

**PLANNING COMMISSION
CITY OF AVON
REGULAR MEETING MINUTES OF AUGUST 17, 2022**

PUBLIC HEARINGS

McAlister's Deli; Special Use Permit; PL20220038

Request to approve the site plan and recommend to City Council to create a Special Use Permit for McAlister's Deli to include an outdoor patio with seating at 35355 Chester Road.

The Chair opened the public hearing at 7:00 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:00 p.m.

ROLL CALL

The meeting was called to order by Chairwoman Witherspoon at 7:00 p.m. in Council Chambers. Present: Bill Fitch, Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon Staff: Jill Clements, Zoning Enforcement Officer; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, Safety Director; Nicole Rambo-Ackerman, Planning Clerk

REVIEW AND CORRECTION OF MINUTES

Mr. Malloy moved, seconded by Mayor Jensen, to dispense with the reading of the minutes of the regular meeting held on July 20, 2022, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

ADDITIONS & DELETIONS

Mr. Malloy moved, seconded by Mr. Radcliffe, to add item #6 Concord Village Amend General Development Plan and item #7 Concord Village Phase 3 Final Development Plan to the agenda as requested by the Planning Coordinator. The vote was: "AYES" all. The Chair declared the motion passed.

Mr. Malloy moved, seconded by Mr. Radcliffe, to approve the amended agenda. The vote was: "AYES" all. The Chair declared the motion passed.

NEW BUSINESS

1. Renew CLE; Final Development Plan; PL20220036

Representatives: Andrew Isaacs, 37060 Colorado Avenue, Avon, OH; Kevin Hoffman, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, OH

Request to approve the final development plan for Renew CLE to construct a 3,143 sq. ft. office building and parking lot at 37060 Colorado Avenue.

Mr. Isaacs owns the Renew CLE business and is excited about the opportunity to move to Avon. The business focuses on doing home remodeling of middle- to higher-income level family homes. The business has been run out of their home for seven years and they have outgrown the space. The lot is small but he believed it suits their needs very well. A designer on the team meets with clients to help them select finishes. There will be one building to serve two separate functions. The front portion will showcase custom cabinets and will have vignettes to show the products along with an office and meeting spaces. The back of the building will have open storage and can be used to store deliveries. Mr. Hoffman added that the lot is substandard as is, so a variance is needed to make it legal.

Mr. Malloy asked what the market area is, Mr. Isaacs said most of the work is done in the western Cleveland suburbs. Mr. Isaacs explained that there are five Amish carpenters on their team and they serve higher-income level families. Mayor Jensen asked if the water issues for the area have been addressed because he saw the Service Department working in the area the other day. Mr. Cummins was not familiar with the Service Department doing work but explained that the owners will be paying into the stormwater detention fund to offset costs.

Ms. Fechter explained that the lot is nonconforming. A variance is needed for parking because the number of spaces required based on the square footage does not meet the business needs. Another variance is needed for the smaller amount of frontage. Paul Burik reviewed the plans and is on board with the building style in the French Creek District but he had a couple suggestions for the colors. Ms. Fechter said Ms. Isaacs responded about the colors and the intended colors will work.

Mr. Radcliffe asked what size trucks will be used for deliveries because he was concerned about the size of the lot and traffic. Mr. Isaacs estimated that they would do 18 to 20 projects this year. Windows are usually delivered in box trucks and there are just a couple windows installed at a time. Windows are currently delivered to the customers' homes, which he expects to continue, but he wants to have the ability to accept deliveries at the business address if needed. Mr. Radcliffe asked if the carpenters and other laborers would be at the business frequently. Mr. Isaacs explained that the laborers typically meet at the job sites but may need to stop by occasionally to pick up equipment. There are no company vehicles that would be parked onsite overnight. Mr. Isaacs expects one employee in the office four to six hours per day and the meetings would mostly be by appointment. If someone walks into the business while an employee is there, they will gladly talk to them, but that is not their intended business model.

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 final development plan for Renew CLE to construct a 3,143 sq. ft. office building and parking lot at 37060 Colorado Avenue, contingent on approval of variances for parking, frontage and lot size being granted. The vote was: "AYES" all. The Chair declared the motion passed.

2. McAlister's Deli; Final Development Plan; PL20220037

Representative: Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, OH
Request to approve the final development plan for McAlister's Deli to construct a 3,568 sq. ft. restaurant with a patio, parking lot and utilities with a modification for the ground sign to be located within the required riparian zone at 35355 Chester Road.

Mr. Appell said the project is located on the south side of Chester Road, north of Ashley Furniture, east of the new City BBQ location and the existing access road. Ms. Fechter said all staff comments have been addressed but the applicant will need variances for stacking. The drive-through window will be used for customers to pick up orders only after calling in their orders ahead of time. The applicants do not plan on having anyone place orders at the window. The project needs ten spaces, but the applicant proposes seven, therefore requiring the variance. In addition, if any stacking would occur, it would be on the site and not on the access drive.

