when to repave and slightly widen that.

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The challenge is when the development starts at what point do they do that since there will be two developments going in and don't want to do it too soon to have it destroyed by truck traffic, so he asks that the residents be patient with them as they are working to do the best for that area.

Richard Miceli, 3086 Stone Wheel asks does it make sense to repave it now before the construction starts because it is bad, and he ripped his tire in half on the pothole. He does the coffee test, puts a cup in the car and drive down the street and try to take a sip of that coffee if you can, now you can't. Why don't you repave now, do the construction, and repave again? Mayor Jensen says right now what we have budget for this year, it is not in that for this year, but we need to look at what the cause is and if its construction we need to make the construction responsible for that. Mr. Miceli says his taxes went up 1200 bucks and he doesn't know about anyone else but his house alone over the past year. Mayor Jensen says that 11% of that comes back to the city, most of your taxes does not go back to the city. Mr. Miceli says he hates marshmallow words, we'll investigate it, we'll keep an eye on, we will get back to it later, it's all those fluff words don't mean anything. All these people hear this from politicians and people in public office all the time. Give us a time frame with results.

ISOMER GROUP, LLC dba DISCOUNT DRUG MART-FIRST PRESENTATION-REZONE
DJH Developers representing Isomer Group, LLC dba Discount Drug Mart are requesting taking a 12.71-acre parcel PPN ending in -196 and rezoning it from R-1 to C-4 located at 2295 Nagel Road located on the east side of Nagel Road, south of Middleton and north of Detroit Road.

Ms. Fechter says she wants to let the group know the process for this rezoning because the land is located where it's located it is required to go in front of the people in November. They are here now to get a positive or negative referral to City Council, and they will make their final decision and then it will go to the ballot. This is to get them through the process, but final determination will be by the vote of the people.

Mayor Jensen says he has issues with the layout showing the three possible curb cuts and the light, the traffic is already an issue. If you look at the proposed on the other side that the residents still must vote for, typically that corner lot would be a right in and right out but as you see where Levin and that strip is, there is one entrance and that is off Middleton. Mayor Jensen would like to see that same concept on that side, he doesn't want to see curb cuts on Nagel with how heavy the traffic is. Mr. Hopkins asks the one for the proposed development is that a right in and right out only? Mayor Jensen says that is what they would request but he doesn't know if we made it that far. Mr. Cummins says Drug Mart is a client of his company and he has not been part of any review and removes himself but to the mayor's point, he will say it's been common for us across town in high traffic areas request minimalization of access points, right in, right out. Mayor Jensen says he would not be in the position to vote with the way it is set up right now. Ms. Fechter asks if they will have time if they come back next month. Mr. Gasior says yes, they have time. Mr. Hopkins asks Mayor Jensen other than that concern; he wants to make sure he understands on parcel A. Mayor Jensen says its all 3 of them if they were right in and right out but he would be opposed putting it in front of the ballot if we allow that to go forward. The curb cuts for parcel A and B you think should be right in and right out, Mayor Jensen says, and C and he would be opposed to a traffic light right there as the back up goes almost to Middleton. Mr. Hopkins says they took the master plan into consideration based on the future development in the area. Mr. Hopkins says he is not sure what the feeling is on the other side if all the residential side will be rezoned as well if all the east side becomes commercial development. Mr. Hopkins says the drive along the back to service what they would need and exit at another light. The light was placed halfway between the light on Detroit and Middleton as more of a projection for down the road. Mr. Hopkins says you would be comfortable with the right in and right out and Mayor Jensen says yes. Mr. Hopkins says Drug Mart is in it for the long haul and they want to make

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sure they have the right fit for the City and them. Mayor Jensen says the big concern is with the Dunkin Donuts, they have the stacking issue that we are trying to avoid.

Chairman Witherspoon declares this First Presentation.

