

**REGULAR MEETING MINUTES
AVON PLANNING COMMISSION
OCTOBER 16, 2024, 7:00 P.M.
CITY HALL COUNCIL CHAMBERS**

PUBLIC HEARINGS

1. Liberty Development, Villas at Nagel Farms, Avon Road and Middleton Road, Rezoning from R-1 to R-3

Aaron Appell of Bramhall Engineering representing Dru Siley and Tom Kuluris of Liberty Development Company is requesting a positive recommendation to City Council to rezone 13.2836 acres of PPN 04-00-027-101-204 from R-1 to R-3 between Avon Road and Middleton Road.

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

There were no comments from the audience.

The Chair closed the public hearing at 7:01 p.m.

2. 7 Brew Coffee, Code Amendment

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, 7 Brew Coffee is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03(b)(9) Scheduled Permitted Uses and Section 1280.06(ee) Supplemental Regulations for Certain Uses, to allow a restaurant with no indoor seating in the C-4 Zoning District, south of I-90.

The Chair opened the public hearing at 7:01 p.m.

There were no comments from the audience.

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

3. Avon High School, 37545 Detroit Road, Weight Room Addition/Renovation, Amend Special Use Permit

Murtaza Abbas of Architectural Vision Group representing Ben Hodge of Avon Local Schools is requesting a positive recommendation to City Council to Amend the Special Use Permit for the construction of an 8,000 sq. ft. Weight Room Addition to the Avon High School.

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

The team for the Avon High School Project is as follows:

Murtaza Abbas, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

Samer Al Rough, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

Donald Kaspar, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

David Lewis of Lewis Land Professionals, 8691 Wadsworth Road, Ste 100, Wadsworth, Ohio 44281.

Ben Hodge, Superintendent, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011.

Bill Fishleigh, Director of Operations, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011.

Mr. Abbas, Architectural Vision Group, stated the project is a building addition and renovation of the Avon High School Locker Room and Weight Room. He refers to the site plan drawing on the screen and indicates the purple area is the addition and the red area is the renovation located on the south side of the school. He refers to page 2 of the site plan drawing which indicates Number 1 is the Performing Arts Center Entrance, Number 2 is the Main Entrance of the High School, Number 3 is the Entrance for the Locker Room, which is planned for the renovation, Number 5 is the addition for the new Weight Room, Number 4 is the new Parking Lot, which is currently grass.

Mr. Abbas indicated a significant amount of work on the design of the project has been completed. The project has been submitted to the Planning Department and project comments have been received from the Engineering and City Departments. He said responses to those comments were submitted on October 15, 2024 and the civil drawings have been submitted

Thomas Ruttman, 37120 Hunter's Trail, Avon, Ohio 44011. Mr. Ruttman said currently there is a significant amount of noise that originates from the High School. It starts at 5:00 a.m. with a Coach who works out at the building. The music is very loud, and the neighbors can hear it for at least one hour. He said the students arrive at school about 6:30 a.m. and they start to work out and the noise continues throughout the day. He said the band practices in the afternoon, and he realizes the band needs to practice but it is constant noise from the school. He added the noise continues all year long. Mr. Ruttman gave an example of; on Christmas and during COVID there were people working out in the building. He said students that graduated come back over Christmas break and during the summer to use the building. He said the noise is constant. He asked if there could be a way the room is soundproofed or has no windows. He said with the windows open the surrounding neighbors can hear the noise. Mr. Ruttman said his main concern is the noise.

Bonnie Wolfe, 2992 Hayes Street, Avon, Ohio 44011. Mrs. Wolfe has concerns about the noise that is generated from High School. She stated the construction workers begin working at 5:00 a.m. She has contacted the Police Department about the noise because she believed that construction work is not permitted to begin before 7:00 a.m. She indicated the construction workers park their vehicles at the dead end on Hayes Street along the school lot. She said the vehicle headlights shine into the resident's bedroom windows. She stated the workers stand around talking, telling jokes and drinking coffee which creates a lot of noise in the summer when the windows are open. She is frustrated and does not care if the school project is completed because the school does not follow the ordinances. Her concern is the constant noise that is generated from the school.

Terry Hopkins, 37124 Hunters Trail, Avon, Ohio 44011. Mr. Hopkins is concerned about the traffic as the traffic is a huge problem currently. He is under the impression that parking spaces are being deleted and there will be parking spaces added into the green space. He asked by adding parking spaces in the green space how that will affect run off to the retention pond. Is there an elevation that can be viewed to see what it would look like. He stated another concern is the noise, it is constant. He said with parking being added to the green space, what kind of traffic lights will be installed and will there be flood lights shining into his backyard. He said when the walking path was built near the baseball field, there were lights installed but then needed to be removed because the lights were shining into residential yards. He indicated his concern is the noise, lights, traffic and parking.

