

**AVON PLANNING COMMISSION
MARCH 20, 2024, 7:00 P.M.
REGULAR MEETING MINUTES**

PUBLIC HEARINGS

1. Carnegie Corporation, Red Tail Golf Course Maintenance Building, Amend Special Use Permit

Debbie Reed of Carnegie Corporation is requesting a positive recommendation to City Council to amend the Special Use Permit to construct a 2,560 sq. ft. maintenance building at 34340 Mills Road.

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

Gerald W. Phillips, 461 Windward Way, Avon Lake, Ohio 44012. Mr. Phillips states “as some of the Council people and Law Director are aware he has been to many council meetings talking about sidewalks in ward 4, particularly sidewalks for the Red Tail Special Use Permit 59-99”. Mr. Phillips says, “it is 23 years, and they still haven’t complied with it, Mayor Jensen is fully aware of it, Scott Radcliffe, which is in his ward, yet he doesn’t care”. Mr. Phillips says, “Mr. Gasior indicated that they were looking at 2023 and will consider it when the 2024 sidewalk program comes up”. Mr. Phillips says, “little behold it doesn’t get put on it and you are giving him another pass”. Mr. Phillips says, “you are probably going to pass this without making them comply, but you should”. Mr. Phillips says “when are you going to start enforcing your laws?, when are you going to start enforcing them” Mr. Phillips says “ 23 years, also they were supposed to do a master stormwater, as part of that, but yet they didn’t do it, they didn’t do it” Mr. Phillips says “pass whatever you want, whatever conditions you want but they are not going to comply and your Law Director won’t enforce it, he won’t enforce it”. Mr. Phillips says, “I have asked many times, tell me why you don’t enforce it”. Mr. Phillips says, “Mr. Gasior why don’t you enforce it, you are the Law Director, you are supposed to enforce the laws of Avon and why haven’t you done it and if you haven’t that is negligent in your duties, and you should resign.”

Mr. Gasior starts to speak and Mr. Phillips states “I’m done.”

Mr. Gasior states the city has not had a lot of complaints from the residents’ demanding sidewalks and Council has decided it did not need to press the issue.

Ms. Fechter says if anyone in the audience is present for Circle K Rezoning or the Red Tail Subdivision projects, those projects have been removed from tonight’s agenda so there will not be a public hearing.

The Chair closed the public hearing at 7:03 p.m.

2. **Circle K, Northwest Corner of Nagel Road, and Detroit Road, Rezoning from C1 to C4**
Jesse DeLarca of Wellert Corporation representing Bret Lamb of Circle K is requesting a positive recommendation to City Council for the rezoning of 5 parcels from C1 to C4 at the northwest corner of Nagel Road and Detroit Road, PPN 04-00-022-102-017, 04-00-022-102-018, 04-00-022-102-019, 04-00-022-102-020, 04-00-022-102-021.

The Chair stated this item was deleted at the applicant's request, and there will not be a public hearing for this item 7:03 p.m.

3. **Circle K, Northwest Corner of Nagel Road, and Detroit Road, Rezoning from R1 to C4**
Jesse DeLarca of Wellert Corporation representing Bret Lamb of Circle K is requesting a positive recommendation to City Council for the rezoning of 1 parcels from R1 to C4 at the northwest corner of Nagel Road and Detroit Road, PPN 04-00-022-102-016.

The Chair stated this item was deleted at the applicant's request, and there will not be a public hearing for this item 7:03 p.m.

4. **Avon Fire Department, 36185 Detroit Road, Training Facility, Amend Special Use Permit**

Duane Streater of the City of Avon is requesting a positive recommendation to City Council to Amend the Special Use Permit to construct a Training Tower at the Avon Fire Department.

The Chair opened the public hearing at 7:04 p.m.
There were no comments from the audience.
The Chair closed the public hearing at 7:04 p.m.

5. **Kirschenbaum Family Memorial Park, Detroit Road, Create A Special Use Permit**
City of Avon is requesting a positive recommendation to City Council to Create A Special Use Permit to include walking trails, storage, seating, fencing and restrooms at PPN 04-00-027-101-206.

The Chair opened the public hearing at 7:04 p.m.
There were no comments from the audience.
The Chair closed the public hearing at 7:05 p.m.

6. **Traxler Family Arboretum, Stoney Ridge Road, Create A Special Use Permit**
City of Avon is requesting a positive recommendation to City Council to Create A Special Use Permit to construct, operate and maintain an arboretum with walking trails, seating, fencing and restrooms at PPN 04-00-011-102-123.

