

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 04-20-22

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, APRIL 20, 2022, IN COUNCIL CHAMBERS OF CITY HALL

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

CREATE A SPECIAL USE PERMIT FOR GREAT LAKES BASKETBALL, LLC FOR AN INDOOR TRAINING FACILITY AT 1284 MILLER ROAD. The Chair opened the Public Hearing at 7:00 p.m. There being no one present in the audience, Chairman Witherspoon closed the public hearing at 7:00 p.m.

CREATE A SPECIAL USE PERMIT FOR FIESTA HABANERO TO INCLUDE OUTDOOR PATIO FOR SEATING AT 38790 CHESTER ROAD. The Chair opened the Public Hearing at 7:01 p.m. There being no one present in the audience, Chairman Witherspoon closed the public hearing at 7:01 p.m.

CREATE A SPECIAL USE PERMIT FOR AVON SELF STORAGE FOR A MINI STORAGE FACILITY AT 1100 NAGEL ROAD. The Chair opened the Public Hearing at 7:01 p.m. There being no one present in the audience, Chairman Witherspoon closed the public hearing at 7:01 p.m.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, APRIL 20, 2022, IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon, Chairman; Jill Clements, Zoning Enforcement Officer; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streator, Safety Director and Nicole Rambo-Ackerman, Clerk

MINUTES OF THE REGULAR MEETING - MARCH 16, 2022

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to dispense of the reading of the minutes of the regular meeting held on Wednesday, March 16, 2022, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to add Grande Esplanade – Second Presentation – Final Plat to 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 approve the amended agenda. The vote was: "AYES" all. The Chair declared the motion passed.

COOPER LOT SPLIT - FIRST PRESENTATION - LOT SPLIT

Mike and Sheila Cooper are requesting approval to split 0.0217 acres from 2732 Jaycox Road.

Chuck Szucs of Polaris Engineering and Surveying said the Coopers are proposing a lot split to clean up an encroachment. Mr. Cummins performed a review and all comments were addressed so he recommended approval. Ms. Fechter was okay with the proposal.

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.

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A motion was made by Mr. Malloy, seconded by Mayor Jensen, to approve the lot split for Mike and Sheila Cooper consisting of splitting 0.0217 acres from 2732 Jaycox Road. The vote was: "AYES" all. The Chair declared the motion passed.

LOGAN LOT SPLIT - FIRST PRESENTATION - LOT SPLIT

William and Carole Logan are requesting approval to split approximately 0.5 acres of Central South Ltd. 6.65-acre parcel for a single-family home.

William Logan, 4121 Saint Theresa Boulevard, Avon, OH, would like to build a single-family residence on Stoney Ridge Road. Mr. Cummins performed a review of the plans and the comments have been addressed so he recommended approval. Ms. Fechter suggested the plans be approved contingent on two variances being granted by BZBA in May for setbacks according to Section 1222.02(76)(a).

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 William and Carole Logan consisting of splitting approximately 0.5 acres of Central South Ltd.'s 6.65-acre parcel for a single-family home, contingent upon approval of two variances by BZBA. The vote was: "AYES" all. The Chair declared the motion passed.

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 Subdivider's Agreement for a 38 new single-family home subdivision to be located north of Detroit Road, east of Nagel Road off Middleton.

Dru Siley of Liberty Development Company, 28045 Ranney Parkway, Suite E, Westlake, OH, is proposing a development for a 38 lot subdivision. He thanked the Mayor and staff for their work to get them in front of the Commission. Mr. Cummins reviewed the plans and all comments have been addressed. He added that they have gone above the storm water management requirements due to the drainage issues in the area on Avon Road and he recommended approval. Ms. Fechter said all staff comments have been addressed and all of the necessary information was submitted and asked for approval. Mr. Radcliffe asked if there was discussion about not putting houses in the three lots proposed along Detroit Road. Mr. Siley said minor discussions have been had but no changes were made to the proposal. Mr. Radcliffe thought it would be difficult for residents to get onto Detroit Road because of traffic.

