

Minutes of the Planning Committee of Stow City Council Meeting held on Thursday, July 9, 2015, at 5:34 p.m.

Committee Members Present: Adaska, Pribonic, Lowdermilk & Razor

Other Council Members Present: Costello, D'Antonio & Riehl

City Officials Present: Mayor Drew, Law Director Zibritosky, Director of Budget & Management Earle, Service Director Wren, Deputy Service Director Brooker, Police Chief Film, Fire Chief Stone, Manager of Information Systems Germano, Parks & Recreation Director Nahrstedt, City Engineer McCleary & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

Mr. Adaska called the meeting to order.

Approval of Minutes

MOTION:

Mr. Adaska moved and Mr. Razor seconded to approve the Minutes of the Planning Committee Meeting of June 25, 2015 as circulated.

Yes Votes: Adaska, Pribonic, Lowdermilk & Razor

No Votes: None. The motion carried.

Business Items

Sign Variance – Tip Top Restaurant – 3418 Darrow Road (PC 2015-012)

Mr. Kurtz stated this was a request by William Bender of K-Lite Signs, Inc. and Tim Correia, the property owner, for Council's approval of a variance to permit the construction of a pole sign for the Tip Top Restaurant at 3428 Darrow Road.

The applicant is proposing to construct a pole sign 6 square feet in area and 16 feet in height. The proposed sign is proposed to be located east of the restaurant, 10 feet from

the Darrow Road right-of-way. The sign will be housed in an aluminum cabinet. The base will be a painted metal cabinet 3 feet in width. There will be a changeable copy section of the sign as well.

There is precedence for this type of sign in the area, for example, Long Shoes, Christy's, Falcon Electrics and Marhofer Chevrolet. The property is somewhat unique in that the parking lot is adjacent to S.R. 91. The Planning Commission believed the variance was justified considering a monument sign at this location would cause a sight hazard there and the property was a little bit lower, so it would be harder to see a shorter sign.

The Planning Commission recommended approval of this request at their last meeting.

Bill Bender
K-Lite Sign Co.

Mr. Bender was sworn-in.

Mr. Bender stated he was the sign contractor. He introduced Mr. Correia, the owner of the restaurant. He passed out a plan for the landscaping and curbing.

Mr. Bender stated that he liked the design for the landscaping. However, he didn't have any other comments.

Mr. D'Antonio stated that area sits awful low compared to the street if he read the minutes right. That was some of the reasons for the variance for the height.

Mr. Bender stated that was why it was high and a long, rectangular sign. It had some lines of changeable copy so they could spell out words.

Mr. Adaska asked in relation to the new Marhofer Chevrolet sign, what was the difference in the heights? Mr. Kurtz stated they were going to be pretty significantly different.

The Marhofer sign is 28 feet in height. It is 72 sq. feet in area. Therefore, it is a little bit larger sign. The new Marhofer sign will be the same size as the existing sign. That sign is also further back. It is over 20 feet off of the right-of-way into the new parking lot. That one is setback quite a bit.

MOTION:

Mr. Adaska moved and Mr. Pribonic seconded to assign a number to the sample legislation and send it on to Council.

Yes Votes: Adaska, Pribonic, Lowdermilk & Rasor

No Votes: None. The motion carried.

Mr. Adaska stated this item would be placed on tonight's Legislative Agenda.

Amend Code – Creation of the Gilbert Road Overlay District (PC 2015-011)

Mr. Kurtz stated this proposed Gilbert Road Overlay District was recommended for approval at the Planning Commission's last meeting.

This area, Gilbert Road/Gilbert Lane, is somewhat isolated. It is located adjacent to a commercial development and S.R. 8. The property is zoned R-3 Residential. It is adjacent to the Lowe's/Wal*Mart development, which is zoned C-4 General Business. The property south of Gilbert Lane is zoned C-3 Community Retail and is occupied by the Stow-Falls Plaza.

The 2001 Comprehensive Plan recommended office and flex office uses for this area. There are currently nine single-family homes within the area. Mud Brook and a tributary of Mud Brook serve as the western and northern boundaries of this area. He pointed out a kind of jagged, yellow line on the screen.

With this proposed district, R-3 Residential remains the underlying zoning district, so whatever is permitted now in the R-3 District will continue to be permitted just as it is. The overlay is just that. It is an overlay over the line of the existing zoning district which adds additional uses provided that they follow the development standards for those additional uses. It is similar to the Darrow Road Overlay District and the Stow-Kent Overlay District in Stow.

