

AVON PLANNING COMMISSION MEETING MINUTES HELD ON APRIL 19, 2023

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, APRIL 19, 2023, IN COUNCIL CHAMBERS OF CITY HALL

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

Fieldstone Landings Subdivision; Amend Preliminary Plat; 20230018

Request to amend the Preliminary Plat for Fieldstone Landings Subdivision to remove the northern stub street for the 42 new single family home subdivision approved by Planning Commission on April 20, 2022.

The chair opened the public hearing at 7:00p.m.

Ms. Fechter indicated during additions and deletions she will be deleting this item from the Agenda as they are not moving forward with the Amendment. Ms. Fechter asked if there was anyone in the audience for the Fieldstone Landing Subdivision.

Chair Witherspoon indicated since Item 3 for Fieldstone Landing Subdivision will be deleted from the agenda and will not proceed with the Public Hearing.

There being no further comments or discussion. Chairman Witherspoon closed the public hearing at 7:01p.m.

Referral to Council; City of Avon; Amend Special Use Permit

Request to recommend to Council to amend the Special Use Permit for Northgate Community Park to include a new bathroom and include any future construction, landscaping, or maintenance. that is related to the operations of recreation facility.

The Chair opened the Public Hearing at 7:01 p.m. There being no one present in the audience Chairman. Witherspoon closes public hearing at 7:01 p.m.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY APRIL 19, 2023, IN COUNCIL CHAMBERS OF CITY HALL.

Present: Bryan Jensen, Mayor, Jim Malloy, Scott Radcliffe, Carolyn Witherspoon, Chairman, Staff: Jill Clements, Zoning Enforcement Officer; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, Safety Director; Susan Pintz, Planning Clerk

Absent: Bill Fitch

MINUTES OF THE REGULAR MEETING HELD MARCH 15, 2023

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 March 15, 2023, and to approve said minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

ADDITIONS & DELETIONS

Ms. Fechter indicated that Item 3, Fieldstone Landings Subdivision; Amend Preliminary Plat; 20230018 will be deleted from the agenda at the request of Fieldstone Landings Subdivision, as they are no longer moving forward with Amendment. She asked that item:

6A, Stoney Acres Subdivision-Kevin Urig Lot Split and Consolidation and.
6B Detroit Road/SR83 Road Improvement Project be added to the agenda.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to delete item #3 from the agenda 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 add item 6A, Stoney Acres Subdivision-Kevin Urig Lot Split and Consolidation and 6B, the Detroit Road/SR83 Road Improvement Project, at the Planning Coordinator'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.

1. McHale/McIntosh Farms HOA; Lot Split; PL20230008

Request to split .3333 acres from Block C, parcel ending in -030 and consolidate it into parcel ending in -020 to create a new .8717acre subplot 64, 39277 McIntosh Place.

Mr. Colin McHale is asking to split off a portion of Lot C and consolidate with current property in McIntosh Farms.

Mr. Cummings has indicated that the Applicant has agreed to maintain all easement rights that are on both the original subplot and the open space area that would be attached and also attached to his subplot. The storm sewer that is in place had an easement over it and there was an overall drainage easement over the lot. Those have been committed to being maintained. The plat was reviewed and there is not any other engineering or surveying comments. Ms. Fechter has indicated this has been reviewed and agree that it is ready to go.

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 McHale/McIntosh Farms HOA: Lot Split. The vote was: "AYES" all. The Chair declared the motion passed.

2. Roger and Sherry Reaser; Lot Split; PL20230009

Request to Split 3.9867-acre parcel ending in -069 at the southwest corner of SR-83 and Kinzel Road into two parcels consisting of 2.5084 acres and 1.4783 acres.

Vic Stewart, Bramhall Engineer, 801 Moore Road, Avon, Ohio 44011. His clients, Roger and Sherry Reaser are requesting to create a Lot Split survey at the southwest corner of SR83 and Kinzel Road. They have approximately a 4-acre parcel and they want to create approximately a 1.4-acre parcel. A letter of approval for the soils from the Lorain County Public Health was obtained because there is no sanitary sewer in the area running thru it. They are asking for consideration or approval, and he is here to answer any questions.

Mr. Fechter indicated that the Applicant and the Engineer has worked with the city in the past. When they first came in with this Lot Split, we asked them to move it because the barn that is now there, with the lot split, it would have created a situation where there are too many square feet on that parcel. They went back and revised the drawing. They submitted the drawing again and then we discovered that they were too close to SR83. We then asked them to go back to the original drawing and then went to the Board of Zoning at the April 5 meeting. It was only 312 square feet over what they were allowed so the board did grant that variance. It has been reviewed and we recommend its approval. Mr. Cumming also indicated it has been reviewed as to the surveying aspects of the plat and he has no additional comments.

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 Roger and Sherry Reaser Lot Split. The vote was: "AYES" all. The Chair declared the motion passed.

3. Fieldstone Landings Subdivision; Amend Preliminary Plat; 20230018

Request to amend the Preliminary Plat for Fieldstone Landings Subdivision to remove the northern stub street for the 42 new single family home subdivision approved by Planning Commission on April 20, 2022.

This Item was deleted from the agenda.

