

**AVON PLANNING COMMISSION
JUNE 19, 2024, 7:00 P.M.-COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

PUBLIC HEARINGS

1. Greg Wasilko, Detroit Road, North Side and East of Jaycox, Rezone Residential to Commercial

Gregg and Mark Wasilko are requesting a positive recommendation to City Council to rezone 2.438 acres of the 2.58-acre parcel, PPN 04-00-022-102-083, from R-1, Single Family Residential to C-1 Neighborhood Business.

The Chair opened the public hearing at 7:00 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:00 p.m.

2. Referral to City Council: Amend Planning and Zoning Code

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(a)(5), 1280.05 Minimum Lot and Yard Requirements For Special Uses in Non-Residential Districts; 1280.05(gg) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(jj) to add Urgent Care Clinic's as a Special Use (SU) in the C-2 Central Business / French Creek District.

The Chair opened the public hearing at 7:00 p.m.

There were no comments from the audience.

The Chair closed the hearing at 7:02 p.m.

3. Referral to City Council: Amend Planning and Zoning Code

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(e)(7), 1270.08 Supplemental Regulations for Gasoline Stations and Auto Service Stations, 1280.05 Minimum Lot and Yard Requirements for Special Uses in Non-Residential Districts; (1280.05(i) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(c) to not allow Refueling Stations in a 500' proximity of Detroit Road.

The Chair opened the public hearing at 7:02 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:03 p.m.

4. **Referral to City Council: Extending the Temporary Moratorium on the Future Development or Construction of any Hotel, Motel, Extended Stays, Boarding Houses, or the Like within the City of Avon through January 14, 2025.**

The City of Avon is requesting a positive recommendation to City Council to extend Ordinance 66-24 through January 14, 2025.

*Correction: Ordinance referenced should be 67-24

The Chair opened the public hearing at 7:03 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:04 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:04 p.m. in Council Chambers.

Present: Bill Fitch, Bryan Jensen, Mayor, Jim Malloy, Scott Radcliffe, Carolyn Witherspoon, Chair.

Staff: Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; Jill Clements, Zoning Enforcement Officer, John Gasior, Law Director; Duane Streator, Safety Director; Susan Pintz, Planning Commission and Zoning Secretary

REVIEW & 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 15, 2024, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

None

1. **Jerry Kreis, Detroit Road, Lot Split and Consolidation, PL20240032**

Jerry Kreis is requesting approval to split 0.878 acres from PPN 04-00-002-103-056 with 3.9579 acres remaining and then consolidate .0878 acres to PPN 04-00-002-103-055 to create a 1.6405-acre parcel.

Jerry Kreis, 38771 Detroit Road, Avon, Ohio 44011. Mr. Kreis requested a portion of his parents' property (Wilbert and Martha Kreis) to be split and consolidated into his parcel which is adjacent to his property.

Ms. Fechter referred to the drawing on the screen. She said the drawing indicates Mr. Kreis' request and that there is a barn that is too close to the property line which required a variance. The variance request was presented to the Board of Zoning and Appeal on June 5, 2024, and was approved for a 12-foot variance. The adjacent parcel is owned by his parents and a portion of the parcel has been given to Mr. Kreis and he is requesting a change in the property lines.

Mr. Cummins stated the property survey has been reviewed and he would recommend its approval.

Mr. Kreis asked, by requesting this change, would this be considered one parcel.

Ms. Fechter referred to the drawing and said, no, the 2 boxes on the left side, would be his property and everything on the left of that is the adjacent property.

Mr. Kreis asked if the small parcel from his parents' lot would combine to his parcel.

Ms. Fechter said that is correct.

Mr. Kreis asked what he is allowed to do with respect to the R1 zoning, does it add more square footage where he can build something on the parcel.

Ms. Fechter said it will give him more square footage. She said if this is approved then his surveyor will need to send the Planning Department the drawings for city signatures and then he will need to take it to the Lorain County Recorder's office to be recorded and the entire square will be added to his parcel.

Mr. Kreis asked will that parcel be taxed as one parcel.

Ms. Fechter said yes.

Mr. Kreis asked what would happen if he did not proceed with the Lot Consolidation.

Ms. Fechter said it would remain what is in place today, same tax bill and same lot.

Mr. Kreis asked if the newly added parcel would be a separate parcel.

Ms. Fechter replied if the parcel is split then it needs to be consolidation or have it deed restricted to one owner. The lot could not be sold because that parcel would need its own frontage. If the parcels were split and remained split, he would receive 2 tax bills. She said it would still be taxed at the same rate, whether they are consolidated or not.

Mr. Gasior said that is a question for the Lorain County Auditor not for this body. The Auditor's office will make the determination.

Mr. Radcliffe asked if he was trying to leave the parcel as a small flag lot behind his property with an access path down the side.

