

**CITY OF AVON PLANNING COMMISSION
MAY 15, 2024, 7:00 P.M., COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

PUBLIC HEARINGS

1. Greg and Vanessa Botson, Code Amendment

Greg and Vanessa Boston are requesting a positive recommendation to City Council for a Code Amendment in the C-2 Historic French Creek District to allow auto rentals at 36500 Detroit Road, PPN 04-00-010-112-047.

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

Mayor Jensen stated that Mr. Botson has requested to table this item. Mayor Jensen wanted to give some background to this item. He stated there has been discussion on “Avon in the Know” He explains that anyone that owns a piece of property and would like to have something relating to that property changed such as a residential parcel being changed to a commercial parcel; it doesn’t mean the request will be approved but the owner has the right to request a change. Mayor Jensen says that Mr. Botson is a long-time resident and business owner. He said Mr. Botson had a potential opportunity for a Hertz Rental Car business, so Mr. Botson contacted the city to inquire what the process was to change the code in his zoning district. Mayor Jensen stated the process is he would need to apply and appear before Planning Commission to see if the commission would give a positive or negative recommendation to City Council. He said the French Creek District is a prohibited use which restricts certain business such as auto rental agencies. Mr. Botson was aware of the prohibited use but decided he would take a chance and try to change the code. Mayor Jensen said when an item like this comes before the Commission the members need to decide what would be the reason that a code amendment would be done.

Mayor Jensen said since Mr. Boston requested to remove this item from the agenda there will be no vote on this item. He said he spoke with Mr. Botson prior to tonight’s meeting and indicated to him that if this code amendment were to be approved, that would mean that auto rentals could be located anywhere in the French Creek District not just at Mr. Botson business location. Mayor Jensen said he doesn’t believe there would be support for auto rentals at only Mr. Botson’s location either.

Mayor Jensen says he thinks sometimes people are not satisfied with some of the buildings in the French Creek District but believes there is a purpose as to why they did not want auto rentals in the French Creek District. He says it is allowable in terms of industrial and they do have some rental businesses in that area. He says Mr. Botson has the right to request a code amendment but that does not mean that it will automatically be approved. Mayor Jensen said with or without support there needs to be a compelling reason to change what the French Creek District has in place.

Mayor Jensen said he understands that some people may wonder why the city needs another bank. He gives the example of Citizens Bank; he said it is difficult to say we don’t need that bank because we have other banks. However, people use certain banks, and they want to go to

a specific bank. He says there are certain things that are allowable in the French Creek District, and we are required by code to allow businesses there, whether we want them there are not the businesses have abided by all the codes.

Mayor Jensen gave another example of Avon Brewing Company (ABC) not being able to build on the new location. He says when ABC submitted their project it was approved by the Planning Commission and City Council. Once they received the City approvals, there were certain other requirements such as parking spaces for the business that needed to be met. He says if the requirements are not followed or are not possible, it is not the city that is holding up the project. In this case it was the piece of property that doesn't allow for all the parking that was needed. He said the city is governed by regulations, and it is a way to protect the neighborhood as well. Mayor Jensen said things were said such as the residents did not support ABC being in the location, but that was not the case. It was an issue of not having enough parking spaces and potentially parking could overflow into the neighborhood and the public streets. He said the parking lot requirement needs to accommodate the facility that is being built. Mayor Jensen said the issue was not with City Council and everyone was looking forward to having something on the corner of Detroit Road and Garden Drive. Mayor Jensen said he likes Mathias Hauck, but his current location was an existing building. If a new building is being built it needs to have the required parking spaces. He said the commission receives all the information and if it follows all the codes as it stands today, the city doesn't have a lot of leeway in approving a project. However, if the project does not fit the code, the business has the right to come forward and ask for a change. It doesn't mean it will be approved but if we found a hardship that none of us thought about and everyone was in support of the change then there might be a possibility. Mayor Jensen says with the Botson property he thinks it would be difficult to get anyone to agree to change the code.

Sharon Klingler, 2190 Clifton Way, Avon, Ohio 44011. Ms. Klingler says she is the neighboring property and said besides the codes, the concerns of the parents being considered that having a short-term rental agency would attract transients to the area 30 feet away from where children play.