4. R.E. Jacobs Group; Amend General Development Plan; PL20230005

Request to amend the general development plan for the R.E. Jacobs Group to include Nagel Crossing at the northeast corner of Nagel Road and Just Imagine Drive.

Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011

Mr. Appell says they have been working the Planning Department and the City Engineering. He indicated they have had a couple of iterations, and this is the current iteration. This is the revision they are adding to the Deville Development Project, Nagle Crossings, at the southeast corner of Nagle Road and Just Imagine.

Ms. Fechter says that this was just updated. They sent this addition, so instead of having Deville Development going thru the hotel they are using the access drive that is in place now that goes from Cleveland Clinic Boulevard, in front of the hotel. That is now going to be extended all the way to Just Imagine Drive to make that full access for the entire site. I have spoken with the owners of the hotel, and

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they agree and think it will actually help their development. They will still have their entrance, but now that whole section will have everything coming in and out of that main entrance.

Mr. Cummings said, as Ms. Fechter noted, this was just submitted back into us today we have had several interactions over the last few days concerning these revisions and getting to this point. I would ask the Planning Commission if it was considering a vote tonight that it be contingent on final engineering approval. We have made some requests about turn lanes along Nagle Road. I think that needs a little more tweaking on this General Development Plan and would like to work with the Applicant and their Engineer before we set that in stone.

Mr. Radcliffe asked, can he explain how going down on Just Imagine and where does this line up from the gas station?

Mr. Cummings said it does not line up. Ms. Fechter said it is in the General Development Plan. Mr. Cummings said, they had proposed it to line up and have that be a right in and right-out driveway but its right where Just Imagine expands multiple lanes and it is set up for a turn into their side and instantly make a turn because then you would be running into the building there. The plan for this site for several years has been to have a continuous north-south common drive and that was taken away to have that line up. Also having it be right in and right out presented a problem for the Fire Department that would have that center island, we looked at having left turn coming in from Nagle but that was not desirable to Police and Fire Departments. We were left with having right in and right out where the fire trucks would go over the island and it is not lining up with the original intent with the common drive and being right in a spot where the road is rapidly expanding. In talking with the Applicant, we have decided to have them move it to the east and regain that common north-south common driveway and have it be a full access. It is now in an area where the road is narrower and will have a better view of the single line of traffic that is flowing on Just Imagine from the east towards the west. We eliminated the problem with the fire trucks going over the island. We view those are all positive areas of desire. In the future we might have the GET GO drive relocated, there is the car wash there, but we will see how that goes. We felt this is a much better solution, safety wise, with the emergency vehicles.

Mayor Jensen said, in addition to what Mr. Cummings said, in the long term we have looked at the intersections as it needs some improvement maybe not on that side but on the other side and then in time looking at the GET GO to possibly moving that drive in case, we did need signalization we will need them to line up.

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.

Mr. Radcliffe questioned the drive thru. Mr. Cummings said there are 3 different drives thru' s on the site. Mr. Radcliffe asked 2 pick-up windows, a national order and pick up still? Mr. Appel confirmed that is correct. Mr. Cummings said we will get into the drive thru issue on the forthcoming item. The concern that I have is the dedicated right turn lane along the east side of Nagle Road and how that interacts with Cleveland Clinic Boulevard and how it may interact with the proposed right in and right-out apron. We want things to be set up at this time and have those items taken care of or at least everyone in agreement as to how is being taken care of. Mayor Jensen indicated to Mr. Radcliffe that he might be talking about upcoming Item 6.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to approve the R.E. Jacobs Group; Amend General Development Plan. The vote was: "AYES" all. The Chair declared the motion passed.

5. Nagel Crossing; Special Use Permit; PL20230007

Request to recommend to City Council to create a Special Use Permit for Nagel Crossing for three buildings with outdoor seating and drive throughs at the northeast corner of Nagel Road and Just Imagine Drive. Public Hearing done March 15, 2023.

Jim Evans with Portal Associates Architects, 3951 Convenience Circle NW, Suite 302, Canton, Ohio 44718. Heather Migoni from our office will be running some technology. I noticed on the agenda that this item comes in before items 6. Ms. Fechter said it should be reversed, can we run them as one, give the presentation for the Final Development Plan, or should we talk about outdoor seating. Go ahead give your presentation as if you are doing the Final Development Plan. Mr. Evans said we can talk about the outdoor seating and drive thru's at the same time. On the screen is the most current site plan for this project which was just generated in the last day. This site plan unlike the last site plan has the entrance moved over. The full access entrance has moved over and aligns with the existing drive that feeds the hotel. It is agreed that is a good move for fire, police and everybody concerned. It was requested previously that it align with the GET GO which is what you saw on the previous drawing. It is now not aligned with the GET GO entrance, it is a little further east, just wanted to make sure that is clear. There are some clouds on the drawings that is because there have been a lot of rapid changes to the drawings in the last week or so. The project is just under 3 acres of development. We have 3 retail/restaurants/buildings going up, a stand-alone Starbucks, it will be one of the larger ones that has been done at approximately 2,550 square feet. Building A, closest to the intersection, which will be a Chipotle, we are also looking at another restaurant. That building is approximately 7,200 square feet. Then we have Building B which is at the furthest east and that building is approximately 6,800 square feet. We have some renderings on how those buildings will look. The parking requirements were based on the formulas and calculations were right out of the Avon zoning code. There is more than adequate parking for this development based on the square footages and the formulas that we must use. There are extra spaces available. Restaurants require more parking, but we have that satisfied. You will notice the dumpsters are between buildings A and B and are faced to the north. The brick wall is the same design as the building. Trash service will come thru the alley between A and B. Those will not be visible from Just Imagine Drive and will not be visible from Nagle because it will be blocked by the building's architecture. We are still a little bit in limbo about the right turn lane off Nagle Road. We designed it and had it ready to go, but the understanding at this time is we are taking it out. That is up for discussion. We are showing that right turn not going in currently, that goes in at a future time. We have the parking and landscape plan which has all been submitted for approvals as well.