After the motion for approval, Mayor Jensen commented that if the developer is looking to do something different with the three lots on Detroit Road, he thought it would be difficult since the lots across the street are residentially zoned.

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 plat for Nagel Farm Subdivision and to recommend Council create a Subdivider's Agreement for a 38 new single-family home subdivision to be located north of Detroit Road, east of Nagel Road off Middleton. The vote was: "AYES" all. The Chair declared the motion passed.

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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 19 new single-family home subdivision to be located north of Schwartz Road, west of Stone Wheel Run Street.

Chuck Szucs of Polaris Engineering and Surveying said all comments had been addressed and is seeking approval for the project. Mr. Cummins did a review of the first phase for the subdivision and all comments have been addressed and he recommended approval.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to approve the final plat for Fieldstone Landing Subdivision and to recommend Council create a Subdivider's Agreement for a 19 new single-family home subdivision to be located north of Schwartz Road, west of Stone Wheel Run Street. The vote was: "AYES" all. The Chair declared the motion passed.

FIESTA HABANERO - FIRST PRESENTATION - SPECIAL USE PERMIT

Michael Tomsik, representing Fiesta Habanero, 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 38790 Chester Road.

Michael Tomsik, 921 Literary Road, Cleveland, OH 44113, explained that the restaurant owner would like to install a fenced-in outdoor patio with 16 seats. Part of the indoor seating would be closed while the patio is open and there will be no outdoor music. Three parking spaces will be used for the patio and the owner has an agreement with the neighboring hotel for additional parking. The patio hours would be 11:00 a.m. to 10:30 p.m. Monday through Sunday. Mr. Malloy asked if there would be interior and exterior access to the patio. Mr. Tomsik said the patio would be accessed from the interior by the servers and patrons, but an emergency exit is also shown on the plan. Ms. Fechter said the Chief Building Official has been working with the applicant on their occupancy and the proposed seats may be decreased through that process. Mr. Tomsik provided a copy of the agreement with the neighboring hotel for the record. Mr. Radcliffe suggested removing the parking spaces next to the patio to alleviate some of the safety concerns on the site. Mr. Tomsik said the agreement with the hotel is for six parking spaces and the total amount of spaces lost would be six if the other three are removed as requested. Mayor Jensen suggested using the three spaces for employee parking to help limit vehicles entering and exiting the spaces while the patio is in use. Mr. Cummins asked if a sidewalk would be installed between the property and the hotel, Mr. Tomsik said it was not planned at the time. Mayor Jensen thought there was an existing walking path between the two properties. Ms. Fechter suggested that the proposal could be approved conditioned upon the parking spaces being marked employee-only.

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 Fiesta Habanero and to recommend Council create a Special Use Permit to include an outdoor patio with seating to be located at 38790 Chester Road, contingent on the three spaces next to the patio being marked employee-only. The vote was: "AYES" all. The Chair declared the motion passed.

GREAT LAKES BASKETBALL - FIRST PRESENTATION - SPECIAL USE PERMIT

Jay Valadez is requesting approval of the site plan and the recommendation to Council to create a Special Use Permit for an indoor training facility at 1284 Miller Road.

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Jay Valadez, 2006 Canterbury Road, Westlake, OH 44145, runs the indoor basketball training facility for one to four students at a time typically year-round. The hours during the school year are 3 p.m. to 8 p.m. and 8 a.m. to 9 p.m. during the summer. Sometimes clinics are held for up to twelve students at a time. Ms. Fechter pointed out that the interior layout prevents the applicant from hosting tournaments or games, so it is just a training facility. She spoke with the property owner, Al Johnson, and he is glad to have the business on his property. The applicant is working with Building Department for parking around the site and getting the bathroom facility up to code. The training facility does not interfere with Mr. Johnson's other business on the property. Mr. Malloy asked if the half court layout was sufficient, Mr. Valadez says he rents out a full court at Avon Heritage School if he needs it. Mr. Streater did not see an issue with first responders being able to access the site due to the limited number of people that would be using the site. Mr. Radcliffe asked what the rest of the site is used for, Ms. Fechter said Mr. Johnson has had his business for a number of years and uses the site for storage. Ms. Clements did a site visit for the building itself to help ensure the building was up to code.