Mr. Abbas, Architectural Vision Group, stated the new parking lot location will have an underground chamber which will tie into the existing ditch and will not be going into the pond which is further south.

Mr. Lewis, Land Lewis Professionals, stated the proposed parking lot would be to the left of the new building. There will be about 28 parking spaces, and 2 handicap spaces that will be removed because the addition is being built at the location of the existing parking lot. There will be an additional 31 parking spaces and 2 handicap spaces with the building expansion. The parking will basically be the same. He indicated with respect to the stormwater, in the new parking lot there is a rectangular figure on the drawing (C-700 of Presentation) which indicates the underground chambers will have underground storm chambers under the pavement, those chambers have an aggregate floor which will allow some infiltration of the stormwater. It is a large enough volume to handle the stormwater for the proposed new impervious areas and the stormwater is discharged to the drainage ditch further east and north of the existing pond. The pond will not be disturbed and nothing south of the driveway that surrounds the school will be impacted. The dimension from the property line to the new corner is roughly the same as the dimension from the old weightroom to the property line which is about 250 feet.

Mr. Abbas stated the design of the parking lot was completed in a way that when cars are parked the lights will not be shining south and into the neighborhood (referred to drawing C-200).

Mr. Lewis said the parking spaces have been oriented so they will be in an east and west direction. The drive around the perimeter of the school will not change.

Mr. Abbas said during construction the General Contractor will put a temporary fence around the parking lot which will be the staging area while the addition is being built. The plan is to build a new weightroom so the students can use the existing facilities during the school year. Once the new addition is built, phase 2 is the renovation to add more locker rooms in the high school for boys and girls and that will begin around August 2025. Mr. Abbas brought samples of the building material for the commission to view. He said there will be an aluminum frame for the windows and there will be a one-inch insulated glass and brick on the exterior of the building. The materials will be sturdy to assist with the sound. He mentioned the new weightroom windows will not open, which will help with the sound. There will not be direct access to the weightroom, access will be from inside the school, which will also help with the sound which is different from the existing weightroom. He was trying to address the comments he heard from the audience.

Donna Hopkins, 37124 Hunters Trail, Avon, Ohio 44011. Mrs. Hopkins is concerned that when the parents or students circle around the current entrance the overflow of traffic will impact Hunters Trail. She said the lights from the traffic have an impact on the residents' homes and have been ongoing for quite some time. She wanted to know what the city will be doing with regards to the temporary fence during the construction phase of the project. She asked if there would be something permanent to help the residents that are located behind the new addition. The residents already endure the traffic and lights for 6 months of the year when there are no leaves on the trees. For 6 months of the year there are leaves on the trees which helps as a buffer, but it is not enough between the school property and the residents' homes. She said when the Performing Arts Center was to be built the school was going to mound some dirt and put an elevation there which has not happened. She said this has been an ongoing problem with the expansion of the High School. Her other concern is the noise. The windows at the current facility are wide open and the music is loud to the extent that she feels the vibration of the sound in her home. She wanted to know if the school can address traffic and noise concerns. She asked if there could be a permanent structure of a fence for purposes of privacy.

Mrs. Wolfe spoke about concerns with the noise and lights from the school property. She is also upset about the addition of the pickleball courts. She said all night long she can hear the pickleball court in use. She said the lights for the school are on until 11:00-11:30 p.m. for the pickleball courts and if the lights are on people are at the courts. She stated when the lights are turned off people turn the cars around and use the car headlights to illuminate the court. She said she has contacted the School and the Police Department, and nothing has been done. She said her residence is not relaxing to her.

Ben Hodge, Superintendent, Avon Local Schools, stated the reason for the expansion was in 1998 the High School was built, in 2007 the addition of the academic body was doubled in size at the high school. Since then, the other large expansion has been the Performing Arts Center with commons area because the High School was built to feed 400 students a day and now there are 1400 students. This expansion will be the last expansion that can be done, mostly because it is all the space that is left. He said there is not enough space for all the students and activities that the school has currently. He said there are 500 full athletes and there are not enough locker rooms for them. He stated the reason for the expansion is it is simpler to install the locker rooms and then build 4 walls for a weightroom.

