



CITY OF AVON

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REGULAR MEETING MINUTES AVON PLANNING COMMISSION AUGUST 20, 2025, 7:00 P.M. CITY HALL COUNCIL CHAMBERS

The meeting was called to order by Chair Witherspoon at 7:00 p.m. in Council Chambers.

PUBLIC HEARINGS

1. **Pine Haven Estates, Detroit Road, Preliminary Plat**

Swipe USA LLC is requesting approval of the Preliminary Plat for a residential subdivision consisting of 41 single family homes on Detroit Road (PPN 04-00-001-101-001, 002 and 015).

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

John Chandler, Howard Hanna Real Estate Services, 19204 Detroit Ave. Rocky River, Ohio 44116.

Bob Kelly, Engineer, 18501 Hilliard Blvd., Rocky River, Ohio 44116.

Mr. Chandler stated he is representing the developer, Swipe USA LLC, and is presenting the Preliminary Development plan comprising of 40 single-family lots under R2 Zoning. The proposal is for single-family homes.

Mr. Kelly explained that the property is currently farmland with a 5% slope at the top, descending lower below. He noted that they had been working with the city since October 2024 to develop a plan that meets the city's codes and requirements. This process included consultations with First Energy Corp., conducting a traffic study, and obtaining an environmental assessment report. According to Mr. Kelly, they have proposed two entrances on Detroit Road, leading to a cul-de-sac, to facilitate access to the development. The plan also features two retention basins designed to manage water from two distinct watersheds existing on the property (Exhibit 1 Pine Haven Drawing).

Mr. Kelly also highlighted the efforts taken to meet the code, stating they have reviewed all aspects, including grading, stormwater management, sanitary sewers, and water mains. These preparations are aimed at ensuring compliance with city requirements and to address any potential environmental and infrastructure impacts stemming from the project. Furthermore, he has been in discussions with utility companies like FirstEnergy to address any logistical challenges with existing infrastructure on the site.

William Malone, 39555 Detroit Road, Avon, Ohio 44011.

Mr. Malone expressed concern about the overflow from Veterans Park. He noted that the overflow ties into a pond at the Fellows St. Joseph's and ultimately runs under Detroit Road and

goes back to a retention pond. He questioned whether this overflow would interfere with the current development plans.

Mr. Kelly stated he did not know where that was located and did not believe it was part of this watershed, unless it runs underneath the railroad tracks at the western side and the eastern side runs into a storm sewer system that goes to the north. Retention and stormwater management will be provided to retain any additional run-off which will adhere to the city codes.

Mr. Cummins, City Engineer, responded to Mr. Kelly by clarifying that this area is located upstream of the development site. He explained that the developers would be required to accept any overflow coming their way and manage any additional flow created by their development, ensuring compliance with city standards.

Mr. Malone asked whether the area in question was located upstream or downstream.

Mr. Cummins clarified that the area being described lies upstream of the development.

Mr. Malone then sought reassurance that the engineering studies would confirm there is sufficient drainage capacity to handle runoff.

Mr. Cummins explained that the area currently drains through an existing channel, and the developer plans to assess the flow-through to ensure it remains unobstructed. He added that any new infrastructure introduced would be required to comply with city standards.

Mr. Malone also inquired about how the road would be constructed to extend across to the cul-de-sac situated east of the development's entrance.

Mr. Cummins indicated that the plan would likely involve the installation of a culvert or a large pipe, and this would be further reviewed and addressed during the final design phase.

Andrew Dobrovic, 39497 Miramar Drive, Avon, Ohio 44011.

Mr. Dobrovic lives to the north of the development. He asked about the protected waterway running behind properties on Miramar Drive. He expressed concern about how the existing farm property currently drains into a stream that runs behind the proposed development, potentially affecting the natural area as it is now.

Mr. Cummins explained that any existing flows, such as those coming from the farm property into the stream, would need to be maintained. If there are drain tiles that are currently managing drainage in critical areas, the developers would have to figure out a way to incorporate them into their plans. Furthermore, any new runoff resulting from additional impervious surfaces from the development, which creates new volumes of runoff, would be managed through detention basins. These basins are designed to hold back the additional runoff, manage it, and release it at a slower rate than currently exists, ensuring compliance with city standards.

Mr. Dobrovic raised several concerns about the potential impact on neighboring properties, particularly those on Miramar Drive. He pointed out that there is currently a natural barrier consisting of foliage and trees that helps separate the existing properties from the proposed development.

Mr. Cummins explained that the area being developed extends to the property line, and any trees located within the subject property would likely be cleared, especially since those areas are designated for residential sublots and a detention basin.

Mr. Dobrovic also inquired about the possibility of sound barrier mounds being constructed between the new subdivision and the existing homes.

Mr. Cummins confirmed that no such features are currently included in the plans.

Mr. Dobrovic expressed concerns about the potential increase in noise from a residential neighborhood, noting that it would be different from the intermittent noise associated with current farm machinery use.

Mr. Cummins acknowledged this concern, confirming that the site is intended to become a residential subdivision.

Kathleen Pensinger, 39645 Detroit Road, Avon, Ohio 44011.

Ms. Pensinger voiced her concern regarding the existing traffic congestion, mentioning that residents sometimes wait up to 10 minutes when trying to exit their driveways. This issue, she emphasized, occurs even when they are turning right, not just left. Ms. Pensinger highlighted the difficulty residents face in getting out of their driveways due to the traffic backing up from the Case Road light. She expressed her worry about the prospect of the development adding two new access streets to Detroit Road, which she feared would exacerbate the existing congestion and make it nearly impossible for residents to exit their homes. Citing her personal experience, she noted the issue was already significant enough that it affects her ability to make a left turn and questioned what would be done to handle the traffic impact from the proposed 40 new homes probably near her driveway.

In response, Mr. Kelly referenced their conducted traffic study, which projected that the development would not significantly impact traffic on Detroit Road. He explained that this conclusion was based on the engineer's determination that there are sufficient gaps in traffic for vehicles to enter and exit the development. According to their calculations, there would be an expected increase of only about 20 additional cars spread between the two entrances. This translates approximately to one additional car every 4 to 5 minutes, suggesting a minimal effect on the current traffic volumes.

Ms. Pensinger expressed concern and disagreement with the study's findings, feeling that the conclusions did not align with the lived experiences of current residents. An additional concern centered on the sanitary sewer plans. She pointed out that all homes on the north side of Detroit Road currently use septic systems and asked whether residents would be required to connect to a new sanitary system. As a resident on the south side of Detroit Road, she referenced information she had read indicating that properties located more than 200 feet from a sewer line would not be mandated to tie in. She emphasized that this is something she and other residents need to clearly understand. Additionally, she asked whether the installation of the sewer would involve digging up residential yards.

Mr. Kelly explained that the sewer would be extended from the north, across Detroit Road, and that connection points would be provided for each property on the south side. These connections would allow residents to voluntarily tie into the sewer system in the future when they decide to abandon their septic systems. He clarified that the work would be limited to the

tree lawn—the grassy area between the sidewalk and the street—so residents' yards would not be dug up. He further explained that installing the sewer on the south side was preferred because it could be extended to serve additional homes to the east that currently do not have access to a sanitary system.

Ms. Pensinger questioned why the sewer couldn't remain on the north side of Detroit Road, which she felt would minimize disruption and avoid impacting homes like hers.

Mr. Kelly responded that the location was suggested by the City's Service Department and chosen to provide greater long-term benefit by eventually serving more properties.

Mr. Malone also raised questions, asking whether the sewer tie-in would be at the northwest corner of the property.

Mr. Kelly clarified that the connection would be located within an easement where a storm culvert runs to the north near Sublots 30 and 31.

When Mr. Malone questioned the rationale for this decision, Mr. Kelly said it was a city requirement, which Mr. Cummins confirmed.

Mr. Cummins clarified that for health and safety reasons, the city prefers residents to connect to a sanitary sewer system. He cited a city code requiring developers to provide sewer infrastructure along a street when building a subdivision, including connections for existing homes that share the same frontage.

Mr. Malone asked whether the proposed sewer line along the south side of Detroit Road would extend all the way to Case Road.

Mr. Cummins responded that it would stop short of Case Road.

Mr. Kelly noted that based on the property frontage, the developer is required to extend the sewer across Detroit Road and provide a lateral service connection at each property line on the south side. However, the two houses, further to the east will be addressed in a future phase by the city.

Mr. Malone questioned whether the developer was being asked to build a sewer line that "goes nowhere".

Mr. Cummins clarified that the new sewer would connect to the subdivision's system, which in turn connects to an existing sanitary sewer to the north.

Mr. Malone stated that he has no need to connect to the sewer system because his septic system is functioning properly.

Mr. Cummins responded that any requirement to connect would ultimately be determined by the Lorain County Health Department.

There were no other comments.

The Chair closed the public hearing at 7:16 p.m.

2. **Grace Estates, 34901 Detroit Road, Preliminary Plat**

Triban Investment on behalf of Knez Homes is requesting approval of a Preliminary Plat to create a residential subdivision consisting of 12 single family homes at 34901 Detroit Road (PPN 04-00-022-104-015 and 016).

The Chair opened the public hearing at 7:16 p.m.

Bo Knez, Triban Investment, 7555 Fredle Drive, Concord, Ohio 44077.

Dustin Keeney, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Mr. Knez began by stating that his team had been working with the city for several months and was now presenting the Preliminary Plat for the Grace Estates Subdivision, a proposed development consisting of 12 single-family homes. He noted that they had addressed the engineering comments and questions previously raised and had included the layout of the homes on the site plan, a request that was brought up at the prior meeting on June 18, 2025. He expressed a willingness to answer any further questions from the Commission or the public (Exhibit 1 Grace Estates Drawing).

Bill Galik, 3001 Jaycox Road in Avon, Ohio 44011.

Mr. Galik spoke on behalf of family members who own property on Jaycox Road that borders Sublot 8. He noted that the Preliminary Plat appeared to differ from what was presented at the June meeting and asked whether a green line on the new plan represented a property boundary or something related to drainage.

Mr. Keeney responded that the green line was the property boundary.

Mr. Galik then asked Mr. Cummins, the City Engineer, whether any wetland reports had been received.

Mr. Cummins confirmed that a wetland report was submitted and explained that the areas highlighted yellow on the plans identified delineated wetlands that would require permits if they were to be impacted by development. He added that the green crosshatched areas represented wetlands the developer currently did not plan to disturb.

Mr. Galik followed up, asking whether that meant the builder would not be allowed to build in certain parts of Sublot 8.

Mr. Cummins explained that the developer would need to obtain permits from the Army Corps of Engineers for any wetland impacts on the site, and that this permitting process would serve as a guideline for future homebuilders. If a homebuilder wished to build in a previously undisturbed wetland area, they would need to undertake a separate permitting process with the Army Corps.

As a builder himself, Mr. Galik asked whether any future construction would require documentation—such as a TOPO (Topography) map or Army Corps approval—at the time of building permit application.

Mr. Cummins confirmed that any builder would need to submit a detailed TOPO plan indicating the proposed construction and demonstrate that no impact on wetlands would occur. If the

plans did involve wetland impacts, the builder would be required to submit a permit from the Army Corps of Engineers. Without the permit, the application would not be approved.

Mr. Galik asked whether Mr. Cummins would be the official to review these documents, to which Mr. Cummins confirmed that he would. Mr. Galik concluded his remarks by complimenting Mr. Cummins for his diligence in protecting both the city's and neighboring property owners' interests.

Jared Dumont, 2616 Elizabeth Street, Avon, Ohio 44011.

Mr. Dumont raised questions regarding a potential increase in traffic due to the new development. He challenged the study's analysis, which anticipated only seven additional vehicles during peak times. He expressed skepticism about this estimate given the existing traffic backups they face. He also asked if there is any data on the survey such as the company that performed it and what metrics were used for the survey, he believes there might be information that was not included.

Mr. Cummins responded that it is a public document and can be provided and then proceeded to explain that the study was conducted according to ODOT standards, using metrics based on the number of homes being developed to determine traffic impacts, numbers that were provided by their traffic engineer, TMS Engineering.

Mr. Dumont inquired about the property being zoned residential, however the for-sale sign posted indicates a commercial zoning and asked for clarification when it became a residential zoning.

Ms. Fechter, Planning Coordinator, confirmed that the land had always been zoned for residential use. She clarified a point of confusion, indicating that the owner's real estate representative had incorrectly placed signage that labeled the property as commercial as they had hoped to apply for a rezoning. This misrepresentation had led to misunderstandings, but the official records showed that the property had never undergone any zoning change and was always residential. Ms. Fechter reassured residents that all development activities would be in line with the property's intended residential zoning classification, dispelling fears of commercial development.

There were no other comments.

The Chair closed the public hearing at 7:25 p.m.

3. Preserve at Riegelsberger, Riegelsberger Road and Center Road, Preliminary Plat

Polaris Engineering on behalf of Drees Homes is requesting approval of the Preliminary Plat for a residential subdivision consisting of 71 single family homes at the northeast corner of Riegelsberger Road and Center Road (PPN 04-00-014-107-023, 024 and 268).

The Chair opened the public hearing at 7:25 p.m.

Kevin Hoffman, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Mr. Hoffman presented the proposed Preliminary Plat for the Preserve at Riegelsberger Subdivision, correcting that the current plan includes 69 homes rather than the 71 listed on the

agenda. He explained the subdivision would be located at the corner of Route 83 and Riegelsberger Road, with connections to Blossom Lane, Waterford Way, and Kenshire, plus a stub that could connect Queen Anne's Gate to the east in the future. The stormwater would ultimately flow west under a culvert on Dechant Road. He welcomed any questions (Exhibit 1 Preserve at Riegelsberger drawing)

Tony Moore, Avon Councilman, Ward 3, 3653 Kensington Drive, Avon, Ohio 44011.

Mr. Moore, a 17-year resident of Avon and an elected official, expressed strong concerns about the proposed Preserve at Riegelsberger housing development, which would add 69 new homes to the area. Speaking both as a public servant and as a neighbor, Mr. Moore acknowledged Avon's rapid growth over the past two decades but emphasized that future development must be guided by responsible planning rather than the pursuit of expansion alone. He argued that growth should reflect the community's needs and values—not simply what can be built—and warned that most residents would not support growth that increases the risk of flooding, property damage, or safety hazards.

Mr. Moore noted that the intersection of State Route 83, Riegelsberger Road, and Jaycox Road already suffers from significant traffic congestion and drainage issues, particularly during heavy rain. Adding dozens of new homes, along with the associated roads and rooftops, would introduce more impervious surfaces and increase stormwater runoff, putting further strain on an already fragile flood management system.

Mr. Moore referenced the 2014 flood (Exhibit 2-Pictures), a traumatic event for many area residents, and explained that every major rainfall revives concerns about whether the infrastructure can withstand another such incident. He recalled that in August 2023, French Creek rose to the very top of the Riegelsberger Bridge—despite no new construction or fill being added—illustrating how close the system is to reaching capacity. French Creek currently drains over 11,500 acres, and any added pressure from development could trigger widespread issues, including water backing up into basements, overwhelmed sump pumps, and flooded intersections.

Mr. Moore also raised specific concerns about traffic safety at the intersection of Jaycox and Riegelsberger Roads. He explained that a guardrail installed by the Army Corps of Engineers forces drivers to move so far forward to see oncoming traffic that it creates a hazard, especially for those turning onto Riegelsberger Road. This area already poses safety challenges, and additional traffic would only worsen the problem.

Mr. Moore indicated while some consultants in the past have claimed that new homes did not contribute to flooding—based on models and FEMA data—Mr. Moore strongly emphasized that computer models and written assurances did little to prevent the reality of the 2014 flood. He insisted that development near floodplains must comply with FEMA's no-rise certification requirements during CLOMR and LOMR reviews, which are not bureaucratic formalities but essential protections for existing homeowners.

Mr. Moore voiced concern about the potential inequity in flood insurance costs. Longtime residents living near the floodplain already pay high premiums, while newly constructed homes might be raised just high enough to avoid flood zone designation, escaping those costs while still contributing to runoff and drainage pressure. He stated that this would unfairly shift the burden onto current homeowners.

Mr. Moore pointed to the City's ongoing efforts with the Lorain County Metroparks to excavate large amounts of soil upstream to increase floodwater storage. However, he warned that watershed capacity is finite, and continuing to reduce storage through unchecked development without comprehensive mitigation is unsustainable. He noted that development cannot continue with the hope that someone else will fix the problem later.

Mr. Moore stated he is not against development when it is done responsibly. However, in this case, the standard must be higher. Before any approvals are granted, he urged the City to require the developers to provide a FEMA-approved flood model demonstrating no rise in flood levels, verified compensatory storage for displaced water, stormwater management designs based on current rainfall patterns, and adequate maintenance plans for all detention basins. He displayed and discussed photos from the 2014 flooding (Exhibit 2-Flooding Pictures) to reinforce the real-life consequences of poor planning.

Mr. Moore said he would welcome a written guarantee from the developers that no flooding would result from the proposed Preserve at Riegelsberger development, he acknowledged such a promise is unlikely. Ultimately, Mr. Moore called for a balanced approach that prioritizes both progress and public safety. He urged the city to consider slowing development until critical infrastructure improvements can catch up, in order to protect both current and future residents from avoidable harm.

Jim Brady, Owner, Sunbeam Gardens, 3332 Center Road, Avon, Ohio 44011.

Mr. Brady voiced significant concerns regarding the ongoing flooding issues associated with the Dechant Ditch. He posed questions about where the excess water resulting from new developments would be directed. Mr. Brady highlighted the already existing problem of flooding that has impacted not only his land but also neighboring areas. He elaborated on the consequences of additional water being channeled into the ditch, expressing fears of exacerbating the current conditions. Mr. Brady emphasized the detrimental effects this could have on both agricultural activities and property values in the vicinity, as more water could lead to further loss of crops and increased difficulty for neighbors who have properties close to the ditch. He stressed the importance of finding a viable solution to manage the excess water and called for accountability, suggesting that the city provides written guarantees to safeguard local farmers and property owners from future water-related losses.

Micheal Leon, 3400 Barrington Drive, Avon, Ohio 44011.

Mr. Leon, who has been a resident of the area for 30 years, raised his concerns by referencing his experiences with multiple "100-year floods" that have occurred over the years. Mr. Leon expressed skepticism about the area's capacity to handle increased water flow from the proposed development, highlighting the challenges faced during previous serious flooding events. He recalled witnessing these "100-year floods" not just once but on multiple occasions, reinforcing his doubts about the new development's ability to manage the increase in water volume effectively. Mr. Leon's concerns centered on the cumulative effect of adding more homes to an area that is already prone to frequent flooding. He stressed the importance of considering the historical flooding issues, despite infrastructural efforts that have been made to address them.

Mr. Leon recalled that during the substantial floods, he observed firsthand the overwhelming impact on the community and the severe limitations of the existing infrastructure. Despite governmental and infrastructural attempts to mitigate the situation, Mr. Leon pointed out that the recurring issue of flooding seems persistent and underestimated. He argued that the

assurances made in development plans often fall short when confronted with actual weather events. The presence of orchard spaces that were originally cited as solutions during past planning discussions seemingly proved inadequate, according to Mr. Leon, when faced with the practical realities of substantial rainfall.

Furthermore, Mr. Leon stressed that the promises of newly engineered retention basins and drainage improvements did not guarantee long-term resilience against unprecedented environmental challenges. He conveyed his belief that these basins, while constructed to hold significant volumes of water, did not alleviate his concerns about excess water adversely impacting the local area and community safety. Particularly concerning was his observation that, without proactive and comprehensive planning that looks beyond mere compliance with existing standards, the neighborhood risks unchecked damage.

Mr. Leon urged Planning Commission to reflect on past flood events and advocated for a cautious approach to development planning to prevent exacerbating the long-standing flooding challenges that have plagued the area. He called upon the commission to consider the ramifications of increasing the impermeable surfaces which he feared could contribute to faster and more destructive water run-offs during intense weather conditions. Mr. Leon's request is for the community's sustainable future, insisting that practicality and environmental management must guide decision-making to ensure a balance between development and preservation of the existing quality of life.

Dave Summer, 35388 Riegelsberger Road, Avon, Ohio 44011.

Mr. Summer raised a concern about the existence and details of traffic studies concerning the intersection of Route 83 and Riegelsberger Road to Mr. Cummins.

Mr. Cummins acknowledged a traffic study was completed and the intersection needs additional attention.

Mr. Summers stressed significant concern over the intersection's potential for serious accidents, questioning the commission about the number of severe accidents that had already occurred there. He highlighted the increase in traffic anticipated with the addition of 69 new homes and estimated it could yield an additional 100 to 150 vehicles navigating an already congested intersection. He questioned whether frustrated drivers could pose a hazard when attempting to cut in front of fast-moving traffic on Route 83, which often exceeds speeds of 45 to 55 mph.

Mr. Summer's concern centered on the readiness of the current infrastructure to handle increased traffic volumes. He underscored the seriousness of potential accidents that the development might cause and pressed the commission to thoroughly evaluate infrastructure capacity before proceeding with any further development plans. The substantial influx of new residents, he argued, would exacerbate existing traffic problems and potentially lead to dangerous driving conditions, emphasizing the need for careful assessment and foresight in planning decisions.

