

## AVON PLANNING COMMISSION REGULAR MEETING 4-17-19

### MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, MARCH 20, 2019 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:02P.M

REZONE THE REAR PORTION OF PPN ENDING IN-096 FROM R-2 TO C-4 LOCATED AT 37520 COLORADO AVE. The Chair opens the Public Hearing at 7:02P.M. Brian Stack says they are looking at this property to expand their business and the rear portion is residential and they don't want to be limited for expansion and want it all to be zoned the same. Mr. Stack shows on the drawing the building is in an R-2 zone and the back area is wooded. He says their business is growing and they have outgrown their existing Avon space and would like to stay in Avon. Mr. Stack says they looked at the possibility of growth on this parcel and want it all rezoned to C-4 to match. Ms. Fechter says Mr. Stack is aware the property requesting the rezone does abut residential property and they will need to have a buffer around the outside of the parcel and Mr. Stack agrees to that. Ms. Fechter says now is just the rezone process and will come back with the plan for expansion. Mr. Gasior says this parcel is identified as Charter Amendment Area 5 under an ordinance and Mr. Bramhall says its Charter Amendment Area 3 and the legal description goes with Ordinance 95-06. Mr. Gasior says the numbers will get sorted out, but the point is the planner looked at that area and parcel back in 2006-2007 and recommend that this residential property be rezoned to something commercial. Mr. Gasior says the proposal is for C-4 and complies to the master plan. There being no further questions or comments from the audience, Chairman Witherspoon closes the public hearing at 7:05P.M.

AMEND GENERAL DEVELOPMENT PLAN FOR CONCORD VILLAGE SUBDIVISION. The Chair opens the Public Hearing at 7:05P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:05P.M.

NAGEL ROAD WIDENING PROJECT SOUTH OF MIDDLETON TO NORTH OF DETROIT ROAD. The Chair opens the Public Hearing at 7:06P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:06P.M.

AMEND CITY OF AVON PLANNING AND ZONING CODE SECTION 1270.03(B)(11) SCHEDULE OF PERMITTED USES, VETERINARY OFFICE AS SPECIAL USE IN C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICT. The Chair opens the Public Hearing at 7:06P.M. Ms. Fechter says the City is looking to add Veterinary Offices in C-2 zoning as Special Use Permit. Ms. Fechter say currently we have one that is grandfathered and after reviewing the uses we feel its appropriate. There being no further questions or comments from the audience, Chairman Witherspoon closes the public hearing at 7:07P.M.

AMEND CITY OF AVON PLANNING AND ZONING CODE SECTION 1230.06 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION REFERENCING MUNICIPALITY SPECIAL USE. The Chair opens the Public Hearing at 7:07P.M. Mr. Gasior says these deals with Public Hearing requirements for Special Use Permits as we talked about it a couple months ago. Mr. Gasior says we were considering some code changes and he looked at this further and there could be an issue on how we serve notice. Mr. Gasior says he doesn't believe our code requires certified mail to ensure delivery it only requires the clerk certify that she mailed them in ordinary mail. Mr. Gasior says given that interpretation it might not be necessary to make this amendment and is still under consideration and might not be necessary.

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AMEND CITY OF AVON PLANNING AND ZONING CODE SECTION 1222.02(101) DEFINITIONS-PUBLIC NOTICE. Mr. Gasior continues from the previous item and says it's the definition and looking at it closer we might not have to do anything as ordinary mail could be the proper way with clerk certification.

AMEND CITY OF AVON PLANNING AND ZONING CODE SECTION 1228.04 ADMINISTRATIVE PROCEDURES-PREAPPLICATION MEETING ENCOURAGED TO BE CHANGED TO REQUIRED. Mr. Gasior says the next one is tied to this and its timing of the plat approval and preapplication meetings. Mr. Gasior says we are working on them now and haven't finalized the legislation. Mr. Gasior says the timeline amendments would make it clear in writing, so everyone knows what the procedures are. He continues to explain the preapplication will be mandatory and not optional as it is now then they go back and start the process of their plan. Mr. Gasior and the Planning Department think it's important the pre-application meeting take place as they use to do it sometimes as an informal presentation to give an idea of their proposal. Requiring this meeting will eliminate informal and can be hashed out with the appropriate parties and what is presented will be more of a finalized project and hopefully will cut down on the conditional approvals. Mr. Gasior says they are not trying to hold anything up just make the process move in a more clear and concise fashion, so the developers know what is expected and when presentations are made there is less confusion, and everyone is on the same page. There being no further questions or comments from the audience, Chairman Witherspoon closes the public hearing at 7:12P.M.

