

**PLANNING COMMISSION
CITY OF AVON
REGULAR MEETING MINUTES OF SEPTEMBER 21, 2022**

PUBLIC HEARINGS

Avon Brewing Company; Special Use Permit; PL20220043

Request to approve the site plan and recommend to City Council to create a Special Use Permit for Avon Brewing Company to include an outdoor patio with seating at 36383 Detroit 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 August 17, 2022, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

P&Z Workshop

Ms. Fechter explained that the agenda for the upcoming P&Z Workshop was provided to the Commission members if they would like to attend.

ADDITIONS & DELETIONS

OLD BUSINESS

1. 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 at 35355 Chester Road. First presentation declared at August 17, 2022 meeting.

Ms. Fechter said variances were granted at the September 7, 2022 BZBA meeting for two stacking spaces because three spaces were provided for customers who need to wait for food in front of the pickup lane. Mr. Appell said there is enough room on the property to allow for 15

cars to stack up. Mayor Jensen mentioned that Councilman McBride stated his concerns about vehicles not being able to leave the pickup lane at the Council meeting a couple days before. Mayor Jensen pointed out that a vehicle could get out of the line once they were past the three car area. He thought it looked like everywhere else on the site could be driven around except that one spot, so he did not want to remove more parking to make that change. Mr. Appell added that the queue can be adjusted based on when the food will be ready. The company's goal is to have a maximum of six cars in the pickup lane at one time. Ms. Fechter explained that the three spaces designated for the pickup lane would be directly in front of the pickup lane and she added that all other staff comments have been addressed and recommended approval.

Mr. Malloy moved, seconded by Mayor Jensen, to approve the final development plan for McAlister's Deli to construct a 3,568 sq. ft. restaurant with patio, parking lot and utilities at 35355 Chester Road. The vote was: "AYES" all. The Chair declared the motion passed.

NEW BUSINESS

2. Chester Road Development; Amend General Development Plan; PL20220042

Representative: Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, OH
Request to amend the general development plan for the Chester Road development by the RE Jacobs Group to include Subdivision No. 5 for McAlister's Deli at 35355 Chester Road.

Mr. Appell said the general development plan is being updated to reflect the McAlister's layout.

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 the Chester Road development by RE Jacobs Group to include Subdivision No. 5 for McAlister's Deli at 35355 Chester Road. The vote was: "AYES" all. The Chair declared the motion passed.

3. Avon Brewing Company; Special Use Permit; PL20220043

Representatives: Ben Gingrich, architect, HSB Architects; Mathias Hauck, Avon Brewing Company; Forrest Paige, HSB Architects; Bud Misencik, 2209 Holly Lane, Avon, OH; Dale Rogers, 2212 Holly Lane, Avon, OH; David Brenneis, 2213 Garden Drive, Avon, OH; Michael Perrins, 2246 Garden Drive, Avon, OH

Request to approve the site plan and recommend to City Council to create a Special Use Permit for Avon Brewing Company to include an outdoor patio with seating at 36383 Detroit Road.

Mr. Gingrich said the site plan was updated since it was informally presented in July. They are requesting the Special Use Permit for the outdoor patios with outdoor music at this time. A patio is proposed on the front of the building along Detroit Road and an outdoor beer garden patio is proposed on the east side of the building. Both spaces would have ambient music and occasional live acoustic music between the hours of 11:00 a.m. and 12:00 a.m. He understood that the patio is about 500 feet from the nearest residential property and said Avon Brewing Company has been a good neighbor in the community.

Mr. Hauck explained that they are proposing a covered indoor patio with roll doors that can be opened up in nice weather. The outdoor patio is on Detroit Road, approximately 13 feet from the existing sidewalk. There would be plenty of landscaping around the patio. The patio area would wrap around the front of the building and be connected to the outdoor beer garden which would be 18 feet back. The beer garden would have a fire pit and Adirondack chairs. The live music would probably be in the beer garden space. Mr. Hauck said they have a two-piece act that plays at their brewery in Medina and he believed their act is quieter or as loud as the ambient music they usually have. The current Avon Brewing location has outdoor speakers and they have not had any neighbor complaints about the noise level. Stanchions would be installed between the roll doors that would have speakers facing towards Detroit Road. The beer garden would have a couple speakers on the east wall of the building facing toward the garden. He does not anticipate any speakers facing south. He thought the closest home was on the southeast corner of Holly Lane and it would be more than 500 feet away. The patio would have café style seating and the beer garden would be designed to be a hang out spot for customers.

