

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 9-15-21

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, SEPTEMBER 15, 2021, IN COUNCIL CHAMBERS OF CITY HALL

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

DDMG PROPERTY INC REZONE REQUEST OF A PORTION OF 12.24 ACRES, PPN 0400022102072 FROM R-1 TO C-4 LOCATED NORTH OF MIDDLETON, SOUTH OF I-90. The Chair opens the Public Hearing at 7:00P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:00P.M.

CREATE A SPECIAL USE PERMIT FOR AVON PLAZA LLC TO INCLUDE AN OUTDOOR PATIO AREA FOR BUILDING C TO BE LOCATED ON CHESTER ROAD. The Chair opens the Public Hearing at 7:00P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:01P.M.

AMEND THE SPECIAL USE PERMIT FOR VETERANS MEMORIAL PARK LOCATED AT 3701 VETERANS MEMORIAL PARKWAY. The Chair opens the Public Hearing at 7:01P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:01P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 15, 2021, IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon, Chairman; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Office; Duane Streator, Safety Director and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING-AUGUST 18, 2021

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on August 18, 2021, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #8 DDMG Property, Rezone at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #9 WetGo Pro Car Wash, Final Development plan at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #13 Avon Plaza, Special Use Permit at the Planning Coordinator's request. The vote was: "AYES" All. The Chair declared the motion passed.

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

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AVON BRANCH LIBRARY-FIRST PRESENTATION-MINOR MODIFICATION

Jason Nolde of the GPD Group representing Avon Branch Library is requesting approval of the site plan with parking modification to be located at 37485 Harvest.

Pam Fechter explains that the library received approval of their final development plan and there were some parking issues they were trying to work on an agreement with the surrounding businesses, unfortunately that did not happen. Ms. Fechter says so they are here to present under Section 1292.05 of the code, Planning has the ability to approve less parking spaces than what is required. Ms. Fechter says when the Architect reviewed the plan, Mr. Burik said he felt the parking was sufficient and adding more parking would be detrimental to the French Creek District. Ms. Fechter says our code requires them to have 156 spaces and they are providing 101 spaces.

Mr. Nolde says the data from regional libraries he goes through some of the numbers and says they are exceeding the number of spots for what the area provides. Mr. Nolde says this is a nice balance with green space and keeping within the French Creek District look.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan with parking modification to be located at 37485 Harvest to allow the provided 101 parking spaces. The vote was: "AYES" All. The Chair declared the motion passed.

GORNEY-MILLS ROAD-SECOND PRESENTATION-REZONE

Ryan and Kara Gorney are requesting a positive recommendation to Council for consideration of the rezoning of PPN 0400024116043 from M-1 to R-1 located at 33910 Mills Road.

Ms. Fechter asks that this be tabled until next month. She says she has been in contact with the Gorney's and they want to spend more time with the neighbors to see if there is something they can work out.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table until the October meeting at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

DDMG PROPERTY-FIRST PRESENTATION-REZONE

Michael Romanello is requesting the rezone of a portion 12.24 acres, PPN 0400022102072 from R-1 to C-4 located north of Middleton, south of I-90.

Deleted from agenda at the applicant's request.

WETGO PRO CAR WASH -FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Chuck Stewart of Giant Eagle is requesting approval of the site plan for a 3,532 sq. ft. car wash and area for vacuums to be located at the GetGo at 33501 Just Imagine Drive.

Deleted from the agenda at the applicant's request.

GALVIN THERAPY-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Schafer Development is requesting approval of the site plan for a 10,000 sq. ft. Pediatric Therapy Evaluation/Treatment Center to be located at 33665 Lear Industrial Parkway.

Steve Schafer of Schafer Development explains it's a pediatric school and they are currently in Avon and are bursting at the seams, so they are looking to move to this bigger location. Mr. Schafer says there are a

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few outstanding issues, and they will need to provide a highway easement. Ms. Fechter asks if this is the last lot in Lear Industrial Parkway and Mr. Schafer says there is one more lot.

Kara Brogan, owner of Galvin Therapy explains they do occupational, physical and speech therapy for children birth to young adult for those with disabilities and they also have a preschool for kids with autism. Ms. Brogan says they have another location in Warrensville Height.

Mayor Jensen asks how this new building will compare to the existing building. Ms. Brogan says it will triple the existing building size. Mayor Jensen asks if the employment will triple as well, and it was confirmed yes.

