

**PLANNING COMMISSION
CITY OF AVON
REGULAR MEETING MINUTES OF FEBRUARY 15, 2023**

PUBLIC HEARINGS

O.E. Meyer; Special Use Permit; PL20230002

Request to recommend to Council to create a Special Use Permit for O.E. Meyer to include above-ground storage tanks at the southeast corner of Avon Commerce Parkway and Moore Road.

The Chair opened the public hearing at 7:00 p.m.

Brian Belden, O.E. Meyer CEO, explained that they are in the compressed gas industry which serves a multitude of industries. The gases are used in the medical and hospitality industries in addition to home propane tanks and welding applications. The gases requested to be stored on the property are for carbon dioxide, used in restaurants and some welding applications; nitrogen, used in dermatology and industrial applications; and propane for home heating, gas grills and forklifts. They serve residential and industrial customers in Lorain County and Cuyahoga County and look forward to moving to Avon. They are looking to build a 12,000 square foot mixed-use building with retail and warehouse space. Eric Wood, O.E. Meyer COO, added that their business is more than 100 years old and are 100% employee-owned. They plan on starting with eight employees at this location and hope to employ 15 to 20 people in the next ten years or so.

James Bruder, 950 Moore Road, lives across the street from the project. He is not opposed to progress and noted how much Avon has progressed since he built his home in 1963 when the area was zoned agricultural. He believes his home lost value as a residence when the area was rezoned to industrial. He was told his property has value but he did not think anyone would want to purchase land in an industrial park. He is thinking about moving to a retirement community and does not think many people would want to move across the street from a gas depot. He is looking for compensation because he feels like he has lost property value. He asked if O.E. Meyer or the City would purchase his land.

Dee Guilmet, owner of the rental property at 969 Moore Road, did not think anyone would want to rent the home with this project next door and she asked how big the tanks would be. Mr. Wood responded that the oxygen and nitrogen tanks will hold 3,000 gallons and the propane tank would hold 30,000 gallons. The nitrogen tank will be about eight feet tall and four feet in diameter but will be right against the building so it should not be visible. The carbon dioxide tank is mounted on a pallet and is about 25 feet long and ten feet wide. The product is stored onsite and transported by truck to its destination. Ms. Guilmet asked if they already own the property, Mr. Belden said they are working on buying it. Ms. Guilmet did not understand why the City would want this project on Moore Road because she did not think it was attractive. She thought it should be by the highway or in an industrial park. She did not think the City was looking out for its residents if the applicants need to request a Special Use Permit to put the tanks there. She would not be opposed to an architectural firm going there because she thought it would be a nice building to look at. She thought the proposal was dangerous. She did not know

about the tanks but did not think the tanks should be the first thing people see coming in from Avon Lake or the last thing they see when leaving Avon. Mr. Belden thought the project would look very nice and Ms. Guilmet did not see how that size tank could look nice. Ms. Guilmet asked if berms or trees would be installed so she would not have to see it. Ms. Fechter said they do propose some landscaping around the building and pointed out that the property is zoned industrial. Ms. Guilmet understood that but thought a change was proposed. Ms. Fechter said the Special Use Permit was requested for above-ground storage of gases and the City wanted to make sure everyone was aware that the applicant would have to follow all state and federal guidelines. Ms. Guilmet thought a decision has already been made but Ms. Fechter said this process allows neighbors to state their concerns and have the applicants address them. Ms. Fechter said an eight-foot fence will be installed for security and to block the view. She showed Ms. Guilmet that the three tanks in the back would not be visible from Moore Road. Mr. Wood said the tanks and the trucks would be on the east side of the building facing the industrial park. The only thing that would be visible would be the propane tank. Ms. Guilmet pointed out that the propane tank would be right next to her house. Mr. Wood said the basin is between the tank and her house.

Randy Schafer, Janotta & Herner, 2773 SR 99, Monroeville, explained that the propane tank on the south side of the building is north of the detention area. He thought the propane tank would be about 75 to 100 feet from Moore Road and 70 to 80 feet from the southern property line. Steve Guilmet, 969 Moore Road, asked how far it would be from his house and he figured it would be about 100 feet from his house. Mr. Schafer said the applicants have met with the Fire Department to go over the containment regulations. Any filling of the tanks will follow the State of Ohio regulations.

Mr. Radcliffe asked the applicants to describe the proposed fencing and landscaping. Mr. Schafer said a chain link fence is proposed from the southwest corner of the building along the south side of the property north of the detention area and continues around the property. The landscaping meets the City of Avon requirements and a tree line along Moore Road is proposed.

