



CITY OF AVON

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REGULAR MEETING MINUTES AVON PLANNING COMMISSION FEBRUARY 19, 2025, 7:00 P.M. CITY HALL COUNCIL CHAMBERS

The meeting was called to order by Chair Witherspoon at 7:00 p.m. in Council Chambers.

PUBLIC HEARINGS

1. **Bryan Kristy-3100 Jaycox Road, Sanitary Sewer Extension**

Polaris Engineering on behalf of Bryan Kristy is requesting approval for the extension of the sanitary sewer main south on Jaycox Road to service 3100 Jaycox Road, PPN 04-00-023-102-161 along with related appurtenances.

Ms. Fechter, Planning Coordinator, indicated this item will be deleted from the agenda at the Applicant's request. No public hearing was held.

2. **Lorain County Metroparks, 4488 Jaycox Road, Special Use Permit**

Lorain County Metroparks is requesting a positive recommendation to City Council for the approval of a Special Use Permit to construct a trail head and a parking lot to service the new trails at 4488 Jaycox Road; PPN 04-00-024-101-161, 162,086, and 087.

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

James Ziemnik, Director, Lorain County Metroparks, 37904 French Creek Road, Avon, Ohio 44011. Mr. Ziemnik referred to the drawing (Exhibit 1) which depicts the site. He stated the Lorain County Metroparks acquired 9 holes from the Bob-O-Links Golf Course several years ago and recently acquired the house that was formerly owned by the Gallo Family which is in the process of being demolished at 4488 Jaycox Road. The Lorain County Metroparks are pleased with the idea of incorporating the golf course in the plan. He added that the trails will become a nice feature for the community in terms of walking trails over the former 9 holes of the Bob-O-Link Golf Course. The Metroparks will convert the site into a small parking area for the residents and visitors to have access to walk the trails in the upper French Creek Wetlands.

Lee Lorence, 4492 Jaycox Road, Avon, Ohio 44011. Mr. Lorence inquired about the size of the parking lot.

Mr. Ziemnik responded it will be about a 10-car parking lot with gravel. He said the Metroparks owns the vacant parcel immediately south of the former Gallo property. The former owners of the Bob-O-Links Golf Course used that as access to the 9 holes on the golf course. Mr. Ziemnik referred to the site plan drawing (Exhibit 1, page 3) the letter D (10-foot-wide trail), which will be a gravel trail that will connect to the letter F (sidewalk extension). After discussions with the city administration the concrete sidewalk will be extended to the

north at the property line for future consideration so people can have better access to the park. The parking lot will be connected to the trail as well. Visitors will be able to park their vehicle and walk to the gravel trail. The trail will be gravel because of the high level of permeability and it creates a more natural type of experience.

Mayor Jensen asked Mr. Ziemnik if there could be a concrete pad when entering the driveway.

Mr. Ziemnik indicated yes, the apron would be concrete and is labeled as letter G (apron) on the drawing.

John Makowski, 4396 Jaycox Road, Avon, Ohio 44011. Mr. Makowski said he lives to the south of the site and said this project will significantly impact the visibility of his backyard. He inquired about the traffic flow and the privacy between the parking lot and his backyard.

Mr. Ziemnik stated the parking lot access will be the letter G (concrete apron) on the drawing and then to letter E (entry drive) then letter I (security gate) and then to letter E (gravel parking area). That is the only vehicular access. The letter D (gravel trail) that connects to letter F (sidewalk) that is being extended to the north of Mr. Makowski's property will be gravel. In the long-term planning, to the east of Jaycox, all the development occurring there would give people access on a pedestrian or bicycle basis to come and enter at the letter D (gravel trail).

Mr. Makowski said currently there are pine trees separating the property, but they are sparse and there will not be much of a privacy barrier. He would like to request more trees or some additional privacy barrier between his yard and the public space.

Mr. Ziemnik advised that the Metroparks will be evaluated and the scotch pines currently in place will be supplemented over the future years to form a stronger barrier from the pedestrian walkway. He said there is a lot of work to be completed. The area will be assessed as to what has survived the construction. However, once the evaluation is completed it will be determined what needs to be removed and what needs to be supplemented by planting new material.

Mr. Makowski asked if that would extend to the property fence line where the Bob-O-Links property is located.

Mr. Ziemnik responded yes, where the existing scotch pines trees are located it could be connected to the existing stand of vegetation.

Mr. Makowski asked what the public access hours would be.

Mr. Ziemnik indicated the park hours are all year from sunrise to sunset. The park is closed after dark. At this point there are no plans to gate the park but if there becomes a problem the Metroparks would then gate the park.

Mr. Makowski stated he spoke to the Assistant Director of the Metroparks who indicated there is Phase 1 and Phase 2 planned. He asked Mr. Ziemnik to describe it in more detail and can he confirm this project is Phase 1 and what the plan for restrooms would be.

Mr. Ziemnik stated there is demolition of the house, grading and removing the shed. He said on the site of the former Gallo property; the utilities are in place, but he became aware from the former owner of Bob-O-Links Golf Course that they have established restrooms where

letter D (gravel trail) meets letter A (gravel cart path). There are utilities, backflow prevention and sanitary sewer connection to Jaycox Road. The Metroparks will continue discussions with the former owners of Bob-O-Links and see if they can reclaim the restrooms. The Metroparks would rather use the current restrooms than construct new restrooms.

Mr. Makowski asked if there would be any additional fencing around the parking area.

Mr. Ziemnik stated it will be comparable to the park in the Riegelsberger Road area which has split rail vinyl fencing. If there are any view lines into the neighbors' houses or yards the Metroparks will install additional screening by way of a fence if needed.

Ray Thome, 4320 Jaycox Road, Avon, Ohio 44011. Mr. Thome indicated several years ago when the sanitary sewers were installed the state mandated that the older properties on the west side of Jaycox Road from addresses 4300-4488 were to remove the septic system and tap into the sanitary sewer system. He said at that time the residents came together and installed a back sewer that went into a single tap in connection at 4488 Jaycox Road. His concern is the tap in connection continuing to be maintained when the demolition of the house occurs.

Mr. Ziemnik stated this is the first time he had been made aware of this issue. He said the property which is the former Gallo property had a separate sanitary sewer which went from the house to the street.

Mr. Thome was unaware of the that.

Mr. Ziemnik is not aware of anything involving the common sewer tap in connection. He will confirm this information with the City of Avon.

Mr. Thome said when the common sewer tap in connection was installed the City of Avon said they would be responsible for that, and he believes there should be some sort of record indicating where it was installed.

Mr. Ziemnik agreed.

Mr. Thome indicated he was not directly involved with that project at that time. That was several years ago. He wanted to verify the sewer tap in connection would still be effective to the properties.

Mr. Ziemnik indicated the Metroparks will work with the city and if there is a common sewer tap in connection, they will ensure that it remains intact. He will communicate with the Service Department and City Engineer.

Elias and Lisa Diaz, 4390 Jaycox Road, Avon, Ohio 44011. Mr. Diaz said their property is to the north of the site. Mrs. Diaz said they have a pool and dogs. She is concerned about maintaining the privacy of their backyard and would request a fence between the properties.

Mr. Diaz indicated demolition of the house has started.

Mr. Ziemnik stated he is aware demolition has begun.

Mrs. Diaz stated they had been interested in buying the property from the Gallo family, but they did not have the means to do so. She said as far as they know there are natural gas wells tying into the property.

Mr. Diaz said there is an actual gas well on the property which is a big concern

Mr. Ziemnik said he was aware, and the gas well had been capped. Columbia Gas Company came in from the street and they were using a little bit of gas from the gas well, but it has now been capped and the Metroparks will make sure it is safe and secure. The letter B on the drawing is where the gas well is located and that area will not be paved, it will be gravel.

Mr. and Mrs. Diaz said the parking lot was a concern as they did not want to look at the parking lot nor did they want people from the parking lot looking into their yard.

Mr. Ziemnik advised the Metroparks will take care of that as it is near Mr. and Mrs. Diaz backyard, The Metroparks are aware the Mr. and Mrs. Diaz house windows are near where the parking lot will be.

Mrs. Diaz wanted to know if there would be a trail extending into the woods.

Mr. Ziemnik stated the trails located are as shown in the drawing and the Metroparks are not interested in disturbing any of the forested wetlands.

Steve Walker, 4496 Jaycox Road, Avon, Ohio 44011. Mr. Walker asked how far south the park will be extended. He heard the Mayor speak about access coming from St. Maron Blvd.

Mayor Jensen responded it would be to the Bob-O-Links property, and it will not extend to the road. He explained the possibility of installing a crosswalk through the sidewalk so people from St. Maron Blvd. can walk to the sidewalk and then to the sidewalk to the park.

