

**AVON PLANNING COMMISSION
AUGUST 21, 2024, 7:00 P.M.
CITY HALL COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

PUBLIC HEARINGS

1. Carnegie Management, Red Tail Golf Course Short Game Practice Green, Special Use Permit

Debbie Reed of Carnegie Management is requesting a positive recommendation to City Council to approve the Special Use Permit for the installation of a Short Game Practice Green on the east side of Nagel Road, PPN 04-00-025-000-484.

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

Jim Sayler, Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135. Mr. Sayler is representing the developer, Carnegie Management/Red Tail Golf Club. They are proposing a practice green adjacent to the driving range attached to the Red Tail development. It would be located on approximately a 4-acre parcel of land with 300 feet of frontage on Nagel Road and is zoned R-1. Mr. Sayler indicated it is a less intensive use than what the parcel is zoned. Carnegie Management would like to install a Short Game Practice Green rather than building residential homes. He stated some advantages are it will not generate any additional traffic for Nagel Road, it will not require any curb cuts, and it will only be accessible to golf members off the golf cart path. There will not be any additional city services required such as sanitary sewer or water services. The proposal does require a Special Use Permit to add the practice green into the golf course. Mr. Sayler says this has been reviewed by the City Departments Heads and there is only one outstanding comment by Mr. Cummins which he indicated that the wetlands to be shown on the drawing. Mr. Sayler brought a copy of the updated drawing, displayed it on the screen and explained the location of the Short Game Practice Green.

Mayor Jensen asked Mr. Sayler to indicate on the drawing where the residents' houses are located relevant to the location of the practice green.

Mr. Sayler tried to explain on the drawing where he thinks the residents' houses would be. He displayed another drawing to see if that could depict the resident houses any better.

Mayor Jensen said residents may have concerns about the driving range and golf balls landing in resident's properties.

Mr. Sayler said there should not be a concern because it will be used as a practice green and there will be no "driving" on the green. The only club being used would be a putter.

Mayor Jensen asked if this would be a putting green.

Mr. Sayler said yes, it is a putting green and not a driving range.

Ms. Fechter asked if there would be any chipping.

Mr. Sayler responded yes; he would imagine.

Mayor Jensen asked if the chipping would be from the one side toward the roadway.

Mr. Sayler said that is correct as he referred to the green area in on the drawing. The chipping would be in the southeast direction which is a wooded area that also serves as a buffer.

Mr. Fitch asked if that would be from the tee area to the green that they are aiming at which would be about 150-160 yards.

Mr. Sayler said it would not be that far, he would guess about 50 yards at the most.

Mayor Jensen asked if there would be anything disturbed behind it.

Mr. Sayler said not at this point. It will be left in its natural state.

Mr. Gasior asked if this would be a member only or open to the public.

Mr. Sayler said it is a member only as there is no parking available.

Cesar Chevez, 33432 St. Marie Court, Avon, Ohio 44011. Mr. Chevez lives the farthest away from the driving range side, and said there are 4 homes with a net installed. He wanted the board to know that he and the other residents oppose the request on the grounds that Carnegie Management has shown a lack of integrity and has shown they do not care about the people that are being affected that live near the driving range. They have shown lack of integrity toward military members. He is a retired military member. He said this driving range has affected people's homes, the value of their homes and their safety.

Michael Doss, 33452 St. Marie Court, Avon, Ohio 44011. Mr. Doss said their house and one other house are the closest to the proposed practice green. Their home is also the closest to the driving range. He said he opposes the proposed practice green development, and he would appreciate a "no" vote. He said they have been in their home for a little more than 2 years and everyday the driving range is open the golf balls are landing in their yard and hitting their house. Just before they left to attend this meeting there were 3 golf balls that hit their house. Mr. Doss said the most recent response from Carnegie Management is they will assist Mr. Doss to obtain a vendor to build their own net. He said this is a daily occurrence and they cannot use the side or rear section of their property because of the golf balls in the yard. They have damage to their home and if this is any indication how this new practice green will be managed, he would encourage the Commission to vote "no". He stated it is a terrible situation and please do not extend it and make it worse.

