

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 5-19-21

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, MAY 19, 2021 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00P.M

CHESTER ROAD WIDENING PROJECT FROM AMERICAN WAY EAST ENTRANCE TO AMERICAN WAY WEST ENTRANCE. 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.

SR 83 WIDENING PROJECT FROM KINZEL ROAD TO RIEGELSBERGER ROAD. The Chair opens the Public Hearing at 7:02P.M. Mr. Cummins says they are looking to widen 83 from Kinzel intersection to the Riegelsberger intersection. There will be a consistent 3 lanes with the turn lanes and there will be an addition of a new traffic signal at Riegelsberger. Mr. Cummins says sidewalks will be added along the westside with this project. Mr. Cummins shows the overview exhibit on the overhead and gives the description of what they are going to do as previous mentioned. The turn lane that is at Kinzel intersection will be a consistent turn lane which will now allow a left turn into Hannamar which will continue into the turn lane for Riegelsberger Road. Mr. Cummins says overall project is about 3,180 feet long. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:07P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, MAY 19, 2021 IN COUNCIL CHAMBERS OF CITY HALL

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

Not Present: Rick Schneider, Zoning Enforcement Officer

MINUTES OF THE REGULAR MEETING-APRIL 21, 2021

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 21, 2021 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

LIBERTY UNLIMITED-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION

Frank Gumina, representing Liberty Unlimited LLC is requesting taking a 3.11acre parcel, 36383 Detroit Road and splitting off .4044 acres and combining that with 36363 Detroit Road to make the Combination Parcel 2.4993 acres, leaving the Remainder Parcel 2.4537 acres not including the Right of Way.

Mr. Gumina says Liberty owns the lot on the corner of Detroit and Garden Drive next to the funeral home. He says the configuration of the lot wraps behind the funeral home and they want to split off that portion and leaves the remainder in a better configuration. Mr. Cummins says they have reviewed the drawing and would 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.

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A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve taking a 3.11 acre parcel, 36383 Detroit Road and splitting off .4044 acres and combining that with 36363 Detroit Road to make the Combination Parcel 2.4993 acres, leaving the Remainder Parcel 2.4537 acres not including the Right of Way. The vote was: "AYES" All. The Chair declared the motion passed.

AUGUST HOMES-FIRST PRESENTATION- SANITARY SEWER EXTENSION

John Jensen of August Homes is requesting approval of the site plan and the recommendation to Council for approval for the Sanitary Sewer Extension on north side of Riegelsberger Road, just east of Kensington Drive.

John Jensen says its August Properties and not August Homes. Mr. Jensen says they are extending the sanitary sewer along the vacant lot on Riegelsberger Road. Mr. Cummins says they have supplied plans and they have addressed all comments. Mr. Cummins says they are providing a 10' utility easement as well. Mr. Cummins says all comments have been addressed and would recommend approval. Ms. Fechter says all City comments have been addressed. Mr. Gasior says Mr. Jensen is a distant cousin of the Mayor and he will be Abstaining.

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

A motion was made by Mr. Malloy, seconded by Mr. Radcliffe to approve the site plan, and recommend to Council for approval for the Sanitary Sewer Extension on north side of Riegelsberger Road, just east of Kensington Drive. The vote was: 4 "AYES", 1 "ABSTAIN" Mayor Jensen. The Chair declared the motion passed.

DOUG REYNOLDS-FIRST PRESENTATION-DITCH ENCLOSURE-MILLS ROAD

Doug Reynolds of Meridian Construction and Design, Inc. is requesting approval of the site plan and the recommendation to Council for approval for the ditch enclosure to be located at 31880 Mills Road.

Doug Reynolds says he would ask for this to be postponed at this time. Mr. Reynolds says he had a meeting this afternoon and would like to say that he thought it was disrespectful for the Mayor to say to him that we could go to court. Mr. Reynolds is only asking that the City uphold their ordinance 1042.033. He is told this is a special circumstance and now he is being required to pay for the material, labor, and the developer's agreement when he should not be required to do. Mr. Reynolds says when he inquired on this property early on before he purchased it, he was told information that is now incorrect. Mr. Reynolds says they don't know about this ordinance and he wants to be treated the same as all the neighbors down Mills Road and install his ditch enclosure for free like they did theirs. Mr. Reynolds says he thinks the City is trying to take advantage of him because they think this is a special circumstance. He says Monday he was told there was a grant for 4 million dollars that part of it goes for infrastructure and he says this is a great spot for those funds but they don't seem to want to use them and would rather pass it on to the tax payer. Mayor Jensen says when Mr. Reynolds first came in, he was confrontational when he walked into the meeting and he said if you wanted to go to court it would be a waste of our money. Mr. Reynolds says he was not, and Mayor Jensen stated he was. Mr. Reynolds says his relatives said the Mayor was a reasonable man and that is why he came in to work something out. Mayor Jensen says in the meeting Mr. Reynolds agreed to pay for something and we agreed we would pay for two items. Mr. Reynolds says it was in the first meeting he said we could go to court. Mayor Jensen says he doesn't disagree he said that, but it would be a waste of money on both our parts if he was going to accuse the City of doing something they weren't doing. Mr. Reynolds says he would prefer not to hold the project up. Mayor Jensen says he thinks Mr. Reynolds wants to build this house and he would like to see it as well. After the meeting Mayor Jensen says Mr. Reynolds agreed to do somethings and we agreed to do somethings as well and we didn't have a problem with that. Mr. Reynolds says the developers do need to enclose the ditches and

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he doesn't think that an earlier discussion applies. Mayor Jensen says per their discussion he agreed and tried to come to conclusion to work with both the City and Mr. Reynolds.

The Chair declared this postponed at the applicants request to the June Planning meeting.