HAVONP LLC dba MEZQUITE-FIRST PRESENTATION- SPECIAL USE PERMIT

Michael Tomsik representing Mezquite is requesting approval of the site plan and the recommendation to Council to create a Special Use Permit to include an outdoor patio with seating to be located at 35846 Detroit Road.

Michael Tomsik says it's the intention of the owner to have an outdoor patio on the west and south side of the building. Ms. Fechter says this is the former IHop in Avon Commons. Mr. Tomsik says the lawn area will become a paved patio space surrounded by fencing and brick piers with string lighting and no outdoor music. Mr. Tomsik says the music will be streamed on speakers. Mrs. Witherspoon asks about the protection and bollards. Mr. Tomsik says there are bollards in the parking lot area around the sidewalk. Mr. Tomsik says they show the bollards about 4' apart and 4' tall and wants to know if that is sufficient. Ms. Fechter says she will verify with the fire marshal, but she believes its 3 feet. Mr. Tomsik asks what color; must they be yellow? Ms. Fechter says some people have them outside the fence, part of the fence or on their own. Mr. Radcliffe says the stone pier could be steel type bollard with decorative concrete and then the aluminum fencing between. Mr. Tomsik asks should they be in the pier or outside around the sidewalk in the parking area. Mayor Jensen says if it stops people from the area.

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, and recommend to Council to create a Special Use Permit to include an outdoor patio with seating to be located at 35846 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

AVON PLAZA-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Lynn Miggins of KS Associates representing Ryan Mann is requesting approval of the final development plan for a proposed retail development to include a 4,200 sq. ft. building and a 2,700 sq. ft. building to be located on Chester Road.

Lynn Miggins of KS Associates and Micky Mann of Avon Plaza are here tonight. Ms. Miggins says they have presented the final engineering drawings that are compliant with the general development plan. They have been through the review process; the plan remains the same with two restaurants with drive thru's and the 3rd retailer is yet to be names. The access point was moved as requested and they believe they have complied with the requirements and are asking for final approval. Mr. Cummins says they have completed all the review and they would recommend its approval. They did move the driveway as much as possible and they have a few outstanding issues with the Utility departments and see that all happening in due course and would recommend approval. Ms. Fechter say she would agree that all comments have been addressed.

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 final development plan for a proposed retail development to include a 4,200 sq. ft. building and a 2,700 sq. ft. building to be located on Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

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AVON PLAZA-FIRST PRESENTATION-SPECIAL USE PERMIT

Lynn Miggins of KS Associates representing Ryan Mann is requesting approval of the site plan and recommendation to Council for approval to create a Special Use Permit for Avon Plaza, LLC to include an outdoor patio for a 2,700 sq. ft. building to be located on Chester Road.

Lynn Miggins says the building on the right, Freddy's Frozen Custard is the one that is subject to this permit. The awning is a fixed structure that holds up the awning with 3 posts with fencing between the post with red bollards. There is no outside entrance to the patio, it will be done from the inside with no live music outside. Ms. Fechter says the Fire Marshall is good with the protection.

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, and recommend to Council for approval to create a Special Use Permit for Avon Plaza, LLC to include an outdoor patio for a 2,700 sq. ft. building to be located on Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

CITY BARBEQUE, LLC-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Jeffrey Lonchor of CESO, Inc representing The Benchmark Group is requesting approval of a new 3,567 sq. ft. City Barbeque restaurant with drive-thru and outdoor patio to be located on Sublot 5 of Chester Road Development located north of Ashley Furniture.