Mr. Misencik thought the distance shown on the plan presented during the informal presentation from Detroit Road to the beer garden would be 100 feet. He was thought the 500 feet measurement may be inaccurate. He was concerned about the sound wall and the greenery not being able to reduce sound in the winter and fall. Mr. Hauck responded that the building is set back as far they can go from Detroit Road. The funeral home is directly east of the property and the trapezoid portion of their property is a few hundred feet from the closest home. There is another commercial property and an open area with a mound on it between the proposed restaurant and the closest house. Deliveries would be brought in the drive on Detroit Road and would be screened. Mr. Hauck added that the plan Mr. Misencik had was the initial rendering for the informal presentation and has not been approved. Mr. Hauck reviewed the site plan and surrounding area with Mr. Misencik away from the microphone. Mr. Gingrich explained that a sound barrier wall was never proposed. Shrubbery and fencing are proposed around the beer garden. Mr. Paige added that the fencing around the beer garden would be similar to a trellis so the greenery would grow around it. He also noted that the seating in the beer garden would be situated closer to Detroit Road. Mr. Hauck added that as a business owner, he does not have a need to have music playing in the parking lot. Based on the angle of the building, Mr. Hauck thought it would be difficult for the sound waves to get around to the residents behind them. Mr. Misencik asked what emissions can be expected from the glycol tank during the brewing process. Mr. Hauck said the glycol chiller is an air conditioning unit and would have no emissions. He invited Mr. Misencik to see a smaller version at their local coffee shop. The unit would be much quieter than a generator.

Mr. Rogers asked what buffer would be installed on the south side of the property and if there would be an entrance on Holly Lane. He asked what would be used for traffic control. Mr. Gingrich said there would be no curb cut on Holly Lane and significant landscape screening is proposed along Holly Lane. The curb cut is close to where the existing one is on Garden Drive and the second is on Detroit Road. The primary entrance would most likely be from Garden Drive but the drive on Detroit Road could also be used. The traffic at the intersection is currently being reviewed by the applicants and the Planning Department for the final development plan approval.

Mr. Brenneis asked what the plans are with the existing greenery because he can hear the football games on Friday nights. He is happy that the restaurant is coming but does not want to hear the noise every night. Mr. Gingrich said seven foot evergreens are proposed along Holly Lane with deciduous trees and trees in the parking lot islands. A split rail fence has been added to the back side of the property to dissuade people from cutting through the lot.

Mr. Perrins asked if there was a plan to be reactive to complaints about noise. He is not bothered by the football games. He also asked if there was a plan to use the parking lot for the dance studio across Garden Drive if needed. He asked if the project was a good community project that would allow people to walk to the restaurant again. Ms. Fechter said the time the music can be played and the loudness is under review during the Special Use Permit approval process and will be reviewed by City Council as well. The final development plans will come to the Planning Commission at a future meeting. If there is an issue with noise in the future, the Special Use Permit allows the City to review the parameters again if needed. Mr. Hauck said they have had no issues at the existing Avon Brewing Company location. He also owns and operates ZZ's Big Top and worked with the neighbor to address recent issues. Mr. Streator said the applicant has been good to work with when dealing with any neighborhood concerns about their businesses.

Mr. Misencik pointed out the parking proposed on the east side of the property. He asked if screening would be installed to prevent the headlights from getting to his property. He also asked if the fencing proposed along Holly Lane could be installed along the eight-foot section between the Avon Brewing property and his, even though the property is not theirs.

Mrs. Witherspoon told the audience they could give the Planning Clerk their contact information if they would like to be notified of the next meeting. Mr. Radcliffe wanted to confirm what the hours would be for the music to be playing. Mr. Hauck said they put down their hours of operation for the current location. Mr. Radcliffe said there would be no changes from what they are already doing and it has been well-received, Mr. Hauck said that was correct.

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 Avon Brewing Company for an outdoor patio with seating at 36383 Detroit Road. The vote was: "AYES" all. The Chair declared the motion passed.

COMMENTS

Code Update

Ms. Fechter explained that a lot of restaurants are proposing pickup windows where customers would not place orders and would just pick up their food. There are also areas in town that have drive throughs that back up onto major roads, thereby creating dangerous situations. The administration would like to better define drive through windows and pickup windows and require Special Use Permits for both with different requirements. Staff is starting to look at other cities to see how they handle them. Having Special Use Permits for drive throughs and pickup

windows would allow the administration to bring businesses in if there are problems that need to be addressed in the future.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn the meeting at 7:40 p.m. The vote was: "AYES" all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

Date