Ms. Fechter thanks them for working with the city as the first drawings had a curb cut on Nagel Road and no sidewalks on Nagel. They were asked to remove that curb cut and put sidewalks on Nagel Road. She would ask for a contingent approval to finalize some utility details.

Mr. Cummins says they completed the engineering review and they responded to all the comments but would also ask for the contingent as the easement documents are still outstanding. Mr. Radcliffe says he notice the dumpster is right in the front and asks if this is the only location, they can put it? Mr. Schafer says they can look to move it as they try not to have the garbage trucks travel too much throughout the parking lot with their weight. Mayor Jensen says the sidewalk will go on Nagel but its such a short distance on Lear Industrial. Ms. Fechter says the reason we are not making him do that is it would have to be removed and put in an ADA when the intersection work gets done.

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

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a 10,000 sq. ft. Pediatric Therapy Evaluation/Treatment Center to be locate at 33665 Lear Industrial Parkway contingent upon final utility issues and easement documents. The vote was: "AYES" All. The Chair declared the motion passed.

AVON PLAZA-FIRST PRESENTATION-GENERAL DEVELOPMENT PLAN

Theodore Chase of KS Associates representing Ryan Mann is requesting approval of the general development plan for the proposed retail/office development to be located on Chester Road.

Lynn Miggins of KS Associates is representing Ryan Mann which he goes by Mickey and is present as well. Ms. Miggins says they presented a general retail development with phase one being two detached buildings on Chester Road. This property is north of the Wickens, Herzer, Panza building and is east of Walmart, west of Cabela's. Ms. Miggins says the idea is to develop the two retail buildings in phase one which will include two restaurants and they both have drive thru's. The one is Freddy's Frozen Custard & Steakburgers and the other is Charley's, which is known for Philly cheese steaks, the third tenant is not determined at this time. Ms. Miggins says they have detailed design and have had them reviewed. They are providing access to the site from Chester Road and then from the Wickens driveway. This is a 3-acre site created from lot split in 2019. Ms. Miggins provided storm water manangement in an underground style on the north end of the site.

Mr. Radcliffe asks about the entrance off Chester, is that right in/right out only or full access? Ms. Miggins says it full movement access.

Mr. Cummins says that is one of the major concerns he has expressed on this site plan is the proximity of the location of the driveway relative to the existing drive. Mr. Cummins has suggested if there was an

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opportunity to move it to the east. Mr. Radcliffe asks if it is required with the two fast food restaurants with drive thru, they come out into the drive aisle, it just seems with three converging traffic things all coming in. Mr. Cummins says that is another aspect they have talked to the applicant about; their main drive has parking off that drive and there could be traffic conflicts. Mr. Cummins says as far as the drive goes, the site can support an in and out driveway just in a better location. Ms. Miggins says it is not impossible to move the drive to the east, but she has been through many versions of the site plan, and they did not do it in a bubble they looked at how to move traffic through the site and not create any back ups on Chester Road. Ms. Miggins says they must have access to Chester Road as it was part of the agreement when the property was purchased so they can't give up that access. Mayor Jensen says they get complaints from Wickens employees who have a hard time getting out of the drive now, question for Mr. Gasior now, what ability does the City have to get a connection over to Cabela's and the other property. If they want to leave and get to a light they could. Mayor Jensen continues to say, and Bendix isn't open yet and if there are issues now, there will be more once they open. Mr. Gasior says all you can do is ask the property owners to explore the option, it would be difficult for the City to impose its will on private property. Ms. Miggins says she would not be the first parties to try to explore that option with Cabela's, it's been a nonstarter. Ms. Fechter says she asked the Jacobs Group if they would be willing to start the conversation and that wasn't going to happen. Ms. Miggins says there's no appetite for sharing.

Mr. Malloy says he does have some traffic concerns about the flow within the site. Mrs. Witherspoon says the main concern is the safety of the traffic and knowing what's coming forth in that area. Mrs. Witherspoon says she would like to see them move the drive as requested, she says all the reasons were given as to why its where it is, but most would like to see the drive moved. Mr. Radcliffe asks if the connection onto Chester full access must be, or could it be a right out only to keep the traffic moving and if you want to make a left go out the other drive. Mr. Cummins says their analysis says it works best with full access if it goes farther to the east. Mr. Cummins says if it's a right in and right out it forces them to use Wickens which would be in the middle of 3 driveways. Mayor Jensen says if an agreement could be worked out, you're not opposed to connecting into Cabela's.

