

AVON PLANNING COMMISSION REGULAR MEETING 1-16-19

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, JANUARY 16, 2019 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:03P.M.

MASS ESTATES PRELIMINARY PLAT, 37 NEW HOME DEVELOPMENT OFF SCHWARTZ ROAD. The Chair opens the Public Hearing at 7:00P.M. Kevin Hoffman of Polaris Engineering and Surveying and Tom Kuluris of Liberty Development. Kevin Hoffman says they were here two months ago, and they have taken some feedback and they had some good results from the watershed study, showing the base flood elevation can be dropped and they were able to do a new configuration of the subdivision. Mr. Kuluris says they addressed the concerns given at the last meeting and they didn't think they could have done this but hopefully this works. Mr. Hoffman shows on the drawing the stub street, basins, and compensatory storage areas. Mr. Hoffman says the original plan was one cul de sac as they were trying to stay out of the flood plain as much as possible and they did the topographic study and found that it made it better as its less flood plain they would need to fill. Mr. Kuluris says when they were here before they were waiting for the report to be finished and now they have it, its enough to make a difference and they could put in the important stub street.

Paul Hilston, 3420 Williams Court says Williams Court is a very narrow street and asks if the City is ever planning on widening the street and how will it affect those homes. Mayor Jensen says if the development were to come in, they have talked about what they would need to do. Mr. Hilston says in the last 10 years there have been five 3" rain fall and ask how many acres the site is and how much will the basin hold, Mr. Hoffman says approximately 125,000 and Mr. Hilston says he is concerned that the basins can help hold the extra water.

Kristin Kemper, 32151 Schwartz Road and her friend and attorney, John Monroe. Mr. Monroe is with Mansour Gavin, LPA is representing the Ms. Kemper and her husband. Mr. Monroe says they do understand that this will get developed and understand that and have 3 concerns he feels is within our jurisdiction to have the developer address now instead of later. Mr. Monroe says the first is the flooding issues. Mr. Monroe says it's a low property with low spots and the issue being created is the massive fill of land. Mr. Monroe says they are planning on adding several feet of soil to the proposed land and shows the grading sheet from the plans. Mr. Monroe says the adding the dirt causes a problem and they can say they have done enough to control that and have an issue later. They would like the Planning Commission to require additional engineering to be done to make sure this is ok to address now and not later. Mr. Monroe says he knows the code does not require screening between two residential uses and says there will be headlights coming into their bedroom due to the side load garages and the location of the existing house. Mr. Monroe says that it can be addressed by requiring a privacy fence along the length of the property line and feel that is a reasonable condition for approval because there are four houses that will come into the back of their property. Mr. Monroe says the last item they would like to see addressed by Planning Commission is the necessity of a stub road to nowhere. Mr. Monroe says Ms. Kemper can tell you there are existing problems with trespassing. Mr. Monroe says they park, go across the parcel and hunt in the back of the property. If you create a parking area for them to do so with a road to nowhere, it's going to create a bigger problem. Mr. Monroe says they would recommend the stub not be continued to the east and it would allow subplot 13 potentially not 12 as there are no plans for development to the east. Mr. Monroe says they don't want to see the stub street abutting their property and it encourages people to park, walk and go onto their property. Mr. Monroe says their requests are reasonable and would ask that the Planning Commission consider those requests. Ms. Kemper says its not just hunters that come on the back of the property, there's kids drinking and smoking there as well. Ms. Kemper says there were small pondings of water in their yard and the Mass' after the little rain last week and is concerned with the flooding.

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Tammy Bingham, 3671 Williams Court and says her concern is she moved in 2003 and were not paying flood insurance and it was forced upon them by FEMA after Hurricane Katrina in 2005. Mrs. Bingham says she continues to have increases on that flood insurance as well. They have never flooded, she doesn't have water issues and is concerned with the street coming in, is she going to have to pay more flood insurance.