REFERRAL TO COUNCIL – FIRST PRESENTATION – CHESTER ROAD WIDENING.

Per Article VII, Section 2, Subsection (d) of the Avon City Charter, Planning Commission recommends to City Council approval of the proposed public street improvements, namely, the widening of Chester Road between American Way's east entrance and American Way's west entrance, said improvements to be constructed pursuant to plans and specifications prepared by the City Engineer.

Mr. Cummins says this project is Phase 2 to widen Chester Road to a 3-lane section from eastern leg of American Way to the western leg of American Way. Mr. Cummins says since that time, Concord Village they had some obligation to widen Chester as well as discussions if his buildings progressed there would be widening. Mr. Cummins says they have an agreement with Concord Village Developer for his cost and they have an agreement with the developer of American Way for their cost and the City will do it as one uniformed project and only work on the road one time instead of a few smaller projects. Mr. Cummins says the project is about 1700 in length to widen to the north which will include new water main and some storm sewer improvements as well. This is proposed to be a 2022 project.

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 Mr. Radcliffe to give a positive recommendation to City Council approval of the proposed public street improvements, namely, the widening of Chester Road between American Way's east entrance and American Way's west entrance, said improvements to be constructed pursuant to plans and specifications prepared by the City Engineer. The vote was: "AYES" All. The Chair declared the motion passed.

REFERRAL TO COUNCIL – FIRST PRESENTATION – SR 83 WIDENING.

Per Article VII, Section 2, Subsection (d) of the Avon City Charter, Planning Commission recommends to City Council approval of the proposed public street improvements, namely, the widening of SR 83 from Kinzel Road south to Riegelsberger Road, said improvements to be constructed pursuant to plans and specifications prepared by the City Engineer.

Mr. Cummins says this project is to widen 83 consistent with 3 lanes from Kinzel to Riegelsberger also improves the signal system, pedestrian aspects at the light and adds a signal and turn lane at Riegelsberger. The project also includes installing a sidewalk on the west side and there is some sidewalk on the east side. They did not put sidewalks in the area for potential developments.

Don Meyers, 4015 Stoney Ridge asks what the estimated cost is for the project. Mr. Cummins says 2.6 million dollars. Mr. Meyers says it's a 2022 project and asks the estimated time for completion. Mr. Cummins says it will be a full construction season. Mr. Cummins it could go a little longer, but they are working out the maintenance of traffic. Mr. Meyer says 2 years ago they redid Kinzel Road and left about 300' less of the intersection and asks if that will be addressed with this project. Mr. Cummins says yes it will be as there will be right turn lane and that will be fixed. Mr. Meyer says the edge of the payment is breaking up and asks if the potholes can get filled as they are bad on Kinzel and 83 headed north. Mr. Malloy asks if the new lights will be sync or if they will be different. Mr. Cummins says there a good amount of space and they will be sync.

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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 Mr. Radcliffe to give a positive recommendation to City Council approval of the proposed public street improvements, namely, widening of SR 83 from Kinzel Road south to Riegelsberger Road, said improvements to be constructed pursuant to plans and specifications prepared by the City Engineer. The vote was: "AYES" All. The Chair declared the motion passed.

DISCUSSION HOME OCCUPATION

Mr. Gasior says we have one home occupation that presented some issues with us in a subdivision and it's a problem with the HOA and have contacted Mr. Gasior regarding Home Occupation. He says he doesn't want to propose an over kill, we don't have anything other than 1262.08(g) so they thought about proposing a permit requirement for a Home Occupation. Mr. Gasior says you would come to City Hall, present a floor plan, and talk about the occupation and pay the fee. The Zoning Officer would go over the rules and regulations and you get your permit. There could be a renewal time that could be every 2-3 years. He feels that renewal permit is important in case they get complaints the permit can be revoked or not renewed. The only thing we have not is language how to operate. Mr. Gasior says there is a taxing issue and it works both ways as we get notice they are withholding taxes and doing what they should be doing. On the other hand, if you are running a home business the IRS will ask for information if you are using 25% of your home and they could get a deduction to show proof. Mr. Gasior doesn't feel it will be burdensome to anyone, but it allows us to explain the rules and regulation. Mr. Gasior says the Commission can agree to move forward with this or they can leave it how it is. Ms. Fechter says it important for our Safety Services, right now if a business comes in, they have an inspection and in regard to a home base business it's nice to know what's under the roof for safety and economic development stand point. Mr. Dudziak asks if this is common practice, do they have offices there? Mr. Gasior says in North Ridgeville, you apply for a permit and must go in front of ZBA for the permit. Its process to get that permit and they want all kinds of information that goes on. Mr. Gasior is not proposing something that involved, it's a permit to give us a heads up for what they are doing, its snice to have that information. Mr. Gasior says now there is no regulations unless the individual reads the ordinances. Mr. Gasior says we had a landscaper that was storing equipment and running business out of the house and got a few complaints. All of that is prohibited to store that equipment outside and using most of the house and it wasn't allowed. The permit brings us into the process and helps make it work smoothly to see who is involved and ensures us they will be handed the rules. If there is ever a complaint and they show up, we know they got the rules when they got the permit. Mr. Radcliffe says we need to make sure that permit includes all outbuildings, garages, etc. are all included in the permit as well. Mr. Gasior says he will right it up and there are a few changes in our fees of 210 along with 1226 and 1262.08 and they can look at it and if its ok we could move on it in June and begin the recommendation to Council

Mayor Jensen apologizes to Mr. Reynolds if he thought he treated him disrespectful that was not his intent and hopes something can be worked out and he has always treated them with respect. Mr. Reynolds says he accepts his apology and says it's nothing personal and hopes we can get something worked out.

COMMENTS

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 7:42P.M.