

## AVON PLANNING COMMISSION REGULAR MEETING 5-15-19

### MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, MAY 15, 2019 IN COUNCIL CHAMBERS OF CITY HALL

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

CREATE A SPECIAL USE PERMIT FOR A FLAG LOT FOR A FUTURE SINGLE-FAMILY DWELLING TO BE LOCATED WEST OF 32370 SCHWARTZ ROAD. The Chair opens the Public Hearing at 7:02P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:02P.M.

REZONE .8607 ACRES OF PPN ENDING IN -067 FROM R-1 TO O-1 LOCATED ON THE NORTHSIDE OF AVON ROAD. The Chair opens the Public Hearing at 7:02P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:03P.M.

CREATE A SPECIAL USE PERMIT TO INCLUDE AN OUTDOOR PATIO FOR THE PROPOSED BREW KETTLE RESTAURANT TO BE LOCATED ON THE SOUTHSIDE OF JUST IMAGINE EAST OF NAGEL ROAD. The Chair opens the Public Hearing at 7:03P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:03P.M.

### MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, MAY 15, 2019 IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Tammy Holtzmeier; 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.

### MINUTES OF THE REGULAR MEETING-APRIL 17, 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 April 17, 2019 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

### CORRESPONDENCE

### ADDITIONS/DELETIONS

#### AVON PROPERTIES-SECOND 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.

Vic Stewart of Bramhall Engineering says they were asked to create a split parcel to make two lots. Mr. Cummins has no comments. Ms. Fechter says last month we were looking into the possibility of putting a deed restriction on the parcel, after investigation it was noted Avon Properties owns all the land and it wasn't necessary. Mrs. Holtzmeier says the Avon Properties is congruent that is why no deed restriction.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve 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. The vote was: 4 "AYES", 1 "ABSTAIN". The Chair declared the motion passed.

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### RICHARD SCHNEIDER-FIRST PRESENTATION-LOT CONSOLIDATION/LOT SPLIT

Richard and Pauline Schneider are requesting approval of consolidating two parcels into one then splitting that 4.12-acre parcel into two, creating Parcel 1 being .8670 acres and Parcel 2 being a 3.2282 flag lot located at 32370 Schwartz Road.

Rick Schneider says the original parcel was 106' wide by 970' deep and the other parcel being 80' wide by 970' deep and they are combining both lots and splitting off the 126' by 300' and creating a 3.22-acre flag lot. Ms. Fechter asks if this will be for a single-family residence and it was confirmed yes. Mr. Cummins completed the review and found it acceptable and recommends 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 consolidating two parcels into one then splitting that 4.12-acre parcel into two, creating Parcel 1 being .8670 acres and Parcel 2 being a 3.2282 flag lot located at 32370 Schwartz Road. The vote was: "AYES" All. The Chair declared the motion passed.

### RICHARD SCHNEIDER-FIRST PRESENTATION-SPECIAL USE PERMIT

Richard and Pauline Schneider are requesting approval of the lot split and recommendation to Council for approval to create a Special Use Permit for a flag lot to include a new single-family dwelling on the north side of Schwartz Road west of 32370 Schwartz Road.

Ms. Fechter says it has been reviewed and is compliant and Mr. Schneider wanted to see if they can add on accessory building as well. Mr. Schneider says anything that pertains to single family dwelling. Mr. Schneider says if someone purchases the property and wants to put up a fence, accessory building or play set they will not have to come back to Planning. He also says he has spoken to Mr. Gasior and is asking for a 50' front yard set back from his rear property line for the flag lot. Mr. Gasior says the property line will be the rear lot line and will be inserted. Mr. Gasior says they have done this in the past and as Mr. Schneider says it doesn't make sense to come back for adding anything, its all part of the single family dwelling.

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 create a Special Use Permit for a flag lot to include a new single-family dwelling on the north side of Schwartz Road west of 32370 Schwartz Road subject to the conditions stated in the record. The vote was: "AYES" All. The Chair declared the motion passed.

### SHIRE GLEN SUBDIVISION/OFFICE COMPLEX-FIRST PRESENTATION-REZONE

Kevin Hoffman of Polaris Engineering and Edward Pavicic are requesting approval and the recommendation to Council for approval to rezone .8607 acres of PPN ending in -067 from R-1 to O-1 located on the northside of Avon Road.

Kevin Hoffman says they were here in 2017 to rezone a portion of this lot at 1.85 acres on the western part. Mr. Hoffman says they were going through design for the subdivision and working on the flooding and previously they had figured most of the area east would be regional storm basin but after ODOT reviewed plans they said they can't increase the flow. Mr. Hoffman continues to say they are proposing to install a new box culvert under Pine Drive. Mr. Hoffman says they will likely be back next month for