Kathy Pocos, 3440 Williams Court says at one point they said they were going to widen the creek and says if they are widening the creek why do we want water from other cities coming into that area and helping to flood their area.

Mr. Kuluris says the water is the issue everyone is concerned about and they have spent a lot of time studying that. Mr. Kuluris says engineering on the basins makes it, so the water is not permitted to leave the site and they must build it to that standard. Mr. Kuluris says all that has been engineered and they are going back to FEMA to change the elevations and its not something they take lightly. Mr. Hoffman says maybe this study to help remove the Bingham's house from the flood plain, but they don't know until FEMA accepts it. Mr. Kuluris says the widening of the stream is compensatory storage so when the stream over flows it will have a place to go instead of spreading out all over. Mr. Kuluris says it is an important improvement to this area. Mr. Hoffman says there was talking about the grades of the subplot and says there is an ordinance that the basement can't be lower than 5' of the base flood elevation and they meet that code. Mr. Hoffman says all sublots will have a yard drain or a common sewer line and that water will stay within the project limits.

Viola Hull, 3606 Williams Court as it was mentioned at the last meeting, they got dumped on from the raising of the ground(vineyard park) and they had sewers put in behind on their properties. She said the swale sits with water 90% of the year and its thick and bad. Ms. Hull says when you go down the road with all the houses, the water flows from there towards their house. Ms. Hull asks where is the water going and can the creek hold it? She adds there wasn't much water in her yard until the houses were built and nothing can be done until the City can put in new sewers and its more than some can afford. Ms. Hull says she doesn't have an issue with people who took care of their property for many years and lived on it that they wants to make a profit, just not at the destruction of others property.

Jean McFarland, 3536 Williams Court says she spoke in November and has the same concerns that her back yard is never dry. Mrs. McFarland has had to hire someone to mow her grass and two of their mowers have been stuck, its like that 9 months of the year. Mrs. McFarland says her yard is always wet and its because of the elevated road and cul de sac from Vineyard Park and drains into her yard. She asks what is going to prevent this development doing the same thing from out front. What recourse would they have if it turns out to be the same situation and she says she knows the ordinances have changed and this will be taken care of, she is concerned about being dumped on again.

There being no further questions or comments from the audience, Chairman Witherspoon closes the public hearing at 7:31P.M.

AMEND SPECIAL USE PERMIT FOR AVON AQUATIC FACILITY TO INCLUDE THE VETERAN'S MEMORIAL TO BE LOCATED AT 36185 DETROIT ROAD. The Chair opens the Public Hearing at 7:31P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:31P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JANUARY 16, 2019 IN COUNCIL CHAMBERS OF CITY HALL

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Present: Bill Fitch; Tammy Holtzmeier; Bryan Jensen, Mayor; Jim Malloy, Carolyn Witherspoon, Chairman; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-DECEMBER 19, 2018

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on December 19, 2018 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

ADDITIONS/DELETIONS

ROSE WEARSCH-FIRST PRESENTATION- LOT CONSOLIDATION

Nadine Heath is requesting approval of taking two lots and consolidating them to make one 1.0427-acre parcel located at 36870 Detroit Road.

Ms. Fechter says the representative couldn't make it and they are looking to consolidate their two parcels into one on Detroit road. Mr. Cummins says they have reviewed the consolidation and find it acceptable and would recommend approval.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve taking two lots and consolidating them to make one 1.0427-acre parcel located at 36870 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

PETER MIROEWSKI-FIRST PRESENTATION- LOT SPLIT

Peter Miroewski is requesting approval of taking a 13.6031-acre parcel and splitting it into 4 lots, Parcel A and C 3.2082 acres, Parcel B 2.1388 acres and leaving the remainder Parcel D with 5.0481 acres located on the corner of Jaycox and Mills Road.