Ms. Guilmet asked what the requirements are for the detention pond because she was concerned about mosquitoes for her renters. Mr. Schafer explained that it is a detention basin where the water comes in and is metered out at a certain rate to not overwhelm the existing ditch. It would not have water in it during the dry season. The basin size was calculated based on the amount of paving and size of the building proposed. She thought it would look like the pond by Marc's and wanted to make sure it would be clean. Mr. Schafer said a maintenance agreement would be signed by the owners. He also noted that any building going into that lot would have to have a detention area. Mr. Cummins explained that the pond by Marc's is a retention basin and is a feature of the property. The owners are responsible for keeping it in proper operating condition and to keep the grass mowed. Mr. Schafer noted that O.E. Meyer has seven locations that they do a great job of maintaining and thought it was in Ms. Guilmet's best interest to have the basin installed to keep the water from running onto her property.

Mr. Cummins said the plans have been reviewed and there are some outstanding comments that they will work through with the applicants. He asked that the project be approved contingent on final engineering approval if the Commission wanted to act tonight.

Mr. Guilmet asked if the tank could be moved back because it is not even 100 feet from his house. Mr. Schafer asked if he meant moving the tank east and Mr. Guilmet said that was correct. Mr. Guilmet asked if it could be moved towards the dumpster enclosure. He did not think he would be able to rent his house again if the tank was there. Mr. Belden asked why he felt that way. Mr. Wood said they have 500 gallon and 1,000 gallon tanks at houses throughout the area. Mr. Guilmet asked where and Mr. Belden said they are at any home in a rural area without natural gas because it is used for heating. Mr. Guilmet said the proposed tank was bigger than home heating. Mr. Wood agreed but noted that the safety protocols and procedures are the same. Mr. Guilmet thought they are killing the value of his property.

Mr. Radcliffe asked if the chain link fence could be changed in light of the neighbors' concerns next door and adding landscaping to make the tank less visible. Mr. Belden said the fencing could be slatted. Ms. Fechter said the business across the street reached out to her because they were concerned about what they would see from the north. They asked if fabric or material could be added to the fence. Mr. Schafer said they could install slats in the grid of the fence to hide the tank. Mr. Belden agreed and said the slatted fence will also help with snow. Mayor Jensen asked if the applicants could move the tank a little bit before going to Council for approval. He thought it could be switched with the shed next to it. Ms. Fechter asked if the tank needed extra room for maneuverability. Mr. Wood said the building shown east of the propane tank is where the cylinders would be filled and the trucks are loaded and unloaded out of that. Mayor Jensen thought the solid fencing would make a difference and asked if the tree buffer along there could be filled in, Mr. Belden said they would review it.

Chairman Witherspoon closed the hearing at 7:24 p.m.

Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code Sections 1270.03 Schedule of Permitted Uses and 1280.05 Minimum Lot and Yard Regulations for Special Uses in Nonresidential Districts to require a Special Use Permit for drive throughs in the C-4 district.

The Chair opened the public hearing at 7:24 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:24 p.m.

Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code, Sections 1228.04 Pre-Application Meeting Encouraged, 1230.02 Pre-Application Meeting Encouraged and 1244.06 Pre-Application Meeting Encouraged, to make pre-application meetings with staff mandatory for development projects.

The Chair opened the public hearing at 7:25 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:25 p.m.

ROLL CALL

The meeting was called to order by Chairwoman Witherspoon at 7:25 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

BOARD ORGANIZATION

Mr. Malloy nominated Mrs. Witherspoon as Chair. With no other nominations, Mr. Gasior declared the nomination passed unanimously.

Mr. Witherspoon nominated Mr. Malloy as Vice Chair. With no other nominations, Mr. Gasior declared the nomination passed unanimously.

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 January 18, 2023, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

ADDITIONS & DELETIONS

NEW BUSINESS

1. O.E. Meyer; Final Development Plan; PL20230001

Representative: Brian Belden, O.E. Meyer CEO, 3303 Tiffin Avenue, Sandusky, OH 44870
Request to approve the final development plan for O.E. Meyer to construct a 12,000 sq. ft. building with parking lot and utilities at the southeast corner of Avon Commerce Parkway and Moore Road.

Mrs. Witherspoon noted that items were discussed earlier in the public hearing for the Special Use Permit. Ms. Fechter said the applicants have been very easy to work with and have done everything staff has asked. She agreed with Mr. Cummins' evaluation to make it contingent on final engineering approval. She will continue to work with the applicants to make sure the screening is taken care of. Mr. Malloy asked if there was any information from the Fire Department about the tanks. Ms. Fechter said there was not but they met with the Fire Department twice and they are good with the proposal. The applicants will need to work with the State to get their approval and the Fire Department will monitor it. Mr. Malloy asked if there is security around the tanks. Mr. Belden said the tanks will be behind fencing with barbed wire and security cameras. The tanks will also have telemetry so they will be notified automatically if there are any issues with the tanks. Mayor Jensen asked Mr. Streater if he had any concerns. Mr. Streater had no concerns and added that the Fire Department works with the State for any above-

ground or below-ground tanks. He said the Police Department did not have any issues with the fencing being installed. Ms. Fechter added that the code requires a six-foot fence but the Commission is able to approve an eight-foot fence for security reasons without the applicants having to request a variance.