Mayor Jensen states everything would be taken into consideration. He said if people see this item appear on an agenda at a later date, he recommends people come back to show support. He said Mr. Botson is a nice guy and he doesn't think Mr. Botson would do anything negatively against the city. Mayor Jensen said if this was voted down today, he doesn't believe the city is in any danger of any negative impact. Mayor Jensen said Planning Commission and City Council have no interest in allowing auto rentals into the French Creek District.

Tom Vamospercsi, 2130 Lake Pointe Drive, Avon, Ohio 44011. Mr. Vamospercsi asked if there is a document that states what is not allowed in the French Creek District?

Ms. Fechter tells Mr. Vamospercsi to give his contact information to Susan Pintz and we can send him that section of the code. Ms. Fechter said in 2001 we revised our code; it was a little outdated and the city made sure that auto rentals were not permitted in the French Creek District so we would be hard pressed to find a reason why it would be allowed now.

Mayor Jensen says the hard part is if we allow auto rentals at the Botson property then we need to allow auto rentals in the entire district. He says this restriction was specifically written in the code.

Sandy Taylor, 2167 Clifton Way, Avon, Ohio 44011. Ms. Taylor asked if this were rezoned to allow auto rentals would this allow auto rentals in other places. She said then does that rezoning encompass a smaller business with 5 cars and then any kind of car rental; could it become truck rental. She said once it becomes rezoned do we lose all control of what comes in there.

Ms. Fechter states this is not a rezoning it is a Code Amendment; we currently do not allow it in our code at all in the French Creek District. She said what is being asked is to reconsider allowing auto rentals in the French Creek District. She says currently auto rentals, auto details and anything auto related are not permitted, and we don't want to put it back in necessarily. Ms. Fechter says Mr. Botson removed this item from the agenda, and we are not acting on it. She said as of today it is a dead issue.

Mayor Jensen said there is still one used car dealership on the far westside and if that were to stop operating as that, it would not be able to re-open as a car dealership.

Rebecca Abraham 2183 Clifton Way, Avon, Ohio 44011. She asked how they would be notified if it would put back on the agenda?

Ms. Fechter says there will be another Public Hearing because we did not act upon this today. She says even though people appeared, it was learned this will not be on the agenda and will not be voted on. She said we send out notices via U.S. Mail

Ms. Abraham said 1 person was notified.

Ms. Fechter states adjacent property owners were notified, side, back, front. We do not notify a large area. She says we can find the certificate of mailing that was sent out and people can give contact information to Susan Pintz, and we can let people know who received notice.

Mayor Jensen said people can check the city website and view the agendas. He said if it wasn't for so many people attending, this would not be addressed tonight, it would have been said, it was removed from the agenda. He thought it was important to let people know who attended the status of this, the process involved and the consideration that is involved.

Ms. Abraham states the residents are looking for communication.

Kurtis Carman, 2155 Clifton Way, Avon, Ohio 44011. Mr. Carman asked if this were to be presented again and passed, what is the action that comes after that where this can be changed.

Ms. Fechter states this body is a recommending body for a Code Amendment. The body would make a positive or negative recommendation to City Council. City Council meets the first 4 Mondays of the month, the first and third are what we call work sessions where we talk about projects and the second and fourth, are voting. She said this would go to a work session of City Council then it would need to be read at 3 regular sessions which would be 6 six

weeks. At the end of 6 weeks there is another public hearing that is published in the newspaper for people to attend prior to City Council making a vote. She said there is an opportunity to address concerns at any time during the other meetings. It is a long process to change a code.

The Chair closed the public hearing at 7:13 p.m.

2. **Kenwyn Village Subdivision No. 3, Amend Subdivision Plat**

Bramhall Engineering is requesting a positive recommendation to City Council to Amend the Plat for Kenwyn Village Subdivision No. 3 on North Long Road.

The Chair opened the public hearing at 7:13 p.m.

Chuck Gerbick, 2566 N. Long Road, Avon, Ohio 44011. Mr. Gerbick said he is representing himself and 9 other homeowners of the Kenwyn Village Subdivision on North Long Road. He said they are requesting approval of the Lot Split/Consolidation and Replat of the westside of Kenwyn Village Subdivision Number 3. He said they are requesting to acquire the common space behind their houses by purchasing the land. Mr. Gerbick said currently the 9 homeowners on the west side have been maintaining the space, which includes cutting and fertilizing the grass. He said some of the homeowners have desired to possibly add a shed, a deck, install a pool or a gazebo on their property. Mr. Gerbick said unfortunately they can't take any action since the homeowners do not own the property.

