

**REGULAR MEETING MINUTES
AVON PLANNING COMMISSION
SEPTEMBER 18, 2024, 7:00 P.M.
CITY HALL COUNCIL CHAMBERS**

PUBLIC HEARINGS

1. Isomer Group, LLC-Nagel Road, East Side, Amend General Development Plan

Carl Frey of Labella Associates representing Isomer Group, LLC is requesting approval to amend the General Development Plan on the east side of Nagel Road, PPN 04-00-027-101-196.

Item deleted at the request of Pam Fechter, Planning Coordinator.

2. Caravon Golf Company dba Red Tail Golf Club, Short Game Practice Green, East Side of Nagel Road, Amend Special Use Permit

Debbie Reed of Carnegie Management is requesting a positive recommendation to City Council to approve an Amended 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 on behalf of Caravon Golf Company.

Chair Witherspoon opened the public hearing at 7:02 p.m.

There were no other comments from the audience.

Chair Witherspoon closed the public hearing at 7:02 p.m.

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:02 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 August 21, 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. **Lenard DiFrancesco, 36497 Kinzel Road, Lot Split and Consolidation, PL20240046**

Gary Smitek representing Lenard DiFrancesco is requesting to split .5222 acres from PPN 00-00-014-105-070 and consolidate to PPN 04-00-014-105-071 to create a 1.6568-acre parcel and consolidate PPN 04-00-014-105-070 and 04-00-014-105-061 to create a 6.5532-acre parcel.

Gary Smitek 36715 Avalon Court, Avon, Ohio 44011. Mr. Smitek is representing Lenard DiFrancesco. Mr. Smitek is requesting to split a portion of a parcel so it can be given to Mr. DiFrancesco's sister and then he would like to consolidate the remaining parcels. He said nothing is changing on the street or otherwise.

Ms. Fechter said all staff comments have been addressed but she asked that any approval be contingent as Mr. Smitek on behalf of Mr. DiFrancesco needed to apply for a variance at the City of Avon Board of Zoning and Appeals. She said the frontage on the southern lot measures at 40.5 feet, which was approved at a previous time in the past. However, when a parcel is changed, the city needs to have it compliant and therefore he will need to request a variance through the BZA to allow what is existing now.

Mr. Cummins said there are still some outstanding surveying comments which need to be addressed so if any action is taken, he would request that it 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 to split .5222 acres from PPN 00-00-014-105-070 and consolidate to PPN 04-00-014-105-071 to create a 1.6568-acre parcel and consolidate PPN 04-00-014-105-070 and 04-00-014-105-061 to create a 6.5532-acre parcel contingent on BZA variance approval and final engineering approval. The vote was: "AYES" all. The Chair declared the motion passed.

2. **Isomer Group, LLC, Amend Development Agreement**

Carl Frey of Labella Associates representing Tom Lunt of Isomer Group, LLC is requesting a positive recommendation to City Council to Amend the Development Agreement under Ordinance 71-22 to include additional signage on Middleton Road and the east side of Nagel Road.

Ms. Fechter said in 2022 Isomer Group dba Drug Mart requested to rezone the east side of Nagel Road. In 2022 a Development Agreement was created with the expectation for it to be passed at City Council and then for it to be placed on the ballot for the general election. The Development Agreement, discussed in section H, that Isomer Group dba Drug Mart would be permitted 1 sign on Nagel Road and no other signs. Drug Mart now has 3 entrances, and they would like a monument sign at each entrance (a rendering of the sign has been presented). Mr. Frey presented a drawing (on the screen) where the signs will be located.

Carl Frey, Labella Associates 6150 Parkland Blvd, Suite 100, Mayfield Heights, Ohio 44124. He stated Ms. Fechter summarized the request well. Mr. Frey refers to the drawing on the screen and indicates where the shared monument signs will be located.

Ms. Fechter stated all 3 signs will be multi-tenant signs. The city felt for the safety of people entering the development and once the development is complete there will be drive access from Drug Mart at Detroit Road all the way to Middleton Road. As this is divided the dark shaded entrance on the drawing is a right in and right out and full access. The tenant monument signs will show what businesses are in the shopping development.

Mr. Radcliffe asked if the sign is within the city's current standards for that location and will there be any variations to the sign relating to the length and width.

Mr. Frey stated the sign is within the code for the size.

Ms. Fechter advised once the project is formally submitted the size of the sign will be reviewed to verify it is within the code.

Mr. Malloy asked if there will only be 4 tenants in the shopping development.

Mr. Frey said there will likely be more than 4 tenants in the development. The intent would be to identify those tenants that would need to be accessed from a particular driveway.

Mr. Malloy inquired about having 3 signs which would indicate numerous businesses.

Mr. Frey said there could be larger businesses, but he also advised the number of panels on the sign can be modified which could change the design of the sign based on the number of businesses.

Mr. Gasior asked if he could receive a copy of the drawing that Mr. Frey presented.

Ms. Fechter stated the drawing will be sent with the referral.

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 a positive recommendation to City Council to Amend the Development Agreement under Ordinance 71-22 to include additional signage on Middleton Road and the east side of Nagel Road. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Caravon Golf Company dba Red Tail Golf Club, Short Game Practice Green, East Side of Nagel Road, Amend Special Use Permit, PL2024022-Second Presentation**

Debbie Reed of Carnegie Management is requesting a positive recommendation to City Council to approve an Amended 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 on behalf of Caravon Golf Company.

