

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

The meeting was called to order by Chair Witherspoon at 7:02 p.m. in Council Chambers.

PUBLIC HEARINGS

1. Savvy Sliders, 3420 Just Imagine Drive, Amend Special Use Permit

Deville Development, LLC representing Savvy Sliders, is requesting a positive recommendation to City Council to Amend the Special Use Permit for Deville Development to include a drive-thru for Savvy Sliders at 3420 Just Imagine Drive.

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

There were no comments from the audience.

The Chair closed the public hearing at 7:03p.m.

2. Avon United Methodist Church, 37711 Detroit Road, Amend Special Use Permit

Bramhall Engineering representing Avon United Methodist Church is requesting a positive recommendation to City Council to Amend the Special Use Permit for a new driveway and parking lot expansion at 37711 Detroit Road.

The Chair opened the public hearing at 7:03 p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:03 p.m.

3. Providence Church, 35295 Detroit Road, Amend Special Use Permit

AODK Architects representing Providence Church is requesting a positive recommendation to City Council to Amend the Special Use Permit to include a 13,000 square foot building addition at 35295 Detroit Road.

The Chair opened the public hearing at 7:04p.m.

There were no comments from the audience.

The Chair closed the public hearing at 7:04 p.m.

ROLL CALL

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 Streator, Safety Director Susan Pintz, Planning Commission and Zoning Secretary.

REVIEW & CORRECTION OF MINUTES

Mr. Malloy moved, seconded by Mayor Jensen, to approve the minutes of the regular meeting held on November 20, 2024, and approve the minutes as published. The vote was:

Bill Fitch “abstained”, Mayor Jensen “yes, Jim Malloy “yes”, Scott Radcliffe “yes”, Carolyn Witherspoon “yes”

4, yes

1 abstention

The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

None

1. **James and Janet Smith, 2259 Periwinkle Way, Lot Split, PL20240056**

James and Janet Smith are requesting approval to split the 1.18 acres of PPN 04-00-011-104-020 to 0.3549 acres for Parcel A, PPN 04-00-010-119-085, 0.4087 for Parcel B, PPN 04-00-010-119-054 with 0.4203 acres being the remainder of the original parcel.

James Smith, Resident, 2259 Periwinkle Way, Avon, Ohio 44011. Mr. Smith indicated the rear parcel of his property has been a right of way from many years ago. He is requesting to split the rear parcel with 2 of his neighbors.

Ms. Fechter, Planning Coordinator, stated all city comments have been addressed and would recommend approval.

Mr. Cummins, City Engineer, stated all surveying comments have been addressed.

There were no other comments or questions.

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 split of 1.18 acres of PPN 04-00-011-104-020 to 0.3549 acres for Parcel A, PPN 04-00-010-119-085, 0.4087 for Parcel B, PPN 04-00-010-119-054 with 0.4203 acres being the remainder of the original parcel. The vote was: “AYES” all. The Chair declared the motion passed.

2. **Savvy Sliders, 3420 Just Imagine Drive, Amend Special Use Permit, PL20240057**

Deville Developments LLC representing Savvy Sliders, is requesting a positive recommendation to City Council to Amend the Special Use Permit for Deville Development, LLC to include a drive-thru for Savvy Sliders at 3420 Just Imagine Drive.

Robert Brown, Deville Developments LLC, 3951 Convenience Circle #301, Canton, Ohio 44718.

Dan Deville, Deville Developments LLC, 3951 Convenience Circle #301, Canton, Ohio 44718.

Tasha Glutting, Deville Developments LLC, 3951 Convenience Circle #301, Canton, Ohio 44718.

Ms. Fechter, Planning Coordinator, informed the Commission that in 2023 Ordinance 70-23 passed at City Council for Noodles Restaurant to have outdoor seating, a drive-thru and a carry out window only. Deville Developments LLC are returning to change the name of the end user to Savvy Sliders and convert the carry out window to a drive thru window.

Mr. Brown, Deville Developments LLC appeared on behalf of Savvy Sliders.

Ms. Fechter said all city comments have been addressed. She also mentioned Mr. Brown is retiring at the end of 2024. She indicated he was involved with the development of City Centre and several other projects in Avon. She wished Mr. Brown well.

Mr. Radcliffe asked if there would be any other changes to the building other than the drive-thru ordering station.

Mr. Brown responded that it is correct. The ordering will take place halfway through the car stacking at approximately the fifth car back.

Mr. Cummins, City Engineer, had no comment.

Mayor Jensen congratulated Mr. Brown on his retirement.

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 Deville Development, LLC to include a drive-thru for Savvy Sliders at 3420 Just Imagine Drive. The vote was: “AYES” all. The Chair declared the motion passed.