Majdolin Jasser, 38189 French Creek Road, Avon, Ohio 44011. Ms. Jasser said she would like to see a map of the area that is being discussed to understand the project.

Ms. Fechter says visually this will not look any different. She said this started out as a subdivision that required a certain amount of open space. Easements were put along everyone's back yard, so everyone has a 25-foot storm easement and then they have the open space easement. She said after further calculations that the City has done the homeowners have 30% without encumbering their backyards so they have not been able to use the space. She said this is why the residents would like to buy the space because they have met the requirements.

Mr. Gerbick shows Ms. Jasser the drawer and explains it to her.

Ms. Jasser says thank you.

The Chair closed the public hearing at 7:18 p.m.

3. **City of Avon Construction Standards**

The City of Avon is requesting a positive recommendation to City Council to update the City's Construction Standards.

The Chair opened the public hearing at 7:19 p.m.

The Chair closed the public hearing at 7:19 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:19 p.m. in Council Chambers.
Present: Bill Fitch, 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 Streater, Safety Director; Susan Pintz, Planning Commission and Zoning Secretary

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 April 17, 2024, and to approve the minutes as published. The vote was:

**Mayor Jensen “yes”, Mr. Malloy “yes”, Mr. Radcliffe “yes”, Mrs. Witherspoon “yes”
Mr. Fitch “abstained”**

4- Yes

1-Abstention

The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Ms. Fechter asked that Item 6 be deleted at the Applicant’s request.

**Mr. Malloy moved, seconded by Mayor Jensen, to delete Item 6 at the Applicant’s request.
The vote was: “AYES” all. The Chair declared the motion passed.**

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

1. Jonathan and Emily Taylor, 3050 Moon Road-Lot Consolidation, Second Presentation, PL20240019

Kevin Hoffman of Polaris Engineering representing Jonathan and Emily Taylor is requesting approval to the consolidation of 1.5575 acres of PPN 04-00-002-101-093 and .0783 acres of 04-00-021-002-101-094 to create a 1.6358-acre parcel.

Ms. Fechter said at the April 17, 2024, meeting there was not a quorum for a vote. Mr. Taylor attended and presented his request. She said he is requesting a small lot consolidation with a strip above his parcel to consolidate it into 1 parcel. She said he was unable to attend tonight’s meeting, but all engineering and staff comments have been addressed and would recommend its approval.

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 request to consolidate 1.5575 acres of PPN 04-00-002-101-093 and .0783 acres of 04-00-021-002-101-094 to create a 1.6358-acre parcel. The vote was: “AYES” all. The Chair declared the motion passed.

2. Aaron and Lyndsay Moore, 4653 Center Road, Lot Consolidation, PL20240025

Aaron and Lyndsay Moore are requesting approval to consolidate 0.939 acres of PPN 04-00-013-000-625 and 0.939 acres 04-00-013-000-626 to create a 1.8788 parcel to build a single-family home.

Aaron Moore, 7245 Knoll Drive, North Ridgeville, Ohio 44039. Mr. Moore says he is trying to build a house and wanted to combine the 2 parcels, which were split off a larger lot and they purchased the 2 parcels and now they want to combine those 2 parcels.

Ms. Fechter says all staff comments have been addressed.

Mr. Cummins says all engineering comments have been addressed.

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 request to consolidate 0.939 acres of PPN 04-00-013-000-625 and 0.939 acres 04-00-013-000-626 to create a 1.8788 parcel to build a single-family home. The vote was: “AYES” all. The Chair declared the motion passed.

3. Avon Local Schools, 2758 Center Road, Lot Split and Consolidation, PL20240026

Bill Fishleigh of Avon Local Schools is requesting approval to split a 3.6998-acre portion of the 25.0654-acre parcel on PPN 04-00-014-102-041 and consolidate the remaining 21.3656 acres with the 2.5660-acre parcel on PPN 04-00-014-102-024 for a total of 23.9316 acres on PPN 04-00-014-102-041 at 2758 Center Road.

Bill Fishleigh, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011. Mr. Fishleigh says the current homeowner Kimberly Ditto is present. He said off to the right-hand side is SR83, this is the lot split that Ms. Ditto will be keeping possession of. He said the school district will be taking possession of the left-hand side of the west side.