Mr. Hodge understands the sound is an issue, and says there won't be any open windows, and the issue can be addressed with the school staff. As for the lighting in the parking lot, there have been previous discussions with City Council and Planning Commission. The LED lights that are now being used can be shielded from the neighbors. These new lights have been used at other school facilities such as the Middle School. The lights were still shining onto the resident properties and the company came out to adjust the lights and now there are no issues with those residents. Mr. Hodge said he and Mr. Fishleigh are happy to work with the neighbors on Hunters Trail and discuss buffering and try to do a better job. He said they want to be good neighbors. He indicated a new driveway has been installed which he believes has helped with the traffic on Hunters Trail. It flows better than it used to and there are not as many cars sitting idle, especially in the morning. He reiterated they will work with the neighbors and try to find solutions to the concerns.

Mrs. Wolfe asked about the concerns on Hayes Street.

Mr. Hodge said he can call her to discuss her concerns.

There were no other comments from the audience.

The Chair closed the public hearing at 7:24 p.m.

4. Avon MOB Self Storage LLC, Rose Parkway/Avon Commerce Parkway, General Development Plan

Marc Strauss of Chamberlin-Avon Real Estate, LLC representing Avon MOB Self Storage LLC is requesting approval of the General Development Plan that includes future construction of a 47,750 sq. ft. Medical Office Building, 60,000 sq. ft. Self-Storage Facility, and the future construction of a 4.7-acre roadway extension of Rose Parkway and a portion of Avon Commerce Parkway off Health Campus Boulevard, PPN 04-00-028-101-114.

The Chair opened the public hearing at 7:24 p.m.

There were no comments from the audience.

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

ROLL CALL

The meeting was called to order by Chair Witherspoon at 7:25 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; Susan Pintz, Planning Commission and Zoning Secretary

Absent: Duane Streator, Safety Director

REVIEW & CORRECTION OF MINUTES

Mr. Malloy moved, seconded by Mayor Jensen, to approve the minutes of the regular meeting held on September 18, 2024, and to approve the minutes as published. The vote was: "AYES" all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Ms. Fechter requested to amend the agenda to move Item 5, Avon MOB Self Storage LLC, Rose Parkway/Avon Commerce Parkway, General Development Plan to Item 1 and Item 1, Liberty Development, Villas at Nagel Farms, Avon Road and Middleton Road, Rezoning to be renamed Item 1A.

Ms. Fechter indicated that Avon MOB Self Storage LLC is represented by Counsel.

Mr. Malloy moved, seconded by Mayor Jensen to move agenda Item 5, Avon MOB Self Storage LLC, Rose Parkway/Avon Commerce Parkway, General Development Plan to Item 1 and Item 1, Liberty Development, Villas at Nagel Farms, Avon Road and Middleton Road, Rezoning to be renamed Item 1A. The vote was: “AYES” all. The Chair declared the motion passed.

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

1. Avon MOB Self Storage LLC, Rose Parkway/Avon Commerce Parkway, General Development Plan

Marc Strauss of Chamberlin-Avon Real Estate, LLC representing Avon MOB Self Storage, LLC is requesting approval of the General Development Plan that includes future construction of a 47,750 sq. ft. Medical Office Building, 60,000 sq. ft. Self-Storage Facility, and the future construction of a 4.7-acre roadway extension of Rose Parkway and a portion of Avon Commerce Parkway off Health Campus Boulevard, PPN 04-00-028-101-114.

Anthony J. Coyne, Attorney, Mansour Gavin, LPA representing City of Avon, 1001 Lakeside Ave E, Suite 1400, Cleveland, Ohio 44114. Mr. Coyne stated he is present to advise the Commission that pursuant to Ordinance 1228, 1244.06, the professional staff, the Administration of City along with the Law Director, John Gasior met with the Applicant in the pre-application meeting. He stated there were some deficiencies in the Applicant’s plan, but the meeting was productive, and the Applicant has agreed to make some modifications to the plan to make a formal presentation to the Planning Commission. Ms. Fechter, Planning Coordinator, will reach out to schedule the exact time of the Planning Commission meeting but we would like a Special Meeting of the Planning Commission to be held on November 6, 2024. The Special Meeting will be held for the purpose of reviewing the plan and considering approval of the General Development Plan. The Applicant is present, and a detailed discussion occurred about the General Development Plan. We believe it appropriate that the Applicant returns on November 6, 2024. That date was chosen because of some upcoming court schedules that need to be accommodated, and we believe this would be the best way to have the plan reviewed and be given fair consideration at that time.

