

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 6-17-20

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, JUNE 17, 2020 IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:10P.M

CREATE A SPECIAL USE PERMIT FOR NAKOTAI, LLC (ZZ'S BIG TOP) TO INCLUDE AN OUTDOOR PATIO TO BE LOCATED AT 35015 DETROIT ROAD. The Chair opens the Public Hearing at 7:00P.M. Mathias Hauck says they are looking to add some outdoor patio space with a wooden deck on the west side of the building. Mr. Hauck says they will be off set at the edge of the building in the front. Mr. Hauck says they have had discussion with the City, and they are moving the fence back and they will have a 7' walkway onto a 30'x28' wooden deck with outdoor seating. Mr. Hauck continues to say it will be fenced from the street with bollards in front of the fence and the building. Ms. Fechter says that the project was in front of the BZA and they were granted the ability to put up a 5' fence with 50% opacity and that was approved.

PRELIMINARY PLAT FOR A 37 NEW HOME SUBDIVISION, GRANDE ESPLANADE TO BE LOCATED ON THE EAST SIDE OF NAGEL ROAD, NORTH OF MILLS ROAD. The Chair opens the Public Hearing at 7:00P.M. Ms. Fechter explains this item will be deleted from the agenda at the applicant's request.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JUNE 17, 2020 IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon, Chairman; Pam Fechter, Planning Coordinator; John Gasior, Law Director; and Rick Schneider, Zoning Enforcement Officer; Jill Clements, Secretary.

Not Present: Ryan Cummins, City Engineer;

MINUTES OF THE REGULAR MEETING-MAY 15, 2020

A motion was made by Mr. Malloy, seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting held on May 15, 2020 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mr. Radcliffe to delete item #7- GRANDE ESPLANADE-FIRST PRESENTATION-PRELIMINARY PLAT at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

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

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NAKOTAI, LLC: ZZ'S BIG TOP-FIRST PRESENTATION-SPECIAL USE PERMIT

Mathias Hauck of ZZ's Big Top is requesting approval of the site plan and the recommendation to Council for approval to create a Special Use Permit to include an outdoor patio to be located at 35015 Detroit Road.

Ms. Fechter add the hours of operation 11am-1am Monday-Sunday. The music on the patio will be through speakers and if there happens to be a band it would be a one person acoustic. Mr. Hauck understands there are residents in that area and doesn't want live, loud music. Ms. Fechter says they added the bollards, two by the front door and a few by the fence. Mrs. Witherspoon says she saw some residents just come in and asked if they had issues with the patio and none of them did. Mr. Malloy says basically the only way to the patio is through the old front door and Mr. Hauck says yes. Mr. Hauck says by the old garage or now the brewing area, there is a fence entrance there and that wraps to the patio as well. He says the main route now is coming into the restaurant and then being seated out there. Mr. Malloy asks when they are looking to open. Mr. Hauck says hopefully the first full week of July.

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 and recommend to Council for approval to create a Special Use Permit to include an outdoor patio to be located at 35015 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

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 adjourned at 7:06P.M.

Mayor Jensen says there looks to be people in the audience that have some comments. Mr. Gasior suggests a motion to reconvene.

RECONVENE

A motion was made by Mayor Jensen, seconded by Mr. Malloy to reconvene the meeting. The vote was: "AYES" All. The Chair declared the motion passed.

Donna Hopkins, 37124 Hunters Trail, she says all of them would like to address with the increased student body at the High School, she asks what the City is going to do about the ongoing traffic issue on Hunters Trail. Ms. Hopkins continues to say adding a 1600 seat Performing Arts Center is only going to make this issue worse. Ms. Hopkins says the second thing is the landscape that is changing as a result of the Performing Arts Center. Ms. Hopkins says one thing they are incurring on the west end of Hunters Trail is the additional traffic that is taking place on the auxiliary portion of the school. She says there is an increase of traffic on that access drive that was supposed to be for emergency only, now its expanding for drop off and pick up of students. Ms. Hopkins says they are concerned with the expansion they will have further issues with the traffic. What is the City going to do to ensure the residents on Hunters Trail will not incur the whole burden of poor planning on the City's behalf for not checking ample access for the school to operate?

Ms. Fechter says at this time the Performing Arts Center was in front of the Commission and will be coming back within the next couple weeks. Ms. Fechter says there is a traffic study out now to determine

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what can be done to adjust the traffic. She says its also the School's responsibility as they are a private political subdivision to take care of the traffic to work with the City for a good solution. Ms. Fechter says as for the landscape, they were in front of us with a Public Hearing and if we look at the exact area conversation can go back to the school to talk about the area in question. Ms. Hopkins says it has been addressed once before on March 5, 2018 and they said they were going to install an electric gate which exasperated their problem on the west end and there's continuous traffic from the front of the school back to the ball fields. Ms. Hopkins says she spoke with Mr. Fishleigh and nothing has been done. Ms. Fechter asks if landscaping was talked about and Ms. Hopkins said he would take it to he Board and that is not priority they wanted to gate first.