Ms. Fechter states the drawing that was originally received had a 16-foot strip on the northern piece of the parcel. She said we have asked that be removed and what is on the screen currently with the dark line of the new parcel 1 and the remainder parcel below. Ms. Fechter states all comments have been addressed and would ask for contingent approval as this needs to be submitted to the Board of Zoning because with the split and the existing barns they are a little bit over the allowable square footage. She said they need to request a variance from the BZA.

Mr. Cummins states the original comments have been addressed and this is a slight change so he would request this be contingent on final engineering approval.

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 request to split a 3.6998-acre portion of the 25.0654-acre parcel on PPN 04-00-014-102-041 and consolidate the remaining 21.3656 acres with the 2.5660-acre parcel on PPN 04-00-014-102-024 for a total of 23.9316 acres on PPN 04-00-014-102-041 at 2758 Center Road contingent on final engineering approval and BZA variance approval. The vote was: “AYES” all. The Chair declared the motion passed.

4. James Conant, 34440 Detroit Road, Rezone R-1 to C-4, Second Presentation, PL20240020

James Conant and Polaris Engineering are requesting a positive recommendation to City Council to rezone a portion of the 13.6414 acres at 34440 Detroit Road, from R-1 to C-4, PPN 04-00-022-102-162.

Ms. Fechter stated this item was on the April 17, 2024, Agenda and could not be voted upon as there was not a quorum. She said a public hearing was held at the April meeting and no one attended. She said this is what has been done in the charter amendment. She said the city amended the charter to include the area and what is called the “purple box” or the “halo”, which is off Middleton and Nagel Road and indicating that it should be something other than residential and the city has stated along Interstate 90 it should be a commercial zoning. Ms. Fechter said this does not need to go to the vote of the people because this parcel is located withing the “halo”, but this still needs to be approved through City Council will be at council for the next 6 six weeks and a public hearing will be held before the vote.

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 to rezone a portion of the 13.6414 acres at 34440 Detroit Road, from R-1 to C-4, PPN 04-00-022-102-162. The vote was: “AYES” all. The Chair declared the motion passed.

5. Inn the Doghouse, 37525 Colorado Avenue, Final Development Plan, PL20240027

Matt Plecnik of Cleveland Draw Architecture representing Whitney Callahan of Inn the Doghouse is requesting approval of a new 9,100 sq. ft building for a Dog/Pet Day Care Facility at 37525 Colorado Avenue, PPN 04-00-010-113-095.

Whitney Callahan, 13885 Edgewater Drive, Lakewood, Ohio 44107.

Matt Plecnik, Cleveland Draw Architecture, 36375 Chardon Road, Willoughby Hills, Ohio 44094.

Mrs. Callahan stated that they are requesting to build a dog and cat day care boarding and grooming facility. She said all boarding is inside the building and there will be outdoor fencing for the dogs to play during the day. She said they are trying to work with in the city codes to build a nice building.

Mr. Plecnik stated Bob Yeager, Civil Engineering and himself have been working with the City Engineer and are in the process of addressing the project comments and he doesn't see any issues on their end in addressing those comments.

Josh Miller, 2349 Stonewood Street, Avon, Ohio 44011. Mr. Miller said he is directly behind the property. He is a landscaper by profession, and he works near a dog day care facility in Westlake, Ohio and he said the sound of the dogs barking is alarming. He said he does snow plowing at 2:00 a.m. and he hears the dogs barking at that hour inside the building. He said he understands that Mrs. Callahan said the dogs will be inside mostly, but he said the dog barking will be able to be heard. He doesn't want to hear dogs barking when he is sitting on his patio. He said this is Avon and it is not the country anymore and Avon is a nice suburb. He said he doesn't want to hear or deal with the dogs barking. He said he never received notice when the applicant applied for the Special Use Permit. He said his surrounding neighbors said they never received the letter also. He said if they had received the notices they would have attended the meeting for the Special Use Permit. He stated again he was never made aware of this business requesting to build on the parcel. He said he saw the sign for Inn the Doghouse and contacted the city. He spoke with Ms. Fechter and voiced his concerns about living 2000 feet away from this parcel and he said that is about the same proximity he is in when he is working near the dog day care in Westlake. He has spoken with other people, and they said they can hear the dogs barking at the facility 24/7. He said he feels this is not the right location for this facility. He would like the business to stay at West 117th Street in Lakewood and the Mentor location where there are not many houses and families, and it would not be a nuisance. He said he believes this business would be a nuisance if it was in Avon.