The additional uses permitted in this overlay district would be cluster single-family dwellings, attached single-family dwellings with a maximum of four units attached, two-family dwellings, townhouses, apartments and accessories for those items. In terms of the additional office uses, administrative, medical and professional offices, research-testing laboratories, financial establishments and adult and child daycare centers, they actually are already conditionally permitted in R-3 Districts.

The basis for the standards were based on our Multi-Family District (Chapter 1171) and the C-7 Office Uses. Procedures were adopted from our Darrow Road Overlay District so if someone is inclined to apply for a project in this area, they would have to follow the conditional use procedures for that. They would have to be recommended by the Planning Commission and approved by Council.

It was a slight variation from the City's Comprehensive Plan. The Comprehensive Plan in 2001 suggested just office uses. They had added to that multi-family as well, given that it was kind of a unique location along S. R. 8.

Mr. Adaska stated, regarding Section 1160.04(b)(3), Financial Establishments, during the Planning Commission's discussions, there was little discussion about this item due to the fact that there would be drive-thru banks that could apply for an operation in this area. He thought the Planning Commission members were concerned about drive-thrus.

Mr. Kurtz stated Mr. Adaska was right. Right now in our Zoning Code, a drive-thru is a separate listed use, so a drive-thru would not be permitted in the overlay district. Mr. Adaska asked even though it says financial establishments? Mr. Kurtz stated yes. It has to be a financial establishment that doesn't have a drive-thru. Those are possible.

Mr. Rasor stated at first blush, he thought this property lends itself to a commercial use. He asked if they had any clue as to why the Planning Commission diverged from the City's Comprehensive Plan in terms of allowing multi-family?

Mr. Kurtz thought given the unique characteristics of the property, again, it was adjacent to S.R. 8, it was adjacent to Mud Book and it was adjacent to commercial. It was not the first thought for single-family development in terms of where you would locate that. It was possible, of course, and there were certainly single-family homes there. However, it had either a commercial nature or a multi-family nature, given other higher density multi-family units are closer to the highway. That seemed to be an appropriate use.

Mr. Rasor didn't think he would support this if it included multi-family. He didn't see a reasonable amount of ingress/egress for that part of town and he thought they had enough multi-family.

Mr. Adaska stated with the improvements on Graham Road at the intersection of Gilbert Road the roadway has been widened and improved substantially. He imagined as development takes place down Gilbert Road there will be some more improvements, as a matter of fact they were required.

Mr. Rasor thought they still had enough or too much multi-family in his opinion so he probably wouldn't support it.

Mr. Lowdermilk stated there was actually a cul-de-sac back there that wasn't shown on the map. Mr. Kurtz stated that was the little bump that you see on the map. Mr. Lowdermilk thought that any development would require some type of cul-de-sac or some kind of permanent...

Mr. Kurtz stated it depended on what the property was being used for. It probably would not likely be a public road. Development, most likely, would be for private. He doubted there would be an extension of the public road. That would be surprising to him.

Any proposed development that would occupy the existing property there would probably not be an extension of the public road. He could be wrong. It was possible. However, if they proposed a public road, they would obviously have to build it to the City's standards.

Mr. Lowdermilk asked in the process even though this zoning would be changing, if there were still a lot of steps that the developer would have to follow to get anything approved before actually building? Mr. Kurtz stated if this was adopted by Council and someone brought in a multi-family development proposal, it would have to follow the site plan conditional use process. So, the Planning Commission and City Council would have to review and approve it.

Mr. Lowdermilk stated his point was even though it may say permitted, it wasn't something somebody was going to go into Mr. Kurtz' office tomorrow, get a permit and start building. Mr. Kurtz stated he wouldn't be able to issue a permit at this point no.

MOTION:

Mr. Adaska moved and Mr. Lowdermilk seconded to assign a number to the sample legislation and send it on to Council.

Yes Votes: Adaska, Pribonic & Lowdermilk

No Votes: Razor. The motion carried.

Mr. Adaska stated that the item would be added to tonight's Legislative Agenda.

Leanne Gray
3619 Caleb Ave.

Mrs. Gray was sworn-in.

(Some of Mrs. Gray's comments were not picked-up because she did not speak into the microphone.)

Mrs. Gray stated they had the initial opportunity to hear about this at the Planning Commission Meeting.

A lot of this area is heavily wooded. It is adjacent to a lot of woods that continue back across to Wyoga Lake Road. There was a lot of wildlife back there. She asked if there had been any studies done regarding wildlife replacement or wetlands? Mr. Kurtz stated he wasn't aware of any studies being done. Typically, that was done prior to the construction project.