Jeffrey Lonchor of CESO on behalf of Benchmark Group and City Barbeque to present the final development plan for out lot 5 on Chester Road. Mr. Lonchor says they are located across from Bendix, and they have one full access drive along the east side and one on the southwest corner. Site flow goes counterclockwise to accommodate the proposed drive thru, the window is on the east side with the menu board on the south side which creates a good length to stack. Mr. Lonchor says the patio is located on the west side with main entrance located northwest corner of the building. City Barbeque is known for smoked meats, and they show off their smokers on the northeast corner in a fenced in area. There are 13 stacking spaces and 50 parking spaces on site. Mr. Lonchor says they worked with Jacobs Group to come up with a layout that was agreeable to them and the city. Mr. Cummins says they have been reviewing the site plan and still have some minor outstanding engineering comments to be addressed but would request this be a contingent approval and they are looking for verification for the as built information for the storm water management basin that was constructed previously. Ms. Fechter says she would agree with Mr. Cummins as there are a few outstanding details and would recommend a contingent approval. Mr. Radcliffe asks if there is concern for the east driveway out that could back up and crossing the traffic to get back onto traffic, should that be considered a right in and right out? Mr. Cummins says that full access was part of the general development plan that was approved back in 2021 and it can exit to the south.

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 new 3,567 sq. ft. City Barbeque restaurant with drive-thru and outdoor patio to be located on Sublot 5 of Chester Road Development located north of Ashley Furniture. The vote was: "AYES" All. The Chair declared the motion passed.

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CITY BARBEQUE, LLC-FIRST PRESENTATION-SPECIAL USE PERMIT

Jeffrey Lonchor of CESO, Inc representing The Benchmark Group is requesting approval of the site plan and the recommendation to Council to create a Special Use Permit to an outdoor patio to be located on Sublot 5 of Chester Road Development located north of Ashley Furniture.

Jeffrey Lonchor says this is for the patio, it will have no live music, there will be can lights across the awning as main light source along with parking lot lights and daylight. Mr. Cummins has no comments on the patio. Ms. Fechter says they have no music on the patio and their hours of operation is 11AM to 9P.M.

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, and recommend to Council to create a Special Use Permit to an outdoor patio to be located on Sublot 5 of Chester Road Development located north of Ashley Furniture.

T-3 REALITY 2 -FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Mike D'Andrea is requesting approval of the site plan for proposed 81,720 sq. ft. Indoor sports training facility, Phase 2 to be located north of 1965 Recreation Lane.

Craig Sanders of Freeman Building Systems says they will be building the building. Mr. Sanders says they have a request to build an 81,720 sq. ft. indoor training/sports facility to the north of the existing T3 facility. It would be a separate operation but there will be some cohesive uses in terms of the current T3. Mr. Sanders says a portion will be used with UH hospital and will provide medical services related to sports and their training. Mr. Cummins says he has been reviewing the submissions and have some outstanding comments along with several easement areas that need to be finalized and he would recommend this be a contingent approval. Ms. Fechter agrees they also need a variance, and they are scheduled to do that in April.

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 proposed 81,720 sq. ft. Indoor sports training facility, phase 2 to be located north of 1965 Recreation Lane contingent upon final engineering, getting a variance and the City agreements and Easement documents. The vote was: "AYES" All. The Chair declared the motion passed.

AVON LOCAL SCHOOLS-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Bill Fishleigh, Director of Operations for Avon Local Schools is requesting approval of the site plan to include additional tennis courts, pickle ball courts and lighting at 37545 Detroit Road

Mr. Hodge says he doesn't expect must more traffic impact during the school day as there won't be crowds while in school. He understands about the Hunters Trail traffic, and they are working with the city to get a plan as well. On the back side of the parking lot, they are changing the lights to the led lights with downward shine. Mayor Jensen says to address why the city is partnering with the schools is they both made a commitment to do as much as they can together to help off set some of the costs. We talk about pickleball, and they can use some of the tennis courts. When you do a project together you have one here and one there and the costs rise. There is a bigger call for tennis and pickleball and it makes sense to add

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where you have some already and it makes sense to partner with the schools to make it work better for everyone. Mr. Hodge to the Mayors point they will do what is necessary to get ready for construction and will take care of the maintenance of them, either way the tennis courts need to be replaced. Mr. Fitch asked during the summer months how will it be coordinated? Mr. Hodge they would coordinate with the Recreation department. Mayor Jensen says tournaments will be limited its more of an open court use and having enough allows multiple people to use the courts. Mr. Fitch asks how many courts do you need to conducted matches, is there an issue with the extra lines? Mr. Hodge says that is what they are checking on and what the rule is. If they can't have the lines, they will not be able to have matches on those courts. Mr. Hodge says they are looking to start about May 15th as they don't want to affect the tennis team and want it done by the start of school in August.

