

AVON PLANNING COMMISSION REGULAR MEETING MINUTES 9-16-20

MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, SEPTEMBER 16, 2020 IN COUNCIL CHAMBERS OF CITY HALL

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

CREATE A SPECIAL USE PERMIT FOR SLIM CHICKENS TO INCLUDE AN OUTDOOR PATIO AND DRIVE THRU TO BE LOCATED WEST OF NAGEL ROAD AND NORTH OF MIDDLETON 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 7:00P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, JUNE 17, 2020 IN COUNCIL CHAMBERS OF CITY HALL

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

MINUTES OF THE REGULAR MEETING-AUGUST 19, 2020

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on August 19, 2020 and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

CORRESPONDENCE

ADDITIONS/DELETIONS

A motion was made by Mr. Malloy, seconded by Mayor Jensen to delete item #6 GALIK BUILDING CO-FIRST PRESENTATION-LOT SPLIT 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 accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

SLIM CHICKENS-FIRST PRESENTATION-LOT SPLIT

Johnathon Philips of Davidson A+E is requesting approval of taking Meijer's 22.168-acre parcel and creating a 1.009-acre Parcel A-2.

Johnathon Philips of Davidson A+E says they are requesting the lot split for the Slim Chickens restaurant. It is currently an out parcel of Meijer's. Ms. Fechter says things look good for the lot split but while they finalize easements agreements, she would ask for a contingent approval. Mr. Cummins has no further comments beyond that.

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 taking Meijer's 22.168-acre parcel and creating a 1.009-acre Parcel A-2. The vote was: "AYES" All. The Chair declared the motion passed.

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SLIM CHICKENS-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Johnathon Philips of Davidson A+E is requesting approval of the site plan for a 3,145 sq. ft. restaurant Slim Chickens to be located on Parcel A-2 north of Middleton Road.

Johnathon Philips says Slim Chickens has indoor dining and drive thru facility. Mr. Philips says most of the parking is on site and working with Meijer's for the shared parking of 24 spaces. Mr. Philips says there will be patio space out front. Ms. Fechter asks where Slim Chickens is from and Mr. Philips says it's a southern branch. Mr. Radcliffe asks about the drive thru and Mr. Philips says the original site plan has changed and provided 15 cars for stacking due to covid situation. He continues to say the drive thru will not impact any parking or the circulation around the site. Mr. Radcliffe asks about the lights and Mr. Philips says they have added extra landscaping to help with the lights. Mayor Jensen asks the approximate value of building and Mr. Philips says around 1.1 million. Mr. Cummins asks that this be contingent upon final engineering.

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 3,145 sq. ft. restaurant Slim Chickens to be located on Parcel A-2 north of Middleton Road. The vote was: "AYES" All. The Chair declared the motion passed.

SLIM CHICKENS-FIRST PRESENTATION-SPECIAL USE PERMIT

Johnathon Philips of Davidson A+E is requesting approval of the site plan and the recommendation to Council for approval to create a Special Use Permit to include an outdoor patio and drive thru for the proposed 3,145 sq. ft. Slim Chickens Restaurant to be located west of Nagel Road, north of Middleton Road.

Ms. Fechter says there will be bollards by the patio. Chairman Witherspoon asks what the hours are. Mr. Philips says 10:30AM-11PM. Mr. Gasior asks about the owner and Mr. Philips says Plaza Street Partners.

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 and recommend to Council for approval to create a Special Use Permit to include an outdoor patio and drive thru for the proposed 3,145 sq. ft. Slim Chickens Restaurant to be located west of Nagel Road, north of Middleton Road. The vote was: "AYES" All. The Chair declared the motion passed.

CONCORD VILLAGE TURN LANE -SECOND PRESENTATION-FINAL DEVELOPMENT PLAN

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

Ms. Fechter asks that this be tabled at the Planning Coordinator's request until the next meeting as they are still working through some logistics with Columbia Gas.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to table until the next Planning Commission meeting. The vote was: "AYES" All. The Chair declared the motion passed.

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MASS ESTATES SUBDIVISION-SECOND PRESENTATION-LOT SPLIT/CONSOLIDATION

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

Kevin Hoffman of Polaris Engineering says it's the same as last time as nothing has changed. Ms. Fechter says they are still working through the details and some easements that need to be finalized and would ask for a contingent approval. Mr. Cummins says he would agree with that.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve taking existing 28.4884-acre parcel and splitting 25.453 acres creating Parcel A and leaving the residual land 3.0351 acres located on south side of Schwartz Road contingent upon final engineering and easements being finalized. The vote was: "AYES" All. The Chair declared the motion passed.