Jane Wong Doss, 33452 St. Marie Court, Avon, Ohio 44011. Mrs. Doss said she has prepared details of the situation with the driving range and there have been many emails back and forth for 2 years. She stated they previously lived at a golf course community and are very familiar with living on a golf course. It is not unusual to have golf balls in their yard and hit their home. She asked if 62 balls in a single day is reasonable. She said half of the golf balls hit their house before they fall somewhere in the yard or land in their neighbor's yard. Her biggest objection to the proposed practice green is the inability and unwillingness for Red Tail Golf Club to enforce any rules they claim they have. For example, driving range closes at 7:00 p.m., she gets emotional because she lives in a house where she cannot sit in her living room, can't eat in the dining room because of the fear of the glass windows above shattering. She can't go into her backyard, side yard and front yard because of the way the balls land in the yard. She said kids cannot play outside. Mrs. Doss said she has spoken to Mr. Streater about the situation, and he has been very kind. She said before they moved in there were complaints. She knows the city does not have a code that would have required the golf course to have mandated an engineering survey before they created and built the lots and sold them as built to suite. She said they bought their house

from the golf course, and it was their driving range. They were the first to move into their house of the four houses. She said the city inspectors saw hundreds of golf balls in the yard. She wanted to know how this is not a recognized safety issue. She added if there wasn't some kind of regulation prior to this can something be instituted moving forward. She said it is a matter of time before someone gets hurt. She expressed Mr. Chavez battles PTSD and then lives with golf balls hitting his house. She stated there are people on the golf course after it closes at 7:00 p.m. She sent an email to Carnegie Management letting them know and received no response. She indicated that recently Carnegie Management raised a portion of the net, not the correct portion though.

Mrs. Doss has told Carnegie Management for 2 years exactly the area where the golf balls come over the net, the net is nowhere near their homes. It is along the path, she referred to the drawing on the screen and pointed to the area she is talking about. She said the proposed green is in the direct path of the golf balls that come over the net between the creek and the existing netting on the golf course. She said the netting was just raised and they received a notice from Carnegie Management on July 8, 2024, which was an indemnity agreement. The agreement asked the 4 homeowners to completely sign away and indemnify Red Tail Golf Course for anything and everything, not the driving range alone but everything. It also said in perpetuity that it goes with the land. If they wanted to sell their homes, they would need to have a perspective buyer agree that they will never hold Red Tail Golf Course responsible for anything. The residents were given 3 days to sign the agreement and if it wasn't signed then the net would not be raised. The deadline to sign the agreement was July 11, 2024, and none of the residents signed the agreement. Mrs. Doss said on that morning (07-11-24) trucks arrived with poles to raise the net. She said there were 8 poles, and she knew there would be a potential problem because there weren't enough poles to cover the area. She immediately sent an email to Carnegie Management indicating she saw 8 poles and wanted to remind them the golf balls come over the net in the noted area. They proceeded to install the poles and netting in a different area. She further stated people are on the driving range outside of the designated hours and she believe this will be no different with the proposed practice green. She added without any enforcement there is no control what people do in that area after hours. She doesn't believe the practice green will be used for putting only. She is requesting that the city intervene to help find a solution to this problem for the residents that live near the driving range.

Lance Ambrose, 4471 Nagel Road, Avon, Ohio 44011. Mr. Ambrose said he lives to the south of the proposed practice green. He has 5 acres, and they get golf balls landing on their property, but the golf balls do not hit his house. He believes based on other resident's experiences he thinks by adding the practice green he may have golf balls hitting house sometimes.

