

**CITY OF AVON PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 17, 2023, AT 7:00 P.M.**

MINUTES OF THE PUBLIC HEARINGS HELD ON MAY 17, 2023

Avon Middle School Lighting, Special Use Permit, PL20230025

Amend Special Use Permit to include Lighting.

The Chair opened the public hearing at 7:01p.m.

Mayor Jensen wanted to give some history and said that a couple of months ago the School Board came before the Commission about installing turf at the middle school field and at that time it was a remodel of the field from grass to turf. There was not a discussion about lighting, because it wasn't moving forward, so there was no need to amend the Special Use Permit. Once the School Board decided they wanted to install lighting that is why they are returning here today. Also, people need to understand that the City and School are two separate governmental entities. Out of respect and the good working relationship the schools have with the city is why they are coming before us to show us these plans. We don't necessarily have the right to stop what they are doing but we have always worked together. If there is a conflict, we would like to try and work it out with them. We appreciate the representatives of the School Board being here and discussing things with us because they do not always have to do that. To avoid any confusion there was not a discussion about lighting at the last meeting because it wasn't happening at that time. What was happening at that time didn't need amending to the Special Use Permit. This one would need an amendment to the Special Use Permit.

Bill Fishleigh, Avon School Board, 36600 Detroit Road, Avon, Ohio 44011. The drawing of the field is shown on the large screen. Mr. Fishleigh says this is a mockup of the lighting they are proposing to install at the remodeled facility. They are in the process of installing the turf. This is just a model and not the approved drawing and it has not been sent out for bid. It is just to give us an idea of what we have. It is 4 poles 70 feet tall. Mr. Fishleigh explains the drawing on the screen of the proposed lighting layout and indicates that when lighting is being discussed of any kind, i.e. parking lot or anything like that a diagram is prepared. In the middle of the playing surface, it averages about 30–35-foot candles and the lowest is 28-foot candles. The typical community playing surface, a more high-end place may have a 50. The red dots on the drawing represent 0.0, that is where the light stops. Another diagram shows the properties to the south, it's 0.0 across all the properties. With respect to spillage of light is the candelas. Another drawing is shown on the screen. Some people that do not understand light technology may say to do a lower or shorter pole because it won't be as bright, but that is the opposite effect. The higher the poles are the more the light is directed down toward the playing surface. The diagram shows the shorter poles, and it goes into a farther and wider spread. The poles will be at 70 feet, and they will be going directly on the playing field. The other thing to discuss is candelas. It is described as an example if you see car headlights coming in the opposite direction that is about 10,000 candelas. It's an illumination unit. This company is offering a 7 candela. From the drawing shown the highest point is about 137 and the lowest point is in the teens. The people to the south will not see bright shiny lights. The playing surface only will be lit up. Mr. Fishleigh provided a summary of the design that is proposed while trying to keep the neighbor's privacy

and well-being considered and trying to provide a benefit for the kids that play in the athletic programs.

Rhonda Schneider, 37132 Halsted Lane, Avon, Ohio 44011. She says she lives behind the school property. It is wooded right now. She asked if there is any way to know how often the field is planning to be used at night? Is that going to be year-round? Is it going to be city and school usage?

Mayor Jensen responds that it will be cross used. Ms. Schneider asked if it will be used year-round? Mayor Jensen responds he is not sure about wintertime. He indicates for city and recreation programs those usually happen during the daytime. There are rarely any evening programs. The schools may use it in terms of practice. The Superintendent can address that further. In terms of city and recreation if it was in the evening it would be for a special program and there wouldn't be anything that would go past 9:00 p.m.

Ms. Schneider says, when the plan was made for the lighting, was there any thought of talking to any of the residents on Halsted to put more of a buffer up, not only for light but for noise.

Mayor Jensen indicates the issue of noise and in terms of what is done, a piece of property can be used for anything and in terms of the parks and anything else the city tries to do what we can and leave things up that are already there. The school can address the buffering part if they would want to do more than that. From the city standpoint kids are using it and it's something that is used all the time.

Ms. Schneider says her home was built there 10 years ago knowing the school was going to be built and thought it was a good thing. Her expectation is that having the school and city being fellow good neighbors and knowing we want to increase athletic activities and facilities for the kids and community to use, but keep in mind that there are families that live there. In the cul-de-sac there are a lot of young children. There are kids running through the woods to cut through to the street. She says it would be nice to have some discussions with the school on how we can buffer that and protect personal property on the other side of the school property and maybe have the city help with that in terms of discussions.

Mayor Jensen indicates he believes that is why the schools are present at the meeting. He says through all the discussions, and this was even before Mr. Hodge was here, the schools, the city and neighbors have always had open conversations. When there was a playground put in not too long ago at the Early Learning Center there were discussions with neighbors on what could be done. Mayor Jensen states that since he has been mayor there has always been a good working relationship with the schools. He doesn't know of any problems with children playing in certain areas that has caused an elevation of it being too much for anybody. Ms. Schneider indicates when the school is released. Mayor Jensen says that is just traffic.