Mr. Walker asked if there was a picture available of the southern portion of that property.

Mr. Ziemnik referred to page 1 (Exhibit 1) of the drawing and indicated the blue line indicated the property line and that will go further south where Bob-O-Links property ends.

Mr. Walker said there are 2 courses, his property is the 5th on the white course and there is a drainage ditch near the area which is also near his backyard.

Mayor Jensen stated that it would be the Metroparks area which is along the creek to the one side. That is the area the Metroparks has obtained, and it extends to Courseview Drive at the other development.

Mr. Ziemnik said the City of Avon is currently cleaning out Robinson Ditch. The city is in the process of improving the drainage flow that goes into French Creek. The Metroparks have no intention to change anything with the existing drainage other than, if they can get some cooperation from the Army Corps and U.S. EPA, the Metroparks will improve drainage and create some wetlands along the edge of French Creek.

Mr. Walker indicated there is an easement of about 20 feet (from Jaycox) on the side of his property at the edge of his yard that he would prefer that the Metroparks will not dig up that part of the yard.

Mayor Jensen asked if that was Bob-O-Links easement.

Mr. Walker said he thinks it is the city's easement and there is a pipe on the side of his yard, and it turns into an open ditch just beyond his property.

Mayor Jensen said the City would not need access to the easement because access could be done through the Metroparks property. The easement could have been there to try and clean that area. The only reason the city may need access from the roadway is to make sure the ditch is open, but the Metroparks would allow the city access.

Tom Campana, 4446 Jaycox Road, Avon, Ohio 44011. Mr. Campana inquired about the mowing and would the grass grow similar to the park at Riegelsberger Road.

Mr. Ziemnik responded yes. If anything is going to be done with the Wetlands it would be in proximity to the existing French Creek where the ditch feeds into it. He said there are some areas where there is an existing pond or an area where water was collected that will remain intact.

Mr. Campana stated a path was installed in front of the number 4 green which ties into the cart path. There is also a 12-inch drain tile because there is a small swale in that location and that comes around to the residents' backyards and there is a catch basin on his side of the fence. He believes it belonged to the golf course and that catch basin goes straight to the creek.

Mr. Ziemnik asked if the Metroparks installed the 12-inch drain tile.

Mr. Campana responded yes if you go across where the path goes back around in front of the green. It is in the new path.

Mr. Ziemnik did confirm the 12-inch drain tile is within the new path.

Mr. Campana questioned if the drain tile will be removed and cleaned out at some point going straight back to the creek. His property is the lowest spot, and water accumulates but eventually goes down but takes a day or so.

Mr. Ziemnik stated there is no intent on making it any worse as it relates to draining.

The Chair closed the public hearing at 7:23 p.m.

3. Avon Nagel, LLC, Nagel Road Rezoning

DJH Developers, representing Avon-Nagel LLC, is requesting a positive recommendation to City Council for the rezoning of 7 lots consisting of PPN 04-00-022-102-039, 041,042, 043, 044, 047, and 048 for a total of 17.7 acres from R1-Single Family Residential to C4-General Business District to be included on the November 2025 General Election Ballot.

The Chair opened the public hearing at 7:23 p.m.

Ms. Fechter indicated she received 2 letters from residents (Exhibits 3 and 4) stating opposition to the rezoning request. The commission members have a copy of the letters.

Dan Hopkins, DJH Developers, 3494 Parkview Drive, Avon, Ohio 44011. Mr. Hopkins indicated there have been no changes to the site plan since it was submitted in 2024. Planning Commission gave a positive recommendation to City Council. City Council approved the request and the request was placed on the November 2024 ballot.

Chair Witherspoon asked Mr. Hopkins to briefly explain the rezoning request.

The C4 zoning district is General Business District
The C1 zoning district is Neighborhood Business District
The R1 zoning district is Single Family Residential

Mr. Hopkins refers to the drawing (Exhibit 2) and explains the east side of the street on Nagel Road, there are 12 acres, that is zoned C4. He further states directly to the north of the property there are 8 acres that currently occupies a Clean Express Car Wash and Sheetz Gas Station which is in the C4 zoning district. To the south of the parcel is 4.5 acres that is in the C1 zoning district. There are 17 acres in the middle which is in the R1 zoning district and the subject of the zoning request to change from R1 to C4.

Ms. Fechter stated some of the confusion might be because the drawing still reflects R1 on the southwest corner of Nagel Road and Middleton Road owned by Frank Jarim, LIG LAND LLC but that has been rezoned C4.

Dennis McBride, Avon City Council, Ward 2, 2161 Lake Forest Drive, Avon, Ohio 44011.

Mr. McBride stated the rezoning request is in his ward. He wanted to know if there was a better drawing that shows the residents homes (Exhibit 2, page 2) this drawing would be more representative of some of the concerns the residents may have. He asked Mr. Hopkins to clarify the depiction of the drawing.

Mr. Hopkins stated this is a draft drawing. He said the goal is to match the proposed rezoned property to the property on the east side of the street. An attempt has been made to match the roads going into the development for traffic flow. The city requested a traffic study and that has been completed. The traffic study showed that with the 17 acres on the west side of Nagel Road and the 12 acres on the east side of Nagel Road, if that property was completely built out with buildings, parking and businesses, the traffic study showed it would increase the traffic flow by 10 percent. Mr. Hopkins is an Avon resident and frequents Nagel Road every day and acknowledges there is an existing traffic problem that needs to be addressed. On the east of Nagel Road there are 10 acres of land that is currently being developed for 34 single family homes. City Council recently passed an ordinance rezoning the property behind the Levin Furniture to a multi-family use. He stated there are many contributing factors to the traffic situation, the city is growing, more businesses are coming to Avon, and more homes are being built. He believes the goal should be for everyone to work together to develop the best plan possible and the best use for the property and at the same time improve the traffic flow on Nagel Road.

Mohammed Morgan Ahmed, 2295 Pendleton Court, Avon, Ohio 44011. Mr. Morgan Ahmed built his house in 2020 and is happy to live in Avon. He stated he doesn't see any development planning proposed for the rezoning request to let the residents know what type of development will be there. There was a vote placed on the ballot for the area where the Sheetz Gas and the Clean Express Car Wash is located. At that time City Council sent letters to the residents stating what the proposed development would be in terms of drawings, privacy fencing to make the residents feel more comfortable with the development plan. He

further stated the area of Sheetz Gas Station is far enough away from the residential housing, however the proposed rezoning would be in his backyard. He doesn't feel comfortable having a business in his backyard. He built his house in the R1 zoning district and does not support the rezoning request from R1 to C4.

Steve Walker, 4496 Jaycox Road, Avon, Ohio 44011. Mr. Walker asked if development would occur on the east and west side of Nagel Road and what kind of business would be proposed.

Mr. Hopkins stated the east side of Nagel Road is zoned C4 and the proposal is to rezone the west side to C4.

Mr. Walker asked if there would be additional car washes and donuts shops.

Mr. Hopkins stated there would be no other car washes but McDonalds is under contract on the east side of Nagel Road closer to Middleton.

Mr. Walker asked if there are any confirmed businesses and how many years this would take to develop.

Mr. Hopkins responded there has not been any business confirmed but it would be preferable to get business under contract sooner rather than later.

Ms. Fechter stated the C4 zoning district is the most allowable commercial zoning district.

Mr. Walker said if a car wash requested to move into that location would that be acceptable.

Ms. Fechter replied that the area is zoned for a car wash and a gas station.

Mr. McBride said his property is adjacent to residential property that is undeveloped, and he realizes that property may eventually be rezoned to some type of commercial property. He would not support a big box store or a McDonalds. He believes the property that would front Nagel Road would not be a good use of the property for those types of businesses. He said as a general site plan is created to include the 4 properties at the site, an interested retailer would likely request separate entrances and would install a curb cut. Mr. McBride added there would be pressure on Planning Commission and the City Engineer to make that work. He further stated if the traffic flow increased by 10 percent, it will be 5 or 10 percent access to the freeway and drivers would want to make a left turn and it would back up the traffic.

Mr. McBride indicated until there are road improvements, he thinks this rezoning request should be a negative recommendation to City Council. He acknowledged that Pendleton Court has a curve to the road. He questioned how many feet from the rear of someone's property the nearest building or parking lot would be located and there is nothing on the proposed drawing that shows that. He thinks Mr. Jarim of LIG LAND LLC was successful with the rezoning of the Middleton Crossings location because he presented with specific businesses at the site. Mr. McBride understands it is not required for a developer to have specific businesses in place for a rezoning request. He believes if a developer wants to be successful, they need to do a better job of making the residents that live on Pendleton Court more supportive of the potential development of the site which would be behind their house. Mr. McBride thinks this rezoning request is premature at this moment. He said C4 is the most liberal zoning district, and he doesn't think this would be the best use of that property at this

time. He said before he built his house, he knew there was vacant property behind his property. He had experience working in other cities and he knew the questions to ask, and he knew how to find out what the zoning district was, and he knew eventually the zoning would change. However, the residents that live at Pendleton Court, most residents do not have that kind of background. At this point he advised the Planning Commission to give a negative recommendation. If this zoning request should be forwarded to City Council he is not sure what the position of the other City Council members would be. He believes there needs to be a better job at presenting what the proposed development would look like if the property were to be rezoned and how to protect the residents that live there from, traffic, lighting and noise.

