

**CITY OF AVON PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 20, 2023, 7:00 P.M.**

PUBLIC HEARINGS

1. **Nichloas Rak, 3889 Long Road, Sewer District Modification, PL20230040**
Sewer District Modification to include 1 single family dwelling.

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

No comments.

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

2. **Arby's, 1331 Center Road, Special Use Permit, PL20230037**
Drive Thru Expansion; reconstruction to include 2 drive-thru order points.

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

Hannah Oaks, of CESO, 175 Montrose West Avenue, Akron, 44321 representing Arby's. Ms. Oaks states that Arby's is proposing the expansion of the drive-thru to go from a single order point system to a dual order point. The existing site services about 8 vehicles stacked in its queue. The proposed expansion would allow for 11 vehicles, and it would also improve the efficiency and functionality of Arby's site. Arby's has seen an increase in the drive-thru traffic at their site. They are hoping to benefit the community and customers to make it more efficient.

Ms. Fechter added that they are also doing a complete remodel inside the building as well. This is just another piece of the remodel.

Don Meyers, 4015 Stoney Ridge, Avon, Ohio 44011. Mr. Meyers states his concern is where they are going to take the room for the second drive-thru. Additionally, if the proposal is to go on the west side of the building; that is currently a driveway to get to the parking lot on the south side; if they eliminate that driveway, the parking on the south side goes away because it is not useable. Then we run into the question of do they comply with the minimum required number of parking spots for that size building.

Ms. Fechter refers to the drawing on the screen and indicates her understanding is there are 2 order boards that will merge into 1 lane and the only thing they are removing is a corner of the landscaping that is on the northeast corner.

Ms. Oaks states the west side of the existing drive-thru is going to remain in place so it will not affect that pass-through lane to the parking lot and the expansion of the drive-thru will occur on the northside.

Ms. Fechter states she thinks that only 1 parking space was lost.
Ms. Oaks clarifies that it is 3 parking spaces and the landscape island.

Mr. Meyers asked if this complies with the minimum requirements for parking spaces.

Ms. Fechter responds yes.

The Chair closed the public hearing at 7:05 p.m.

3. T3 Realty II LLC, 1945 Recreation Lane, Special Use Permit, PL 20230044

Proposed 4755 square foot build out to create 2 exterior volleyball courts and outdoor dining patio.

The Chair opened the public hearing at 7:05 p.m.

No comments

The Chair closed the public hearing at 7:05 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:05 p.m. in Council Chambers.
Present: Bill Fitch, Bryan Jensen, Mayor, Jim Malloy, Scott Radcliffe, Carolyn Witherspoon, Chair, Staff: Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streator, Safety Director; Jill Clements, Zoning Enforcement Officer Susan Pintz, Planning Commission and Zoning Secretary

REVIEW & CORRECTION OF MINUTES

Motion to dispense with the reading of the minutes of the regular meeting held on August 16, 2023, and to approve the minutes as published.

Mr. Malloy moved, seconded by Mayor Jensen, to dispense with the reading of the minutes of the regular meeting held on August 16, 2023, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Motion to add to the agenda the following:

Item 5a T3 Realty II LLC, 1945 Recreation Lane, Special Use Permit, PL20230044

Item 1, Scott Wiles-change what has been written as follows: Scott Wiles is requesting approval to split 0.0622 AC from the 15.3412 AC parcel: PP# 04-00-023-102-157 and consolidate it into PP# 04-00-023-102-025 and 04-00-023-102-024 to create a 0.7508 Acre Parcel on Jaycox Road.

Mr. Malloy moved, seconded by Mayor Jensen, to add Item 5a and to change the script to Item 1 as read by Ms. Fechter. 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 accept the agenda as amended The vote was: “AYES” all. The Chair declared the motion passed.

1. Scott Wiles, 3100 Jaycox Road, Lot Split and Consolidation, PL20230045

Scott Wiles is requesting to consolidate Parcel 04-00-023-102-157 and 04-00-023-102-024 to create a .7508-acre parcel for a single-family dwelling.

New description: Scott Wiles is requesting approval to split 0.0622 AC from the 15.3412 AC parcel; PP# 04-00-023-102-157 and consolidate it into PP# 04-00-023-102-025 and 04-00-023-102-024 to create a 0.7508 AC Parcel on Jaycox Road.