Mr. Cummins noted that the applicant has agreed to come back to get approval of the revision to the general development plan. The location of the drive is slightly different than what was shown on the previous general development plan. The rest of the block is currently undeveloped and they will work those details out and submit on the revised plan. Ms. Witherspoon asked if they will be addressing the ground sign location at that time as well. Ms. Fechter explained that the site is smaller and narrower than the others so the applicant has been working on figuring out the best way to situate the drive to line up with the others. Mr. Appell added that they are requesting to install the ground sign in the riparian zone and asked that the modification be approved with the project. Similar to other restaurants fronting Chester Road, the sign is to be installed between the parking field and Chester Road. There is just enough room to install the sign but it would encroach into the riparian zone. Mr. Cummins said the sign would be at the top of the bank of the ditch that flows there so he did not have any concerns from an engineering point of view.

Mayor Jensen asked to confirm that the applicant would be coming back the next month. Ms. Fechter said the applicant is currently requesting approval for their lot split but the general development plan would need to come back because of the driveway change. That would also give staff and the applicant time to see if any further infrastructure should be added, such as hydrants. Mayor Jensen was concerned that the drive-through may not work based on the proposed location, especially if variances are granted. Mr. Cummins clarified that the driveway being discussed is not from Chester Road, it is the driveway to the internal drive to the south of the lot. He considered it to be part of the internal traffic flow and he did not think the traffic on Chester Road would be impacted. Ms. Fechter asked if there would be any spaces for customers to park while waiting for their food if it is not ready. Mr. Appell said a few spaces would be used for that purpose. Mayor Jensen thought if customers came in from the Ashley Furniture route and entered on the south end of the property, if anything backed up then it would not be close to Chester Road, even though some spaces could still be blocked.

Ms. Fechter asked if a stipulation could be added to the special use permit even though it was for outdoor seating. Mr. Gasior thought it could be done but the special use permit would be for the outdoor seating area. He thought it may be better to stipulate something in the variance if problems ensue. Mr. Gasior thought the spaces set aside for customers to wait for food should be identified on the plan because they would be used for people to get out of the queue and not backup the traffic. He pointed out that there is no guarantee that the variance would be granted

but he did not think it had anything to do with the special use. Ms. Fechter thought it was a positive that no one would be ordering at the window. Mayor Jensen was concerned that the process could change. Ms. Fechter thought the applicant would need to get approval if the ordering process changed because the final development plan is being approved saying there is no drive-through, just a carryout window, similar to Brew Kettle. Brew Kettle was told if they were adding a sign board, they would need to redo their final development plan. Mr. Gasior said the plan could be approved contingent on the variances being granted. Mr. Fitch thought there should be a system where the customers get confirmation that their food is ready to be picked up so they are not waiting in line the whole time, thereby preventing other people from getting their food when it is ready. Mr. Appell said the franchise has an ordering system in place already and this is their sixteenth restaurant in Ohio. Mr. Fitch asked if the other restaurants were built on similar sized lots, Mr. Appell said it is an average sized lot. Mr. Cummins asked if it would be more desirable if the driveway was moved to go onto the internal drive with less stacking. Mayor Jensen thought it would be because the spacing could be measured out to allow more stacking to go out to the access road. Mr. Cummins thought the Mayor was trying to explain that the spaces would be reduced to four or five if the driveway was pointed out to the internal drive. Mr. Cummins asked if the applicant would consider changing the southern parking area and the drive-through drive so it would not have a bend in it and go north and south in the parking area. Mr. Appell was not able to answer that question at the time but would talk to them.

Mayor Jensen asked how the plan approval process would work if it were approved contingent upon variances being granted after the discussion. Ms. Fechter said the Jacobs Group would be applying for the general development plan approval. Mr. Gasior asked if there was a need to approve anything tonight since the general development plan would need to come back for the general development plan approval and they need variances. He thought it would be better to have a representative from McAlister's at the next meeting as well to state on the record what their experience has been at their other facilities. The Commission could also state on the record what their concerns are. The minutes could be referred to in the future if there are any issues. Mayor Jensen did not want another situation like Starbucks but pointed out that if there are no issues with the traffic then they would not need to come back. Mr. Gasior thought Planning Commission should recognize the variances that are granted. He recommended that this be declared first presentation. Ms. Fechter was not sure if the drive change should be approved before variances are requested. Staff could tell BZBA that the driveway was asked to be changed at the meeting. Mr. Appell added that if traffic backed up that it would back up onto the private access road, but he understood the point.

The Chair declared this first presentation.

3. McAlister's Deli; Special Use Permit; PL20220038

Representative: Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, OH
Request to approve the site plan and recommend to City Council to create a Special Use Permit for McAlister's Deli to include an outdoor patio with seating at 35355 Chester Road.