Mayor Jensen asks do you want the gate, or do you not want the gate? Ms. Hopkins says she isn't going to speak on behalf of everyone, but she feels the traffic is a huge issue. The gate does help with some of the traffic for the front part of Hunters Trail but the back end they still incur the traffic. Ms. Hopkins says the parents will drop off and pick up at the gym and the homes that are facing that parking lot and back part of the High School have lights continuously shining in 6 months of the year. Ms. Hopkins says there is a natural buffer of woods now but when the fall comes, they have no buffer and constant lights and traffic in their back property.

Tricia Glending, 37126 Hunters Trail, she says she lives next door to Donna there is a lot of noise too. Ms. Glending says the additional problem is like Donna said there's woods in the back, but they are getting older and if you look from the school side it looks like buffer but when you look from her porch back its not. Ms. Glending says that does not supplement the noise that goes on. She says she thinks there's weightlifting or something going on but at 6:30 the clanging and banging and rap music all sorts of stuff, the buffer doesn't help that. Ms. Glending says the lights, the traffic and the noise are all a problem we need to figure out what to do. Ms. Glending says one thing they have talked about was having someone come to look at the buffer from their side, so they have a better understanding. Ms. Glending says it looks like they might be expanding the parking lot and that will give more lights coming in. Ms. Fechter says she will get her info and they can talk about it.

Dan Repas, 37102 Hunters Trail, Mr. Repas says he is on the east end, four houses from Stoney Ridge and wants to comment about the school traffic in the morning and afternoon. Mr. Repas says there's times he can't back out of his driveway and he is surprised there haven't been increased fatalities or accidents at the intersection of Stoney, it is getting worse. Mr. Repas says now with the addition we have morning, afternoon, now we will have weekend events it's going to increase the traffic and doesn't think it's a safe environment moving forward.

Steve Miles, 37122 Hunters Trail, says basically what everyone has said the street gets so blocked up with traffic going both directions, emergency vehicles couldn't get down to save your life. Mr. Miles says there a stop sign at the corner where the auxiliary comes out, if the City needs money, you need to put a cop there and they will hand out several tickets a day. Mr. Miles says they don't stop at the stop sign, they pull out and keep going as they are assuming you are turning into the school so it's a little tricky in that area. Mr. Miles says they have tolerated it for years but now we have more younger kids on bikes and people are coming up and down the street not at the speed limit, they don't stop at the sign, there's a long line of cars, people then start parking and now they are walking between the cars causing more mayhem. Mr. Miles understands this is a public road, they all get that but there is an entrance off Detroit, there is a gate, he doesn't see the purpose of having the gate there if you don't close it to keep people from coming in and out of it and blocking their street. Mr. Miles thought that was the whole reason they put the gate in, maybe not. Mr. Miles says he doesn't have the plans in front of him, maybe he misunderstood but they are concerned about the parking getting near their homes and the noise, which does happen and doesn't understand why the parking lot isn't moved forward. Mr. Miles says they own property moving forward and not towards them, when you move it forward then you are behind the house and there's woods so you

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wouldn't be impacting people as much. Mr. Miles says its all a budget thing, they all looked at it, he gets it, its money but he thinks maybe they need to take a step back and take a look at these plans and get everyone together and they can come to an agreement that works for everyone.

John Garrison, 37127 Hunters Trail, says he's lived on Hunters Trail for over 20 years and has seen the progression of the additional traffic go from bad to worse. Mr. Garrison says everything has been said that he would say especially the comments on the congestion on the street, the safety of that and the speed the cars are traveling up and down is excessive and trying to get off the street for pick up and drop off is a big issue.

Ms. Fechter says she appreciates them coming out and sharing their comments and its all part of the minutes and public record and will be shared with the school. Ms. Fechter says she is also going to take to them about looking at the landscaping and says she will make sure as soon as they come back, they will all be noticed to come out again to let them hear your comments as well.

Mayor Jensen says as a former homeowner on that street, he has seen what is going on but as a City we have some control but unfortunately the school could have other ideas. Mayor Jensen says we can't stop them from putting the Performing Arts Center and there was conversation for the best location, and they thought that was it. He says the one thing we can do is the landscape buffer is something we can't talk to them about, Mr. Laub is always willing to listen and help. Mayor Jensen says from the City standpoint the traffic that is drawn in there as they build is trying to get an alternative way. Mayor Jensen says even on Detroit Road, the amount of traffic that comes out there when school is in, it's a nightmare for all of us. Mayor Jensen suggests they go to the School Board meeting to let them know as they are a separate government entity. They will be coming back and Mayor Jensen looks every day for other options and alternatives for safety reasons. Mayor Jensen says this is a tough one as they school doesn't have to come before us, but they do as a courtesy and they make the final decisions.