Ms. Schneider says the first the neighbors had heard about the potential for lighting and the stadium to be upgraded was last week when the notices from the Planning Commission were received. There has not been any communication from the school to let us know what the plans were.

Mayor Jensen says that is why we are here today is to have that discussion. Typically, this is a recommending body. If things can be worked out that is what we typically do. Typically, we don't bring people in to say this is how the school runs the operation and here is what they do. At the Early Learning Center with the football field and all those residents that have lived there their whole lives along Bauerdale, that is just part of the activities that go on in those areas.

Ms. Schneider indicates she doesn't want any of those things to stop, just asking for some consideration for the residents. There are a lot of young kids that live over there, and she is glad there is a facility for them to use. There are concerns about adding to the activities on the school property, the increased traffic, and if they don't want to come in from Long Road then coming onto Halsted and parking on the street and cutting through to get to the stadium. When she had her house built, she says that wasn't the intent of the field. It was going to be a daytime field only.

Mayor Jensen says everyone needs more places to play and Ms. Schneider agreed with that, she just thinks all the sides can work together to a great middle ground.

Ben Hodge, Superintendent of Avon Schools, 36600 Detroit Road, Avon, Ohio 44011. Mr. Hodge says one of the reasons we are here so quickly after the last meeting is that we do have funds to put up lights. If the project is going up the way that it is, then we need to maximize time on the field with the kids and the community. Mr. Hodge says they want to be good neighbors and is more than happy if City Council approves this with the residents of Halsted and listen to concerns. When Mr. Laub was Superintendent and when the school was built, there was a discussion about the gate. This year we understand that some residents were not happy about the gate and people going through the gate and we closed the gate and it's locked at 5:00p.m. on the weekends. It caused a concern on the weekends when more kids are there. Mr. Hodge says he would like to have discussions about solutions, not make promises, but he knows this community wants more space for kids to do things even at later times of the day. Mr. Hodge explains the new technology on the lights. Typically, if you get within a certain number of miles from a stadium with lights, you can see the lights from the stadium, which will not happen with these new lights. Elyria has the new lighting, and you can't see it until you get into the parking lot. When Mr. Fishleigh talked about darkness on the tree line on the drawing, it's dark. These lights are completely different with the new technology. Mr. Hodge believes that they will spend the money to be able to put those onto the field, which will also benefit the residents. Mr. Hodge also stated that these lights were put on the tennis courts and that is the reason why they were able to finish the boy's tennis team match, which made the Great 8 in the State, the final match went 4 hours 15 minutes, the lights had to go on for them. Mr. Hodge indicated his conversation with Mr. Frombach was if there weren't any lights, they would have had to move the match to an indoor facility, but because the facility they were playing at had lights they were able to finish that. However, this field will not be used in the dark during the months of November through March but maybe at the end of October depending on games or practice times.

Ms. Schneider asked are there plans in the future to add other facilities to the stadium, like concessions, bathrooms, or increased seating?

Mr. Hodge says there are no plans for seating except for maybe some moveable bleachers. If parents come, they bring lawn chairs or sit on the field or track. It will be a minimal crowd.

Adam Beese, 37136 Halsted Lane, Avon, Ohio 44011. Mr. Beese stated he had a couple of comments, as he also works in local government. He said he knows the futility of being here. He is requesting that this be tabled until meaningful discussions can be done with the schools. On November 21, at the City Council Work Session, Mr. Hodge said the next thing to do was to communicate with the neighbors on Halsted. The schools have not done that. Mr. Beese indicated that we have a phenomenal school system. He has 3 children in the school system, who are also multi-sport athletes and is happy that the field is getting turf. He has a lot of questions and doesn't think this is the forum to discuss all the issues. Mr. Beese thinks there needs to be a conversation with Mr. Hodge, Mr. Fishliegh or Mr. Frombach and discuss limitations and impact, then figure out how to make this an amicable relationship.

Larry Rozman, 37139 Halsted Lane, Avon, Ohio 44011. Mr. Rozman indicates he is on the south side of the street. He says they get a lot of indirect light, some direct light from the middle school. He is interested in what will happen on the north side of the street. Mr. Rozman agrees with Mr. Beese and would like to table this discussion until there could be a meeting with the school board. Mr. Rozman says it would be excellent to hear that the lighting technology would mean the direct light would be extremely low. He would like some discussion on the difference between the field poles and the parking lot poles with respect to lighting. On the southside, the last couple of homes, at least one of the residents, has purposely removed trees not knowing what was coming because they wanted a better view for their kids. A concern is what will happen to the view? What will the residents need to do to plan for these issues that will arise? A question for the Superintendent, is there still a public track that is in use around the perimeter of the field all year-round? Superintendent Hodge responds yes, it's open to the public year-round. Mr. Rozman asked if the lighting will go off at 5:00 p.m. on Friday's year-around. Superintendent Hodge says no he did not say that. Mr. Rozman says there needs to be discussion. Ms. Fechter says the 5:00 p.m. time refers to the gate. Mr. Rozman acknowledged that and says there needs to be discussions about when the lights will be on and off. He likes the drawings but would like to know more about it and maybe some examples.