Mr. Gasior, Law Director, stated this will be deemed a First Presentation.

Mr. Coyne indicated this can be considered a First Presentation of Plan. The Commission has information in their packets so when the Commission reviews the revised plan, they can make a comparison to see how the plan has been changed and proceed to take a vote at the November 6, 2024, meeting.

Mr. Gasior stated the hope is to provide an updated plan as soon as possible within a short period of time between meetings.

Mayor Jensen asked Mr. Coyne if the Applicant is not ready could he notify the Planning Commission, so a meeting is not held with no action to be taken.

Mr. Coyne indicated if the plans are not revised as discussed, Ms. Fechter will be notified immediately but he expects the Applicant to be able to provide a revised plan within the next week.

There were no other questions or comments.

Chair Witherspoon declared this a First Presentation.

1A. Liberty Development Company, Villas at Nagel Farms, Avon Road and Middleton Road, Rezoning from R-1 to R-3, PL20240052

Aaron Appell of Bramhall Engineering representing Dru Siley and Tom Kuluris of Liberty Development Company is requesting a positive recommendation to City Council to rezone 13.2836 acres of PPN 04-00-027-101-204 from R-1 to R-3 between Avon Road and Middleton Road.

Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011.

Tom Kuluris, Liberty Development Company, 28045 Ranney Parkway, Westlake, Ohio 441445.

Mr. Appell, Bramhall Engineering stated the revised plan has been provided to the Commission in response to communication with City Staff. The initial plan went all the way to Avon Road and had a connection. The revised plan has a cul-de-sac with emergency access to Avon Road.

Mr. Kuluris, Liberty Development Company, stated the original site plan went to Avon Road and then subsequently a meeting was held with the Planning Department and the Administration. There were several comments at the meeting that are now shown on the second plan which makes it a better plan. There is no direct access to Avon Road for people that live there but there will be emergency access for the Fire and Police Department. The city asked that an asphalt sidewalk be provided on the east and there would be street parking available.

Mr. Kuluris is involved with a 35 single family home development project on the south side of Middleton Road. The project begins at Detroit Road and proceeds north behind the Drug Mart Shopping Plaza and the Levin Furniture property to Avon Road and east of Middleton Road to the property line. There is a current parcel which is in, what is referred to as the “halo” at the Interstate 90 interchange and has been viewed as a commercial parcel. Liberty Development approached the city about 1 year ago with the idea of a big box retail store in that area, but that concept was not well received. The next concept was a hotel that was interested in the site and a plan was presented for the hotel to be on the north side of the property at the Interstate 90 interchange. There would have been residential development on the south side of the 13-acre parcel. However, that plan faced significant challenges.

Liberty Development Company develops commercial and residential properties. The current plan is very successful and has done well in other cities such as Westlake. The current plan was submitted to the Planning Department and a meeting was held with City Staff which recommended some changes to be made. Mr. Kuluris said this plan can only be done in the R-3 zoning district. He stated the density in R-3 allows 10 units per acre, however this plan is 5 units per acres. He believes this plan would be popular with Avon residents.

Ms. Fechter, Planning Coordinator, said the staff comments have been addressed for the plan resubmission.

Mr. Cummins, City Engineer, said after some discussions there have been several revisions of the plan. The project which is being presented this evening is for the rezoning only. He believes there will be more details and more involvement from the other departments as this plan moves forward. The concept is what has been discussed with Liberty Development Company.

Mr. Kuluris stated the rezoning is in conjunction with an agreement that would limit Liberty Development Company to proceed with the current plan. Liberty Development Company is not asking for a rezoning without the Development Agreement with the City.

Ms. Fechter indicated Mr. Kuluris is referring to Cooperative Agreement which was provided with the project submittal. Mr. Kuluris is willing to enter into an agreement with the city which limits him to 5 units per acre and some other things that are being reviewed. He is willing to make a separate Development Agreement for the commitment of the site project.

Mr. Malloy asked for clarification regarding the Rezoning Application Statement which states: "While we seek to rezone the property to R3 as the best means to achieve the development, we do not intend to take advantage of full limits of R3 zoning. We are therefore voluntarily offering a cooperative agreement and a declaration of restrictions on the property, which will limit development to an aggregate of 5 units per acre."

Mr. Gasior, Law Director, indicated the statement could be doable. Mr. Gasior would need to work on this. He said the version he saw is a skeleton version which would need to be fleshed out and the presented drawing would be attached. The rezoning will reference the current plan, and this will be presented to Planning Commission for the Final Development Plan approval.