The Chair opened the public hearing at 7:05 p.m.

Les and Chris Rice, 3105 Stoney Ridge, Avon, Ohio 44011. Mr. Rice states he appreciates the opportunity to speak tonight. He says they have lived in their house for 22 years and they have enjoyed having the Traxler Tree Farm across the road. He says they have good memories associated at the farm with gardening, raising chickens, hunting and four wheeling. Mr. Rice says they are happy that the city has acquired the land, and an arboretum would be a good addition and a good use of the land. He says it was a surprise when the tree area across the street from their house was cleared for a parking lot. Mr. Rice says his concern now is the lighting of the parking lot. He calls it “light pollution” associated with the parking lot and they are already surrounded by lights from the Avon Early Learning Center. He says kudos to Mr. Hodge who was gracious enough to work with them regarding the issue of lights and he was able to resolve that for them. He states they still have “light pollution” to the rear of their home and is now concerned with “light pollution” at the front of their home. Mr. Rice says 3 of their bedrooms face the parking lot (on Stoney Ridge). His request to the commission is if there is a plan for lighting, please take into consideration those residents that live adjacent to the new parking lot and to design the lighting so “light pollution” intrusion is kept to an absolute minimum. Mr. Rice says they do not need or want that light shining through their bedroom windows. He says the arboretum is a great idea and he is looking forward to seeing that. He doesn’t think the parking lot lighting is a good idea.

Karla and John Callahan, 3115 Stoney Ridge Road, Avon, Ohio 44011. Mrs. Callahan states they have been residents for 28 years. She says they love the Traxler Farm and thinks it is a great asset that the city purchased the land. Mrs. Callahan states when they learned of the purchase they inquired to the city and their councilman as to what was going to happen to the property. Mr. and Mrs. Callahan wanted to see the proposed plans and they were blindsided by the parking lot. She doesn’t think as residents they were considered. She addressed the Mayor stating he is so involved in agriculture, and they love him. She says they were blindsided by a high school parking lot across the street from their home. Mrs. Callahan says now that the parking lot is there and since they live there, they think it is great, and their family can use it for parking. She says they want to go on the trails, enjoy the trees, and the green space is what we need.

Mrs. Callahan states Mr. and Mrs. Faehner live adjacent to the parking lot and have lost the beautiful privacy they had. Mr. and Mrs. Callahan would go to the Faehner house and sit in their backyard in the evenings, now it is nothing but headlights from cars shining into their yard. She says the city said they would take that into consideration, and they would install a buffer. The Faehner’s yard has no buffer. They need a fence to keep the headlights out of their backyard and their home. Mrs. Callahan says it doesn’t seem like the city is thinking about the residents who are being intruded by the parking and the headlights. She says there is not a city park in the city that has a park like this where the residents are in the middle of the park. Mrs. Callahan says they are asking if the residents can be considered when the plans move forward for the future development of the park. Mrs. Callahan says they are long residents of the city, and they love the city. She says she loves the fact that Mayor Jensen is the mayor of the city. She also wants the Planning Commission to take into consideration the entry and exit of the parking lot. She says the football game was a prime example. The entrance sign was not placed where the police were directing the traffic coming from the school, they were coming out the other end and blocking Stoney Ridge. She says there are people crossing the road and cars coming out. She suggested having the exit where there will be a police officer directing traffic. Mrs. Callahan says they have witnessed a mess of traffic at the entry and exit in the

way it was designed. Mrs. Callahan says they are excited that they will have a park across the street that they can walk to, but she says she hopes the residents that live there can have some input.

Michael and MiHo Faehner, 3110 Stoney Ridge Road, Avon, Ohio 44011. He says they purchased the house from the Stumphauer's and have lived in Avon for 22 years. Mr. Faehner says one of the reasons they bought the house is because they could have their own little estate. He says they had the tree farm to the north; they have French Creek to the south and west and they did not have any neighbors. Their only neighbors were animals. Mr. Faehner says it was a shock to suddenly have no woods. He says he is not opposed to advancements, but they have lost their privacy. He says in the last 22 years they have built about 12 different flower beds and when they have yard sales there are people that say they want to go around and look at the yard with all the flowers. He says their fear is losing privacy because the majority of their flower beds are in the rear of the yard, and they have 1 acre of land. He says if there will be a walking path people will see the flower beds will think it is an extension of the park which is a concern because it is a short walk to their yard. Mr. Faehner says his wife is 78 years old and still works in the flowerbeds 6-7 hours a day during summer. He states the other concern is when the parking lot is being used due to the topography of the land it is above their property. He says they have seen at the swimming pool arborvitae were planted around some of the houses. He says if they plant 6-foot arborvitae, and the topography is about 8-10 feet higher on the other side it won't have much of an impact and will not keep out the lights when the parking lot is being used. He says he wanted to know how that would be managed to give them some privacy. He says they will need something to keep the lights and pedestrians out of their yard. Mr. Faehner says he is looking forward to the park when it is finished. He likes to walk on the trails.