Mickey Mann says they have reached out to Cabela's and the current property owner and the Jacob's, they have easement language already drawn up and presented that to all parties and used all local connections they must try to create that. Mr. Mann says they knew coming into the project traffic would be challenge, they didn't create the problem but knew it would be their job to minimize their impact. Mr. Mann says in a perfect world, a light in front of Wickens would be great unfortunately that is not the case. Mr. Mann says if they can connect, it was dead every where they went. Mayor Jensen says he wishes everyone could be good neighbors and help each other out which would help that area. Mr. Mann says he thinks the Jacobs Group in market, looks at them as a competition to what they have down the street. Ms. Fechter says Mr. Mann stated that Cabela's sold the land off to another developer? Mr. Mann says yes, a real estate investment trust, he believes they are out of Arizona. Mr. Gasior says usually there are monetary commitments for the upkeep of the road if they give you the easement and asks if there was any monetary offer made. Mr. Mann says they didn't get to that point, they weren't willing to discuss. Mr. Mann says in 2019 that was the first thing they pursued, and the project would have a different look if they could get that connection. Mr. Fitch says like this and other projects, if we allow this to go in now and nobody cooperates, he thinks the city should have some say in these as it helps everyone. It helps with the traffic and the flow of those shopping.

Mrs. Witherspoon says this could be First Presentation which gives them time to look at the site and come back with hopefully the drive moved over a little bit. Ms. Fechter says she will table the next item until next month.

No action taken; the Chair declared this First Presentation.

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AVON PLAZA-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Theodore Chase of KS Associates representing Ryan Mann is requesting approval of the final development plan for a proposed retail development to include a 4,200 sq. ft. building and a 2,200 sq. ft. building to be located on Chester Road.

No action taken; the Chair declared this First Presentation.

AVON PLAZA-FIRST PRESENTATION-SPECIAL USE PERMIT

Theodore Chase of KS Associates representing Ryan Mann is requesting approval of the site plan and recommendation to Council for approval to create a Special Use Permit for Avon Plaza, LLC to include an outdoor patio for a 2,700 sq. ft. building to be located on Chester Road.

Deleted from the agenda at the Planning Coordinator's request.

BEEHIVE HOMES-FIRST PRESENTATION-INFORMAL PRESENTATION

Michael Bruno of Beehive Homes, Avon OH is requesting an informal presentation to present a proposed site plan for a Memory Care support home to be located on the north side of Chester Road, west of Chester Industrial Parkway.

Michael Bruno, along with his wife Lisa Bruno and Mike Bramhall of Bramhall Engineering are all present. Mr. Bruno says for some background, he and Lisa have been in the franchising industry for 29 years and have been awarded the right to be a franchise for Beehive Homes. Beehive Homes has been around for 35 years for assisted living and memory care support homes. Mr. Bruno says currently there are 250 homes in the United States with another 25-30 to be built next year. Mr. Bruno says Beehive has perfected their model and the operations of their homes which is a family-owned business that continues to grow. He says they are under contract with the Sylvester's for the property on Chester Road. Mr. Bruno says they build smaller homes, and they are at a ratio of 4:1 for residents to care giver. Most of their homes are in the 12,000-15,000 sq. ft. range with 16-24 rooms. Mr. Bruno says their goal is to have a ration of 2:1 for their homes. He says at full development of the five homes they will employ 150-200 people to cover all the variety of jobs. Mr. Bruno says the uniqueness is these will be memory care support homes with 100% focus on dementia and Alzheimer's care. They do offer in home therapy for all the residents to give them the best life while fighting this disease. Mr. Bruno shows the site plan and wants to seek some input from the Commission for the expectation of getting a Special Use Permit.