David Hadam, 2351 Stonewood Street, Avon, Ohio 44011. He said there are several things they deal with because the woods are in near proximity. He said he had to call the police because there were 6 adults running through the woods. He said he heard them, and it woke him up as he slept.

Mr. Hadam imitated a dog barking and said that is only 10 seconds he can't imagine what it would sound like with 50 dogs 25/7 referring to the new dog daycare building. He said the neighbors have nice patios and the neighbors have get together. He said Mr. Miller and himself have wives and children. They like to keep their windows open as much as possible and they with the new building they will be able to hear dogs barking. He compared it to living next to a highway and the depreciation in home value. Mr. Hadam stated that if he wanted to sell his house a potential buyer would be able to hear the 50 dogs barking at the new pet care facility. He said he can see from this backyard where the building will be and is concerned about it. He purchased the lot because it is 1 acre which is not very common. He said there are some "old school" people that live in the "blue house", and they kept their dog

barking outside all day and Mr. Hadam had to call the police. He said he believes this new business will be an annoyance.

Mr. Miller said what is the remedy for hearing barking dogs inside the building and when the dogs are outside. He said this isn't North Ridgeville, Medina or West 117th Street in Lakewood. Avon is a nice suburb, and his neighborhood has half a million-dollar homes and he doesn't think they should listen to dogs barking all day.

Mrs. Callahan stated she understands and respects his concerns. She is a homeowner, a business owner, she has children, and she does not want this to be a nuisance and will do everything possible to be good neighbors. She said they have been in business almost 21 years and have never received a complaint from any neighbor. She said West 117th Street in Lakewood is the most densely populated city between New York and Chicago. She said there are homes next to the business and they have not received any complaints. She said she understands Avon is no longer the "country", but it is more spread out than the 2 other facilities that she has in Mentor and Lakewood. She reiterated that they would try and be good neighbors.

Mr. Miller said how do you run a dog park and they don't bark 24/7.

Mrs. Callahan said she doesn't believe the dogs bark 24/7 and the difference between her facility and "Inn the Pet", is those dogs are in kennels and they don't play at all. She said at her facility they play all day in daycare; they are only in their suite or their traditional rooms at night and they are tired. She said it is a different business model and she thinks there is a different energy level. She said dogs will bark but it's not a nuisance all day every day.

Mr. Miller said at the facility in Westlake he could hear those dogs barking constantly even at 2:00 a.m. and he asked Mrs. Callahan if she would have that.

Mrs. Callahan said she can't guarantee that a dog will not bark at night but what she can say is their dogs are a lot more tired at the end of the day than those dogs that are stuck in a cage. She said the history of 21 years demonstrates that it has not been a nuisance to her neighbors in much closer proximity than where Mr. Miller and Mr. Hadam's homes are. However, she said they are working with the city to try and keep the building as far away from the homes as possible.

Mr. Hadam said, "the Lakewood facility is close to the street and there are a bunch of cars going by and to call that a nice suburb neighborhood it's not, it's toward the "hood" and it is around a bunch of traffic".

Mrs. Callahan said she likes her neighborhood. She said she is not going to take offense to that comment and said she understands what Mr. Hadam is saying that there is traffic, but it also means there are homes that are 500 feet away.

Mr. Miller stated the reason the Special Use Permit was granted is because this wasn't an ideal business in the city, is that correct?

Ms. Fechter stated that is not correct. She said it means the “use” could affect the neighbors, so we put special parameters around it and as an example if it is found that a dog is barking 24 hours a day the city is contacted, and the city contacts Mrs. Callahan and a representative of the city has a conversation with her.

Mr. Miller stated if this was a restaurant then there would not be those parameters. Is that correct?

Ms. Fechter stated that a restaurant in certain districts is permitted use by rights.

Mr. Miller stated when he had the conversation with Ms. Fechter previously it was his interpretation that the city was on the fence about this business.

Ms. Fechter stated the city has changed its code and we only now allow dog/pet daycares in the industrial zoning, but Mrs. Callahan submitted her project before the zoning change, and she had every right to do submit her project and it required a Special Use Permit.

Mr. Miller said that is where he is having the problem because he has yet to see the letters for the Special Use Permit public hearing.

Ms. Fechter stated she can show Mr. Miller the receipt from the post office indicating that the letters were postmarked and sent. She apologized that he didn’t get it, but she didn’t want the reference that it wasn’t done.