Mr. Kreis said yes it would end up being that way.

Mayor Jensen said he thinks Mr. Kreis' question is for tax reasons.

Mr. Kreis said with more land the value of the house and land is worth more. He wanted to know if the Auditor's office will tax his property and then the additional parcel will be considered undeveloped land.

Ms. Fechter said he will need to speak with someone in the Auditor's office and ask them what his option will be for taxes.

There were no other comments.

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 a split of 0.878 acres from PPN 04-00-002-103-056 with 3.9579 acres remaining and then consolidate .0878 acres to PPN 04-00-002-103-055 to create a 1.6405-acre parcel. The vote was: “AYES” all. The Chair declared the motion passed.

2. Isomer Group, aka Drug Mart; East Avon Center, Phase 1, 2295 Nagel Road, Final Development Plan, PL20240033

Carl Frey of Labella Associates and Tom Lunt of Isomer Group, Inc. are requesting approval of the Final Development Plan for East Avon Center, Phase 1 to include stormwater, commercial driveway and buffer construction at 2295 Nagel Road, PPN 04-00-027-101-196.

Carl Frey, Labella Associates, 6100 Parkland Blvd. Suite 100 Mayfield Heights, Ohio 44124

Tom Lunt, Isomer Group (Discount Drug Mart) 211 Commerce Park Drive, Medina, Ohio 44256.

Mr. Frey stated they have been working with potential buyers. This plan set has been developed to represent the seller's agreement made with McDonalds. The plan is to share stormwater basin, the driveway to Middleton and the proposed parcel. The plans do not show all the development but there is discussion on how to plan cross access with McDonalds. There will be an updated site plan. He said a wetland permit was obtained yesterday (June 18, 2024).

Mr. Cummins reviewed the plans and had a number of comments and if the body chooses to take action, he is requesting this be contingent on final engineering approval.

Ms. Fechter would agree that some things need to be worked though such as easement agreements and cross access agreements. Discount Drug Mart will also need to get a variance through the Board of Zoning and Appeals for their landscape buffer. The city asked that the driveway and stormwater be in the rear, and they make a bigger buffer. She said they would need a 10-foot parking setback on the front which will need to be presented to the BZA. The plan would not change, it is just the small amount of access to the driveway and the landscape buffer which would need to be contingent because they will need to return to Planning Commission through various phases which would include some road work.

Mr. Frey stated they are requesting any approval to be contingent as they work through some of the issues. They are trying to make things fit and are working with the neighbor about how to enhance the buffer working across the property line. The relief on the front parking set back from 35 feet to 25 feet is the request on the spaces and with the buffer and mounding.

Ms. Fechter said behind this development is the Nagel Farms subdivision which is under construction building new homes and they have been in discussions about expanding the buffer and making it more robust.

Mr. Radcliffe said he would encourage the buffer and thinks it will be critical to help support those neighbors.

Mr. Cummins had no further comments.

Mr. Gasior asked if there will be a Property Owner Association.

Mr. Lunt said he wanted to have an Operating Agreement. There will be an Association, but Drug Mart will have an agreement that any user will have to sign agreeing that they will share some expense on maintenance, etc.

Mr. Gasior asked if there will be cross easements.

Mr. Lunt said yes there will be.

Mr. Gasior asked if the city had reviewed the plan for the easements.

Mr. Cummins said they have not defined the easements yet.

Mr. Gasior stated if there was a contingent approval he would like to see the operating agreement and the easements agreements.

Mr. Cummins stated that until an applicant is interested in building something this is still Drug Mart only. He said if McDonalds submits a plan set and comes to Planning Commission for approval, at that point it would be critical to have the easement agreements and operating agreements. Discount Drug Mart could either work proactively to provide those agreements now or wait until the first applicant submits a plan.

Ms. Fechter said the General Development Plan would need to be updated to show the what end user will be coming in to the development.

Mr. Gasior stated the concern is the real estate operating agreement, easement agreement and cross access points.

Mr. Lunt stated they have those almost finalized to share with the user.

Mr. Gasior asked Mr. Lunt if he can share those documents with him.

Mr. Lunt agreed.

Mr. Gasior asked for this approval to be contingent on legal approval also. He said to Mr. Cummins point the city may not see those agreements for a while but will cross that bridge when we get to it.

There were no other comments.

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 East Avon Center, Phase 1 to include stormwater, commercial driveway and buffer construction at 2295 Nagel Road, PPN 04-00-027-101-196 contingent on final engineering approval, real estate operating agreement, easement agreement, legal approval and Board of Zoning and Appeals approval for variance. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Gregg Wasilko, Detroit Road, North Side and East of Jaycox, Rezone Residential to Commercial, PL20240034**

Gregg and Mark Wasilko are requesting a positive recommendation to City Council to rezone 2.438 acres of the 2.58-acre parcel, PPN 04-00-022-102-083, from R-1, Single Family Residential to C-1 Neighborhood Business.