Meredith Traxler Rodriguez, 37225 Centennial Ave, Avon, Ohio, 44011. Ms. Traxler-Rodriguez states she is John Traxler's daughter, and she purchased his previous home. Ms. Traxler Rodriguez states everyone is thrilled with what is going on with the park. She says there are questions from the residents on Centennial about the service entrance and what that will look like and if there will be parking connected to that as well. She says Centennial and Hayes are residential, and she doesn't see how it can be anything other than a service entrance. She is asking on behalf of her neighbors.

Mayor Jensen states parking in all the city parks are closed at dusk and there is no plan to put lighting in the parking lot, if there is lighting it will be for security purposes only but there will not be lighting there to be usable in the evenings. Mayor Jensen states that Rick Varga is an arborist and will meet with the residents. There will be someone from our streets department that will meet with residents to see what kind of fencing might need to be installed for privacy purposes.

Mayor Jensen says as far as the flat area along the French Creek, Tim Loeser from our streets department saw that and after we get some of the other areas fenced off, we want to fix that because there is a great walk that goes to a flat area. Mayor Jensen says the intension of the parking was twofold; some of it was for high school parking but anybody that looked at the map a long time ago, it was a big pile of grindings from other projects. He says most of the stuff that was on the property wasn't salvageable trees. Mr. Varga was present when some of the trees were removed, and some of it was brush even though we know that was a nice buffer,

it wasn't of much value. Mayor Jensen says the hope for that area is that it will be the main area for people to get into off Hayes Street which is the easiest access right now because a bridge does not need to be built. Mayor Jensen says the bridge that is there currently is not usable for driving traffic. He says the hope over the summer is to fix the walkway that leads to the bridge to be able to access that area. However, if any city services need to access that area they will need to use the service drive. Mayor Jensen says eventually we hope to get drive access with funding for a new bridge but some of the estimates are over a million dollars for a new bridge.

Mayor Jensen says they are looking for another access route that could get back into that area that could help the high school plus help us with parking so that we wouldn't need to build a bridge. He says there are several preliminary plans but like any development it needs to come before Planning Commission first and items are being put on a list of what could happen. Mayor Jensen says we are working with Mr. Varga and some other people to try and formulate a plan for that area but the first thing we would like to do is get a path so people can walk in that area. He says anybody that has been to that area knows what a beautiful walking area it is, and it is not anything you would see except in a Metropark. Mayor Jensen states he was able to get permission from the owner (the Traxler's) of the land to have pictures taken with his family. He says the hope is to get that area fixed up so that people can enjoy it right away and then come back with a full plan with what we would like to see it built out with.

Mayor Jensen states he comes from a horticultural background, and he would love to see something that would have annuals and perennials and something for people to enjoy. He says as far as the parking they tried to make that a dual use. The city worked with the police department, and they decided what the entrance and exit points should be, however they will take another look at it with the Police Department when the season begins to see if anything can be modified. He says the plan was; when coming from Detroit Road if a right turn is made and then someone leaves early that person can make a right turn out and get out, if it is reversed then someone would need to go past it and come around to try and get out and there would be some blocking. Mayor Jensen can assure the residents that Planning Commission and Council want to make this park a special place and as the plan progresses, we would like to have input from the residents because we are committed to protecting the residents' property. He says we hope residents will be pleased with the result because we didn't want development in that area. He also says the city spent over 7 years working with the Traxler Family to see if there was a way we could preserve that piece of property because it is a special piece of property. He says the city is always open for suggestions.

Rick Varga, 33676 Reserve Way, Avon, Ohio 44011. Mr. Varga says he is willing to work with everyone because he has walked the Traxler property for the last 35 years with John Traxler. He says it is something that he is very familiar with and very excited about what is going to happen. He says residents should contact the city and he would like to meet everyone and wants to work something out.