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another item but to make it economical they increased the square footage of the building and required more parking, so they are asking for the rezone. Mr. Hoffman says they were trying to go the way of the regional basin but that's not going to work so they will increase the capacity of the storm system on Avon Road. Mr. Hoffman says when the development was put in it was undersized to hold the 280 acres and they are looking to put in a box culver and remove all the storm sewers and put in open channel to help with the flow and they feel that could resolve the flooding. Mr. Hoffman says the remaining 1.96 acres of the residential property could be deeded to the City as open space or a third-party conservation to be a buffer to the neighbors. Mr. Hoffman says none of this is what is being voted on tonight but that is the reason why they want to move the zoning line. Mr. Cummins says as it was stated those items are not before the body tonight and have not been approved and don't have a bearing on proposal tonight. Ms. Fechter says she would agree as she explained they needed to go through the rezoning process before any entertainment for the amendment to the other drawings. Mr. Gasior ask if this area is outside the rectangle that allows for rezoning from residential to commercial and it was determined its outside but next to C-4 existing and its less than 5 acres and could make a recommendation. Mayor Jensen asks what the size increase of the building is. Mr. Hoffman says they were around 30,000 and want to add another 10,000 sq. ft. Mayor Jensen asks if the height go up? Mr. Hoffman says no, they will keep the 3 stories and they don't want them towering over the residential homes. Mr. Pavicic says between Detroit and Avon Road they feel this will help with the flooding in that area. Mayor Jensen asks potential start date. Mr. Hoffman says plat approvals and building approvals, they would like to start the subdivision fall of this year.

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 .8607 acres of PPN ending in -067 from R-1 to O-1 located on the northside of Avon Road. The vote was: "AYES" All. The Chair declared the motion passed.

### BREW KETTLE-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Bobby Johnston representing Brew Kettle is requesting approval of the site plan for a propose 11,460 sq. ft. new 2 story restaurant and tenant to be located on the southside of Just Imagine Drive east of Nagel Road.

Randy Parsons of MPG Architects and Chris Schmidt of TGC Engineering are here to present. Mr. Parsons says they have one building with two tenants, Brew Kettle being on the east and proposed retail on the west. Mr. Parsons says parking is good, storm water along I-90 and in front and the entry aligns with the Clinic curb cut. Mr. Parsons says there are two patios, one for Brew Kettle and the second one for the proposed 4,500 sq. ft. tenant to the west if they choose. It was noted the building was originally going to be two floors, but it is now just one. Ms. Fechter asks what Brew Kettle is. Mr. Parsons says it's a restaurant/brewery. They have a few locations now and are proposing a handful more. Mr. Parsons says they started as a brew your own beer, they help with ingredients and recipes and come back and bottle and take home. No brew on premise will be permitted in Avon only them. Its anticipated to be retail as their parking does not allow for restaurant. Ms. Fechter asks for the location of the patio and it is shown on the drawing up front. Mr. Cummins says they performed a review and have a few minor outstanding items and would request this be a contingent approval. Mrs. Holtzmeier asks how many parking spaces are proposed. Mr. Schmidt says 181 and Ms. Fechter adds it's over the required number. Mrs. Holtzmeier also asks if they are good in handicap parking spaces and it is confirmed yes. She asks if we are only looking at the patio for the Brew Kettle Restaurant. Ms. Fechter says yes, if the other tenant comes in they will have to go through the same process. Mrs. Holtzmeier says the development plan shows two patios and in approving the drawing, Ms. Fechter says they can have the patio removed and then the drawing will just show Brew Kettle. Ms. Fechter has them show the landscape plan. Mr. Dudziak asks if the patio is like the one in Amherst and Mr. Parsons says no, its more like the one in Hudson. This one will have a

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3 season, party room with garage doors to open it up as well. Ms. Fechter asks what protection is on the patio to protect it from cars in the parking lot. Mr. Parsons says the patio is in front and no parking in front just a horizontal drive. The landscape plan is shown, and it pointed out the landscape is added along the west portion by the home and it's a clean wall of arborvitaes to protect that resident. Mr. Dudziak says the auto turn looked good. Ms. Fechter says staff has reviewed and would like to ask for contingent to get the drawing cleaned up.

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 propose 11,460 sq. ft. new 2 story restaurant and tenant to be located on the southside of Just Imagine Drive east of Nagel Road contingent on final engineering, landscaping plan and removal of second patio. The vote was: "AYES" All. The Chair declared the motion passed.

### BREW KETTLE-FIRST PRESENTATION-SPECIAL USE PERMIT

Bobby Johnston representing Brew Kettle is requesting approval of the site plan and the recommendation to Council for approval to create a Special Use Permit to include an outdoor patio for the proposed Brew Kettle Restaurant to be located on the southside of Just Imagine Drive east of Nagel Road.

Ms. Fechter says we would like some protection for the patio as bollards have been installed. Mr. Parsons says all the communities are asking for these and they will incorporate decorative bollards inside the fencing around the patio. Ms. Fechter says they can go outside, and Mr. Parsons adds that if they incorporate them its more visually appealing. Ms. Fechter says this body will make a positive or negative recommendation and then Council will like to see a drawing of how that will be incorporated. Mrs. Witherspoon asks about entertainment on the patio since there is a residence next door. Ms. Fechter says the patio does not have speakers and they could have a one- or two-man acoustic performance 1-2 times a week and gives the hours of business.

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 and recommend to Council for approval to create a Special Use Permit to include an outdoor patio for the proposed Brew Kettle Restaurant to be located on the southside of Just Imagine Drive east of Nagel Road with bollards to be added surrounding the patio in front of Brew Kettle, the hours of operation and there being no speakers on the patio. The vote was: "AYES" All. The Chair declared the motion passed.

### COMMENTS

Mr. Gasior says he and Ryan have been working on an ordinance about sanitary sewers and boundary lines and the requirement that your sewer the confines of your development to the public street. He says that will go in part 10 of the code and will applicable to subdivision development. Mr. Gasior says he doesn't think it needs to come here but wanted to let you know. It will be 1042.058 to the code and will clarify what has been the practice of the City for many years.

### 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 adjourned at 7:49P.M.