Mr. Morgan Ahmed stated his house property value might be affected by future development if this property were to be rezoned. He gave an example if someone has 2 choices, one person could buy a house, and his neighbor could be residential, or the other choice is one could buy a house, and the neighbor would be a business. So, the person buying the house would likely buy the house next to a residential property. People would not like a business in their backyard. He said he doesn't see any planning of privacy and he believes the residents should be informed and give approval first. He is requesting a negative recommendation.

The Chair closed the public hearing at 7:38p.m.

ROLL CALL

Present: Bill Fitch, Bryan Jensen, Mayor, Scott Radcliffe, Carolyn Witherspoon, Chair. Staff: Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator, Jill Clements, Zoning Enforcement Officer John Gasior, Law Director, Duane Streater, Safety Director, Susan Pintz, Planning Commission and Zoning Secretary.

Absent: Jim Malloy

REVIEW & CORRECTION OF MINUTES

Mayor Jensen moved, seconded by Mr. Radcliffe, to approve the minutes of the regular meeting held on January 15, 2025, and approve the minutes as published. The vote was: Mayor Jensen "yes", Mr. Radcliffe "yes", Mrs. Witherspoon "yes", Bill Fitch "abstain".

The vote was:

3 AYES

1 Abstention.

The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Ms. Fechter requested Item 1, Bryan Kristy-3100 Jaycox Road, Sanitary Sewer Extension be deleted at the Applicant's request.

Mayor Jensen moved, seconded by Mr. Radcliffe, to delete Item 1, Bryan Kristy-3100 Jaycox Road, Sanitary Sewer Extension at the Applicant's request. The vote was: "AYES" all. The Chair declared the motion passed.

Mayor Jensen moved, seconded by Mr. Radcliffe, to accept the agenda as amended. The vote was: "AYES" all. The Chair declared the motion passed.

1. **Bryan Kristy-3100 Jaycox Road, Sanitary Sewer Extension, PL20250002**

Polaris Engineering on behalf of Bryan Kristy is requesting approval for the extension of the sanitary sewer main south on Jaycox Road to service 3100 Jaycox Road, PPN 04-00-023-102-161 along with related appurtenances.

Item deleted at the Applicant's request.

2. **Alex and Karen Michalczyk, 3198 Stone Wheel Run Street, Minor Modification, PL20250007**

Polaris Engineering on behalf of Alex and Karen Michalczyk is requesting a positive recommendation to City Council to allow the mayor to sign a Stormwater Easement at 3198 Stone Wheel Run Street.

Mr. Cummins, City Engineer, stated when the subdivision was originally constructed the storm sewer for whatever reason transversed across the middle of the backyard and there was an easement associated with that storm sewer that was put into place at that time. The current property owners need to build a pool that can be seen in the plan set (Exhibit 5, site plan). The property owners have requested to re-route a small section of the storm sewer and extinguish the current easement where the storm sewer is being re-routed and re-establish a new easement. The plans were prepared by Polaris Engineering and have been reviewed by himself and from an engineering perspective he has no additional comments. The easement documents have been reviewed as well and are acceptable. This project is presented to Planning Commission for a positive recommendation to City Council.

Mr. Gasior, Law Director, stated the storm easement is for the benefit of the property owner. In the Homeowner Association agreement, the city has rights. The Homeowner Association has accepted the relocation of the easement and the reason this request is before Planning Commission is because there must be an approval of the relocation of the easement because of the interest of the city.

There were no other comments.

Mayor Jensen moved, seconded by Mr. Radcliffe, to suspend the rules. The vote was: "AYES" all. The Chair declared the motion passed.

Mayor Jensen moved, seconded by Mr. Radcliffe, to approve a positive recommendation to City Council to allow the mayor to sign a Stormwater Easement at 3198 Stone Wheel Run Street. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Lorain County Metroparks, Special Use Permit, PL20250008**

Lorain County Metroparks is requesting a positive recommendation to City Council for the approval of a Special Use Permit to construct a trailhead and a parking lot to service the new trails at 4488 Jaycox Road; PPN 04-00-024-101-161, 162,086, and 087.

Chair Witherspoon indicated a Public Hearing was held earlier in the meeting.

Ms. Fechter had no comment.

Mr. Cummins had no comment.

Mayor Jensen stated the city has had a lot of interaction with the Lorain County Metroparks and anytime there has been a question especially about the property at Riegelsberger Road that the Metroparks acquired it has been addressed. If there has been an issue it has been able to be worked out so if a resident has an issue or question, they can reach out to their Council person, contact the Mayor's office or contact Mr. Ziemnik. Typically, any issue that has arisen such as any drainage issues at the Riegelsberger Road property, the Metroparks had taken care of it. The Metroparks are a good steward for the property. He thinks that the residents will consider the trail head a jewel in that area. Mr. Ziemnik has been great to work with, especially if there have been any issues with any of the parks. He doesn't believe there have been any lingering issues that have not been addressed. He understands the look will change a little bit because the golf course was beautiful to look at.

Ms. Fechter said the house that is on the property at 4488 Jaycox Road was listed on the historical register. The Metroparks proceeded with the Landmarks Preservation Board and had this property officially removed from the historical register on February 12, 2025, prior to doing any demolition on the house.

There were no other comments.

Mayor Jensen moved, seconded by Mr. Radcliffe, to suspend the rules. The vote was: "AYES" all. The Chair declared the motion passed.

Mayor Jensen moved, seconded by Mr. Radcliffe, to approve a positive recommendation to City Council for the approval of a Special Use Permit to construct a trailhead and a parking lot to service the new trails at 4488 Jaycox Road; PPN 04-00-024-101-161, 162,086, and 087. The vote was: "AYES" all. The Chair declared the motion passed.

4. Peter & Co. Jewelers, 33199 Just Imagine Drive, Final Development Plan PL20250003

Bramhall Engineering and Star Inc., on behalf of Peter & Co. Jewelers, is requesting approval of the Final Development Plan to construct a 5,482 sq. ft., two-story jewelry store at 33199 Just Imagine Drive.

John Reyes, Star, Inc. 46405 Telegraph Road, Amherst, Ohio 44001. He said they are presenting a 5,482 sq. ft. two story jewelry retail store which would be located between Cleveland Clinic and Interstate 90 at 33199 Just Imagine Drive.

Ms. Fechter said all staff comments have been addressed and would recommend approval.

Mr. Cummins stated he had no additional comments.

There were no other comments.

Mayor Jensen moved, seconded by Mr. Radcliffe, to suspend the rules. The vote was: "AYES" all. The Chair declared the motion passed.

Mayor Jensen said the building will look nice in that area and welcomed the owners to Avon.

Mayor Jensen moved, seconded by Mr. Radcliffe, to approve the Final Development Plan to construct a 5,482 sq. ft., two-story jewelry store at 33199 Just Imagine Drive. The vote was: "AYES" all. The Chair declared the motion passed.

5. **Avon Nagel, LLC, Nagel Road Rezoning, PL20250001**

DJH Developers, representing Avon-Nagel LLC, is requesting a positive recommendation to City Council for the rezoning of 7 lots consisting of PPN 04-00-022-102-039, 041,042, 043, 044, 047, and 048 for a total of 17.7 acres from R1-Single Family Residential to C4-General Business District to be included on the November 2025 General Election Ballot.

Chair Witherspoon stated a Public Hearing was held earlier in the meeting.

Mr. Hopkins stated last year he met with the Director of Real Estate, President and Vice President of the Homeowners Association. A discussion occurred with the residents about the plan regarding screening between the residential property and commercial property. He stated that the developers would continue the screening similar if not better than Middleton Crossing did for their property, which the residents were happy about that. He stated the developers are conscientious and would like to answer questions and alleviate any concerns of the residents. He said since this process has started the developers have made it known that they would like to be good neighbors. Mr. Hopkins believes a rezoning in this area of Nagel Road it will happen eventually. The developers are not in a rush to develop the land and understood at that time the issue of this request being placed on the on the ballot. In 2024 the rezoning request was presented to Planning Commission and received a positive recommendation and City Council. City Council approved the rezoning request and it was placed on the November 2024 ballot. However, when this rezoning was placed on the election ballot the voters voted NO, although the issue lost by 34 votes.