Craig Szewczyk, 37134 Halsted Lane, Avon, Ohio 44011. Mr. Szewczyk says he would like to reiterate what the other residents have said in that this needs to be postponed. There are too many unknowns, too many questions that are unanswered. He says notice was given 1 week ago as to the proposal for lights, funding and paying for lights. The lights are one of multiple issues. The sound will be more of an issue than lights with the added amount of usage. Another issue is the diagram shows leaves on the trees, the light won't stop when the leaves are not on the trees. On the diagram the line shows perfectly on the property line where the light stops for the homes in that area. As for the gate, he says the residents were told the gate would only be used for buses and a few administrators. Mr. Szewczyk says that has not happened. A complaint was made to the school. The gate is now closed on the weekends. He states there is no way to know who uses the gate. There was a meeting, at a resident home, prior to the school being built, prior to the track being built where it was stated that there would be no lights. It would only be for daily use and now it is being changed to install lights. He understands communities grow. He states things were said and a few years later it changed. He further states residents base their living environment on what they are told and that impacts his home. He lives directly behind the field, when there are no leaves on the trees, he believes he will have light into his home. There will be more extra activities and noise impacting his home. Mr. Szewczyk states he believes there will

be a PA system and potentially plans for concession stands, bathrooms and bleachers. If that happens, it is more traffic, people, and noise. He states there has been no communication other than the notification he received 1 week ago in the mail by the Planning Commission. He opened the letter on a Sunday and the work began on the field on a Monday. Mayor Jensen says that is for the field work. Mr. Szewczyk states he understands that but was told the digging is also for electrical. Mayor Jensen says there are no permits for any electrical work, just the field work. Mr. Szewczyk states a week is not sufficient time to be notified. There are other entities to consult and other issues to be discussed. He says if he was told this in 2015 about these improvements in the future, he could have made a decision whether to move, but he has been in his house so long and his kids are in the schools, and he doesn't feel he has that decision now.

Garrett Kirkpatrick, 37142 Halsted Lane, Avon, Ohio 44011. He states that his property is adjacent to the gate. Mr. Kirkpatrick states the fact that the letter was received a week ago adds to that emotion. He states that time is needed for the residents and the school board to discuss solutions to the concerns. Residents agree it's good to have resources and facilities for the children. Mr. Kirkpatrick states that proper consideration into how it affects the neighbors should be given. He has lived in his house for about 2 years and enjoys it. However, he states lighting is not just lighting. Lighting means additional activities. It's going to bring in more noise and traffic. His big concern living in the cul-de-sac is the amount of traffic with the added use that the lights are going to bring along with parking. He inquired if there has been an analysis of the parking availability at the school to determine if that is adequate for the events that are going to be held. Mr. Kirkpatrick states in the fall there are a lot of activities where there are indoor and outdoor activities and has concerns about the parking availability and how that increase will affect how the residents enjoy their outdoor space. He states the gate is a concern there too much traffic and cars drive fast and that is a big issue.

Ms. Fecther indicated that a point of process. The meeting this evening for the Special Use Permit comes in front of the Planning Commission for a positive or a negative recommendation to City Council. It will go to City Council the beginning of June for a Work Session to be heard and then a Regular Session to be voted on. So there several weeks before any final decision is made and again, we just make a recommendation as to whether this should move forward or not.

Mayor Jensen states a lot of things have been brought up tonight. This body is just talking about the lighting and if you have concerns about the other issues that have been brought up those are things that need to be discussed with the school board. This body doesn't make decisions on those things. If there is speeding concern the city would be involved with those kinds of things. Some of the other concerns aren't anything that this board addresses. The school board meeting is where those concerns need to be heard. As for the kids, we hope that the schools and city have brought something positive. People often want certain things but maybe not in their own neighborhood and most people understand it is a positive improvement. The special use means if at some point it's not working then a petition can be submitted to review the special use and make changes. He is confident that if something happens the school board will make changes and resolve issues involving times of activities or noise. The opportunity to work with the schools is there, this body can't do anything about some of the current concerns. The lighting if passed still must go to City Council and will still be a Special Use Permit, so we will have information from our engineer showing the way it's supposed to happen. If it doesn't happen that

way, then adjustments must be made. The plans we have indicate it will work and we need to decide based on those plans.

Superintendent Ben Hodge stated he will put a flyer out in the mail and will have a meeting at the middle school to hear all the concerns because there are a lot of misconceptions and misunderstandings probably due to lack of communication. For City Council's perspective most of the activities are practice events, maybe 1 or 2 teams when the lights are needed. It would not be huge crowds or loud noise, no plans for concession or restrooms. The discussion years ago from the Superintendent at the time Mike Laub was there would not be lights at that time but didn't know what the future would hold. Mr. Hodge said a meeting will be held to address concerns.