Mr. Summer's urged that additional studies be conducted to ascertain the safest course of action and ensure traffic flow complications are resolved prior to project approval. By bringing these points to the commission's attention, Mr. Summer aimed to prompt a reassessment of safety considerations and infrastructure adequacy in light of the projected traffic increases. His comments reflected a broader community apprehension about the intersection's capacity to

accommodate more vehicles safely and the possible risks posed by increased traffic congestion.

Shannon Laurenzi, 3575 Kensington Drive, Avon, Ohio 44011.

Ms. Laurenzi voiced her concerns over the retention basins in the area, stating that these basins fill up to their capacity during heavy rain events. She highlighted her observations of the new neighborhood's retention basin (Autumn Grove Subdivision), which fills up so significantly during substantial rainfall that she practically watches to see when it will spill over onto Riegelsberger Road. Ms. Laurenzi expressed that on numerous occasions, the water level rises alarmingly close to the very top of the basin, causing apprehension among residents who are left wondering whether the next downpour might result in overflow onto the nearby roads. This frequent issue led her to question the adequacy of existing drainage solutions, questioning whether the current stormwater infrastructure is sufficient to manage such immense water volumes effectively.

Ms. Laurenzi articulated a sense of trepidation regarding the potential repercussions if more homes are built without addressing these underlying water management issues. The existing infrastructure already strained under the pressures of substantial rainfall, would likely see exacerbation of problems with additional constructions. She voiced fears that the situation could worsen with the addition of more structures, as they would not only further encroach on the land but also contribute to greater runoff and water accumulation. The implications for traffic and safety were particularly concerning, as overflow could impede transportation routes and heighten risks for motorists.

Ms. Laurenzi stressed the urgency for comprehensive solutions and emphasized the need to address these drainage and water management concerns before the situation deteriorates with the planned development. She called for proactive measures, urging the city and developers to re-evaluate the proposed plans to ensure sustainable and effective drainage systems are put in place. This foresight, she believes, is necessary to prevent future crises and maintain the safety and well-being of the community.

Ms. Laurenzi addressed concerns about the traffic in the area, stating that the increased number of homes would lead to more vehicles on the road, worsening what is already a problematic situation for residents trying to commute or merely leave their homes.

Jeffrey Deliva, 3605 Center Road, Avon, Ohio 44011.

Mr. Deliva expressed his agreement with Mr. Moore's concern regarding the proposed Preserve at Riegelsberger development. He remarked that, in situations like this, decisions often come down to a conflict between the interests of families and businesses—with businesses typically pushing through development regardless of community concerns. Mr. Deliva specifically highlighted flooding in the area as a serious and ongoing problem. He also shared his frustration with traffic congestion, particularly near the intersection of Riegelsberger Road and Jaycox Road, which he described as significantly problematic. Additionally, he voiced disappointment over a misunderstanding regarding the tree coverage on his property. When he purchased his home, he believed the parcel included a tree-lined buffer, only to later discover that the trees were located on an adjacent property. This has raised further concerns for him about whether those trees will be preserved as development moves forward.

Aaron Miller, 35906 Hanamar Drive, Avon, Ohio 44011.

Mr. Miller expressed significant concerns regarding the potential for increased cut-through traffic in neighboring residential areas. With the anticipated traffic congestion on Riegelsberger

Road, Mr. Miller articulated a worry that both residents and commuters might begin to seek alternate routes through local neighborhoods such as Hanamar Drive and Wydemere Way. This shift would be an attempt to bypass the congested main roads, given the area's current traffic situation and the expected increase in vehicles from the addition of new homes.

Mr. Miller highlighted that the number of vehicles navigating through these ordinarily quieter and residential streets would likely see a marked increase due to these circumstances. Mr. Miller stressed the urgency of these changes, warning that this could negatively impact the safety and quality of life within these neighborhoods. He focused on the potential risks to families and children living there, as they would be at significantly greater risk due to higher traffic volumes. With more commuters using these routes as shortcuts, the everyday tranquility and safety of these residential areas could be seriously compromised.

These concerns brought to light the broader implications of traffic impact on local life and were emphasized by the need for careful consideration and strategic planning by the city authorities. The aim would be to address potential traffic impacts and preserve the safety and environment of residential subdivisions. Most of these areas were originally designed to accommodate much lighter traffic loads, and without proper intervention, the expected increase in traffic could lead to safety hazards and reduced quality of life for residents. This situation requires considerable planning consideration that needs to be prioritized as development and infrastructure decisions are made.

Calliope Voiklis, 35454 Riegelsberger Road, Avon, Ohio 44011.

Mr. Voiklis raised concerns regarding the severe flooding issues her property has been facing by sharing photos (Exhibit 3-Email and Photos). She expressed the difficulties she and her husband encountered due to repeated instances of water accumulation around their home, noting that even on moderate rainy days, their yard becomes overly saturated, creating large puddles both in the front and back areas of their property. The photos she provided were taken after the water had already begun to recede yet still portrayed the magnitude of the issue. The scale of the flooding necessitates wearing heavy-duty rain boots merely to navigate their yard and access essential areas such as the barn, emphasizing the extent of inconvenience faced daily.

Ms. Voiklis brought attention to her driveway, stressing how it frequently becomes flooded to the extent that she fears her car might stall when driving through the accumulated water to leave the property. Even the route to the mailbox becomes an ordeal, often surrounded by water so deep that it requires substantial footwear to fetch the mail. This flooding problem is exacerbated by the fact that after the rainfall stops, it can take over a week for all the water to dissipate fully, leaving the land around their home saturated far beyond the initial downpour.

Ms. Voiklis had formally communicated with the city of Avon via an email on August 13, 2025, submitting detailed requests for future storm drainage solutions if the new neighborhood is built. She pointed to specific engineering challenges in her proposal, suggesting that a future storm sewer could potentially be placed on the west side of her property. This would be accompanied by a right-of-way easement for stormwater management. Such infrastructure, she argued, would greatly alleviate the flooding burden she faces, and likely benefit existing and future homeowners in surrounding areas as well. The extensive property flooding not only poses daily inconveniences but also threatens the property's long-term integrity and value. Consequently, she urged the City of Avon to seriously consider her situation in its planning and development deliberations.

Ms. Voiklis emphasized the importance of developing comprehensive stormwater solutions that would effectively address these persistent problems. She proposed that the city implement a storm sewer solution and consider additional measures like enhancing existing drainage systems or creating additional runoff channels to prevent similar occurrences in the future.

Paul Laurenzi, 3575 Kensington Drive, Avon, Ohio 44011

Mr. Laurenzi shared his personal experience during the 2014 flood, emphasizing the severity of the event and its impact on neighborhood safety. He recalled that flood waters rose so high that his neighbors had water nearly reaching their stairs. He also noted that emergency services, including fire trucks and rescue personnel, were unable to access the flooded road. As a result, they could not check on homes or ensure the safety of residents during the emergency. His comments emphasized the real and dangerous consequences of inadequate flood infrastructure.

There were no other comments.

The Chair closed the public hearing at 7:56 p.m.

4. Avon Pointe Professional Campus Phase 4, 36991 American Way, Amend General Development Plan

Polaris Engineering on behalf of Brady Cam 1, LLC is requesting approval to Amend the General Development Plan for Avon Pointe Professional Campus Phase 4 to create Blocks M and N at 36991 American Way.

The Chair opened the public hearing at 7:56 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:57 p.m.

5. Vault Self Storage, Phase 2, 34500 Mills Road, Amend General Development Plan

Vault Self Storage LLC is requesting approval to Amend the General Development Plan for the addition of Phase 2 for construction of a 60 ft. x 260 ft. Building at 34500 Mills Road.

The Chair opened the public hearing at 7:57 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:57 p.m.

6. Referral to City Council: Amending Ordinance 55-25 to require a Special Use Permit for the Future Development or Construction of any Hotel, Motel within the City of Avon

The City of Avon is requesting a positive recommendation to City Council to amend Ordinance 55-25 to require a Special Use Permit on the Future Development or Construction of any Hotel or Motel, within the C-4 and O-2 Zoning Districts.

The Chair opened the public hearing at 7:58 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:58 p.m.

ROLL CALL

Present: Bill Fitch, Bryan Jensen, Mayor, Corey Barnes, Scott Radcliffe, Carolyn Witherspoon, Chair.
Staff: Jill Clements, Zoning Enforcement Officer, Ryan Cummins, City Engineer, Pam Fechter, Econ. Dev./Planning Coordinator, John Gasior, Law Director, Duane Streater, Safety Director, Susan Pintz, Planning Commission and Zoning Secretary.

REVIEW & CORRECTION OF MINUTES

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve the minutes of the regular meeting held on July 16, 2025, and approve the minutes as published. The vote was "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

Ms. Fechter, Planning Coordinator, stated that the Commission received email correspondence from resident Calliope Voiklis regarding the Preserve at Rieglesberger Subdivision project.

ADDITIONS & DELETIONS

None

1. Harold and Jerlean Dull, 39651 Colorado Avenue, Lot Split, PL20250047

Harold and Jerlean Dull are requesting approval for a Lot Split of 12.20 acres at 39651 Colorado Avenue (PPN 04-00-004-103-017).

John Gasior, Law Director, provided clarification that the lot split for Harold and Jerlean Dull at 39651 Colorado Avenue is intended to benefit the city's recreation area. It was highlighted that this land division is to aid in the acquisition of land for recreational purposes. The city has engaged Chagrin Valley Engineering to prepare the Lot Split plan for the applicant.

Mr. Cummins, City Engineer, stated that Chagrin Valley Engineering prepared the Lot Split plan on behalf of the city (Exhibit 1-Dull Lot Split Drawing).

There were no other comments.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve a Lot Split of 12.20 acres at 39651 Colorado Avenue (PPN 04-00-004-103-017). The vote was: "AYES" all. The Chair declared the motion passed.

2. Avon Pointe Professional Campus Phase 4, 36991 American Way, Amend General Development Plan, PL20250043

Polaris Engineering on behalf of Brady Cam 1, LLC is requesting approval to Amend the General Development Plan for Avon Pointe Professional Campus Phase 4 to create Blocks M and N at 36991 American Way (PPN 04-00-009-000-185).

Kevin Hoffman, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Mr. Hoffman explained they were splitting off the last building and parking lot from the remaining land, primarily for refinancing purposes (Exhibit 1 Avon Point-General Development Plan Drawing).

Mr. Cummins, City Engineer, stated he had no comments or concerns regarding the General Development Plan or the Lot Split

Ms. Fechter, Planning Coordinator, confirmed all issues had been addressed.

There were no other comments.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve an Amended General Development Plan for Avon Pointe Professional Campus Phase 4 to create Blocks M and N at 36991 American Way (PPN 04-00-009-000-185). The vote was: "AYES" all. The Chair declared the motion passed.

3. Avon Pointe Professional Campus, Phase 4, American Way, Lot Split, PL20250044

Polaris Engineering on behalf of Brady Cam 1, LLC is requesting approval for a Lot Split at Avon Pointe Professional Campus Phase 4 to create Blocks M and N at 36991 American Way (PPN 04-00-009-000-185).

Kevin Hoffman, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Mr. Hoffman noted that technically this is considered a subdivision from the county tax department's perspective (Exhibit 1 Lot Split Drawing).

There were no other comments.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve a Lot Split at Avon Pointe Professional Campus Phase 4 to create Blocks M and N at 36991 American Way (PPN 04-00-009-000-185). The vote was: "AYES" all. The Chair declared the motion passed.

4. Vault Self Storage, Phase 2, 34500 Mills Road, Amend General Development Plan, PL20250045

Vault Self Storage LLC is requesting approval to Amend the General Development Plan for the addition of Phase 2 for construction of a 60 ft. x 260 ft. Building at 34500 Mills Road (PPN 04-00-024-116-231).

Vinny Violi, Vault Storage, 34500 Mills Road, Avon, Ohio 44011.

Mr. Violi explained that their original General Development Plan utilized the whole property, but they had made slight layout changes. The amendment shows the new layout with a 60 foot by 260 foot building, which would be their last and final phase on the property.

Mr. Ratcliffe asked if this building would be smaller than existing buildings.

Mr. Violi confirmed that while the width is 10 feet wider than existing buildings (60 feet versus 50 feet), the length is shorter (260 feet versus 320 feet), making it slightly smaller in square footage.

Ms. Fechter, Planning Coordinator, noted this use required a Special Use Permit that was obtained when the original plan was developed, and she recommended approval.

Mr. Cummins, City Engineer, had no comments.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve an Amended General Development Plan for the addition of Phase 2 for construction of a 60 ft. x 260 ft. Building at 34500 Mills Road (PPN 04-00-024-116-231). The vote was: "AYES" all. The Chair declared the motion passed.

5. Vault Self Storage, Phase 2, 34500 Mills Road, Final Development Plan, PL20250046

Vault Self Storage LLC is requesting approval of the Final Development Plan for the construction of a 15,600 square foot building with 81 units at 34500 Mills Road (PPN 04-00-024-116-231).

Vinny Violi, Vault Storage, 34500 Mills Road, Avon, Ohio 44011.

Mr. Violi added that during Phase 1, all utility improvements were already completed, so there would be no utility or stormwater additions needed - just foundation, building, and driveways.

There were no other comments.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve the Final Development Plan for the construction of a 15,600 square foot building with 81 units at 34500 Mills Road (PPN 04-00-024-116-231). The vote was: "AYES" all. The Chair declared the motion passed.

6. Pine Haven Estates, Detroit Road, Preliminary Plat, PL20240068

Swipe USA LLC is requesting approval of the Preliminary Plat for a residential subdivision consisting of 41 single family homes on Detroit Road (PPN 04-00-001-101-001, 002, and 015).

Bob Kelly, Engineer, 18501 Hilliard Blvd., Rocky River, Ohio 44116.

John Gasior, Law Director, indicated that although there is likely no conflict of interest—since Mayor Jensen does not have a personal stake in the adjacent Pine Haven Greenhouse—Mayor Jensen has decided to abstain from acting on this item, as he does not feel comfortable participating in the matter.

Mr. Kelly stated they have been working with the city since November of 2024 and have made all the requested changes to the development plan which meets the City's code and the developer's needs. He believes this would be a successful project. However, he noted that if there are any objections to the subdivision name or street names, they can be changed (Exhibit 1 Pine Haven Estates Drawing).

William Malone, 39555 Detroit Road, Avon, Ohio 44011.

Mr. Malone stated that he is new to this process and, before the project moves forward, he wanted clarification on whether the proposed plan will be approved at this stage.

Mr. Gasior responded that a vote may take place this evening.

Mr. Malone expressed concern that his issue regarding water has not yet been addressed. He stated that it appears the position is being taken that there is no issue with water flowing from the Veteran's Park into the ditch, which he disagrees with.

Mr. Cummins explained that any water entering through the culvert from Detroit Road must be maintained by the development in its current condition. The developer will be responsible for protecting that flow and ensuring it continues through the development without obstruction.

Ms. Fechter, Planning Coordinator, clarified that any vote taken would be for the Preliminary Plat Plan only. Additional engineering work will be required before submitting a Final Plat Plan, which must then be reviewed and approved by the Planning Commission before ultimately being presented to City Council for final approval.

Mr. Gasior, Law Director, provided background on the ongoing review process for the proposed Pine Haven Estates subdivision. He stated that he had been involved with the project for several months and, in June 2025, he formally requested, from Mr. Kelly, documentation from First Energy Corp. concerning the power line easement that crosses the parcel in question. He had been assured that this information would be provided before the project was presented to the Planning Commission. However, to date, he has not received any correspondence or formal response from First Energy Corp. or Mr. Kelly. Despite this, the developer insisted on being placed on the agenda for a vote. Mr. Gasior clarified that he never requested the project be scheduled for Planning Commission consideration without the necessary documentation. He emphasized the importance of receiving written confirmation from First Energy Corp. approving the inclusion of sublots, roadways, and drainage improvements within the easement area. Without such confirmation, he stated the Preliminary Plat could be deemed invalid, as it proposes development in an area that may not be buildable. Mr. Gasior stressed the complexity of obtaining approval from First Energy Corp., referencing the City's own challenges in securing access through easements for public projects, such as Veterans Park. Based on the absence of necessary documentation and the potential for the proposed layout to be rejected by First Energy Corp., Mr. Gasior recommended suspending the rules and voting to deny the current Preliminary Plat submission. He also noted that he had not been contacted by the developer or their representative regarding the status of the First Energy Corp. submission prior to the August 2025 Planning Commission meeting.

Mr. Kelly, representing the developer, responded by stating that an application had been submitted to First Energy Corp. and that he had been engaged in numerous communications with them. He acknowledged that First Energy Corp. reviewed the Preliminary Plan but could not provide a formal approval letter until the City first approves the plan. According to Mr. Kelly, First Energy Corp. views their review as part of a secondary process, which includes reviewing street lighting, utility placement, and potential building impacts. He stated that First Energy Corp. had expressed no major objections aside from wanting to review house plans for the four sublots located directly under or adjacent to the power lines before issuing final approval. However, those house plans are not yet complete, as they require Preliminary Plat approval first. Mr. Kelly emphasized that it is customary for First Energy's sign-off to come after Preliminary Plat

approval, and he suggested that the Planning Commission could conditionally approve the plan by requiring First Energy's approval prior to the submission of the Final Plat Plan. He explained that they had invested significant time and effort—estimating over 1,500 hours—working on this project and corresponding with First Energy Corp. Mr. Kelly requested that the item be tabled rather than denied, to allow time to obtain the necessary documentation.

Mr. Gasior maintained his position, reiterating that he had specifically requested a written letter of approval in June 2025, and that no such documentation had been provided to the City. He noted again that the developers had insisted on being placed on the agenda despite that requirement not being met. He further stated that Mr. Kelly could have reached out to him directly at any time regarding the status of communication with First Energy Corp. but had not done so. Mr. Gasior then asked Mr. Kelly to provide the name of the First Energy Corp. representative he had been communicating with. He emphasized that the city is entitled to written documentation confirming that the Preliminary Plat conforms to First Energy's easement requirements, and without it, the risk is too high to proceed. Mr. Gasior again recommended that the Planning Commission vote on the matter this evening and encouraged members to deny the plan so that the developers can revise and resubmit with all necessary approvals in place.

Mr. Radcliffe shared that he appreciated the fact that the development adhered to R-1 Single Family zoning; however, he expressed strong concern about constructing homes within a power line easement without First Energy's explicit consent. He stated that this is a significant issue and that he doubts First Energy would ultimately allow development as currently planned. Mr. Radcliffe also expressed concern regarding the traffic impact the development would have on Detroit Road. He explained that while past traffic studies have suggested that developments may not harm existing neighborhoods, they also do not offer improvements, which is problematic. He stated that the traffic studies submitted by developers often do not reflect the lived experiences of residents and that more thorough review is necessary. Based on these factors, Mr. Radcliffe stated he was not in support of the plan.

Mr. Fitch also raised concerns, specifically about the location of the eastern entrance to the development, which he noted is close to both Case Road and the entrance to Pine Haven Greenhouse. He warned that the proximity of these driveways could cause confusion and traffic conflicts. He asked whether a visible stub leading into the northern section of the site was being used as a potential access point.

Mr. Kelly responded that the stub could eventually provide an outlet to Detroit Road.

Mr. Cummins, City Engineer, clarified that the feature in question is not a roadway stub but rather a drainage ditch containing utility lines. He noted that the applicant had been asked to relocate the eastern entrance further west to alleviate these concerns, but that modification has not yet been implemented.

Mr. Barnes echoed the concerns raised by Mr. Gasior and Mr. Radcliffe and raised a new issue regarding the name of the proposed development, "Pine Haven Estates." He asked whether the development had any affiliation with the neighboring Pine Haven Greenhouse, which is a well-known and long-standing business in the community.

Mr. Kelly confirmed there is no affiliation and stated that he did not personally select the name but believed it was simply used as a reference to the adjacent greenhouse. He added that the name could be changed if needed.

Mr. Barnes emphasized that he had received feedback from residents who found the use of the Pine Haven name misleading and disingenuous, especially given the long-standing presence of the greenhouse in the community.

Mr. Gasior added that Mr. Streator, Safety Director, had received an email from Nick Katsaris of First Energy Corporation on August 8, 2025, which provided clear feedback from First Energy's real estate engineering team which read in part.

Statement written by Nick Katsaris:

Our real estate engineering teams have been working with Mr. Kelly regarding the Pine Haven Estates property review. We initially denied the request and have provided the following comments below if they wish to move forward:

Statement written by Elizabeth Allshouse:

Mr. Kelly we had a meeting this morning to discuss your project and came up with a collective set of comments to move this forward. In order to approve the project we would need your plans to show 1-3 below. We also need to see a full (not a hand drawn) grading plan to confirm no grade changes within our right of way. Lastly, we need a full lighting plan along with specifications for the lighting so that we can complete a clearance check. If you send over the revised plans, full grading and lighting we will complete our review.

- *Lots, 40, 25, 24 and 12 are not to be developed as planned.*

Mr. Gasior stopped reading the email and emphasized that, based on its contents, the current Preliminary Plat Plan is not viable and would need to be revised accordingly.

Mr. Kelly responded that the email was outdated, implying that the concerns raised had since been resolved.