Jimmy Meledenz, 33449 St. Marie Court, Avon, Ohio 44011. He refers to the drawing and indicates on the drawing where his is located. He is concerned about his house potentially being hit by golf balls. Currently he does not have any golf balls on his property but with the proposed short game he believes this could happen. They build their home off the golf course and the driving range specifically, so they do not get golf balls on their property for the safety of their home and family. He sees the lack of enforcement that Red Tail Golf Club has and believes the practice green could be a problem.

Peter Restivo, 4061 Nagel Road, Avon, Ohio 44011. He said he worked for Carnegie Management for a long time and everything the residents are saying is true. He said tens of thousands of people go to the Red Tail Driving Range. He said millions of golf balls get hit. He

said golf balls can be hit from any side, in any direction and golf balls can be hit in the direction of people in the path or in a golf cart. He added there is zero management of the driving range, and it is contemptable what they are permitted to do. He said he walks the course every night and there are people hitting golf balls at 9:00 p.m. There are people driving the golf carts and scooters and go wherever they want to go. It is an unmanaged area. He expressed they have an existing Special Use Permit which they are in violation of. The new Special Use Permit that is being applied for indicates the property is owned by Georgia Properties (controlled by the Khouri's, not owned by Carnegie Residential and not owned by Caravon. He asked if the Commission is going to grant a new Special Use Permit or if the existing Special Use Permit will be amended; a Special Use Permit that they are in violation of. He said he has completed a few plats in his life, and it is some creative engineering that the Engineer for Carnegie Management has submitted. It is not clear how many acres or what they are filling in or how many acres are displaced. He said for every acre of land, 1 foot is filled in, 330,000 gallons of water go into the ditch, and the ditch is not small, it is comparable to a creek, it goes under Nagel Road. Every time there is a major rain the tunnel floods that connect the golf course.

Cesar Chevez said he had a conversation with a child that was on a golf cart about Mr. Chevez being in the miliary and an hour later when he saw the child again the child completely ignored him. Mr. Chevez said he later found out the child was instructed (by Carnegie Management) to ignore him. He said Carnegie Management indicated that the only way to install the netting was if the resident's contributed money toward it.

Gerald Phillips, 461 Windward Way, Avon Lake, Ohio 44012. Mr. Phillips said the proposed practice green involves 3 components; the Special Use Permit, the Variance to the Riparian Zone and a Floodplain permit which will need a variance. Mr. Phillips stated according to Mr. Cummins "this site is within the FEMA designated flood zone that is connected to a waterway in the French Creek watershed with the Riparian Zone defined in Codified Ordinance 1051, therefore the Riparian Zone expands to the outer limits of the FEMA designated flood zone according to Codified Ordinance 1051.04(c)(3)". Mr. Phillips said the entire parcel is a Riparian Zone per Avon code, per Avon Engineer and per code 1061.06(a)(b) the proposed use would not be permitted in a Riparian Zone. The prohibited use is the entire parcel not a piece of it per the code. As such to achieve Planning Commission approval the Special Use Permit; the modification to the Riparian Code is spelled out in Codified Ordinance 1051.08 would be required. Since it is in the floodplain a floodplain permit is required and Emily Hanson, City of Avon Chief Building Official is the Administrator for the floodplain permits. He further states under the floodplain Codified Ordinance 1464.36 a variance is required to build in the floodplain. The floodplain variance is filed with the Board of Zoning and Appeals and one of the requirements for the variance is a legal term called "unnecessary hardship". Mr. Phillips says under Codified Ordinance 1051.08 requirement for the variance for the Riparian Zone also has the term "unnecessary hardship", a legal term defined by various Supreme Court cases. There were 2 cases that dealt with the concept of "unnecessary hardship". The law in Ohio is that an "unnecessary hardship" is one that is self-created and self-inflicted. Georgia Properties purchased this property knowing it was in a floodplain and knew what the Codified Ordinances were, and they knowingly still purchased the property therefore they cannot prove an "unnecessary hardship" based on the Supreme Court case of Consolidated Management vs. Cleveland and other cases. Mr. Phillips said they should not be able to get a Special Use Permit because they cannot prove a variance under 1051.08 and they cannot prove a variance under 1436. This property is 100 percent under the floodplain base level per their plans and it is noted that all the property is below it and there is no analysis from the Ohio EPA about stormwater discharge.

