MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, AUGUST 19, 2020 IN COUNCIL CHAMBERS OF CITY HALL

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

CREATE A SPECIAL USE PERMIT FOR A FLAG LOT FOR A FUTURE SINGLE-FAMILY DWELLING TO BE LOCATED EAST OF 32480 SCHWARTZ ROAD. The Chair opens the Public Hearing at 7:00P.M. Rick and Pauline Schneider, 32370 Schwartz Road. Mr. Schneider explains they would like to consolidate two lots, both lots are 80' wide and then they would make a 100' lot and a 60' flag lot behind that lot.

Ryan Temple, 3181 Potterstone asks if this is for future development? Mr. Schneider says no, for single family residence. Mr. Temple asks both lots and asks if they have an idea where the house will be. Mr. Schneider says yes both lots single family residence and as for the house, the 60' entrance is 300' feet long and then they will have a 50 front yard set back so approximately 350' back from the road. Mr. Temple says he was concerned about drainage into their basin.

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

CREATE A SPECIAL USE PERMIT FOR VAULT SELF STORAGE TO ALLOW A SELF-STORAGE FACILITY TO BE LOCATED ON PPN 0400024116231 LOCATED ON MILLS ROAD. The Chair opens the Public Hearing at 7:03P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:04P.M.

AMEND THE SPECIAL USE PERMIT FOR AVON/AVON LAKE VFW POST 7035 TO INCLUDE AN OUTDOOR BAR UNDER THE EXISTING PAVILION LOCATED AT 36950 MILLS ROAD. The Chair opens the Public Hearing at 7:04P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:04P.M.

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; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; and Rick Schneider, Zoning Enforcement Officer; Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-JULY 15, 2020

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 July 15, 2020 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

ADDITIONS/DELETIONS

RICHARD SCHNEIDER-FIRST PRESENTATION-LOT CONSOLIDATION/LOT SPLIT Richard and Pauline Schneider are requesting approval of consolidating two parcels into one then splitting that 4.12-acre parcel into two, creating Parcel 1 being .8670 acres and Parcel 2 being a 3.2282 flag lot located east of 32480 Schwartz Road.

Mr. Cummins says they have reviewed the survey and have a couple very minor text comment that have gone to the surveyor and asks for a contingent approval.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve consolidating two parcels into one then splitting that 4.12-acre parcel into two, creating Parcel 1 being .8670 acres and Parcel 2 being a 3.2282 flag lot located east of 32480 Schwartz Road contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

RICHARD SCHNEIDER-FIRST PRESENTATION-SPECIAL USE PERMIT

Richard and Pauline Schneider are requesting approval of the lot split and recommendation to Council for approval to create a Special Use Permit for a flag lot to include a new single-family dwelling on the north side of Schwartz Road east of 32480 Schwartz Road.

Ms. Fechter asks that this have a contingent approval pending ZBA approval of a 5" variance for frontage to be 100' on new lot. Mr. Gasior also asks if they want what they did before with having the flag lot being 50' from the rear lot line for the new home. Mr. Schneider confirms yes.

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 for approval to create a Special Use Permit for a flag lot to include a new single-family dwelling on the north side of Schwartz Road east of 32480 Schwartz Road contingent on ZBA approval. The vote was: "AYES" All. The Chair declared the motion passed.

VAULT SELF STORAGE-FIRST PRESENTATION-GENERAL DEVELOPMENT PLAN Vinny Violi is requesting approval of the general development plan for a two phased self- storage facility to be located on the Mills Road.

Vinny Violi, 18738 Bonnie Lane, Strongsville of Vault Self Storage says the general development plan is for self-storage facility located on 3.2 acres on Mills Road. Mr. Violi says the parcel's cleared of trees and is bare. Mr. Violi says this will be done in two phases with the first phase being 25,000 sq. ft. and the second being 20,000 sq. ft. of storage space. Mr. Violi says there is preliminary layout for storm water management and fire hydrants. Mr. Violi tells the proposed sizes of storage spaces along with a Bluetooth locking system to increase safety aspects. They will have 24 hr. access and the parking lot and driveways will be concrete as well. Mr. Cummins has no comments.

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 general development plan for a two phased self- storage facility to be located on the Mills Road. The vote was: "AYES" All. The Chair declared the motion passed.

VAULT SELF STORAGE-FIRST PRESENTATION-SPECIAL USE PERMIT

Vinny Violi is requesting approval and the recommendation for Council approval to create a Special Use Permit for Vault Self to allow a self-storage facility to be located on PPN 0400024116231 located on Mills Road.