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 Great Lakes Basketball and recommend Council create a Special Use Permit for an indoor training facility at 1284 Miller Road. The votes were: "AYES" all. The Chair declared the motion passed.

AVON SELF STORAGE – FIRST PRESENTATION – SPECIAL USE PERMIT

Jack Doheny, on behalf of Avon Self Storage, LLC, is requesting approval of the site plan and the recommendation to Council to create a Special Use Permit for a mini storage facility at 1100 Nagel Road.

Jack Doheny, 1462 Hollow Wood Lane, Avon, OH 44011, proposed to develop the 6.68-acre parcel into a Class A self-storage facility. There will be drive-up and climate-controlled units. The site has an existing radio antenna which will be maintained. Ms. Fechter said the initial proposal included parking around the tower but the parking has been removed from the most recent site plan. Mr. Doheny will assume the lease for the tower from the current owner. Ms. Fechter said the Fire Marshall has confirmed that the fire department engine trucks are able to maneuver around the site as shown on the auto-turn diagram submitted. Mr. Cummins added that the site plan is still under review for approval and the Special Use Permit is the only thing the Commission needed to review at this time. Mr. Malloy thought the city already has more than enough self-storage facilities.

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 Avon Self Storage and recommend Council create a Special Use Permit for a mini storage facility at 1100 Nagel Road. The vote was: "AYES" all. The Chair declared the motion passed.

ISOMER GROUP, LLC dba DISCOUNT DRUG MART - SECOND 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.

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Ms. Fechter requested that this proposal be tabled until the next Planning Commission meeting. Outside counsel has been hired to help create a development agreement which would be presented at the next meeting.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to table the request for Discount Drug Mart to rezone a 12.71-acre parcel PPN ending in -196 from R-1 to C-4 located at 2295 Nagel Road located on the east side of Nagel Road, south of Middleton Road and north of Detroit Road. The vote was: "AYES" all. The Chair declared the motion passed.

FRENCH CREEK SQUARE - INFORMAL PRESENTATION

Thomas Dowling of Zeisler Morgan is requesting an informal presentation to present a proposed site plan for a grocery anchor to be located on the north side of Detroit Road, near French Creek Square.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to move the informal presentation for French Creek Square after the second presentation for Grande Esplanade because no applicant was present yet. 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.

GRANDE ESPLANADE - SECOND 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, 8235 Mohawk Drive, Strongsville, OH, is asking for approval of the Grande Esplanade project contingent on getting engineering issues sorted out with the City Engineer. Mr. Cummins said the current option showing the connection to Nagel Road is still being reviewed. Ms. Fechter recommended a contingent approval upon the engineering issues being addressed because the site layout should not change. She added that Mr. Streater is working with the applicant on the traffic maintenance plan which will be ready by the time they go to City Council for approval. Mayor Jensen asked that all of the issues and staff comments be sorted out prior to going to Council for approval. The Mayor did not think the outstanding issues were minor and would recommend Council not put the project on the agenda unless everything was addressed. Mayor Jensen also asked that the applicant continue trying to work with the other landowners to change the connection, if possible, Mr. Bobkovich agreed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen, to approve the final plat and recommend Council create a Subdivider's Agreement for Grande Esplanade, a 37-home subdivision located on the east side of Nagel Road, north of Mills Road, contingent upon final engineering approval. The preliminary plat with sanitary connection along Nagel Road was approved October 21, 2021. The vote was: "AYES" all. The Chair declared the motion passed.

FRENCH CREEK SQUARE - INFORMAL PRESENTATION

Thomas Dowling of Zeisler Morgan is requesting an informal presentation to present a proposed site plan for a grocery anchor to be located on the north side of Detroit Road, near French Creek Square.

