

**PLANNING COMMISSION
CITY OF AVON
REGULAR MEETING MINUTES OF MAY 18, 2022**

ROLL CALL

The meeting was called to order by Chairwoman Witherspoon at 7:00 p.m. in Council Chambers.
Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe, Carolyn Witherspoon
Staff: Jill Clements, Zoning Enforcement Officer; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streator, Safety Director; Nicole Rambo-Ackerman, Planning Clerk

REVIEW AND 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 20, 2022 and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS AND CORRESPONDENCE

ADDITIONS & DELETIONS

Mr. Malloy moved, seconded by Mayor Jensen, to move item #4 to item #6A on the agenda. The vote was: “AYES” all. The Chair declared the motion passed.

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

OLD BUSINESS

1. Isomer Group, LLC dba Discount Drug Mart; Rezoning; PL20220013

Representatives: Dan Hopkins, DJH Developers, 3494 Parkview Drive, Avon, OH; Michael Agoustidis, JMT Architecture, 1001 Lakeside Avenue, Cleveland, OH 44114

Second request to take the 12.71-acre parcel PPN ending in -196 and rezoning it from R-1 to C-4 located at 2295 Nagel Road located on the east side of Nagel Road, south of Middleton and north of Detroit Road. Public hearing was held March 16, 2022. Proposal was tabled at the March 16 and April 20, 2022 meetings.

Mr. Hopkins said revisions were submitted addressing comments received at the previous meeting. The primary concern was the number of curb cuts shown on Nagel Road. Currently, two curb cuts are shown on Nagel Road with an additional curb cut on Middleton Road. The intent was to maximize the developable land while allowing emergency vehicle access from the back of the property. Retention ponds are shown along the back of the property to create a buffer for the residential homes that will be built to the east of the property. They are also proposing a mound with landscaping at the top. The retention basin is based on an estimate but will undergo an engineering study to make sure the stormwater management is up to code.

Mr. Malloy asked what the distance was between the curb cut shown on Parcel A and Middleton Road. Mr. Hopkins did not have that dimension available at the time. Mr. Radcliffe noticed the curb cut is shown in line with a potential curb cut on the west side of the road and asked if there was potential for a light to be installed there. Ms. Fechter said staff is working with the applicant on an agreement which

includes a provision for the applicant to participate in the installation of a light if it is warranted in the future. Mr. Radcliffe thought the distance between the existing light and the curb cut would be too short to install another light. Mr. Gasior said the determination on whether a light is needed would be based on a traffic study which would be done in the general development plan review process. Mr. Gasior reminded the Commission that the request is only for rezoning which needs to go to City Council for approval and would then be put on the ballot in November as required by the City Charter. There are multiple pieces that need to be resolved in a relatively short period of time in order for the proposal to get on the ballot in time.

Mr. Gasior is working on a development agreement with the applicant to ensure what the City wants is included and he highlighted some items in the draft development agreement. There are to be up to four sub-parcels but the arrangement would be determined by the Planning Commission later. The number of curb cuts is limited to two on Nagel Road and one on Middleton Road, but the final locations are to be part of the final site plan approval process, subject to a traffic study. The developer would also have to recognize that the traffic study would recommend limited access to the property and they shall comply with the limited access to the property and contribute 50% of the cost for the installation of a traffic signal. Language would be included for the developer to provide any required easements for cross access, utilities, drainage, etc. The applicant would also need to submit a stormwater management plan. Landscape areas along Nagel Road compliant with city codes would be required. One sign with no more than four business names would be permitted on Nagel Road. Landscape buffering would be along the east side of the property along the R-1 uses going in as part of the recently approved in the Nagel Farms subdivision. The buffering would include mounding, landscaping and a six-foot high fence. Mr. Gasior would also like to add a provision to help maintain existing trees, especially since the City is working towards becoming a Tree City. He would also like the developer to donate an additional 20 feet of right-of-way. Nagel Road has been identified as an arterial street and the code requires 100 feet right-of-way. He did not think the property would be greatly impacted by this easement due to the utilities being in that area already. City Council will see the final version of the agreement but he asked for any additional comments from the Commission. Mayor Jensen added that the agreement would not prevent further discussion with the developer regarding the location of the curb cuts.

Mr. Cummins recused himself from the discussion since Drug Mart is an active client of Chagrin Valley Engineering.

