

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 6-16-21

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, JUNE 16, 2021, IN COUNCIL CHAMBERS OF CITY HALL

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

AMEND THE SPECIAL USE PERMIT FOR BOB-O-LINK GOLF COURSE TO INCLUDE A NEW POLE BARN TO LOCATED AT 4141 CENTER ROAD. The Chair opens the Public Hearing at 7:00P.M. Bryan Fitch says they are looking to add a pole barn for storage for the equipment. Currently they are in a century old barn that needs updating.

Jim, Rotnem lives adjacent to the property and wants to know if there will be large scale fertilizer storage there or anything hazardous. Mr. Fitch says no, it will be equipment only-mowers. Mr. Rotnem asks if it will be in the back of his place. Mr. Fitch says yes, but off the line and a little over. Mr. Rotnem asks what the dimensions are it was determined it will be 60'x72' pole barn. Eric Dudziak says he has asked that question as well as they are only allowed so much fertilizer anyways and they are always good with what they have.

There being no further comments or questions; Chairman Witherspoon closes the public hearing at 7:03P.M.

REZONING REQUEST FOR PPN 04-00-022-102-150 FROM R-1 TO C-4 LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON AND NAGEL ROADS the Chair opens the Public Hearing at 7:03P.M.

Frank Jaram representing LIG Land Development, and they turned in an application to investigate a parcel they own on Nagel Road to rezone from R-1 to C-4. He will answer any questions and shows on the drawing the parcel that is near is on the southwest corner of Middleton Road by Meijer.

Ken Lee, 2225 Pendleton Court, Ms. Fechter says he would be subplot #1 under Block B on the drawing. Mr. Lee says the back of his house is in the back yard of this and he has a few concerns. Mr. Lee says the first is safety, if the lot is developed for commercial there will be a lot of people coming for the stores. Mr. Lee says the second concern is privacy, he is concerned about the noised that will be generated by this project and the lights from the building. Mr. Lee says when they moved into the new home about a year ago, it was a significant investment and life decision. Mr. Lee says they came there expecting a quiet residential environment, they spend a lot of time in their back yard and made a lot of investment in their backyard to make it a nice, quiet place. Mr. Lee says when he found out there could be a commercial building because of the proposed rezoning, he was very surprised. Mr. Lee says the safety and privacy are very important. He says the consequences of that is the investment they made will be compromised by the privacy and the safety could potentially reduce the value of the home. Mr. Lee says his first instinct is it is not a good idea to put the commercial building right behind his backyard. Mr. Lee says its not under his control and understands that but if his opinion does not prevail, he would like to request to put maximum security, if possible, between his home and the lot so that the privacy and safety can be enhanced. They wont like to see a building from the windows from his house or the constant noise going into their back yard so he wants to have a fence and mound and trees so both the security and privacy and can be maximized. Mr. Jaram says he spoke with Mr. Lee earlier and he says he came up with a buffer plan complying to ordinance and they could go a little further with some trees. Mr. Jaram says they extended the fence along the back of his line and will add some trees. There are some existing trees they are going to keep, and they would install some evergreens. Mr. Jaram says they storm water pond is in the back there and then they would have room to do a mound and put the fence on the mound if need be and he is thinking about the buffer.

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Muhanad Kassim, 2239 Pendleton Court asks why he would want to rezone from residential to commercial. Mr. Kassim says next to that area are a couple house and behind it is houses also but why would you want to rezone? Mr. Kassim says if everyone finds out about a big plaza, what about the traffic now, its not an easy intersection at Middleton and Nagel but do you think its ok to add another plaza and is it fine in that area. Mr. Kassim says he has a big family and has kids and they just moved last year, is it related to the city to get more taxes and hope its not that. Mr. kassim moved from Westlake to Avon to be quiet and he is not looking for something big. Mr. Kassim says now its headlines but there are no details with what is in the lots are they bars, more small shops or like Marcs and Menards. Mr. Kassim says if it is a bar or night bars, he has kids and that is not suited for his kids to be in that area as stuff happens there. Mr. Kassim says think about it before you decide since there is a lot of families that just moved into that area. Ms. Fechter says the city is not considering the rezoning, the developer came to the city asking for the rezoning. Ms. Fechter says the reason he is in front of them is he must go to the vote of the people and needs to get a positive or negative recommendation from Planning and then hopefully City Council to proceed with the election. Mr. Kassim says he understands but your opinion could help make a difference.

