

**Minutes of the Meeting of the Legal Committee of Council  
Held in the Council Chambers of the Municipal Building  
On Monday, February 22, 2021, at 6:30 P.M.**

**Committee Members Present:**

Chairman, Ward 2 Councilman Dennis McBride

Ward 1 Councilman Bob Butkowski, Councilman-at-Large Brian Fischer

**Others in Attendance:**

Planning/Economic Development Coordinator Pam Fechter; City Engineer Ryan Cummins; Councilman-at-Large Craig Witherspoon; Ward 3 Councilman Tony Moore; Mayor Bryan Jensen; Law Director John Gasior; Councilwoman-at-Large Tammy Holtzmeier; Safety Director Duane Streater; Clerk of Council Barbara Brooks

**Regulations for Storage Condominiums**

Ms. Fechter reviewed that there is a business owner in town who wants to start another business because he has heard from a number of people that they want storage facilities that they can own. We have had lots of conversation around the size and aesthetics of these storage facilities. In talking with several folks who utilize these storage facilities for RVs and boats, there is the fact that 500 sq. ft. is kind of small and that 500 sq. ft. does lend itself for operating a business out of it. It is small; it is cheaper. When we start moving into a bigger size they are starting to make a little bit more investment in the product and more cost value is associated with the product. Ms. Fechter said that there is a concern that she has heard from many people that they do not want to see our valuable industrial land populated with storage facilities all over the place. And then we also have the side of wanting to provide a service for our residents, so we are kind of trying to balance both of these. Ms. Fechter said that she wanted to get some more information from the Building Dept. but unfortunately the Chief Building Official is not available now but speaking to her initially, Ms. Fechter said she was told that each storage facility does have to have a utility sink with hot and cold running water, a drain, and electricity. Beyond that, we have had conversations in Committee about whether the units should have internal bathrooms; if they have internal bathrooms, it could possibly raise the value of the unit. We can achieve the ADA requirements simply by each building itself having an ADA-acceptable bathroom, and not each individual unit.

Ms. Fechter stated that Parma has seven current mini-self storage facilities and an eighth one is being constructed now. They just passed legislation that you cannot have another storage facility within a one-mile radius of one already in existence. There cannot be any outdoor storage; it has to be under roof. And then to make the facilities more aesthetically pleasing, they just required masonry facades and added more requirements on fencing and landscaping.

Ms. Fechter then said, so we are looking at roughly a range of 500 sq. ft. or 800 sq. ft. to 1,500 sq. ft. to allow the different types of uses. We could go as far as saying 30% of the building has to be the higher size. She said she thought the big thing is the bylaws because even the bylaws of the storage facility that we have on Rt. 83 were reviewed and approved before they were issued a Special Use Permit. So we could achieve everything we require (no business operations internally, no residents, etc.) in that manner. So she was not sure what direction the Committee wanted to go. She said that she would get more information from the Chief Building Official when she gets back and she will get with her by email in the next week. She said she guessed that the number one question was if they were good with the size range for the units.

Mr. McBride said that he thought that the size range still needed to be discussed. His inclination was to stay away from the smaller metal buildings and go with the masonry structure, to increase the square

footage, to require a lot of things inside – basically to drive up the valuation so when the County Auditor looks at it he will give it more of a higher end rating. He said that he knows that Councilman Butkowski does not want to see a bunch of cheap tin storage units. Yes, they are condos but what is the value to Avon? They are not going to have jobs in them contributing to income tax so let's at least get the value of the real estate taxes up.

Mr. Fischer stated that he would like to see the minimum size be on the higher end, maybe 850 sq. ft. You know they are going to stuff as many of those small ones in as we will allow so we should just be careful about that. Ms. Fechter said what we could do is to leave the mini self-storage units at 500 sq. ft. and make the storage condominiums more the 850 sq. ft. – 1,500 sq. ft. range. And if we put more requirements on there for fencing and landscaping and more exterior items, not as many builders might want to show up and build one unless this is truly something they want to do. Are they doing it to make money by providing a service or are they trying to operate quick cash and get out? The more requirements that we put on, the more they are going to be dedicated to wanting to do a better unit.