MASS ESTATES SUBDIVISION-SECOND PRESENTATION-FINAL PLAT

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

Kristen Kemper, 32151 Schwartz Road and John Monroe who is representing Ms. Kemper. Mr. Monroe says they would like to ask as condition of the approval the four items they discussed at the last meeting which he believes they agreed to them except the fence. Mr. Monroe says the first was to require the storm water pipe along the east property line be covered by the maintenance bond, the storm water pipe along the east property line be shown as an easement on the plat, require the HOA be responsible for future maintenance of the storm water pipe and finally the property owner requested a 6' high board on board or vinyl fence along the entire east property line but they would ask for them to extend it between the two houses at the stub street.

Mr. Kuluris says he is correct, they did agree to the first three as they didn't really discuss the fence. Mr. Kuluris says there was a request by the City Engineer to change what they were doing and doesn't know if that affects what they were asking for or not. Mr. Cummins says the pipe will be covered as part of the public improvements, Mr. Monroe says the second is the pipe to be shown as easement if there is future work the homeowners can't stop that work and Mr. Cummins says it is shown as a 20' wide easement. Mr. Monroe says the final is the HOA is responsible and Mr. Cummins says the City would agree with that, but we have not been submitted the documents. Mr. Kuluris says they will make sure its in there. Mr. Kuluris says the fence is a bigger question of snow plowing and so forth if they want a fence or not. Mr. Kuluris says it's not a big deal that if Planning Commission wants it, he would do it, but he personally says it doesn't look great. Mr. Kuluris says he doesn't think its going to keep anyone from going out there but its just his opinion. Ms. Fechter says currently there is a guardrail shown at the end of the street and the sign will say for future extension. Mr. Kuluris says Ms. Kemper said she would put it on her property, and she agreed. Mayor Jensen says he would rather not have it on City property, and they don't want to be responsible for snowplow or damage. Mr. Gasior asks whose responsibility would it be? Mr. Monroe says the installation they would ask that that be on the developer to install on the Kemper property but the Kempers would be responsible after installation. Mr. Cummins asks if a temporary easement will be granted to allow the installation and Mr. Monroe says yes or a license and Mr. Cummins says its something that the City should not be involved in. Mr. Cummins says there are several aspects of this project that are still being coordinated and they just received an updated set of plans and legal descriptions. Mr. Cummins says all those things need to be coordinated and all the things the City and the developer have talked about are shown on the plan. He says they may have some comments on coordinating those items to dot the I's and cross the T's so he would ask if they approve this tonight it been done as a contingent approval subject to final engineering. Mr. Cummins says he would ask this not

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go to City Council for its consideration until all the details are ironed out and deposits and bonds are submitted. Mr. Kuluris asks Mr. Cummins if the deposits come after Council voted. Mr. Cummins says the deposits are made before City Council vote. Mr. Cummins says the amounts are determined via the Engineers Estimate and they are put in Subdivider's Agreement and then deposits made. Mr. Cummins says there are several items that need to be finalized and coordinated to make sure they are fully complete before they go to City Council. Ms. Fechter says she would agree.

Mayor Jensen asks Mr. Gasior with the fence since it's on the record that Mr. Kuluris is responsible for it the City can stay out of it as he would rather not the City be involved with that. Mayor Jensen says he wants them to work it out and not come back to the City and says we made it a condition, so we must stand behind it. Everyone is ok with that and its mentioned on the record that it will be worked between the two parties and the City is not involved. Mr. Cummins says this will not be shown on the plans or part of the review, it's a better way to handle things. Mayor Jensen says it is not going to Council until everything is done. Mr. Kuluris asks about the work session. Mr. Cummins says no, we just got plans today and are waiting on some calculations so there are still things to be reviewed and it will not be done by Friday which is the deadline to be on the agenda Monday. Mr. Kuluris says he thinks they can get things done by Friday. Mr. Kuluris says they have just about everything done and can provide things and the easements by Friday, even if they didn't have Council approval they would look for some help with grading as they are running out of weather and getting pressure from the home builder. Mayor Jensen says Mr. Cummins is warning you that, if we put it on the agenda so Council knows if it's not done, they will not vote. We can warn them it may come but the vote won't happen until it's all done. Mr. Kuluris says the vote won't happen until the 28th and Ms. Fechter says there's a lot of work to be done and it won't be done by Friday. Mr. Cummins says the other departments need to finish their reviews. Mr. Kuluris says they will get everything they can by Friday and hopes maybe they can get it done by the vote on the 28th, he would like to be considered to do some grading.