Before the vote was taken, the Mayor asked the applicants to change the location of the tank, if possible, before going to Council for the approval of their Special Use Permit so they can see the changes. Mrs. Witherspoon noted that discussion on this was had during the public hearing and Ms. Fechter would follow up with the applicants regarding the fence and screening. Mr. Fitch noted that the Commission has made sure the applicants have followed everything they need to but Council will make the final decision, Mrs. Witherspoon 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 approve the final development plan for O.E. Meyer to construct a 12,000 sq. ft. building with parking lot and utilities at the southeast corner of Avon Commerce Parkway and Moore Road contingent on final engineering approval and installation of an 8 ft. fence. The vote was: “AYES” all. The Chair declared the motion passed.

2. O.E. Meyer; Special Use Permit; PL20230002

Representative: Brian Belden, O.E. Meyer CEO, 3303 Tiffin Avenue, Sandusky, OH 44870
Request to approve the site plan and recommend to Council to create a Special Use Permit for O.E. Meyer to include above-ground storage tanks at the southeast corner of Avon Commerce Parkway and Moore Road.

Ms. Fechter explained that the Planning Commission will make a positive or negative recommendation to City Council for the Special Use Permit and the project would be on Monday's City Council work session agenda. Mr. Gasior did not think they would be on the agenda because he needed the new plan to see what the layout would be for Council to look at. He thought they would be on the agenda of March 6. Ms. Rambo-Ackerman asked if the motion needed to include the changes discussed during the public hearing. Mr. Gasior said the motion should reflect that the applicant is going to take into consideration the comments that were made tonight and redesign the facility if possible.

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 O.E. Meyer to include above-ground storage tanks at the southeast corner of Avon Commerce Parkway and Moore Road contingent on the applicant redesigning the facility after considering the comments made during tonight's meeting if possible. The vote was: “AYES” all. The Chair declared the motion passed.

3. Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code Sections 1270.03 Schedule of Permitted Uses and 1280.05 Minimum Lot and Yard Regulations for Special Uses in Nonresidential Districts to require a Special Use Permit for drive throughs in the C-4 district.

Ms. Fechter explained that there are four commercial districts and the C-4 district is the most generous district which allows gas stations. With that, there are a lot of drive throughs that want to come in. there are a couple drive throughs on Nagel Road and Detroit Road that back up onto the main roads and are obstructing traffic. Staff would like to make drive throughs a special use in the C-4 district to allow staff and residents to be able to discuss with the applicants to ensure stacking is done internally and not on major thoroughfares.

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 Council approve the ordinance amending the City of Avon Planning and Zoning Code, Sections 1270.03 Schedule of Permitted Uses and 1280.05 Minimum Lot and Yard Regulations for Special Uses in Nonresidential Districts to require a Special Use Permit for drive throughs in the C-4 district. The vote was: “AYES” all. The Chair declared the motion passed.

4. Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code, Sections 1228.04 Pre-Application Meeting Encouraged, 1230.02 Pre-Application Meeting Encouraged and 1244.06 Pre-Application Meeting Encouraged, to make pre-application meetings with staff mandatory for development projects.

Ms. Fechter said pre-application meetings with staff are currently encouraged. Staff has found that projects that meet with staff upfront tend to have a better product with less back and forth with their plans. The applicants know if there are any additional requirements upfront, if needed, which makes the process much smoother.

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 Council approve the ordinance amending the City of Avon Planning and Zoning Code, Sections 1228.04 Pre-Application Meeting Encouraged, 1230.02 Pre-Application Meeting Encouraged and 1244.06 Pre-Application Meeting Encouraged, to make pre-application meetings with staff mandatory for development projects. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Tree Commission

Rick Varga, 33676 Reserve Way, is representing the Tree Commission. He spoke with Tree City USA and said the City is on the verge of being awarded that recognition. Consequently, the City needs to be more aware of the types of trees and amount of tree canopy there is in the city. They

want to work with Planning Commission to ensure applicants are planting trees in appropriate areas and the correct species that will enhance the overall canopy of the city. The Tree Commission has put together a recommended tree list and they are going to expand it to include the recommended tree size and amount of space required. The hope is to prevent trees from being planted in spaces that are not ideal, such as under telephone wires. He recounted that locust trees were planted in the tree lawns on Windemere. Because they are huge, there are causing problems with the sidewalks. He offered services to review landscape plans if desired. They want to look at canopy and buffer zones. If they can save good existing trees, they would love that, if possible. Ms. Fechter asked Mr. Varga if they could look at the existing code to see if trees can be added to developments to start the new canopies. Mr. Varga said ODNR has officially banned Bradford Pears so they cannot be purchased or planted now. Mayor Jensen asked if he would be willing to work with applicants to see where more buffering could be installed, Mr. Varga said absolutely.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn the meeting at 7:46 p.m. The vote was: “AYES” all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

Date