The Chair closed the public hearing at 7:39 p.m.

City of Avon Signage, Police Department, Fire Department and Post Office, Special Use Permit, PL20230023

Special Use Permit to install Monument Sign for Police Department, Fire Department, Avon Postal Service, City of Avon.

The Chair opened the public hearing at 7:39 p.m.

No comments

The Chair closed the public hearing at 7:39 p.m.

Brunner Landscaping; Miller Road Mini Storage Facility, Special Use Permit PL20230021

Construction of Mini Self Storage Units located 1220 Miller Road

The Chair opened the public hearing at 7:39 p.m.

No comments

The Chair closed the public hearing at 7:40 p.m.

Middleton Crossing-General Development Plan, PL20230014

Proposed site plan for 8.79-acre parcel to include 4 sublots and storm water management.

The Chair opened the public hearing at 7:40 p.m.

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

Mr. Appell shows the General Development Plan on the screen. There are 4 proposed sublots and a stormwater management basin, on 8 acres of development, proposed Sheetz Gas Station.

Chase Slepak, 2365 Pendelton Court, Avon, Ohio 44011. Mr. Chase Slepak is representing the West Wickham HOA. West Wickham HOA is a 30-lot development going on Pendelton Court. Mr. Slepak has a couple of questions regarding the site plan from about 2 years ago. He states some of the major items are about the barrier and fence. He would like to get more information about what is planned and how far up the abutting property it plans to go?

Mr. Appell says there will be a fence along the west side of the development and a landscape buffer mound and at the southwest corner of the land is the storm water management basin.

Mr. Slepak says the HOA would like some consideration with the concern of the barrier not coming to the corner because it would be unsightly entering into the development. That is a large concern. Another factor is the debris; there is quite a bit of trash that can be seen blowing in from the adjacent parking lot coming in from the Slim Chickens and Meijer, etc. The HOA has a good idea of the site plan and of what the intended plan is for the landscape buffer but would ask for some consideration of perhaps extending that up to the corner as far as it could (diagram is being shown). Mr. Appell says that the whole area that Mr. Slepak spoke about will be covered.

Mr. Slepak indicated concerns about traffic disruptions into Middleton Road. There are potential accidents daily near Meijer. He asked if there are any plans for traffic planning beyond a curb cut? Mr. Appell says there was a traffic impact study that was prepared about 2 years ago, and the city engineer had some comments. That traffic study is in the process of being updated, we expect to have that any day now and that is being considered. Mr. Slepak indicates in the previous plans there is board on board fence on top of a 3–4-foot mound of existing grade, he would like more information about the building materials for the fence.

Mr. Appell states it will be a natural wood fence, which is what is proposed right now.

Mr. Slepak says the HOA is hoping that there might be some consideration that the material might be vinyl by way of upkeep and degradation of building material.

Mr. Appell says he will talk with the developer that is doing the project and can investigate different fence materials.

Ms. Fechter states their developer is here for a public hearing, but they are not on the agenda to be voted on. They will not be voted on until next month. We are doing the public hearing to allow time for concerns to be addressed.

Mr. Slepak states the final concern for the landscape (he is showing a drawing on the screen), there is a mound, a fence above the mound and you can see trees on both sides of the fence, some are labeled as existing, and some are not. Mr. Slepak asked if there would be any new plants or trees on the outer side of the fence plan.

Mr. Appell states mostly on the west side of the property there will not be any new trees planted, the city has requested a flat area where they can access the area so they can do maintenance on the existing ditch that is adjacent to that. Most trees will be closer to the property and development.

Mr. Slepak says the final thing he is asking for consideration on is the natural wood board on board fence becoming unsightly. Building material degrades quickly on these. He understands reservations about upgrading the material to vinyl or something like that. Is there an opportunity to discuss possibly moving that fence forward and what is the plan for new trees being planted on the opposite side as an additional buffer and protecting the view of the unsightly fence?

Mr. Appall says they can certainly investigate that. Mr. Slepak says that would be a good compromise with regard to the building material fence.

The Chair closed the public hearing at 7:49p.m.

Sheetz, Outdoor Seating and Drive Thru, Special Use Permit, PL20230017

Proposed outdoor patio seating and drive-thru at the south-west corner of Middleton Road and Nagel Road.

The Chair opened the public hearing at 7:49 p.m.

No comments

The Chair closed the public hearing at 7:50 p.m.

Route 83 Properties, LLC, Stoney Acres Preliminary Plat, PL20230010

New Subdivision to include 11(eleven) new homes located at the East end of Ravinia.

The Chair opened the public hearing at 7:50 p.m.

No comments

The Chair closed the public hearing at 7: 50p.m.