3. **Avon United Methodist Church, 37711 Detroit Road, Amend Special Use Permit, PL20240060**
Bramhall Engineering representing Avon United Methodist Church is requesting a positive recommendation to City Council to Amend the Special Use Permit for a new driveway and parking lot expansion to include 26 additional parking spaces at 37711 Detroit Road.

**Tom Baldwin, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011.
Micah Hall, Avon United Methodist Church, 37711 Detroit Road, Avon, Ohio 44011.**

Mr. Baldwin, Bramhall Engineering, stated they are requesting approval of site improvement at Avon United Methodist Church. Mr. Baldwin refers to page 2 of the drawing (Existing Conditions Plan). The plan is to remove the eastern driveway and widen the western driveway by a couple of lanes. The site development will include dedicated lanes to go east and west. He said Avon High School recently improved the access drive and part of those improvements was a stub drive that would be used by the church to connect to it, so there will be an alternative access point. In an effort to control traffic entering and exiting the access drive a gate will be installed. Mr. Baldwin refers to page 3 of drawings (Site Plan) which shows the additional pavement proposed at the western portion of the lot for the access drive of the dedicated lanes, additional parking at the front side of the main building and there will be some spaces in the rear southwest corner of the property.

Ms. Fechter, Planning Coordinator, stated all city comments have been addressed and would recommend a positive recommendation to City Council to approve the Special Use Permit.

Katherine DeBottes, 37600 Detroit Road, Avon, Ohio 44011 is her property in Avon and her home address is 868 Lake Breeze, Sheffield Lake, Ohio 44054. She said her property is across from the Avon High School and a survey was completed several years ago which showed the stormwater was coming from Avon United Methodist Church to her property. She said since the church will be adding more concrete will there be more stormwater and where will it go.

Mr. Cummins, City Engineer, stated there is not much change, but Mr. Baldwin could address that comment further.

Mr. Baldwin, Bramhall Engineering, said the removal of the existing driveway for the pavement is within a couple of thousand square feet of impervious surface to what is being installed. He said there is not much change to the storm run-off from the existing site to the proposed improvements.

Mrs. DeBottes was satisfied with that answer and said thank you.

Mr. Cummins stated there is one outstanding drainage issue that is being worked through with the applicant and if action is taken, he would request it be contingent upon final engineering approval.

Ms. Fechter, Planning Coordinator, asked if the next agenda items could be contingent upon final engineering approval, as that issue should be addressed in the next couple of weeks. She believes the project would be ready to be presented at the January City Council meeting. She suggested a positive recommendation for the Special Use Permit and contingent approval for the Minor Modification project.

Mayor Jensen stated Avon United Methodist Church has been working with the city and the schools in which a grant was received. Mayor Jensen asked Mr. Cummins to contact the church to make sure the entrance is back far enough to where the widening would take place and to follow up with Mr. and Mrs. DeBottes to make sure they know what the project would look like before it begins. He said the reason they are removing one of the drives is because of any future improvements that could be made on the roadway. He said having 2 driveways so close together and a possibility of a traffic light when the final road improvements are completed, and the church is willing to make one of those full access further away. He believes for safety and other reasons it could coexist easier than it did before. Mayor Jensen thanked the church for working with the City.

Mr. Cummins acknowledged Mayor Jensen's request to reach out to the Avon United Methodist Church and Mr. and Mrs. DeBottes.

There were no other comments or questions.

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 a new driveway and parking lot expansion to include 26 additional parking spaces at 37711 Detroit Road. The vote was: "AYES" all. The Chair declared the motion passed.

4. **Avon United Methodist Church, 37711 Detroit Road, Minor Modification, PL20240059**
Bramhall Engineering representing Avon United Methodist Church is requesting approval of the parking lot improvement plan to include removal of the eastern drive, widening of the western drive and the addition of 26 parking spaces at 37711 Detroit Road.

Tom Baldwin, Bramhall Engineering, 801 Moore Road, Avon, Ohio 44011.
Micah Hall, Avon United Methodist Church, 37711 Detroit Road, Avon, Ohio 44011.

Mr. Baldwin, Bramhall Engineering, stated he had no other comment.

There were no other comments or questions.

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 parking lot improvement plan to include removal of the eastern drive, widening of the western drive and the addition of 26 parking spaces at 37711 Detroit Road contingent on final engineering approval. The vote was: “AYES” all. The Chair declared the motion passed.

5. Providence Church, 35295 Detroit Road, Amend Special Use Permit, PL20240061

AODK Architects representing Providence Church is requesting a positive recommendation to City Council to Amend the Special Use Permit for a 13,000 square foot building addition at 35295 Detroit Road.