Sue Eiseman, 2810 Stoney Ridge Road, Avon, Ohio 44011. Ms. Eiseman states they have lived in Avon for about 35 years. The Traxlers are friends and neighbors and they have asked us if they were happy with what the city is doing. Ms. Eiseman said they were, and it is better than having a development with hundreds of houses. Mrs. Eiseman says most of the residents that live behind the creek have dogs and some people have many dogs. Her question is how

close are the paths going to be to the creek? She asked if it is going to be something where you see people walking along the creek with their dogs and then every dog is barking in the neighborhood while people are walking on the path all day. She asked what will be the layout for the path?

Mayor Jensen says most of the area is in low level grounds and they probably do not want to put any pathways in that area. There may be some areas that we will carve out so that people can go into that area and sit and enjoy the water. He says most of that area is a floodway and we will try to keep anything we can out of the floodway.

Ms. Eiseman says most people have young children and small swimming pools and they do not want people potentially walking back there viewing what is happening in residents' backyards. She says it used to be very private and they would hope if there was a path it would be farther away from the creek.

Mayor Jensen says most of the paths are in the upper area towards the house and the pathway goes to the open area, we are going to try and keep most of that. He says there is wildlife in that area, and we would like to try and preserve that. Mayor Jensen says there will be no hunting in that area because we don't allow that in any of our park properties.

Ms. Eiseman says if people are going to walk in that area they are going to park in the new parking area.

Mayor Jensen says that is initially what they want to do until we get another drive that will be farther down closer to Kinzel Road.

Ms. Eiseman said it sounds like a great plan they just wanted to see about maintaining some privacy in the back yard.

The Chair closed the public hearing at 7:29 p.m.

7. **Veterans Memorial Park, 3701 Veterans Memorial Pkwy, Amend Special Use Permit**
City Avon is requesting a positive recommendation to City Council to Amend the Special Use Permit to construct a storage facility at 3701 Veterans Memorial Pkwy.

The Chair opened the public hearing at 7:29 p.m.

Ralph Bagger, 4275 Case Road, Avon, Ohio 44011. Mr. Bagger stated he wanted to know what the plans are and where the storage facility is going to be located?

Mayor Jensen asked if he is familiar with the drive on Case Road, where the pavilion is located, there is a little storage shed that says Cooper Disposal, next to that is where the additional shed will be located.

Mr. Bagger asked if it is where the Lacrosse field is located.

Mayor Jensen says yes, and it is near the walking trail closer to the woods.

Mr. Bagger says he is ok with that location.

The Chair closed the public hearing at 7:32 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:32 p.m. in Council Chambers.
Present: Bryan Jensen, Mayor, Jim Malloy, Scott Radcliffe, Carolyn Witherspoon,
Chair, Staff: Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; Jill Clements,
Zoning Enforcement Officer, John Gasior, Law Director; Duane Streator, Safety Director; Susan
Pintz, Planning Commission and Zoning Secretary

Absent: Bill Fitch

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 February 21, 2024, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

Ms. Fechter stated the Cleveland Chapter of American Planning Association is having an event on April 26, 2024, in Independence. She says we are still waiting for the agenda on what topics will be discussed and as soon as she gets more information, she will pass that along.

ADDITIONS & DELETIONS

Ms. Fechter stated item number 4 and 5 for Circle K rezoning be deleted from the agenda at the applicant's requests.

Mr. Malloy moved, seconded by Mayor Jensen, to delete item 4 and 5 from the agenda at the applicant's request. The vote was: “AYES” all. The Chair declared the motion passed.

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

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1. Carnegie Corporation, Red Tail Golf Course Maintenance Building, Amend Special Use Permit, PL20240007

Debbie Reed of Carnegie Corporation is requesting a positive recommendation to City Council to amend the Special Use Permit to construct a 2,560 sq. ft. maintenance building at 34340 Mills Road.

Debbie Reed, Carnegie Corporation, 27500 Detroit Road, Westlake, Ohio 44145. Ms. Reed stated they are requesting an amendment to the Special Use Permit to install a 2,560 sq. ft. prefabricated metal building adjacent to the existing maintenance building. She says this will be for the maintenance equipment. She says the building will have electricity, and it will be on a concrete slab, there will be no water or heat. It will be for trucks and equipment.

Ms. Fechter stated all comments have been addressed and would recommend its approval. She says they have several golf carts that are required to be stored.

Mr. Cummins had no comments.

Mayor Jensen stated he has spoken to Mrs. Khouri and when the sidewalks need to be installed, they said they would be willing to put those in. We have talked with them, and they said they are more than willing to do it but if you could remind them.