Route 83 Properties, LLC, Stoney Acres Sanitary Sewer District Modification

Amend the sanitary sewer district to alleviate the need for new septic systems for new single-family homes off Center Road.

The Chair opened the public hearing at 7:50 p.m.

No comments

The Chair closed the public hearing at 7:50 p.m.

Kevin Urig, Route 83 Properties, LLC, Flag Lot, Special Use Permit, PL20230011

Special Use for Flag Lot. Property split requires a flag lot with access and frontage to State Route 83

The Chair opened the public hearing at 7:51 p.m.

No comments

The Chair closed the public hearing at 7:51 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:51 p.m. in Council Chambers.

Present: Bill Fitch, Bryan Jensen, Mayor, Jim Malloy, Scott Radcliffe, Carolyn Witherspoon, Chair, 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 Commission and Zoning Secretary

REVIEW & CORRECTION OF MINUTES

Mr. Malloy moved, seconded by Mayor Jensen, to dispense with the reading of the minutes of the regular meeting held on April 19, 2023, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Ms. Fechter asked that item #8A Traxler Lot Split and item #8B Livestock Ordinances be added to the agenda.

Mr. Malloy moved, seconded by Mayor Jensen, to add item #8A, the Traxler Lot Split and #8B Livestock Ordinances, at the Planning Coordinator’s request. The vote was: “AYES” all. The Chair declared the motion passed.

Ms. Fechter asked that item #5 Middleton Lot Split be deleted from the agenda.

Mr. Malloy moved, seconded by Mayor Jensen, to delete item #5, Middleton Lot Split from agenda at the Planning Coordinator’s request. The vote was: “AYES” all. The Chair declared the motion passed.

Motion to approve the amended agenda.

Mr. Malloy moved, seconded by Mayor Jensen, to approve the amended agenda. The vote was: “AYES” all. The Chair declared the motion passed.

1. Colin Maclean, 4314 St. Theresa - Red Tail No. 15, PL20230022

Sam Dover, Your House Construction, is requesting a lot split and consolidation of Red Tail Subdivision #15 on behalf of his client Colin Maclean to create new sublots 617 and 618.

Sam Dover, Your House Construction, 24549 Tricia Drive, Westlake, Ohio 44145 on behalf of Sally and Colin Maclean. The lot split is for an addition to the garage for the home that is currently being built. The southern part of the lot is being sold to the southern neighbor so the 2 lots will become 2 larger lots.

Mr. Cummins says as far as the survey documents are concerned, those have been reviewed and have no further comment.

Mr. Gasior says one of the things that may need to be amended is the final plat. He is not sure how the county handles these. He says in some situations, for instance Red Tail, there was a change in the lot configuration. There was a need for a new final plat. That was the case with Mrs. Lowery when her lot was consolidated. That was a plat that needed to be amended. It was an old plat. There may be a need for this plat to be amended and approved by City Council.

Ms. Fechter says this has not been done the last 2 times this has come before the Commission, but we can look into whether we need to do that. Mr. Gasior says let's do that.

Mr. Cummins added that he believes this surveyor modeled this plat before us off of a previous one which was exactly the same. This document will get submitted to the County and they will do their own review and they will flag something like that. They are creating 2 new lot numbers which is consistent with what was done in the past. We'll see what the county comes back with, but it seems to be in line with what we had done in similar situations.

Mr. Gasior said he wanted to point that out in case there is a need for Council approval.

Mr. Radcliffe wanted to confirm this is taking 3 lots and converting them into 2 lots. Mr. Dover responds yes.

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

Mr. Cummins indicates for clarity this is titled a subdivision plat. It is on the agenda on a lot split but it's a titled and treated as a subdivision plat. Mr. Gasior says there have, been instances in the past where City Council has adopted that amendment because they adopt the final plat and to be consistent they would adopt the amendment to the final plat by ordinance.

Mr. Malloy moved, seconded by Mayor Jensen, to approve the request for a lot split and consolidation of Red Tail Subdivision #15 on behalf of Colin Maclean to create the new sublots #617 and #618. The Chair declared the motion passed.

2. **Avon Middle School Football Field Lighting, Special Use Permit, PL20230025**

Bill Fishleigh, Avon Local Schools, is requesting to Amend the Special Use Permit for Avon Middle School to include Lighting around the football field.

Mr. Bill Fishleigh, 36600 Detroit Road, Avon, Ohio 44011. Mr. Fishleigh states they request to install lighting at the football field. He would like to clarify the comment made earlier from the gentlemen that said, "it so happens that it (the lighting) stops at his property line." That statement is incorrect. Mr. Fishleigh is showing a diagram on the screen that shows a red line that is within the grid area. The red is where the spill stops, that is where it is 0-foot candles. It's not at his property line. The diagram shows the property line where the foot candles are 0. As explained before the candelas, which is the brightness of the bulbs is extremely low.