Nate Scott, AODK Architects, 14394 Detroit Avenue, Lakewood, Ohio 44107.
Joe Moore, AODK Architects, 14394 Detroit Avenue, Lakewood, Ohio 44107.
Denny Abbuhl, Providence Church, 35295 Detroit Road, Avon, Ohio 44011.

Ms. Fechter, Planning Coordinator, stated one agenda item is for the Special Use Permit and one agenda item is for the Final Development Plan. She asked Mr. Gasior what order the agenda items should be listed.

Mr. Gasior, Law Director, stated it doesn't matter because the Special Use Permit item is presented to City Council and if there are any contingencies that have not been met in the Final Development Plan the ordinance will not proceed to City Council.

Mr. Scott, AODK Architects, stated Providence Church is proposing a 13,000 square foot addition at the southwest portion of the existing building. He said this is part 1 of a 1 story addition and 1 part of a 2-story addition which includes a multipurpose space that is a 2-story volume but 1 story is being used. It is also a classroom addition which will be used for some general use classrooms on the first floor, a youth room on the second floor, a 1 story connector that provides access between all the existing church uses and the parking lot to the south of the building.

Ms. Fechter indicated she would request contingent approval of the building plan because a response to city comments has not been received. She said time is needed to receive the response from AODK and distribute the response to the city departments for review to ensure that all comments have been addressed. She said due to the holidays she is not certain of the timing in which the comments could be addressed for the Special Use Permit to be presented at the January 6, 2025, is the City Council meeting.

Mr. Scott indicated that the responses would likely be provided by December 20, 2024.

Ms. Fechter said she is not sure the comments could be made by the city staff because of the availability of staff due to the holiday.

Mr. Gasior stated he would not present an ordinance to City Council if all the issues have not been addressed for the Final Development Plan. Mr. Gasior stated there will be council meetings on

January 6th and January 20th. He said if the issues are not resolved by the January 6th meeting, then it would need to wait until January 20th and the council vote meeting is January 27th.

Mr. Scott stated he understood.

Mr. Radcliffe stated he noticed the plan, says Phase 1 and indicated Providence Church presented a parking lot expansion not too long ago. He stated this project is being presented soon after the last project. The residents had concerns about the previous project, and he is apprehensive about moving the project forward so quickly without having various issues with the project completed and what else could be coming that we don't know about.

Ms. Fechter stated the parking lot expansion was Phase 0, the Classroom/Gymnasium Project is Phase 1, and another Parking Lot Expansion will be Phase 2.

Mr. Scott wanted to clarify that Phase 2 would be another building addition towards Detroit Road but there would not be any additional parking associated with that building phase. He said Phase 0 was all the parking expansion that was needed to meet the current needs, and Phase 1 would not impact that.

Mr. Abbuhl indicated what Ms. Fechter was referring to in Phase 0 was the south parking lot expansion and the project was not completed in time for the asphalt plans. The north parking lot expansion is completed but the south parking lot is not completed and is still in process. The parking lot expansion project has already been approved previously by Planning Commission.

Mr. Radcliffe stated the parking lot expansion project had a considerable number of residents' concerns.

Ms. Fechter stated she believed the residents were concerned about the removal of the trees and the condition of the site that would be left. Unfortunately, due to some state requirements we believe that the portion of the land will not be completed for another several months while that process is worked through. Mr. Abbuhl and several other residents have been in constant contact with the landscaping of the site and when the work will resume.

Mr. Abbuhl added with the Phase 0 project, the parking lot expansion, he didn't realize the residents at the Shakespeare Condominiums were not notified by their HOA. He said recognizing when that situation occurred prior, Providence Church held 2 community open houses recently to discuss the project to the surrounding residents and make a presentation to explain the project. He said there were about 20 people that attended the community meetings.

Mr. Radcliffe said he is pleased those meetings were held.

Tasha Forchione, Resident, 2710 Covington Place, Avon, Ohio 44011. She stated it may be premature, but she has concerns about what could happen next. She lives at the end of Covington and said the plans look beautiful, but she shares the concerns about the trees continually being removed and she wondered how far back the construction will go. She is not sure if this project will reach where she lives although she shares the concern of the other residents.

Mayor Jensen stated the more questions that are asked now the more prepared you can be for the future development. He suggested she give her contact information to Susan Pintz, Planning Secretary, and she can be notified when things move forward and if she has concerns, she can contact the city to be informed of the future plans. The church has tried to work with the surrounding residents to be as accommodating as possible. The city notifies the adjacent property

owners of public meetings. There are certain challenges that can occur with the development of these phases.

Ms. Forchione said she wants to be fair to the church because they were there before the residents were there and they offer a service to people in the community.