Lydia Lee, 2393 Pendleton Court says she is further down in the subdivision and does not affect her as much, but she does agree with all the points that were made earlier. Ms. Lee says she is concerned about the traffic on Nagel, particularly north of Detroit. Ms. Lee says it already backs up a bit so to travel along that way in the afternoon, you are waiting in line and asks what consideration has been made to expanding those roads if this does proceed to accommodate the extra traffic. Mr. Jaram says they did a traffic study based on C-4 zoning and the primary uses they see off an interchange, because Meijer is there, Meijer would be the anchor. Most people will make the trip to Meijer and the traffic study was done to show what was on Nagel and into Meijer. Mr. Jaram says the way the study reads is most of the people that will be going to the type of facilities that will be there, he says let us take a step back and they have an agreement with Meijer they cannot do a bar and the city does not allow just a straight up bar in C-4 it has to be a restaurant and they do not want just a bar. Mr. Jaram says the study shows they will be coming to what would be there, possible coffee shop, a bank, things of convenience they will already be in transit. It shows there will be very few people that would make a specific trip there. There is only 20 acres so no big box store will be permitted to go there. Mr. Jaram says he did the Meijer and went above and beyond but they try to make it a nice area.

Ms. Fechter says if this does get passed by the vote of the people, he will start marketing the land, if he gets an end user, Mr. jaram will need to update the traffic study. Ms. Fechter says this is a generic concept. Mr. Jaram says if there is a specific user going there, they would do the traffic study to them specifically.

Alexander Schepelmann, 38466 Foxglen Ave says he is a bit removed from the property but having heard of this issue, his concern is not having access to zoning maps, currently developing this area for commercial development would place this the commercial zone to a residential property. He feels that if this is to be rezoned it could set a precedent for future development as well. He does not want to see commercial and residential colliding together in any area of the city and asks that that is taking into consideration.

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There being no further comments or questions; Chairman Witherspoon closes the public hearing at 7:20P.M.

SANITARY SEWER DISTRICT MODIFICATION FOR HUNTER INTERNATIONAL The Chair opens the Public Hearing at 7:20P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:20P.M.

HUNTER INTERNATIONAL FINAL DEVELOPMENT PLAN FOR 32,310 SQ. FT. OFFICE BUILDING TO BE LOCATED AT 37779 CHESTER ROAD. The Chair opens the Public Hearing at 7:21P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:21P.M.

AMEND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCLUDE CLUSTER BOX UNITS 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.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JUNE 16, 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; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-MAY 19, 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 May 19, 2021, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

ADDITIONS/DELETIONS

A motion was made by Mr. seconded by Mr. to delete GRANDE ESPLANADE-FIRST PRESENTATION-FINAL PLAT from the agenda at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. seconded by Mr. to accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

BOB-O-LINK GOLF COURSE-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Bryan Fitch is requesting approval of the site plan and the Recommendation to Council for approval to amend the Special Use Permit to include a 60'x72' pole barn to be located at 4141 Center Road.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: 4 "AYES" and 1 "ABSTAIN" Mr. Fitch. 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 amend the Special Use Permit to include a 60'x72' pole barn to be located at

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4141 Center Road. The vote was: 4 “AYES” and 1 “ABSTAIN” Mr. Fitch. The Chair declared the motion passed.

LIG LAND, LLC-FIRST PRESENTATION-REZONE

Frank Jaram of LIG LAND, LLC is requesting a positive or negative recommendation to Council for consideration of the rezoning PPN 04-00-022-102-150 from R-1 to C-4 located at the southwest corner of Middleton and Nagel Roads.