Mayor Jensen asked Superintendent Hodge since he was talking to residents in the hallway what are some of the responses that have been given since this discussion, as initially, they wanted this item tabled. Mayor Jensen states our position is that this body still wants to recommend that this item be presented to City Council. Superintendent Hodge has given a lot of information. Mayor Jensen asked if he would like it to be tabled or move forward.

Mr. Hodge stated that the residents would like their concerns addressed. Most residents said they have a fear of the unknown. He said once they see what the schedule will be, there will not be large crowds. It will mostly be a practice field. We prefer that games are played on the high school field. We think once we have the discussion the residents will understand and feel more comfortable.

Mr. Malloy moved, seconded by Mayor Jensen, to suspend the rules. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council to Amend the Special Use Permit for Avon Middle School to include Lighting around the football field. The Chair declared the motion passed.

3. Brother’s Management; Miller Road Mini Storage Facility, Special Use Permit PL20230021

Mike and Deborah Brunner are requesting to create a Special Use Permit for the Construction of Mini-Self Storage Units located at 1220 Miller Road.

Mike and Deborah Brunner, 5555 Colorado Ave., Sheffield, Ohio 44054. Mr. and Mrs. Brunner are requesting to build a mini self-storage facility. They own the property, there is a house on the property that they would like to tear down and build storage units. There would be lighting, security, and landscaping.

Ms. Fechter indicated that the city has been working with Mr. and Mrs. Brunner for a few months and they would like to build mini self-storage units on Miller Road. The code requires a special use permit for building self-storage facilities. They also require 200 feet of frontage. This parcel only has 175 feet. This was presented to the Board of Zoning and Appeals in April 2023, and they were granted the 25-foot relief. They have not developed all their construction plans. They are coming before the Planning Commission to make sure this is something the city would support. They are requesting that we recommend their Special Use Permit request.

Mr. Malloy asked if these would be secure units? Mrs. Brunner responded yes and indicated, they would have a staff and would be locked at night. It would not be 24/7 access. Mr. Malloy asked if there would be different sizes. Mr. Brunner responded there would be multiple sizes.

Mr. Malloy moved, seconded by Mayor Jensen, to suspend the rules. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council to Create a Special Use Permit for the Construction of Mini-Self Storage Units located at 1220 Miller Road. The Chair declared the motion passed.

4. Kevin Urig, Route 83 Properties, LLC, Flag Lot, Special Use Permit, PL20230011

Aaron Appell of Bramhall Engineering on behalf of his client, Kevin Urig of Route 83 Properties, LLC to create a Special Use Permit for a Flag Lot along Center Road.

Mr. Aaron Appell of Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011. Mr. Appell on behalf of his client is requesting a lot split and consolidation plat which was previously before the Planning Commission and the Flag Lot is Lot B on the west side of Route 83. There is 60 feet of frontage minimum, and we are requesting a special use permit.

Ms. Fechter says it's a requirement to request a special use permit and they are going through the process.

Mr. Cummins has no comments.

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

Mr. Gasior states there will be an ordinance and they will need to come to Council.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council to Create a Special Use Permit for a Flag Lot along Center Road for Kevin Urig, Route 83 Properties, LLC. The Chair declared the motion passed.

5. Middleton Crossing Lot Split, PL20230015

Aaron Appell of Bramhall Engineering on behalf of his client Frank Jaram is requesting to split 1.6353-acres from the 8.79-acre subdivision for the construction of a Sheetz Gas Station.

Deleted from Agenda

6. Nagel Crossing FDP, PL20230003

Robert Brown of DeVille Development is requesting approval of the Final Development Plan for the Nagel Crossing Shopping Center to construct three buildings, including a 2,554 sq. ft. Starbucks with outdoor seating and a drive thru, a 7,164 sq. ft. multi-tenant retail building with outdoor seating and carry out window, and a 6,784 sq. ft. multi-tenant retail building with outdoor seating and drive thru, parking and utilities, at the northeast corner of Nagel Road and Just Imagine Drive.

Ms. Fechter stated that this is a referral from City Council to the Planning Commission. In April 2023 this was approved contingent on the site layout and final engineering details. When this was presented to City Council, City Council decided it wasn't fair that Mr. Cummins should be responsible for the decision on the layout, so it has been referred to Planning Commission to review the site layout again and at that point move it forward to refer it back to City Council for a final vote.

Robert Brown, Deville Development, 3951 Convenience Circle, Canton, Ohio. The only comment he has is; when this was presented to City Council, there was a concern for an

escape lane from the Starbucks drive-thru lane. This has been addressed and Mr. Brown indicated that they will accommodate this request through the design of a rolled curb. This will allow for an emergency exit from the drive-thru lane. Additionally, all the other issues have been addressed that Mr. Cummins brought up.

Mr. Cummins indicated there is still one outstanding issue that is being worked on, so if any action is taken, he is requesting that this be contingent on final engineering approval.