Ms. Fechter says she has had conversation with Mr. Violi regarding the traffic study for that area. Ms. Fechter says there is Maria Gardens who is looking at the parcel next door and what these gentlemen are doing is they are going together on the traffic study broken down with both their uses to get a good idea of what could be next. Mrs. Witherspoon asks if this would be contingent? Ms. Fechter says no that would need to be done before they come back for final development plan.

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 for approval to create a Special Use Permit for Vault Self to allow a self-storage facility to be located on PPN 0400024116231 located on Mills Road.

CONCORD VILLAGE TURN LANE

Kevin Hoffman of Polaris Engineering is requesting approval of the site plan for the construction of an eastbound left turn lane on Chester at the west entrance of Concord Village.

Mr. Gasior says he talked to his attorney before this meeting and asked if they were still on. Chairman Witherspoon says they will hold this and bring it back at the end for someone to come.

Kevin Hoffman of Polaris Engineering says last year when the development was approved, they had a traffic study prepared and it was determined as the City and the development grew, they would need a turn lane. Mr. Hoffman says the approval was contingent that they could install it later and worked on engineering and are here with final plan for the left turn lane. They have been working with Columbia Gas to get the gas line moved and are moving forward. Mr. Cummins said as Mr. Hoffman says there are still some small amount of details to work out and they met with the Gas Company to resolve some issues there and there are still some reviews and would as this be contingent or considered first presentation. Mayor Jensen asks if there is an issue with delaying this. Mr. Gasior says once he gets final numbers then he can get the agreement done. Mr. Hoffman says he is worried about the later it gets it could slide into the spring and Mr. Gasior says he doesn't want to see that. Mr. Gasior says their client will want to get it in. Mr. Cummins says there is an issue with location of the existing gas line and they had a favorable meeting and if they came back and agreed it would be at least a month of scheduling and a month of work and coming into this project will likely be April of next year. Mayor Jensen recommends they wait until next month.

No Action taken; Chair declared first presentation.

AVON POINTE-FIRST PRESENTATION- GENERAL DEVELOPMENT PLAN Shaun Brady of Brady Cam 1, LLC is requesting approval of the general development plan for Avon Pointe Buildings 6,8,9 on American Way.

Shaun Brady of Brady Cam 1, LLC 1290 Basset Road says this is the final of the final for Avon Pointe. Mr. Brady says previously approved was a building for Cleveland Eye Clinic which is building #4 and is partially open. Mr. Brady says next to that is building #5 which is not constructed but they have done the building pad and site utility and retention for the entire site and drive to Chester Road. Mr. Brady says he is looking to get approval for Building 6,8, and 9 which are smaller buildings to the north. Mr. Brady says they will do it in smaller phases. He says the only comment he wants to address is the parking issue and says they will have 23 more spaces then what is required but what was submitted for 6, 8 and 9 it shows they are short but he feels with the extra they will have more than what is required. Mr. Cummins says he does have several other comments and would ask if action is taken, it be a contingent approval upon final engineering. Mayor Jensen asks any idea of who could occupy those three buildings? Mr. Brady says they are under the gun with two tenants currently, so they hope to start building #6 this fall which is just under 10,000 sq. ft. there is an imaging center that is reviewing the lease now. Mr. Brady says an option will be for professional services for satellite offices.

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 general development plan for Avon Pointe Buildings 6,8,9 on American Way contingent on final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

AVON POINTE-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN Shaun Brady of Brady Cam 1, LLC is requesting approval of the site plan for Avon Pointe to include a 9,400 sq. ft building #6, 8,000 sq. ft. building #8 and 8,000 sq. ft building #9 located on American Way.

Ms. Fechter says there are still outstanding comments and asks for contingent approval.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for Avon Pointe to include a 9,400 sq. ft building #6, 8,000 sq. ft. building #8 and 8,000 sq. ft building #9 located on American Way contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

MASS ESTATES SUBDIVISION-FIRST PRESENTATION-LOT SPLIT/CONSOLIDATION Tom Kuluris of LDC Mass Estates, LLC is requesting approval of taking existing 28.4884-acre parcel and splitting 25.453 acres creating Parcel A and leaving the residual land 3.0351 acres located on south side of Schwartz Road.