Mayor Jensen asks Mr. Jaram what his reason would be to rezone instead of leaving it in the R-1 zoning. Mr. Jaram says the problem is where its located, there is no interest, he has talked to the big home builders, and no one wants to go there. Mr. Jaram says then its odd because of the location with the interchange and people do not want to build a house on that corner. Mr. Jaram says with the traffic, they do not want to put houses there so close.

Mr. Radcliffe asks if there is any chance for the other permitted uses in R-1 like a church or home health care, is there any market study for that type of stuff or looked at. Mr. Jaram says he has not investigated that, they can try, but they have not tried. Mr. Jaram says if you put a church, you would have a building then a parking lot and people coming to it, not a lot different.

Mayor Jensen says they just recommend to Council for this to go on the ballot for people to vote on it. If it passes, it will have to come back when they go to develop it, so the concerns from the residents you are hearing we will want to make sure those are satisfied. If the body were to vote on it tonight, Mayor Jensen states, could it make the ballot? Mr. Gasior says he has looked at this, as he was contacted by an Attorney about a week ago. Mr. Gasior says as he looks at it right now and how he reads the Charter, he does not think Mr. Jaram will have enough time. This request must go on a general election and can not be on a special election. Mr. Gasior says if they give a positive recommendation tonight, he will have to prepare an ordinance, the earliest that ordinance could pass even with Special meetings on a couple Mondays would be the Tuesday after the July 5th Monday holiday. Mr. Gasior says the ordinance would not take affect for 30 days and the deadline to get on the ballot for the November election is August 4th so he cannot send an ordinance to the Board of Elections to ask them to put it on the ballot, the day before it becomes effective. Mr. Gasior says he does not know if the Secretary of State would pick up on that or not, but he does not want to take that chance. The Charter is clear, it is a matter that has to do with rezoning and that can not be passed with an emergency clause, so the 30 days must be there. Mr. Gasior says as another point, they do not have to address it tonight as they do not have to suspend the rules under the Planning rules but if they do want to suspend the rules and act to put it on the Council agenda, he is going to miss the ballot deadline by a day or two. Mr. Jaram asks if they can pay for Special Meetings. Mr. Gasior says that is something that you would need to talk to Council President, but he is out of town and Mr. Gasior has not spoken to him to see if he could put it on the meeting for the 21st of June. Mr. Gasior thinks he does not come back until the 20th and that agenda needs to be set by Friday the 18th, they cannot add to a Special meeting.

Mayor Jensen says if they do decide to move forward with this, would there be a possibility of you buffering that neighborhood now. Obviously if you build houses, you will not have to but if it comes commercial you would have too. Mayor Jensen says as going through the process would you consider starting to buffer, so the residents have a better understanding and do that as it goes forward. Mr. Jaram says yes, even if they put houses there will be two stories and you will see them but if its commercial it will be a one story building so if you are in your house, you will not see as much unless your upstairs. Mr. Jaram says the people on the ground are not going to see over a 3’-4’ mound and some pine trees but he would be willing to do that. Mayor Jensen says if they give a positive recommendation to Council to see if you can get on the ballot, you will go ahead and initiate buffering maybe spring of next year to show

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some good will. Mr. Jaram says he has gone above and beyond to help that area as they do not want problems and he wants it to be a benefit to the community.

Mr. Radcliffe says the storm water management is in the back block and he noticed the one piece of storm water that is there now, is there a possibility to join those two to give the people a little more relief. Mr. Jaram says there is a creek in between those. He says Heider ditch is running in between them. Mr. Radcliff says he apologizes, he did not see the ditch was there. Mr. Jaram says there are trees on both sides of the riparian setback. Mr. Radcliffe thought it could be a nicer view for some of the residents to have a larger pond type area. Mr. Jaram says they intentionally designed it this was to put the retention pond back there to not have anything up against the residents, they wanted the most separation as possible.