Ms. Fechter stated there was a similar rezoning request for Drug Mart/Isomer Group which was presented to Planning Commission. The first phase of the rezoning was a Development Agreement limiting access and some other issues which were presented to City Council. The next step was getting the rezoning request on the election ballot as part of the record. Therefore, when development begins, Liberty Development Company will need to honor the Development Agreement as well.

Mr. Malloy said thank you.

Mr. Kuluris indicated the single-family homes would be a for-sale product. There are no intentions to do anything that R-3 would allow such as rentals or 12 units per acre. Mr. Kuluris stated Liberty Development Company would be willing to enter and abide by the Development Agreement. Liberty Development Company has also partnered with Petros Homes.

Mr. Radcliffe asked what type of resident would be purchasing the lots.

Mr. Kuluris said anyone can purchase the homes. There have been some empty nesters that are downsizing to a smaller home, sometimes a family or a single individual. He said about 60-70% of homes have a first-floor master bedroom, 2 bedrooms and 2 baths upstairs. These are low maintenance which has been extremely popular in this demographic. He said this specific style of development has been done in Westlake and has been popular.

Mr. Radcliffe said the rendering of the plan is nice, but his concern is parking on the street and empty nesters with adult children or older families with 1 teenager nearing adult age at home

who will have friends over or visitors. There is not a lot of street parking to accommodate those scenarios because of the density as opposed to the south area that is being developed and there is more street parking. He believes there should be sidewalks on both sides of the street that have access to shopping plazas and restaurants. He said residents are requesting more walkability. Mr. Radcliffe added that he has heard from residents that they would like more gathering areas such as a park where residents can walk the dog, and people can gather and socialize instead of standing in the street because there are no sidewalks. His thought is about the possibility of reducing the units by 10-15 and having a park area or a gathering area for residents.

Mr. Kuluris appreciated the comments. One of the developments that has been completed has 40 units on the site of a former elementary school in Lakewood and walkability is extremely important. He believes this can be reviewed for the new project. He said these units will have a 2-car garage and 2 spaces but understands the concern for additional street parking.

Mr. Radcliffe said street parking is important, especially when residents have extra guests.

Mr. Kuluris indicated there was another development on the westside and there wasn't any street parking, and it has now become an issue.

Mayor Jensen wanted to clarify for Planning Commission how this project evolved. He said it was an idea that the parcel could become commercial, but the Administration hesitated because we did not want to make it a true R-3 which is why the city created the specific number of units per acre for the density. The reasoning for an agreement in the rezoning is to lower the number of units per acre because we want to make sure moving forward that we wouldn't arbitrarily take the next lot over because it is R1 and make it R3. We do not want to change the density if it wasn't necessary, but it had to be rezoned for something other than R1 but typically it would have been commercial.

Mayor Jensen appreciates that Mr. Kuluris worked with the city. It would not be favored to duplicate this particular rezone; however, this rezoning lends itself because it is next to commercial so this would be a natural buffer, typically it would be R-3. This plan would be in the form of an R-3 but through the agreement, we will make sure it cannot be the same density that R-3 allows. Mayor Jensen thinks with the changes that Mr. Radcliffe is asking for, it will be a nice development, but we don't want much more housing in Avon. It is a scenario that if we need to trade off, and the residents saw development such as a big box store or a hotel it would be something that the residents may not like. Mayor Jensen thanked Mr. Kuluris for working with the city and if he would consider the changes that have been suggested the city would appreciate it and when Mr. Kuluris returns to Planning Commission, we can work with Mr. Gasior to get this completed and the rezoning set in stone.

Mr. Kuluris appreciated the comments and stated a productive meeting occurred with the Administration. He has the same desire to make this product something they are proud of as he is proud of the project at the former elementary school site. He said having places that people want to live and being able to take this project to the next city and have positive feedback from the previous city is important.

Mr. Radcliffe asked what is the address for the project on the former elementary school site?

Mr. Kuluris said it is called McKinley Place, there are 40 units, and it is at the corner of West Clifton Boulevard and Detroit Road. He can arrange a tour of a unit. There are 30 units that have second floor master bedrooms and 10 units that have first-floor master bedrooms. It sold out very fast.

Mayor Jensen stated the city asked Mr. Kuluris to make a private road on this current project. Mayor Jensen said it will be private so there will not be any snow plowing services to incur extra expenses and making the cul-de-sac blocked off will not attach to Avon Road. It will make it a little easier for the Services Departments to access. The Police and Fire Departments will still have emergency access to Avon Road as well.