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 to include additional tennis courts, pickle ball courts and lighting at 37545 Detroit Road The vote was: "AYES" All. The Chair declared the motion passed.

AVON LOCAL SCHOOLS-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Bill Fishleigh, Director of Operations for Avon Local Schools is requesting approval of the site plan and the recommendation to Council for approval to amend the Special Use Permit to include additional tennis courts, pickle ball courts and lighting at 37545 Detroit Road

Ms. Fechter asks if something should be included about the buffering. Mr. Hodge says he will sit down with them but having no leaves its hard. The new lights will make a big difference. Mayor Jensen says I think she's looking for greener and asks to work with them. Mrs. Clements asks if the lights will be on a timer? Mr. Hodge says yes, they will be. Mayor Jensen says drainage was brought up and asks if he would check on that as well.

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, and recommend to Council for approval to amend the Special Use Permit to include additional tennis courts, pickle ball courts and lighting at 37545 Detroit Road The vote was: "AYES" All. The Chair declared the motion passed.

CONCORD VILLAGE-FIFTH PRESENTATION-REZONE

Jason Friedman is requesting approval and the recommendation to Council for approval of taking 7.89 acres and rezoning that from M-1 to R-3 leaving the remainder 4.20 acres M-1 for proposed Concord Village Phase 3 to be located on the north side of Chester Road.

Jason Friedman says they have made some changes since the last time they met. The unit count is 72, they added a stub street between phase 2 and proposed phase 3 to the west, they added a sidewalk on the east side, they moved the units to the south slightly to get the pond in its own location, not behind the units, they added parking in various points for guest and in the center of the property they have a dog park, open space park, a picnic area and a playground with guest parking and a traffic calming island. Mr. Friedman says to look at the north as they have a temporary cul de sac as they eventually will want to connect to that to go west to east. Mr. Friedman has agreed to donate the property to the City for future use. Mayor Jensen asks Mr. Coyne to come up on the city behalf to talk about how we got to this point. The difficult

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part that we have is how do we stop this piece was a unique piece of property and how do connect to the next piece of property and how can we protect the city and help work to get this done and move forward. Mr. Coyne says Freeman will be an important part of the future M-1 uses, without it being in there given the development of this parcel you are at a disadvantage to the M-1 use is through a new residential subdivision. Mr. Coyne says its important for the record that this is the end of the line how this rezoning would be approved. We also added in the development agreement some of the condition that Mr. Friedman had mentioned ensuring there will be additional buffering to the west to protect them from the M-1 uses and have a nice balance. This will include mounding, buffering and a 6' high privacy fence. Mr. Coyne says we also have the stub streets include and the one is really an emergency to go into the Villages of Avon. The one mentioned by Mr. Friedman can go into the west could be connected to future R-3 development so that is consistent with the properties that front on Chester. Mr. Coyne says the M-1 to west would be served by Freeman Drive primarily and is something that should be planned and developed going forward with some of those property owners. Mr. Coyne says Mr. Friedman is also donating a total of 4.2 acres inclusive of Freeman to the north of the development. He continues to say the retention pond is being done pursuant to Mr. Cummins review as well and the goal is making sure this is the end of the line for the rezoning for the northern properties that front on Chester and start to plan for Freeman to allow those properties to be developed for the M-1 uses. Mayor Jensen says since you worked on this for us do you think it puts us in a strong position to be willing to defend that because sometimes, we do something and then you go to defend it. Mr. Coyne says with the record in place and the properties to the west don't have the kind of development that is in this parcel that is existing. Mr. Coyne says the development agreement should be part of the rezoning ordinance as well and will be filed so it runs with the land so you can always go back to it if this developer or if something happens with the builder that will be retained that they will be bound by this agreement. Mayor Jensen says Planning Commission is recommending this, Council would go ahead and make sure all that is in plan. Mr. Coyne says yes, Council will approve the developer's agreement and it will govern the property going forward. Gives additional security for the city to make sure it gets developed as presented by the developer.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve taking 7.89 acres and rezoning that from M-1 to R-3 leaving the remainder 4.20 acres M-1 for proposed Concord Village Phase 3 to be located on the north side of Chester Road pursuant to the developer's agreement. The vote was: "AYES" All. The Chair declared the motion passed.