Mr. Hopkins said on the east side of Nagel Road, a retailer wanted to develop next to the future McDonalds, but their business model could not meet the city code requirement. He said it is important to note that if the rezoning is approved that is not the end of the process. Once the property is rezoned and there is a particular use to present to the city, it then needs to proceed through the process of Planning Commission again.

Mr. Hopkins said there is a new housing subdivision to be developed off Nagel Road and the traffic problem on Nagel Road will still exist even if no further commercial development is established. The owners of the proposed rezone properties are willing to work with the city and come up with a plan to widen the road or some sort of alternative plan, but the owner cannot assume all the financial responsibility on their own, but they would provide a contribution. The developer has participated in the past for the cost of infrastructure.

Mr. Hopkins stated Avon is a desirable place for business and to reside. He referred to the drawing (Exhibit 2) where there is 70 feet from the back of the property line to the end of the retention basin before anything would be built because the owner would like to be conscious of the neighbors. It would be difficult to commit to a business without knowing what the proper zoning would be. He believes this rezoning request should be given a positive recommendation to City Council so it could match the commercial properties around it.

Mr. Radcliffe asked what the timeline is if this request is approved or denied for placing the rezone issue on the ballot in November. What options are available. There has been discussion about the C4 zoning district being open in terms of what is allowed there. In the past the city has suggested a possibility of a C1 zoning district recommendation to impose some limitations. That did not seem to be very desirable to the developer/owners. Maybe there is time now to have some of those discussions and revisit those options before it gets placed on the ballot in November. This rezoning request is still fresh in the minds of the voters, since the issue failed in November of 2024 and it's only February and this request is

being presented again. Mr. Radcliffe feels pushing the rezone request through may not be viewed as favorably for the residents voting again. The city is appreciative of the fact the developers/owners have worked with the city in the past. Maybe there is time for more discussion before this is looked at again and potentially placed on the ballot.

Mr. Gasior said the matter would need to be passed by City Council no later than the end of June to be filed with the Board of Elections in time to be placed in the November 2025 ballot. As this is February 19, 2025, he believes there is still time. He wanted to clarify the process because this parcel of land is south of Interstate 90 north of Detroit and is zoned R1, if Council were to approve the rezoning request it must be placed on the ballot. That is what happened in 2024, City Council worked with the developer to come up with a plan and they approved the rezone (by Ordinance 30-24 and Resolution 20-24) that was only a step in the process to be placed on the ballot. However, the voters voted it down. Whether it is 1 or 30 votes it would fail. Apparently, the developer/owner would need to request this again to be placed on the ballot. There are other alternatives to being placed on the ballot beside presenting in front of City Council, there is a petition process referendum initiative. Mr. Gasior said the information to follow is in the City of Avon Charter. He said signatures can be obtained and there is plenty of time to do that and there is plenty of time for this issue to be placed on the ballot. Mr. Gasior reiterated what Mr. Radcliffe stated about this issue being placed on the ballot in November 2024 and failed. Now the developer/owner is asking the elected officials of the city to go back in front of the voters. He believes it will be a difficult sell, and it was pointed out that nothing has changed and maybe that is part of the problem. He said maybe some things might need to change and may need more clarification on the improvements that need to be implemented on that stretch of Nagel Road between Interstate 90 and Detroit Road. Whatever business is developed in that area is going to generate traffic. It was pointed out that there was a traffic study that says the traffic will increase by 10 percent with any new development, that may be the case, but there may be another traffic study performed that says the traffic will increase by 35 percent. Mr. Gasior said that the city may need time to fully analyze the situation, and we know that what was presented in 2024 failed at the ballot.

Mr. Hopkins said the developers are open to suggestions, but all the parcels are individual parcels that are zoned R1.

Mr. Gasior said it would not be the Planning Commission determination on what would be acceptable on those parcels. This body reviews what is being presented and what is being presented tonight is the same plan that was presented in 2024 that the voters failed at the ballot.

Mr. Morgan-Ahmed referred to the drawing and questioned the number of water reservoirs indicating one of them is not present and asked if the plan is to create another water reservoir.

Mr. Hopkins indicated that two of the reservoirs are already there. A pond is located at the south end of the property and another at the north end of the property. The pond in the middle is currently not there but the plan would be to install that water reservoir.

Mr. Morgan-Ahmed stated behind the Sheetz Gas Station there is a street, will that street be extended.

Mr. Hopkins said yes, the street would be extended to help alleviate the traffic flow.

Mr. Morgan-Ahmed said in the R1 zoning district he asked that it be respected as to the type of business that would be permitted. He believes the residents should be included in the decision as it impacts their property.

Mr. McBride wanted to clarify that the issues that Mr. Hopkins stated are accurate. Mr. Hopkins is a resident of Avon and believes he wants to be a good neighbor regarding the development on Nagel Road. He thinks the reason the rezoning issue failed at the November 2024 election is because the residents do not want business like additional gas stations or donuts shops on Nagel Road. He stated there is a moratorium for the development of gas stations so that type of business would not be permitted at this point. He said that the C4 zoning district is the most allowable zoning district, and he would rather see the type of business like Levin Furniture because of the value of the property. The future Villas at Nagel Farms residential subdivision behind the Levin's Furniture will be high end homes with a value of between 400-600K range. He believes a C1 or C2 zoning district could be more appropriate on this proposed rezoning property. He would rather see Mr. Hopkins find a business that could be a better fit for this property. Mr. McBride believes a business like Hunter International would be more appropriate for the proposed rezoned property. He would prefer to see a nice 2-story office building with working hours that may end at 5:00 or 6:00 pm and no occupancy on the weekends. Mr. McBride said that there are other options to rezone the property other than C4. He further stated in meeting with some of the residents in West Wickam Development there are concerns about the distance from their property to the proposed development and thinks the residents need some comfort and privacy. There are enough people on Pendleton Court that could be the deciding factor on a pass or fail rezoning issue on the ballot. He indicated many of the administrative officials that are present at the Planning Commission Meeting are also at City Council meetings and are aware of the improvements that are needed on Nagel Road. He said if this rezoning issue were to pass in the election ballot for a C4 zoning district there are certain improvements that will be required. Mr. McBride stated if the developer is responsible for between 10-75 percent of the cost of the improvements but as a city there is no funding allocated for this type of road improvement project. There are other road improvements priorities the city needs to consider. There is no time frame when funding for the city could be allocated for the road improvements on Nagel Road.

Chair Witherspoon asked the commission if this project required further discussion.

Mayor Jensen stated he believed a vote could be taken and then referred to City Council to be held at 3 readings. If the issue fails at Planning Commission and City Council, there will still be enough time for the developers to have other options.

Ms. Fechter stated this request is presented to Planning Commission, and it is then given a positive or negative recommendation to City Council. City Council will make the final determination. Planning Commission is a recommending body not an approval body so once it is referred to City Council and will be there for 3 readings and there will be another public hearing and then an actual vote.

Mr. Fitch stated these properties will eventually be rezoned but he believes the timing is not acceptable at the moment.

Mayor Jensen moved, seconded by Mr. Radcliffe, to suspend the rules. The vote was: "AYES" all. The Chair declared the motion passed.

Mayor Jensen clarified that the owners of the Drug Mart parcels installed the sanitary sewer along Nagel Road only because it was necessary for the packaging plant. They did work with the city all the way to Detroit Road. There was no further assistance with the Interstate 90 interchange, and they were not supportive of any assessment. There have been many discussions about no changes to this proposed rezoning and that makes it difficult for Planning Commission as they are a recommending body and would advise Mr. Hopkins to modify the request when it is presented to City Council. He thinks it will be difficult to have a different result with no change to the request. He believes the Council members likely will not vote against the residents voting at the ballot. The city heard the residents, and this proposed rezone request failed at the November 2024 ballot. He said elected officials would say the issue failed and we need to abide by the vote and unless something has changed that they are not aware, and he believes it will be difficult for Mr. Hopkins to gain support of the same plan and recommend modifying that plan.

Mayor Jensen moved, seconded by Mr. Radcliffe, to approve a positive recommendation to City Council for the rezoning of 7 lots consisting of PPN 04-00-022-102-039, 041,042, 043, 044, 047, and 048 for a total of 17.7 acres from R1-Single Family Residential to C4-General Business District to be included on the November 2025 General Election Ballot.

The vote was: Mayor Jensen "no", Mr. Fitch "no", Mr. Radcliffe "no", Mrs. Witherspoon "no"

0, AYES

4, NAYS

The Chair declared the motion failed.

Discussion Item

- Code Amendment - Land Disturbance Fee - Discussion on the implementation of a tree disturbance fee for the removal of trees from residential and commercial sites.