Scott Wiles, 32982 St. James Trail, Avon, Ohio 44011. Mr. Wiles states this is part of a larger piece of land that he purchased last year. The parcel that Mr. Bryan Kristy purchased from Mr. Wiles previously had an older duplex on it that was dilapidated and outdated. He raised that shortly after purchasing the property with the intent of selling it to somebody that could build a new home. We did do that and signed a contract with Bryan Kristy and as part of that contract and as part of him planning out the orientation of his house, he requested the ability to take a little bit more land which at .06 acres is not a major hinderance to Mr. Wiles, so it was no problem from his perspective. They put that into the contract that they ultimately signed, and he closed on the property. On the heels of him purchasing the property this is our submittal to have that approved by the city.

Ms. Fechter refers to the drawing on the screen, the existing drive, the 40 feet has always been there, attached to the duplex. The little sliver of land on the back is what they are adding to it. There are drive access easements that are already in place, none of that area is going to change, it is just to give Mr. Kristy more room. Mr. Kristy will be consolidating that piece into the other 2 parcels.

Mr. Cummins stated he 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. Malloy moved, seconded by Mayor Jensen, to approve the Lot Split as read for Scott Wiles. The vote was: “AYES” all. The Chair declared the motion passed.

2. Arby's, 1331 Center Road, Special Use Permit, PL20230037

Matt Yanda of CESO Inc. representing Paul Donzis, owner of Arby's, is requesting recommendation to City Council for the Special Use Permit for the expansion of the Arby's drive thru and the reconstruction to include two drive thru order points at 1331 Center Road.

Hannah Oaks, of CESO, 175 Montrose West Avenue, Akron, 44321 representing Arby's.

Chair Witherspoon indicated that Ms. Oaks presented this project during the Public Hearing section of the meeting.

Ms. Fechter indicated all staff comments have been addressed and would recommend a positive recommendation to City Council.

Mr. Cummins stated he 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. Malloy moved, seconded by Mayor Jensen, to recommend to City Council for a Special Use Permit for the Expansion of Arby’s Drive Thru and the Reconstruction to include 2 drive-thru order points at 1331 Center Road. The vote was: “AYES” all. The Chair declared the motion passed.

3. Arby’s, 1331 Center Road, Minor Modification, PL20230038

Matt Yanda of CESO Inc. representing Paul Donzis, owner of Arby’s, is requesting approval of the minor modification for the expansion of the Arby’s drive-thru and the reconstruction to include two drive-thru order points at 1331 Center Road.

Ms. Fechter has no comment.

Mr. Cummins has no comment.

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 Minor Modification for the Expansion of Arby’s Drive Thru and Reconstruction to include 2 drive-thru order points. The vote was: “AYES” all. The Chair declared the motion passed.

4. Old Mill Plaza LLC, Railroad Brewing, 820 Center Road, Minor Modification, PL20230041

Ronald and Richard Holub are requesting to build a new 2016 sq. ft. structure to replace the existing 1465 sq. ft structure for Railroad Brewing Company.

Ronald Holub, 32862 Lake Road, Avon Lake, Ohio 44012. Mr. Holub states they would like to replace a smaller 1465 square foot building with a new 2016 square foot facility for Railroad Brewing Company to expand and brew their beer.

Ms. Fechter states all staff comments have been addressed, we have been working closely with the Building and the Fire Department. We have been at the site and explained the added things they will need to do by doing this expansion for what the use is going to be, and we would recommend its approval.

Mr. Cummins states he 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. Malloy moved, seconded by Mayor Jensen, to approve the request to build a new 2016 square foot structure replacing the existing 1465 square foot structure for Railroad Brewing Company. The vote was: “AYES” all. The Chair declared the motion passed.

5. Route 83 Properties, Stoney Acres Subdivision Final Development Plan and Final Plat, PL20230046

Aaron Appell of Bramhall Engineering is representing Kevin Urig of Route 83 Properties and is requesting approval of the creation of 11 residential lots, 1 residential outlot and blocks and easements for the Stoney Acres Subdivision off of Ravinia Lane.

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

Mr. Appell states there are 11 residential lots and access will be provided off the existing subdivision at Ravinia Way. That extension will be east which includes a sub-street to the south towards Willoway and there is 1 residential outlot to State Route 83. There are 2 additional blocks, one for stormwater management, one for green space, and mounding up against the existing residential subdivision to the west. The 11 lots will have access to the west and not through State Route 83. There is sidewalk access as being provided to State Route 83 through the subdivision and through the stormwater management block.