Vic Stewart of Bramhall Engineering and Surveying says they are looking to take a 13-acre parcel and split it into 4 lots, 2 of them being 3.2 acres, one lot being 2.1 acres and the remainder will be 5 acres. Mr. Stewart says its zoned M-1 and there is no specific end use currently. Mr. Cummins has reviewed the survey and find it acceptable and recommend approval. Mayor Jensen asks if there is intention to rezone and it was noted not at this time.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve taking a 13.6031-acre parcel and splitting it into 4 lots, Parcel A and C 3.2082 acres, Parcel B 2.1388 acres and leaving the remainder Parcel D with 5.0481 acres located on the corner of Jaycox and Mills Road. The vote was: "AYES" All. The Chair declared the motion passed.

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TODD VANEK-FIRST PRESENTATION-LOT SPLIT

Amy Kelly of Bramhall Engineering is requesting approval of taking a 4.56-acre parcel and splitting it into 3 lots, Parcel D .4460 acres, Parcel C .4543 acres and leaving the remainder Parcel E 3.1954 acres located on Moon and Detroit Roads.

Vic Stewart of Bramhall Engineering and Surveying says they would like to split two parcels on Detroit and there have been some discussion regards to sanitary sewer and they are just looking for the split. Mr. Cummins says the parcel has frontage on both Moon and Detroit and there is an existing gravity sanitary sewer system along moon. Mr. Cummins says the entire parcel has access to sanitary sewer via Moon Road. Mr. Cummins says the proposal to split and give two lots on Detroit is going against the City's long-range plan and what is required to get lands onto public sanitary sewer and off septic systems. Mr. Cummins says this proposal counters that and until time sewer is brought to those Detroit Rd parcels either through the parcel itself or along Detroit, Mr. Cummins says its premature to approve the lot split.

Mayor Jensen asks if they want to opportunity to remove the item or a vote? Mayor Jensen says there could be more discussion with your client and the engineer and Mr. Stewart refers to Mr. Vanek who is in the audience. Mr. Vanek asks if there is a plan or future to connect the sanitary along Detroit. Mr. Cummins says there are two connection point, one being the Moon road location at the base of the hill or there is one further to the west on Detroit. Mr. Vanek asks if there is a current plan and Mr. Cummins says other than the connection points being identified there is no schedule at this time. Mr. Vanek says he isn't looking to sell the property, but he was advised by mortgage company to split prior to the construction of a home they intend on building on the 3 acres. Mr. Vanek asks if an option could be running the sewer through his property up to Detroit Road. Mr. Cummins says yes it could be a possibility but that would need to be investigated so they don't do anything to cause any existing parcels to not be able to get service. Mr. Cummins says there are a couple ideas that could work depending on your level of comfort with expenditure funds but that is something they can talk about that. Mr. Vanek says that is a viable option and they ask to be removed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen postpone indefinitely. The vote was: "AYES" All. The Chair declared the motion passed.

CHASE BRANCH BANK-SECOND PRESENTATION-FINAL DEVELOPMENT PLAN

Aleks Daskalov of Feinknopf, Macioce, Schappa Architects representing Shannon Blackwell is requesting approval of the site plan for a proposed 3,470 sq. ft. free Chase Bank with a freestanding ATM to be located at 36200 Detroit Road.

Aleks Daskalov says they are looking for approval of a freestanding Chase bank by Taco Bell on Detroit Road. Mr. Daskalov shows the signage for do not enter and the elevation photo of the machine itself. Ms. Fechter says signage is not required at this point, but it was asked about the one way for the ATM more specifically at this point. Ms. Fechter says all staff items have been addressed and Mr. Cummins says the review is still ongoing and there are some minor outstanding items to be addressed and requests any approval be contingent upon final engineering. Mr. Daskalov says they are the only national bank in town. Mrs. Holtzmeier asks if the signage overview is time stamped and part of the packet. Ms. Fechter says that signage is not, it's a separate application and submission. She adds the signage for the do not enter, one way, is part of the drawing and this submission.