Ms. Fechter stated a Special Use Permit means when there is a use in a residential district that is different than a residential district. The church is permitted to go there with a special use, but that special use allows the city to set parameters around how the facility is being used so if they violate that the city has the ability to have them appear before the city.

Ms. Forchione said thank you.

Mayor Jensen stated he understands the church is working with the Army Corp with regard to the development of the south parking lot. He asked what the chances of the project not moving forward. If the building is being built, additional parking will be necessary.

Mr. Abbuhl says as he understands the process, the church has filed the after the fact permit with the Ohio EPA, the Army Corp of Engineers determined that it was the Ohio EPA jurisdiction. The church is waiting on that application to work through the process and then they will submit payment for their Wetland Mitigation Credit and proceed. He is operating with the understanding that they are waiting for the process to be adjudicated but they were given the option to mitigate and proceed or return it to the condition it was, and the Providence Church chose to proceed, and they are moving forward.

Mayor Jensen asked if it was correct that the occupancy could not be obtained.

Mr. Cummins stated those things have not been confirmed yet. He said as far as the amount of parking is needed for the existing building; he doesn't have that number available.

Ms. Fechter stated she is also waiting for the parking count information.

Mayor Jensen said if the new addition was being built and something went wrong with parking it could pose a problem with the parking situation.

Mr. Cummins agreed.

Mayor Jensen stated he has no issue with the building addition moving forward but if something goes wrong it could cause an issue with the parking situation as it stands today.

Ms. Fechter said the parking count can be reviewed with the current project as well.

Mayor Jensen wanted to confirm the new addition will not be taking up any of the existing parking.

Mr. Scott indicated that it is correct, it will not.

Ms. Fechter stated the parking has been added to the north area just not the south area.

Mr. Cummins asked if they had built the parking site that was proposed, and it isn't all paved and the Wetland issue is beyond that to the south or that has prevented the Providence Church from building some of the parking.

Mr. Abbuhl said the church chose to cease construction until this issue was resolved. He said the south parking site has not been constructed. They have 40 spaces at the north parking site. The south parking needs to be finished.

Mr. Fitch asked how many parking spaces there will be to the south.

Mr. Abbuhl said there are approximately 200 parking spaces.

Mr. Radcliffe stated there is a lot of verification that is needed to move forward. He asked if there is any need to move this project forward now.

Mayor Jensen said he doesn't have an issue with moving forward because they will need to bring in their revised plans.

Ms. Fechter stated this will not move forward to City Council until all the issues are resolved.

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 a 13,000 square foot building addition at 35295 Detroit Road. contingent on final engineering approval and response to comments. The vote was: "AYES" all. The Chair declared the motion passed.

6. **Providence Church, 35295 Detroit Road, Final Development Plan, Phase 1, PL20240058**
AODK Architects representing Providence Church is requesting approval of the Final Development Plan for construction of a 2 story 13,000 sq. ft building to include a Gymnasium, Classroom and Student Lounge to accommodate morning, day and evening activities at 35295 Detroit Road.

Nate Scott, AODK Architects, 14394 Detroit Avenue, Lakewood, Ohio 44107.

Joe Moore, AODK Architects, 14394 Detroit Avenue, Lakewood, Ohio 44107.

Denny Abbuhl, Providence Church, 35295 Detroit Road, Avon, Ohio 44011.

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 construction of a 2-story 13,000 sq. ft building to include a Gymnasium, Classroom and Student Lounge to accommodate morning, day and evening activities at 35295 Detroit Road contingent on final engineering approval and response to comments. The vote was: "AYES" all. The Chair declared the motion passed.

7. **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. First Presentation held on October 16, 2024; Second Presentation held on November 20, 2024.

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

Ms. Fechter asked for this item to be tabled until the January 15, 2025 meeting. She has been in conversation with the owner and the real estate agent. She has expressed the concern the city has to revise the code to allow this use throughout the city and even though they have had those conversations she has given them the option to remove their item from the agenda or make a vote in January. She should be informed of their decision by the beginning of the year.

Mr. Malloy moved, seconded by Mayor Jensen, to table to the January 15, 2025 meeting. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Mayor Jensen, Merry Christmas and Happy New Year

Mr. Malloy Merry Christmas and Happy New Year.

Mr. Radcliffe Merry Christmas to all.

Mr. Fitch, Merry Christmas.

Ms. Fechter, Merry Christmas and all the best to everyone in 2025

Mr. Cummins, Wishing everyone a safe and happy holiday season

Mr. Gasior Merry Christmas and Happy New Year.

Mrs. Clements had no comment

Mr. Streator 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 7:42 p.m.

Carolyn Witherspoon, Chair
Planning Commission

Susan Pintz, Planning Commission and
Zoning Secretary

Date