Mr. Gasior noted that the email was sent just weeks prior—on August 8th—and stated that Mr. Kelly was fully aware that the plan included sublots that First Energy had already identified as non-developable. He criticized the developer's decision to move forward with the agenda placement despite the clear unresolved issues. Mr. Gasior reiterated that the plan, as submitted, cannot be approved in its current form and should be revised to conform with First Energy's requirements. He also pointed out that the August 8th email was not shared with the city representative prior to this meeting, despite multiple requests for such documentation.

Mr. Kelly replied that the email in question was part of internal correspondence between himself and Mr. Katsaris of First Energy and was being misinterpreted. He claimed that the current status of First Energy's review requires only the final house plans for the four sublots in question to verify adequate clearance from the overhead lines. According to Mr. Kelly, all other concerns have been addressed, including the relocation of a proposed community garden and avoiding grading changes within the easement. He explained that the driveways and other features for the impacted sublots are located outside the easement area and reiterated that First Energy typically provides final approval after the City grants Preliminary Plan approval. He maintained that the August 8th email was being taken out of context.

Mr. Gasior confirmed his position.

Ms. Fechter, Planning Coordinator, then clarified that since January 2025, she had repeatedly asked Mr. Kelly for written documentation from First Energy specifically confirming whether the identified lots could be developed under the power lines—not a full subdivision approval, but clear confirmation regarding the viability of construction under the easement. Despite these repeated requests, she has not received any written correspondence from First Energy confirming that point. She added that the only update she received from Mr. Kelly previously was that First Energy’s only request was to relocate the community garden, which now appears to have been just one of several concerns.

Mr. Kelly responded that in addition to the garden, First Energy also expressed concern about maintaining the existing ditch and avoiding any grading in the easement area. He claimed that a detailed grading plan had already been submitted and addressed those concerns. The grading of the roadway was kept at existing grade beneath the power lines, and driveways and other infrastructure were placed outside the easement. Mr. Kelly reiterated that the only remaining item, to his understanding, was the submission of final house plans for review by First Energy to ensure proper overhead wire clearance.

Following the exchange, Mr. Fitch stated that based on all the information presented, he would support denying the Preliminary Plat Plan as currently proposed.

Mr. Barnes agreed and added that a vote should be taken this evening rather than table the matter again.

Mr. Radcliffe moved, seconded by Mr. Barnes, to suspend the rules.

The vote was:

Mayor Jensen “abstain”

Mr. Barnes “yes”

Mr. Fitch “yes”

Mr. Radcliffe “yes”

Mrs. Witherspoon “yes”

4 Yes

1 Abstention.

The Chair declared the motion passed.

Mr. Radcliffe moved, seconded by Mr. Barnes, to approve the Pine Haven Estates Preliminary Plat for a residential subdivision consisting of 41 single family homes on Detroit Road (PPN 04-00-001-101-001, 002, and 015).

The vote was:

Mayor Jensen “abstain”

Mr. Barnes “no”

Mr. Fitch “no”

Mr. Radcliffe “no”

Mrs. Witherspoon “no”

4 Nay

1 Abstention.

The Chair declared the motion denied.

7. Grace Estates, 34901 Detroit Road, Preliminary Plat, PL20240064

Triban Investment on behalf of Knez Homes is requesting approval of a Preliminary Plat to create a residential subdivision consisting of 12 single-family homes at 34901 Detroit Road (04-00-022-104-015 and 016). First Presentation held on June 18, 2025.

Bo Knez, Triban Investment, 7555 Fredle Drive, Concord, Ohio 44077.

Dustin Keeney, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Mr. Knez summarized three public concerns raised during the earlier Public Hearing portion of the meeting. The first issue related to Sublot 8, and Mr. Knez noted that City Engineer Mr. Cummins had already provided a clear and accurate explanation of how stormwater and drainage management would function for that area. The second issue involved a mislabeling on a real estate sign posted by the previous property owner, which incorrectly identified the zoning of the parcel. Mr. Knez clarified that the property has always been zoned residential, not commercial or otherwise. The third concern involved a resident's request to obtain documentation related to the traffic study, which will be addressed through the appropriate channels.

Mr. Fitch raised a follow-up question regarding water drainage concerns near Sublot 8, asking whether the proposed grading and drainage plans would improve existing conditions for nearby homeowners who currently experience water accumulation in their backyards.

Mr. Keeney, representing the development team, explained that designated wetland areas on the site would remain intact and continue to receive water from the south, west, and east, ensuring their ecological viability. For the non-wetland areas near the homesites, the developers will implement grading modifications and engineered drainage to properly manage runoff without negatively affecting the wetlands. Mr. Keeney confirmed that the improvements would help reduce water issues in the backyards of adjacent homes (Exhibit 1-Grace Estates Drawing).

Ms. Fechter, Planning Coordinator, then stated that all staff comments on the Preliminary Plat submittal had been addressed at this stage.

Mr. Cummins elaborated that his office had requested detailed drainage information from the applicant, and the submitted plans included a comprehensive system of perimeter drainage on the east, west, and south sides of the development. This system is designed to intercept and manage water flowing generally from south to north, including flow from the wetland areas. That water would be collected and directed to detention and retention basins located along the Detroit Road frontage, where it will be managed in accordance with Ohio EPA and City of Avon stormwater standards. Mr. Cummins emphasized that, while the drainage design has been reviewed and accepted at a preliminary level, detailed engineering and stormwater calculations will be reviewed during the Final Plat submittal process. At present, all drainage-related comments have been satisfactorily addressed for the purposes of Preliminary Plan approval.

Mayor Jensen reminded the Commission and attendees that the matter at hand concerns only the Preliminary Plat Plan. A separate and more detailed Final Plat Plan must be submitted for further review and approval by the Planning Commission prior to being considered by City Council.

Mr. Barnes then inquired about the process of obtaining permits to disturb wetland areas.

Mr. Cummins explained that jurisdiction over wetlands typically lies with the U.S. Army Corps of Engineers, and in some cases, the Ohio Environmental Protection Agency (EPA). Developers must secure the appropriate federal or state permits if their project involves any disturbance or encroachment into protected wetland areas. The City's role is to ensure that developers are following those regulatory processes and that appropriate permits are obtained before proceeding with development.

Mr. Barnes pointed out that the Preliminary Plat shows several lots—potentially Sublots 1, 2, 3, 4, and 6—with wetland overlaps in areas proposed for home construction. He raised concerns about the feasibility and environmental impacts of developing these lots and asked whether there were plans to either reconfigure the layout or reduce the number of lots if required by environmental regulators.

Mr. Knez, speaking on behalf of the development team, acknowledged that there is a known wetland overlap on those lots and confirmed that the team plans to seek the necessary permits from the Army Corps of Engineers and other relevant agencies. At this time, they do not intend to reduce the number of lots but will pursue remediation and compliance strategies to maintain the current plan. He affirmed that the development team is aware of the regulatory requirements and will ensure compliance while attempting to preserve the original layout and density of the subdivision.

Ms. Fechter asked Mr. Knez to confirm the original number of homes proposed for the subdivision.

Mr. Knez replied that the original plan included 24 homes.

Ms. Fechter noted that the current proposal reflects a reduction to 12 homes, which have been under consideration throughout the recent phases of review.

Mr. Barnes then asked whether a revised plan would be required if the Army Corps of Engineers denied permits for the lots that fall within wetland boundaries and deems them undevelopable.

Mr. Knez confirmed that, in such a case, a new plan would need to be developed and resubmitted for review by the city.

There were no other comments.

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

Mr. Barnes sought clarification on the typical procedural sequence when developments such as Pine Haven Estates involve wetland disturbances and require permits from the U.S. Army Corps of Engineers. Specifically, he asked whether it is standard practice for the City to allow Preliminary Plat review and potential approval before the required environmental permits are obtained, with the understanding that the Final Plat review would serve as the definitive stage for confirming whether all development conditions and regulatory requirements have been satisfied.

Mr. Cummins, City Engineer, confirmed that this is the standard process. He explained that following Preliminary Plat approval, the applicant must conduct additional engineering work,

which includes detailed stormwater calculations, finalized grading and utility plans, and the completion of all required environmental permitting processes. The City will not sign off on or approve the Final Plat until the developer returns with these finalized materials, including all permits issued by external agencies such as the Army Corps of Engineers or Ohio EPA, depending on the nature of the disturbance.

Mr. Barnes then asked how long it typically takes to obtain such permits.

Mr. Cummins responded that the timeline could vary significantly based on both the quantity and quality of wetlands involved. In cases where a small amount of low-quality wetland is disturbed, developers may qualify for a nationwide permit, which can usually be secured within a few months. However, if the project impacts a larger area or involves high-quality wetlands, the permit must go through the individual permitting process, which is far more comprehensive and may take one to two years to complete.

There were no other comments.

Mayor Jensen moved, seconded by Mr. Fitch, to approve the Preliminary Plat to create a residential subdivision consisting of 12 single-family homes at 34901 Detroit Road (04-00-022-104-015 and 016).

The vote was:

Mayor Jensen “yes”

Mr. Barnes “yes”

Mr. Fitch “yes”

Mr. Radcliffe “no”

Mrs. Witherspoon “yes”

4 Yes

1 Nay.

The Chair declared the motion passed.

8. Preserve at Riegelsberger, Riegelsberger Road and Center Road, Preliminary Plat, PL20230054

Polaris Engineering on behalf Drees Homes is requesting approval of the Preliminary Plat for a residential subdivision consisting of 71 single family homes at the northeast corner of Riegelsberger Road and Center Road (PPN 04-00-014-107-023, 024 and 268).

Kevin Hoffman, Engineer, Polaris Engineering, 34600 Chardon Road, Willoughby Hills, Ohio 44094.

Thomas Sutcliffe, Dres Homes, 6860 West Snowville Road, Brecksville, Ohio 44141.

Mr. Hoffman, representing the developer, addressed concerns raised during the Public Hearing portion of the meeting regarding stormwater management. He explained that the development process began in 2023 and that his team has worked closely with City staff and the City Engineer throughout. The project required modifications to account for floodplain challenges, and while a significant amount of work has been completed, more remains. Mr. Hoffman noted that the team is close to submitting a Conditional Letter of Map Revision (CLOMR) to FEMA, which is required by Avon City Code for developments within or near floodplains. He acknowledged the requirement for compensatory storage, which stipulates that for every cubic yard of fill added to the floodplain, two cubic yards must be removed elsewhere to maintain flood volume capacity. He expressed confidence that the proposed grading and stormwater improvements — including

new storm sewers — would improve existing ponding and drainage issues in the area, some of which are the result of historic poor grading. Mr. Hoffman added that the development team reviewed flood photographs from 2014 and is committed to avoiding similar outcomes (Exhibit 1-Preserve of Riegelsberger Drawing).

Mr. Cummins, City Engineer, confirmed that the project review has been ongoing, with updated plans recently submitted. Using a map, he explained how stormwater from the French Creek watershed flows east to west across the property, and that the developer is now fully aware of this dynamic and working toward viable stormwater solutions. Mr. Cummins reiterated the importance of compensatory storage, stating that developers must accept water onto the site and manage it safely through engineered systems. He noted that some concerns had been raised about the basin on the south side of Autumn Grove, which is currently high. He explained this is intentional during construction, as the basin is “throttled” to allow sediment to settle for water quality purposes. As the site develops, those controls will be removed, and the basin’s water level will be lowered. However, he emphasized that he is not yet ready to confirm that all issues have been addressed to the City’s satisfaction and recommended this matter be treated as a First Presentation, rather than one seeking immediate approval.

Mayor Jensen responded to both residents and Commission concerns by acknowledging that the City is actively working on infrastructure improvements. He referenced Route 83 and Riegelsberger Road intersection, where the city is preparing an application for roundabout funding, which could help alleviate traffic congestion and improve safety. Although a previous application for safety funding was denied, the city believes there is still an opportunity to secure support for the project. Regardless of whether funding is received, Mayor Jensen emphasized that intersection improvements will be necessary within the next two years. In regard to the Jaycox Road portion of the development, Mayor Jensen mentioned the possibility of implementing a Tax Increment Financing (TIF) district, which would allow for funding improvements to both Riegelsberger Road and the installation of a traffic signal at Jaycox, both of which are priorities for the city.

Thomas Sutcliffe, of Drees Homes, reiterated that his team has been working on this project for over two and a half years and has always been aware of the many complexities and challenges associated with the site. He stated that they do not intend to move the project forward unless they can resolve the major issues, especially related to stormwater and traffic. Mr. Sutcliffe expressed appreciation for the Commission’s and public’s feedback and affirmed their ongoing cooperation with the city. He emphasized that they are not simply trying to force a project through, but rather to present a layout for discussion and continue refining it to meet both City standards and community expectations. He added that the development team is working closely with the city and a private landowner to help bring the roundabout project to fruition.

Mayor Jensen responded directly to residents of the Kensington area, acknowledging the 2014 flood event and affirming that since that time, the City has made improvements to stormwater infrastructure, including modifications to retention ponds and the installation of emergency drainage channels at Queen Anne’s Gate to allow overflow to return to French Creek more efficiently. Mayor Jensen noted that, while significant progress has been made, challenges remain in this area, and the City continues to look for responsible ways to improve conditions without making them worse for adjacent neighborhoods.

Mayor Jensen also addressed a mention of past litigation, stating that a lawsuit led to the current park in the area and resulted in the City settling for approximately \$2.2 million, despite the

property's appraised value being around \$1.5 million—not including legal fees. He emphasized that City leaders are committed to balancing responsible development with protecting community interests and that the current proposal is one possible avenue to advance necessary improvements, particularly around Riegelsberger Road and State Route 83, where accidents have been a concern.

Tony Moore, Avon Councilman, Ward 3, 3653 Kensington Drive, Avon, Ohio 44011.

Mr. Moore, a resident, expressed skepticism about the project. While acknowledging that some stormwater improvements have occurred, he stressed that new development has only recently resumed in this area, and the site remains sensitive due to its flood history. He asserted that developers must be held accountable for capturing and managing stormwater and repeated his concern about the recurrence of the 2014 flood. He stated he is not in favor of the proposed development and urged the city to pause the process to gather more information, stating that the roundabout should not be used as a justification to approve a potentially problematic project.

Mr. Fitch provided a counterpoint, stating that in his experience, recent developments like Grace Estates and Williams Court have successfully incorporated stormwater management features that have benefited surrounding areas. He pointed out that many longstanding drainage issues in Avon are due to water trapped in low-lying fields, with no engineered outlet. Mr. Fitch emphasized that development has, in several instances, created the drainage infrastructure needed to alleviate long-standing water problems. However, he agreed that more work is needed, particularly in terms of clearing ditches, which are often clogged with brush and trees. He advocated for the city to continue maintaining and clearing those systems to improve drainage citywide.

Mr. Moore agreed with Mr. Fitch's comments about ditch maintenance but reiterated his opposition to approving the development at this time. He recommended the city slow the process down, gather additional data, and wait for critical infrastructure improvements, including the roundabout and drainage upgrades—before allowing the project to move forward.

There were no other comments.

Chair Witherspoon declared this item First Presentation.

9. Referral to City Council: Amending Ordinance 55-25 to require a Special Use Permit for the Future Development or Construction of any Hotel, Motel within the City of Avon

The City of Avon is requesting a positive recommendation to City Council to amend Ordinance 55-25 to require a Special Use Permit on the Future Development or Construction of any Hotel or Motel, within the C-4 and O-2 Zoning Districts.

Mr. John Gasior, Law Director, introduced proposed amendments to the City's zoning code, focusing on Sections 1270.03, 1280.05, and a new section 1280.06(oo). The primary change involves altering hotel/motel uses from a permitted use to a special use in the C-4 and O-2 zoning districts, thereby giving the city greater oversight through the Special Use Permit process. The proposed amendment, included in Exhibit 1-Ordinance 77-25, outlines a set of minimum standards that any hotel or motel must meet to operate in the City of Avon. Mr. Gasior emphasized that the purpose of this amendment is to ensure that basic operational and safety standards—such as cleaning services, adequate lighting, heating, and maintenance of linens—

are consistently upheld. These standards, he noted, reflect what any reasonable guest would expect when staying in a mainstream hotel, such as a Holiday Inn Express or Hampton Inn.

Mr. Gasior clarified that the proposed code is not intended to burden reputable hotel operators, but rather to address issues arising from low-cost or discount motels that have gradually evolved into quasi-residential facilities or long-term stay arrangements, placing significant strain on local safety forces. He explained that while licensing of hotels was considered, it would likely be ruled out at this stage due to the complexity and resource demands of establishing such a bureaucracy. Instead, the City will implement inspection requirements and operational conditions through the Special Use Permit process. This would enable the city to ensure compliance without creating a new regulatory framework.

Mr. Gasior advised the foundation for the proposed code originated from the City of Maumee, where stringent regulations were adopted in response to hotel/motels being converted into drug and alcohol rehabilitation centers. Although Mr. Gasior believes Avon does not face the same magnitude of challenges, he found the City of Maumee ordinance useful for identifying basic operational standards that Avon should incorporate—such as requirements for the lobby area, guest rooms, restrooms, and building exteriors. He emphasized that the City is not attempting to replicate the City of Maumee's code in full but sees value in adapting reasonable provisions to protect neighborhood quality and public safety.

Mr. Barnes inquired if this would apply to any existing hotel/motel as well as any future developments.

Mr. Gasior confirmed that the ordinance would apply to both existing and future hotel/motel operations, regardless of how the establishment is labeled (e.g., boarding house, extended stay, or motel). He clarified that the City's intent is not to target names, but rather to ensure that all facilities meet the minimum expectations for cleanliness, maintenance, and guest safety.

Mr. Barnes also asked about inspection frequency, proposing that twice per year should be the minimum standard.

Mr. Gasior agreed, stating that two annual inspections would be adequate, with the ability to conduct additional inspections in response to complaints.

Mr. Barnes suggested that in order to help facilitate feedback from guests' hotels post a QR code at the front desk or check-in area, linking visitors directly to a City Hall portal for reporting issues.

Mr. Gasior supported this idea and added that the City's website could be updated to include a reporting feature where guest concerns could be submitted, possibly triggering follow-up inspections.

Ms. Fechter, Planning Coordinator, added that the city had been in contact with existing hotel chains to ensure that the proposed ordinance would not unintentionally hinder legitimate extended stays, especially in emergency or hardship situations. The goal she reiterated is not to prevent business but to ensure that any facility offering long-term accommodation maintains the proper standards expected by the city and its residents.

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

Mr. Radcliffe moved, seconded by Mayor Jensen, to approve a positive recommendation to City Council for approval to adopt Ordinance 77-25 (*actual ordinance presented to City Council was Ordinance 75-25*) to require a Special Use Permit on the Future Development or Construction of any Hotel or Motel, within the C-4 and O-2 Zoning Districts. The vote was: "AYES" all. The Chair declared the motion passed.

COMMENTS

Mayor Jensen had no comment.
Mr. Barnes had no comment.
Mr. Radcliffe had no comment.
Mr. Fitch had no comment.
Ms. Fechter said Happy Labor Day.
Mr. Cummins had no comment.
Mr. Gasior had no comment.
Ms. Clements had no comment.
Mr. Streator had no comment.
Chair Witherspoon had no comment.
No comments from the audience.

ADJOURN

Mr. Radcliffe moved, seconded by Mayor Jensen, to adjourn. The vote was: "AYES" all. The Chair declared the motion passed. The meeting was adjourned at 9:07 p.m.



Carolyn Witherspoon, Chair
Planning Commission



Susan Pintz, Planning Commission and
Zoning Secretary



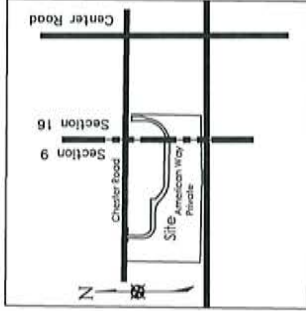
Date

Avon Pointe Professional Campus Phase 4

Situated in the City of Avon, County of Lorain, and State of Ohio,
Part of Lots 9 & 16, Original Avon Township -
Township No. 7 Range 16 of Townships in the Connecticut Western Reserve,
Being a Re-Subdivision of Block C of Avon Pointe Professional Campus Phase 3
As shown by plat recorded in volume 113, page 46 of Lorain County Plat Records
Creating Blocks M, and N
August, 2025
Scale 1"=60'

ACCEPTANCE AND DEDICATION:
BE IT KNOWN THAT THE UNDERSIGNED, BRADY CAM 1, LLC, THROUGH
LAND SHOWN HEREON, HEREBY CERTIFIED THAT THIS PLAT CORRECTLY
CREATING 2.1569 ACRES BLOCK M, AND 4.0348 ACRES BLOCK N, AND DOES HEREBY ACCEPT PLAT OF SAME.
IN WITNESS WHEREOF, BRADY CAM 1, LLC, THROUGH
AT _____, OHIO, THIS _____ DAY OF _____, 20____, ITS AGENT, HAS HERETO SET ITS HAND
BY _____, 20____, ITS AGENT, OWNERS OF THE
NAME PRINTED _____
SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:
STATE OF OHIO)
COUNTY OF _____)
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED, BRADY CAM 1, LLC, THROUGH
THE SAME & THEIR VOLUNTARY ACT AND DEED, IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL
AT _____, OHIO, THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC:
THIS IS AN ACKNOWLEDGEMENT CLAUSE.
THE SIGNATURE AND INFORMATION WAS ADMINISTERED
TO THE SIGNER.