Mayor Jensen says if they give a positive recommendation tonight, you know its going to have to go onto the ballot and the residents will decide if this goes but he would like to see happen is if a drawing can be brought in if it goes to Council to show what it looks like then if Council moves forward and pass it, there would be something set in place while it goes through the process. Mr. Jaram says they have kind of done that and can have it done better with the landscape architect. Mayor Jensen says the resident know it can go either way but if they are ok with the effects given with their thoughts and concerns.

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 give a positive recommendation to Council for consideration of the rezoning PPN 04-00-022-102-150 from R-1 to C-4 located at the southwest corner of Middleton and Nagel Roads.

Mayor Jensen cautions Mr. Jaram if he does not bring anything before Council, he will let them know even though they recommended it, they are not for it if he cannot show something to help the residents. Mr. Jaram says, for sure.

The vote was: "AYES" All. The Chair declared the motion passed.

BREW KETTLE-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Bobby Johnston of Mann Parsons Gray Architects representing Chris Russo of the Brew Kettle is requesting approval of a new 6,284 sq. ft. Restaurant/Brewery and future out-parcel to be located at 33287 Just Imagine Drive.

Randy Parsons of Manns Parsons Gray Architects says they have been before the board and the pandemic put a hold on what they designed previously. Mr. Parsons says they made on modification to the original submittal which now includes a carry out window to the side of the building.

Ms. Fechter is glad to see them come back as they went far before the pandemic. Everything staff wise has been addressed, they are still looking at some landscaping details. Ms. Fechter would like for a contingent approval as they will need a variance for stacking. Currently our code calls for 10 cars, they are having a carryout window which will not include a menu board or ordering, its call-in advance and pick up. Ms. Fechter says they will likely need 6 car stacking and does not see it being an issue as there is plenty of room on site.

Mr. Cummins says they have reviewed the plan and have a few outstanding engineering issues to be addressed and would request a contingent approval as well.

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Mayor Jensen says you invited us the Prom once before and hope they are going to the Prom now. Mayor Jensen says on a serious note, a lot of people have been asking. Mr. Parsons says they still own the land and anticipate building a restaurant for the city. Mayor Jensen asks about groundbreaking. Mr. Parsons says it is on the City providing they get approval, they are looking for late summer, early fall to get started.

Ms. Fechter says the owner of the Brew Kettle is the same of Hot Dog Heaven and most know there was a fire so between that and the pandemic they have come across several obstacles but still want to be in Avon.

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 a new 6,284 sq. ft. Restaurant/Brewery and future out-parcel to be located at 33287 Just Imagine Drive. The vote was: "AYES" All. The Chair declared the motion passed.

VAULT STORAGE-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Vinny Violi of Vault Self Storage, LLC is requesting approval of the site plan for a 32,000 sq. ft. self-storage facility to be located at 34500 Mills Road

Vinny Violi was here before, it is a 32,000 sq. ft self-storage on Mills Road, fully paved, fully fenced with roughly 220 units will be there.

Mr. Malloy asks if they will have security there and Mr. Violi says yes, they will. Mr. Malloy asks if they will be heated or anything like that. Mr. Violi says 16,00 sq. ft will be fully heated and cooled, the other will be cold storage. Mr. Violi says fenced and gated.

Ms. Fechter says Mr. Violi has done a good job of addressing the comments but she would like this it be contingent as well as he will need a parking variance. Currently the code reads for a storage facility, he is required to have over 100 parking spaces and it is not conducive to the type of use. Mr. Violi will be able to put some on site but still needs the variance.

Mr. Cummins says there are still some outstanding engineering comments and would request a variance too.

Mr. Gasior says the bigger contingency is if Council passes item 15 someday. Ms. Fechter questions the storage condos and says this is not part of them. Mr. Violi says everything is under 300 sq. ft.

Mayor Jensen says this will have to go to the BZA and we had the same issue down on 83 with parking and Ms. Fechter confirms. Mayor Jensen says its no different over there as there was no way they would need that much parking.

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.

REFERRAL TO COUNCIL-FIRST PRESENTATION-SANITARY SEWER DISTRICT MODIFICATION

Per Article VII, Planning Commission (d) Mandatory Referral of the Council, Avon Planning Commission is recommending Council approval of site plan for Hunter International for the modification of the master sanitary sewer district.