There will be fertilizer that runs off into the ditch and there is no analysis concerning the illegal discharge and that is a violation of a clean water act. Chemicals cannot be discharged into the ditch. Mr. Phillips further stated a comprehensive stormwater management plan has not be completed. He said the request for Special Use Permit should not be approved. Mr. Phillips also mentioned the sidewalk has not been installed.

There were no other comments from the audience.

Chair Witherspoon closed the public hearing at 7:35 p.m.

2. **Route83 Properties, LLC, Stoney Acres Subdivision, Amend Preliminary Plat, Final Plat and Subdivider Agreement.**

Aaron Appell of Bramhall Engineering representing Kevin Urig of Route 83 Properties, LLC and Gabe Bruno is requesting a positive recommendation to City Council to Amend the Preliminary Plat, Final Plat and Subdivider Agreement for the Stoney Acres Subdivision to reduce the number of residential lots from 11 to 10 residential lots, PPN 04-00-013-000-628.

Chair Witherspoon opened the public hearing at 7:36 p.m.

There were no comments from the audience.

Chair Witherspoon closed the public hearing at 7:36 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:36 p.m. in Council Chambers.

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

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

REVIEW & CORRECTION OF MINUTES

Mr. Malloy moved, seconded by Mayor Jensen, to dispense with the reading of the minutes of the regular meeting held on July 17, 2024, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

None

1. **Jennifer Dichiro 32650 Mills Road, Lot Split/Consolidation, PL20240044**

Stephanie Miller of Chase Real Estate Group representing Jennifer Dichiro is requesting approval to split 1 acre of the 2-acre parcel at 32650 Mills Road, PPN 04-00-025-000-232 and consolidate with the 1.41-acre parcel on PPN 04-00-025-000-233, the 1.14-acre parcel on PPN 04-00-025-000-202, and the 2.46-acre parcel on PPN 04-00-025-000-119 to create a 6.0007-acre parcel on Mills Road. Leaving a 1-acre parcel at 32650 Mills Road.

Stephanie Miller, 1496 Westford Circle, Westlake, Ohio 44145. Ms. Miller stated she is representing the seller, Jennifer Dichiro. There are currently 4 different parcels and 1 purchaser for a single-family home and Ms. Dichiro is requesting the Lot Split be approved for the 6 acres and the parcel for 32650 Mills Road would be consolidated to 1 acre and sold to a new owner as well.

Ms. Fechter stated all city review comments have been addressed and would recommend its approval.

Mr. Cummins said all survey comments have been addressed.

Mayor Jensen asked if these parcels would be used by a single user?

Ms. Miller responded yes.

There were no other questions or comments.

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

Mr. Malloy moved, seconded by Mayor Jensen, to approve to split 1 acre of the 2-acre parcel at 32650 Mills Road, PPN 04-00-025-000-232 and consolidate with the 1.41-acre parcel on PPN 04-00-025-000-233, the 1.14-acre parcel on PPN 04-00-025-000-202, and the 2.46-acre parcel on PPN 04-00-025-000-119 to create a 6.0007-acre parcel on Mills Road. Leaving a 1-acre parcel at 32650 Mills Road. The vote was: “AYES” all. The Chair declared the motion passed.

2. Carnegie Management, Red Tail Golf Course Short Game Practice Green, East Side of Nagel Road, Special Use Permit, PL2024022

Debbie Reed of Carnegie Management is requesting a positive recommendation to City Council to approve the Special Use Permit for the installation of a Short Game Practice Green on the east side of Nagel Road, PPN 04-00-025-000-484.

