

**PLANNING COMMISSION
CITY OF AVON
REGULAR MEETING MINUTES OF JUNE 15, 2022**

PUBLIC HEARINGS

Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code, Section 1264.08 Additional Regulations for Multi-Family Dwellings and Section 1292.04 Off-Street Parking Standards, to include guest parking requirements in R-3 Multi-Family Residential districts.

The Chair opened the public hearing at 7:00 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:00 p.m.

Referral to Council; Amend Planning and Zoning Code

Amend the Planning and Zoning Code, Section 1244 Subdivision Platting Procedures, to improve the review process for address maps in subdivisions.

The Chair opened the public hearing at 7:01 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:01 p.m.

Attila Nagy Special Use Permit

Create a Special Use Permit for Attila Nagy to create a flag lot as part of a lot split of parcel ending in - 563 on Center Road.

The Chair opened the public hearing at 7:02 p.m. There being no one present in the audience, Chairman Witherspoon closed the hearing at 7:02 p.m.

ROLL CALL

The meeting was called to order by Chairwoman Witherspoon at 7:03 p.m. in Council Chambers.

Present: Bryan Jensen, Mayor; Jim Malloy; Carolyn Witherspoon

Absent: Bill Fitch, Scott Radcliffe

Staff: Jill Clements, Zoning Enforcement Officer; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, 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 May 18, 2022 and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS AND CORRESPONDENCE

ADDITIONS AND DELETIONS

Mr. Malloy moved, seconded by Mayor Jensen, to add item #9A, the dedication of public right-of-way and permanent utility easements along Detroit Road and S.R. 83 for the upcoming S.R. 83 and S.R. 254 Intersection Improvement Project. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Malloy moved, seconded by Mayor Jensen, to delete items #1, 3, 4 and 5 from the agenda at the Planning Coordinator’s request. 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. 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 and May 18, 2022 meetings.

Deleted from the agenda at the Planning Coordinator’s request.

NEW BUSINESS

2. Advanced Polymer Coatings; Final Development Plan; PL20210066

Representative: Rene Jimenez, Geis Company, 2017 E. 9th Street, Suite 200, Cleveland, OH 44115
Request to approve the final development plan to construct a 20,000 sq. ft. building addition at 951 Jaycox Road. A variance was granted for the 50 ft. setback June 2, 2021.

Ms. Fechter explained that this would be a first presentation because the applicant will be on the next meeting agenda to request a Special Use Permit for above-ground storage of hazardous materials. Mr. Jimenez is representing Advanced Polymer Coatings and said the 20,000 square foot facility would be used to house the company’s manufacturing. The façade design is simple and will match the existing building. They are adding a couple truck docks, a parking area and a drive aisle for trucks. Ms. Fechter said staff has been working with the applicants to help figure out the safest location for the above-ground storage and get the project approval done. Mr. Jimenez is still working on gathering the information about the quantity of material to be stored in the facility.

3. Concord Village Phase 3; Final Development Plan; PL20220025

Request to approve the final development plan for Concord Village Phase 3 creating 72 single-family units on the north side of Chester Road.

Deleted from the agenda at the Planning Coordinator’s request.

4. Beehive Homes of Avon; General Development Plan; PL20220026

Request to approve the general development plan for Beehive Homes of Avon to construct a memory care facility with five buildings on the north side of Chester Road west of Colorado Avenue.

Deleted from the agenda at the Planning Coordinator's request.

5. Beehive Homes of Avon Phase 1; Final Development Plan; PL20220027

Request to approve the final development plan for Beehive Homes of Avon Phase 1 of a memory care facility on the north side of Chester Road west of Colorado Avenue including a building, maintenance garage, dumpster, parking, utilities and stormwater management.

Deleted from the agenda at the Planning Coordinator's request.

6. Patricia Klingshirn; Lot Split and Consolidation; PL20220028

Representative: Jay Marcie, attorney for Patricia Klingshirn

Request to consolidate and split two parcels ending in -019 and -020 on the north side of Detroit Road resulting in two parcels of 0.6391 acres and 6.2505 acres.

Mr. Marcie said there are two homes on the lot that Ms. Klingshirn is currently farming. The applicant wants to split the property to give one of the homes to her daughter. The split is set up to give one of the single-family homes to her daughter while leaving the other house and farming operation on the other lot. He added that side yard setback and square footage variances may be needed for the existing outbuildings. Ms. Fechter explained that all staff comments have been addressed, but the remainder buildings may be over the allowed square footage and a side yard setback variance is needed, so she requested a contingent approval of the project. Mr. Cummins said the survey plat and legal descriptions have been reviewed and comments have been addressed so he recommended approval. Mayor Jensen asked about the septic system since one discharge is shown. Mr. Cummins said a new home would be required to have a duplication area, but he was unsure of the specific requirements for an existing system since that is through the County Health Department. If there is an issue with the septic tank in the future, the property owners would need to work with the County Health Department to determine responsibility and maintenance needs. Mr. Marcie confirmed with his client that the septic system is brand new.