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Aaron Appell of Bramhall Engineering, Scott Christman, Hunter International and Leon Sampat, Ellis Architects are all present. Mr. Appell says this property is on the edge of the sanitary sewer district line that Timberlakes is the line, the gravity sewer line ends at the apartments as of now. Mr. Appell says they have worked with the city of doing some calculations that show the 4.3 acres that Hunter International owns could be developed and fed by gravity to the west. Mr. Appell says they are requesting the modification to move that line to his eastern property line.

Mr. Cummins says there has been quite a bit of interaction between the city and applicant in the time before the meeting. The City did do a study of sanitary sewer flow, the existing sewer within Chester Road and found that there was capacity there. Mr. Cummins says the proposed site has the characteristics of being at the very upper reach of the district its in due to the location of I-90. Mr. Cummins says so moving the line to service the site does not cut anyone off from service in the future. Mr. Cummins says there is an existing sanitary sewer in place that runs along the property line of the apartment so there is adequate access and elevation there. The study shows there was capacity and the placement showed it could be done with no harm to anyone else. Mr. Cummins say the sanitary sewer that would be installed I the east, west across the site would be a public sanitary sewer ad will be dedicated back to the City so adjacent property owners to the east have the potential of extending the line and tying into it in the future along I-90 in the current C-4 zoning. Mr. Cummins says this applicant has agreed to installing the line, dedicating it to public use and make it access via an easement across their property for the City to maintain and anyone to tie on and extend.

Ms. Fechter says they did meet with the property owner to the east to let them know this testing had been done and made them aware they could use the sewer with what they brought in. Ms. Fechter says like this project, its an office building with limited number of employees so there is room, but that next user cannot be a large user and they are aware of that.

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 the site plan for Hunter International for the modification of the master sanitary sewer district The vote was: "AYES" All. The Chair declared the motion passed.

HUNTER INTERNATIONAL-FIRST PRESENTATION-GENERAL DEVELOPMENT PLAN

Scott Christman of Hunter International is requesting approval of the site plan for a general development for 2 phases of office buildings and parking lot to be located at 37779 Chester Road.

Aaron Appell of Bramhall Engineering says this is a phased development so Phase 1 will be the initial building back along I-90, two story, just over 32,000 sq. ft. Phase 1 parking includes 99 parking stalls at the south end of the site along the building. Mr. Appell says the second building that is planned, is just north of the parking along the eastern side.

Mayor Jensen says the parking now would that encompass both buildings? Mr. Appell says no there will be additional parking with Phase 2 and that is shown with some landbank if needed. Mayor Jensen asks anticipation groundbreaking? Mr. Appell says August and confirms with Mr. Christmas who says August or September.

Mr. Cummins says there are some outstanding comments regarding landscaping so he would ask for a contingent approval. Ms. Fechter says they do not want to give final approval as well as there are some small items needed to button up, the actual site wont change.

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Mr. Schneider says they would need a variance for a couple parking spots. Ms. Fechter says they are still working on the parking with them that is why they are asking for the contingency to work through final details. Mr. Schneider says they have enough space on the property now to install all the parking with out variance. Ms. Fechter says as of today, they are short no more than 10 so once the finish the conversation they will get a variance, or we will have them put them in. Ms. Fechter says with it being a phased development the second phase is to be determined. Mr. Schneider says it would be nice to see phase 1 go in without a variance but if they do need the variance do it in phase 2 at that time.

Mr. Gasior says to repeat, going back to the modification, that must go 3 readings in Council and then 30 days before its effective, so this would be contingent upon that being passed as well.

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 general development for 2 phases of office buildings and parking lot to be located at 37779 Chester Road contingent upon final engineering and the passing of the sanitary sewer district modification. The vote was: "AYES" All. The Chair declared the motion passed.

HUNTER INTERNATIONAL-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Scott Christman of Hunter International is requesting approval of the site plan for the final development a 32,310 sq. ft. office building and parking lot to be located at 37779 Chester Road.