Jim Sayler, Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135.

Mary Khouri, Carnegie Management, Georgia Properties, Red Tail Golf Club, 4400 Nagel Road, Avon, Ohio 44011.

Mr. Sayler stated that he has addressed the engineering comments from City Engineer Ryan Cummins. He said the complaints raised by Mr. Restivo and Mr. Phillips can be proved that they have complied with all the necessary regulations.

Mayor Jensen asked if Mr. Gasior could address some of the comments that have been made.

Mr. Gasior stated he is not prepared to address any of the comments especially from the neighbors, Mr. Restivo and Mr. Phillips because there are things he is hearing for the first time. There have been allegations made about the competency of the City Engineer, Ryan Cummins. He stated maybe there isn't substance to the complaints being made although he believes that the residents that live near the driving range are experiencing these particular issues, and he doesn't believe they have any reason to fabricate these situations. He said the Commission would like to

hear from Mrs. Khouri about the complaints that have been raised to Carnegie Management. Mr. Phillips has raised concerns and Mr. Gasior stated he would like to obtain copies of the documents he has prepared and mentioned, and he would like to review those with Mr. Cummins to make sure that when this body votes potentially, he thinks, at a later date and the documents have been reviewed a vote can be cast with all the information being provided. Mr. Gasior expressed he would recommend that a vote not be taken tonight because there are too many issues that must be addressed between himself and the City Engineer before he feels comfortable advising the body that a vote would be in order. He apologizes that this would cause a delay. He said he has been given information and then asked to render a legal opinion, but he needs time to review the allegations. Mr. Gasior asked Mrs. Doss about the document she referenced when she spoke at the Public Hearing and asked if she has a copy of that document.

Mrs. Doss provided a copy of the Indemnity Agreement to the Planning Commission Secretary.

Mr. Chevez told the Planning Commission Secretary he would email her pictures.

Mr. Sayler said he has prepared the Wetland Map but has not resubmitted it yet.

Mr. Gasior said anything that has been presented as an exhibit we would like to have copies as this would be part of the record for this meeting.

Mary Khouri stated a lot has been said as it relates to the homeowners that live on the driving range. She doesn't want to say anything that might cause people to question them. The bottom line is that the 4 homes that are on the driving range were sold to Drees Homes and Red Tail, Georgia Properties or Carnegie Management did not sell the home directly to the homeowner. They purchased their homes from Drees Homes and the driving range has been there for 20 years and the homeowners were aware of the proximity of their homes to the driving range. She advised over the course of the years that the homeowners have resided in the homes there have been communications as it relates to the number of golf balls going over the net and they were very responsive to the request. She understands that the residents were not satisfied. She described they have told the homeowners that it is their prerogative to install additional netting should they deem it appropriate to give themselves the required protection they are seeking for their homes. She advised they would facilitate obtaining a vendor, obtaining easements if they needed it and they would do whatever appropriate to allow them to give themselves additional protection. She said as it relates to the veteran comment; she has never disrespected a veteran, nor would she permit any veteran to be disrespected or would give any instruction to disrespect any veteran. She apologizes if that was the case.

Mrs. Khouri understands the proposal for the practice green has been tabled but this has been driven by the golf membership to have a chip and putt area as part of the golf course. She said the homeowners that have accused them of not being a reputable company and that they are not responsive replied that is not an accurate representation. The homeowners are not always satisfied with some of the responses, but they are responsive. The concept that they are treated any better than any other developer in the community is false, they follow the code, they follow the rules and have been in the community for over 25 years. They have built and operate a golf course and are doing normal and customary things in golf courses and the operation of the golf course. They are not doing anything any different or anything in a nefarious manner as it might appear by some of the comments that have been made. Mrs. Khouri said they are under more scrutiny than others because of Pete Restivo and his attorney Gerry Phillips. Mrs. Khouri added

she is available to meet with any of the homeowners with Mr. Radcliffe present and stated whatever help facilitates and an open dialog with open communication.