Mrs. Witherspoon says the one question she has is the location, its not in a residential or quieter area. Mr. Bruno says he has been to the parcel several times and various times and its pretty quiet back there and as the site plan shows with the green scaping and landscaping, they will add will help with that as well. Mr. Radcliffe says the road that goes to the back there what's going on back behind. Mr. Bruno says is not heavily traffic with semi-trucks as Technifab is directly to the north and DayGlow is next to that, other than employee's there isn't much traffic. Mayor Jensen says that is a private drive correct. Mr. Bruno says yes, that is correct. Mr. Cummins asks if they have property rights to utilize that driveway, Mr. Bruno says he does, yes. Mayor Jensen says with the 2:1 ratio with everyone trying to get help, how do you plan to manage that and to get qualified people, in the perfect world that would be great, but we aren't. Mr. Bruno says they have the support of the franchisor, and they have systems in place for recruitment perspective that will assist with the help they will need. Mr. Bruno says his wife works in the medical profession and they know a lot of people in this area which are in that profession whom they talked to about what they are doing so he thinks they have a little bit of benefit. Mr. Bruno says walking through the development phase, home one would go up first, once that is at 100% occupancy, they would break ground for home two and so forth. Mr. Radcliffe asks what the fill rate time is. Mr. Bruno says across the system on average for a 24-room home, it takes 10 months to get to full occupancy. Mr. Bruno says the trend is showing that number shrinking to 8-9 months. Mayor Jensen asks from the safety standpoint and

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asks Mr. Gasior is there a way that we can approve a portion of this and do it one phase at a time and if they don't hold their end of the bargain, in terms of our fire department is stressed on running on calls. Mayor Jensen says he doesn't mind running on emergency calls but if they are doing transport of a patient for them, we don't have the forces to run on non-emergency calls. Mayor Jensen says is there any recourse that we can adjust the Special Use Permit. Mr. Gasior says they can write up anything that the parties agree with, the exact nature, he is not prepared to get into that tonight. Mr. Gasior says the mayor is alluding to something along the lines is making sure as part of the permit, they can privately transport for non-emergency situations. Mr. Gasior says it can be burdensome on the safety force. Mayor Jensen says we don't have the manpower to do some transports. Mr. Bruno says understood, he knew this would be a concern since he has done his research. Mr. Bruno says across the system, its less than 1% of the residents their making the call to transport. Mr. Bruno says he would like to minimize that with their ratio as you can't avoid an accident, but they will do their best to minimize that risk. Mayor Jensen says if there is a true issue, they want to be the first ones there. Mayor Jensen says open communication and if there is an issue having the ability to say, you need to get this fixed and Mr. Bruno says he understands. Mr. Fitch says he agrees with the mayor on the labor things, that is something that is needed but having the ratio 2:1 its hard-to-get people to work and carry on with that job, if you get to the point where it isn't that what does the city do to step in. Mr. Bruno says it was personal for him as her father was diagnosed with dementia 3 years ago and had to put him in a home and it was painful finding a place with care and he has witnessed what he is explaining. Mr. Bruno says the investment that they are making into this is personal and the franchisor helps and even through covid none of the homes have ever had a shortage of employees. Ms. Fechter says she lost her mother to Alzheimer's recently and when you're in the facility, there are different levels of care that are there at different times. Will you have sometime of nursing staff there on a 24-hour basis or more techs in the evening. Mr. Bruno says their daughter is an RN and she will help them as well and they will keep that ratio all hours of the day, they will not pull back in evening. Lisa will be the administrator for the first home, this is an investment, and they are working it and its their focus. Mayor Jensen says to Mr. Bruno you're saying this is a 5-million-dollar project. Mr. Bruno says the first home and the purchase of the property will be 4.5-5 million dollars. Mr. Radcliffe asks why they picked Avon. Mr. Bruno says they live in Olmsted Falls and have been looking, they have a lot of friends who live in Avon and the information provided to them shows a big need in the Avon area. Mayor Jensen says they will not decide tonight and if they need any other information, they will reach out and be in touch. Ms. Fechter says to keep in mind, the parcel does have a split zoning so there's only a small sliver that is M-1 as they start to expand into that area they would have to come in and get that rezoned.

LORAIN COUNTY METRO PARKS-FIRST PRESENTATION-INFORMAL PRESENTATION

Jim Ziemnik of the Lorain County Metro Parks is giving an update on the proposed park development at the corner of Riegelsberger and Jaycox Road.