Mr. Gasior, Law Director, stated the city has a Tree Commission and there is an Arbor Day Festival, there has been 3 so far. He said within the last 3 years the city has become focused on urban forestry. He thinks as development takes place and trees are removed there is concern from the members of the Tree Commission. The Tree Commission would like to try to have Planning Commission recommend to City Council to implement changes in our ordinances that might help prevent some of the trees being removed at least through some mechanism such as the Land Disturbance Fee. The acquisition of trees and the planting of trees in other parts of the city so the tree canopy can be preserved to some extent. He has researched a couple of avenues and has spoken to Mrs. Berges. He suggested possibly a special revenue fund being established or maybe amending one of the special revenue funds that currently exist and adding a clause about urban forestry and tree maintenance and/or tree replacement. He is working with Steve Presley, Finance Director, to see what the funds account would be like and what could be done through the Building Department to identify a reasonable fee and present that to City Council and potentially pass an ordinance.

Mary Berges, City Council, At Large and Tree Commission Member, 3471 Mass Drive, Avon, Ohio 44011. Mrs. Berges suggested the city should implement a Land Disturbance Fee because the importance of tree canopies has become significant and undeniable over the last 2 decades.

Cities have obtained grants and have examined their tree canopies and are trying to replace the trees that have been lost. The benefits of trees are quantifiable and include storm water mitigation, rainwater interception, energy savings, carbon dioxide uptake, and air pollution removal. She said Avon has experienced a lot of residential and commercial growth, which has resulted in the removal of hundreds, if not thousands, of trees. The Tree Commission has received questions and complaints about why developers have been permitted to move whole acres of trees to make way for future development. Mr. Varga and herself were at a Garden Club meeting on February 18, 2025, and Mr. Varga gave a presentation about the Tree Commission. At that meeting members asked what the city can do to prevent developers from clearing whole acres of trees. It has been said many times that we can't stop a developer from clearing their land if they comply with the rules and regulations. She believes something needs to be done to keep the tree canopy from shrinking. She indicated the recommendation is for a Land Disturbance Fee to be implemented as a part of the Planning Code. It may not prohibit the developer from removing trees, but it will allow the city the means to plant replacement trees. It is understood that it will not be a 1 for 1, a mature tree may be removed and all that can be done is plant 2-inch caliber trees but at least it is a way to help replace the tree canopy.

Mrs. Berges stated a way to implement is to have the developer apply for Land Disturbance Permit prior to the commencement of any land clearing activity in Avon. A proposed fee of \$500 per acre for disturbed land that would include residential and commercial and would be paid when the Building Permit is picked up. The fees collected would be kept in a separate account. The money in that account would be used to plant trees throughout the city whether it be on tree lawns or in parks therefore increasing the tree canopy.

Rick Varga, Tree Commission Chairman, 33676 Reserve Way, Avon, Ohio 44011. Mr. Varga said one of the issues, as Mrs. Berges, indicated is the tree canopy. He is looking to replace trees because the major issue at Tree Commission is there are calls about tree lawn trees. He said residents are concerned about the Bradford Pear trees or a tree that died, and they need to remove it or replace it. Mr. Varga said as an example would be in Bentely Park, there is approximately 30 tree lawns that have "gone by the way" and no one has replaced them because there is nothing in the city's ordinance that requires the trees to be replaced. The other issue is that the city does not have a tree plant management program. Mr. Varga stated as an example at Mills Road and Jaycox Road, there were about 15 acres of trees in one day and the next day all the trees were removed. Mr. Varga said he has 40 acres of a tree farm in Northern Michigan, and he is required to have a management plan in place to protect these trees and he will harvest the trees that he needs. In the City of Avon a property owner has the right to remove 30 acres of trees at their discretion. If there was a management plan in place there could then be some funds to start replacing trees in the city if someone chooses to remove multiple acres of trees.

Mayor Jensen stated he has worked with Mr. Varga and Ms. Berges and there have been discussions about the \$500 fee per lot. He said there are usually 2 lots per acre, so right now a lot is selling for about \$180,000 so it works out to be an added \$250 cost of a lot which is an insignificant amount. There have been discussions and using the Nagel Road Rezoning as an example with the 17 acres multiplied by \$500 it would amount to \$3500 which is not a significant amount, but it does allow the replacement of trees. The city is trying to establish something that would allow the city to start replacing trees. Mayor Jensen believes if the city offered to pay for trees to be planted in the Metroparks area in terms of trying to increase canopies the Metroparks would be agreeable. He thinks there are options to potentially establish a way to manage it whether it is curb lawn trees or filling the parks with more trees. He acknowledges the city cannot get away from development. It is hard to watch trees being removed. The city would like to get something established moving forward to protect the tree canopy.

Mr. Varga stated another issue is that on Wydmere Way there are overgrown locust trees in the tree lawns and residents are complaining because the sidewalks are being lifted by the roots of the trees. He said if something can be put into place now to have the funds in place he thinks it will be beneficial to the city.

Mayor Jensen said regarding property developers, sometimes it becomes more problematic to try to have them save trees than allowing them to clear the land and start over with planting new trees. There have been areas such as Shakespeare Drive. When the trees blew over, it could have been less problematic to have removed those trees and plant trees somewhere else and this would be a means to do this.

Mr. Varga believes City Council will need to review this plan. Mr. Varga has spoken to Mr. Gasior regarding how other cities implement an ordinance with buffer zones and tree protection plans. He understands that it needs to be discussed further as this plan moves forward.

Mr. Gasior advised the Land Disturbance Fee is listed as a discussion item and that is because initially the thought was there would be an amendment to the Planning and Zoning code that required a developer to maybe pay a Land Disturbance Fee. He is not certain what is going to happen. If it is a Planning and Zoning Code issue it may be an ordinance in the 200-section relating to fees and the language relating to the Land Disturbance Fee may be inserted into that section. It then would not need to be presented and voted on at Planning Commission. If we end up having to modify the language in the sections of the Planning and Zoning code, then this item will be on the March Planning Commission Agenda. If not, then this item will be presented to City Council directly. Mr. Gasior will follow up with the Finance Director and see what we can do by identifying the sum of money that can be designated to a specific revenue fund that can be used for the acquisition of trees.

Ms. Fechter asked if the fee would be for every development or development that removes trees.

Mr. Gasior said the fee would apply to every development. He said that is why the building department would be involved because we wouldn't necessarily see anything come through with a planning project submission.

Mayor Jensen stated the commercial development on Miller Road has removed several trees already so when looking at the Land Disturbance Fee it would be after the fact. There is usually a disturbance somewhere.

Mr. Fitch asked if the type of tree would need to be identified.

Mayor Jensen said the type of tree would not need to be identified.

Mr. Gasior stated it was important to discuss this item this evening to Planning Commission to advise that something needs to be done but whether it comes back to Planning Commission or goes directly to City Council.

COMMENTS

Mayor Jensen had no comment.

Mr. Malloy had no comment.

Mr. Radcliffe had no comment.

Ms. Fechter had no comment.

Mr. Cummins had no comment.
Mr. Gasior had no comment.
Ms. Clements had no comment.
Mr. Streator had no comment.
No comments from the audience

ADJOURN

Mayor Jensen moved, seconded by Mr. Radcliffe to adjourn. The vote was: "AYES" all. The Chair declared the motion passed. The meeting was adjourned at 8:27 p.m.