Ms. Fechter states that all staff comments have been addressed.

Mr. Cummins states he has performed a review of the plat and plan submission up through this afternoon, as the latest version was just submitted. Mr. Cummins further states he has a couple of minor questions to go over with the Applicant and Mr. Appell. Mr. Cummins asked that this be considered as contingent approval subject to final engineering approval. It does have all the required aspects of stormwater management. It does provide an access point for private sanitary sewer from the Willoway property which will take some commercial business type buildings with several users on them that is currently on septic system and get those on a public sanitary sewer which is a very good thing. All the stormwater management requirements have been provided including some additional mounding along the southside to protect the subdivision from an existing drainage swale on the Willoway property and the mounding will protect that swale from coming into the residential lots. The Applicant has done everything that Mr. Cummins has requested there are just a couple of minor things outstanding and would recommend considering its approval.

Ms. Fechter added that the Sanitary Sewer Modification before you, has been passed by City Council.

Mr. Radcliffe asked for clarification as to where the access sidewalk that goes out to Center Road will be. He added will there be any additional sidewalk on State Route 83 and Center

Road. He is aware there is not a lot there now and that is one of the areas we would love to have more activity.

Ms. Fechter refers to the drawing on the screen.

Mr. Cummins states in this view all along the entire frontage of Center Road there will be new sidewalk installed etching existing to the north and then it comes along the southern property line from State Route 83 over through the block area to where the cul-de-sac is. It makes a right turn and goes up to the cul-de-sac.

Mr. Radcliffe states they don't line up between the houses.

Mr. Cummins states that is correct and it even provides an off-chute access sidewalk to the 2 residential properties that front on State Route 83. There will be a continuous sidewalk along State Route 83 and sidewalks within the 11-lot subdivision and there will be sidewalk to connect the two.

Mr. Radcliffe asked if those 2 lots on State Route 83 will have sidewalks going down as a starting point?

Mr. Cummins states they will have sidewalks along their frontage on State Route 83 but then there will also be an access sidewalk just to the east of the cul-de-sac.

Mr. Radcliffe states he can see where that block comes through there and runs along the very southern end of block B.

Mr. Cummins confirms yes.

Mr. Appell refers to the drawing on the screen, the improvement plans, the sidewalk standout on the overall plan.

Mayor Jensen asked Mr. Cummins when you mentioned the mounding along the southside there were issues on the other part of Ravinia, do you think this will alleviate any problems that they experience, that is different situation, but this will not have any of those issues that they have to the west?

Mr. Cummins states that is correct. In the last phase of Highland Park that was done, a similar type of mounding was established along that southern property line to also protect and that has worked out very well. The problems are further to the west, where the subdivision to the west of Highland 20 is, cannot remember the name of that subdivision, that is very low relative to the elevation of the ditch that is along Willoway's property and so there is a culvert there that Willoway has in place, and it spills out and goes into that adjacent property. All that flow gets collected at a point that takes it north through Highland and then a new watershed begins.

Mayor Jensen states we will not have that problem.

Mr. Cummins agrees.

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 Route 83 Properties request for the approval of the creation of 11, 1 residential outlot and blocks and easements for the Stoney Acres Subdivision off Ravinia Lane contingent upon final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

5a. T3 Realty II LLC, 1945 Recreation Lane, Special Use Permit, Outdoor Seating and Volleyball Courts, PL20230044

Mike D’Andrea is requesting a Special Use Permit for an outdoor patio for Avon Brewing Company as well as (4) outdoor volleyball courts.

Craig Sanders, Freeman Building Systems, 580 Venture Blvd. Wooster, Ohio 44691.

Mr. Sanders states they have been working with the D’Andrea family on both the original building and the latest building, which at this point is winding down. Related to this specific work, there are currently 2 volleyball courts and an exterior small turf field area that is on the northside of the existing facility. We are asking to be able to install 2 more volleyball courts to the north of those and then to the east of those 2 courts would then be an exterior outdoor dining patio that would be linked with Avon Brewing Company build out that would occur in that southeast corner of the building. Mr. Sanders refers to the drawing on the screen and indicates that you can see the 2 courts to the left and the 2 new courts to the right with the red cloud around them and then the patio would be to the east with the blue cloud.