Vicinity Map Not to Scale

AREA 1: 2.1569 ACRES
AREA 2: 4.0348 ACRES
TOTAL AREA: 6.1917 ACRES

APPROVALS:

THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____, 20____. THE APPROVAL DOES NOT CONSTITUTE AN ACCEPTANCE OF THE DEDICATION OF ANY PUBLIC STREET OR HIGHWAY DEDICATED HEREON.

BRADY CAM 1, LLC, PRESIDENT

THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____, 20____.

CANDACE WINTERBORN, PLANNING COMMISSION CHAIRPERSON

THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____, 20____.

RYAN E. CUMMINS, P.E., CITY OF AVON CONSULTING ENGINEER

BOUNDARY CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PREMISES AND INSURED THE LOT LINES IN A N
THESE DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF. ALL OF WHICH ARE CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF. IRON MONUMENTS OR PINS AS INDICATED WERE FOUND OR
INFORMATION, OPINION OF THE SURVEYOR WHICH IS FORMULATED ON HIS BEST KNOWLEDGE
EITHER EXPRESSED OR IMPLIED, THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A WARRANTY,
DIMENSIONS ARE BASED ON THE U.S. SURVEY FOOT DEFINITION. BEARINGS REFER TO THE OHIO STATE
COORDINATE SYSTEM OF 1983 (NAD 83) BASED ON THE DDOT COORDINATE SYSTEM (2011).
ALL LOTS ON PRESENT ARE 1/4 SECTION DIAMETER BY 1/4 SECTION DIAMETER WITH IDENTIFICATION
CAP TO THE 1/4 SECTION DIAMETER.

Michael P. Spill
MICHAEL P. SPILL
OHIO PROFESSIONAL
SURVEYOR #8149
DATE 8/25/25

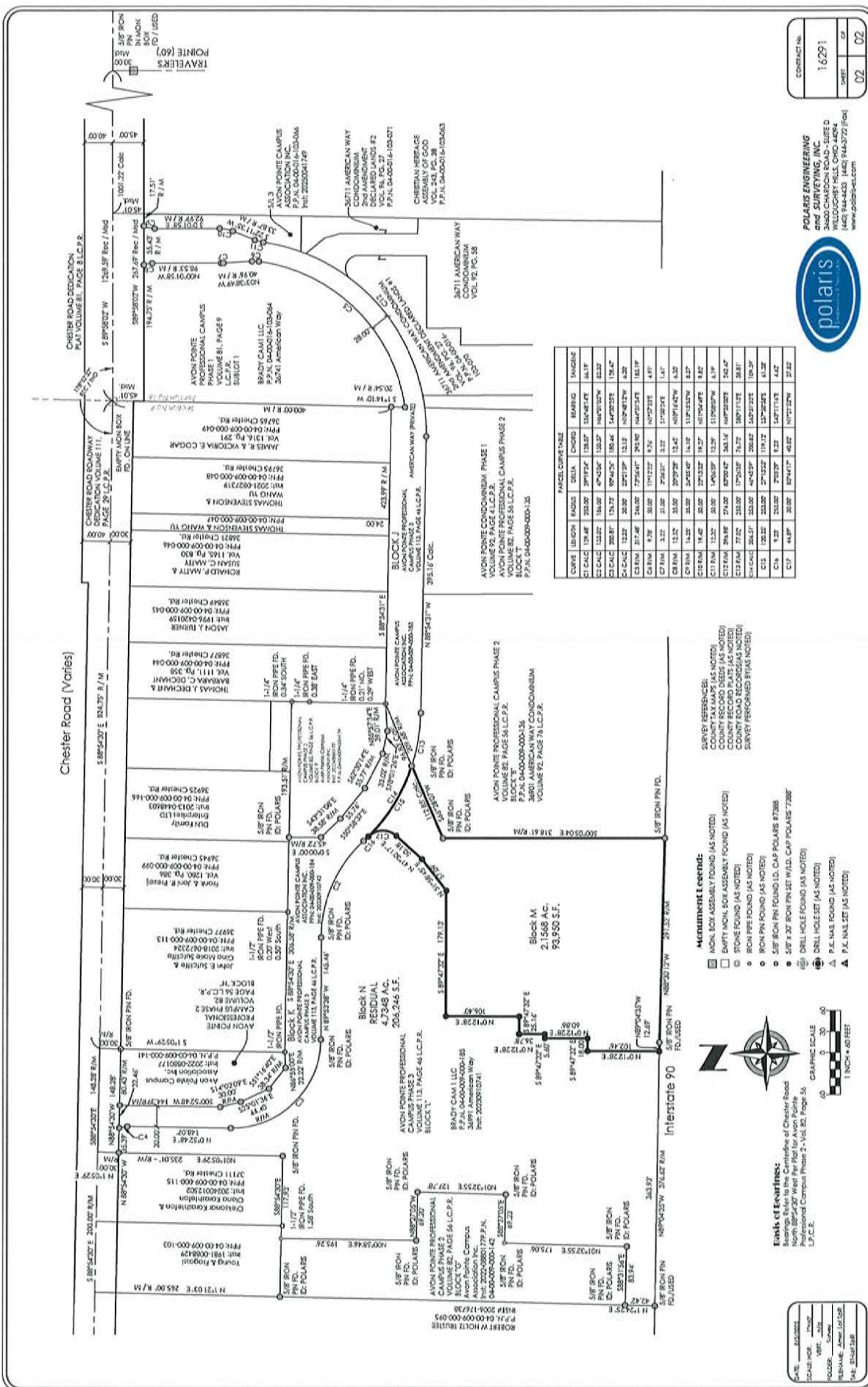


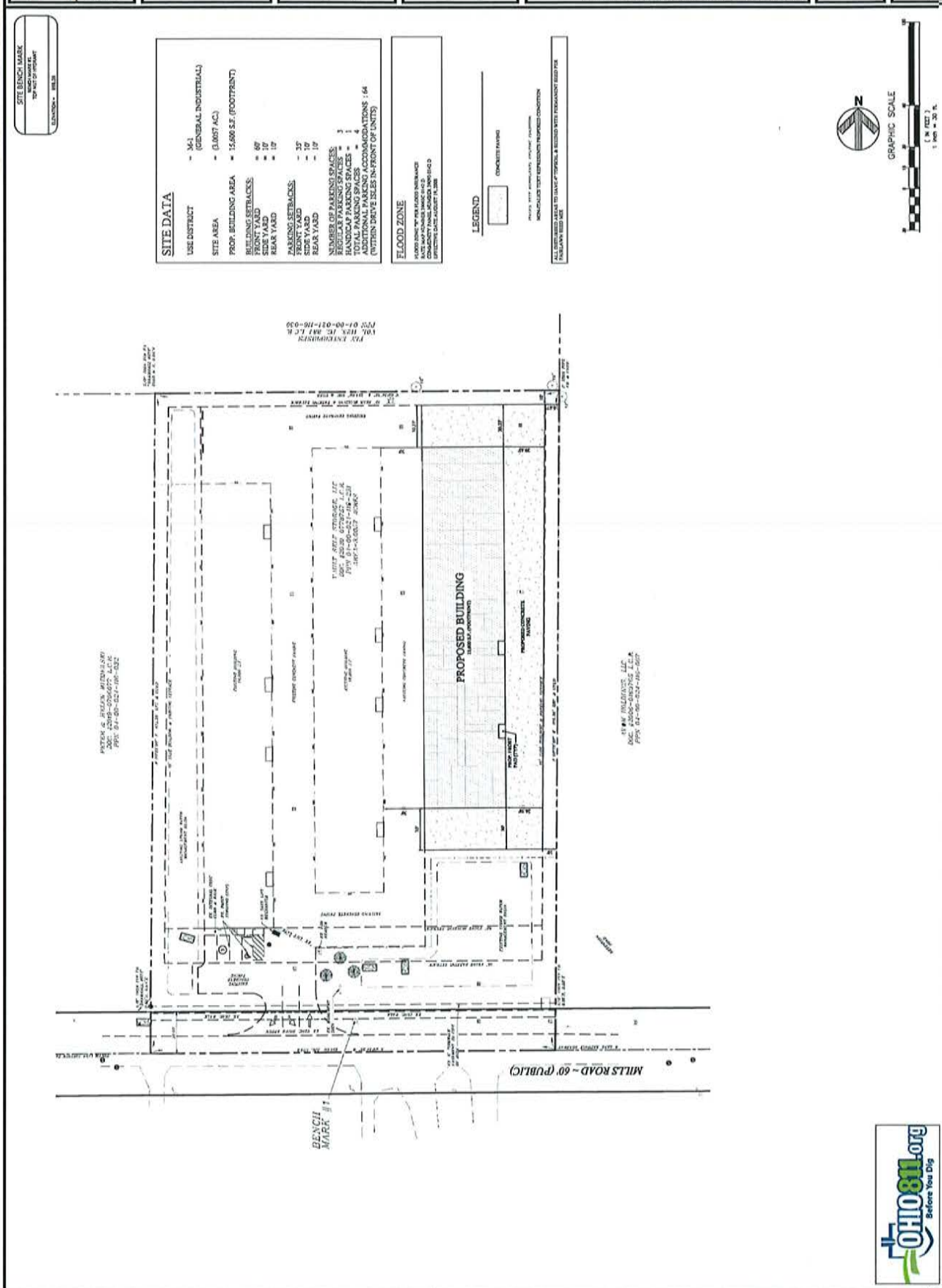
DATE: 8/25/2025
SCALE: 1"=60'
TOWN: Avon
RANGE: 16
PLAT: 113, page 46
PREPARED BY: JAMES L. SPILL
FILE: 250805-04

CONTRACT NO.
16291
SHEET
01 OF 02

POLARIS ENGINEERING
AND SURVEYING, INC.
3460 CHARDON ROAD - SUITE D
WILLOUGHBY HILLS, OHIO 44094
(440) 942-1144 FAX (440) 942-1145
www.polaris-survey.com







VAULT SELF STORAGE PHASE II

CITY OF AVON
COUNTY OF LORAIN
STATE OF OHIO

- GENERAL NOTES**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 2. ALL UTILITIES SHALL BE LOCATED AND DEEPLY MARKED PRIOR TO CONSTRUCTION.
 3. ALL UTILITIES SHALL BE DEEPLY MARKED PRIOR TO CONSTRUCTION.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
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 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AVON, THE COUNTY OF LORAIN, AND THE STATE OF OHIO.



VICINITY MAP
1/2"=50'

CITY OF AVON STANDARD DETAILS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE CURRENT EDITION OF THE CITY OF AVON CONSTRUCTION STANDARDS AND SPECIFICATIONS. THE FOLLOWING IS A LIST OF APPLICABLE DETAILS. THE USE OF ADDITIONAL CITY OF AVON STANDARD DETAILS MAY BE REQUIRED OR SUPPLEMENTAL WHERE DIRECTED.

SWPFP-1
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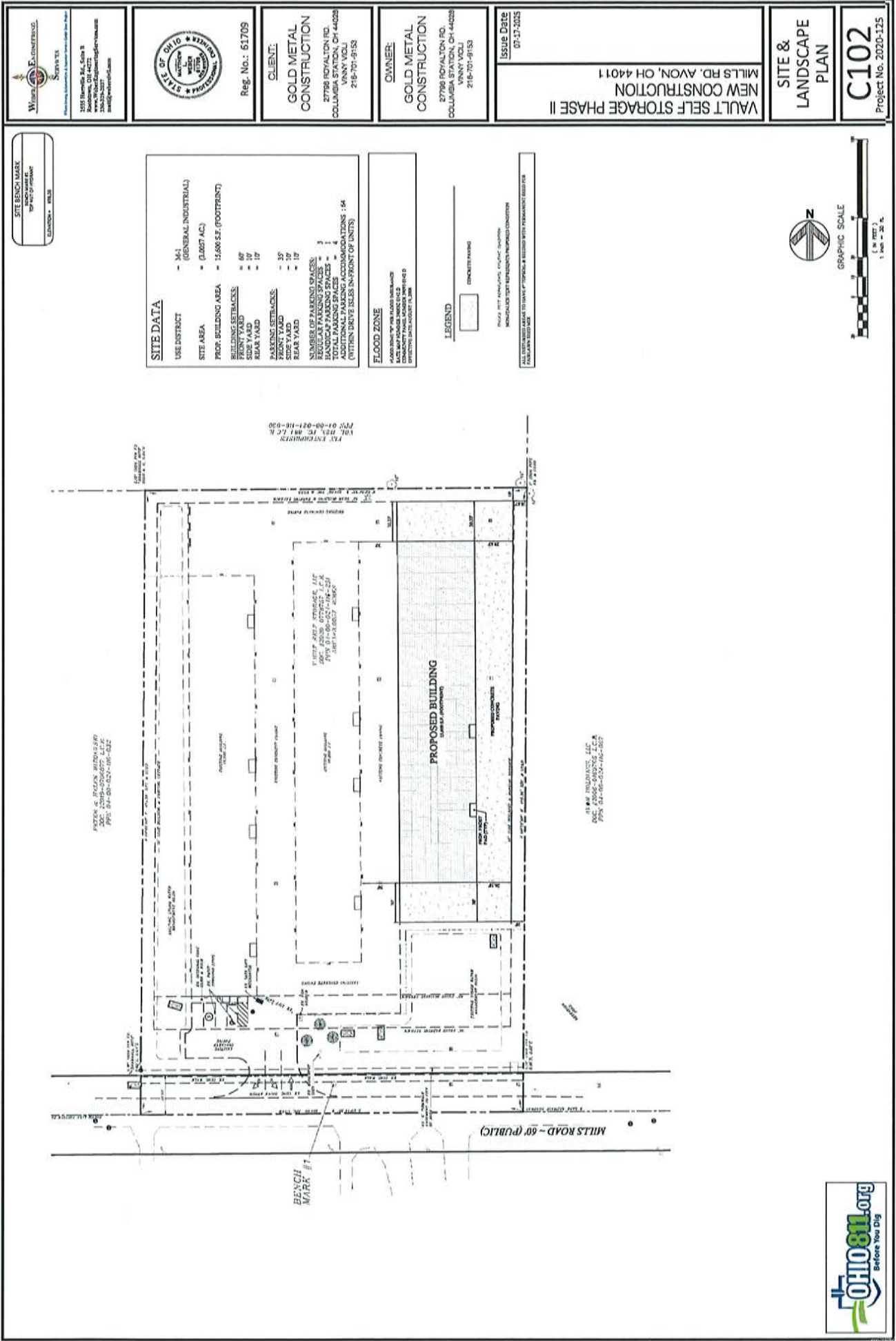
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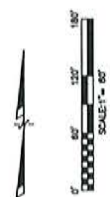
TITLE SHEET
SITE PLAN
UTILITY PLAN
GRADING PLAN
CONCRETE DETAILS
ABBREVIATED SWFPs
ABBREVIATED SWFPs DETAILS

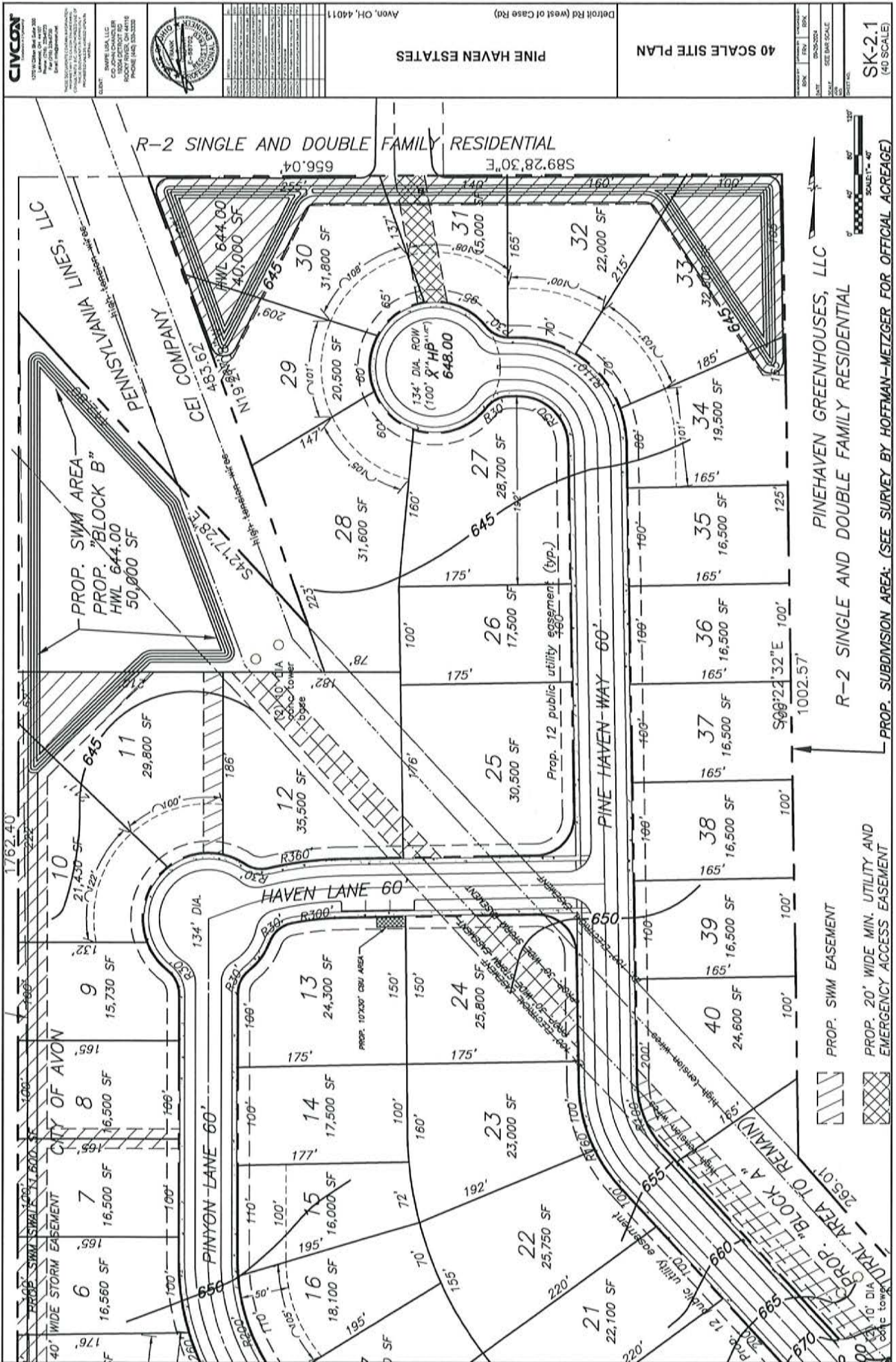
INDEX

SHEET NO.
C100
C101
C102
C103
C104
C105
C106
C107-C109

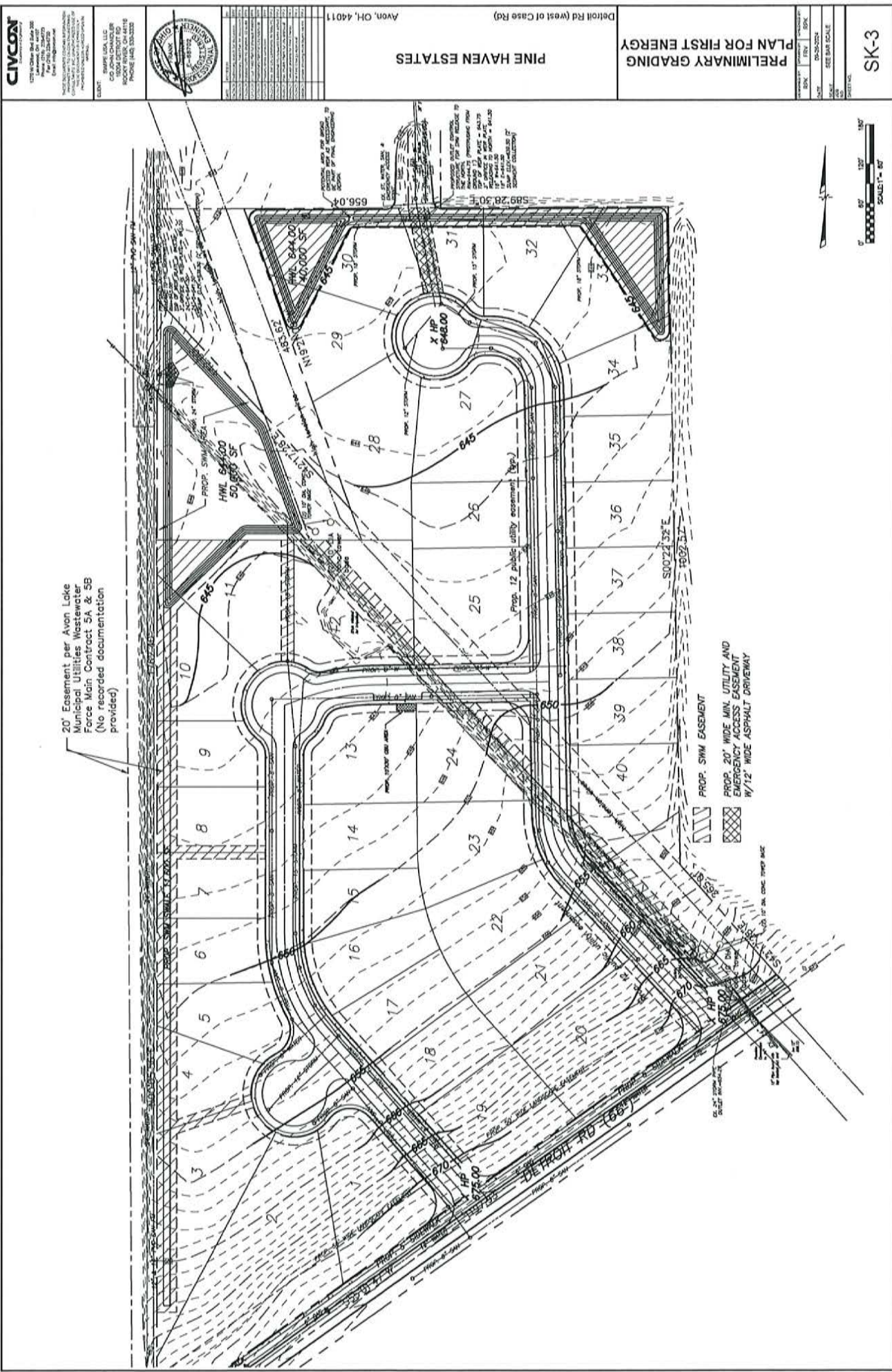
Water Engineering Services 2555 Burnside Rd., Suite B Avon, OH 44001 www.waterengr.com 216-233-1377 info@waterengr.com		Reg. No.: 61709 CLIENT: GOLD METAL CONSTRUCTION 27798 ROYALTON RD. COLUMBIA STATION, OH 44028 VINNY VOLI 216-701-8153	OWNER: GOLD METAL CONSTRUCTION 27798 ROYALTON RD. COLUMBIA STATION, OH 44028 VINNY VOLI 216-701-8153	Issue Date 07-17-2025 MILLS RD. AVON, OH 44011 NEW CONSTRUCTION VAULT SELF STORAGE PHASE II
TITLE SHEET				C100 Project No. 2020-125