AMEND CITY OF AVON PLANNING AND ZONING CODE SECTION 1244.06, 1244.07, 1244.08, 1244.09 SUBDIVISION PLATTING PROCEDURES.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, APRIL 17, 2019 IN COUNCIL CHAMBERS OF CITY HALL

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

Not Present: Tammy Holtzmeier

MINUTES OF THE REGULAR MEETING-MARCH 20, 2019

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on March 20, 2019 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table item #12 LONGWOOD FOREST SUBDIVISION at the applicants request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table item #13 SCHATSCHNEIDER LAND DEVELOPMENT at the applicants request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, 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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### AVON PROPERTIES-FIRST PRESENTATION-LOT SPLIT

Amy Kelly of Bramhall Engineering is requesting approval of taking a 3.04-acre lot and splitting it into two parcels, Parcel A being 0.7173 acres and leaving the remainder Parcel 2.3271 acres located on Center Road.

Mike Bramhall of Bramhall Engineering says this is located on SR 83 near Formanek Drive and says it looks like it could be creating a land locked parcel, but they are not as the parcel has continuous ownership and there is frontage on 83. Mr. Cummins says they have reviewed the lot split and all comments were addressed and would recommend approval. Mr. Gasior says the two parcels are separate but owned by the same individual. Mr. Bramhall says correct you could have parcel 1 and parcel 2 on the same deed. Mr. Gasior asks if there is a deed restriction on the parcels or protection from selling parcel 1 or 2 separately. Mr. Gasior says he doesn't know what is on back parcel and Mr. Bramhall says the parcel is vacant. Mr. Bramhall says they could would look to see how the county would record as parcel 1 and 2 or if they would consolidate. Mr. Gasior says having two lots by same individual is fine but there is nothing that will prevent the front block from being sold without the back block to not create a land lock parcel. Chairman Witherspoon says there is not a quorum to vote on this item tonight, so it will be back in the May meeting.

No Action taken, Chair declared the motion first presentation. Mr. Gasior says we have one conflict and need 4 to vote.

### STACK HEATING & COOLING-FIRST PRESENTATION-REZONE

Brian Stack of Stack Heating & Cooling is requesting approval and recommendation to Council for approval to rezone the rear portion of PPN ending in-096 from R-2 to C-4 located at 37520 Colorado Ave.

Brian Stack says they would like to rezone the rear section from R-2 to C-4 to make the whole parcel under the same zoning designation. Mayor Jensen says the one thing he would like to see is there is a 30' setback and would like to leave some of the woods and trees. Brian Stack says a buffering is what they want to do, he says the woods are there but not very thick. Mr. Stack says they will do a buffer. Mr. Gasior says it's a rezoning and there could be talk about the buffer when they come back for site plan for development can discuss the details.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval to rezone the rear portion of PPN ending in-096 from R-2 to C-4 located at 37520 Colorado Ave. The vote was: "AYES" All. The Chair declared the motion passed.

### ALDI-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Tami Thompson of MS Consultants, Inc. is requesting approval of the site plan for a 1,783 sq. ft. building addition to be located at 35920 Chester Road.

Adam Pychewicz, MS Consultants, Inc says this expansion is roughly 16' on 83 side of building and total is about 1700 sq. ft. It does not cover the whole side of the building to keep visibility to Lowes and there's a transformer they did not want to relocate. Mr. Pychewicz says with doing the expansion they will lose 13 parking spaces but are still over the required spaces. Ms. Fechter asks for the auto turn and a contingent approval. Mr. Dudziak asks the distance and Mr. Pychewicz and Mr. Dudziak have a brief

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discussion of the location and width and its determined to be ok. Mr. Cummins says engineering has reviewed the drawing and all comments have been addressed and recommend approval.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a 1,783 sq. ft. building addition to be located at 35920 Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

### JOYCE BUICK-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

John Roche of Schirmer Construction, LLC is requesting approval of the site plan for a .47 acre additional vehicle storage area located at 38039 Chester Road.

John Roche of Schirmer Construction shows the drawing they want additional parking storage which is connected to the north east parking lot. Mr. Roche says the additional lot is for storage as they are double stacked in back lot and on grass too. Ms. Fechter says they are running into issues when people turn in the lease vehicles and they aren't picked up fast enough and end of stacking up. Mr. Cummins says they reviewed the drawings, comments were addressed and would recommend approval. Mr. Malloy asks how many cars can be stored and Mr. Roche says about 70 cars in the new lot. Mayor Jensen asks if they own the lot or will lease and it was determined they own the land.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a .47 acre additional vehicle storage area located at 38039 Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

### CONCORD VILLAGE-FIRST PRESENTATION-AMEND PRELIMINARY PLAT

Chuck Szucs of Polaris Engineering is requesting approval of the amended Preliminary Plat for Concord Village to construct 83 units to complete the existing development located on the north side of Chester Road.