Mr. Evans says they will show the floor plans for Starbucks first. This plan is a foundation plan, but it has the outdoor seating, which is part of the approval for tonight. The outdoor seating is at the right end of the building. The fence is an aluminum and stainless-steel cable railing. Colors are black with stainless steel. We also have bollards which is a requirement for Avon to protect the outdoor seating area. Mr. Radcliffe asked if they are integrated in the fence as well? Mr. Evan confirmed yes. The spacing is such so a car cannot get through those bollards. They are spaced about 5 feet apart and they will be black. The next floor plan is Building A. This will be for Chipotle and there will be a drive thru. Chipotle is going into the left side. They have a decent amount of seating. You can see the fencing in front of Chipotle and the bollards and same fence design as Starbucks. This a floor plan which is a working drawing waiting to be built.

Ms. Fechter said Building A and B both of those drive thru's are carryout only, there is no ordering, no money, its all done online there are just driving thru to pick up. They have given us 10 stacking spaces for both of those buildings with the carryout only as well as 2 additional parking spaces that will be labeled

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for carryout only, just in case they get too many people on the site and need to have them moved forward they have given us those parking spots as well.

Mr. Evans is going into the floor plans. He can show the outdoor seating areas which is part of Item 5. He says Building B, this the building furthest east, it 6,800 square feet. This has very limited outdoor seating. It would be the far-left tenant with a drive thru. There is a sidewalk close to the building. There will outdoor seating to consist of a couple of tables. The railings define the sides, and the bollards are there to protect the seating area. From the curb to the doors the sidewalk is 5 or 6 feet and then about 4 feet to the building for the outdoor seating but its very limited.

Mr. Evans says we will talk about the Starbucks parking and drive thru. He was showing pictures of Starbucks and the drive thru and cars lined up. He shows the architectural design with the material and colors being used. They are using high-end materials. There will be a canopy above the drive thru, built with steel, they have roof drains and will put a linear LED lighting system. He was showing each side of the building.

Mr. Evans will now go into Building A; Mayor Jensen said the more important question is they get the lot right. Mr. Evans is now showing Building A with Chipotle as an anchor. The view is from Nagle Road looking southeast at Building A, it gives a good sense of the drive thru, calling it a pick-up window for those mobile orders. Same architectural as before with the brick and linear LED lighting, can see the other tenants at the front façade. The main façade is facing Nagle Road. He showed some other views of the building. They are looking for a tenant for the right side. Mr. Evans shows Building B, which will be the restaurant Noodles, similar design, with the brick, beige and black in color. He is showing an animation of the site with 3D to get a sense of the architecture. The Starbucks will be at the north end.

Mr. Evans is going back to the site plan. With respect to Starbucks there has been some concern about the drive thru. There is more than enough parking than the zoning code requires. We are talking to another restaurant and if that restaurant decides to come in, we are going to need that extra parking. If that happens, we will talk with Ms. Fechter. We are designing things in accordance with your regulations, from storm water management to detention basins to storm water quality, all those issues are being addressed and that will all be reviewed by all your departments. We have worked with your Fire and Police Departments and are responding to all their needs with this design. This is a plan that we pulled together late this afternoon we wanted to give you a sense of the worst-case scenario for Starbucks. The design we are showing you in the drive thru alone before they spill out into the parking lot, we can get 18 spaces; your code requires 10 but we already have 18 with the double merge lane. When you enter you have 2 lanes coming in and then they merge. People will need to allow each other to merge. If the worst-case scenario would happen where we just have everyone come to Starbucks for some reason that day you can see how they are lining up, so they are going to line up in our allotment and then they will get out to the street. If that would ever happen, I doubt it would but if it would we are showing 52 cars. We do not think that will ever happen. We feel like we have enough site, pavement, and area to catch any overflow that it is not going to be an issue for Nagel or Just Imagine Drive. The drawing shows very well the latest everything, not showing the right turn lane anymore off Nagel, which can be discussed. We are showing the new full access curb aligning with the drive. The drawing is all very current to show where we are at with the project and where we would like to seek approval.

Mrs. Witherspoon asks about Chipotle. Mr. Evans says for Chipotle, there are 10 cars shown, treating it like a drive thru in terms of the Avon stacking requirements because I don't know there is anything else in your code that says otherwise. We are giving you the minimum of 10, so both of those work. The Chipotle and the Noodles drive thru works. Ms. Fechter said we should really call those carry-out windows. There is no ordering or no money for Chipotle or Noodles.