Mr. Miller said he shouldn’t say it wasn’t done but it is ironic that none of his neighbors received the letter. He said he spoke to his neighbors, and they said they did not receive it.

Ms. Fechter stated we do have a receipt stamped by the post office that it was delivered and received by the post office but what happens after that is she apologized that he did not receive it. She said she appreciates that this is something that is bothersome to Mr. Miller because he had a negative experience in other places.

Mr. Miller said he thinks it would be bothersome for anyone after a long day’s work sitting on their patio listening to dogs’ bark.

Ms. Fechter said, as she mentioned to Mrs. Callahan, the city code requires a certain setback from State Route 611. It requires 35 feet in the C-4 zoning district, they are proposing 20 feet, and the city is having them apply for a variance through the Board of Zoning and Appeals because she doesn’t want the building built closer to the houses to meet the code.

Mr. Miller said there are woods in that area and sound travels as opposed to traffic and other road noise.

Mayor Jensen said just because it is a Special Use Permit does not mean it is not permitted, it means the city could contact Mrs. Callahan if the noise becomes a nuisance.

Mayor Jensen said some of the reference of “in the hood” or anything else of that nature does not represent the kind of community that we are, Avon welcomes everyone. He said he takes

offense to some of the ways that Mr. Miller and Mr. Hadam are representing about them residing in a half of a million-dollar house as Mayor Jensen said he does not live in a half of a million-dollar house.

Mr. Miller said there are houses in his neighborhood that have that value and it is a nice neighborhood.

Mayor Jensen states we try to do whatever we can and it being a Special Use Permit means that if this doesn't comply with the code they we have the recourse to bring the business back and have a conversation and potentially modify the Special Use Permit but it doesn't mean we can refuse to allow it, it just means we have recourse to say this is not working. He said he hopes there will be a different kind of installation such as sound barriers.

Mr. Miller asked how sound barriers can be installed outside.

Mayor Jensen stated that as people walk their dogs in the neighborhood there are dogs barking.

Mr. Miller says it's not 50 at one time.

Mr. Plecnik stated at some facilities dogs' sleep in kennels which is a room within a room which is in a bigger building. He says there will be several layers of sound barriers.

Mr. Miller said the dogs being outside is more of an issue. He said he wasn't trying to offend anyone by saying they live in nice homes in Avon. It's a nice city and they pay a lot of taxes and said he is sorry the Mayor was offended.

Mayor Jensen stated he felt offended that it is being portrayed that we are better than anyone else and we are not better than anyone else.

Mr. Miller and Mr. Hadam stated that they did not mean that. Mr. Miller said to Mayor Jensen "his hands are black today buddy and he worked all day."

Mr. Hadam stated what he meant by "the hood" is that the West 117th Street in Lakewood is a highly dense population and there is a McDonalds and a bunch of traffic around that area so yes very heavily populated in that area with cars and businesses; as opposed to where the dog day care wants to go now which does not have all the traffic and businesses and is more of a residential neighborhood.

Mr. Miller said there are dogs in the neighborhood that bark but it's not 20 or 50 or 100 at one time.

Mayor Jensen stated again that this is permitted use and if there is a problem then we can find a remedy for it. We hope the dogs will not be outside unattended because people pay money to have the dogs attended to.

Mr. Miller said as a business owner he understands, and this is America, and they should do what they want to make money. They are not going to invest money in a business and come

back at a later date and say this is not working because of the dogs barking and close the business because if that were the case we wouldn't be here now.

Ms. Fechter says in all fairness we don't know that there is a problem until it starts. She said she understands the concern.

Mr. Miller said can it be assumed it will be loud.

Ms. Fechter said she doesn't assume one way or another.

Mr. Miller asked again how is the outside noise with 50 dogs barking going to be handled?

Mark Callahan 13885 Edgewater Drive, Lakewood, Ohio 44107. Mr. Callahan said he and his wife understand the concerns. He said on West 117th Street in Lakewood there is a KFC about 25 feet away from where the dogs are during the day. They have operated there for 12 years without any issue with KFC. If the dogs barking were an issue KFC would have complained and there have been no complaints. He understands people wanting to enjoy their outdoor space. He talked about the way the interior space is designed and how they manage dogs and how they manage the business and said they have never had any problems.

Mr. Miller said if Mr. and Mrs. Callahan live on Edgewater Drive then they are very successful, and he respects that. He is very concerned about outside noise behind his house.