Carolyn Witherspoon, Chair
Planning Commission


Susan Pintz, Planning Commission and
Zoning Secretary

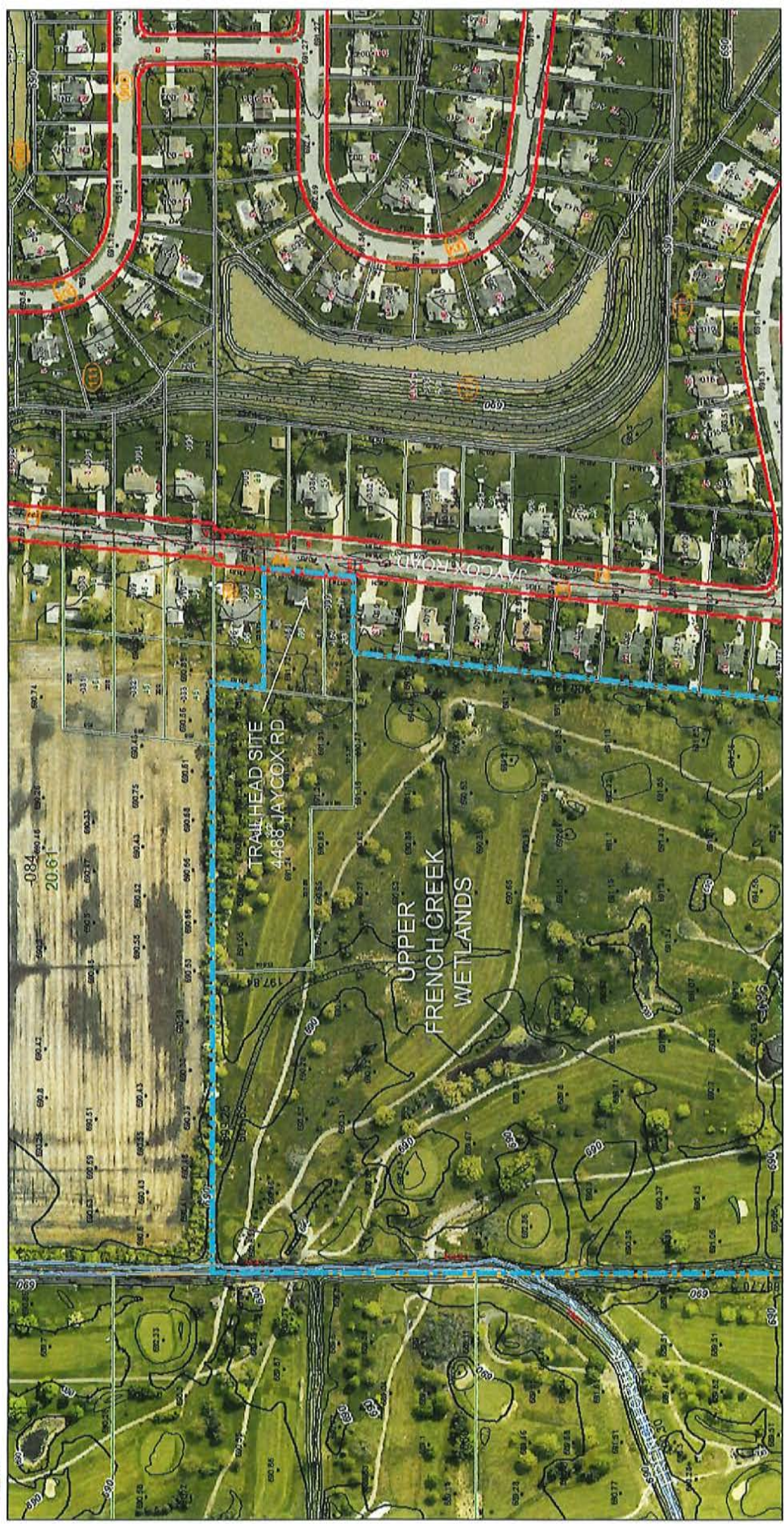
3-19-25
Date



J. Craig Snodgrass, CPA, CGFM
Lorain County Auditor

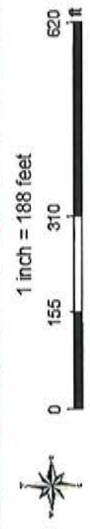
EXHIBIT 1-LORAIN COUNTY METROPARKS

LOCATION MAP 4488 JAYCOX ROAD



September 17, 2024 10:48:11 AM

- Legend**
- Boundaries
 - Sublot Line
 - Dashed Parcel Line
 - Hydro Line
 - PLSS Boundaries
 - Original Lot Lines
 - Right-of-way
 - Parcel Line
 - Medium Symbols
 - To Medium
 - Arrow Medium
 - From To Medium
 - Parcels
 - Parcels, Black
 - spots, G4
 - Right of Ways
 - Waterways
 - INDEX_CON...
 - INDEX_CON...
 - DEP_IDX...
 - DEP_INT_CTR
 - INTERMED...





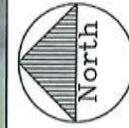
LEGEND

EXISTING CONDITIONS

- TREE TO REMAIN
- GRAVEL CART PATH
- GAS WELL TO REMAIN
- CISTERN/WELL STRUCTURES TO REMAIN
- FORESTED WETLANDS

PROPOSED PHASE 1

- REMOVE STRUCTURE
- REMOVE TREES & VEGETATION
- TREE REMOVED BY LAMP
- REMOVE FENCE

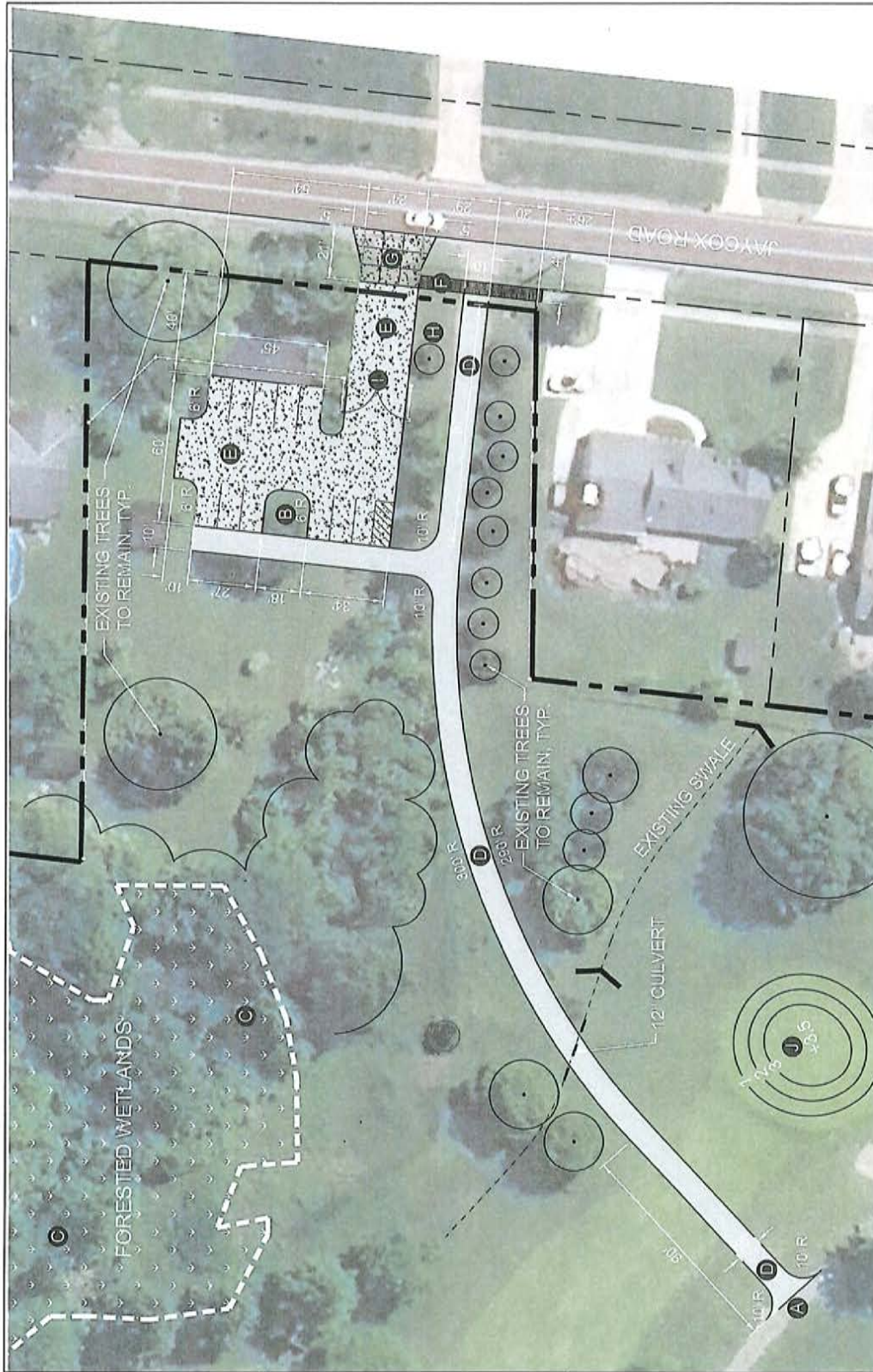


SD 1 - EXISTING CONDITIONS & DEMOLITION PLAN



LORAIN COUNTY METROPARKS UPPER FRENCH CREEK WETLANDS PHASE 1 PARKING AND TRAIL IMPROVEMENTS JANUARY 9, 2025 AVON, OH





LEGEND

EXISTING CONDITIONS

- TREE TO REMAIN
- GRAVEL CART PATH
- GAS WELL
- FORESTED WETLANDS

PROPOSED PHASE 1

- 10' WIDE TRAIL
- ENTRY DRIVE & PARKING-11 SPACES
- SIDEWALK EXTENSION
- APRON
- PARK SIGN BY LOMP
- SECURITY GATE BY LOMP
- TOPSOIL SPOILS

PROPOSED MATERIALS

- 6" COMPACTED GRAVEL TRAIL
- 8" COMPACTED GRAVEL PARKING
- 4" CONCRETE SIDEWALK
- 6" CONCRETE APRON
- GATE & FENCING BY LOMP



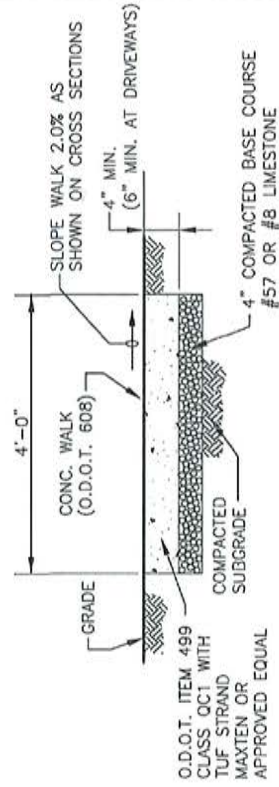
Know what's below.
Call before you dig.