Mayor Jensen confirmed with Mr. Gasior that this project would not move forward to City Council until all the agreement is signed.

Mr. Gasior advised that is correct. He thought it would be better to return to Planning Commission first.

Mr. Kuluris indicated he would be agreeable to Planning Commission's recommendation.

Mayor Jensen stated he thought the Development Agreement and the vote for the rezoning would take place at the same time.

Mr. Gasior said his preference would be to have the Development Agreement completed before a recommendation is made. He said Planning Commission will meet again in November which will allow for some time to finalize the Development Agreement and to work with Mr. Kuluris' attorney, Majeed Makhoul on the Declarations.

Mayor Jensen said it would be his preference to do both the Development Agreement and the recommendation to Council for the rezoning next month.

Mr. Gasior indicated to Chair Witherspoon that rather than call for a vote that this be declared a first presentation.

There were no other questions or comments.

Chair Witherspoon declared this a First Presentation at the recommendation of John Gasior, Law Director.

2. Avon High School, 37545 Detroit Road, Weight Room Addition/Renovation, Final Development Plan, PL20240049

Murtaza Abbas of Architectural Vision Group representing Ben Hodge of Avon Local Schools is requesting approval of the Final Development Plan for the 8,000 sq. ft. Weight Room Addition to the Avon High School.

Murtaza Abbas, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

Samer Al Rough, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

Donald Kaspar, Architectural Vision Group, 23850 Sperry Drive, Westlake, Ohio 44145.

David Lewis of Lewis Land Professionals, 8691 Wadsworth Road, Ste 100, Wadsworth, Ohio 44281.

Ben Hodge, Superintendent, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011.

Bill Fishleigh, Director of Operations, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011.

Chair Witherspoon indicated a Public Hearing on this project was held earlier in the meeting.

Mr. Abbas, Architectural Vision Group, displayed renderings of the project. He explained the photometric and lighting are similar to the Performing Arts Center. A photometric study was performed to make sure the LED lights are set appropriately, not shining into the residents' property and are following the city ordinances and codes.

Mr. Abbas referred to a drawing to show the comparison between the current building and the new building addition and parking lot. The brick exterior will match the Performing Arts Center. He believes he has addressed the sound and lighting concerns which were discussed early in the design process.

Ms. Fechter stated staff comments have been addressed.

Mr. Cummings stated a new submission has been received and most of the comments have been addressed, however, he has not completed his review so if action is taken, he would request contingent approval subject to final engineering approval.

Ms. Fechter added approval should also be contingent on Fire Department approval.

Mr. Radcliffe asked if the glass that is being proposed for the new addition is thicker than the current glass?

Mr. Abbas replied he is not sure what the existing glass thickness would be. There will be new glass and the use is changing. The glass is the same that is used in all new school building additions which are thicker and insulated.

Mr. Radcliffe wanted to make sure this window issue was being addressed, along with the buffering since there have been concerns from the residents about the noise.

Mayor Jensen said the school has been responsive to the city. He told Mrs. Wolfe if she continues to have issues, please contact the Mayor's office or contact Mr. Fishleigh, Director of Operations for Avon Local Schools. Sometimes if the lights are on late, it might be an issue with a child turning the lights on. He stated the construction workers cannot start until 7:00 a.m. The City will reach out to Mr. Hodge to make sure they do not start before 7:00am, if there is an issue after that we will address the issue.

Mrs. Wolfe states after 27 years she doesn't have much faith.

Mayor Jensen said maybe she can try to have some faith. He said it is a situation where we would rather have children doing something constructive than getting into trouble. He

understands they are not supposed to be out past 10:00 p.m. because that is what the time is set for.

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 for the 8,000 sq. ft. Weight Room Addition to the Avon High School contingent on final Engineering and Fire Department approval. The vote was: “AYES” all. The Chair declared the motion passed.

3. Avon High School, 37545 Detroit Road, Weight Room Addition/Renovation, Amend Special Use Permit, 20240050

Murtaza Abbas of Architectural Vision Group representing Ben Hodge of Avon Local Schools is requesting a positive recommendation to City Council to Amend the Special Use Permit for the 8,000 sq. ft. Weight Room Addition to the Avon High School.

Chair Witherspoon indicated a Public Hearing on this project was held earlier in the meeting.

Ms. Fechter said as part of the process the schools are required to Amend the Special Use Permit to include the weightroom addition. We are asking for a positive recommendation to City Council.