Gregg Wasilko, 32440 Legacy Point, Avon Lake, Ohio 44011.

Ty Stewart, Liberty Development, 28045 Ranney Parkway, Westlake, Ohio 44145

Mr. Stewart stated they have been working with the city on the property that Mr. Wasilko and his brother own on Detroit Road that is east of the property that Earl Martin developed a few years ago at Detroit Road and Jaycox. They looked at different ways to develop that parcel. There are 2 separate parcels, one is C1, and the other is R1. They are requesting to rezone the parcel that is R1 to C1. They have requested a partial rezoning and there have been conversations about that.

Ms. Fechter stated across the street from the Wasilko property is a large parcel that falls in the backyard of Elizabeth, Joseph and Puth. There is one large lot and a thin lot on the east and the city asked them to come in and only rezone the parcel that is directly across the street from the thin lot because that will remain residential and that would provide a good buffering. She said as the lots of the drawings were being reconfigured, the city then requested that Mr. Wasilko rezone the whole parcel which would give them room for the proper buffer from commercial to residential in addition to helping with the alignment of the driveway.

Mr. Cummins stated on the plans that were submitted, there is some indication of a preliminary layout of development on the site, he would like to make it clear that any approval does not include that development and that would need to be submitted on a separate plan for approval.

Mr. Malloy wanted to verify that the whole parcel would be rezoned.

Ms. Fechter stated yes.

Mr. Radcliffe said the potential development shows it is close to the other parcel on the corner. He said that section of Detroit Road is two lanes and the turning lane going south on Jaycox Road, where the west driveway is located, that area backs up with traffic. He would like to see a right in and right out only on Detroit Road and then get rid of the western entrance/exit and maybe work with Martin Development to share the driveway.

Mr. Stewart said they are willing to work with the city and as development plans evolve, what is depicted on the plan is a right only. They are aware that traffic is a sensitive issue, and it has to work for everyone.

Mr. Radcliffe stated if the land behind Martin Development would be developed, to then being cognizant of the neighbors to provide buffers.

There were no other comments.

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 to City Council to approve to rezone the entire 2.58-acre parcel, PPN 04-00-022-102-083, from R-1, Single Family Residential to C-1 Neighborhood Business. The vote was: “AYES” all. The Chair declared the motion passed.

4. Referral to City Council: Amend Planning and Zoning Code

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(a)(5), 1280.05 Minimum Lot and Yard Requirements For Special Uses in Non-Residential Districts; 1280.05(gg) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(jj) to add Urgent Care Clinic's as a Special Use (SU) in the C-2 Central Business / French Creek District.

Ms. Fechter stated it was brought to the City's attention that Urgent Care Centers were not permitted in the C-2 Central Business/French Creek District. There are several Urgent Care Centers in place currently. She has had conversations with the Administration, and they believe when the code was written in 2001 the Urgent Care Facilities were viewed as a mini hospital. Over the years Urgent Care Facilities have become more like doctor's offices. It is similar to a CVS pharmacy to get treatment. The city believes Urgent Care Facilities do not put as much of a strain on the area as they thought they would. She said as there are a number of them in existence today, we are requesting they be permitted in the C-2 Central Business/ French Creek District.

There were no further comments.

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 to City Council to approve to Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(a)(5), 1280.05 Minimum Lot and Yard Requirements For Special Uses in Non-Residential Districts; 1280.05(gg) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(jj) to add Urgent Care Clinic's as a Special Use (SU) in the C-2 Central Business / French Creek District. The vote was: “AYES” all. The Chair declared the motion passed.

5. Referral to City Council: Amend Planning and Zoning Code

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(e)(7), 1270.08 Supplemental Regulations for Gasoline Stations and Auto Service Stations, 1280.05 Minimum Lot and Yard Requirements for Special Uses in Non-Residential Districts; (1280.05(i) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(c) to not allow Refueling Stations in a 500' proximity of Detroit Road.

Ms. Fechter stated in the spirit of the Detroit Road preservation the Administration has reviewed this and has determined they do not want gas stations for retail sales on Detroit Road. The city felt the 500-foot proximity was an acceptable distance from Detroit Road to prohibit retail gas stations to preserve the Detroit Road By-way.

Mr. Gasior stated he distributed a draft ordinance regarding this item. These are subject to change when discussed at City Council.

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

Mr. Gasior asked Ms. Fechter about an exception for the school bus garage.

Ms. Fechter suggested rewording to indicate refueling stations as it related to retail and commercial refueling stations. The city is not trying to prohibit the school bus garage as they are currently in place and 500 feet from Detroit Road.

Mayor Jensen said the city needs to look at this a little differently because the Police and Fire Departments also have a refueling station.

Ms. Fechter said we are specifically referring to commercial and retail.