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

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A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a proposed 3,470 sq. ft. free Chase Bank with a freestanding ATM to be located at 36200 Detroit Road contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

NORTON PLACE SUBDIVISION PHASE 2-FIRST PRESENTATION-FINAL PLAT

Dan Barcikoski of MG Civil Design, LLC is requesting approval of the final plat and the recommendation to Council for approval to create a Subdivider's Agreement for Norton Place Subdivision Phase 2 to include 3 new homes.

Dan Barcikoski of MG Civil Design, LLC says last month they got preliminary approval and now there are back for final plat and construction details. Mr. Barcikoski says they have addressed the comments and Mr. Cummins confirms they has been back and forth. Mr. Cummins says the plat revision was received yesterday and there could be minor but would recommend a contingent approval to allow time to look over the drawings. Mr. Gasior says he is curious as Phase 1 required a widening but wasn't there an issue with Middleton Road, is that being resolved? Mr. Cummins says there was, and funds have been deposited for when that is to occur. It was determined the widening probably won't be done until the road continues to the east and Mr. Cummins says it will not affect those sublots.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the final plat and recommend to Council for approval to create a Subdivider's Agreement for Norton Place Subdivision Phase 2 to include 3 new homes contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

MASS ESTATES SUBDIVISION-FIRST PRESENTATION-PRELIMINARY PLAT

Tom Kuluris of Liberty Development is requesting approval of the Preliminary Plat for a proposed 37 lot subdivision, Mass Estates Subdivision to be located on the south side of Schwartz Road between Williams Court and the County line.

Mr. Cummins says they talked about this area to the south, compensatory storage is mentioned, and the ordinance was passed in 2015 from the flooding from the past. What that means if a development is looking in a flood plain area and any fill is placed in that area, for each shovel full of dirt you put in, you must create a void of two shovels worth for the water to go. Mr. Cummins says it's the area to the south right along the stream and it is a way for the water to flood, currently it spreads out over the property. Mr. Cummins says subject to FEMA agreeing to their calculations, they have provided enough storage to do that. He says another item brought up is drainage on surrounding properties. Mr. Cummins says that also is a requirement that any rain fall that lands on the development area and its not just for this development, its all development in the City, must be managed and controlled. He continues to say along Williams Court they will have to install a new storm sewer system that will collect the roadway drainage on the east side of the road as well as the front yard of the new homes. The property owner to the east has a similar concern and there will have to be systems put in place to collect drainage and convey that to the stream or to one of their detention areas where it will be a managed and released according to City ordinance. Mr. Cummins continues about flood insurance and that is typically a requirement of your lender and if there are changes to the flood plain, it may or may not impact the cost of that insurance and if you can get rid of it. Mr. Cummins says the flood plain elevation could be up to a half a foot lower than what FEMA has designated, those calculations will be sent to FEMA and reviewed and approved before this subdivision could be constructed. Mr. Cummins says the stub street is a Planning type tool to prepare for the future as its common practice to see them around town and he can't speak on the trespassing issues, in general, if there's more eyes around and people there could be less mischief hopefully. Mrs. Witherspoon says one

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resident mentioned flooding coming from Vineyard side and Mr. Cummins says he was looking at the aerial and there is a line of trees along the line and a storm sewer to the west of the trees and it looks like they graded to that point and didn't disturb the trees and probably is wet and they want to avoid that situation in new development. Mr. Cummins says every back yard should have some type of drain. Mr. Cummins says this is a preliminary plat and they have a lot of calculations to go but they have done a lot of work to this point, but it is not final approval of calculations and plans. Mr. Cummins says the area will be filled but any rain fall within the subdivision will be taken and managed. Mrs. Witherspoon asks about the buffering as its not required but there was concern about lights and things. Mr. Cummins says that is a good concern but that is something that the developer will have to investigate as well. Mr. Fitch asks if the grade to the lots are from east to west or to the back. Mr. Hoffman says they would like to keep the thin line of trees to the east as well even though there isn't a lot. Mayor Jensen asks if a couple trees are lost on those three or four lots could you work something out. Mr. Kuluris says they can find out and work things out. Mayor Jensen says the concern is up closer to the house with the lights and Mr. Kuluris says there are a few lights and they would consider a tree buffer or fence for the first few houses. Mrs. Holtzmeier says regarding the flooding, Mr. Cummins eluded to the addition of compensatory storage in our code in 2015 can you talk about how if this came to us pre-2015 and how it could look differently. Mr. Cummins says looking to the west is a good example of what was done before and the detention areas could be moved along the creek. Mr. Cummins says the detention is moved from the creek to allow that to flow and do what it does.