SK-2.1
(40 SCALE)



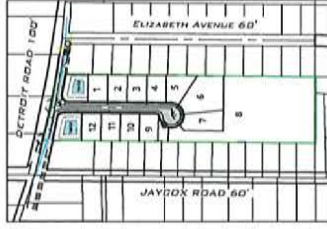
PRELIMINARY PLAT PLAN FOR GRACE ESTATES SUBDIVISION

CITY OF AVON - LORAIN COUNTY - OHIO

DESIGNED BY:



POLARIS ENGINEERING & SURVEYING, INC.
34620 CHARDON ROAD - SUITE D
MILFORD, OHIO 44894
(440) 944-0721 (Fax)
www.polaris-es.com



DRAWING INDEX

DESCRIPTION	SHEET NO.
TITLE SHEET	1
GEOMETRIC & UTILITY PLAN	2
SITE PLAN	3
FUTURE DETROIT ROAD WIDENING PLAN	4

DEVELOPED BY:
TRIBAN INVESTMENT / KNEZ HOMES
7555 FREDLE DRIVE
PAINESVILLE, OHIO 44077
CONTACT: NOAM ADLER
PHONE: (440) 710-0711
EMAIL: NADLER@KNEZ.NET

APPROVALS

BY: _____ DATE: _____
PLANNING COORDINATOR

BY: _____ DATE: _____
CITY ENGINEER

BY: _____ DATE: _____
CITY OF AVON

ZONING DATA
Zoning District: R-1 Single Family Residential
Single Family Dwellings:
Lot Requirements: 15,000 SQ FT (0.34 AC.)
Minimum Lot Area: 100 FT of Building Line
Minimum Lot Width: 100 FT (80 FT on Cul-de-Sac)
Yard Requirements:
Front Yard Setback: 50 FT (40' With Side Load Garage)
Side Yard Setback: 10 FT from Side
Rear Yard Setback: 10 FT from Side
Corner Lot: Side & Rear Yards are According to Pg. 1 of ACO 1592.04

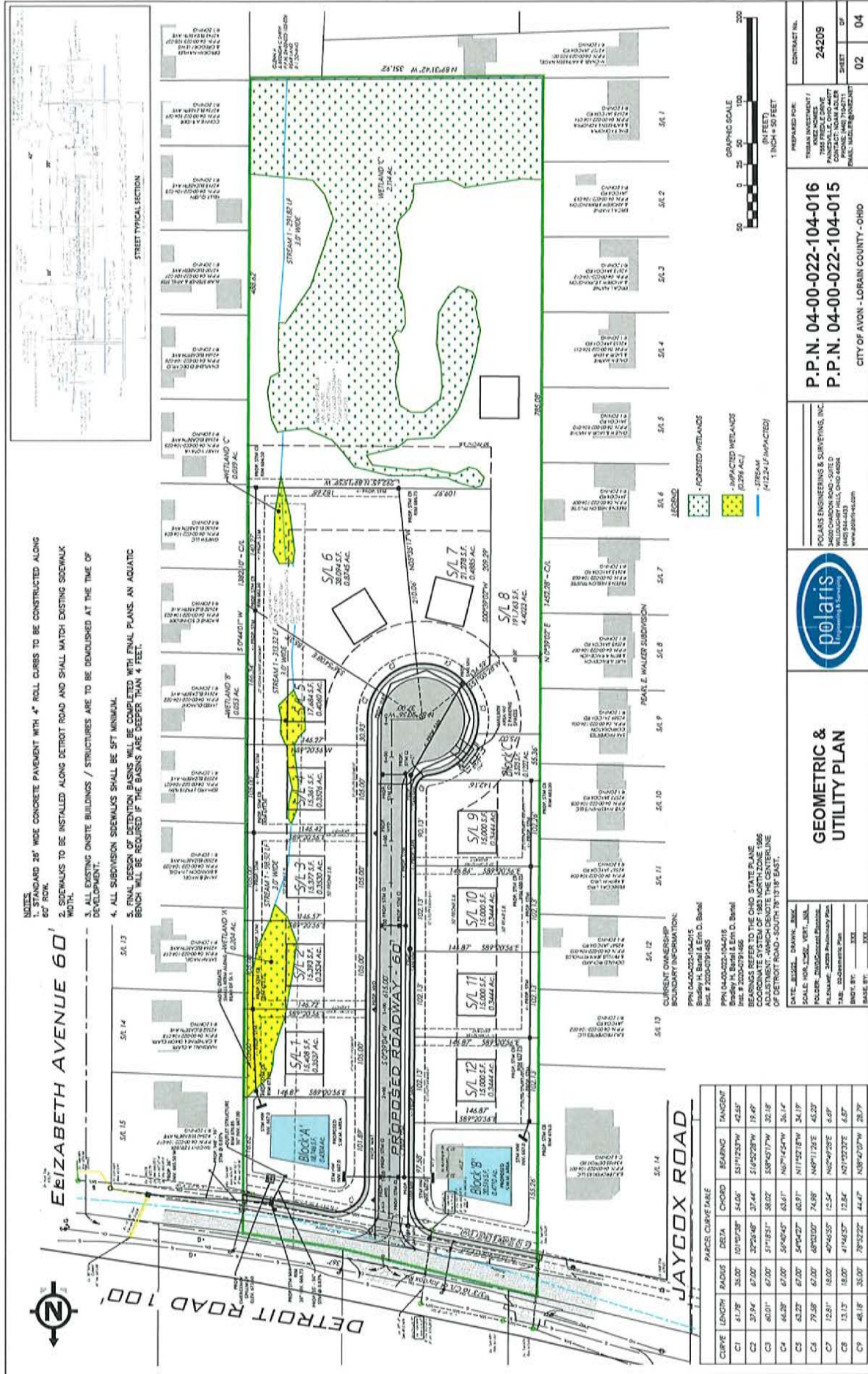
AREA TABULATION
AREA IN RIGHT OF WAY: 1.0446 ACRES NEW RIGHT OF WAY
AREA IN RIGHT OF WAY: 0.0000 ACRES EXISTING RIGHT OF WAY
AREA IN RIGHT OF WAY: 0.0000 ACRES TOTAL
AREA IN BLOCK: 9.0125 ACRES
AREA IN BLOCK: 1.0235 ACRES
TOTAL AREA: 11.4501 ACRES

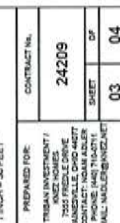
TITLE SHEET

CONTRACT NO.	24209
SHEET	01
OF	04



Michael L. Zeng
MICHAEL L. ZENG P.E. 94555
DATE: 8/1/2025





P.P.N. 04-00-022-104-016
P.P.N. 04-00-022-104-015

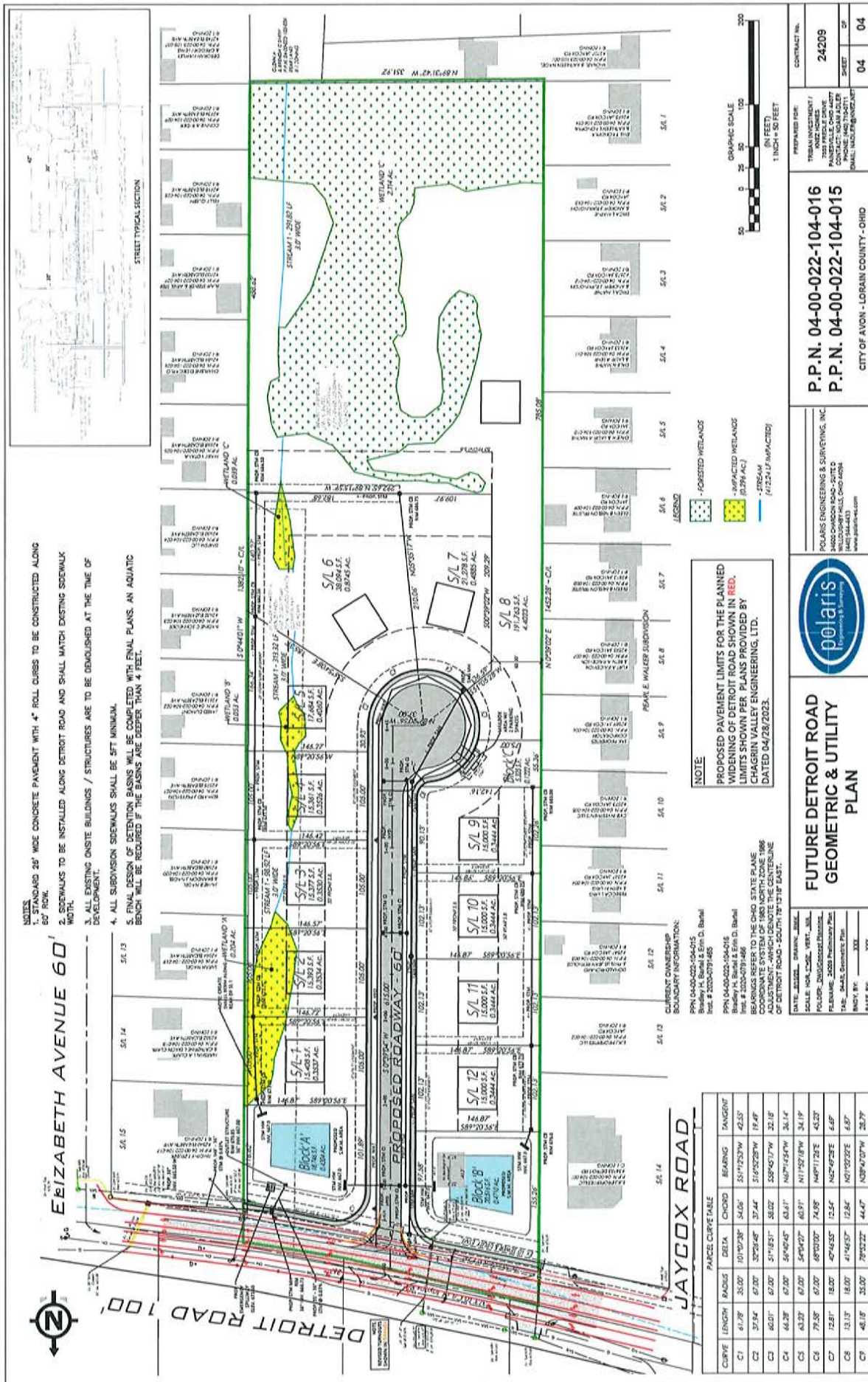
POLARIS ENGINEERING & SURVEYING, INC.
34600 CHARDON ROAD - SUITE D
WILLOUGHBY HILLS, OHIO 44094
(440) 944-4433
www.polaris-es.com



SITE PLAN

TE: JJJZJ DRAWN: BNC
ALE MOR: 1-SE VERT: N/A
LDR: 20020826BNC
ENAME: 3025 Preliminary Plan
S: DQ-SM Pds
DW BY: JJK

	3	4	5	6	7	8	9	10
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- NOTES
1. STANDARD 26" WIDE CONCRETE PAVEMENT WITH 4" ROLL CURBS TO BE CONSTRUCTED ALONG 60' ROW.
 2. SIDEWALKS TO BE INSTALLED ALONG DETROIT ROAD AND SHALL MATCH EXISTING SIDEWALK WIDTH.
 3. ALL EXISTING ON-SITE BUILDINGS / STRUCTURES ARE TO BE DEMOLISHED AT THE TIME OF DEVELOPMENT.
 4. ALL SUBDIVISION SIDEWALKS SHALL BE 5 FT MINIMUM.
 5. FINAL DESIGN OF DETENTION BASINS WILL BE COMPLETED WITH FINAL PLANS. AN AQUATIC BENCH WILL BE REQUIRED IF THE BASINS ARE DEEPER THAN 4 FEET.

NOTE:

PROPOSED PAVEMENT LIMITS FOR THE PLANNED WIDENING OF DETROIT ROAD SHOWN IN RED. LIMITS SHOWN PER PLANS PROVIDED BY CHAGRIN VALLEY ENGINEERING, LTD. DATED 04/28/2023.

CURRENT OWNERSHIP

PPN 04-00-022-104-016
PPN 04-00-022-104-015
PPN 04-00-022-104-014
PPN 04-00-022-104-013
PPN 04-00-022-104-012
PPN 04-00-022-104-011
PPN 04-00-022-104-010
PPN 04-00-022-104-009
PPN 04-00-022-104-008
PPN 04-00-022-104-007
PPN 04-00-022-104-006
PPN 04-00-022-104-005
PPN 04-00-022-104-004
PPN 04-00-022-104-003
PPN 04-00-022-104-002
PPN 04-00-022-104-001

CURVE	LENGTH	RADIUS	CHORD	BEARING	TANGENT
C1	61.78'	35.00'	101'02.38'	S51°12'27"W	42.33'
C2	37.84'	67.00'	32'09.48'	S72°02'27"W	19.48'
C3	60.01'	67.00'	51'16.51'	S68°05'17"W	32.98'
C4	66.38'	67.00'	58'06.40'	S63°11'15"W	36.14'
C5	63.33'	67.00'	54'04.02'	N61°12'27"E	34.19'
C6	79.58'	67.00'	68'02.00'	N61°12'27"E	43.23'
C7	128.01'	18.00'	47'04.55'	N62°02'27"E	4.68'
C8	13.13'	18.00'	41'04.55'	N61°02'27"E	4.68'
C9	48.18'	35.00'	79'02.22'	N58°02'27"W	28.79'

CONTRACT NO. 24209

PREPARED FOR: POLARIS ENGINEERING & SURVEYING, INC.

PREPARED BY: POLARIS ENGINEERING & SURVEYING, INC.

CONTACT: NIGEL ADLER

EMAIL: NIGEL@POLARIS-INC.COM

CITY OF AVON - LOBAIN COUNTY - OHIO

DATE: 04/28/2023

SCALE: 1" = 50' (GRAPHIC SCALE)

GRAPHIC SCALE: 1" = 50' (IN FEET)

LEGEND:

- EXISTING WETLANDS
- IMPACTED WETLANDS
- STREAM
- 1/224 LF IMPACTED

FUTURE DETROIT ROAD GEOMETRIC & UTILITY PLAN

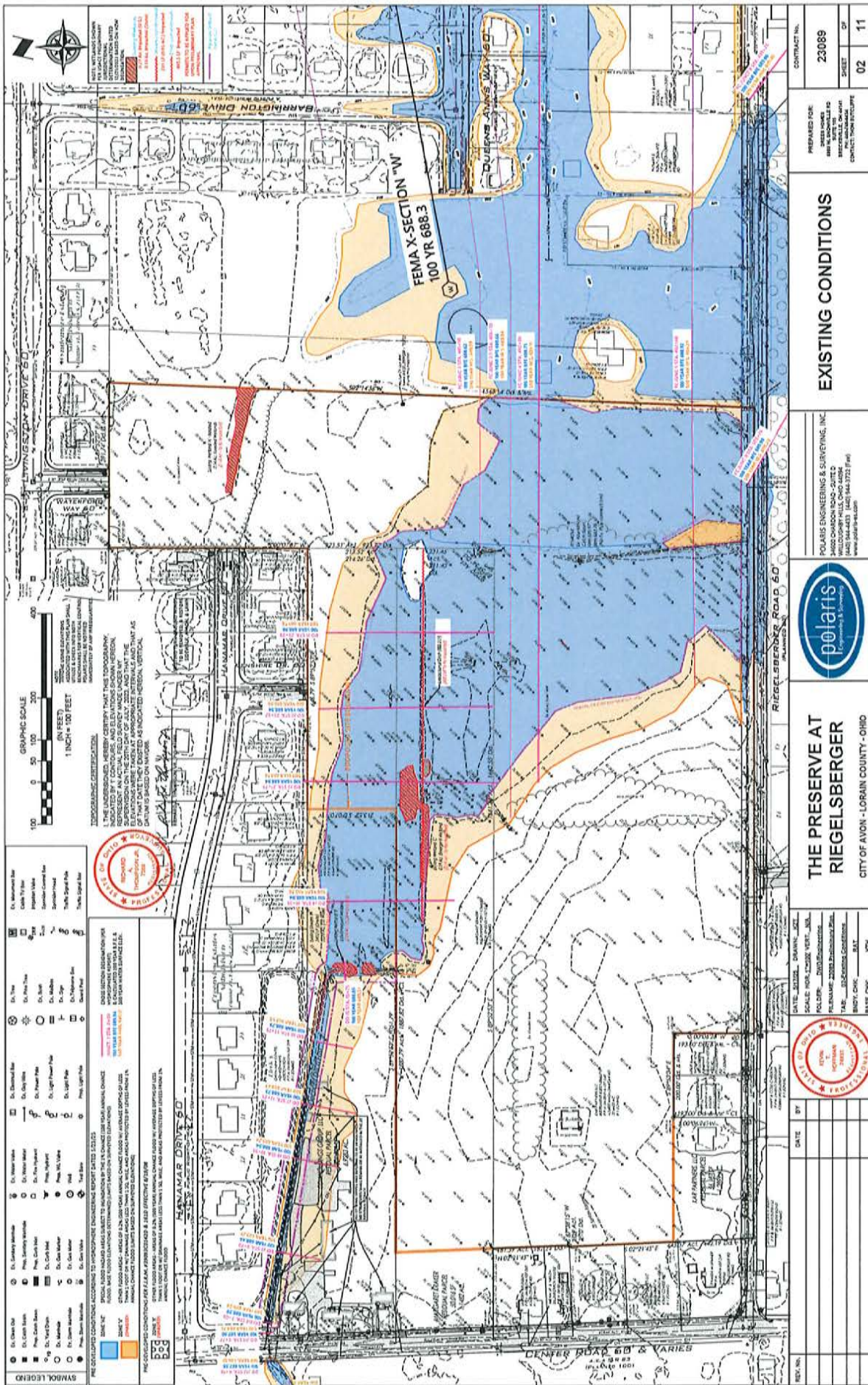
DATE: 04/28/2023

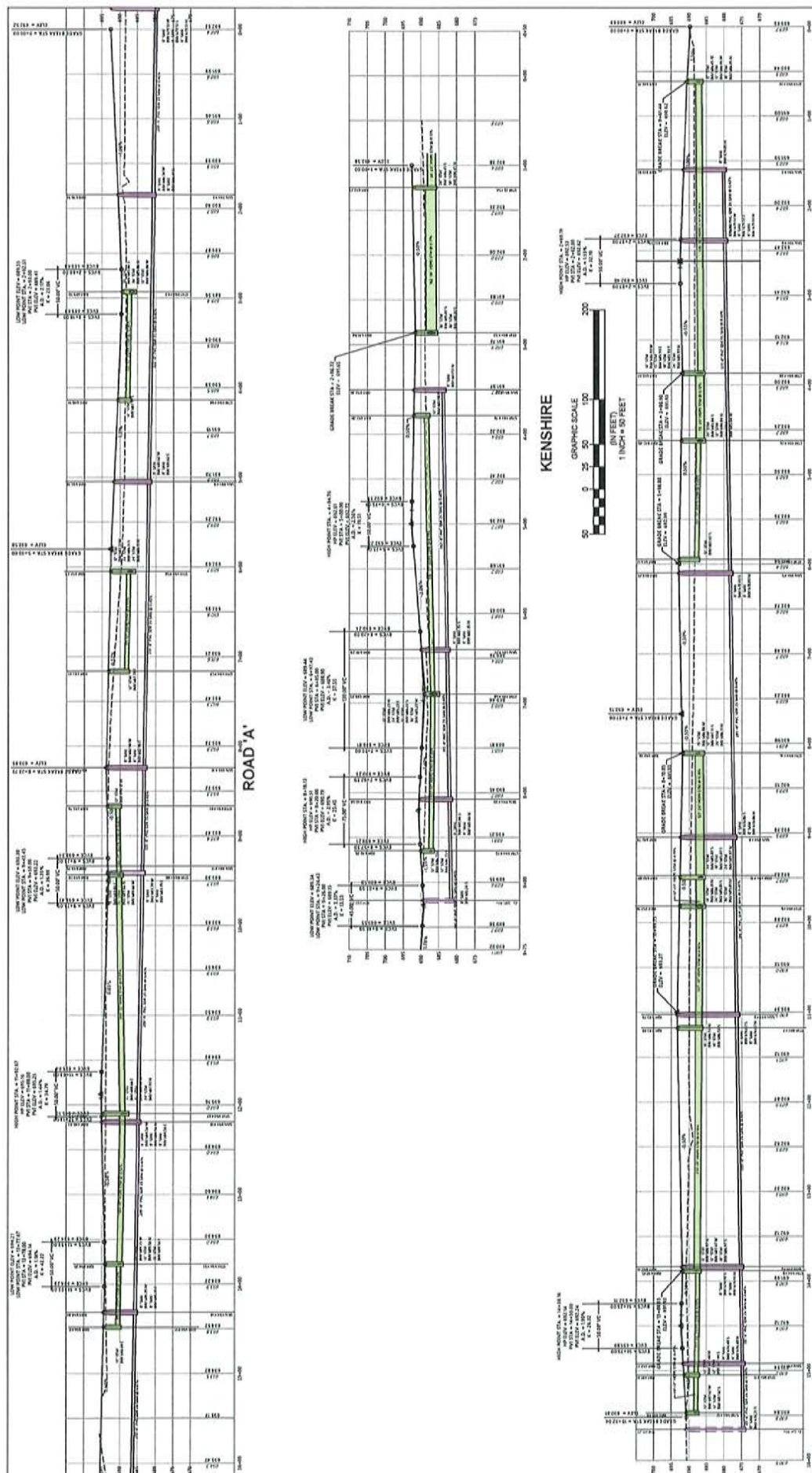
SCALE: 1" = 50' (GRAPHIC SCALE)