Ms. Reed said she would do that.

There were no other comments.

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 City Council to approve the Amended Special Use Permit to construct a 2,560 sq. ft. maintenance building at 34340 Mills Road. The vote was: “AYES” all. The Chair declared the motion passed.

2. Polycase, 1057 Jaycox Road, Final Development Plan, 20240008

James Sayler of Reitz Engineering representing Steven Began of Polycase is requesting approval of a proposed 34,212 sq. ft. building addition to an existing 10,295 sq. ft. warehouse with expanded parking at 1057 Jaycox Road.

James Sayler, Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135.

Jeff Lehnerer, Polycase, 1057 Jaycox Road, Avon, Ohio 44011.

Kate Began, Polycase, 1057 Jaycox Road, Avon, Ohio 44011.

Mr. Sayler stated the large addition is to the existing industrial building. It has been reviewed by the various City Departments; the Utilities Department had some additional requests, and they will be complying with those requests. He says they were asked to convert some of the land bank spaces to permanent spaces. He says the architect had redesigned his plan to show converting 18 spaces of the interior racetrack and paving those in the front. He states the Fire Department asked to add a gravel drive to the east side, which will be no problem. Mr. Sayler says he is working with Mr. Cummins on the engineering reviews. They are requesting approval contingent on the changes to be made.

Ms. Fechter stated the Polycase team has been very good at responding to the comments and she would ask for additional time to review the plans to make sure everything is included.

Mr. Cummins stated he would agree with what has been stated and if action is taken this evening it be on a contingent basis. He doesn't see any of the outstanding comments causing a modification to the building size, layout, or parking, it is just getting the details all in order.

Mr. Lehnerer stated they have been working on this plan for the last six months.

Mr. Radcliffe asked what the addition is bringing to the business.

Mr. Lehnerer stated that the business had outgrown their facility on Chester Industrial Parkway, and it forced them to lease some shared space outside of Avon. This building addition will allow them to bring everything back to Avon and they will be doing some general warehouse activities and light assembly, but all their future growth will be positioned for Avon.

Mr. Radcliffe asked if the expansion would set you up for the future.

Mr. Lehnerer stated absolutely.

There were no other comments.

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 a proposed 34,212 sq. ft. building addition to an existing 10,295 sq. ft. warehouse with expanded parking at 1057 Jaycox Road contingent on final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

3. Providence Church-35295 Detroit Road, Minor Modification, Second Presentation PL20230075

Roger Kuhl of Bramhall Engineering representing Denny Abbuhl of Providence Church is requesting approval of the Parking Lot Expansion in the front and rear and an emergency exit along the westside on PPN, 04-00-022-103-005, 04-00-022-103-007, 04-00-022-103-062 and 04-00-022-103-057.

Tom Baldwin, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011. Mr. Baldwin stated this is the second presentation of this project. He says at the first presentation there were some concerns that were brought up by the adjacent residents and homeowners association. He says they have addressed those concerns as much as they could. Mr. Baldwin says they have shifted the driveway on the western side to move it away from the residential house (he refers to the drawing on the screen). Mr. Baldwin states in the next drawing they have added a landscape buffer on the eastern portion of the property to block the residential properties to the east. He says there are still some outstanding comments with Mr. Cummins regarding some stormwater details that need to be worked through. Mr. Baldwin says they have addressed the Utilities and Fire Department comments on some waterline and fire hydrants as necessary.

Ms. Fechter stated there might be some people in the audience that may want to speak. She also says all comments for the Planning staff have been addressed.

Mr. Cummins said, as Mr. Baldwin stated, there are still outstanding engineering items to be addressed but he doesn't foresee any of those changing the overall design. It is a matter of making sure the pipes are sized appropriately and basins are sized appropriately, etc. He says

if action is taken this evening, he would ask that this be contingent on final engineering approval.

Mary Berges, 3471 Mass Drive, Avon, Ohio 44011. Ms. Berges stated she has a question about the emergency exit. She says there is a row of arborvitae trees and wanted to know if those will be taken down to create the emergency exit.

Mayor Jensen stated that he believes they are still in place, and you can see on the drawing where they tapered that out.

Ms. Berges asked if they were going to save those arborvitae trees.

Mayor Jensen stated he believes the residents are present that live next door and we can show how the roadway changed because if it didn't then the arborvitaes would be taken down right at the exit.

Mr. Baldwin stated that there were discussions on landscaping in that area so if the arborvitaes do come down appropriate landscaping will be discussed with that homeowner.