Paul Hilston, 3420 Williams Court says he has more questions not so much for the developer but for Planning Commission because on Williams Ct. about 8 families live across from the development are going to be retired or are already retired so they are interested in the cost and how much it will be. Mr. Hilston asks what the cost will be to the west side of Williams Ct for widening the street. Mayor Jensen says no. Mr. Hilston asks about the sewer line and who is going to be responsible for the cost of it and what will it cost them. Mayor Jensen says yes there will be a cost for connecting to the sewer. The developer will bring it across the street then the homeowners connect. Mr. Hilston says they understand they will pay for the contractor, but will they have a tap in fee. Mayor Jensen says there will be a tap in fee as it goes to North Ridgeville so you will have to pay that, but they will go to City Council and request the City forgo Avon fees. Mr. Hilston asks are they running utilities on the same side as they are or are they going to be moved under ground or moved to the west side of the street. Mr. Cummins says they are going down the east side of the street. Mr. Hilston asks about the septic tanks if they can be filled with sand like in the past. Mayor Jensen says that's the Health Department, you will work with them and likely they will be crushed. In the development, will this increase their taxes on the west side. Mayor Jensen says the only thing that could possibly happen is since you have sewer and he doesn't know what the County does when they re-evaluate, the City doesn't have control over that. Mr. Hilston says the ponds in the development, will they have aerators and will they be taken care of. Mayor Jensen says they will have to be maintained and the fountains will be at the discretion of the developer. Mr. Hilston thanks the City because he's been there since 1977 for what they have been doing to help with the water. He asks what side the runoff drains will be on. Mayor Jensen says they are doing it on both, as the developer has agreed to connect to Schwartz Road so it will help with what comes down on the west side. Mr. Hilston asks if they will be required to put in sidewalks. Mayor Jensen says when the development is completed on that side there will be sidewalks at this point, we try to do one side at a time. Its not going to be a requirement now but they might ask on Schwartz Road, the final decision hasn't been made yet. Mr.

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Hilston asks what the price range of the new homes will be. Mr. Kuluris says they will be close to 500,000 but they are not for sure.

Jean McFarland, 3536 Williams Court asks about the cost of the tap in. Mayor Jensen says the North Ridgeville tap in at this time is some where around \$2800 but again they will go to City Council and request the tap in for Avon be waived as that is about the same but they will have to pay North Ridgeville. Ms. McFarland asks about the estimated start date that will begin tearing up Williams Ct so they can plan. Mr. Kuluris says if they can get started with grading, they hope to work on it this winter. Ms. McFarland asks if she understood correctly that there will be a storm drain on the east side where the homes are, and Mayor Jensen says the City will do the west and the developer will do the east side of the street. Ms. Fechter says with some of the additional cost, we do have a local credit union that she is trying to get more information from that does have a low interest loan. Ms. McFarland asks about an approximate cost per foot knowing it depends on how far it is set back. Mayor Jensen says there may be some contractors that can give you a rough estimate. Mr. Cummins says French Creek was about 50-60 a foot as a budget.

Mr. Hilston asks if there is someone at City Hall, they can call in case they have a question. Mr. Cummins says you can always reach out to him. Mayor Jensen says when this gets started the City is spending more time out with these projects and will be involved. Mr. Frey says they will get notice as the contractor will need to speak with the homeowner to know where to run the line for connection so they will know when its coming and where it will be.

Mayor Jensen says they have tried hard with this development to do everything they can to protect the people on Williams Court. Mayor Jensen says they are doing the best they can to put things in place to help with the water. Mayor Jensen says nothings perfect but certainly working with the developer they have worked hard to do everything we have asked them to do and thinks that area will benefit. It was asked if all the ponds will have water. Mr. Hoffman says yes, they will have water with grass around it as well.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the Final Plat and the recommendation to Council to create a Subdivider's Agreement for Mass Estates Subdivision, a 37-home subdivision located on the south side of Schwartz Road contingent upon final engineering. The vote was: "AYES" All. The Chair declared the motion passed.

GILBERT FORTHOFFER SUBDIVISION-FIRST PRESENTATION-REPLAT

City of Avon on behalf of Janet Lowry, is requesting approval of the replat of Gilbert Forthofer Subdivision of consolidating Sublot 16 and Sublot 17 to create the new subplot 78 located at 34675 Detroit Road.

Mr. Cummins says this as a result from the Elizabeth, Puth and Joseph sanitary sewer project. The property owner of these two lots is the same and they stated they do not desire to have a second buildable lot. Mr. Cummins says there was a negotiation of easement rights along the frontage of Detroit Road and one of the results was being in support of consolidating these two lots into one buildable lot. Mr. Cummins says the two lots were created in the subdivision many years ago, so this is a replat to refine the lots into one.

Mayor Jensen says he has been told by residents that the county does not like to do consolidation. Mr. Gasior says he thinks it's a rumor he just thinks its expensive for the average individual to consolidate a lot since it requires a full survey of the property. Mr. Gasior says since the county doesn't push it nor does the resident. Mayor Jensen says so they will be willing to do it. Mr. Gasior says yes since we are doing the full engineering.

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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 replat of Gilbert Forthofer Subdivision of consolidating Sublot 16 and Sublot 17 to create the new subplot 78 located at 34675 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

ADJOURN

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:53P.M.