CONCORD VILLAGE-FIFTH PRESENTATION-AMEND GENERAL DEVELOPMENT PLAN

Jason Friedman is requesting approval of amending the General Development plan for Concord Village to include Phase 3, 72 new units to be located on the north side of Chester Road.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve amending the General Development plan for Concord Village to include Phase 3, 72 new units to be located on the north side of Chester Road. The vote was: "AYES" All. The Chair declared the motion passed

FIELDSTONE LANDING SUBDIVISION-FIRST PRESENTATION-AMEND PRELIMINARY PLAT

Chuck Szucs of Polaris Engineering is requesting approval of the amended Preliminary Plat for Fieldstone Subdivision to include 44 new single-family homes to be located north of Schwartz Road, west of Stone Wheel Run Street.

Jim Gamellia says his engineer is still working to put a bend in the street to house some additional storm water management on the site. Mr. Cummins says this change was made to reflect the bends in the street as noted, they had moved a basin out of the back yards on the west side and he has no additional comments and would recommend consideration for approval. Mr. Cummins says its ongoing process

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going through the review of the final engineering for the subdivision. Mrs. Witherspoon asks if this would be contingent upon final approval? Mr. Cummins says the preliminary plat will stand on its own and when they come back, they will be through the review process. Mr. Radcliffe asks if its 44 or 42 homes. Mayor Jensen asks that Mr. Gamellia to contact the couple residents with issues before they come back next month.

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 amended Preliminary Plat for Fieldstone Subdivision to include 42 new single-family homes to be located north of Schwartz Road, west of Stone Wheel Run Street. The vote was: "AYES" All. The Chair declared the motion passed.

FIELDSTONE LANDING SUBDIVISION-SECOND PRESENTATION-FINAL PLAT

Chuck Szucs of Polaris Engineering is requesting approval of the final plat and the recommendation to Council to create a Subdivider's Agreement for a 42 new single family home subdivision to be located north of Schwartz Road, west of Stone Wheel Run Street.

Deleted from the agenda at Planning Coordinator request.

GRANDE ESPLANADE-FIRST PRESENTATION-FINAL PLAT

Vince Bobkovich of Euthenics requesting approval of the Final Plat and the recommendation to Council to create a Subdivider's Agreement for Grande Esplanade, a 37-home subdivision located on the east side of Nagel Road, north of Mills approved Preliminary Plat 10.21.21 with sanitary connection along Nagel Road.

Vince Bobkovich says this plan has preliminary approval and this is the one we are going with; they are not connecting into Red Tail, and they are taking the sanitary down Nagel Road to Lyons Gate and will connect into that manhole. They got comments from engineer and are working on those now and will be taken care of no problem. The one big issue is the north property drainage and want to discuss more about that today. Pete Restivo says they are talking about the northwest corner where there is a 2x2 inlet that was installed by Carnegie 23 years ago to manage the storm water. Mr. Restivo says they would like to invite someone out the site for a site visit, you would see what drainage was established and what drainage was interrupted. Mr. Restivo say whatever the damage is done, it's been done, the simple answer is to correct during construction and the as built plans will handle the amount of drainage that is of concern to all parties. Mr. Cummins says he will follow direction of the Law Director and the Administration. Mr. Cummins spelled out the issues in his letter of long-term maintenance, but he will follow the lead of the administration. Mr. Cummins says plans were submitted today and asks for a full set of plans.