Ms. Fechter states right now there is T3 one and T3 two, this is in the middle of the two buildings. We have separated out the two buildings and are looking at a special use permit for the interior. There were 2 existing volleyball courts for outdoor recreation, and they needed a special use permit, so they are constructing 2 and we will put in for the whole 4 and then the outdoor patio. Avon Brewing Company is going to be constructing a facility inside of T3, this is their outdoor seating, there are 45 seats on the outdoor patio. They are asking for a special use permit for that outdoor seating as well as the outdoor recreation. Currently the patio will be on top of the City’s sanitary line and storm line. Their attorney is working with Mr. Gasior on the easement language that spells out that if we need to go and dig up either of those lines, we will dig it up and back fill it with stone, but they may lose business, they may not be operational, and they will need to put it back in place. They are giving us that for allowing them to build the patio over top of our lines.

Mr. Cummins states he has no comments.

Ms. Fechter states Mr. Gasior will need to decide if this will be contingent. Her thought is if we give a positive recommendation to City Council, they will not be in front of City Council with a vote until those documents are to Mr. Gasior's standards.

Mr. Gasior states he needs to review it. He needs to review it with Brian Bruce and Mr. Cummins but has not had a chance to do that yet, but this needs to move forward.

Mayor Jensen states this will not come before City Council until it is agreed upon.

Mr. Gasior states there is a regular meeting coming up on September 25th and we should be able to get this in front of Council for the October 2nd Work Session.

Mayor Jensen states he doesn't think they can make it contingent. City Council will not be able to vote on it until it's complete.

Mr. Gasior states he is fine with that if they understand Planning Commission is not going to grant contingent approval. They will recommend approval of the plan. City Council has to decide on the Special Use Permits. Council will not do that until we have the easement language nailed down to everyone's satisfaction; regarding the patio being placed over those lines, Mr. Gasior has the document that was originally drafted, he has been reviewing it. There are some issues he will need to address with individuals in the city before he gives a recommendation on changes. He doesn't see any reason why this can't be done in the next 10 days, and this could be on Council's agenda for the Work Session on October 2nd and a possible vote on October 10th.

Mr. Sanders states the language would be slightly different than what exists with the easements that are running through the parking lot?

Mr. Gasior states there are many things going on that he needs to review and that is why this will take some time. He is not certain the easements have been drafted for the parking lot on building 2. That was put aside to allow building 2 to get constructed. Mr. D'Andrea's attorney Mr. Trigilio and Mr. Gasior both came to the agreement a year ago that we would address the easements at the time we had the as-builts and we could clearly identify where they are and then we would address that. Again, for the purpose of trying to get this moving we only need to focus on the one easement for the two lines, sanitary and storm. That is the one we will focus on. We will get to the parking lot easements at another time. There is no urgency to those.

Ms. Fechter states this for the attorneys to work on.

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 City Council the request for a Special Use Permit for an outdoor patio for Avon Brewing Company as well as (4) outdoor volleyball court. The vote was: “AYES” all. The Chair declared the motion passed.

6. Prohibiting Sale of Fireworks

Discussion on Ordinance 99-23.

Mr. Gasior states we prepared legislation to prohibit the sale of fireworks in the city. These fireworks would not include fountain works, which are the sparklers and some of that nature that you can find tightly regulated in some of the retail outlets here in town. These are actual fireworks; he doesn't want to go into detail about the technicalities. City Council passed the ordinance under the general offense section 600, Council just passed that on September 18, 2023. There was no need to come before the Planning Commission as it is not a matter of Planning and Zoning, it's a general offense code section. They are just prohibited, it's in the 672 code that contains all our regulations regarding fireworks. Those regulations were recently changed and adopted when the State of Ohio made significant changes to the sale and possession of fireworks. We put this on the agenda so everyone would know that there is a prohibition in code 672. We don't need to include that anywhere in the Planning and Zoning code.

COMMENTS

Mayor Jensen has no comments.
Mr. Malloy has no comments.
Mr. Fitch has no comments.
Mr. Radcliffe has no comments.
Ms. Fecher has no comments.
Mr. Cummins has no comments.
Mr. Gasior has no comments.
Ms. Clements has no comments.
Mr. Streater has no comments.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting adjourned at 7:36 p.m.

Carolyn Witherspoon, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date