Mrs. Gray asked if the City was going to be responsible for that themselves or were they going to leave it up to the developer of the site? Mr. Kurtz stated it depends on the site. Typically when someone applies for a development, if there is a wetland, for example, they would ask for a wetland study delineation to occur.

Mrs. Gray asked...Mr. Kurtz stated that ultimately for a wetland determination the property owner was responsible for retaining somebody to do that. Then, our engineering and planning departments would review it.

Mrs. Gray asked if they didn't do their responsibility to supply that, who would catch that? Mr. Kurtz stated planning and engineering would have to catch that.

Mrs. Gray stated when Wal*Mart and Lowe's went in, there was a significant ...that really created a lot of problems...There was a lot of wildlife and wetlands back there.

Secondly, when multi-family or apartments come in, they...There were kind of a lot of apartments that could go in...That was really, really... really attractive and...has permit updates in terms of the road itself.

Gilbert Road is a dead-end road. If you put a lot of multi-family units or apartments back there, your choice of coming in and out would either be thru Gilbert, which snakes your way between Lowe's and Wal*Mart, which really isn't a road. She asked if there was any chance they could consider maybe continuing Gilbert Lane across thru to like Caleb and then maybe providing a traffic light at Caleb or...

Mr. Kurtz thought extending Gilbert Road in any direction was very unlikely. Mrs. Gray stated Gilbert Lane. Mr. Kurtz stated both. He wouldn't anticipate that.

Mrs. Gray stated so you can...on interrupting traffic to the light at Gilbert and then people would have the option of winding their way thru the...Mr. Kurtz stated that each development would have to be reviewed on its own merit.

For example, the corner of Gilbert Lane and Gilbert Road would have to be reviewed again on its own merit whether or not or if it was at the end of Gilbert Road. It was hard to answer about a hypothetical project until you knew the exact location. Mrs. Gray didn't think it was very hypothetical.

In terms of the families who still live there, if apartments go in on the surrounding adjacent properties, what kind of requirement are you going to have for protecting the homes and properties? Was it a matter of a traffic barrier, enhanced landscaping or what?

Mr. Kurtz stated there were development standards in-place. For example, there would be a greater setback for a larger building - forty feet as opposed to twenty feet. In addition to that, there would have to be landscaping and/or mounding.

That was the idea. Again, it was in the purpose statement that this overlay district has to respect and account for the existing single-family development around it because again it is a unique district, it still has single-family homes and potentially offices or multi-family development of a different nature. They have to be sensitive to that. However, he thought the standards are that.

Mrs. Gray didn't think 40' back from a...wasn't very far back. As you said, the area is so unique. It would a shame not to reconsider...

Mr. Kurtz stated just to be clear, this is the first time Council has reviewed it. The Planning Commission recommended this specific code. The next step for Council is to schedule a public hearing at least thirty days from publication in the newspaper. Then, there would be three readings of Council. Therefore, there was plenty of time to look at that. Mrs. Gray felt it would be good to look at that.

Mrs. Gray stated...the frontage pretty much...She asked if there was any chance that they would reconsider...based on moving forward with this plan? Mr. Kurtz stated anything was possible.

Some of these properties, given their nature and given the width of them, probably would be difficult to develop on their own. It was most likely that some of them may have to be combined to take advantage of these overlay district regulations.

Mr. Adaska stated as Mr. Kurtz had said, this will require a public hearing. It will be scheduled by our Clerk shortly. It will be advertised and posted. People are welcome to come back and make comments. If people's neighbors couldn't be here this evening, they could attend.

The legislation will get three readings as well. He would give the item a reading at the next Council Meeting and take any comments. Therefore, there would be plenty of time for input. It might be as much as six weeks before they get to the final vote, if they do.

Amend Code - Chapter 1153 – PRD Regulations

Mr. Adaska stated the PRD Regulations have been on our agenda for a few meetings now. He asked Mr. Lowdermilk if he had any questions on it?

Mr. Lowdermilk stated he didn't have any questions right now. However, obviously, with some of the recent things that have happened, they would probably want to hold it for another meeting.

The item was held.

Adjournment

MOTION:

Mr. Adaska moved and Mr. Lowdermilk seconded to adjourn.

Yes Votes: Adaska, Pribonic, Lowdermilk & Rasor

No Votes: None. The motion carried.

The meeting adjourned at 5:58 p.m.

Bonnie J. Emahiser
Clerk of Council

Bob Adaska
Chairman