Mr. Gasior referred to Mr. Radcliffe’s comments on the Final Development Plan regarding the soundproof of the building to buffer the noise and things of that nature. These are probably conditions that should be added to the Special Use Permit. He asked if there are any other conditions that should be added such as windows closed, begin and end time for use of the facility. These are the kinds of issues to be addressed for the Special Use Permit.

Mr. Fitch stated he believed the largest problem is the windows being opened. If the windows will not open and there is no access from the outside of the new addition, then he thinks the problem has been addressed.

Ms. Fechter asked if something should be added about the buffering.

Mr. Gasior said the Special Use Permit is the document that will indicate what special conditions were necessitated by the project. The Final Development Plan could include the buffering information as well, but he is not sure it would include sound proofing requirements. He believes that information would be submitted to the building department. If we want something in this Special Use Permit pertaining to noise, that recommendation would be made at this time and City Council would make the final decision. Mr. Gasior said to Mr. Fitch’s point that the school is willing to agree to keep the windows and doors closed.

Mayor Jensen stated the windows do not have the ability to open. There is nothing to open.

Mr. Hodge said the windows will not open and there is no outside access to the addition, access to the building addition will be from inside the school. He said this is the first time he has heard the concern of noise coming from the building. He said this issue can be addressed in addition to the buffering.

Mr. Radcliffe asked if there is something general that can be added to the Special Use Permit. He suggested; with any new construction if future residential concerns arise the school would work with the neighbors to address those concerns, or something along those lines. He said something to indicate this issue was discussed at Planning Commission. We believe the issue will be addressed with the new design but if it's not we would like to see the schools and the neighbors come together to resolve the issue.

Mr. Gasior stated he could write something in the ordinance that the school will address noise and lights issues.

Mr. Hodge stated he wanted to be cautious about defining that because the band practices in the parking lot.

Mr. Radcliffe said this could be related to this weightroom addition.

Mayor Jensen said the weightroom addition is the only thing before us at this time. He asked if this would go before Council?

Mr. Gasior said yes it would.

Mayor Jensen said Planning Commission is giving a recommendation and City Council will ultimately decide

Mr. Gasior said when he writes the first draft of the ordinance, he can include language that says the school will address any parking lot lighting, buffering and noise issues. We can figure out how this will be addressed with the residents. As Mr. Radcliffe stated, if residents complain we may ask the school to come before Planning Commission and Council and address the complaints from the residents.

Mr. Hodge agreed with Mr. Gasior.

Mrs. Wolfe asked if these concerns would be included in the ordinance and who the residents call if there is a problem.

Mr. Gasior replied if there were any issues the residents would call Jill Clements, Zoning Enforcement Officer.

Mrs. Wolfe said she had called the Police Department previously and the problem was not addressed. She said there will always be a kid who will try and test the waters.

Mayor Jensen said Mrs. Wolfe can contact Jill Clements and she will work on this.

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 Special Use Permit for the 8,000 sq. ft. Weight Room Addition to the Avon High School. The vote was: “AYES” all. The Chair declared the motion passed.

4. 7 Brew Coffee, Code Amendment, PL20240053

Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, 7 Brew Coffee is requesting a positive recommendation to City Council to Amend the Planning and Zoning Code, Section 1270.03(b)(9) Scheduled Permitted Uses and Section 1280.06(ee) Supplemental Regulations for Certain Uses, to allow a restaurant with no indoor seating in the C-4 Zoning District, south of I-90.

Ms. Fechter clarified this would still be a Special Use Permit, the code amendment would change the requirements to the Special Use Permit so if there was a restaurant with no indoor seating south of Interstate 90, the requirement for the bathroom would be eliminated if they did not have any outdoor seating. This was an issue with Caribou Coffee, they had 12-16 outdoor seats with no restrooms. The 7 Brew Coffee model is drive thru only. They have a location in Middleburg Heights and the city asked them for outdoor seating to help with Cleveland Clinic workers, The 7 Brew model is drive thru only with no indoor or outdoor seating. They are requesting the code be changed for that difference.

Matthew Weymouth, Director of Real Estate, Anchor Point Management Group, 1900 West Kirkwood Blvd, Suite 2100A, Southlake, Texas, 76092.