Mr. Fischer stated that he spoke to Councilman Scott Radcliffe this weekend and he wanted Mr. Fischer to know that he was in favor of the minimum to maximum size range that was discussed previously and that he was not opposed to either leasing or owning. Ms. Fechter asked if we even wanted to go the ownership route. Do we just take mini self-storage units, say that they have to be 850 sq. ft. to 1,500 sq. ft. and then keep everything for lease or do we want to carve out this section allowing people to own them?

Mr. Butkowski said that he felt that they were talking about two different things, though, and he was almost of the thought of allowing ownership because a mini storage is a mini storage: 10 ft. x 10 ft. or 20 ft. x 20 ft. When we are talking about the 850 sq. ft. up to 1,500 sq. ft. that is a completely different caliber. If we are going to think about going with ownership, though, we should probably have some uniform size because if we want to maintain value, having that mix creates more of an issue as opposed to standardizing the size.

Mr. Gasior asked Ms. Fechter what the situation was in Parma and Ms. Fechter said that they have the mini self-storage facilities but there cannot be one within a mile distance of another one. Mr. Gasior asked, so they were concerned about the number of storage facilities? Ms. Fechter answered that they have seven storage facilities now and are about to get their eighth and they thought that was enough. Also, they do not have that much land left to develop so it is very valuable.

Mr. Gasior said that he was just bringing this up for them to consider. As they look at the City of Avon and at the industrial land that we have to the north of us here, and think about building a condominium storage facility for say, 40 condominium units, and what a builder's profit would be considering his cost to build and then sell each individual unit. And that is fine but he started thinking, are we going to create a gold rush here in town? We have all this vacant industrial property and it does not take much for a builder to see an opportunity and once they know Avon is going to allow that type of development, to buy as much industrial land as they can and just start building condo storage units. Mr. Gasior said he was just bringing that up because it is something to think about. We have valuable industrial land which is not being utilized to its full extent today but it is slowly but surely becoming utilized and you are going to make possibly a very lucrative business for somebody to come in and buy land, construct a condo storage unit and make good money off from the building. He said that when the Code was built up in 2001, the mini storage unit facility was limited to a rental. He was not around at that time but he knows that D.B. Hartt was a renowned planner in Northeast Ohio and he must have had reason to limit it to rental. Ms. Fechter said that seems to be the standard for every city. That Code Section – the 500 sq. ft. and all those rules, are the same in every code. Mr. Gasior said that he could see amending our Code and giving the storage unit owners more flexibility from the 500 sq. ft. but he thinks they should really think about if

they are going to create a very lucrative opportunity for builders and what is going to happen to the industrial land if they do that.

Ms. Fechter stated that she does like the idea of a distance between facilities so you might end up getting one or two in certain areas, but then they are done, they cannot go anywhere else. We are really looking at the northern and southern parts of the City. She said that there is a fear of many people rushing in and wanting to do this because of the profit, which requires no problem whatsoever then in requirements to make to make it look like a nice development and not just a tin building for storage.

Mr. Gasior said that he would like to try to find out what the profit margins are. It is not that anybody is against anybody making a profit but the concern should be how much of our industrial land needs to be dedicated to something like this. We have a few places here that are rentals and we may get a few more but if we go down this road of building this condo method of ownership, he does not know where that could lead.

Mr. McBride said that he would put together a list of items he thinks we should require but do we really want to allow any more storage units? Do we need any more? How much land do we want that is really not generating tax revenue? Ms. Fechter noted that we have the M-2 zoning and M-2 zoning is not utilized right now on that map. Do we carve out a section that says, this is M-2 and a storage condo is only allowed in M-2? That way we could kind of dictate what quadrants of the City we put that in; that is another direction we could look at.

Mrs. Holtzmeier said that she would support that idea wholeheartedly. Ms. Fechter is right, we do not use the M-2 right now and if we want to have certain things in M-1 and M-2, we can designate it as either/or so we have not limited it but we can definitely have some foresight as to where it is appropriate for it to go. Right now we have M-1 right along Mills Road and some of that acreage backs up to residential land. We want to be deliberate and cautious about what we may use that for and she likes the idea of looking ahead to what are its uses.