Tom Kuluris says they are here asking for final development approval from their original plan they have made updates to them. Carl Frey says the changes from the preliminary that were made as they agreed to extend the sanitary sewer on Williams Court closer to the creek. Mr. Frey says they also agreed to construct a larger storm sewer system on Williams Court to help divert some of the drainage that goes down the west side of the road. The overall layout is the same as is the flood plain and storage area has been fully engineered now. Mr. Frey says there is a little more robust drainage system that is proposed on the east side of the property line. Mr. Frey says the FEMA analysis been completed. Mr. Kuluris says almost all the changes have to do with water. The flood plain, the compensatory storage to remind everyone is built 2:1 which means it takes care of anything they do plus one. Mr. Kuluris says the CLOMAR has been completed.

Kristen Kemper-Roshkowski, 32151 Schwartz Road and Attorney John Monroe, Mansour Gavin, 1001 Lakeside Ave, Cleveland. Mr. Monroe says the Kemper-Roshkowski live on the property to the east and goes all the way from Schwartz Road to Schwartz Creek. Mr. Monroe says they appeared back in 2019 and had 3 concerns then, the flooding, the screening and they stub road that goes into the Kemper-Roshkowski property. Mr. Monroe says since then the plan has been developed and they have some very specific requests and would ask the Planning Commission to consider as a condition of the approval. They think they are reasonable and will address what they think will be the problems with this development going in. Mr. Monroe says since January 2019 the developer sent plans to the federal government to change the flood plain maps. Shown on that plan was shown an easement that had not been granted on the Kemper-Roshkowski property so they would like as a conditional approval that the developer amends the application or correct that to show that the easement is not in place. Mr. Monroe says they don't know if it has any affect, they just want the information supplied to the federal government to be accurate and correct. Mr. Monroe says the second specific item is there will be a storm line that will run from Sublot 1 to Schwartz Creek. Mr. Monroe says there will be a catch basin every other sublot to straddle the property line. The idea is the yards will flow to the east and will be caught by the catch basin. Their main concern is once the developer completes the project and begins selling off to the builder, they want to make sure the storm sewer continues to function as designed. Mr. Monroe says the specific request is part of the maintenance bond that the City requires includes the maintenance of this improvement. Mr. Monroe says they would ask as condition of approval of this site plan to require that the storm water pipe just pointed out have the benefit of an easement on the plat. Mr. Monroe says the reason is in the future the City, HOA or whoever will maintain the pipe to make sure it is flowing properly. The next specific item they would like to request is as part of the HOA documents they will be required to maintain the two storm basins on the property and would request that the HOA be required to maintain this pipe as well. Finally, one of the concerns they voiced in changing the grade significantly you will have houses looking down and the other is trespassing. Mr. Monroe says as mentioned people currently go onto the back of their property to hunt and their fear is with the stub road, it will make it easier to do. Mr. Monroe says they would request as part of the approval to require a 6' high board on board fence on the entire length of the property from Schwartz Road to Schwartz Creek.

Patsy Mass, 3625 Williams Court says she has the open field that abuts the Kemper's and she said they never have any problems with anyone going onto their property to the Kemper's. Mrs. Mass says she does allow on hunter on their property, but he uses a tree stand and she says there's no concern to need a fence.

Judy Hemminger, 3588 Williams Court says you eluded to the fact that the flood plain would be changed and asks if its on the westside. Mr. Hoffman says as part of the study they took the area and says possibly could have removed their house from the 100-year flood plain. Mr. Hoffman says it will be getting updated and redesignate the flood plain area. Mr. Hoffman says they submitted a CLOMAR-Conditional Letter of Map Revision with the improvements in that you won't flood the area or neighboring parcels. Kuluris says they submitted and are reducing and he's not sure if it is going to change. Mr. Hoffman says its conditional as they haven't done any improvements, they build then do as-builds and then submit. Mr. Frey says the bottom line is the purpose of doing the analysis to make sure this project takes care of its own water. Mr. Kuluris says if they want to call his office they will let then know specifically about their property. Ms. Hemminger says basically until it built, we won't know 100% of what has changed. Mr. Cummins says there was a flood plain established by FEMA before hand with certain elevations. The first thing they did was restudy on more accurate ground study and Mr. Cummins says in general their calculation is lower than they compared that lower elevation after they do their project to show their project would not have an impact on the lower elevation. Mr. Cummins says that doesn't become official until they build it as it was represented then FEMA will make the official change. Mr. Cummins says we have the information from what it was before and what it is now.