Ms. Fechter agreed with Mr. Cummins and is asking that this body would agree to the layout of the subdivision.

Mr. Cummins indicated the last item is that the stormwater for this project actually flows to the northside of Cleveland Clinic Blvd. where there is an existing detention basin that they are going to enlarge, and they are doing some grading and they have an easement over that area but they are doing the grading work outside that easement. We just want to make sure that everyone understands what is happening and have correct permissions and property rights to do that. That is the last outstanding issue. There is nothing relating to layout or site development within the retail area.

Mr. Brown says the Jacobs Group, Jim Epple, is working with the Cleveland Clinic, which is who grants permission, but they don't anticipate any issue with it.

**Referral from City Council to Planning Commission*

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

Mr. Malloy moved, seconded by Mr. Radcliffe, to approve the Final Development Plan for the Nagel Crossing Shopping Center to construct three buildings contingent on final engineering approval. The Chair declared the motion passed.

7. Nagel Crossing SUP for Outdoor Seating, PL20230007

Robert Brown of DeVille Development is requesting a recommendation to City Council to approve the Special Use Permit for outdoor seating at Starbucks, Chipotle, and Noodles at the northeast corner of Just Imagine and Nagel Road.

Ms. Fechter indicated that since the Final Development Plan was being presented as they wanted to make sure the layout was approved, they also wanted to present the special use permit.

**Referral from City Council to Planning Commission*

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

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council the Special Use Permit for Outdoor Seating at Starbucks, Chipotle and Noodles at the northeast corner of Just Imagine Drive and Nagel Road. The Chair declared the motion passed.

8. City of Avon Signage, Police Department, Fire Department and Post Office, Special Use Permit, PL20230023

Duane Streator, Safety / Service Director for the City of Avon is requesting to Amend the Special Use Permit for the City of Avon to install a Monument Sign for the Police Department, Fire Department, and Avon Postal Service on Detroit Road.

Mr. Duane Streator indicates this project consists of replacement of the current signs that are at the Post Office, Fire Department and Police Department. We have been working with the various city departments to replace the signs and install different signs. There will be one sign for each Police Department and Fire Department so as to replace both of those signs with one sign that will be on the island between the 2 buildings. It will be a lighted sign. The Post Office sign will also be replaced to include the Aquatic Center information. This will be an LED sign that will be able to post information such as activities and events about the Aquatic Center. Mr. Streator further states that going east in front of the retention pond next to the Police Department there will be some landscaping, which is where the new City of Avon LED message sign is to be placed. In total there will be 3 signs to be replaced.

Mr. Malloy asked why the Post Office sign got so much consideration with the LED feature. Mr. Streator responded that the Post Office sign will be a static sign and somewhat smaller than it is now whereas the other signs such as the Aquatic Center will be a LED and message sign.

Mayor Jensen indicated that one of the considerations was that occasionally the Police Department is asked to bring out their temporary sign and these new signs will replace that so that the Police will no longer need to use that.

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

Mayor Jensen asked Mr. Streator if the city met with the Post Office and if they are ok with all the changes or are they aware of the changes? Mr. Streator responded that the city was waiting to discuss these changes with the Post Office until after approval. He further states in reviewing the lease there were not any signage requirements. Mayor Jensen states the Post Office may be happy because it's a better sign.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council to Amend the Special Use Permit for the City of Avon to install a Monument Sign for the Police Department, Fire Department, and Avon Postal Service and Aquatic Facility. The Chair declared the motion passed.

8A. Traxler Lot Split

The Applicant is requesting to split a 38.70116 acre consolidated parcel of land into a 35.9912 acre parcel and a 2.7104 acre parcel off of Stoney Ridge Road.

Mr. Cummins indicated the Traxler property which is 6 different parcels in the project that is currently underway, which are all owned by the Traxler family which is adjacent to Stoney Ridge Road and the school property along the north. The orange outline is the current outer extents of those 6 parcels in total. The green indicates that we are looking to combine all those parcels into 1 and then chop off a singular parcel to the north. In summary, the orange is the total of the 6 parcels and the green will be the remainder parcel that the City of Avon was able to obtain some funding through Public Works Commission Clean Ohio Program as well as the State Capital Budget. We are in the process of being able to acquire that property with the vast majority of the funds coming from those 2 sources. We are requesting approval to go forward with the lot split that will facilitate the closure and purchase of the land in green.

Mr. Cummins explains the drawing on the screen which are the measurements of the property. Mr. Cummins states the city has been in negotiations with the Traxler family regarding the purchase of the property. This plat was prepared in September of 2021. Mr. Cummins indicated the concerns about the landscape buffer and no parking zone. The Clean Ohio Program is for preservation of land so we feel that might be an issue.

Mr. Malloy asked if there are any plans for this parcel? Mr. Cummins responds that this property may be intended for preservation and possibly some educational opportunities as there are a couple of existing structures there and removing invasive species. There are several long-term potential plans for that which may include access to the schools at some point in the future as well. For right now it's being acquired and preserved as an open space available to the community.