Ms. Fechter recommends this be first presentation. Mayor Jensen asks Mr. Gasior if the request made can be done and he says that's fine.

Chairman Witherspoon declares this first presentation.

NAGEL FARMS SUBDIVISION-FIRST PRESENTATION-FINAL PLAT

Tom Kuluris of Liberty Development is requesting approval of the final plat and the recommendation to Council to create a Subdividers Agreement for a 38 new single-family home subdivision to be located north of Detroit Road, east of Nagel Road off Middleton.

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Deleted from the agenda at Planning Coordinator request.

RED TAIL SUBDIVISION NO. 17-FIRST PRESENTATION-AMEND PRELIMINARY PLAT
Jim Saylor or Reitz Engineering representing Carnegie Residential Development Corporation is requesting approval of the amended Preliminary Plat for Red Tail Subdivision No. 17 to include 19 new single-family home subdivision to be located east of St. Theresa off Reserve Way @ St Andrews.

Deleted from the agenda at Planning Coordinator request.

RED TAIL SUBDIVISION NO. 17-FIRST PRESENTATION-FINAL PLAT
Jim Saylor or Reitz Engineering representing Carnegie Residential Development Corporation is requesting approval of the final plat and the recommendation to Council to create a Subdivider's Agreement for a 19 new single-family home subdivision to be located east of St. Theresa off Reserve Way @ St Andrews.

Deleted from the agenda at Planning Coordinator request.

REFERRAL TO COUNCIL-FIRST PRESENTATION-AMEND PLANNING AND ZONING CODE
Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is recommending Council approval to the Ordinance amending The City of Avon, Ohio Section 1264.04e Area and Density Regulations.

Ms. Fechter says there have been conversations with Mr. Gasior and Mr. Coyne in possibly adjusting the density from a 10 unit per acre to 8 units. Mr. Gasior says there were some internal discussions and present this tonight to give people an idea of what we are thinking. Mr. Gasior says reducing the density in R-3 could save a couple units per acre which could be significant. Ms. Fechter asks if we are also reducing the density for senior housing. Mr. Gasior says yes because its all under that section of the code. Mr. Coyne says when you look at this size of the units, they have a minimum first floor square footage of 1000 feet so if its 10 units per acre you can get substantial structures going up 3 stories with very little green space and setback. Mr. Coyne says they were able to add sidewalks with the prior development. He continues to say reducing from 10 to 8 you will still get a good development but will add more green space and attractive features, so these developments look good in 25 years. Mr. Coyne says there are no sidewalks in the first phase, they are very tight, and the location of the basin is in the middle and hopefully all the engineering they have done they won't have any issues with this last phase. Mr. Coyne says this has been a topic in other cities as the density can become an issue. Mr. Fitch says the one we have now are we getting the 10 units? Mr. Coyne says they did reduce the density and they did not want to go below the 72 and we were concerned about the basin being behind and they were able to engineer that to make it better and not lose any units and maintain the green space. Mr. Fitch says that would be better in his opinion, his thought after last meeting was there bought in June, there must have been a reason he bought that. Its like you buy a car and then after you want to go back and have heated seats and everything else, but you knew what they were buying at that time, they would have known what was offered. Mr. Coyne says as it relates to the mayor's comment during the presentation about the future rezoning, he thinks Freeman is going to be an important part of that equation as you look to doing that you can attract M-1 users and not have as much of the concern they need access Chester. Mr. Gasior says we need to look at the minimum acreage for the congregate care acreage to help eliminate the strain on the emergency services. Mr. Coyne says they are looking to change that as well with limitation on locations and acreage. Mr. Radcliffe asks are their other things we can look at to strengthen to add sidewalks and adding additional green space. Mr. Coyne says if lower the density you can add more

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parking areas, green space and sidewalks more real estate would be available to work with and they will look at that as well.

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 9:06P.M

ATTEST

CHAIRMAN

DATE