James Sayer, Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135. Mr. Sayer is representing Carnegie Management. He stated there were several issues that were raised at the August 21, 2024, meeting during the public hearing and most of those issues did not deal with this project but the rather the adjacent driving range. He advised Carnegie Management met with the residents outside after the August meeting and then later to update them on their plans for future improvements. Hopefully the meeting helped alleviate the issues that were previously brought forward. In the interim Carnegie Management has removed some of the old fencing material that had been placed in a location which was unsatisfactory to the residents in the area. Mr. Sayer said the issues have been addressed. He stated after an allegation was made by Mr. Restivo and Mr. Phillips, Mr. Cummins, the city engineer reviewed the plans again. Mr. Cummins suggested the possibility of adding a water quality feature that would allow the water to be treated before it entered the ditches. Mr. Sayer brought a copy of a revised drawing of what is now being proposed.

Ms. Fechter stated this issue can be discussed at the next agenda item. This item is to discuss the special use permit.

Ms. Fechter stated if Mr. Gasior is satisfied with the documents we have, which is the updated license agreement then this should be complete.

Mr. Gasior stated yes, we have the updated license agreement, the only other thing is the golf course amended special use permit. He doesn't know if anyone has any restrictions that would need to be placed on this because now would be an appropriate time to address this. If there are no restrictions, then he is satisfied with what has been submitted to amend the Special Use Permit.

Mr. Fitch stated at the last meeting the issue of the driving range was discussed with some concerns and he thinks by constructing this facility people will only have a limited time to be there and he thinks there will be less people at the driving range and more people at the practice green, which will be a benefit for the residents as less balls will be hit into the yards. He thinks this practice green will be a good addition.

Mr. Cummins had no comments on the Special Use Permit.

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 a positive recommendation to City Council for an Amended 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 on behalf of Caravon Golf Company. The vote was: “AYES” all. The Chair declared the motion passed.

4. Caravon Golf Company dba Red Tail Golf Club, Short Game Practice Green, East Side of Nagel Road, Minor Modification to Riparian Zone according to Section 1051.08, PL20240021-Second Presentation

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 on behalf of Caravon Golf Company.

James Sayer, Reitz Engineering, 4214 Rocky River Drive, Cleveland, Ohio 44135. Mr. Sayer said a presentation on this project was made at the August 21, 2024, meeting. He advised this is a low impact development and does not include any new curb cuts, no new traffic, and the only access would be by golf carts. This will only be a practice green for the golf course. He referred to the drawing on the screen, and said this is a cross section of what is being proposed as a filtration water quality feature. As the runoff from the golf course enters the storm sewer it will filter through a decorative stone layer with filter fabric and then through the underdrain to allow the water to keep sediment and impurities out of the water before it goes into the stream nearby.

Mr. Cummins said most of the parcel that the proposed project will be on is part of the floodplain. The Riparian Zone stipulates that the areas where there is a FEMA defined hundred-year floodplain and the Riparian Zone extends out to the edge of that. It would extend out toward Nagel Road and across this parcel as well. He indicated it's not necessarily a standard type of Riparian, but it is a Riparian Zone and FEMA Zone. He referred to chapters 1464 and 1051 Riparian Zone would come into play. Caravon Golf Company dba Red Tail Golf Club have shown the compliance with the code 1464. They are not placing fill in a manner that would raise any section of the land outside of the floodplain and have shown that they would be compliant with the compensatory storage requirements.

Mr. Cummins stated the compensatory storage is basically every time you put a shovel full of dirt into the floodplain you must take 2 shovels full out somewhere. Caravon Golf Company have shown that they are doing that and due to the limited nature of the fill that they are placing and with twice as much a cut that they are taking out they are having a positive impact in the floodplain. They would be taking more out than they are putting in and they are not changing the map. Mr. Cummins had discussion with Emily Hason, Chief Building Officer who is also the Floodplain Administrator and there will be a Floodplain Development Permit issued for this. What is left is the issue of the Riparian Zone, Chapter 1051 which provides a mechanism for Planning Commission to grant a modification and basically concessions would be made to mimic the benefits of the Riparian Zone since they are taking away some fill. Caravon Golf Company has been kind enough to put the applicable text on the cover sheet of the plans. He stated as far as the public purpose of regulating the Riparian Zone 1051.01(3) reducing pollutants in water courses during periods of high flows by filtering, settling, and transferring pollutants already present in watercourses. He believes Caravon does not feel it is

applicable, but Mr. Cummins thinks that is part of what they are doing, certainly with the latest proposal they are trying to offset that.

Mr. Cummins advised, as for getting a variance request, they have inserted the text from 1051.08(4) which talks about mimicking the function of the riparian areas which include but not limited to the preservation of natural areas, vegetative filter strips, establishment of native vegetation, bioretention areas. However, Mr. Cummins has not viewed the plans yet, but it seems like they are proposing for stormwater infiltration practices. Mr. Cummins said it appears Caravon is presenting to Planning Commission on how they are going to offset that minor Riparian function that they are in a sense impinging upon by constructing the practice green. This is not an area that is directly adjacent to the stream, it is across the roadway, but it is still within and falls under the code.

Mr. Radcliffe wanted to confirm that the access for the practice green is on the existing car path, and there will be no curb cuts out to Nagel Road.

Mr. Sayler said that is correct. The guard rail will need to be removed temporarily while under construction for access to complete the grading but then it will be re-installed and there will not be any parking lots off Nagel Road.

Mr. Cummins wanted to add that a Wetland Delineation was completed of the site and there is a wetland present on the site but it is not in the area that they are working on the proposed project so there would not be any impact on site.

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 request for 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 on behalf of Caravon Golf Company. 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. Streater 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 7:24 p.m.

Carolyn Witherspoon, Chair
Planning Commission

Susan Pintz, Planning Commission and
Zoning Secretary

Date