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Mr. Radcliffe asked on the east side where you are showing the cars backing-up to Just Imagine, is that 3 lanes? I thought this was all parking here for the hotel, how are people going past that if it backing-up there? Mr. Evans responds that the existing parking is all to the right of that. He says its not 3 lanes. Mr. Radcliffe says so its just backing up in the driveway going north south that we just put in the control traffic, we are showing stacking in that? Mr. Evans says he does not think that will ever happen. Mr. Radcliffe was just trying to get a worst-case scenario and understanding how that is on that main cut thru road. Mr. Evans says that is correct and we did not lose any parking with that, we gained a space. Ms. Fechter says it was more of a concern backing up the access drive. Mr. Radcliffe says the access drive, if I look at the aerial of the hotel has the cars, so that stacking would be on the bumpers of the cars that are existing in that parking lot. Mr. Evans responds, that is correct.

Mayor Jensen asked Mrs. Clements to show the picture of the google map showing the current Starbucks in Avon on Detroit Road. Mayor Jensen says if you look along on Detroit Road the cars are backed up. If you look around the entire system of that place there are not very many cars around Starbucks but in the waiting line, they are all stacked up into where Marc's is going. The concern I have and the issue I have is, Starbucks, as it stands now in Avon, which is not even in an area that is as good as the area that you will be in is already backed up and at times, you can even ask Mr. Streater, our Safety Director, that is backed up onto Detroit Road, which would make it past 18 cars probably and it starts in the area waiting to pull into Starbucks. The other thing it does, it also blocks anybody that is trying to go anywhere else within that development. They cannot go anywhere else because they are waiting for Starbucks customers to get through there so they can make a right turn. All of us on this panel up here all live in Avon so we get the brunt of what happens, whatever goes right and whatever goes wrong we get credit for it. Why wouldn't you look at putting in double lane order lines? Starbucks has done this before where they have 2 order lines. There is way to maneuver it to have 2 order lines. It just gets more people off the roadway. We talked before about this site, I have been told this is going to be great for us, but I think it is a service definitely for our residence but it's going to be great for Starbucks. We have got Shurtech down the road, 500 employees, Cleveland Clinic that has 1500 employees, plus they have people coming all day long, you have all these businesses around here that will want to go Starbucks. I am aware of all the problems waiting in line. I feel like you can do more to help alleviate that by being ready. Once this project is approved by this group, we are done, and I know Mr. Brown is out there now. We have asked for relief for the Marc's area and there is not a whole lot that can be done. We just want to make sure this one is done to the best everyone's ability.

Mr. Evans said, at this point the purpose of our drawing is just to show you that we can get 52 cars on the site. That morning rush crowd coming to get their coffee and then it subsides after a little while. That does not mean that people don't keep coming to Starbucks, I think we all know it's that morning rush. We feel that we have widened the back area with a 2-entrance merging lane. We are juggling trying to keep enough parking on the site as well getting enough drive thru stacking. One of the other things you are probably not aware of is Starbucks has a requirement on how far back the menu board must be from the drive thru window. It is like 120 feet. Mayor Jensen said this is a Starbucks. Mr. Evans said I know but if you look at our site plan, we have the drive thru order station. That is at the point where Starbucks wants to have it. Mayor Jensen asked why couldn't you put 2 order lanes right there? Mr. Evans says I am not saying we could not, but the issue is it's probably going to end up costing parking at some point, because by the time we are widening that. Mayor Jensen says I am not looking for a drive thru all the way around, if you move those over closer to the parking.

Robert Brown, Deville Development, 3951 Convenience Circle NW, Canton, Ohio 44718. To address the Mayor's question on the Starbucks you showed us. I saw there was 14 cars in there, we can fit 18 cars in there and its not us telling them you can't have 2 order windows, if we can get 2 order window in there and they are willing and it's their operation, I don't see why we still couldn't have 2 order windows where there are 2 lanes. That would help speed up the service. So 2 years ago, they moved ordering sections X

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amount of feet because their study showed that if they moved it back further away from the window there is more people who have placed their order in the line and so they actually go through faster and that way when they had it closer and there was more people waiting to order. Now they have made their order and they can work on those orders faster, so we have done a dozen Starbucks all over and they have moved that ordering station further back. It was enough to make that investment to move those. That is a possibility.

Mayor Jensen said, I know Raising Cane's has a double lane but it's a national problem throughout the country. It's causing problems and nuisance, I think Mr. Streater call tell you that, we are not picking on Starbucks, but we know Chick-Fil-a has been asked in different parts of the country to tear their building down and move it and change it around. We don't want those issues with this. My question to you is if we can look at that and look at that line and move it over you would have some open space and have some room to add even more cars in that initial stacking if they both ordered from the same spot. I think if you can move that over and 3-4 more cars with that. People will find their way around and I think that is the best we can do. Working together is the more important thing.