Mr. Weymouth said Avon is a city they would like to join and be a part of the community. It can be verified with other cities where 7 Brew is located, they are a true member of the community. As the world is changing, there are more gas stations, quick service restaurants and coffee users that have changed their business model. 7 Brew’s business model is double drive thru only. There are employees at the drive thru aisle taking orders on tablets and employees delivering the coffee to a designated pick up location. There would not be inside or outside seating and the public does not enter the building for any reason. There is no food sale, just coffee and drinks. The average time from ordering to leaving is 5-7 minutes. If this project is approved by Planning Commission, a full presentation on who we are, what our building looks like, and what our full process and plan looks like would be submitted.

Ms. Fechter asked what is the average size of the building?

Mr. Weymouth said the building is a prefabricated building, it is 510 sq. ft.

Ms. Fechter asked if they would be buying a full size required parcel in the city.

Mr. Weymouth replied yes, and they are looking at anywhere from 1/2 – 1 acre lot size on average.

Mr. Radcliffe asked with that size property, will most of that be car stacking?

Mr. Weymouth replied yes. The average Starbucks or Dunkin stacks about 8 cars. 7 Brew average car stacking is about 16 cars. It ranges from 14-26 cars depending on the location. It rarely stacks all 26 cars.

Mayor Jensen stated the 7 Brew video that is on their website will be played.

Mr. Weymouth stated after viewing the video they like to have fun. It's a vibe, experience and environment. He encouraged everyone to go to a location and he would even meet anyone there. He stated the video is fun but when you go to a location it is not quite as energetic as in the video. However, they have fun young experiences.

Mayor Jensen stated he wanted the video to be played so people could get an idea of what the business looked like from the outside. When a code change like this is made, it still will be left under a Special Use Permit, this one could be an exception to what is allowed. When the drive thru lines are long, it is important to try and move the cars through expediently. Typically, the city prefers to see something a little bigger with a restroom. He stated keeping this Special Use Permit allows the Planning Commission to determine if this was a business that would work in Avon with some exception that we would try to accommodate for that. Typically, we don't like to make exceptions, but we would need to look at the business model and how it works. The City of Avon doesn't want to lose out on an opportunity to have good business in Avon, but we also want to be careful not to carve something out for another business to do the same thing. There have been issues before with outdoor seating. 7 Brew seems to be very similar to a Starbucks drive thru as they want to get people on their way.

Mr. Weymouth says they are happy to work with the city. He said at the Middleburg Heights location there is a hospital system behind the building and hospital requested 7 Brew to be more of a walkable location. 7 Brew has a couple other locations in the process, and they are happy to adjust where needed.

Mr. Gasior stated he has not had a chance to write up an ordinance. He would like to meet with Ms. Fechter and Mrs. Clements because he is not certain the city wants to go all the way and simply allow the code amendment south of Interstate 90. We may want to keep this within a certain amount of distance south of Interstate 90. There are some considerations before drafting the ordinance and allowing this to be south of Interstate 90. He would like to review some of the permutations. Mr. Gasior suggested this project be declared a First Presentation and then it can return in November and have an ordinance that can be reviewed to see if it would be acceptable.

Mayor Jensen stated Mr. Weymouth would not need to return to Planning Commission and it will be communicated what would be presented before us.

Mr. Radcliffe stated he agreed with Mr. Gasior, he would like to know where else this code amendment could be applied to in the city, and he would like to have a better understanding of this code amendment. He said having walkability, if he understands correctly, the proposed location, it would be around the corner from the Liberty Development Company project who presented a rezoning project. Mr. Radcliffe stated this proposed business would have 2 lanes of solid car traffic where people are walking hopefully visiting other restaurants and other establishments. There have been issues on Nagel Road with the other coffee/donut shops where cars are stacked onto the street and traffic backs up every day. In the event 7 Brew is in the

general location it could add more traffic to that road. He would rather see parking spaces and have people sit down but he understands this is not the business model. He said he has some concerns.

Mr. Weymouth said the parcel they are interested in, the access would be from the rear of the parcel not the front. If the cars did stack it would not stack into the main road. He understands the walkability and connectivity on the frontage from all the parcels. He said north of the proposed parcel is the shopping center and he understands that some of them can walk over, and he is happy to try to accommodate that.

Mr. Fitch said part of the no indoor seating is there needs to be additional stacking areas so he thinks that it could be written into the ordinance that there would need to be 26 stacking spots.

Mr. Gasior said the stacking is a good point.

There were no other questions or comments.

Chair Witherspoon declared this a First Presentation.

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.

Mrs. Clements 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 8:20 p.m.

Carolyn Witherspoon, Chair
Planning Commission

Susan Pintz, Planning Commission and
Zoning Secretary

Date