GRAPHIC SCALE: 1" = 50' (IN FEET)

LEGEND:

- EXISTING WETLANDS
- IMPACTED WETLANDS
- STREAM
- 1/224 LF IMPACTED





WATERFORD WAY

THE PRESERVE AT
RIEGELSBERGER
CITY OF AVON - LORAIN COUNTY - OHIO



POLARIS ENGINEERING & SURVEYING, INC.
34500 CHARDON ROAD - SUITE D
MILLSBOROUGH HILLS, OHIO 44204
(440) 944-4433 (440) 944-3723 (Fax)
www.polaris-es.com

PRELIMINARY ROAD & SEWER PROFILES

PREPARED FOR:
DRESS HOMES
2801 W. BOWEN RD
SUITE 102
BIRMINGHAM, OH 45401
PH: 404-394-0400
CONTACT: THOM BUTLER

CONTRACT No.	23089	SHEET	OF	11
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EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS



EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS



EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS

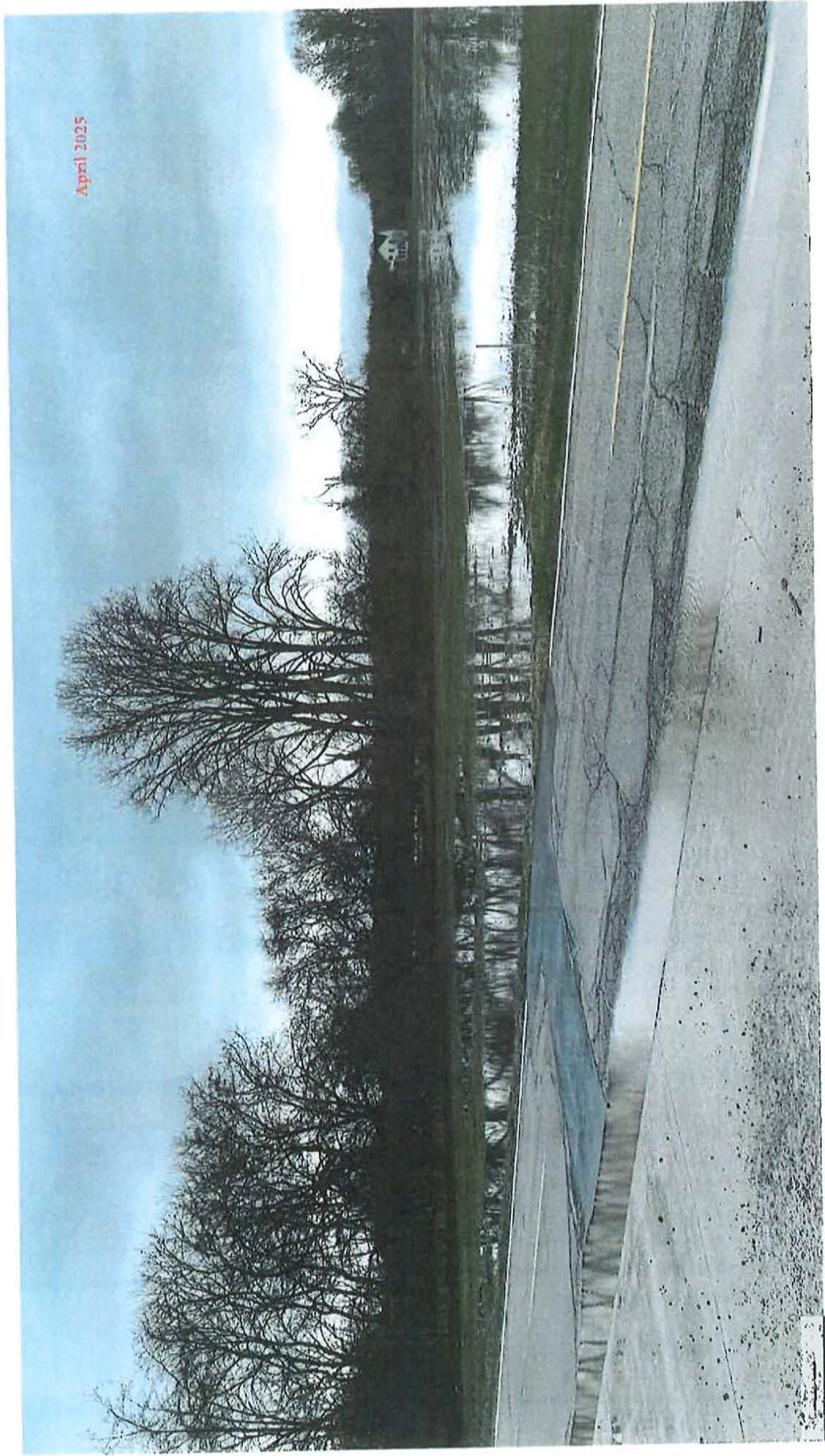


EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS



EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS

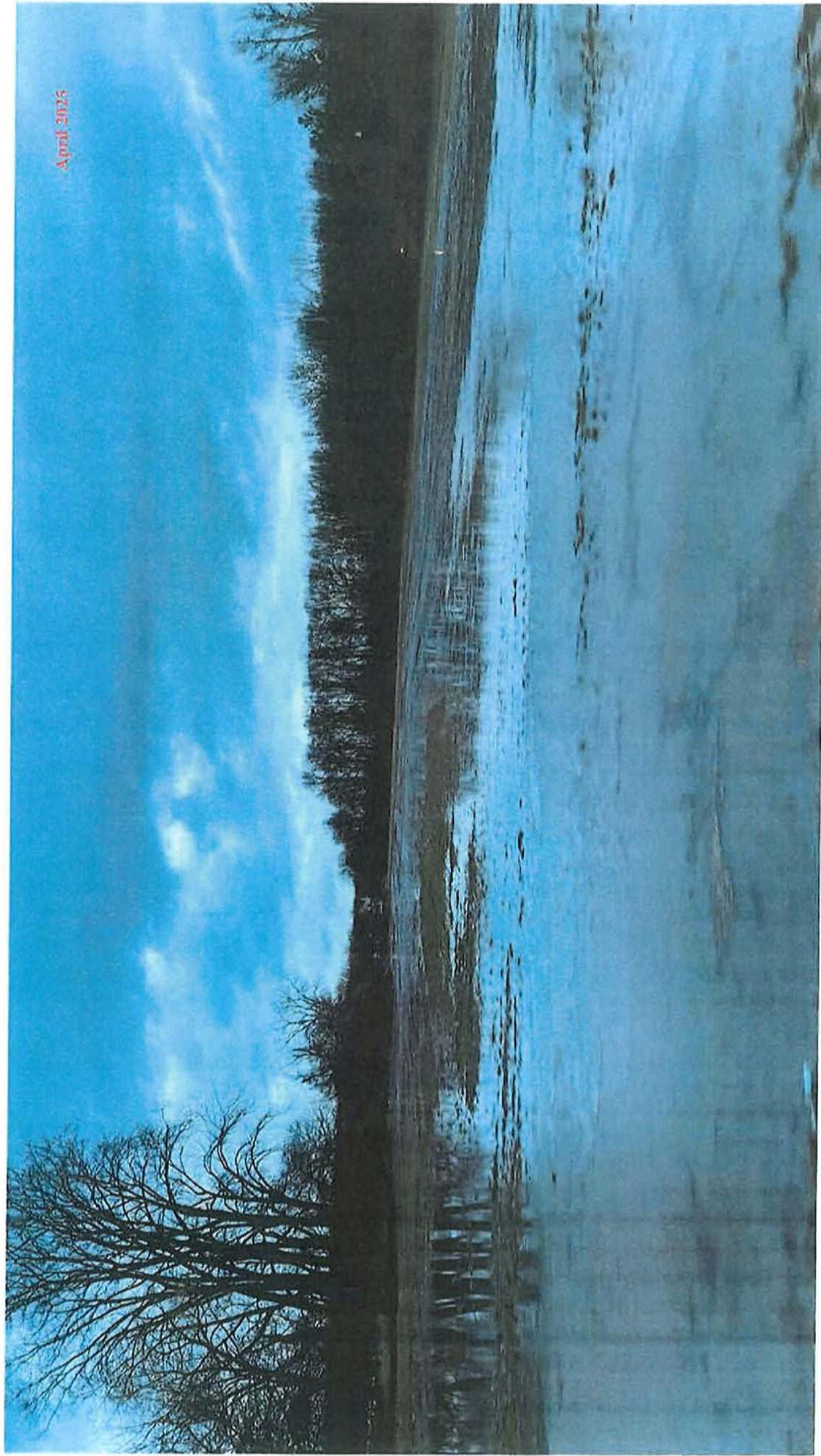


EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS

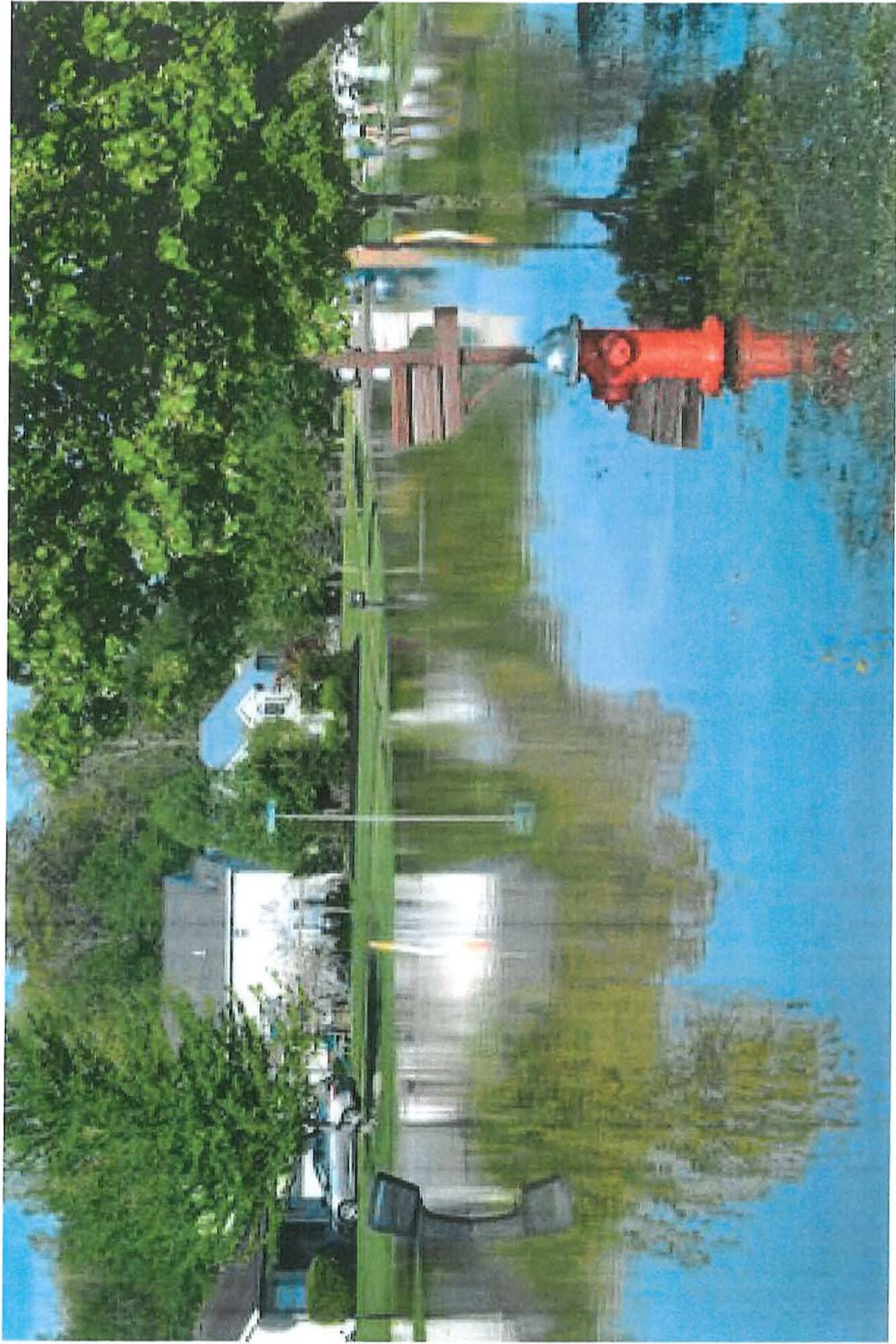


EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS

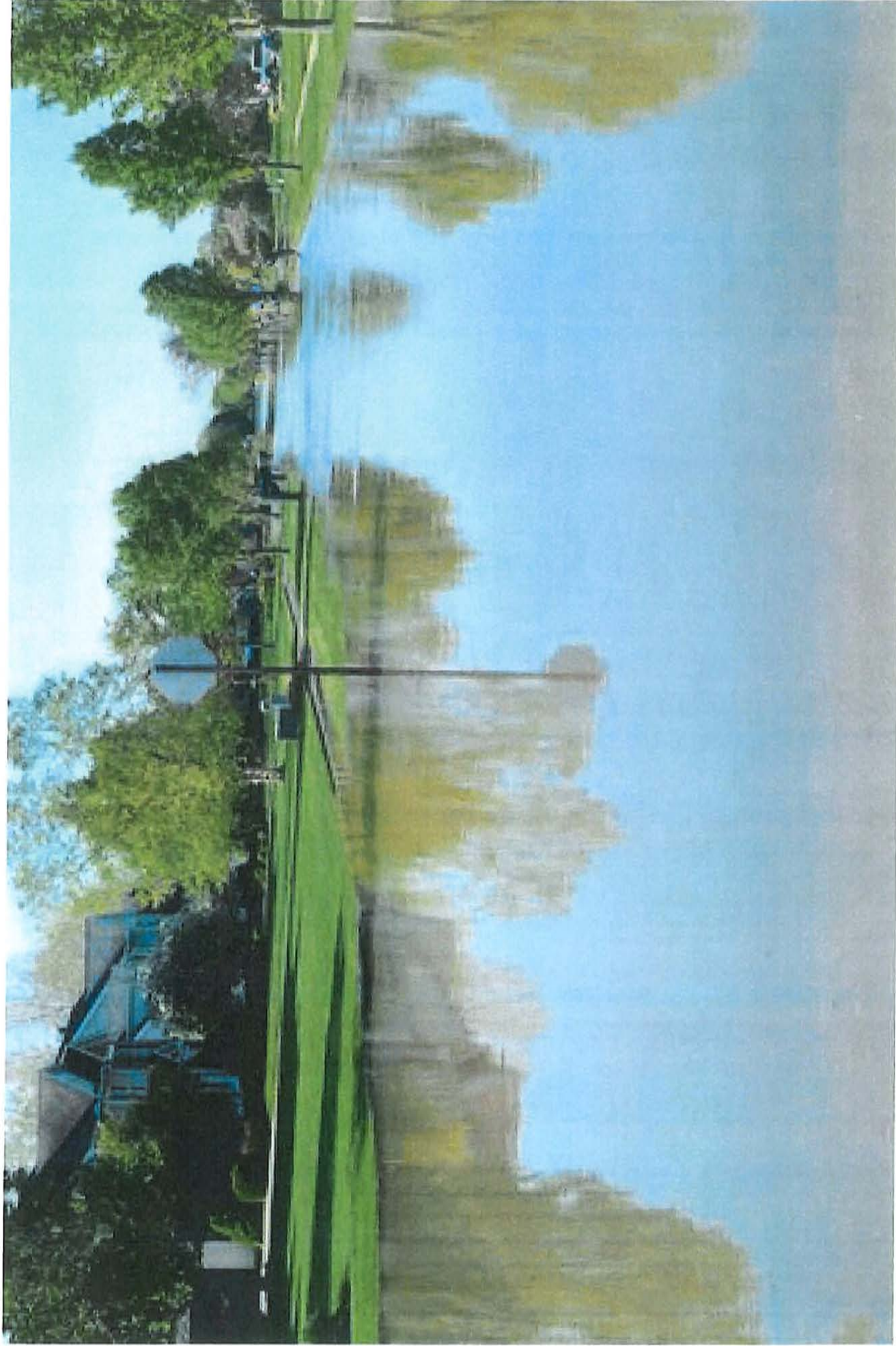


EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS



EXHIBIT 2-2014 FLOOD-TONY MOORE PHOTOS



08/13/2025

ATTN: Pam Fechter
City of Avon Planning Coordinator
36080 Chester Rd, Avon, OH 44011

RE: Proposed Stormwater Sewer & Right-of-Way
➤ Future Construction (PPN 04-00-014-107-268, 04-00-014-107-024 & 04-00-014-107-023)
➤ Adjacent Homeowner (35454 Riegelsberger Rd, Avon, OH 44011)

Dear City of Avon,

My husband and I live at the below mentioned address/parcels. Our property consists of 2 adjacent parcels, but functions as one property. This property is our primary (and only) residence.

- **35454 Riegelsberger Rd, Avon, OH 44011**
 - Parcel # : 04-00-014-107-027
 - Parcel # : 04-00-014-107-028

We received a "Notice of a Public Hearing" from the City of Avon (see Attachment A) scheduled for August 20, 2025, for a residential subdivision consisting of 71 single family homes to potentially be constructed adjacent to the **WEST side of our property.**

We would like to formally make the City of Avon aware that we have **MAJOR flooding issues.** On moderately rainy days our lawn repeatedly becomes overly saturated and large puddles form in the front and back yards. The problem is so bad that we must wear heavy duty rain boots to get around the yard which includes access to the barn. We are sharing a couple of pictures of the flooded backyard to give a sense of the issue (see Attachment B).

Also a large section of our driveway frequently becomes flooded. On multiple occasions the water was so deep, we worried our cars might stall when driving through the water to exit the driveway. We are sharing a picture of the driveway, but this does not fully demonstrate the magnitude of the problem. The picture was taken days after rainfall stopped and water had already started to recede. The problem is much larger than what is shown in the picture (see Attachment C).

Please be aware that after rainfall stops, it can take **over a week** for all the water around our house to dissipate.

Our home was built in 1976 and there are 2 yard drains in the backyard (see Attachment D). We are not certain, but were told these yard drains may send stormwater to French Creek on Jaycox Rd? The issue with the aged yard drains is that they easily become overwhelmed with stormwater and get backed up often. Other than these 2 yard drains, **we do not have any other options to reasonably drain stormwater away from our property.**

With the future residential development construction adjacent to the WEST side of our property we are requesting the following:

1. Future Stormwater Sewer:

- a. We request a Future Stormwater Sewer (with catch basins) be constructed running North-South adjacent to the WEST side of our property (see Attachment E).
- b. We request this Future Stormwater Sewer be properly sized and designed to have adequate capacity to drain stormwater away from our property.
 - i. Take note, in the future our hope is to drain stormwater from East to West, the full length of our property, because there are no other reasonable options.

2. Future Right-of-Way:

- a. We request a Right-of-Way be established so we are able to connect a future drainage system from our property to the Future Stormwater Sewer (see Attachment E).