SD 2 - SITE PLAN

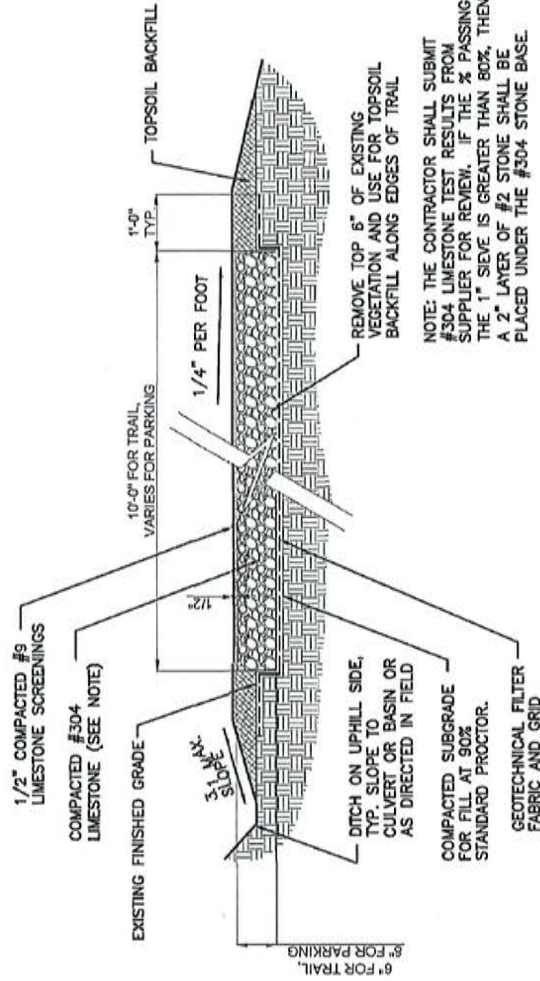


LORAIN COUNTY METROPARKS
UPPER FRENCH CREEK WETLANDS
PHASE 1 PARKING AND TRAIL IMPROVEMENTS
JANUARY 9, 2025
AVON, OH



CONCRETE SIDEWALK & APRON SECTION

NOT TO SCALE



GRAVEL PARKING & TRAIL SECTION

NOT TO SCALE

SD 3 - SITE DETAILS

LORAIN COUNTY METROPARKS
UPPER FRENCH CREEK WETLANDS

PHASE 1 PARKING AND TRAIL IMPROVEMENTS

JANUARY 9, 2025

AVON, OH



EXHIBIT 2 NAGEL RD REZONE



NOTE: MAP INFORMATION GATHERED FROM PUBLIC DATA SOURCES AND COMBINED.
DISCREPANCIES BETWEEN PARCEL MAP, AERIAL PHOTO, AND EXISTING CONDITIONS.

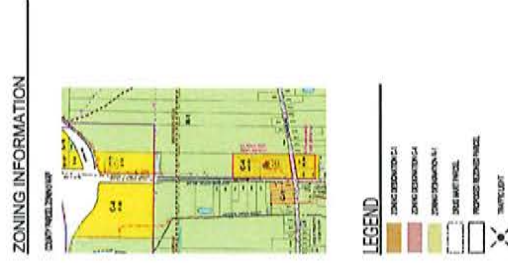


EXHIBIT 2 NAGEL RD REZONE



EXHIBIT 2 NAGEL RD REZONE



ZONING INFORMATION

CONCLUSIONS

- | * CHAIRS AVAILABLE | | * MEN'S SHOWER ROOMS AVAILABLE | |
|----------------------|-----|--------------------------------|-----|
| 1. MEN'S SHOWER ROOM | 100 | 1. MEN'S SHOWER ROOM | 100 |
| 2. MEN'S SHOWER ROOM | 100 | 2. MEN'S SHOWER ROOM | 100 |
| 3. MEN'S SHOWER ROOM | 100 | 3. MEN'S SHOWER ROOM | 100 |
| 4. MEN'S SHOWER ROOM | 100 | 4. MEN'S SHOWER ROOM | 100 |

- STANDARD: STRONG, WEAK OR NEUTRAL
1. MA. DETACH FROM L.O.M. 20/11/17
2. MA. RE-ATTACH 20/11/17
3. AGENT TO AGENT 20/11/17
4. AGENT TO RES 20/11/17
5. MA. DETACH FROM RES 20/11/17
6. MA. DETACH 20/11/17

- Notes:**
1. List of names of authors is given in the text.

- DATE: 01/11/2007 10:00:00 AM

LEGEND

-  RETHINK LINE
 PROPOSED BALANCE LINE
 PACE LINE
 ENHANCED MANAGEMENT FOD
 LANDINGS
 RECENTLY LANDSCAPE BUFFER
 PARKING
 BUILDING
 WATERLOO

Hello,

My name is Robert Crissinger. My family and I reside in Avon Ohio within the West Wickham community on Pendleton Court, directly next to the land where Avon Nagel LLC / DJH Developers have been attempting to rezone the land from R1-Single Family to C4-General Business District and are requesting the rezoning decision to be included on the November 2025 General Election Ballot.

I am writing to formally express my opposition to the proposed rezoning of the 17.7-acre property owned by Nagel LLC / DJH Developers. I respectfully urge the Planning Commission to refrain from providing a positive recommendation to the City Council to include this request on the November 2025 ballot.

This issue was previously presented to voters as Issue 2 on the November 2024 ballot and failed to secure the necessary votes to change the zoning from R1 to C4. Despite this outcome, the developers are now seeking another opportunity to place the same proposal before voters, seemingly without substantive improvements or modifications. To the best of my knowledge, the terms of the proposed rezoning remain unchanged, continuing to seek C-4 commercial designation. The Developer's strategy is clear – continue to get this issue on the annual ballot until it eventually passes due to poor voter turnout. The Avon, OH residents have already spoken, and the majority voted NO on this issue in the 2024 General Election Ballot.

Per the City of Avon website – “The purpose of zoning regulations is to protect property values and preserve the desired character of the community, while providing for orderly growth and uniform development. It must be reasonable and/or protect public health and safety.” The proposed rezoning violates each of the regulations' intentions:

- **Negative Impact on Property Values and Character of the Community:** The introduction of additional commercial development adjacent to residential neighborhoods, including West Wickham and the forthcoming Nagel Farms community, would diminish property values and disrupt the residential character of the area.
- **Orderly Growth and Uniform Development:** Rezoning this parcel would encroach on established neighborhoods. It does not support uniform development or sound planning principles to infringe on people's homes with large commercial businesses without due consideration for long-term community impact.
- **Strain on Infrastructure and Public Safety:** The existing infrastructure is already under significant pressure. Increased commercial development in this area will further exacerbate congestion, impeding traffic flow and hinder access to the Cleveland Clinic on Nagel Road. Emergency vehicles are already facing difficulties safely and quickly navigating the city. My family experienced this firsthand when an ambulance took over ten minutes to travel less than three miles from the Avon Fire Department to our home—an unacceptable delay in a medical emergency that nearly resulted in her loss of life in December 2024.

Avon's rapid growth is already imposing financial strains on its residents. The proposed municipal income tax rate increase from 1.75% to 1.90% cited the “rapid expansion of residential, industrial, and commercial development within the City.” The residents are not benefitting from the city's growth and will instead bear the financial burden.

Nagel Road has already undergone significant commercial expansion, including the addition of Sheetz, two car washes, Dunkin Donuts, the Nagel Commons community, and forthcoming businesses such as McDonald's. Introducing additional commercial development without a comprehensive plan to address its impact would be both irresponsible and detrimental to the quality of the community for Avon residents.