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 lot split and consolidation for Patricia Klingshirn, consisting of splitting two parcels ending in -019 and -020 on the north side of Detroit Road resulting in two parcels of 0.6391 and 6.2505 acres, contingent on variances being granted for the side yard setback and existing outbuilding size. The vote was: "AYES" all. The Chair declared the motion passed.

7. Attila Nagy; Lot Split and Consolidation; PL20220029

Representative: George Hofmann, Hofmann-Metzker, Inc., 24 Beech Street, Berea, OH 44017

Request to split parcel ending in -563 on the east side of Center Road totaling 3.7931 acres into four lots. Variances to create a flag lot and a lot with 95 ft. of frontage were granted May 4, 2022.

Ms. Fechter said all staff comments have been addressed and variances were granted by BZBA. Mr. Cummins said the survey plat and legal descriptions were reviewed and found to be acceptable so he recommended 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 lot split and consolidation for Attila Nagy, consisting of the parcel ending in -563 on the east side of Center Road totaling 3.7931 acres into four lots, contingent on the Special Use Permit being approved by City Council. The vote was: “AYES” all. The Chair declared the motion passed.

8. Attila Nagy; Special Use Permit; PL20220031

Representative: George Hofmann, Hofmann-Metzker, Inc., 24 Beech Street, Berea, OH 44017
Create a Special Use Permit for Attila Nagy to create a flag lot as part of a lot split of parcel ending in -563 on Center Road.

Ms. Fechter explained that the proposed lot split will create a flag lot and asked for approval. Mr. Cummins said the survey plat and legal descriptions were reviewed and found to be acceptable so he recommended 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 recommend City Council create a Special Use Permit to create a flag lot for the lot split and consolidation for Attila Nagy consisting of the parcel ending in -563 on the east side of Center Road totaling 3.7931 acres into four lots. The vote was: “AYES” all. The Chair declared the motion passed.

9. 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 of the Ordinance amending the City of Avon, Ohio Planning and Zoning Code, Section 1244 Subdivision Platting Procedures, to improve review process for address maps in subdivisions.

Ms. Fechter explained that she works predominantly with the Chief Building Official to approve address maps and the Chief Building Official assigns the addresses. The code currently requires the Design Engineer and City Engineer to sign the address maps as well. After conversations with the City Engineer and Chief Building Official, it became apparent that the City Engineer does not need to review or approve address maps. Ms. Fechter proposed adding the Safety Director as part of the approval process to ensure there are no concerns from the Police and Fire Departments. The wording was also changed to require the Design Engineer signature on the map as part of the submission and staff will sign after it is complete.

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 City Council approve the ordinance amending the City of Avon Planning and Zoning Code, Section 1244 Subdivision Platting Procedures. The vote was: “AYES” all. The Chair declared the motion passed.

9A. Referral to Council; City of Avon Land Dedication

Dedication of certain portions of land owned by the City of Avon to be public right-of-way and permanent utility easements along Detroit Road and S.R. 83 in preparation for the upcoming S.R. 83 and S.R. 254 Intersection Improvement Project.

Mr. Cummins explained that the City of Avon is preparing to do improvements at the intersection of S.R. 83 and S.R. 254 that will extend approximately from Healthway Drive to the area east of Avon Commons. There are certain areas of land along that route that will need to become public right-of-way for the road widening. The highlighted areas on the plan are currently owned by the City of Avon but it is just land ownership. ODOT is requiring the City to dedicate the shaded portions as public right-of-way. The areas are generally narrow and are located along the south side of Detroit Road. There is a very large pole line on the north side of the road restricting what happens on that side of the road. In order for the right-of-way plans to be completed for the project, the dedication plat needs to be approved by City Council and recorded. Once that is complete, property acquisition will begin from other property owners along the project area.

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 City Council approve the dedication of portions of land owned by the City of Avon to be public right-of-way and permanent utility easements along Detroit Road and S.R. 83 in preparation for the upcoming S.R. 83 and S.R. 254 Intersection Improvement Project. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Ms. Fechter explained that her request to delete item #1 from the agenda was based on discussions after Mr. Fitch’s comments at the last meeting. Staff would like to look into the proposed changes more to ensure development is thoughtful without hindering development. There may be a way to increase the amount of open space and amenities without decreasing the density.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen, to adjourn the meeting at 7:22 p.m. The vote was: “AYES” all. The Chair declared the motion passed.

Carolyn Witherspoon, Chair

Nicole Rambo-Ackerman, Clerk

Date