Mr. Cummins says as with the general development plan, the final development plan has some outstanding comments to be addressed and would be considered for contingent approval. Mr. Cummins says he does not anticipate any layout change of the site, they are more technical details to be added. Mr. Gasior says both the general and final would be contingent on the sanitary sewer modification.

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 the final development a 32,310 sq. ft. office building and parking lot to be located at 37779 Chester Road contingent upon final engineer and the passing of the sanitary sewer district modification. The vote was: "AYES" All. 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.

Mr. Gasior says we were dealing with them in May. Mr. Gasior says they can go forward tonight, its not in discussions that Mr. Reynolds has had since the meeting. Mr. Gasior says its not clear how the sewer enclosure is going to take place if it takes place at all. He says its not known if the owner of the property is going to do the project or if there will be something worked out with the City, and he would make payment to the City to do it or if the project will be done at all. Mr. Gasior says as an item Planning could recommend that the ditch be enclosed pursuant to whatever plans we have. The uniqueness is the typically a ditch enclosure involves a 12" pipe and there is a practice if the property owner purchases the pipe, the City installs it. In this case we are looking at about 4 feet of 36" concrete pipe and another 60 feet of 30" concrete pipe which the cost will be more than a 12" pvc pipe. Mr. Gasior says there is still

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some talk going on but if Planning wants to approve the plan, that is not going to change, the size will be the same its just who is paying for what and when then you can vote tonight. Mr. Gasior says regardless of what way this goes the plans are there pursuant to the plan and will go forward when or at all. Mr. Fitch asks if the ditch is enclosed on either side of the property. Mr. Cummins says its enclosed from the western property towards the east about another 30 feet of 30" and then its open to where a 36" comes in under Mills Road bringing flow from the North Ridgeville side. Mr. Cummins says it is a complicated installation as there is an asbestos concrete water main near where the culver ends and that needs to be protected. To do that you will put in a good size structure to make the bend and then the 30" to complete the project.

Mayor Jensen says they have had a lot of discussion since this comes from North Ridgeville and we would typically do it ourselves. After talking to Mr. Loeser, it is something he would not want to do because it is so complicated and would rather someone with the experience to do it properly since its in the City Right of Way. Mr. Gasior says Council may deal with this to approve a developer's agreement with the property owner or appropriate money for the City to do it with agreement the property owner contributes to the City doing it. All this body needs to do is recommend that if it takes place its pursuant to the plans in front of them. Mr. Fitch says would it be something that you figure out what the cost of the 12" and then the city would pick up the difference. Mayor Jensen says we would figure out what it would cost us to put in the 12" and then the homeowner would have the upcharge. Mr. Gasior says they do not know what is going to happen, its still in negotiations. Mayor Jensen says if it were a normal 30" we would do that but with this being different. Mr. Radcliffe says we are working out the price difference between the 12" and the 36" that is required and how the city and the homeowner will split that difference. Mr. Cummins says the price was about \$30,000 for the 36" and \$7,700 for the 12 inches. Mr. Gasior says it is about getting the ditch covered.

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 recommend to Council to approve the site plan for approval for the ditch enclosure to be located at 31880 Mills Road pursuant to plans submitted. The vote was: "AYES" All. The Chair declared the motion passed.

GRANDE ESPLANADE-FIRST PRESENTATION-FINAL PLAT

Vince Bobkovich of Euthenics requesting approval of the Final Plat and the recommendation to Council to create a Subdivider's Agreement for Grande Esplanade, a 37 home subdivision located on the east side of Nagel Road, north of Mills.

REFERRAL TO COUNCIL-FIRST PRESENTATION-AMEND PLANNING AND ZONING CODE- STORAGE CONDO

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 1222 Definitions, Section 1278 Industrial District Regulation and Section 1280 Special Use to allow Storage Condominiums permitted in M-1 with a Special Use Permit.