Jane Wong Doss stated they did purchase their homes directly from Drees Homes, but they did not purchase a parcel on their own and not take into consideration that they were on the back side of the driving range. She said it is important to note that Red Tail Golf Course subdivided the lots and sold them to Drees Homes as build ready. As a purchaser that makes a huge difference. She would ask the city to reconsider how it is permitted to build a home given the proximity to the Golf Course. She believes there is engineering that can determine the flight path, the distance, the direction of golf balls on a driving range. As a home buyer she should have been able to rely on the fact that the net was sufficient to protect the home that the Red Tail Golf Course sold as build ready. Carnegie Management went to the expense to raise the netting at the incorrect location. The residents have a giant net near their home which is unnecessary because it is in the wrong location. The residents received a newsletter in February from Carnegie Management which indicated the capital improvements that they have made to the golf course, from signs to new sand, driving range maps, fountains in the pond, which are nice things to have. An email was sent to the residents from Carnegie Management indicating additional improvements to the golf course, but the relocation of the netting was not mentioned.

Cesar Chevez said he had a conversation with Carnegie Management a year ago after he told them they he contacted a media outlet to inform them of the negligence by Carnegie Management regarding the netting from the driving range. Mr. Chevez said he received a call from Steve Edelman, Carnegie Management Chief Operating Officer, who said in a hypothetical situation; if you go to a baseball game you should expect that you can possibly get hit by a baseball and when you live on a golf course you can expect to get hit by a golf ball. Mr. Chevez said that is the analogy about living on a golf course Mr. Edelman gave. Mr. Chevez said he also had spoken to Mrs. Khouri and was pleading with her about the amount of golf balls coming into his yard. Mr. Chevez said he was in the military and stationed in Iraq while missiles were being fired and now, he comes home and is more likely to get hit by a golf balls. He said his wife is a military veteran and was stationed in Afghanistan. He continued to say the Carnegie Management does not care about veterans because when he has spoken to Mrs. Khouri her response is that he “signed the letter acceptable responsibility”.

Mrs. Khouri denied making that statement to Mr. Chevez.

Chair Witherspoon asked Mr. Chevez to please summarize his comments.

Mr. Chevez said there is an unacceptable amount of golf balls and people are going to get hurt or killed and he asserts that Mrs. Khouri stated that Mr. Chevez signed the “acceptance of responsibility letter” when he purchased the home that Carnegie Management would not be responsible for anything. He continued to say that he has pictures of poles in his backyard next to a drainage area on a hill. He said his backyard does not look like the rest of the Red Tail Community.

Mr. Gasior stated there have been some issues raised for the Special Use Permit along with Item 3 the Riparian Zone. He thinks it would be best to review these with Mr. Cummins, the City Engineer. He said on Item 2, he would recommend the Commission table the matter to the September 18th meeting. Mr. Gasior continue to say there was an issue raised about property ownership by Mr. Phillips, and we need to review that issue. Mr. Gasior said as the residents who

live near the driving range made comments, they need to understand there is only so much the city can do as these are private homeowner matters. The complaint is against the Red Tail Golf Course does not affect the city. It is important that the city reviews some of the engineering issues that were raised. Mr. Gasior said the Mr. Cummins is an extremely competent engineer and the statements that were made impugning his character were totally out of order. He has done a fantastic job for the city and continues to do a fantastic job for the city, and he does not cut corners. Those issues have nothing to do with the golf balls that are landing in the residents' property. This is a very specific project that is being presented and there are some issues that will be reviewed again that were brought up this evening. Mr. Gasior further stated when this item returns to the September 18th meeting, we will be dealing with a very narrow issue and that is can Carnegie Management move forward on this parcel of land and construct the Short Game Practice Green and it has nothing to do with the driving range. The driving range has been there since approximately 1999 and the homes have been built around it and we as a city assumed that when the homes were constructed, Drees Homes constructed them knowing exactly that the driving range was around them and those are issues for sellers and buyers. Mr. Gasior said that the City will make sure the management company is following the codes with respect to Riparian Zones, FEMA regulations and floodplains. He said when this item returns at the September meeting and we have vetted all the issues that have been raised with respect to those items the body will need to decide on whether the amendment to the Special Use Permit should be granted. The commission will need to determine if all the engineering issues have been met, is there is a safety issue that needs to be addressed, has this been addressed, maybe there is additional netting that needs to go around the practice green. The commission may allow this proposed project to be constructed with the appropriate safeguards to avoid having golf balls being hit into residential homes. He said most of the comments that have been heard are about the driving range and the driving range is not what is in front of the commission. Mr. Gasior recommend Item 2 and Item 3 be considered as a first reading.