Mr. Gasior explained that the ordinance will need to go to Council for three readings and the ordinance to allow the rezoning to be put on the ballot will be done at the same time. Mayor Jensen added that there will still be an opportunity for Council to make adjustments to the agreement as needed. Mr. Fitch asked if the proposed rezoning allows for the best use of the property. Mayor Jensen thought the residents would ultimately vote and make that decision. Mr. Gasior recalled how some homes on the south side of Detroit Road wanted to have their property rezoned when City Centre came in because it was so difficult to go west from their driveways due to the traffic. An amendment to the City Charter was added requiring rezoning of property south of I-90 to go to the ballot. The rezoning for Frank Jaram's property at the southwest corner of Nagel Road and Middleton Road will also be on the November ballot. There may be other rezoning requests coming in for the west side of the street in the near future. He thinks the corridor will end up being more commercial than residential. Ms. Fechter added that some residents moving to the area want the convenience of having commercial businesses close by while having access to the highway.

Mr. Agoustidis added that the "D" shown on the proposal was leftover from an old drawing. If there are four uses going into the property, the lots would all conform to the zoning requirements. Mr. Gasior appreciated the clarification since each lot will need to be at least one acre, though Parcel "D" is currently shown as less than an acre. Mr. Agoustidis said it was included on the plan as a comparison to the original plan. Mayor Jensen reminded the Commission that they are not approving the final site plan, just

recommending the proposal to City Council. Mr. Agoustidis confirmed that the project would meet all of the City's standards, especially since the property owners are local.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend approval of the request for Isomer Group, LLC dba Discount Drug Mart to take the 12.71-acre parcel ending in -196 and rezoning it from R-1 to C-4 located at 2295 Nagel Road. The vote was: "AYES" all. The Chair declared the motion passed.

2. Red Tail Subdivision No. 17; Amend Preliminary Plat; PL20210047

Representative: James Saylor, Reitz Engineering, 4214 Rocky River Drive, Cleveland, OH
Request to approve the amended preliminary plat for Red Tail Subdivision No. 17 to include 19 new single-family home subdivision to be located east of St. Theresa off Reserve Way at St Andrews. Public Hearing was held March 16, 2022.

Mr. Saylor said most of the changes made to the plat since the last meeting were made to address the comments. The storm outlet was moved and a lot was added to the corner of Southern Cross Way and St. Gregory Way. The City Engineer also asked that a swale be added along the southern portion of the land. Mr. Cummins said changes were made based on the drainage review and he recommended its 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 amend the preliminary plat for Red Tail Subdivision #17 to include 19 new single-family homes located east of St. Theresa Boulevard off of Reserve Way at St. Andrews. The vote was: "AYES" all. The Chair declared the motion passed.

3. Red Tail Subdivision No. 17; Final Plat; PL20220001

Representative: James Saylor, Reitz Engineering, 4214 Rocky River Drive, Cleveland, OH
Request to approve the final plat and the recommend to Council to create a Subdivider's Agreement for a 19 new single-family home subdivision to be located east of St. Theresa off Reserve Way at St. Andrews.

Mr. Cummins said the plans were reviewed and all comments had been addressed. A temporary culvert installation was proposed to connect to the turn-around at Williams Court. The lot was adjusted to keep the lot area out of areas that may be in 100-year flood conditions. Mr. Radcliffe asked about the connection to Williams Court. Mr. Cummins pointed out that a stub is shown on the upper left corner of the plans to Williams Court which would allow them access the ditch where the culvert will be. They are proposing to install a culvert in the existing ditch with a concrete road over it. The road would have a guard rail for half of it terminating in a gate for emergency vehicle access only. Mr. Gasior asked if stormwater detention was included since it was not shown in the engineer's estimate. Mr. Cummins said the stormwater detention was provided in the lakes for the golf course. Mr. Gasior asked for a statement for past stormwater credit to be included in the agreement. Mr. Saylor said the calculations were included in the report but would provide a statement. Mr. Saylor added that one of the comments from the Engineer was that a modification would be needed from the riparian setback requirement. The existing ditch has a section that would require a three or four foot encroachment into the setback for the road to be installed. Mr. Cummins said the riparian zone was impacted slightly by the grading associated with the right-of-way area. Given the other stormwater improvements the applicants made, he recommended the Commission consider it a modification and accept the plan as presented.

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 plat and recommend to City Council to create a Subdivider's Agreement for Red Tail Subdivision #17 to include 19 new single-family homes located east of St. Theresa Boulevard off of Reserve Way at St. Andrews with the modification to the riparian setback as discussed. The vote was: "AYES" all. The Chair declared the motion passed.

4. Referral to Council; Amend Planning and Zoning Code

Moved to Item 6A.

NEW BUSINESS

5. Avon Self Storage; Final Development Plan; PL20220018

Representative: Jack Doheny, 1462 Hollow Wood Lane, Avon, OH

Request to approve the final development plan for Avon Self Storage for a mini storage facility at 1100 Nagel Road.