Regrettably, I will be out of town during the public hearing scheduled for February 19th however I respectfully ask you to consider these concerns. It is the Planning Commission's responsibility to make sound decisions for the benefit of Avon's residents. Sustainable growth requires careful planning and strategic infrastructure investment, neither of which have been adequately addressed in this rezoning request. **A positive recommendation to include the rezoning in the 2025 ballot does not serve the best interests of the City of Avon, our residents, or our infrastructure.**

Thank you for your attention to this matter and please do not hesitate to reach out should you have any questions or require further discussion.

Sincerely,



Robert S Crissinger
440-856-9062
robert.crissinger@gmail.com

EXHIBIT 4 NAGEL RD REZONE

From: [Barbara Brooks](#)
To: [Pam Fechter](#)
Cc: [John Gasior](#)
Subject: FW: Formal Opposition to Rezoning Proposal - Pendleton Ct / West Wickham
Date: Wednesday, February 19, 2025 7:36:44 AM
Attachments: [Opposition to Rezoning Proposal 2 18 25.docx](#)
[image001.png](#)

Pam,

Please see below and attached.

Thank you,

Barbara Brooks, CMC
Clerk of Council
bbrooks@cityofavon.com
Phone: 440-937-7821
www.cityofavon.com
36080 Chester Road, Avon, OH 44011
AVON OHIO
EST 1814

From: Nick Malkin <nwmalkin@gmail.com>
Sent: Tuesday, February 18, 2025 10:20 PM
To: Brian Fischer <BFischer@cityofavon.com>; Tony Moore <tmoore@cityofavon.com>; Mary Berges <mberges@cityofavon.com>; Jennifer Demaline <jdemaline@cityofavon.com>; Dennis McBride <DMcBride@cityofavon.com>; Michelle Patton <mpatton@cityofavon.com>; Scott Radcliffe <SRadcliffe@cityofavon.com>; contactcouncil <contactcouncil@cityofavon.com>; Bryan Jensen <bjensen@cityofavon.com>; contactmayor <contactmayor@cityofavon.com>
Cc: Angela Yako <angela.yako9981@gmail.com>
Subject: Formal Opposition to Rezoning Proposal - Pendleton Ct / West Wickham

This Message Is From an External Sender

This message came from outside your organization.

Good Evening Mayor Jensen and Council Members,

My name is Nick Malkin, and my family and I recently moved to Avon in March of 2024 and reside in the West Wickham community on Pendleton Court. As you know, our land is located near the land where Avon Nagel LLC & DJH Developers are attempting to rezone the land from R1-Single Family to C4- General Business District and are attempting to have this issue included again on the November 2025 general election ballot, only 3 short months after citizens of Avon voted No against Issue 2.

My wife and I are aligned with others within the community of Avon, the West Wickham neighborhood, and my fellow neighbor Robert Crissinger, who recently wrote to express his opposition to this proposed rezoning. Please see his attached letter for reference.

EXHIBIT 4 NAGEL RD REZONE

Simply put, I cannot articulate a better written letter or position than the one Rob provided attached and share the same thoughts on how this proposed rezoning would have a negative impact on the community. As Rob states, this would have a negative impact on property values and residential character of our community. Most importantly I believe this would further strain our infrastructure and public safety with increased commercial property in this area. As you are aware, there has already been significant growth of commercial business within this area that includes a Sheetz gas station, two car washes in less than .25 miles of one another, among other current and forthcoming businesses. This rapid commercial expansion has already begun to negatively impact the West Wickham community in the form of increased traffic, reduced privacy and frequent occurrences of trash and debris within our neighborhood.

I am writing to also communicate my opposition formally to the proposed rezoning and urge the planning commission to put serious thought and consideration to this matter, while not providing a positive recommendation on the path forward for rezoning.

Personally speaking, my wife and I put our life savings into our beautiful new home, and we love our community. We look forward to raising our children in this community. We ourselves had to go through multiple steps with the Zoning Committee to install a new fence for increased privacy. It's hard not to wonder what all of that was for if this proposed rezoning moves forward and is included on the next general election ballot. Thank you for your time and attention to this important matter for our community.

Nick Malkin
216-650-6678
nwmalkin@gmail.com



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& SURVEYING, INC.**
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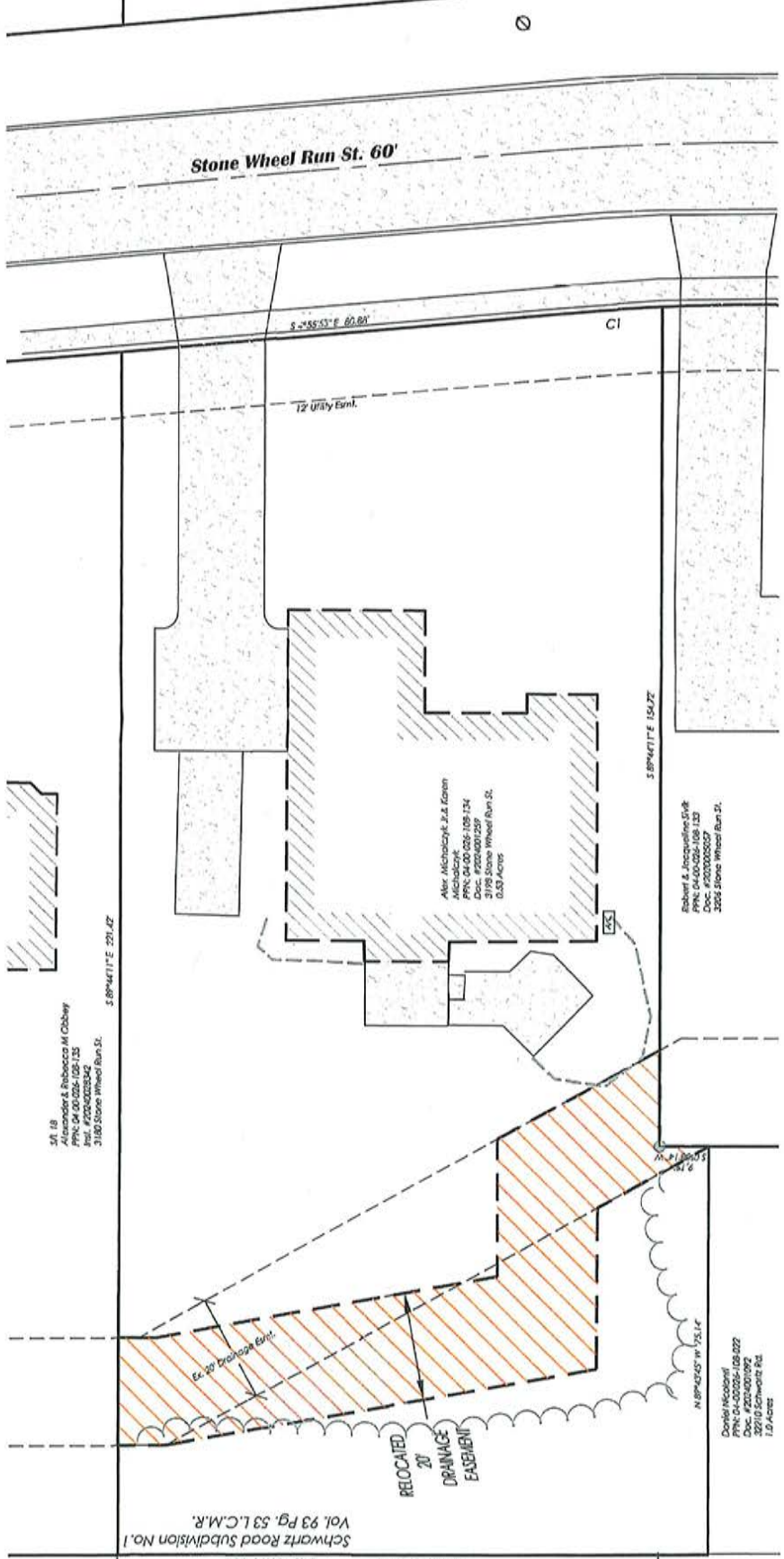
DATE: 12/9/24
SCALE: 1"= 20'
FOLDER: DWGUPENP
FILENAME: 24172 Site Plan
TAB: Pool Site Plan
DRAWN: JCB

EASEMENT RELOCATION EXHIBIT:
3198 STONE WHEEL RUN STREET
SUBLOT No. 17
CITY OF AVON - LORAIN COUNTY - OHIO

PREPARED FOR:
AMERICAN EARTH POOLS
500 ROOT RD.
N. RIDGEVILLE, OH 40439
PHONE: (440) 748-3447
CONTACT: TYLER HRUSCH



CONTRACT NO.	24172	SHEET	OF
		01	01

GRAPHIC
SCALE

(IN FEET)
1 INCH = 20 FEET

CURVE TABLE							
	CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
	C1	19.50	470.00	9.75	19.50	N03°44'34"W	2°22'39"