Chair Witherspoon asked if one of the residents could approach the podium to summarize the statements.

Mr. Hadam said he has worked from home for 5 years and he also does his work outside with 2 computer monitors for 9 hours a day. He probably will not be able to do that now. He believes there will be 3-5 families that will not be able to enjoy their outdoor space. He said they have purchased their homes because of the nice neighborhood and quietness. He is concerned about it. He said that is all he has to say.

Mr. Plecnik said this project is approximately a 9,100 square foot building, and an outdoor play area for the dogs.

Mrs. Callahan said the outdoor play area is mostly all day. She said the dogs are not out at night or after 6:00 in the evening. She said if it is a nice day we want the dogs to be outside. She said the dogs are attended to when they are outside. She has 1 person for everyone 12 dogs. She said they are taught obedience, ongoing education on dog communication and best practices. They have educated people to work with dogs. She said dogs will bark and it would be unreasonable to say it would never happen.

Mr. Malloy asked how many dogs would be at the facility at one time.

Mrs. Callahan estimated they have an average of about 70 dogs a day in Lakewood and Mentor for day care and then there are boarders and grooming dogs that get groomed and leave.

Mr. Malloy asked how long the dogs stay.

Mrs. Callahan says usually dogs come for the day and then there are dogs for boarding for a weekend or maybe a week when people go on vacation. She has had a couple of long-term boarders for 2-3 weeks if someone needs to go out of the country. The dogs play all day and then are in the kennels at night. At the weekends it's not all day, they are open from 9 a.m.-11 a.m. and 5 p.m.-7 p.m. in the evening for pick up and drop off.

Mayor Jensen asked if there is a process for disobedient dogs or dogs that can get out of control?

Mrs. Callahan said all dogs have trial-day; all dogs must be up to date on all their shots. The evaluation is an ongoing process. If a dog does not get along with other dogs, if a dog is trying to jump a fence all the time, if a dog is nipping at the staff, those might be reasons to have a conversation with the owner as far as evaluating some training going forward. Maybe the dog isn't a right fit or the dog has some anxiety issue. They can holistically evaluate the dog and see what is going on and have ongoing conversations with the owners as well.

Ms. Fechter asked how much space there is for the dogs to run.

Mrs. Callhan says it is divided into different sections because they break up the playgroups by size, play style and age.

Mr. Plecnik says the play area is about 19 feet wide (refers to the drawing on the screen) the side at the right is 16 feet wide and runs the length of the building. He thinks the length of the building is 140 feet. He said the play area is about 19x140.

Mr. Fitch asked if there is a square foot per animal.

Mrs. Callahan stated it is about 50-100 square foot per animal. She said the reason they have the play space is to divide the play group so that there aren't 50-100 dogs in one space. She said if a dog needs to have its own space it can. The new building will be about 1900 square feet larger than her other 2 facilities. She said she is planning about 50 total enclosures including cat rooms and suites.

Mrs. Callahan said the outdoor space is adjacent to the inside space, so the indoor space might be 1000 square feet and then it has the outdoor area for the dogs to use.

Mr. Plecnik said there is indoor play areas as well.

Mrs. Callahan said all the dogs would never be outside at the same time. She said she does encourage dogs to go outside. She said there are larger playrooms inside.

Mr. Radcliffe asked what borders the rear of the property, behind the parking lot. He asked will there be privacy style fencing or trees that could help absorb the sound that may come from the dogs.

Mrs. Callahan said yes potentially there are things that could be planted or more trees. She said she is not opposed to it, but she has never had a problem in the 21 years she has been operating. She is willing to address any concerns.

Mr. Radcliffe said he understands her experience certainly dictates the future for the building. He asked if there is a way to review the plans to address the noise concern.

Mrs. Callahan said around the play area is an 8-foot-high privacy fence, but we can review the plans for a fence behind the parking lot.

Mayor Jensen stated he is not sure much can be done since it is in the floodway.

Mr. Cummins stated there is quite a bit of room between the west of end of the parking area on the left side on the screen the “jagged dash line” to the left of the parking that is the outer limits of the flood plain and there is a good amount of space to plant a row of trees.

Mrs. Callahan asked if that would apply if the building was not moved back.

Mr. Cummins said yes this is based on the current plan.

Mrs. Callahan said they would like it because the setback would be the same as Conrads and the storage next door and the sidewalks would align.