Jane Wong Doss agrees that this issue is a private matter in many ways. She said the driving range information that was provided was more anecdotal. She thinks it would be good if she could share the conditions under which that would be fine when it comes to the safety of those in their home. She said the residents are sharing their stories because they know if the short game practice green is approved, and Carnegie Management is not held to specific safety related types of issues such as proper engineering studies that indicate such things as distance the ball will go and kids that are on the green after hours. Her request is that there will be netting sufficient to stop the path of the balls from any direction. She is disappointed in the way Carnegie Management does not take care of these issues given all the money that is spent on other amenities.

There were no other questions or comments.

The Chair declared this a First Presentation.

3. Carnegie Management, Red Tail Golf Course Short Game Practice Green, East Side of Nagel Road, Minor Modification to Riparian Zone according to Section 1051.08

Debbie Reed of Carnegie Management is requesting relief from the Riparian Zone on the east side of Nagel Road, PPN 04-00-025-000-484 for the installation of a Short Game Practice Green.

The Chair declared this a First Presentation.

Mayor Jensen wanted to address the issue with the golf course. He said he has been around Avon for a long time and the Red Tail Development is a premier development. He would like to encourage everyone to take advantage of the opportunity to meet with Mrs. Khouri. He understands many things have been said but this development has been the jewel of Avon, not perfect. Mr. Restivo was involved in the beginning of the development and is the reason it is as nice as it is along the with Khouris'. Mayor Jensen feels pained when someone has an issue that has not been taken care of or cannot be taken care of and he believes that Mrs. Khouri said that she would try to resolve the issue. He said many of the accusations are personal and there are disagreements within. As Mr. Gasior said the accusations against our engineer, Mr. Cummins, is unfounded and unfortunately people are permitted to say what they want and accuse people of things and sometimes we sit and take what we are accused of, he understands that is the role he assumes as Mayor. He believes that Mrs. Khouri is sincere in offering to meet with the residents in an attempt to work these issues out. He understands the issues have been ongoing, but he thinks this may be worth another attempt to work things out. The city takes everyone's concerns very seriously however we are sometimes limited as to what we can do, and we are always willing to help facilitate communication. We want to see something worked out. There have been some accusations made against this body and city council which feel unfounded because we try to protect everything we do and because of personal reasons people make attacks and accusing the city of things that are not close to being true. Mayor Jensen encouraged the resident to take advantage of the opportunity to meet with Mrs. Khouri. He understands there are hard feelings but possibly there is a way to move forward through conversation. We will handle the legal issues. Mr. Cummins is one of the top engineers and would never allow anything that would damage the area which he is being accused of. He stated that while the driving range is a major issue for the residents it does not have anything to do with engineering. He understands the residents feel that have been treated unfairly. Red Tail is a beautiful area and a first-class area in the City of Avon and hopefully based on your experience doesn't define your thought of Avon.