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Shannon Blackwell, 2919 Litchfield Road, Shaker Heights, OH, explained that a second phase of development was proposed when he was awarded the opportunity to develop French Creek Square 20 years ago. He thought it was impressive to see how much Avon has changed in that amount of time. A 40,000-square foot anchor grocery store is proposed to open in 2024. The project would be more than \$10,000,000.00 in investment and would create 300 to 350 jobs. He wanted to get the Commission's feedback on the development before proceeding with the next steps for approval.

Mr. Cummins said a traffic consultant prepared a traffic impact study for the Detroit Road corridor, but he thought the applicant and City need to make decisions before the project can proceed. He thought the project would have a negative impact on the traffic at the intersection of SR 83 and SR 254 as designed. The City has identified items that can mitigate and offset congestion. There are also timing issues that would need to be worked out if the store would like to open in 2024. A large intersection project from Garden Drive to Avon Commons Drive is set to begin construction in 2024. The Ohio Department of Transportation did a safety study a few years ago and identified some improvements to be made, including lane additions and continuations to avoid abrupt lane endings, which would positively impact the corridor. Some discussions have been had about relocating the traffic signal at the French Creek Square entrance to the Police and Fire Stations drive. Mr. Cummins thought relocating the signal would benefit the area but added that there are other issues on the site that would still need to be managed, especially if vehicles are stacked up on the site. It will also need to be determined who is responsible for making the needed improvements to the area.

Mayor Jensen asked the applicant if they changed their mind about relocating the traffic signal since their previous discussion. Mr. Blackwell thought the light should be moved if it is justified, which is why they had a traffic study done. He did not think moving the signal would fix everything, and he has monetary challenges now. Mayor Jensen pointed out that traffic is already backed up in the area and the grocery store would bring more traffic. The Mayor said he knew the applicant did not mind if traffic backed up onto their own site, but it would still be an issue for first responders to access the site if there was an emergency. The City deals with complaints about traffic issues, and he wants to limit that as much as possible. Mr. Blackwell is also concerned about safety and will do what is needed to help with that aspect. He believed the patrons should expect some amount of waiting, whether it is in the store or at a light.

Mr. Fitch commented that projects often look good on paper but end up impacting the area differently in person. He avoids the French Creek Square area because it takes several lights to turn left onto Detroit Road and it can be dangerous for vehicles turning into the site when cars are backing out of the parking spaces along the plaza. He wanted to see a solution that would eliminate the parking next to the businesses to help alleviate the vehicles stacking up onto Detroit Road.

Mr. Radcliffe asked that a plan be submitted that shows a semi-truck entering and exiting the site for deliveries. He believed most of the current deliveries are made by smaller box trucks but was unsure a semi-truck would be able to access the new store easily. He suggested the applicant work with the owner of the vacant property to the west to install an access drive to the property. Mr. Blackwell explained that it was originally intended for all of the rear driveways to be installed and connected to Healthway Drive. They have all been installed as intended, except behind Burger King, which they do not own. Documents for Taco Bell and Chase Bank reserve the rear drives for alternative access purposes. Mr. Blackwell did not think the rear access drive would be a primary access point but would alleviate some of the impact on Detroit Road. He still thought they needed an intersection that works. Ms. Fechter explained that Mr. Blackwell extended the rear access drive behind Taco Bell and Chase Bank at his cost when the project came through, but Burger King has not been willing to participate.