Paul Hilston, 3420 Williams Court asks when the sewer lines go for the western homes will the people on Williams Ct be expected to tap into the sewer line. Mr. Cummins says yes once the sanitary sewer is available and fully tested that process will turnover to the Health Department and you will get a notice that its available to tap in and a timeline will begin. Mr. Cummins says to his knowledge he thinks its 6 months but if you are not able to do that you can ask for an extension and work through the Health Department. Mr. Hilston asks if there is any grant money out there as there is a lot of older people on Williams Ct. Mr. Cummins says there is a small amount of income base grants available. Mr. Cummins says the pot is very small and the competition is high but there could be avenues and work with the Health Department. Mr. Hilston asks is it better for each person to go or get together as a group. Mr. Cummins says the grant funding must be specific to one house and will be income base and says it might be better to go individually.

Pauline Schneider, 32370 Schwartz Road asks if there is a retention and compensatory. Mr. Hoffman says there are two retention basins and then there is an area for compensatory storage. Mrs. Schneider says from listening they are doing a lot to help with the drainage and it looks good.

Jesse Hanchosky, Williams Court asks about the increased flood plain area and wants to know how that will affect his property on the west side of Williams Court. Mr. Hoffman shows him, and Mr. Gasior asks for identification of what is being shown. Mr. Hoffman says it's a CLOMAR F exhibit C dated 8-20-19 and Mr. Cummins says they would have been sent a letter. Mr. Hoffman says yes, or it could have gone to the Doyle's if they still owned it. Mr. Hoffman says its more accurate topography. Mr. Hanchosky asks if he can meet with Ryan to talk about and Mr. Cummins says to call City Hall and he would be happy to meet with him. It's the application of the flood plain elevation onto the ground surface.

Kathy Pocos, 3440 Williams Court asks if the drainage is going to be along the front of where they are. Mr. Kuluris says catch basins, yes. Ms. Pocos says every other lot will have them. Mr. Kuluris says on the east side of Williams Court there will be catch basins- curb and gutter. Mr. Cummins says along the east side of Williams Court the plans show with widening the road to the east about 4 feet and installing a concrete curb and gutter only on the east side. Mr. Cummins continues to say along that every once and a while there will be a low spot with a basin in that. Ms. Pocos says if that property is going to be 3' bigger then she is concerned the water coming west towards her house. Mr. Cummins says the size will be able to handle it as the City has specifications for those types of installations. Mr. Cummins says this system will collect the street and the downspout and the front yards on the east side. Mr. Frey says the new storm sewer on Williams Court will take some of the water on your side of the street and push it down, half of the water will be intercepted. Ms. Pocos says they will have the extra cost to tap in will they have to go under the street too? Mr. Cummins says no, there is another section of the City code that requires the developer to install a connection from the main line to the right of way with a clean out. The homeowner will then take it from there to the home.

Mr. Cummins says this a complex project the current item is lot split and the subdivision plans and easements and calculations. Mr. Cummins so all those documents are being coordinated and under review as they all are linked, and he doesn't expect action to be taken this month.

Mr. Kuluris says the comment about the FEMA study says there is no easement and they don't need to be on their property. Mr. Cummins says the proposed easement, there was talk of using the existing swale and at that time that proposed easement was on the drawing and Mr. Kuluris says it's not a requirement and that will be removed. Mr. Frey met with the Kemper's and talked about an alternative plan, but they didn't choose to want to do that, so they did all the work on their property. Mr. Hoffman will review that as its conditional and will make sure that is removed for final. Mr. Kuluris in terms of the storm drain that runs along their property they are serious about handling their water and something will be put in HOA documents on maintaining that line. Mr. Kuluris says he will make sure that is done. Mr. Cummins says

there will be some comments and will request a 20' easement. Mr. Cummins says the HOA usually is responsible to take are and if they don't the City will and charge them. Mr. Kuluris talks about the stub street and finding out what's the best idea. Mr. Kuluris says they have a different opinion with having homes there. He says if people are going to park on that street and walk to go hunt the homeowners will make them known its not allowed. Mr., Kuluris says they prefer not to build a fence, if they want too, they can or if HOA allows fences then it would be up the individual homes. Mr. Cummins says the maintenance bond is good for 3 years after acceptance and Mr. Kuluris believes all that will be put together. Mr. Monroe says they would request that the Planning Commission consider a fence running from the north property line from sublot 11 to the south property line of sublot 12- across the street. Mr. Monroe says he agrees if people must cut through sublot 11 or 12 to get to the Kemper property they will be deterred. Mayor Jensen says if they push snow there could be an issue there.