Mr. Gasior says he must emphasize the fact they are a separate political subdivision in the State of Ohio, and he can't say how important that is. Mr. Gasior says they have the authority to tax, the authority to spend and a governing body, the School Board, they are like another City. Mr. Gasior says the decisions they make are the decisions they make independent of anything we can, say or do. He continues to say as the Mayor mentioned we do have a good relationship with the School, and we like to maintain that but literally they can do what they want to do. We can talk to them, make suggestions but they are a separate political subdivision in the State of Ohio. Mr. Gasior says we appreciate the fact they come and show us their plans and allow us to help improve them, its strictly a voluntary thing. Mr. Gasior says years ago there was a big battle over the bus garage. Some City members didn't want it on Detroit Road, but the School Board did, and it went to Court for a brief time and the matter was settled and it went where the school wanted it to go. Mr. Gasior says he was Law Director at that time and did a lot of research about the schools and the City's hands are tied, we are trying to do the best we can through negotiations. Mr. Gasior says the traffic is a problem, they feel their main goal is to educate children. Our goal is to make sure everyone is safe when they come and go. Anytime you are near a school you have these issues. Heritage is an example as there has always been traffic issues when school lets in and out. Mr. Gasior says we do the best we can as we can't tell them how to do things, its up to them. Mr. Gasior says they should probably go to the School Board and discuss their concerns there.

It was asked then who does the School Board report too? Mr. Gasior says, it's the people and as he mentioned earlier Planning Commission doesn't have authority over the School Board. Planning has authority over someone who wants to develop their land, a private entity. Mr. Gasior says we govern our own builds and when it comes to the school, they come to us, show the plans and sometimes takes advise from us but ultimately, they have the legal authority to do what they want. Mr. Garrison says even if it

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puts the City into not safe situations. Mr. Gasior says then we must find ways to make it safe. Mr. Gasior says when you have a mass number of kids leaving at the same time, you're going to have problems- on Detroit Rd., Hunters Trail and Stoney Ridge. He says we are working on other ways to find egress for that campus, but it all takes time. Mayor Jensen says that's the unfortunate part is when schools were built, they were put in residential areas but once the bigger schools started to be built, they realize, its not the best area. Mayor Jensen says he tries to find alternative means to help as the schools and split monies as the school funding is limited. Mayor Jensen continues to say they need to work on things together to help with better locations. Mayor Jensen says they have looked at several options for those areas. Mr. Gasior says they are coming back, they agreed. When Covid-19 hit it prevented us from having a good public hearing on their performing arts building and when they come back, everyone can express their concerns and problems and hopefully they will work on that. Mr. Gasior says the Schools main job is to educate the kids as he's been told that. Ms. Fechter says the traffic has been a concern and when they came in, we hired the traffic study around the area. Mayor Jensen says Mr. Laub has been very good with working with the residents. Mayor Jensen says its nice to go together with ideas on how to fix thing. There was brief discussion on the weightlifting noise and music. It was mentioned that the Performing Arts could be rented out to others so not only will there be the school traffic daily, there will be traffic 7 days a week and people coming from other communities. Mayor Jensen says they shared that they may use it for other things but reassured the City that the traffic will not increase anything from when then school is full. Mayor Jensen says they have said they wanted to leave that option open but was hoping for community groups not so much outside Avon groups. They just want to make sure their voices are heard for their neighborhood and everyone else. It was asked by the audience when the School Board meets. Mr. Radcliffe says typically they are the third Tuesday of the month. He suggests they follow their website as they could add meetings as well. Mr. Miles says to carry the point from the discussion if they do rent it out, does that make it a commercial building and then wouldn't it fall under guidelines of the City as they are doing it for profit. Mr. Gasior says its their property and that is the way they chose to use it. Mr. Gasior says they have the right to use their property how they chose too, and they have a Special Use and he refers to the bus garage project. Mr. Gasior says it was a Special Use and they tried to regulate it and it went to court for a bit and it was resolved. Mr. Gasior says the best way for them to get any consideration is to attend the School Board meeting and address their comments to them. Ms. Fechter says that this information will be passed along to their Council person. Mr. Radcliffe says the next School Board meeting is July 21, 2020 unless they go in and talk to them and ask for a special meeting.

ADJOURN

A motion was made by Mr. Malloy, seconded by Mr. Radcliffe to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting adjourned at 7:51P.M.