Jason Friedman says this is their 3<sup>rd</sup> or 4<sup>th</sup> meeting since the original amended general development plan was given back in November. Mr. Friedman says they have a slightly revised plan, the unit count has changed to 81 units instead of 76, they have added some townhouses in the general area of the previous plan. Mr. Friedman shows what the existing is and what is proposed. Their plan is to finish the road and improvements, but they had to reconfigure the layout to make it flow nicely. Mr. Cummins says there is a note on the drawing about future finishing or the expansion of Chester Road, is that the correct number? Mr. Friedman says it was 39 before the adjustment on the units so its now to 41. Mr. Friedman says they agreed to widen the road at Mr. Cummins suggestion and they have agreed to complete the construction before the 41<sup>st</sup> permit is issued. Mr. Friedman says it gives him time to pay some bills before beginning that. Mr. Cummins says there was talk about them doing it sooner. Mayor Jensen says he would like to see it in the 24-number range as the way development is happening and feels there would be issues prior too. Mr. Friedman says the first building will begin as soon as they can. Mayor Jensen says there was an agreement earlier that you were going to do it at the same time the project was to begin. Mr. Cummins says they thought it would happen right away but it's a separate project, but it was going to be part of their construction responsibility. Mr. Cummins wants to make sure everyone was on the same page.

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Chairman Witherspoon asks if there was a traffic study. Mr. Cummins says yes, it was recommended there be an east bound, left turn lane to be added at the western drive. Mr. Cummins says they made it clear to the applicant they wanted to see the lane added and has agreed to do such but wanted some extra time after some units were constructed. Mr. Cummins says the traffic pattern is high in that area and they would like to see the number dropped a little low. Mr. Friedman says this would be an added cost they had not figured but if that is what planning wants he would do it sooner. Chairman Witherspoon would like to see it done earlier as the history shows things come sooner than anticipated. Mr. Cummins says for clarification it will happen before the 28<sup>th</sup> building permit is pulled. Mr. Gasior says all this will be covered in the developer's agreement as they will need to install utilities that will be dedicated to the City as well. Mr. Gasior says the note number needs to be corrected and the rest of the details will be spelled out and put in front of Council in the developer's agreement. Mr. Gasior asks if the building permits will be issued for unit or structure and it was determined that each structure has 4 units.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the amended Preliminary Plat for Concord Village to construct 83 units to complete the existing development located on the north side of Chester Road showing the correction to 27 units completed and prior to the 28<sup>th</sup> building permit being issued to trigger the road work. The vote was: "AYES" All. The Chair declared the motion passed.

### CONCORD VILLAGE PHASE 2-FIRST PRESENTATION-FINAL DEVELOPMENT

Chuck Szucs of Polaris Engineering along with Jason Friedman of JA Friedman Capital, LLC is requesting approval of the final development plan to include 83 units within Concord Village located northside of Chester Road.

Jason Friedman shows the elevation drawing and explains that they are single family units. Mr. Malloy asks what the square footage and asks if both stories are over the garage? Mr. Friedman says the main living area is the second floor, area above the garage and are 3 bedrooms. Mr. Gasior says they meet the minimum square footage requirement. Mr. Cummins says final plans submitted and revised plans still under review and would ask for a contingent approval. Mr. Gasior says he will get Mr. Friedman's attorney Mr. Burns the developer's agreement template they can work on and then deposits will need to be made for the installation of the public improvements. Mr. Gasior says the uniqueness will be what triggers the deposits for the road work and Mr. Friedman says he just did it in another community, so they have an idea.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the final development plan to include 83 units within Concord Village located northside of Chester Road and recommend to Council for approval of the developer's agreement contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

### REFERRAL TO COUNCIL – FIRST PRESENTATION – AMEND PLANNING AND ZONING CODE

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is recommending Council approval to the site plan for the Nagle Road Widening from Middleton south to just north of the intersection of Detroit Road.

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Ms. Fechter says the City will be widening and repairing Nagel Road from Middleton to just north of Detroit. Mr. Cummins says its like what was done to Middleton area south widening and enclosing ditches, approximately 1400 feet in length and ends at the Drug Mart driveway. Mr. Cummins says construction will be just after July 1<sup>st</sup> as we received some grant funding to help and that contract says we can not issue a contract until after the 1<sup>st</sup> of July. He continues to say the traffic will be maintained in one direction being southbound direction, so the flow of the interchange will not be inhibited. Work should begin about beginning of August.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval the site plan for the Nagle Road Widening from Middleton south to just north of the intersection of Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

### REFERRAL TO COUNCIL – FIRST PRESENTATION – AMEND PLANNING AND ZONING CODE

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is recommending Council approval to the Ordinance amending The City of Avon, Ohio Section 1270.03(b)(11) Schedule of Permitted Uses, Veterinary Office as Special Use in C-2 Central Business/French Creek District.

Mr. Gasior says he has the draft ordinance they can look at; the amendment is to create the special use classification in C-2.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve and recommend to Council for approval to the Ordinance amending The City of Avon, Ohio Section 1270.03(b)(11) Schedule of Permitted Uses, Veterinary Office as Special Use in C-2 Central Business/French Creek District and to amend 1280.05gg and 128.06kk. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made to remove items 16, 17, 18 and 19 from the agenda until next month if necessary. The vote was: "AYES" All. The Chair declared the motion passed.

### COMMENTS

Happy Easter was wished to everyone.

Mr. Fitch asked if the City has ever done anything about these grants to get them sooner than when school starts. Mayor Jensen says they have talked about it but never get a good explanation. Mr. Cummins says it's the start of their fiscal year.

### ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:00P.M.