Chris Herman, 35345 Detroit Road, Avon, Ohio 44011. Mr. Herman stated they spoke with Mr. Abbuhl multiple times, and he did come to their home. Mr. Herman states that Mr. Abbuhl had it staked out where the property line is which is close to their house. Mr. Herman states that Mr. Abbuhl is very kind and very understanding and understood their concerns. He says there is a considerable amount of distance that has changed and leaving the arborvitaes is a very nice way to keep things private and he understands the issue with the backyard, but the front yard was more the concern.

Peter Grakauskas, 2554 Covington Place, Avon, Ohio 44011. Mr. Grakauskas said he wanted to thank Mr. Abbuhl and the church because they have been great. He says he will have a pond next to his house which will be nice, and he will be able to help plant some trees. Mr. Grakauskas says Mr. Abbuhl has spoken to many of the residents and has been great.

Mayor Jensen said to Mr. Abbuhl regarding the arborvitaes that he understands that when construction happens and trying to save the arborvitaes that sometimes that may not be the case if some of the roots get disturbed, but Mr. Abbuhl is still committed to helping the residents in any way he can.

Mr. Abbuhl, Providence Church, 35295 Detroit Road, Avon, Ohio 44011. Mr. Abbuhl said he wanted to clarify that he thinks south of the Herman's property they are going to lose some of the arborvitaes, and he wanted to be very clear to Ms. Berges. He says they are committed to being good neighbors. He says they are in the business of spreading the love of Jesus Christ, so they have no interest in offending people unnecessarily. They realize that anytime the trees are disturbed that it is a change, and it is difficult for the people, and they want to be good neighbors. Mr. Abbuhl says what is not on the plans is on the east border, they are clearing some green space behind their parking lot to replace the green space where the pond is going. He says he did have a conversation with one of the neighbors and they are going to extend the mound much further south all the way south as they are clearing. He says they don't need to do that because they are not putting parking there, but he feels that is the

right thing to do and if they ever do put parking there which they don't have any imminent plans to do but if they do the mound will already be there and any vegetation will have time to grow.

Ms. Fechter said she would like to thank the church as well, after the last meeting and the number of attendees for the public hearing, the very next day he started to work with the residents and the HOA.

Mr. Abbuhl said he apologizes for missing the last meeting he was in Tajikistan but one of the great blessings was meeting with the Hermans and Mr. Grakausas and many other people and the HOA has been wonderful on both sides. It has been a wonderful process.

There were no other comments.

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 Minor Modification for the Parking Lot Expansion in the front and rear and an emergency exit along the westside on PPN, 04-00-022-103-005, 04-00-022-103-007, 04-00-022-103-062 and 04-00-022-103-057 contingent on final engineering approval. The vote was: "AYES" all. The Chair declared the motion passed.

4. Circle K, Northwest Corner of Nagel Road, and Detroit Road, Rezoning from C1 to C4, PL20240010

Jesse DeLarca of Wellert Corporation representing Bret Lamb of Circle K is requesting a positive recommendation to City Council for the rezoning of 5 parcels from C1 to C4 at the northwest corner of Nagel Road and Detroit Road, PPN 04-00-022-102-017, 04-00-022-102-018, 04-00-022-102-019, 04-00-022-102-020, 04-00-022-102-021.

Item deleted at the Applicant's request.

5. Circle K, Northwest Corner of Nagel Road, and Detroit Road, Rezoning from R1 to C4, PL20240011

Jesse DeLarca of Wellert Corporation representing Bret Lamb of Circle K is requesting a positive recommendation to City Council for the rezoning of 1 parcel from R1 to C4 at the northwest corner of Nagel Road and Detroit Road, PPN 04-00-022-102-016.

Item deleted at the Applicant's request.

6. Avon Fire Department, 36185 Detroit Road, Training Facility, Amend Special Use Permit, PL20240013

Duane Streater, Safety/Service Director of City of Avon is requesting a positive recommendation to City Council to Amend the Special Use Permit to construct a Training Tower at the Avon Fire Department.

Duane Streator, Safety/Service Director, City of Avon, 36145 Detroit Road, Avon, Ohio 44011. Mr. Streator stated they are proposing a free standing 3 story training tower (a picture is shown on the screen) that the Fire Department will be using for various training exercises. He says there will not be burning inside this building. He says it will be a shell that will be open and will have minimal power at different levels and the windows will be open and there will be no heat or air conditioning. Mr. Streator says there will be water access on the first floor only. The training tower will not be attached to the building and because of the peak of the current fire station this new building will not be seen from Detroit Road. He says the new building will also be the same brick color as the current fire station. Mr. Streator says the city has been working with city council to secure approval for the financing for that portion of this project.