Mr. Doheny said he has been working with the City Engineer to finalize the plan. Mr. Cummins said the engineering plans have been reviewed and asked for contingent approval dependent on two easements being recorded. One easement is on the southern portion of the property to connect into the existing ditch and the second is for a 20-foot wide highway easement for the future widening of Nagel Road. Ms. Fechter added that the applicant has been working with staff to get access for the Streets Department to maintain the retention basin on Lear Industrial Parkway. The access is gated but would be accessible for maintenance.

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 Avon Self Storage for a mini storage facility at 1100 Nagel Road contingent upon recording of the highway and utility easements. The vote was: "AYES" all. The Chair declared the motion passed.

6. Speedway #101252; Final Development Plan; PL20220023

Representative: Rob Sweet, McBride Dale Clarion, 5721 Dragon Way, Suite 300, Cincinnati, OH

Request to approve the final development plan for a new convenience store with fueling facilities on the southwest corner of Chester Road and Jaycox Road.

Ms. Fechter explained that the project was approved in December 2020. Since then, 7-11 has purchased the stores and now they are coming back with the same proposal. Mr. Sweet said an extension was requested for the 2020 approval but was not approved due to concerns about the development of the area at the time. The proposal consists of a 4,600 square foot convenience store with a 5,400 square foot fueling canopy covering eight double-sided dispensers. 24 parking spaces are proposed with two driveways accessing the site, though there is no direct access to Jaycox Road or Chester Road. Lighting, landscaping and signage is proposed and the sidewalk would be extended along Jaycox Road. The building will be a 23.5-foot tall quick-brick style building with a pitched roof and main entrance on the northern side. Approximately 11 trees and 74 shrubs are proposed due to the constraints of the existing easements on the property. An additional light pole is proposed as requested by the City Engineer. Mr. Cummins said all comments have been addressed and he recommended approval. Ms. Fechter said the comments from the Utilities Department have been addressed and she recommended approval. The

Mayor asked if additional trees could be installed, Mr. Sweet said they would install more if they could but they were greatly limited. Mr. Gasior asked what the plans are to accommodate electric cars. Mr. Sweet said Speedway's approach is to deal with that issue when it comes since technology is still evolving. No EV outlets are shown on the current plan. The Mayor asked if there is a plan for EV outlets to be installed if needed and Mr. Sweet said a study will be done to determine the outlets are needed if it comes to that.

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 convenience store with fueling facilities on the southwest corner of Chester Road and Jaycox Road. The vote was: "AYES" all. The Chair declared the motion passed.

6A. Referral to Council; 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 1264.04e Area and Density Regulations. Public hearing was held March 16, 2022. Proposal was tabled at the March 16, 2022 meeting.

Ms. Fechter explained that the Concord Village projects brought to light some concerns about safety and the proximity of the units in multi-family residence districts. Currently, ten units per acre are permitted for typical R-3 development and 12 units are permitted for senior housing developments. Concord Village ended up with about 8.7 units per acre after additional requirements were included. As they reviewed the project, they noticed that more landscaping, open space and guest parking to improve safety and make the area more aesthetically pleasing for residents were needed. Ms. Fechter proposed limiting the general population density to eight units per acre and senior housing to ten units per acre. The landscaped open space requirement was increased from 35% to 40%. Ms. Fechter said that when the public hearing was held, the guest parking requirement was not included, so a public hearing would need to be done at the next meeting, but she wanted to include it for discussion now. Other cities include different amounts of guest parking, but Concord Village ended up having one guest parking space for every two units, even though it was to help accommodate lack of parking in the first two phases. Mayor Jensen thought the items covered will help avoid issues in the future. Ms. Witherspoon added that a lot of the comments from the first phase were for recreation and common areas as well as guest parking. Ms. Fechter thought it would be nice to have guest parking scattered throughout the developments. Mr. Radcliffe suggested the guest parking spacing be incorporated into the code changes. Ms. Fechter would look into other communities' requirements for guest parking but thought the other changes could be recommended to Council for approval. Mr. Fitch was concerned about Avon being affordable for families starting out. He thought the additional requirements would make the cost of living that much higher and couples starting families may not be able to afford it. He did not think it was right to ask more of developers after people have already purchased homes without the extra amenities. Mayor Jensen thought some adjustments could be made to address some of the issues but all improvements have a cost for development. The Mayor asked Mr. Cummins to create a mock up of what the additional requirements would look like in a development proposal.

COMMENTS

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn the meeting at 8:00 p.m. The vote was: "AYES" all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

DATE