Mr. Butkowski said that he did a cursory Google search on cost per sq. ft. and it said from \$25-\$40 per sq. ft. to build a single story steel building so you are looking at \$32,000 for a buildout of 800 sq. ft. at roughly \$40 a sq. ft., so selling it for \$100 - \$150,000, there is definitely a good margin on that for somebody. He added that he liked Ms. Fechter's idea of the M-2 zoning. When we have zoning requirements throughout the whole City that helps everybody understand the expectation of what should or should not be going in certain parts of the City. It clarifies for everybody that if they want to move in and build, this is where you can build.

Mr. McBride stated, and just based on that search Mr. Butkowski did, that is all the more reason to say, no metal pole buildings, it must be masonry structure, and have three-hour fire wall. And that is provided that the Commercial Building Code in Ohio still allows us to do that. He believes that it does, but we will verify that.

Ms. Fechter said that she asked Police Chief Bosley to run a report on the facilities that we currently have on Rt. 83 and there was nothing about people operating a business in them or any other downsides. She thinks that even if we specify M-2 zoning, we still should make it a Special Use so they still have to meet the qualifications and answer questions about what they are doing. We still need to make sure it is on record that no one can live there, no one can operate a business there, and make sure it is in their bylaws and regulations as well.

Mr. Butkowski stated that we also need to be strategic where that M-2 section is within that because again, what is the vision that we have for Avon? Ms. Fechter added, and to Mrs. Holtzmeier's point, years

ago we would have sent everybody to Mills Road to do that type of work but since residences back up to that now, we do not want that heavy industrial; it needs to be lighter and quieter because of the residents.

Mr. McBride stated, and again, we need those requirements inside the building, including a fire suppression system. If we are committed to these things, he thought that we could drive the value up and the City and the schools can reap the real estate value even though there is no income tax generated. And do we even want outdoor storage? Ms. Fechter noted that now we have the mini self-storages that have grandfathered in outdoor storage. Mr. McBride said that maybe it is time to reassess our mini self-storage; maybe those units are too small. Again, we will have to look at the zoning code and determine the appropriate locations for these.

Mr. Witherspoon stated that he is bothered a little about what the Law Director said as far as a “gold rush” opportunity for developers. He said he thought that we need to be extremely careful with what we do and that having Ms. Fechter do a little more research would be a good idea.

Mr. McBride felt that having high-quality condominium storage units is way better than the mini self-storages. He said that he knows a former City Engineer who sits on the Planning Board for another city south of here and he has nothing good to say about mini self-storage. He thinks it is a total waste of property; it does not do anything for your city in terms of income tax and it does not do a lot in terms of property taxes for a city or a school district.

Mr. Moore concurred with Mr. Gasior and Mr. Witherspoon. He said we need to be careful about our vision and where we go. He added that he is not the biggest fan of the storage facilities and prefers to see development in other ways than that.

Mr. McBride stated that he agrees; we do not want to create too many of these and limit ourselves from a tax revenue standpoint moving into the future. Mr. Fischer said that he thought that Ms. Fechter needs to do some further research on it. He agrees that we need the high end storage facilities or we do not need them at all. He would rather preserve our industrial land the best we can.

Mrs. Holtzmeier stated that she thought that further review is necessary to see what is appropriate in the M-1 and M-2 districts. If you keep the storage units as a Special Use and allow Planning Commission to have some restrictions and control, that is always good. She said that she was interested in seeing appropriate places where this may go and some distance between the facilities was also attractive.

Mr. McBride stated that he was assuming that if we do proceed with these, that every unit would have its own fire suppression flow alarm, much like we do at Avon Commons. Mr. Streator said he would be glad to work with Ms. Fechter, and the Building and Fire Departments to answer some of these questions.

Mayor Jensen said that he agrees that we want to be careful because as things develop, you just do not want to take those opportunities away from the commercial part of this.

Mr. McBride said that he has a series of notes and would try and call the Ohio Board of Building Standards tomorrow for some answers. Also, we should run all of this by the Chief Building Official when she returns.

Mr. McBride adjourned the meeting at 7:06 P.M.

Transcribed by Gail Hayden, Assistant Clerk of Council