Ms. Fechter had no comments.

Mr. Cummins had no comments.

There were no other comments.

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 City Council to approve the Amended Special Use Permit to construct a Training Tower at the Avon Fire Department. The vote was: “AYES” all. The Chair declared the motion passed.

7. **Kirschenbaum Family Memorial Park, Detroit Road, Create A Special Use Permit, PL20240016**

City of Avon is requesting a positive recommendation to City Council to Create A Special Use Permit to include walking trails, storage, seating, fencing and restrooms at PPN 04-00-027-101-206.

Ms. Fechter stated that this project is currently at city council because we have decided on the name of the park. She says the family wanted the name to be “Kirschenbaum Family Memorial Park”. She says it will be a passive park, there are currently no development plans established, eventually there will be walking paths and some other things. She says we are in the process of researching to see if we might be eligible for any grant funds for this project. Ms. Fechter says because this is in a residential area we needed to establish a Special Use Permit so that if any changes happen, we will notify the adjacent property owners. Currently we have notified people that there will be a new park, but we are not exactly sure what amenities will be in the park yet.

Mayor Jensen stated that there isn’t any entrance except at Willow Creek and that entrance is very wet. He says as Middleton extends it will then connect into the park and that will eventually be the entrance where there will be parking. He says there are no plans to put a road off Detroit Road to connect into there but at some point.

Gary Nelson, 32879 Walnut Drive, Avon, Ohio, 44011. Mr. Nelson stated when they purchased their home through Oster Homes, they were told that there were wetlands behind

their home, probably 50-60 yards. He knows it will be a passive park and knows that plans have not been determined yet as far as the walking trails. He would like to know what the city's vision is or what might happen to the wetlands because they are under the impression that the area could not be developed.

Mayor Jensen stated that is true, there is a drive by Willow Creek, but it cannot be entered in that area because it is wetlands. He says the intension is when Middleton can be extended that is where the entrance will be off to the left. He says they cannot cross wetlands unless some extensive things happen. He says if there was a possibility then Mr. Cummins would be the one to look at that at some point, but we are not at that point yet, but maybe a walking trail that would connect. Mayor Jensen says Mr. Nelson's development would connect with the ability to walk there but there would not be any way to put a roadway there unless we did extensive wetland mitigation. He says the city wants it to be a park.

Mr. Nelson said, based on what Ms. Fechter was saying that because of the wetlands and the passive park he thinks that would be a natural preserve piece that will stay there. He understands walking trails coming into there to some extent, but it would not be intrusive because all the resident houses back up to that piece from a neighborhood standpoint. They were curious about how far that would extend as far as people's access to the rear of their property.

Mayor Jensen said we would need to stay away from the wetland area because the Army Corp is very sensitive, even a trail is prohibited on wetlands. He says we are grateful that the Kirschenbaums allowed us to purchase that property. He says there is always a chance that the way our government is set up sometimes things could change with the Army Corp and right now in Ohio they are very strict and in other parts of the country they are not. He says for them allowing us to do this is a way to preserve the trees and the property.

Mr. Nelson said as residents they are happy that this will be designated as a park because it could have been used for other types of development which would have had a much greater impact on them as a community but the fact that it is a park and even better a passive park, they are very happy to see that. They were more curious about what the plans for the park were going to be and what it would start to look like.

Mayor Jensen tells Mr. Nelson at any time he can call City Hall to see if any plans have changed. He says the one thing to watch is the progression of the Middleton Development, then we can show where the parking would be, and Mr. Cummins will look through that. Mayor Jensen says there are challenges, but it is a beautiful area.

Theresa Kearns and Jim Crawford, 32891 Walnut Drive, Avon, Ohio 44011. Ms. Kearns says her backyard is adjacent to the wetlands and asked if the area enclosed in the yellow box (as she refers to the drawing on the screen) being designated the wetlands is prohibited from being developed?

Mayor Jensen said it is the whole park.

Ms. Fechter said it is the whole piece that will be a passive park with trees and there is an additional piece that goes to Detroit Road.

Ms. Kearns is asked about fencing and a building.

Ms. Fechter stated we don't know exactly what will happen in that area because there are wetlands in that area, and we can't put walking trails on the wetlands. She says there will probably be very little at this park.