Mr. Brown says, yes, we don't want any problems. We don't want to cause any problems with the hotel next door, they have been great people to deal with and work with. I just wanted to clarify that is the worst-case scenario, I don't see that happening the 52 cars. One thing we talked about, and we offered was with signage and pavement markings to direct most of them to come from the parking lot. Mayor Jensen says still will not happen.

Mr. Brown says you can't get everyone to do everything but if you can get the majority to follow the program it really alleviates a lot of problems.

Mayor Jensen said we are looking at the busiest case scenario and on any other day they won't have a problem going in that way, if we can most people in that stacking area and there will be people coming in from all directions. Starbucks is one of those where people come from everywhere.

Mr. Brown says if understand what you are talking about, you're talking about moving the dumpster enclosure and to stretch that line out further to the east? Mayor Jensen is showing Mr. Brown a drawing to explain how a potential drive thru line would like. I'm just looking at what Starbucks has done and I'm not trying to make them do something they have never done before. Mayor Jensen and Mr. Brown are reviewing the drawing. Mr. Brown says I think we can make it work.

Mr. Radcliffe comments that you guys had mentioned that this is a large Starbucks or one of the larger ones in terms of square footage, not sure how it compares to the one that is here. Based upon that, if the coffee making area is bigger than what we have now to try to move this through quicker, that we can have more coffees being made at a time. Are they going to be able to speed things up to keep these lines moving.

Mr. Evans says the extra square footage is in the back where all the coffee is being made not in the sitting area. Yes, I think they will be able to produce more. It is about 350 more square feet. That is a lot for Starbucks. They are usually 2200 and this one is going to be 2550 square feet. There is other one is 2000, a little smaller.

Mr. Radcliffe second comment, this was just given today, and I think your layout and bricks and everything, I think this is going to be spectacular. Is there a need to get this done now or can we get some time.

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Mr. Cummings said the exhibit that is shown, it shows the Starbucks at 2265 square feet and the existing one in town is around 2000 and they are proposing something that is around 2500 square feet. If the Commission is looking to have to have a vote this evening, I would ask that it be contingent on final engineering approval. We have had several iterations here in the last day and even late in the afternoon today. There are several things to do, like the General Development Plan, there are still some things to coordinate. There also might be some additional revisions coming. I would ask that it be considered as subject to final engineering approval.

Mayor Jensen said any reason that you see why we wouldn't be able to vote on it next month? Mr. Cummings, no. Mayor Jensen, said, the second thing, on the Nagel Road, the reason for that right turn lane is when we looked at it, Mr. Cummings and myself, we didn't feel like it need a dedicated right turn lane at this point. The development moving to the north of that, we are not sure what is going to happen there. I have talked with the Jacobs Group and Jim Eppele in terms of, at some point we look at that and that might be the point where it is needed but if something comes in where it's not needed we hated to make you put something in that it's just to get people to right turn in so no one should be coming in from the other side making left turns but to make you pay more to put a right turn lane in that we weren't sure what exactly is needed with just the ability if it was needed to have that right of way is a reason we said we may need that. But we might need to move the right in right out back if something happened. That next development next to you is really going to drive if there needs to be a dedicated right turn lane for both your development and the next development. We don't feel it's necessary to push that currently. So that is why we took that out of there and look at it later. Let's say a hotel came in there that we may think it may change the traffic is coming down.

Mr. Brown would like to address Mr. Radcliffe's question and comments. We made changes today, we had it all finished and we made changes, all these changes have been driven by the city's request that just came up, we had the right turn lane in, and they said don't put it in, which was great. We had to change things back, and then we just found out at the end of last week they wanted to move the turn lane on Just Imagine, we have done that and did it as soon as possible. It's not like we just keep changing things.

Mr. Radcliffe says the working together part in wonderful. I'm just curious why this needs to go through tonight, right now.

Mr. Brown says he would like to address that, we were supposed to be here in March then they wanted changes, we made all these changes, and we didn't get to present in March. We were shooting for earlier with everything. We are asking to get approval tonight even with the contingency so we can work out some of the details. I have been holding contractors off for over a month now and I'm going to lose them, and I am going to lose my crews to actually build the place because they have been holding off other bids and they have told me that we need an answer, or we are going to lose people. I am asking if we can get approval with contingency on these few issues. I can get contracts out to these guys, so they don't go away. If they go away, then this will probably not happen this year at all most likely. I'm not trying to hold anybody up I'm just telling you what I'm facing and what they are telling me. If we can get approval with contingency.

Ms. Fechter said I would not bring this to city council as a referral for the Special Use Permit until we have that final drawing and make sure the dumpster was going work. I wouldn't bring it to council until we have a finished product.

Mayor Jensen asked Mr. Gasior if we passed this tonight and said we want all the changes that must be seen so council can see it before it goes for the Special Use Permit passing. It may be 2 weeks from now but those must be in, can we do that?

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Mr. Gasior responds yes, I think the contingent approval, as soon as the approval is made, the contingencies are met, the approval is made, we can move forward with Special Use Permit, because we are going to do 3 and then do 1 for each of the 3 buildings. We will need it for outdoor seating and the drive thru. Ms. Fechter said technically for the outdoor seating at this point, but we know City Council is concerned with the drive thru' s.