3. Drawings Review:

- a. As a courtesy, we request that we are provided a reasonable amount of time (~2 week +/-) to review and comment the Preliminary, 30%, 60% 90%, 100% Drawings of the Future Stormwater Sewer and Right-of-Way.
 - i. Note it would be extremely helpful to collaborate on certain details. For example locating some catch basins in specific areas would greatly help to make a future connection from our property easier. In addition there are some obstacles that would be ideal to avoid.

The City of Avon providing a Future Stormwater Sewer and Right-of-Way would greatly help resolve our flooding issues as described above. Furthermore, it would likely benefit existing homeowners as well as future homeowners that would be purchasing homes adjacent to our property.

If you have any questions or would like to discuss, please do not hesitate to contact us.

Sincerely,



Calliope Voiklis



Robert Bordon

Attachments:

- **Attachment A:** Notice of a Public Hearing (City of Avon), scheduled for 08/20/2025.
- **Attachment B:** Backyard photos
- **Attachment C:** Driveway photo
- **Attachment D:** Yard Drains photos
- **Attachment E:** Proposed Stormwater Sewer & Right-of-Way

CC: Chagrin Valley Engineering Ltd.'s (CVE)
Drees Homes
Polaris Engineering

Attachment B
(Backyard)

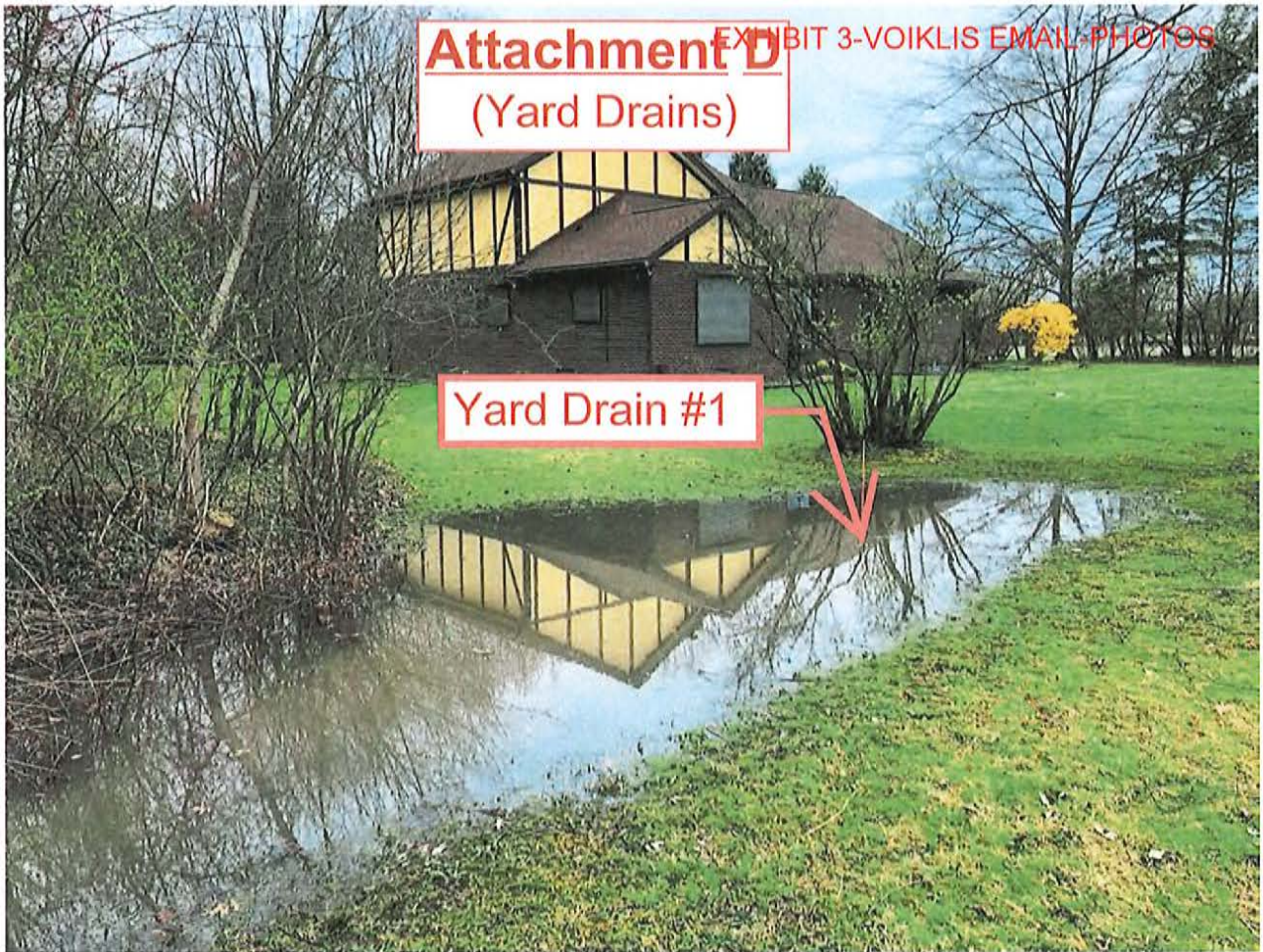


Attachment C
(Driveway)



Attachment D
(Yard Drains)

EXHIBIT 3-VOIKLIS EMAIL-PHOTOS



Yard Drain #1

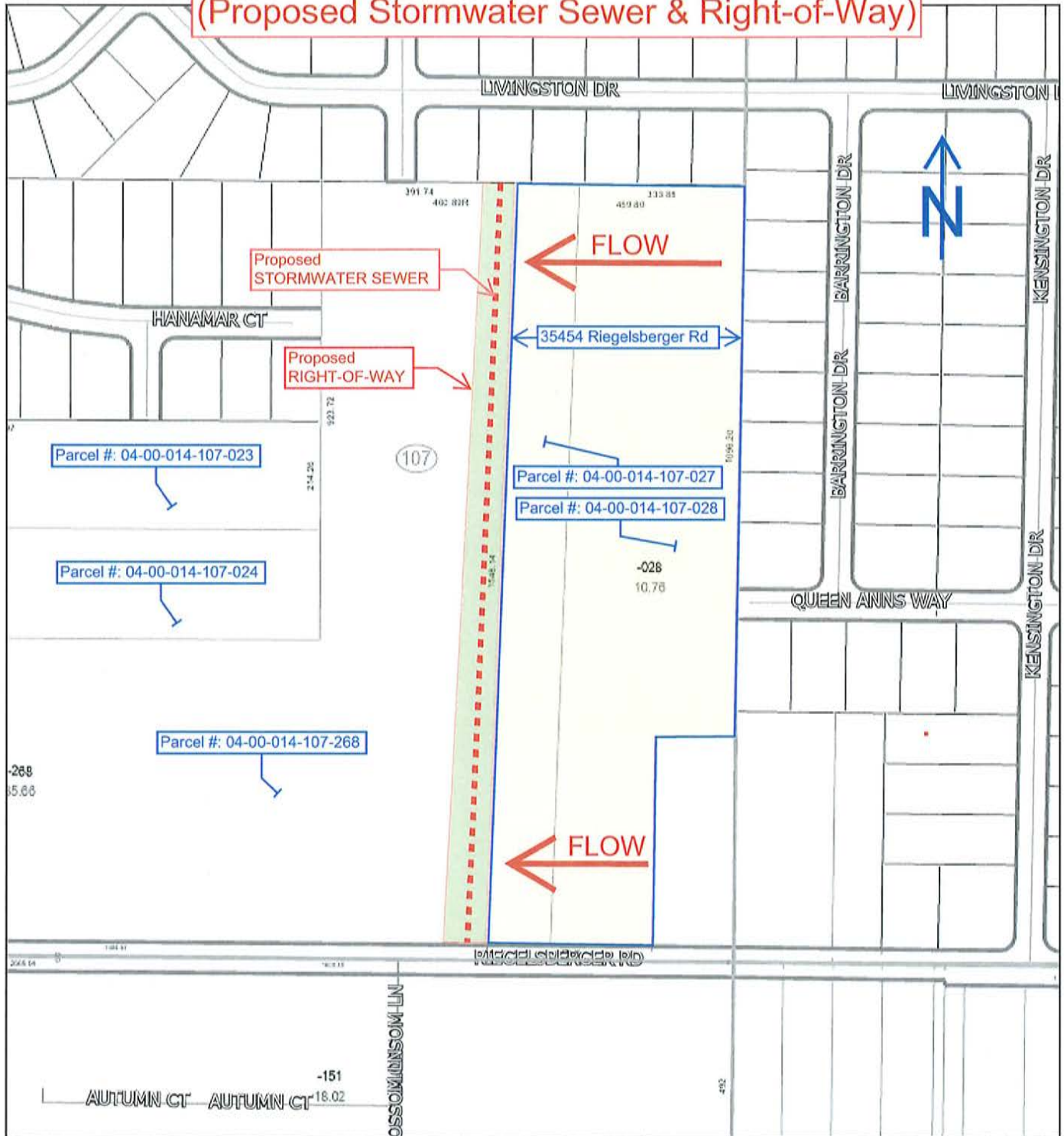


Yard Drain #2

Attachment E

EXHIBIT 3-VOIKLIS EMAIL-PHOTOS

(Proposed Stormwater Sewer & Right-of-Way)



KEY:

- - - - - Proposed Stormwater Sewer
- Proposed Right-of-Way
- 35454 Riegelsberger Rd
- ← Flow Direction (East to West)
- Parcel #: 04-00-014-107-XXX Existing Parcels

ORDINANCE NO. 77-25

**AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE
SECTION 1270.03 "SCHEDULE OF PERMITTED USES," IN THE BUSINESS
DISTRICT, SECTION 1274.03 "SCHEDULE OF PERMITTED USES IN O-2 DISTRICT",
SECTION 1280.05 "MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES
IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT" AND
1280.06 "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES"
PERTAINING TO HOTELS/MOTELS IN THE CITY OF AVON**

WHEREAS, Section 1270.03 provides a schedule of the Permitted and Special Uses within the Business Districts; and

WHEREAS, Section 1274.03 provides a schedule of the Permitted and Specials Uses within the Office Districts; and

WHEREAS, Section 1280.05 sets forth regulations governing minimum lot area and minimum lot width requirements for Special Uses in commercial, office and industrial districts (i.e., non-residential districts); and

WHEREAS, Section 1280.06 sets forth specific conditions, standards and regulations for certain special uses and are in addition to the criteria and standards set forth in Sections 1280.02 through 1280.05.

WHEREAS, 1270.03(f)(3) currently allows for hotels/motels in C-2 and C-3 Districts with a Special Use Permit and hotels/motels are permitted in the C-4 District; and

WHEREAS, 1274.03(b)(1) currently allows for hotels/motels as permitted in the O-2 District with a Special Use Permit; and

WHEREAS, 1280.05(kk) sets forth regulations governing minimum lot area and minimum lot width requirements for these special uses in commercial, office and industrial districts; and

WHEREAS, the Planning Coordinator has recommended amendments to these sections to allow for an hotels/motels to be designated a Special Use Permit in the C-2 Central Business/French Creek District, C-3 Planned Commercial Development District, C-4 General Business District and O-2 Planned Research Office Park District and to provide for supplemental regulations to govern the operation of these special uses; and

WHEREAS, the Planning Commission authorized a Public Hearing on said amendments which was duly publicized according to law and held on August 20, 2025; and

WHEREAS, on August 20, 2025, by a vote of Five (5) in favor and Zero (0) opposed, Planning Commission recommended approval of the amendments to Sections 1270.03(f)(3), 1274.03(b)(1), 1280.05(kk), and 1280.06(oo) of the Planning and Zoning Code; and

Ordinance No. 77-25 (Con't)

WHEREAS, Council, on September 8, 2025 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on October 14, 2025 at XXX PM; and

WHEREAS, Council, in considering the recommendation of Planning Commission and comments from the Administration finds that amending Sections 1270.03(f)(3), 1274.03(b)(1), 1280.05(kk), and 1280.06(oo) of the Codified Ordinances of the City of Avon is in the best interests of the health, safety, and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 1270.03(a)(5) of the Avon Codified Ordinance which currently reads as follows:

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighborhood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commercial</u> <u>Development</u>	<u>C-4</u> <u>General</u> <u>Business</u>
f) Residential/Lodging				
(1) Bed and breakfast	<u>SU</u>	<u>SU</u>		
(2) Dwelling unit on upper floors of a commercial/office building	<u>P</u>	<u>P</u>		
(3) Hotel/motel		<u>SU</u>	<u>SU</u>	<u>P</u>

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

1270.03 SCHEDULE OF PERMITTED USES.

	<u>C-1</u> <u>Neighborhood</u> <u>Business</u>	<u>C-2</u> <u>Central</u> <u>Business/</u> <u>French Creek</u>	<u>C-3</u> <u>Planned</u> <u>Commercial</u> <u>Development</u>	<u>C-4</u> <u>General</u> <u>Business</u>
f) Residential/Lodging				
(1) Bed and breakfast	<u>SU</u>	<u>SU</u>		
(2) Dwelling unit on upper floors of a commercial/office building	<u>P</u>	<u>P</u>		
(3) Hotel/motel		<u>SU</u>	<u>SU</u>	<u>P SU</u>

Section 2 - That Section 1274.03(b)(1) of the Avon Codified Ordinance which currently reads as follows:

1274.03 SCHEDULE OF PERMITTED USES.

	<u>O-1</u> <u>Planned Office</u>	<u>O-2</u> <u>Planned Research</u> <u>Office Park</u>
(b) Retail, Services and Lodging		
(1)Hotels/motels		<u>P</u>

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

1274.03 SCHEDULE OF PERMITTED USES.

	<u>O-1</u> <u>Planned Office</u>	<u>O-2</u> <u>Planned Research</u> <u>Office Park</u>
(b) Retail, Services and Lodging		
(1)Hotels/motels		<u>P SU</u>

Section 3 - Section 1280.05(kk) of the Avon Codified Ordinance which currently reads as follows:

Schedule 1280.05

**MINIMUM LOT AND YARD REGULATIONS FOR
SPECIAL USES IN NONRESIDENTIAL DISTRICTS**

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(kk) Hotels/motels	C-1 C-2	(1)	(1)	-

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

Ordinance No. 77-25 (Con't)

Schedule 1280.05

MINIMUM LOT AND YARD REGULATIONS FOR
SPECIAL USES IN NONRESIDENTIAL DISTRICTS

Special Use	Special Use in District	Minimum Lot Regulations		Also See Section:
		Area	Width	
(kk) Hotels/motels	C-1 C-2 C-3 C-4 O-2	(1)	(1)	-

Section 4 - That the following Section 1280.06(oo) shall be added to the Avon Codified Ordinance to read as set forth in Exhibit A attach hereto and incorporated herein by this reference.

Section 5 - The Codifier is hereby instructed to insert the amendments to Sections 1270.03(f)(3), 1274.03(b)(1), 1280.05(kk), and 1280.06(oo) in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Sections 1270.03(f)(3), 1274.03(b)(1), 1280.05(kk), and 1280.06(oo) not specifically amended herein shall remain in full force and effect.

Section 6 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____
Second Reading _____
Third Reading _____

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

CHAPTER 1137

Hotel, Motel and Extended Stay Hotel Operation and Standards

- 1137.01 Definitions.
- 1137.02 License.
- 1137.03 Extended stay permit.
- 1137.04 Inspections.
- 1137.05 Right of entry.
- 1137.06 Staffing.
- 1137.07 Appeals.
- 1137.08 Notification.
- 1137.09 Standards.
- 1137.99 Penalty.

1137.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) **Employee:** any person working in the hotel/motel, including clerks, managers, housekeeping staff and maintenance personnel.
- (b) **Extended stay hotel:** one or more structures or buildings containing more than ten (10) separate guest rooms where persons relocating their residence to the area, who's primary residence has been rendered uninhabitable due to fire or natural disaster and is in the process of being reconstructed, or are on temporary work assignment in the area can obtain an accommodation for a fee for a period of time not less than five (5) consecutive days and can exceed thirty (30) consecutive days but shall not exceed twelve (12) months within a consecutive twenty-four (24) month period without a permit. Extended stay hotel guest rooms shall provide separate rooms or defined areas for sleeping, private bathroom, relaxation activities containing standard "living room" style furniture (couch, chairs, television, etc.), and kitchen containing a refrigerator, sink, food preparation area and cooking facilities, and complies with all applicable Life Safety Code or Building Code requirements imposed by the Fire Marshal and is constructed and maintained in accordance with applicable Building, Zoning, Housing and Property Maintenance Codes and approved by the Zoning Administrator and Chief Building Official. Guests must enter through a lobby or foyer and access to all rooms shall be from an interior hallway. The term "extended stay hotel" excludes the terms "dwelling unit" and "dwelling, multi-family". No portion of an extended stay hotel shall be used as a permanent residence. Extended stay hotels shall meet the following additional requirements:
 - (1) Provide fresh linens before a guest occupies a room, or if the same guest occupies the room for more than two days, at least three times a week;
 - (2) Clean each accommodation in use daily.
 - (3) If a garage for motor vehicles is provided, it must be a public garage.
 - (4) Does not provide other on-premises personal services such as room service, laundry, dry-cleaning, and similar services, or a full service restaurant open to the public.
- (c) **Hotel:** one or more structures or buildings containing more than ten (10) separate guest rooms where a transient guest can obtain an accommodation for a fee to remain on the hotel premises for a period not to exceed thirty (30) consecutive days and which meets the following additional requirements:
 - (1) Provide fresh linens before a guest occupies a room, or if the same guest occupies the room for more than two days, at least three times a week;
 - (2) Guests enter through a lobby or foyer and access to all guest rooms is off an interior hallway.
 - (3) Clean each accommodation in use daily.
 - (4) Make each accommodation available for a fee on a daily basis; and
 - (5) If a garage for motor vehicles is provided, it must be a public garage.
 - (6) Provides various other personal services such as laundry, dry-cleaning, entertainment, and similar services or a full service restaurant open to the public.The term "hotel" excludes the terms "dwelling unit" and "dwelling, multi-family". No portion of a hotel shall be used as a permanent residence.

- (d) **Motel:** a hotel that provides guests ready access to their vehicles with no interior hallways and does not provide various other personal services such as laundry, dry-cleaning, entertainment, and similar services or a full service restaurant open to the public. No portion of a motel shall be used as a permanent residence.
- (e) **Owner or authorized agent:** the person, firm, association or corporation who is responsible for managing and operating the hotel/motel.
- (f) **Utensils:** drinking glasses, pitchers, and other equipment that is designed to come into contact with potable water, food or beverages during storage, transportation, serving or normal usage.
- (Ord. 012-2021. Passed 3-29-21.)

1137.02 LICENSE

~~(a) No person directly or indirectly, shall construct, operate or maintain a hotel or motel within the City of Maumee without a license issued by the City of Maumee for the current year's operation. The license shall be displayed to the public in a conspicuous location. The license shall not be transferable or assignable and shall automatically become invalid upon the change of ownership or authorized agent or upon suspension or revocation.~~

~~(b) All licenses shall be issued on a calendar year basis (January 1 to December 31) or any part thereof~~

~~(c) All licenses issued by the City of Maumee shall expire on December 31 following the date of issuance.~~

~~(d) Every person, firm, association, or corporation who proposes to operate a hotel, motel, or extended stay hotel within the City of Maumee shall apply for a license on forms provided by the city no later than forty-five (45) days prior to the expiration of their license. At the discretion of the Zoning Administrator, an inspection of the hotel, motel or extended stay hotel may be performed upon receipt of an application for a license to operate to ensure there are no existing violations. No license shall be issued to the owner or authorized agent unless the following documents are provided to the city:~~

~~(1) A copy of a license issued by the State Fire Marshal for the premises;~~

~~(2) A copy of the latest inspection report from the State Fire Marshal;~~

~~(3) A copy of the latest inspection report from the local fire inspector;~~

~~(4) A letter designating the responsible person at the hotel to whom a notice of violations can be delivered, and who has the authority to act as the owner's or authorized agent's representative in his or her absence;~~

~~(5) A copy of the last inspection report completed by the city showing no violations of the provisions of all applicable portions of the City of Maumee's Codified Ordinance including all Zoning, Building and Fire codes, and state and local nuisance regulations.~~

~~(6) Evidence that the property is not delinquent in the payment of property taxes due to the Lucas County Auditor.~~

~~(7) Evidence that the hotel, motel or extended stay hotel is not delinquent in the payment of hotel/motel taxes due to the City of Maumee.~~

~~(8) Evidence that the owner or company that owns the hotel, manages its operation, its employees and other partners in the case of pass-through dividends earned by any LLC or corporation members have filed a City of Maumee income tax return and paid their income taxes and or are deducting said tax from employees checks, including but not limited to Contractors and subcontractors performing work at said property.~~

~~(e) All hotels, motels and extended stay hotels within the City of Maumee shall be in compliance with all applicable portions of the City of Maumee's Codified Ordinance and with all other applicable state and local laws and regulations. Any hotel, extended stay hotel or motel that is licensed by the City of Maumee shall be in compliance with the regulations of the City's Building, Zoning, Taxation, Police and Fire Departments and the State Fire Marshal.~~

~~(f) Every owner or authorized representative shall maintain a log of complaints from guests at the facility. Such records shall be available for inspection upon request from the Zoning Administrator, Chief Building Official, Police Chief or Fire Chief, or their designee.~~

~~(g) Every owner or authorized representative shall maintain a record that includes that name and address of every guest who has stayed for a period of time in excess of fourteen (14) days. The record shall include the dates of check-in and check-out, or if still a guest, the date of check-in. When the required monthly income reports are sent to the City of Maumee Tax Department, a copy of this record shall be attached covering the same beginning and ending dates as the income report. The full copy of this record shall be available for inspection upon request from the Zoning Administrator, Chief Building Official, Police Chief or Fire Chief, or their designee.~~

~~(h) Any person, firm, association or corporation who, subsequent to January 1 of any year proposes to operate a hotel during any remaining part of the year shall apply for a license not less than thirty (30) days before the hotel is to open.~~

~~(i) The owner or authorized agent shall display the license to operate in a prominent location within the hotel, motel or extended stay hotel.~~

~~(j) The fee for the annual license shall be set by the Zoning Administrator, City Administrator, and City Law Director but shall not be less than twenty-five dollars (\$25.00) per room for hotels and motels, and thirty-five dollars (\$35.00) per room for extended stay hotels.~~

~~(k) No license shall be issued for any hotel, motel or extended stay hotel which has open violations or unpaid fees or fines.~~

~~(Ord. 012-2021. Passed 3-29-21.)~~

1137.03 EXTENDED STAY PERMIT.

The owner or authorized representative of an extended stay hotel must apply for a permit to allow a guest to stay longer than twelve (12) months in any consecutive twenty-four (24) month period. An Extended Stay Permit Application and accompanying fee must be submitted to the Zoning Administrator prior to the eleventh month of the stay. Applications shall be approved, denied, or modified at the discretion of the Zoning Administrator. The application fee shall be set by the Zoning Administrator, City Administrator and City Law Director but shall not be less than eighty dollars (\$80.00).