Mr. Radcliffe stated if this plan can be refined as they moved forward and possibly some additional tree planting and maybe some other kind of fencing as you have heard the opinions from the neighbors.

Mr. Cummins stated there are several engineering comments outstanding to be addressed and he spoke with the design engineer and said if action is taken, it is requested that it would be contingent on final engineering approval.

Ms. Fechter asked that this also be contingent on the BZA approval, they have submitted the drawings to be on the June 5, 2024, meeting agenda. She recommended that they apply for the variance.

Mayor Jensen asked Mr. Gasior if there is something we can do to try and help this along since there is concern about moving the building back.

Mr. Gasior stated Ms. Fechter, Ms. Clements and administration can make a positive recommendation on the variance and that should go over well.

Mayor Jensen stated he thinks we should do what we can and in the long run will be best for everyone.

Mrs. Callahan said applying for the variance would keep the building out of a flood plain, away from the neighbors, and the setback is the same across the street.

Mr. Cummins asked if the applicant should add a landscape plan.

Ms. Fechter stated she asked for a landscape plan and will work with them to see what they have provided.

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 new 9,100 sq. ft building for a Dog/Pet Day Care Facility at 37525 Colorado Avenue, PPN 04-00-010-113-095-162 contingent on final engineering approval and BZA variance approval. The vote was: “AYES” all. The Chair declared the motion passed.

6. Greg and Vanessa Botson, 36500 Detroit Road, Code Amendment, PL20240024

Greg and Vanessa Boston are requesting a positive recommendation to City Council for a Code Amendment in the C-2 Historic French Creek District to allow auto rentals at 36500 Detroit Road, PPN 04-00-010-112-047.

This item has been deleted at the Applicant’s request.

7. Kenwyn Village Subdivision No. 3, Amend Subdivision Plat, PL20240029

Bramhall Engineering is requesting a positive recommendation to City Council to Amend the Plat for Kenwyn Village Subdivision No. 3 on North Long Road.

Ms. Gasior states Mayor Jensen will be abstaining from the vote as he is a resident in the subdivision.

Ms. Fechter had no comments.

Mr. Cummins had no comments.

Mr. Malloy moved, seconded by Mr. Radcliffe, to suspend the rules. The vote was: Mr. Fitch “yes”, Mr. Malloy “yes”, Mr. Radcliffe “yes”, Mrs. Witherspoon “yes” Mayor Jensen “abstained”

4-Yes

1-Abstention

The Chair declared the motion passed.

Mr. Malloy moved, seconded by Mr. Radcliffe to recommend to City Council to Amend the Plat for the Kenwyn Village Subdivision No. 3 on North Long Road as shown in the drawing. The vote was:

Mr. Fitch “yes”, Mr. Malloy “yes”, Mr. Radcliffe “yes”, Mrs. Witherspoon “yes” Mayor Jensen “abstained”

4-Yes

1-Abstention

The Chair declared the motion passed.

8. City of Avon Construction Standards

The City of Avon is requesting a positive recommendation to City Council to update the City's Construction Standards.

Mr. Cummins stated this has been an ongoing process and is done from time to time. The update to the standards is to address any issues that have arisen out of construction projects, changing of technology, the logistics of how projects proceed, things that the Service and Utilities Department notice along the way and questions that are asked repeatedly. He said the city will put information in the standards so people do not need to ask questions and the information will be in the standards. He said the current set of revisions is done hand in hand with the Service and Utilities Department. Mr. Cummins said the .PDF file which was distributed has the changes identified by areas that are clouded and highlighted in yellow. He said if someone wanted to see the original version as it is today it is available on the city's website. He said as far as time is concerned, he is happy to move this along this evening but if this is taken as a first reading and reviewed next month that would be fine also. He said we want to make sure all questions or concerns are answered.

Chair Witherspoon stated that a public hearing was held and there were no comments.

Mr. Gasior stated this can be acted upon this evening and City Council can review this in the 3 readings.

Ms. Fechter stated she agrees, and she has spoken to Brian Bruce the Utilities Superintendent, and he is trying to impose some of these standards onto businesses and he doesn't want to have a push back so he would like to get this reviewed sooner rather than later if possible.

There were no further 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 update to the City's Construction Standards. 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.

Mr. Fitch had no comments.

Ms. Fechter said Happy Father's Day and Happy Memorial Day

Mr. Cummins had no comments.

Ms. Clements had no comments.

Mr. Streater had no comments.

Mr. Gasior 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