Mr. Cummins added that if the signal is relocated, the current drive would become a right-in, right-out entrance. He asked if the applicant expected regular deliveries from semi-trucks. Mr. Blackwell said most

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of the semi-truck traffic would be coming through the SR 83 intersection. Mr. Cummins pointed out that the path from Detroit Road to the grocery store would be mostly straight but would be more difficult for truck drivers to get back out to Detroit Road. He thought it would be helpful to see a layout showing how delivery trucks would move behind the proposed building back to the street. Mr. Blackwell believed most of the truck traffic would go back to the signal to turn left to get back to SR 83. Mayor Jensen wanted to find a solution that benefits everyone but needed willing participation from the applicant. Mr. Blackwell asked if the City had seen the traffic study that was completed by his consultant. Mayor Jensen said from what the City has seen so far, the traffic signal needs to be relocated. Mr. Blackwell wanted to rely on the traffic study to make a decision, but the Mayor did not think the study showed the current conditions with traffic backing up in the intersection. Mr. Streater thought it was common sense to believe the proposed development would further impact the existing traffic and safety conditions the area deals with already. He thought the current traffic needs to be moved some way and the traffic blocking the intersection cannot continue because it prevents safety forces from accessing the site. Mr. Cummins pointed out that the traffic study shows the impact of the development on the intersection of SR 83 and SR 254. He did not think the site plan addressed how trucks would maneuver on the site and thought some changes could be made to the site internally to improve the conditions.

Mr. Fitch believed it would be helpful to have two left turn lanes out of the site and onto SR 83 since most of the traffic from the site wants to go northbound on SR 83. Mr. Cummins said that option has been looked into, but it is difficult to line the opposing lanes up and would encroach on the cemetery property. He thought moving the signal west would essentially double the left-turn lane northbound to SR 83 which would move the contact point further from the intersection.

Chris Prisk, the traffic engineer from Langan, said the real issue is the intersection of SR 83 and SR 254. The congestion at the intersection prevents traffic from exiting the site eastbound. He did not think the current configuration of having one lane east and westbound at the Police and Fire Station drive would reduce the congestion because the traffic would back up further west. He did not think the traffic study compels the developer to make any improvements on their own because he thought there is an existing deficiency at Detroit and Center Roads and getting out of the shopping center. Mr. Brisk said the traffic study was meant to show the conditions after the development compared to the existing conditions. Mr. Brisk said the vehicles already block the internal intersection and it may get worse after the development is made, but the condition already exists so he did not think the developer needs to make a change. He thought the City would need to widen Detroit Road if the signal was relocated. Mayor Jensen asked if the developer should wait until the City figures out a solution for the intersection traffic before reviewing the development proposal. Mr. Brisk did not think the current project being worked on by CVE will fully address the left-turn congestion. He did not think the traffic study showed the developer should make any improvements, but that the applicant is willing to work with the City. Ms. Fechter asked if there would be site changes made, such as signage or curbing changes, to prevent the internal intersection from getting backed up and causing a safety concern. Mr. Brisk thought signage and striping could be installed internally. The developer is also looking at making some radius improvements to the whole plaza. He thought that the traffic entering the site should always be free to enter the site. Mr. Malloy suggested that the development may be a bad fit for the space based on the obstacles ahead.

Mr. Cummins cited data from the traffic study. The 2021 existing delay is 44.2 seconds. The 2034 delay is estimated to be 79.9 seconds, just based on the natural growth of the area. If the grocery store is constructed, the expected delay in 2034 is 100.2 seconds. If the signal is moved and the adjacent lane is installed, the delay is 79.5 seconds, essentially the same as if things progressed naturally. Mr. Cummins concluded that there are ways to improve traffic, but all of the details would need to be worked out. The Mayor asked if anything could be done to alleviate the congestion without moving the light, but Mr. Cummins did not think it was possible. Mr. Cummins thought there was potential to work together to

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improve the traffic conditions. Mr. Fitch asked if there was a way to compel Burger King to install the rear drive and Mayor Jensen thought a change needs to be made.

COMMENTS

Ms. Fechter welcomed Nicole Rambo-Ackerman to the City staff.

Rick Schneider thought French Creek Square should work with UH Hospitals to make a driveway to Healthway Drive and help reduce some of the congestion on Detroit Road. Mayor Jensen said the administration will look at the development situation if the developer is willing to cooperate.

ADJOURN

Motion made by Mr. Malloy, seconded by Mayor Jensen, to adjourn the meeting at 8:17 p.m. The vote was: "AYES" all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

DATE