Mayor Jensen said fencing was listed because if there are wetlands near a property, we will want to put a fence so it will be far enough away where people didn't intrude on the wetland property. He says usually when people walk, they will walk wherever they want but if we put a fence along that area, it will show where the trail leads to.

Ms. Kearns stated they want to maintain privacy in their yard and home, and they don't want any trail close to their home and backyard.

Mr. Crawford stated he understands there is a lot of uncertainty regarding what the trails, storage facility, seating, fencing and restrooms will look like and where they will be located. He is requesting that the commission withhold requesting a positive recommendation until there are more plans in place and there is more clarity to this project.

Ms. Fechter said we would like to keep the fencing as Mayor Jensen states we would need to fence off the wetlands, so people aren't walking through them. She says these are basic things in a park, so it is up to the commission.

Mr. Crawford again reiterates he is requesting that the commission withhold requesting a positive recommendation until there are more plans in place and there is more clarity to this project.

Ms. Fechter stated we do need to establish a special use permit for a park.

Chair Witherspoon asked if there was anything to be added to the park, would the neighbors be notified again?

Ms. Fechter said yes, they would be.

Chair Witherspoon stated the residents would be notified if something additional was added to the park that is not already on the current Special Use Permit.

Mayor Jensen stated we will do what is in the best interest of everyone. He supports this Special Use Permit, but we will always contact the neighbors when we do something. He says because the wetlands are as big as it is, and Mr. Cummins walked it with his group, and we have done the same thing with the Metroparks on the other property that they purchased. He says it will be limited as to what can be done.

Mr. Cummins said as Mayor Jensen said he can attest as the neighbors have noted that area south of the homes on Walnut Drive is extremely wet and very little chance of anything being built across that wetland area path or any type of improvement. He says they secured this property with a significant amount of grant funding, and we noted the presence of that wetland

area and the schematic drawing which was in the grant application, that we wanted to preserve that land and that was one of the attributes of the grant. He would agree that there is very little chance that anything could be constructed.

Andrew Digby, 32867 Walnut Drive, Avon, Ohio 44011. Mr. Digby asked if the parking lot and the entrance to the park will come off Middleton Road, and will that connect to Willow Creek at some point?

Mayor Jensen said we don't know if Middleton will ever connect to Willow Creek and the difficulty is where the wetland is. He says the one thing that they are concerned with is the emergency exit when that has to be used at certain points, so that will be the one thing that will be tricky to figure out. He says because that is the only entrance in and out of there and there are times the power lines have fallen. At some point we want to keep in mind that is a way to get people out on an emergency basis but not on a useful basis.

There were no other comments.

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 City Council to approve the Creation of a Special Use Permit to include walking trails, storage, seating, fencing and restrooms at PPN 04-00-027-101-206. The vote was: "AYES" all. The Chair declared the motion passed.

8. Traxler Family Arboretum, Stoney Ridge Road, Create A Special Use Permit, PL20240015

City of Avon is requesting a positive recommendation to City Council to Create A Special Use Permit to construct, operate and maintain an arboretum with walking trails, seating, fencing and restrooms at PPN 04-00-011-102-123.

Mayor Jensen stated he wanted to thank the Traxler Family for allowing us to purchase the land and move forward with that. It took a long time but was well worth it.

Ms. Fechter said the official name is the Traxler Family Arboretum.

There were no other comments.

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 City Council to approve the Creation of a Special Use Permit to construct, operate and maintain an arboretum with walking trails, storage, seating, fencing and restrooms at PPN 04-00-011-102-123. The vote was: "AYES" all. The Chair declared the motion passed.

9. **Veterans Memorial Park, 3701 Veterans Memorial Pkwy, Amend Special Use Permit, PL20240017**

City Avon is requesting a positive recommendation to City Council to Amend the Special Use Permit to construct a storage facility at 3701 Veterans Memorial Pkwy.

There were no comments.

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 City Council to approve the Amended Special Use Permit to construct a storage facility at 3701 Veterans Memorial Parkway. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Mayor Jensen had no comments.

Mr. Malloy had no comments.

Mr. Radcliffe had no comments.

Ms. Fechter says Happy Easter.

Mr. Cummins had no comments.

Mr. Gasior had no comments.

Ms. Clements had no comments.

Mr. Streator had no comments.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. Meeting adjourned at 8:09 p.m.

Carolyn Witherspoon, Chair

Susan Pintz, Planning Commission &
Zoning Secretary

Date