Mayor Jensen says as for the part near Stoney Ridge there is 1 mound of grinding that is left there so we hope to flatten that out and to use for it for football, but people could use that for parking and then walk down the path and over the wooden bridge because that bridge cannot be used for vehicles so people along Stoney Ridge could walk through there. The bridge will only be for pedestrians as there is no way to restore the bridge. The idea is to create something like an arboretum with the preservation and the open area. This is all long-term, but the first priority is to acquire the land. We hope to have the acquisition completed by August.

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

Mr. Malloy moved, seconded by Mayor Jensen, to approve the Traxler Lot Split. The Chair declared the motion passed.

8B. Livestock Ordinances

Amend Planning and Zoning Code General Offenses Code and any other pertinent sections related to livestock requirements.

Mr. Gasior states everyone received a copy of the Livestock Ordinances. Mr. Gasior states he made a couple of changes, and he will go through those:

55-23 Page 2, part 5 and 6 added contiguous acres. Page 3 added contiguous acres to commercial farm building, accessory commercial farm building. Removal of, as permitted in chapter 618, pertaining to chicken coops and hutches, those will not be permitted at all in R-3. Addition of pet store it is a special use in every district, page 5.

56-23, page 5 commercial farm building, we are doing a 75 foot which is a front yard setback.

Ms. Fechter asked where we changed the front yard to 75. Mr. Gasior clarifies the 75 foot is in the rear, next to the no parking permitting in the front yard. Ms. Fechter thought it was 60 feet due to a flag lot, but this is commercial.

57-23, page 3, we changed the language it now says C3, C-4, M-1 and M-2 those will be the only districts where non-commercial riding stable in keeping of horse or livestock in a non-residential special use situation would exist. We are already covered in the previous ordinance which governs residential special use.

58-23 no changes. We are keeping consistent with our current code. If there are horses, it requires a 2-acre minimum and ½ acre for each additional horse. Now it's a 2-acre minimum for livestock ½ acre for each additional head of livestock.

59-23 These are the definitions. We wanted to make sure everything we identify in the 1200's, if there is a word that wasn't in the 1222.02 we would add that in, so there wouldn't be any question.

72-23-no changes. The significance of this is that under our 618.12 we are just dealing with horses, and this has been revised in 618.12 to deal with livestock and poultry. We have rules and regulations now. We have rules and regulations regarding the 1200's, to make it clear to someone. We used the stricter provision law. Don Meyer was a big help as was Ms. Fechter.

73-23- 668 which is stables and kennels this is the nuisance law as it pertains to stables and kennels and it has the setback, which is the 100 feet from the dwelling, it doesn't matter if it's the owner dwelling or anyone else's it is 100 feet. The noncommercial riding stable used to be 25 but we raised it to 60. They can be anywhere from 2-10 acres or more, there shouldn't be a problem meeting the 60-foot requirement from the dwelling or any adjacent property. Most property lines are 50 feet except maybe we there are cluster homes.

Most of the people that were concerned about this outside of this group have reviewed it and are satisfied with it. Mr. Gasior believes it is ready to move forward and refer this to Council for action and it will take 30 days for it to go into effect, because it doesn't pass by vote. 2 of the ordinances will take effect immediately and that will be 72-23 and 73-23, it will pass by

emergency. The other 5 ordinances will be in effect around June 22 and the moratorium expires June 30 and then it will be finished.

Mr. Malloy said he appreciates all the work that was put into these ordinances. He asked why livestock must be registered more than 200 pounds and how would that be done.

Mr. Gasior states there is a provision now where we will require registration above 200 pounds just so if the livestock were to get loose police would know where to return the livestock. We will have registration done through the Zoning Enforcement Officer. The hope is that this will be a matter of filling out a form online and either mailing it in or dropping it off. As of now we do not contemplate a fee. We may have to contemplate that fee later and see what happens. It is more for safety purposes and to know that if someone does have livestock over that weight, we are probably dealing with possibly a horse, a mule or a cow and that should be on 2 acres or more. This is more of a trigger mechanism to self-report.

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

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to Council of the changes as presented by Mr. Gasior. The Chair declared the motion passed.

COMMENTS

Mr. Malloy, no comments

Mayor Jensen, no comments

Mr. Fitch, no comments

Mr. Radcliffe, no comments

Ms. Fechter wished everyone a Happy Memorial Day.

Mr. Cummins, no comments

Mr. Gasior, no comments.

Ms. Clements wanted to remind everyone that there will be a Memorial Day Parade on Monday, May 29, 2023, at 9:00am at the Senior Center and goes to the Veterans' Memorial at the Aquatic Center followed by a ceremony given between the VFW and their group. Remember the fallen.

Mr. Streator, no comments.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to Adjourn. The Chair declared the motion passed.

The meeting adjourned at 8:39 p.m.