Ms. Fechter says we have had many conversations on storage condos. They were passed by Planning and sent to Council several months ago, Council sent it to legal committee, there has been a lot of back and forth. Ms. Fechter says there have been some recommendation on setting up a special zoning district for storage condos, talk on esthetics for the building, sizes, etc. Ms. Fechter says in talking to our Chief Building Official we can not impose stricter requirements on the building above and beyond what the

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code states. Ms. Fechter says we can look at more landscaping, more fencing, things like that. Ms. Fechter says there is a project that wants to come in and have been waiting for about 9 months now to see if they can get the storage condos through. Ms. Fechter provided the ordinance that what was propose. She is looking at this more like a residential subdivision that has individual owners, an HOA, this would be the same thing. Ms. Fechter refers to the existing storage condos that exist with a special use and found there has been no trouble with them. Landscaping requirements will be added as has giving the fire department full access. Ms. Fechter says there have been several call inquiring about these and when are we going to get some, they do not want the mini storage.

Mr. Malloy asks how many storage units the city can absorb or take; it seems there is a lot. He does not want Avon to be know as the storage capital, he feels we have a lot already. Ms. Fechter says we have a fair share of mini self-storage and that is the issue, the size restrictions does not allow people to utilize them with the need. Ms. Fechter says Parma has a restriction on the mini storage units that there cannot be two within a mile radius since they seemed to be getting a lot, that is something to investigate. Mr. Malloy says it just seem like there are too many in his opinion. Mayor Jensen says to Mr. Radcliffe that we have talked about this before, and Council did not seem to have any issues just on how to regulate it better. Mayor Jensen says his concern is he does not want it on a main thoroughfare and would like to restrict it to some areas. The one Ms. Fechter is talking about is tucked away and in a good location, we do not want to see them popping up. Mr. Radcliffe would agree and would like to keep them back in an industrial part instead of a main street and possibly having a special use in relation to another one. Ms. Fechter confirms this will be a special use not a permitted use. Mr. Radcliffe says they can check to see if they want to put, they can't be within 2 miles of each other, things like that if need be. Mr. Dudziak says he likes the HOA thing as its gray area as its like residential but commercial property and then he can talk with them to help with the inspections.

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 recommendation to amend The City of Avon, Ohio Section 1222 Definitions, Section 1278 Industrial District Regulation and Section 1280 Special Use to allow Storage Condominiums permitted in M-1 with a Special Use Permit. The vote was: "AYES" All. The Chair declared the motion passed.

REFERRAL TO COUNCIL-FIRST PRESENTATION-AMEND STANDARD CONSTRUCTION DRAWINGS

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 Standard Construction Drawings to include Cluster Box Units in final walk through with acceptance of improvements.

Ms. Fechter says it started with a CBU in Red Tail that no one would install so we decided on G-5 to final walk-through punch list it be reviewed and to be installed before we accept that phase. Ms. Fechter says the Post Office has changed their rules requiring the cluster boxes and no more individual mailboxes. Ms. Fechter says we have tried to talk with the Post Office and got no where but they have tried. Mayor Jensen says we need to get that in there, so we are not put in the middle of these issues.

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 the recommendation to Council to amend The City of Avon, Ohio Standard Construction Drawings to include Cluster Box Units in final walk through with acceptance of improvements. The vote was: "AYES" All. The Chair declared the motion passed.

CONTINUED DISCUSSION ON HOME OCCUPATION

Mr. Gasiar says we are still contemplating a change in the law on home occupation, and he will try to get the information out and hold a public hearing to put this in effect and it will require them to get a permit. They will come to City Hall, fill out application, pay a fee, get a copy of the rules from the ordinance, and then conduct your business.

COMMENTS

Mayor Jensen says he has spoken to Mr. Cummins about Kinzel Road from what Mr. Meyers brought up. Mayor Jensen says there was talk about the paving on 83 and asked if it would be better to add the Kinzel area added to the other section. Mr. Cummins says the better product would have the contractor do it this year and have ODOT meet it at the intersection, it should be ok. Mayor Jensen says we will complete that part of Kinzel this year but ran into some issues with the widening and ODOT doing the project next year.

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 8:31P.M.