Mayor Jensen says the commends Mr. Kuluris for all the work they have done as it was a shaky start and undertaking an additional cost to provide sewers to that area. He says that area is a flood prone area and they have agreed to increase the size of the pipe. Mayor Jensen thanks him for doing more than what was required but it will make the development better and better the area for the residents. No can assure there won't be flooding but knowing the extra work has been done will help. The Planning Commission is very passionate to protect the current residents and when its all said and done it will help the area. Mr. Kuluris was hoping to get an approval even if it's a contingent approval and Mayor Jensen says if they come back next month the earliest they can get in front of Council is September 21st. Mr. Kuluris says whatever they can do as they have a home builder looking to get started. Mr. Kuluris asks about the lot split and Mr. Cummins says they will do it all at once.

No Action taken; Chair declared first presentation.

MASS ESTATES SUBDIVISION-FIRST PRESENTATION-FINAL PLAT

Tom Kuluris of LDC Mass Estates, LLC is requesting approval of the Final Plat and the recommendation to Council to create a Subdivider's Agreement for Mass Estates Subdivision, a 37 home subdivision located on the south side of Schwartz Road.

No Action taken; Chair declared first presentation.

AVON/AVON LAKE VFW POST 7035-FIRST PRESENTATION-AMEND SPECIAL USE PERMIT

Kerry Barvincak, Commander of the Avon/Avon Lake VFW Post 7035 is requesting approval and the recommendation to Council for approval to amend the Special Use Permit to include an outdoor bar under the existing pavilion located at 36950 Mills Road.

Kerry Barvincak, 37937 Detroit Rd. shows the drawing and Ms. Fechter says they are here to amend the Special Use Permit as they have one for the outdoor seating. This is under the existing pavilion and this used for private parties and they want to add the bar. The amendment will be to include the pavilion.

A motion was made by Mayor Jensen, seconded by Mr. Malloy 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 for approval to amend the Special Use Permit to include an outdoor bar under the existing pavilion located at 36950 Mills Road. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Mr. Fitch asks why the proper procedures aren't followed according as far as planning as we have a massive plan with changes. Mr. Fitch says Avon has grown exceptionally following these guidelines that were accepted in 2000. He thinks that Planning Commission know all the concerns about the traffic being an issue on the north south rides and they also learn that by putting in a big circle it helps at the intersections. Mr. Fitch says most of our traffic is not from our residents he feels its from other Cities. Mr. Fitch says any outside firm that is hired to make recommendations to earn their fee regardless of the knowledge of the City. We have a full time Planning Coordinator who can gather information, handling suggestions, putting together an outline on things that should be addressed and presented to Planning Commission for recommendation to Council. He says he knows when an outside firm suggest benefits such as clustering it was adopted until there were loopholes that would allow more density than we intended. Mr. Fitch says what happened next was the clusters were removed and lawsuits cost the City. Most of the common complaints that he has heard are from people who have come into the City. For example, someone who moved into Phase 3 of Avondale and now doesn't want Phase 4. Avon is a wonderful place to live, good people, good schools and a bright future for our children and grandchildren. Mr. Fitch says he doesn't want to jeopardize this by thinking we need changes. Let's put money into cleaning ditches, helping with flooding, a \$20,000 recommendation from an outside person to relieve the problem we all know exists. Mr. Fitch says he was all over the place and wants to know isn't Planning Commission step one for things coming in. Mayor Jensen says that was a decision by Council. Mayor Jensen says one thing they talked about in the development phase, there are some big parcels of land that can be developed. Willoway as an example-looking at that as if the roadway needs to be changed as the master plan shows. Mayor Jensen says there come be some ways by ordinance to adjust and help with traffic issues. Mayor Jensen says Council made the decision to hire this and they are going to work with this person. Mayor Jensen believes it should all come through Planning moving forward as that is what their role is. He wants the community to be a place where people want to come and live and our grandkids can afford to build houses in Avon. Mayor Jensen says they can look at something and Ms. Fechter will be involved in this and he is confident she can express to them what we are hoping to do, and we want to avoid going to court. Mayor Jensen says he will fight for it to come back to Planning then it will go to Council. Mr. Fitch thinks they jumped the gun and opened it up. Mr. Fitch says he doesn't have an issue with an outside person, we need something outlined to what we are looking at instead of someone saying us what we need. Mrs. Witherspoon agrees with Mr. Fitch and she thinks it's important as a lot of things have changed but a little old information helps from the past. Mrs. Witherspoon says they have come up with some of the issues and is glad to hear Planning Commission will be included. Mr. Cummins says exhibit C

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 8:35P.M