Mayor Jensen said so if we pass it, Council will get a chance to see it and if they weren't happy then there would be more discussion but I think at that point, I wouldn't have an issue but make sure you get that to us or work with Mr. Cummings so Council can see if before them, just to be responsible for the Special Use Permit for the patio. They are going to want to see that, and they are going to want to make sure, since Mr. Radcliffe is on Council, he can advocate for what we talked about. It will not pass unless we have it all worked out.

Ms. Fechter said this body will make a positive or negative recommendation to City Council for the Special Use Permit. The voting will take place, for this body, for Final Development Plan for the entire site. I think that is what you are asking to be contingent upon working out the final details, with that, Special Use is totally separate, its picture, we have already proven all the engineering will work and here is what we are asking them to vote on. We still have, I believe, 2 weeks before they can possibly be able to think about at City Council.

Mayor Jensen said you just need to work hard with Mr. Cummings to make sure and there may be some engineering stuff you may still have to work out but the idea of Council seeing exactly what you are going to be putting in is going to be important.

Mr. Cummings said I think you would just vote on the Special Use but knowing it won't get referred to City Council you will just make a recommendation. The site plan is in order.

Mr. Gasior said on Item 5 we will be recommending a Special Use Permit for outdoor seating for Starbucks and Building A and B. Ms. Fechter indicating we have addresses for all 3. She will reference which address goes with each building. This body can give a positive recommendation to Council to grant Special Use Permits for outdoor seating at those 3 addresses.

Mr. Radcliffe asked should we have anything stating that even at this time then Final Development Plan is still contingent.

Mayor Jensen said we want to make it contingent because Mr. Cummings would have to look in and he could bring it to all of us in Council.

Mrs. Witherspoon said we will have to 2 votes.

Mayor Jensen said make that contingent and Council would have to tie it to the special use.

Mrs. Witherspoon asked do you want me to leave drive thru' s out of the voting for the special use? Because we have it in there.

Ms. Fechter indicated that it should not have been in there. City Council has passed from this point forward any restaurant in C4 with a drive thru will require a Special Use Permit. You came in at a time when we had not done the legislation yet, it had not gone into effect. It's still going to be a bid conversation at City Council.

****Clarification** According to the drawing Buildings are labeled Building 1 is Starbucks, Building 2 is Chipotle and Building 3 is Noodles**

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 recommend to Council to create a Special Use Permit for Nagel Crossing for 3 Buildings with outdoor seating at the northeast corner of Nagel Road and Just Imagine Drive. The vote was: “AYES” all. The Chair declared the motion passed.

6. Nagel Crossing; Final Development Plan; PL20230003

Request to approve the final development plan for Nagel Crossing to construct three buildings, including a 2,554 sq. ft. Starbucks with outdoor patio with seating and drive through, a 7,164 sq. ft. multi-tenant retail building with outdoor patio with seating and drive through and a 6,784 sq. ft. multi-tenant retail building with outdoor patio with seating and drive through, parking and utilities, at the northeast corner of Nagel Road and Just Imagine Drive

Mr. Cummings added that for A and B that will be carryout only/pick up window. On the site plan it makes note of the new board and speaker post. Mr. Brown said those will come. Mr. Cummings said that will be a revision.

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 Nagel Crossing as read, contingent on final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

6A Stoney Acres Subdivision-Kevin Urig Lot Split and Consolidation

Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011
Kevin Urig, 4305 Stoney Ridge, Avon, Ohio 44011

Aaron Appell, we have an initial Lot Split proposed for State Route 83, we have a 2.8-acre Lot Split parcel A, and we have a split parcel B 1.58 acres, and we have a remainder 7.79 acres that we are looking to seek approval on.

Ms. Fechter said we have 3 different projects, we have Stoney Acre Subdivision, that Mr. Urig is presenting, we have a Special Use Permit on Center Road, and we have a Lot Split on Center Road. Originally when they came in with all 3, we asked them to wait and do them all at one time to see how they were going to tie together. After further investigation, the lot split is separate from the Subdivision, so that is why we allowed them to come in today. He will be back in next month for the Special Use Permit for remainder split parcel B plus he will be seeking approval for his preliminary plat for the Subdivision. This is the parcel that has the 100 feet of frontage that you see on the northern piece of that drawing.

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Mr. Appell says the part of the drawing that is on the screen which is highlighted is what we are seeking approval on.

Mr. Radcliffe says the drawing showing the parcel B that is the one L shape piece there right now. Mr. Appell is explaining the split by pointing to the drawing.

Ms. Fechter said the large area in the back will come off Ravinia and there will not be access to that subdivision from Center. It will be a regular split; I believe a family member is building a home there and the second one will be a flat lot that will have another home on it as well. We are talking with him on the subdivision and about having connectivity from the subdivision to SR 83 but there will not be any drive access.