Mr. Appell said an outdoor patio is proposed on the northeast corner of the building. Seven tables and 20 seats would be on the patio with no music. The patio would be protected by bollards along the drive through line. Ms. Fechter recommended referring the proposal to City

Council. Mr. Cummins clarified that the bollards are only proposed on one side of the patio. Mr. Gasior said the special use permit ordinance would be on the Council work session agenda for September 26, which will be after the September Planning Commission meeting.

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 City Council create a Special Use Permit for McAlister’s Deli for an outdoor patio with seating at 35355 Chester Road. The vote was: “AYES” all. The Chair declared the motion passed.

4. Chester Road Subdivision No. 5 Sublot 12; Lot Split; PL20220039

Representative: Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, OH
Request to create subplot No. 12 by splitting 1.2419 acres from the 37.0467-acre parcel ending in -304 located on the south side of Chester Road west of Jaycox Road.

Mr. Cummins said all staff comments have been addressed and recommended approval, Ms. Fechter agreed.

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 request to create subplot number 12 for Chester Road Subdivision No. 5 by splitting 1.2419 acres from the 37.0467-acre parcel ending in -304 located on the south side of Chester Road west of Jaycox Road. The vote was: “AYES” all. The Chair declared the motion passed.

5. First Interstate; Lot Split; PL20220040

Request to split off a 0.4591-acre parcel from the 2.3208-acre parcel ending in -027 located on the northeast side of SR-611 southeast of I-90.

Ms. Fechter asked for the agenda item to be tabled at the applicant’s request.

Mr. Malloy moved, seconded by Mayor Jensen, to table the lot split to split off a 0.4591-acre parcel from the 2.3208-acre parcel ending in -027 located on the northeast side of SR-611 southeast of I-90 until the September PC meeting. The vote was: “AYES” all. The Chair declared the motion passed.

6. Concord Village; Amend General Development Plan

Representatives: Kevin Hoffman, Polaris Engineering, 34600 Chardon Road, Suite D, Willoughby Hills, OH; Jordan Berns, 3733 Park East Drive, Beachwood, OH
Request to amend the general development plan for Concord Village to reduce the number of single-family units from 72 to 70 on the north side of Chester Road.

Ms. Fechter asked that the general development plan be approved contingent upon the final determination of the final development plan so they can be updated to reflect one another. Mr.

Hoffman said two units were eliminated after their storm water management report was complete because they did not have enough volume. There will be 70 units and a couple units were moved at the end to break them up a little bit more. Mr. Cummins said the subdivision plans are still being reviewed and asked that any approval be contingent on final engineering approval. Mr. Radcliffe asked if updated plans were submitted for review. Mr. Communis said plans were submitted in June and a revised package was submitted earlier this month but staff is still reviewing the details. He did not feel that comments would change the overall extent of the project and did not object if the Commission wanted to take action on the item contingent on final engineering approval. Mr. Malloy and Mr. Radcliffe wished they had revised drawings to look at. Ms. Fechter said the Commission did not have the revised drawings. Mr. Gasior said the plans are in even though the Commission did not have them. He knows the developer is in a hurry to get approvals in September because he thought the applicant wanted to get construction started before the season ends. A developer's agreement has to be approved by Council so he did not think anything that would happen in the plans reviewed in the rezoning process could not be approved contingently because they are relatively minor. The amended plan is essentially the plan that was reviewed earlier with two lots eliminated and the change to the stormwater basin. He thought Council would be pleased that the number of units was reduced from 72 to 70. Mr. Hoffman said the basin was expanded from what was initially proposed because the underground storage system initially planned would not be cost-effective. Mayor Jensen asked if all of the engineering issues would be taken care of before Council gets the plans for approval. Mr. Cummins believed that to be the intention. Mayor Jensen wanted to make sure Council had all of the information before they vote on its approval.

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 amended general development plan for Concord Village to reduce the number of single-family units from 72 to 70 on the north side of Chester Road, contingent on the general development plans being updated to match the final development plans and subject to final engineering approval. The vote was: "AYES" all. The Chair declared the motion passed.

7. Concord Village Phase 3; Final Development Plan; PL20220025

Representatives: Kevin Hoffman, Polaris Engineering, 34600 Chardon Road, Suite D, Willoughby Hills, OH; Jordan Berns, 3733 Park East Drive, Beachwood, OH

Request to approve the final development plan for Concord Village Phase 3 creating 72 single-family units on the north side of Chester Road.

Mr. Cummins asked that the proposal only be considered contingent on final engineering approval.

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 final development plan for Concord Village Phase 3 creating 70 single-family units on the north side of Chester Road,

contingent on final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn the meeting at 7:45 p.m. The vote was: “AYES” all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

Date