Jim Ziemnik says he is here to update on the wetland project and shows the map of the proposed project. Mr. Ziemnik says there will be various types of wetlands with a prairie like look with a lot of plants. They will be cleaning what is the existing trails that people have been mowing and walking over the years, they will be utilizing those as well as enhancing and restoring those. Mr. Ziemnik shows the northeast corner of the parcel, they will be improving the swale and improving the drainage along that area as historically there has been a lot of complaints about the water. Mr. Ziemnik says a couple years ago they did a big excavation with KMU and that was in the range about 20,000 cubic yards of material they moved out of there and it seems to be functioning very well. He says when French Creek overflows it comes into the detention and when things recede the water flows back. So, on the next phase they will pick up another 28,000 yards of material where they will excavate and mound it up which will create more capacity. Also shown around the mounds are trail system which will connect into the Kensington and Wyndemere side and will come up and cross French Creek to end at Miller Nature Park. Mayor Jensen asks how much more capacity will it have to what we already had, triple? Mr. Ziemnik says more that doubled with all the material being taken out. Mr. Ziemnik says they will be tapping the last catch basin and will be

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putting an overflow pipe out of the basin and bring into a swale to move it out. Contractor was supposed to start in September but got pushed back because of the rain and they are looking at the first week in October. This is fall construction project so they should be complete by December 1st with seeding and tree planting will go in over the winter months as its best time to move those. He says give it a couple years and it will bloom and blossom very well. Mr. Ziemnik says he has been in contact with the Army Corps, and they are moving along, and things will be constructed to standards. Mr. Radcliffe asks him to show where the connector points are for the walking trails. Mr. Ziemnik says original staging area will be on Riegelsberger and shows the trail runs parallel to French Creek up and around and will connect with Livingston and Queen Annes and long term is to tie into Miller Nature Preserve.

Tony Moore, 3653 Kensington Drive, asks how close the trails will be to the houses that run along Kensington and asks if there will be a buffer. Mr. Ziemnik says because of the Army Corps standards they have to leave that buffer there about 100' off the back area but some trail will run through that and there will be a fence along the back of those houses. Mr. Ziemnik says they will have that land resurveyed as they think there is some encroachment and will put up the fence. Mr. Moore says the Queen Annes and Livingstons stub outs, will that allow cars to drive through? Mr. Ziemnik says no not at all, cars will not be allowed, parking will be along Riegelsberger. Mayor Jensen asks Mr. Cummins with the development going on the other side of the road, will that water be connected into that other side. Mr. Ziemnik says no, they are not taking anyone's water, there has not been any talks with Mr. Garland. Mr. Ziemnik says they are pushing the dirt and most of it will be regraded back onto the site. Mr. Ziemnik says first part is to construct the wetlands, then build the trail, additional excavation, tie into the catch basin all to be done by December 1, 2021.

Justin Soltesz, 35268 Livingston says he understands the wetlands what is going on with that, he shows his property location and asks what the plans for the landscaping are in that area. Mr. Ziemnik says there is an existing wetland and will keep that protected and they are not changing a lot in that area. There could be a trail in the future but are not making many modifications to that area.

Jeffrey Train, 3627 Kensington thanks them for trying to help solve their flooding issues. Mr. Train says a fence will be installed and asks if it will be on their property line or 100' from. Mr. Ziemnik says it will be on the property lines compliant with code. Mr. Train asks what kind of fence. Mr. Ziemnik says it will be a metal, chain link as its more a requirement of the Army Corps as they worry about people dumping behind their property. Mr. Train asks if there will be a body of water on the property and it was confirmed no, no standing water. Some of the wetland areas could be saturated but no standing water. Mr. Train says he walks the creek all the time and asks about the surface of the trail. Mr. Ziemnik says it will be crushed limestone as its more of natural type of trail and if they put asphalts, that's more impervious surface they don't want. Mayor Jensen asks if they will allow the neighbors to connect to the fence if they want to finish fencing their yard and Mr. Ziemnik says sure.

Kathy Schneeberger, 3477 Kensington asks about the guidelines for the use of the area. She says this past summer they had issues with groups of people going on dirt bikes even late into the evening. Mr. Ziemnik says they don't allow that, all the metro parks don't allow motorize vehicles and this will be staffed by Metro Park people, gates open and closed. Ms. Schneeberger asks about the catch basin work and asks if the traffic will be disrupted during that time. Mr. Ziemnik says no all work will be in the right of way and street will not be closed but could have a slight obstruction briefly.

COMMENTS

ADJOURN

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A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:20P.M.