(Ord. 012-2021. Passed 3-29-21.)

1137.04 INSPECTIONS.

The City of Maumee or its authorized representative shall inspect all hotels, motels and extended stay hotels within its jurisdiction at least twice a year to determine if the facility is in compliance with this Chapter and all other applicable regulations of the City of Maumee Codified Ordinance including all Zoning, Building, Housing and Fire codes, and state and local nuisance regulations. If an employee of the City of Maumee discovers a violation during their normal course of duties outside of a scheduled inspection, they shall notify the Zoning Administrator who shall arrange for a full inspection to take place within two (2) business days. This inspection shall be considered a re-inspection and fees will be the same as provided for in Section 1137.08(d).

(Ord. 012-2021. Passed 3-29-21.)

1137.05 RIGHT OF ENTRY.

(a) The holder of a hotel, motel or extended stay hotel license to operate issued by the City of Maumee shall allow representatives of the City to inspect the hotel at any reasonable time. The manager or owner of each establishment shall give the representatives of the City unlimited access to all areas, accommodations and its premises at all reasonable times for the purpose of conducting such inspections. Every guest of a hotel, motel or extended stay hotel shall give the owner or manager thereof access to their guest room for the purpose of cleaning, maintenance and compliance with this Chapter.

(b) Representative(s) of the City of Maumee shall have the authority to inspect and examine the register containing a record of all guests who have used or who are using the facilities of the hotel, motel or extended stay hotel.

(c) Failure to comply with the provisions of this Section shall result in immediate revocation of the license to operate and vacation of the hotel, motel or extended stay motel by the City of Maumee.

(Ord. 012-2021. Passed 3-29-21.)

1137.06 STAFFING.

Any hotel, motel, or extended stay hotel operating within the jurisdiction of the City of Maumee shall be adequately staffed, on site, twenty-four (24) hours per day to maintain the premises in a safe and sanitary condition at all times and to comply with all of the provisions of this Chapter. (Ord. 012-2021. Passed 3-29-21.)

1137.07 APPEALS.

Any hotel, motel, or extended stay hotel owner or authorized representative may appeal a denial, revocation or suspension of his or her license to operate to the Maumee City Council within thirty (30) days of notification that his or her license to operate has been denied, revoked or suspended. (Ord. 012-2021. Passed 3-29-21.)

1137.08 NOTIFICATION.

(a) Whenever the Zoning Administrator, Chief Building Official, Police Chief, Fire Chief or their designee, determines that there has been a violation of this Chapter or any other regulation of the City of Maumee Codified Ordinance or applicable state and local nuisance regulations, or has grounds to believe a violation has occurred, notice shall be given to the owner or his or her authorized representative.

(b) Such notice shall be in accordance with all of the following:

- (1) Be in writing;
 - (2) Include the name and address of the hotel, motel or extended stay hotel;
 - (3) Include a statement of violation or violations and why the notice is being issued;
 - (4) Include a correction order allowing a reasonable time for the owner or authorized representative to bring his facility into compliance.
 - (5) Include the total amount of fine that must be paid which shall be a minimum of one-hundred dollars (\$100.00) for each violation. This amount is in addition to any other civil or criminal penalties provide for by the State of Ohio or the City of Maumee. Each day that a violation exists past the date provided in the correction order for which it must be corrected shall be considered a separate offence.
- (c) Notice shall be deemed properly served if a copy thereof is:
- (1) Delivered personally;
 - (2) Sent by certified or first-class mail to the address listed upon the hotel, motel or extended stay hotel License to Operate.
- (d) The City of Maumee shall assess a re-inspection fee of not less than one-hundred and sixty dollars (\$160.00) per hour for each city employee required to perform the re-inspection, or two-hundred dollars (\$200.00) for each City employee required, whichever is greater, for each re-inspection that is required after the initial inspection resulting in the issuance of a notice of violation.
- (e) Transfer of Ownership. It shall be unlawful for the owner of any hotel, motel, or extended stay hotel who has received a notice of violation and who is not in compliance with the order to sell, transfer, or lease the facility until the provisions of the compliance order or notice of violation have been complied with or the owner or his or her authorized representative furnishes the buyer or lessee with a true copy of the notice of violation, and shall provide the city a signed and notarized statement from the grantee, purchaser, or lessee acknowledging receipt of such notice of violation and accepting full responsibility without condition for making the corrections required to bring the facility into compliance.
- (Ord. 012-2021. Passed 3-29-21.)

1137.09 STANDARDS.

- (a) Exterior. The grounds surrounding a hotel, motel, or extended stay hotel shall be maintained in a clean and sanitary condition and comply with the following:
- (1) Solid waste - storage:
 - A. The exterior premises of a hotel, motel, or extended stay hotel shall be free from accumulations of refuse, garbage and rubbish;
 - B. All solid waste shall be stored in closed containers or dumpsters until it is disposed;
 - C. All solid waste collection and storage containers that are maintained outside of the building shall be cleanable, leak proof and equipped with tightly fitting covers that shall be closed at all times. Such containers shall be placed on a paved surface at least twenty-five (25) feet from any sleeping room with screening that complies with Section 1145.04;
 - D. Litter on the hotel premises shall be collected and disposed of daily.
 - (2) The surface of the ground around a hotel, motel, or extended stay hotel shall be graded so as to minimize standing water. Gutters and down spouts shall be maintained in good condition and shall divert water away from the building.
 - (3) All windows which have sash that can be opened to the outside of the building shall be equipped with sixteen (16) mesh screens that are secure and in good condition.
 - (4) Weeds and brush shall be prohibited
 - (5) All other provisions of the City of Maumee Codified Ordinance including, but not limited to, Property Maintenance, Zoning, Building, Housing and Fire Codes.
- (b) Common Areas. Lobbies, hallways, stairways, meeting rooms, and other public places within the hotel, motel or extended stay hotel shall be maintained as shown on the original set of Building Plans and Site Plans approved by the City of Maumee. All hallways, stairways, meeting rooms and other public places shall be maintained in a clean, nuisance-free condition. There shall be no signs of the presence of, or an infestation of, insects, bugs or rodents.
- (1) Restrooms.
 - A. The floors, walls, doors, toilets, lavatories, and modesty panels in all public restrooms shall be smooth, easily cleanable, in good repair, and composed of durable, non-absorbent material which shall be approved at the discretion of the Zoning Administrator.
 - B. Public restrooms shall be kept clean and sanitary at all times. Restroom fixtures, including toilets, urinals, and sinks shall be cleaned and disinfected daily. Restroom floor shall be mopped and sanitized daily. Door handles, switch covers and other tactile

surfaces shall be cleaned and disinfected daily. Restroom walls, doors, doorframes, and toilet stalls shall be maintained in a clean and sanitary condition.

C. All electrical outlets within six (6) feet of water shall be protected by a ground fault current interrupter.

D. Restroom lavatories shall be solid surface, smooth and easily cleanable, and provide hot and cold water in sufficient pressure and quantity to permit thorough hand washing. The use of Formica or similar materials shall be prohibited.

E. Soap and paper towels or hand dryers shall be provided at the lavatory at all times.

F. A trash container shall be provided for the disposal of used paper towels and emptied at intervals which prevent it from overflowing.

G. Toilets and urinals shall fill and flush properly, and they shall be in good condition. Toilet seats shall be smooth and easily cleanable. Toilet paper shall be provided at all times.

(2) Lobbies, meeting rooms and hallways.

A. All common areas of the hotel, motel and/or extended stay hotel shall be maintained in a clean and sanitary condition. Floors shall be mopped or vacuumed daily, except for meeting rooms that are not used on a daily basis. All rooms shall be cleaned after each use. Tactile surfaces, including switch covers, door handles, doorframes and telephones shall be cleaned and disinfected daily.

B. Floors, walls and horizontal surfaces shall be maintained in a smooth and cleanable condition. Walls, ceilings, horizontal surfaces, ventilation system grilles and other surfaces shall be kept clean.

C. Meeting rooms and other common areas of the hotel, motel or extended stay hotel shall be inspected as often as necessary to determine if there is evidence of water or mold damaged materials such as wall covering, drywall and particle board. If mold is found, the contaminated area shall not be used until the mold contamination has been properly remediated, following the guidelines in the New York City Health Department "Guidelines on Assessment and Remediation of Mold and Fungi in Indoor Environments".

D. Water fountains, if provided, shall be made of easily cleanable materials, and shall be cleaned and sanitized daily. The flow of water must crest at least two (2) inches above the top of the mouth guard.

E. Ice machines. Ice provided for guests shall be produced, stored and dispensed in a sanitary manner, and shall be protected from becoming contaminated through guest self-service contact with the ice or the interior of the ice storage unit. Open ice bins shall not be used.

1. All reusable ice buckets provided for the use of the guests shall be made of an impervious, smooth, easily cleanable material. They shall be washed, rinsed and sanitized after being used by the guests, and stored so as to protect them from contamination. If liners are used in the ice buckets, they shall be changed daily.

2. Multi-use drinking glasses and cups, after being used by a guest shall be washed and sanitized, and stored in a sanitary manner. All multi-use glasses and cups shall be cleaned and sanitized in a mechanical dishwasher, or in a three compartment sink in which the utensils shall be washed in hot soapy water, rinsed in clean water and then rinsed in a sanitizing solution.

(3) All other provisions of the City of Maumee Codified Ordinance including, but not limited to, Property Maintenance, Zoning, Building, Housing and Fire Codes.

(c) Rooms. Rooms shall be maintained in a clean, nuisance-free condition. There shall be no signs of the presence of; or an infestation of, insects, bugs or rodents.

(1) Bedding.

A. Each sleeping room shall be equipped with at least one mattress and foundation. The mattresses and foundations shall be clean, with no tears or other damage and free from stains and soiling. Mattresses or foundations, which are stained with blood or other bodily fluids shall be immediately removed and discarded.

B. After being used by a guest, sheets, pillowcases, and the mattress pad if it is odorous, exhibits

evidence of perspiration or other bodily fluids or it is soiled, shall be laundered. Bed linens that are used by the same guest for more than one day shall be changed at least three (3) times a week, or more often if they are heavily soiled.

C. After being used by a guest, comforters and blankets shall be laundered.

D. Pillows shall be clean and free from odors and stains. Stained or soiled pillows shall be immediately removed and discarded.

(2) Lighting. There shall be sufficient natural and artificial light in the sleeping room at all times to provide for proper cleaning, reading, safety, and the comfort of the guests.

(3) Walls, floors easily cleanable.

A. All of the surfaces in the sleeping room shall be maintained in good condition, and composed of materials that are easily cleanable.

B. Carpeting shall lie flat on the floor and be free from rips, torn edges, odors, excessive wear or excessive staining.

C. Vinyl, ceramic tile, stone, and similar materials shall be secure to the floor and shall not be tore, cracked, broken or show signs of excessive wear.

D. Baseboards or cove base shall be firmly attached to the wall. Baseboards or cove base shall be installed in every sleeping room and bathroom. Baseboards or cove base shall not be a rubber product.

(4) Cleaning.

A. Doors, door frames and handles, switch covers, telephones, and remote controls shall be cleaned daily with a disinfectant cleaner, when the guest room is in use or it is anticipated to be used.

B. Walls, carpeting, baseboards, window frames and other surfaces shall be cleaned whenever they become soiled, dirty, or tobacco smoke residue is observed.

C. Horizontal surfaces, lampshades, draperies and other furnishings shall be clean and free from dust or dirt.

D. Carpeting shall be thoroughly vacuumed daily. Food residue, bodily fluids, and excessive soil shall be immediately spot cleaned. Carpeting behind and under room furnishings and in corners shall be cleaned at least once every week.

The interior and exterior of microwave ovens and refrigerators, if permitted by the Chief Building Official, shall be cleaned daily to remove food residue and dirt.

1. Refrigerators shall maintain an internal temperature of 45°F or lower when in operation.

2. The interior of microwave ovens shall be smooth and free from rust, exposed metal, or evidence of burning or scorching. The microwave door shall seal tightly and the door glass shall be intact.

(5) Heating units.

A. Heating and air conditioning units shall be maintained in operable condition at all times. All heating and air conditioning units shall be of a size and configuration that they can rapidly heat the air and maintain a minimum room temperature of 72°F. All controls for the unit shall be operable, and the switches, buttons or knobs for the control shall be in place.

B. Heating and air conditioner filters, covers, coils and condenser pans shall be clean and free from dirt, bacteria and debris.

C. Condenser pans shall be equipped with a functioning condensate drain, which shall be directed to the exterior of the building, or be plumbed into the building's plumbing system.

D. Heating and air conditioning units grilles, filters and cabinets shall be intact, secure and in good repair.

(6) Electrical inspections. Before providing small electrical appliance for the use of guests in hotel, motel or extended stay hotel rooms, the owner or his or her designated agent shall have the electrical service in the facility inspected and approved by the Chief Building Official or a certified building inspector.

(7) Kitchen (if provided, however, required for extended stay rooms).

A. Every sleeping room designated and rented as an extended stay room shall be equipped with an adjacent kitchen area. Rooms other than extended stay rooms may be equipped with an adjacent kitchen area. No modifications to the plumbing shall take place until they are approved by the Chief Building Official and a Plumbing Permit has been issued for the work.

B. Walls, floors, ceilings, doors, plumbing fixtures, finish materials, cupboards, cabinets and light fixtures shall be composed of materials that are smooth and easily cleanable. Counter tops shall be solid surface, smooth and easily cleanable. The use of Formica and similar products shall be prohibited.

- C. Walls, floors, ceilings, counter tops, cupboards, cabinets, and light fixtures shall be maintained in good condition, and they shall be free from soil, dirt, tobacco smoke residue and dust.
- D. Door handles, doorframes, switch covers, faucets, and other tactile surfaces shall be composed of smooth, easily cleanable materials, and they shall be cleaned and disinfected daily.
- E. Kitchen sink shall provide hot and cold water in sufficient quantity and pressure to permit hand washing and cleaning of utensils in compliance with accepted engineering standards.
- F. Dish soap and clean dish towels shall be provided at all times.
- G. Kitchen lighting shall be sufficient to provide for adequate cleaning, for safety and the comfort of the guests.
- J. The kitchen floor shall be swept and then mopped daily, using a disinfectant cleaner. The kitchen floor shall be composed of a durable, easily cleanable material.
- K. Each kitchen shall be provided with a waste collection container that is made of a durable material, that is smooth and easily cleanable, and which is of adequate size for the number of guests occupying the room and shall be emptied daily.
- L. All electrical outlets within six (6) feet of water shall be protected by a ground fault current interrupter.

(8) Bathrooms.

- A. Every sleeping room shall be equipped with an adjacent toilet room and plumbing fixtures as required in the applicable provisions of Ohio R.C. Ch 1225 (Ohio Building Code). No modifications to the plumbing shall take place until they are approved by the Chief Building Official and a Plumbing License has been issued for the work.
- B. Walls, floors, ceilings, doors, plumbing fixtures, finish materials, vanities, and light fixtures shall be composed of materials that are smooth and easily cleanable. Vanity tops shall be solid surface, smooth and easily cleanable.
- C. Floors, ceilings, vanities, and light fixtures shall be maintained in good condition, and they shall be free from soil, dirt, tobacco smoke residue, burns, stains and dust.
- D. Door handles, doorframes, switch covers, toilet handles, and other tactile surfaces shall be composed of smooth, easily cleanable materials, and they shall be cleaned and disinfected daily.
- E. Bathtubs, showers and lavatories shall provide hot and cold water in sufficient quantity and pressure to permit bathing and hand washing in compliance with accepted engineering standards and drains shall function effectively with no signs of stoppage or restriction. Bathtubs and showers shall have non-slip floors.
- F. Soap, clean towels and washcloths shall be provided at all times.
- G. The toilet shall fill and flush properly at all times. The exterior, interior and base of the toilet bowl, and the toilet seat shall be cleaned daily with a disinfectant cleaner. The toilet seat shall be secure, smooth and easily cleanable. Toilet paper shall be supplied to the guests at all times.
- H. Bathroom lighting shall be sufficient to provide for adequate cleaning, for safety and the comfort of the guests.
- I. Bathrooms that exhibit evidence of moisture damage or mold, or which contain odors shall be equipped with a functional mechanical ventilation system that adequately displaces humid air and odors from the bathroom.
- J. The bathroom floor shall be swept and then mopped daily, using a disinfectant cleaner. The bathroom floor shall be composed of a durable, easily cleanable material.
- K. Each bathroom shall be provided with a waste collection container that is made of a durable material, that is smooth and easily cleanable, and which is of adequate size for the number of guests occupying the room and shall be emptied daily.
- L. All electrical outlets within six feet of water shall be protected by a ground fault current interrupter.

- (9) Mold. Guest rooms shall be inspected and often as necessary to determine if there is evidence of water or mold damaged materials such as wall covering, drywall and particle board. If mold is found, the contaminated area shall not be used until the mold contamination has been properly remediated, following the guidelines in the New York City Health Department "Guidelines on Assessment and Remediation of Mold and Fungi in Indoor Environments".

(10) Animals.

- A. If an owner or authorized agent elects to permit pets upon the premises, he or she shall designate specific rooms in the hotel, motel or extended stay hotel specifically for that purpose. The doors to such rooms shall be so labeled.

- B. If an owner or authorized agent elects to permit pets upon the premises, he or she shall establish and enforce rules to control pets within his accommodation. No guest shall permit his pet to run at large or to become a nuisance.
- C. Rooms in which animals have been kept by a guest shall be thoroughly cleaned and disinfected to remove fur, dander, urine, feces, and other contamination. In the event that fleas are discovered in the sleeping room, the room shall not be rented until the fleas have been eradicated by a licensed pest control applicator.
- (11) Solid waste disposal. At least one waste collection container shall be provided in each sleeping room. The container shall be made of a smooth and easily cleanable material. Solid waste shall be collected and removed from the room each day.
- (12) When any room has been occupied by a person having an infectious or contagious disease, or signs are found indicating the presence of, or an infestation of, insects, bugs or rodents such room shall not be used again until it is thoroughly fumigated and disinfected including all fixtures, furniture and bedding.
- (13) All other provisions of the City of Maumee Codified Ordinance including, but not limited to, Property Maintenance, Zoning, Building, Housing and Fire Codes.
- (d) Water and Wastewater.
- (1) Water to supply the guest rooms and common areas of the hotel shall be from a source that is approved by the City of Maumee and the Ohio Environmental Protection Agency. An adequate supply of hot and cold water under sufficient pressure shall be provided for laundry, hand washing, bathing, utensil washing and other purposes.
- (2) Sewage from the hotel shall be properly disposed in a public sanitary sewer or by treatment in an on-site sewage treatment facility that is approved by the City of Maumee and the Ohio Environmental Protection Agency.
- (e) Laundry.
- (1) If laundry is washed at the hotel or motel, there shall be adequate capacity to properly wash and dry all of the soiled linens that are generated daily.
- (2) The floor, walls, shelving and tables in the laundry room shall be composed of a smooth, easily cleaned material.
- (3) Soiled laundry shall be isolated from clean linens.
- (4) All laundry carts shall be constructed of an easily cleanable or washable material.
- (5) Linens shall be washed in hot water with a detergent and disinfectant.
(Ord. 012-2021. Passed 3-29-21.)

1137.99 PENALTY.

Any owner or authorized representative failing to comply with a notice of violation or order served in accordance with this Chapter shall be deemed guilty of a misdemeanor of the fourth degree and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Zoning Administrator or Chief Building Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violations of this chapter or to require the removal or termination of unlawful occupancy. Each day that the violation remains shall be deemed a separate offense.