Mr. Gasior believes that was included in the ordinance but if not, it is a clarification, but it will be in the ordinance that goes before Council.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to City Council to approve Amend the Planning and Zoning Code, Section 1270.03 Schedule of Permitted Uses; 1270.03(e)(7), 1270.08 Supplemental Regulations for Gasoline Stations and Auto Service Stations, 1280.05 Minimum Lot and Yard Requirements for Special Uses in Non-Residential Districts; (1280.05(i) and 1280.06 Supplemental Regulations for Certain Districts; 1280.06(c) to not allow Refueling Stations in a 500’ proximity of Detroit Road. The vote was: “AYES” all. The Chair declared the motion passed.

6. Referral to Council; City of Avon Land Dedication

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is requesting a positive recommendation to City Council for the 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 stated this is a revision and an addition to the plat that came before Planning Commission about 2 years ago. The city owns a number of parcels along the south side of Detroit Road which would be impacted by the upcoming SR83 and SR 254 project. The plans include utilizing some of the city owned land as part of the dedicated road systems. ODOT requires, as they did before, that any land that is used for a roadway purpose has to be dedicated on a plat and recorded with the county that way. He said even though the City of Avon owns the land and would make it available for use it would need to be split out for public

roadway use. That is what this plat does. The reason this is before Planning Commission is because in the last 2 years, we expanded the footprint and do plan on coming back to Planning Commission to show the updated footprint and we are awaiting some legislation from ODOT and then this will be presented to City Council to then show the updated footprint at Planning Commission.

Mr. Cummins said in order to get the right of way acquisition process moving along and keep it moving along, it is important to get this dedication plat approved and recorded.

There were no other comments.

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 to City Council to approve the 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. The vote was: “AYES” all. The Chair declared the motion passed.

7. Referral to City Council: Extending the Temporary Moratorium On The Future Development Or Construction of Any Hotels, Motels, Extended Stays, Boarding Houses Or The Like Within the City of Avon

The City of Avon is requesting a positive recommendation to City Council for the extension of Ordinance 66-24 through January 14, 2025.

Ms. Fechter requested to correct the ordinance number to Ordinance 67-24.

Mr. Gasior said items 6 and 7 were presented to City Council at the July 17, 2024, meeting because in the case of the Detroit Road dedication plat they need to pass it so the paperwork could be processed.

Mr. Gasior stated this item has also been presented to City Council as this moratorium on extended stays is due to expire on July 9, 2024. He said this has been reviewed and they have studied other communities and found there seems to be a licensing process that is adopted in addition to passing legislation. He said this may take some time to figure out how to regulate licensing as opposed to zoning. This is why we needed additional time, but the hope is we get this done sooner than January 2025. The City is asking Council to approve this on Monday, June 24th so a positive recommendation from Planning Commission would be helpful.

There were no other comments.

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

Mr. Gasior stated Planning Commission would be the first to look at the final ordinance once it is prepared and make a recommendation to Council after the ordinance is reviewed.

Mr. Malloy moved, seconded by Mayor Jensen, to recommend to City Council to approve the extension of Ordinance 67-24 through January 14, 2025. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Mayor Jensen had no comments.

Mr. Malloy had no comments.

Mr. Fitch had no comments.

Mr. Radcliffe had no comments.

Ms. Fechter, Happy July 4th

Mr. Cummins had no comments.

Mr. Gasior stated on Item 5 retail sales for refueling, it was mentioned referencing the school garage, police and fire station, it also occurred him to at Walmart there are the EV charging station. He said the city might want to make an exception for those types of stations where they are used as an accessory use to a business like a Walmart and used as a convenience to their customers, but it is not their primary sort of use. We may want to consider drafting something for that exception.

Mr. Radcliffe said that would fall under the gas station and auto service stations.

Mr. Gasior said the city would be renaming gas and auto service stations to refueling stations and the way the city is going to define refueling in the ordinance. If there was an electric vehicle refueling station like Sheetz that is a primary use and a shopping center is a secondary use. The city would need to write the ordinance in order to provide the convenience of electric charging stations.

Mayor Jensen suggested passing the ordinance as written and maybe making some adjustments later after we have had some time to review it. People may start to set up a business for just charging stations ancillary to a dairy mart. He suggested passing the ordinance as is making it prohibited and making exceptions as needed.

Mr. Gasior agreed with Mayor Jensen and added that we see how things develop in the next 3-5 years when the electric vehicle becomes more prevalent or not.

Ms. Clements had no comments

Mr. Streator had no comments.

No comments from the audience.

ADJOURN

Mr. Malloy moved, seconded by Mayor Jensen to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. Meeting adjourned at 7:45 p.m.

Carolyn Witherspoon, Chair
Planning Commission

Susan Pintz, Planning Commission and
Zoning Secretary

Date