Mr. Cummings said the awkward shape rectangle that does reach out to SR 83, that is where the future detention basin will be. The flow of the water and the lay of the land in that area generally head towards the east and making its way over to French Creek water course. That is what will be occurring up there and you will see that in next months Preliminary Plat that they have submitted, and we are in the review process for that. A couple other things to make note of, split parcel A will be a stand-alone parcel, it does have a 100 foot of frontage. As it stands right now there is not sanitary sewer service to that. I believe their intent is to seek a septic system approval for that when they are putting their plans for a future home on that lot. One of the things that they will be coming in to ask for in relation to the subdivision is a sanitary sewer district modification that if approved would allow that lot to not have a septic but instead be tied back to the sanitary sewer within the subdivision once its constructed. As it stands right now there are many other homes in this area, recent homes, that have been built with septic systems. I think they want to get started and we can seek that septic approval and then as the subdivision comes into shape and get under construction then they may switch with the proper approvals and have that be serviced by Gravity Sanitary Sewer.

Mrs. Witherspoon confirming its 3 lots splits with voting. Ms. Fechter indicated we are only voting on 1 Lots split and the other 2 will be 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 Lot Split for Parcel A that is shown on the drawing in relation to Stoney Acres located on SR83. The vote was: "AYES" all. The Chair declared the motion passed.

6B, the SR-83 and Detroit Road Improvement Project

Mr. Cummings said, this is the same project that we had shown to this body last month, during that discussion there was some questions brought forth about how the turn from eastbound Detroit Road onto northbound SR 83 Center Road was going to be managed. The original plan had always been to have it remain as a single lane left turn. After that meeting there were questions and further discussions. We did layout and believed this is the direction that we are headed. We show a double left turn from eastbound Detroit onto northbound Center. That opens to also a way to have a short but present turn lane to make a left turn onto old Center Road. Previously the layout did not have that space set aside. Some other things that we have had discussions and we did add another lane in front of post office and fire station area (a drawing was shown on the overhead) We had French Creek Square potentially interested in doing another

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phase of development over the past year. What came out of those discussions is that if that signal is ever to move there would be an additional lane needed on Detroit Road in that area for stacking. We decided to add that in, looking at the project to try and do everything that we can in one project instead of doing 7%5 or 80% of what we can do and then coming back a couple of years later or less and have them do more. This is the new direction of the project; we wanted to show this and hear your concerns and talked with members of the administration and decided to make the changes now. This is the project as it moves forward.

Ms. Fechter says to Mr. Gasior, it is my understanding that this body would need to make would need to make a referral to Council.

Mr. Gasior says yes, to go forward with this improvement. If there are a number of items that will come before Council, and we will just refer back to this particular date and this particular meeting and whatever the vote may be, and recommendation will probably be to go forward.

Mr. Cummings says we may note that on the drawing, and I know it may be difficult with the small size that we have here. We can provide a PDF or a larger hard copy size. We would like to make note that adding the additional turn lane onto Center Road, it gives us closer proximity to the gravestone within the cemetery. We are looking for everything that we can do so that we can shrink the footprint of the roadway in that area to try and get as much space as we can. Right now, we are a little over 4 feet away. We might have to separate that with some type of wall, something decorative in nature. We will continue to refine that design and see if we can get that further away. It was noted last month that it is always been the difficulty in making this option, the option to be built. It is something we are aware of.

Mayor Jensen says, we did meet with ODOT, ODOT is ok with the changes that occurred. They weren't as ok with the timing of it. They can see the value in what we did. We will move forward with the changes, because originally, they almost wanted to stop the project. They are ok with the changes. We will be running the project.

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 recommend to Council the Right of Way SR-83 and Detroit Road as discussed. The vote was: "AYES" all. The Chair declared the motion passed.

7. Referral to Council; City of Avon; Amend Special Use Permit

Request to recommend to Council to amend the Special Use Permit for Northgate Community Park to include a new bathroom and include any future construction, landscaping, or maintenance. that is related to the operations of recreation facility.

Ms. Fechter says we have been talking about this for about a 1 year, trying to get bathrooms in some of our parks. A lot of the bids that we looked at came back too high. We came back and looked at the drawing and the design believe we will be doing this project ourselves. We will be contracting some of the pieces and parts of it. What we are starting with Northgate Park, see how this goes and then if it works out well then, we will do the installation at the other parks in the city. We will be asking for a positive referral at City Council to move forward with adding the bathrooms.

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Mr. Streator responded to Mr. Radcliffe that this is preliminary and will determine after the first one and they we might have to adjust that going forward, but very similar.

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 recommend to Council to Amend Special Use Permit for Northgate Community Park to include a new bathroom and include any future construction, landscaping or maintenance that is related to the operation of this recreation facility. The vote was: “AYES” all. The Chair declared the motion passed.

8. Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code, General Offenses Code and any other pertinent sections related to livestock requirements. Public hearing was held November 16, 2022.

Ms. Fechter says we have been talking about livestock for a long time now.

Mr. Gasior asked if there were anyone in the audience who that would like to speak on the issue.

Don Meyers, 4015 Stoney Ridge, Avon, Ohio 44011. He has been involved in this since November when it first came up. He has sent numerous letters to both Mr. Gasior and Ms. Fechter concerning what his thoughts are on this. He has experience on raising of livestock, working with livestock for quite some time. He commented that this needs to be addressed by people who have experience not somebody that comes off the street or has nothing else except a residential involvement. He has looked at what came out of the meeting today. For the most part he think it looks very good. There are some inconsistencies on some things, he has made notes that Mr. Gasior and Ms. Fechter both have, and he is willing to talk about that with anybody else who wants to talk. He has a question about section 668 and 618 that were not covered. Are we still going to work on those because those have a major impact on what you are looking to try and do.