4. Brother Management Company, LLC, Self-Storage Facility, 1220 Miller Road, Final Development Plan, PL20240043

Nick Sheffield of K.E. McCartney & Associates representing Mike Brunner of Brother Management Company, LLC dba Miller Road Mini Storage, LLC, is requesting approval to construct a 15,400 sq. ft., 5 building, Self-Storage Facility at 1220 Miller Road.

Mike Brunner, Brothers Management, 1220 Miller Road, Avon, Ohio 44011 business address, 5520 Schueller Blvd., Sheffield Village, Ohio 44054.

Ms. Fechter stated Brothers Management Company's Special Use Permit was approved before the storage facility moratorium was instituted. The City has been working with them on some of the project review comments, there are a few outstanding review comments and would ask for a contingent approval while we will finish some minor issues on the site. There is some road work that we are looking at on Miller Road in the future and we want to spend more time telling you about what the road work looks like as the projects are coming around, so we are requesting a contingent approval upon some final details we have left to discuss.

Mr. Cummins agreed with Ms. Fechter that there are still some outstanding engineering comments as well and would ask if action is taken it would be contingent on final engineering approval.

There were no other questions or comments.

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

Mr. Malloy moved, seconded by Mayor Jensen, to approve the Final Development Plan to construct a 15,400 sq. ft., 5 building, Self-Storage Facility at 1220 Miller Road contingent upon final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

5. **Route 83 Properties, LLC, Stoney Acres Subdivision, Amend, Preliminary Plat, Final Plat and Subdivider Agreement, PL20230046**

Aaron Appell of Bramhall Engineering representing Kevin Urig of Route 83 Properties, LLC and Gabe Bruno is requesting a positive recommendation to City Council to Amend the Preliminary Plat, Final Plat and Subdivider Agreement for the Stoney Acres Subdivision to reduce the number of residential lots from 11 to 10 residential lots, PPN 04-00-013-000-628.

Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011. Mr. Appell stated this project was presented to Planning Commission in May of 2023. As the agenda item states they are reducing the number of residential lots of Ravinia Way from 11 to 10, they have removed 1 lot on the north side of the development so they can make 3 of the other lots larger, they have removed 1-100-foot-wide lot and then created a 150-foot-wide lot, and 2-125-foot-wide lots.

Ms. Fechter reiterated they removed 1 lot and made 3 lots larger and then Willoway Nursery will own subplot 7 and there will be a landscape buffer.

Mr. Cummins asked if any action is taken it would be contingent on final engineering and legal approval, some of the logistics implementing the new layout as far as long-term maintenance of the basin and some sidewalk area, etc., some of those details need to get worked out. He would request a contingent final engineering and legal approval.

Mr. Gasior said he spoke with Mr. Appell and indicated there are still some engineering issues to resolve and there is also the legal issue, but he thinks there is an understanding that what has been presented is not going to change that dramatically. The ownership of sections may change or remain depending on how this is worked out but what is shown by way of a subdivision itself is what it will be. Mr. Gasior will need to review the HOA documents, and he will have a couple of clauses in the subdivider agreement that already exists will be modified and presented to City Council to address some of the changes. He believes a contingent approval would be appropriate. Mr. Gasior stated Mr. Appell is a good engineer and Mr. Appel stated Mr. Cummins is a good engineer as well.

There were no other questions or comments.

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

Mr. Malloy moved, seconded by Mayor Jensen, to approve the positive recommendation to City Council to Amend the Preliminary Plat, Final Plat and Subdivider Agreement for the Stoney Acres Subdivision to reduce the number of residential lots from 11 to 10 residential lots, PPN 04-00-013-000-628 contingent upon final engineering and legal approval. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Mayor Jensen had no comment.
Mr. Malloy had no comment.
Mr. Fitch had no comment.
Mr. Radcliffe had no comment.
Ms. Fechter had no comment.
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. Malloy moved, seconded by Mayor Jensen to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 8:18 p.m.

Carolyn Witherspoon, Chair
Planning Commission

Susan Pintz, Planning Commission and
Zoning Secretary

Date