Mayor Jensen says he took over in 2014 and had two floods right away and they looked at those flooding prone areas and compensatory storage was implemented. Mayor Jensen says he is not against development or people investing in their property for return but its always important to Mayor Jensen to help protect his residents. Mayor Jensen says they have cleaned and cleared the creek areas to help the flow. Mayor Jensen says the basins and compensatory storage both of those will help catch the water and we are covered by certain laws to make it work and they will be coming back. Mr. Cummins says the calculations submitted so far because of the compensatory storage, even with the fill being placed, they have shown that the overall flood plain elevation for the existing and proposed with development, there is a deduction of the area, it will be a net positive to that area. Eric Dudziak says the original plan he had an issue with the length of the street and Williams Court being a dead end from the fire side, they don't like those type. With the stub it gives another way in so its helpful for the safety side. Ms. Fechter says this is the preliminary plan and it gives the developer to move forward to start doing final engineering to see if it in fact will work. Ms. Fechter says the public hearing notices don't go out for final plat but understands it important to everyone and asks if they want to notice they can fill out the sheet of paper in the back. Mrs. Holtzmeier says obviously FEMA study needs to be done and asks for a general guideline for timing. Mr. Hoffman says they are at the mercy of FEMA and possibly government shut down, so they are finishing up final work and if all goes well maybe summer to be back for final plat. Mr. Kuluris says it could take months, its hard to tell, hopefully within the year.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the Preliminary Plat for a proposed 37 lot subdivision, Mass Estates Subdivision to be located on the south side of Schwartz Road between Williams Court and the County line. The vote was: "AYES" All. The Chair declared the motion passed.

CITY OF AVON-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Ryan Cummins, City of Avon Engineer is requesting approval of the site plan for the proposed Veteran's memorial to be located at the Avon Aquatic Facility, 36185 Detroit Road.

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Ryan Cummins, City Engineer says this is a proposed Veteran's Memorial to be constructed at the Aquatic Facility. Mr. Cummins says it will be just south of the Post Office, south of the detention basin. The memorial is to recognize the service of veterans in the various conflicts in the service, the concept was approved by City Council and if approved, it will go out to bid. Mr. Cummins says it was designed by Clark and Post Architects and the art work on the granite slabs will be done by Kerry Barvincak. Mr. Malloy asks if pavers will an option and Mr. Cummins says the plan is to be stamped concrete. Mayor Jensen says if they do it in the future it would be in a different area, as the problem is trying to sell the pavers and they want to get it done and the stamped concrete is fastest and easiest. Mr. Cummins says the sides are a seating wall and it will have solar lighting. Mr. Malloy says it's a great idea.

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

Mayor Jensen says most of the money for this project is coming from that grant.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for the proposed Veteran's memorial to be located at the Avon Aquatic Facility, 36185 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

CITY OF AVON-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Ryan Cummins, City of Avon Engineer is requesting approval of site plan and recommendation to Council for approval to amend the Special Use Permit for the Avon Aquatic Facility to include the Veteran's memorial located at 36185 Detroit Road.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan and recommend to Council for approval to amend the Special Use Permit for the Avon Aquatic Facility to include the Veteran's memorial located at 36185 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Mayor Jensen adds that a lot of the veterans from the VFW donated their time and input on this memorial and Kerry was the leader. It was enjoyable to see them come together with their ideas and put something nice and unique.

Mr. Schneider says the memorial will be a great tribute to the past and present veterans.

ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:28P.M