Mr. Gasior says 618 and 668 are obviously not in the planning and zoning code. They are not a part of part 6 general offenses. They don't need to go 3 readings. They can go one reading. They don't need any readings. They can pass by emergency. That is why they weren't included. What is in front of the commission tonight is nothing that different from what we have been looking at from last month and in your case the last 5 months, because this process has been slow. I have been tied up; we have some personnel transfers in the planning department. We must get together with you. You have done a great job in critiquing some of the work that we have done. I am looking forward to meeting with you very soon to go over the items that you have identified in your hand out. 618 and 668 will be addressed, but near the end of the process. The plan is with the moratorium in place we want to try and get passage of all the legislation by May 22 which is the last meeting which would be the third three readings or the part 12 amendments, which are the ones you have seen. The 618 and 668 ordinances will be in front of council at the Work Session on May 15, and they will be in front of Council on May 22 for a first reading and then an action by a suspension of the rules. The other 5 ordinances which are here now which are part 12, those will be on for the third of three readings and the pass. They will take 30 days to go into effect and then we will have everything complete just before the moratorium expires on June 30th. So that is the plan.. It's important that we really get together. I have almost gone full circle with this project, starting out where it almost seemed like we were going to start regulating everything, to where I think we must pull back a little bit and realize that we have been operating in this community since 1968 with the code the way it's written and we have never had any issues, except for one. All of this is being generated because of one site and I think we need to keep that in perspective as we approach these amendments and

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necessarily make any substantial changes. I think we can make some commonsense ones and recognizing the community is changing in that it's becoming more residential and more subdivision residential, but there is still a significant area of town that is not development in a subdivision. Mr. Meyer agrees. Mr. Gasior says people want to be able to farm their property and have animals. We don't want to do any significant that restricts that. Your ideas have been great. We just haven't been able to sit down and discuss that.

Pam Fechter says to Mr. Meyer, you had mentioned you would email your notes, when you do that, please give me some availability for next week and we will get a meeting scheduled. Mr. Meyer agrees.

Mr. Meyers says he is willing to say yes, everything looks good with minor modifications. Can we go forward with that? What he is asking is can we make some minor changes once we have approved it tonight. Mr. Gasior says yes. Mr. Gasior says we can come back here at the May Planning Commission meeting because that meeting will occur before that last reading at Council. We still have time for planning commission to review it. If they want to make a recommendation tonight, I suggest a recommendation to approve it in the form it's been presented. I think that would cover us as far as going to Council. Mr. Meyer says he supports what we have so far. Mr. Gasior says an issue was raised Monday night by Skip Conant about agricultural district designations, what are we going to do about properties that are already in an agricultural district. I want to address that; I did some research on agriculture district and I think we can insert something into our ordinances that cover the agricultural district properties. Mr. Meyers says since they are already in existence can they be part of the grandfathering in. Mr. Gasior says absolutely, which is why I don't think it's a big deal to worry too much about any of this because so many properties in existence are grandfathered in. We are really addressing this issue because of one property and maybe 2-3 property owners that surround that one property. They have raised an interesting point about how we get people living in subdivisions to get along with the people that live on farms. We will try to address this without overly regulating. For over 55 years it has worked. My hope is we come back in May and show what we have come up with.

Mayor Jensen asked if we have any agricultural districts that have livestock? Mr. Gasior and Ms. Fechter said they don't believe we do. Mayor Jensen said he doesn't think agricultural districts cover livestock when you go to clarify that its usually for open farming, Willoway is one of those. Mr. Gasior says if we must do something with the agricultural district, we will be dealing with 10 acres or more for the most part. Mayor Jensen said he would like to be careful of not grandfathering that in because if someone with 10 acres or more wants to go into livestock. Mr. Gasior said it won't be grandfathered necessarily on the livestock. Mayor Jensen would like to see what they are doing when they come in. Ms. Fechter said we have a list of all the agricultural districts, the assistant Clerk of Council keeps that, there is not too many on that list. We can verify, I think it's just land. Mr. Gasior says what we want to do is we want to make sure that if we can determine who is in the agricultural district with livestock and find out how many of those there are, then maybe address it. We might find nobody has it. Skip Koenig (?) brought up the neighbor that has 40-50 acres.

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 recommend to Council to Amend Planning and Zoning Code related to livestock requirements. The vote was: "AYES" all. The Chair declared the motion passed.

COMMENTS

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Ms. Fechter, in case you haven't noticed there is a young lady who is working the machine tonight, this is Susan Pintz, some of you may already know her she was of the Clerk of Court for the past 3 plus years. She started this past Monday working as the new Planning and Zoning Secretary and we are excited to have here.

Mr. Cummings, nothing additional

Mr. Streator, nothing additional

Ms. Clements, nothing, but don't forget your RSVP to the party for May.

No comments from the audience

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.

Meeting was adjourned at 8:41

Carolyn Witherspoon, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date