

STOW PLANNING COMMISSION

Minutes of the Stow Planning Commission meeting held on Tuesday, January 17, 2017, at 6:00 p.m.

MEMBERS PRESENT: Mr. Brauer, Mrs. Harrison, Mr. Ross, Mr. Sprungle

MEMBERS ABSENT: Mr. Kohlmeier

ALSO PRESENT: Director of Planning Rob Kurtz
Planning Commission Secretary Pamela Daerr
Councilman Bob Adaska

PRESS REPRESENTATIVE: None

Mr. Kurtz called the meeting of the Planning Commission to order at 6:00 p.m. and asked the audience to stand and say the Pledge of Allegiance.

ELECTION OF OFFICERS

Mr. Kurtz: At this time I would like to call for nominations from the floor the Planning Commission Chairperson for the year.

Mr. Brauer nominated Rich Sprungle. Mrs. Harrison seconded the nomination.

With no other nominations, Mr. Brauer moved and Mr. Ross seconded to close the nominations.

The motion to close nominations was unanimously approved.

Mr. Sprungle was unanimously approved as Chairman.

Mr. Kurtz turned the meeting over to Mr. Sprungle.

Mr. Sprungle called for nominations for Vice-Chairman of the Planning Commission.

Mr. Brauer nominated Mr. Kohlmeier. Mr. Sprungle seconded the nomination.

With no other nominations, Mr. Brauer moved and Mrs. Harrison seconded to close the nominations.

The motion to close nominations was unanimously approved.

Mr. Kohlmeier was unanimously approved as Vice-Chairman.

APPROVAL OF MINUTES:

Mrs. Harrison moved and Mr. Brauer seconded the motion to approve the minutes of the November 8, 2016 and November 15, 2016 meeting. The minutes were approved as submitted.

BUSINESS ITEM:

**P.C. 2017-001 RAY FOGG BUILDING METHODS, INC. – PRELIMINARY PLAN APPROVAL
– SEASONS WEST**

Mr. Michael Merle of Ray Fog Building Methods, Inc. was present to represent this item and was sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Michael Merle of Ray Fogg Building Methods, Inc., applicant and Mr. Joseph Weber of BH Ohio Leasing, LLC, property owner, for the Planning Commission's approval of a preliminary plan for the Seasons West subdivision, a 120-acre industrial development located at the southwest corner of SR 8 and Seasons Road.

The property is zoned I-1 Limited Industrial. The proposed subdivision consists of one public street, "Gray Lane" that intersects Seasons Road approximately 600 feet west of the S.R. 8 south bound entrance ramp. The Preliminary Plan shows five parcels ranging in size from approximately 9 acres to 60 acres in size. A significant portion of "Lot E" located at the southern end of the property consists of wetlands and is not suitable for development.

The applicant is requesting a variance from C.O.S. Section 1123.03(c) to eliminate the sidewalk requirement; and a variance from C.O.S. 1121.02(d)(1) to install a cul-de-sac (1,900 l.f.) that exceeds the maximum length permitted (maximum 800 feet).

I have provided for you, in your package, information for the justification of the variance based on my review with Mr. Merle.

This will have to go to Council since there are variances involved. What this will allow them to do is continue with the improvement plan drawings before the final plat would be requested.

In consideration for approval I would ask the Planning Commission to consider the following terms. In terms of the waterline provide an easement to allow the City to connect the waterline loop from Treeside Drive to the proposed road. Any storm sewer should be in a City easement.

Mr. Sprungle: You want the supply line to come from Treeside Drive?

Mr. Kurtz: In terms of a waterline easement the Water Department has requested an easement to allow a waterline loop from Treeside Drive to the end of Gray Lane. The waterline will be serviced from Seasons Road but in terms of water quality it helps the overall system. So somewhere in the final plat, in order to allow us to do that, an easement has to be dedicated to us. It doesn't really impact this development, it is for a City-wide system improvement.

Apparently there is adequate water pressure at the end of Gray Lane, according to our water supervisor. Any storm sewer would need easements as well. The final calculations for the storm sewer retention areas will have to be accomplished subsequent to this preliminary plan.

A traffic study would need to be done subsequent to this preliminary plan to review the proposed intersection of Gray Lane and Seasons Road; the exit and entrance ramps and also continue to the west to determine possible road improvements that would be required.

The southern portion of Lot E which is a relatively large lot is occupied by wetlands and unsuitable soil so it is unlikely it can be developed. I spoke with the developer, Mr. Merle, about providing a conservation easement for that area to insure it won't be developed. He is amenable to that. The exact dimension of that area cannot be determined until the final Army Corp permits are obtained. The exact location of the conservation area would be drawn on the Final Plat.

If necessary they would provide any needed right of way to accommodate any future road improvements along Seasons Road. There is a fairly wide right of way at Seasons Road so it probably won't require additional right of way but just in case the Engineering Department always asks for that consideration.

Mr. Sprungle: You're saying the wetland could be developed but you are recommending they set it aside as wetland and not making it...

Mr. Kurtz: From a practical point of view there's probably an area that is not feasible to develop because there are wetlands on either side. There isn't physically enough room to access the property. The lower portion is really undevelopable.

Mr. Sprungle: We've also seen people fill in those wetlands. Are you suggesting they would make a condition that says they will not develop that wetland?

Mr. Kurtz: Yes, there should be some buffer and the developer was amenable to that. That can be established after the final wetland study is done. I think it would benefit both adjacent properties and certainly the neighborhood to the south, the Wyoga Lake Subdivision.

Mr. Ross: Do we have any Fire Department comments?

Mr. Kurtz: They didn't have any comments.

Mr. Sprungle: There's only one entrance and exit and they have no problem with the length.

Mr. Kurtz: They did not indicate that.

Mr. Ross: Could you get it in writing from them?

Mr. Kurtz: Sure.

Mr. Ross: It just seems strange to me that they don't have any comments whatsoever. I'm not questioning your statement. I just find it ironic they don't have some concerns here.

Mr. Kurtz: I think it's different than a residential subdivision.

Mr. Merle: The issue of the conservation easement, either an easement or a grant or some permanent restriction on development and preservation is going to be a condition of our permit from the U.S. Army Corp to fill the streams and wetlands that we need to fill in order to build the road. The two little pockets of wetlands in Lot E which are right in the middle of a future

possible building site will be filled as well. We are offering preservation of the lower 20–25 acres or so as mitigation to the Corp for filling those wetlands, so there is preservation of that going forward.

Regardless, that area is almost 40 foot lower than the proposed elevation at the cul-de-sac. We're resigned to the fact that this isn't developable land going forward. Mr. Weber and I have said repeatedly at our meetings with the City that we would be willing and, understand that, we are planning to put some kind of conservation easement or donate the land to some sort of conservancy or whatever in some way so it will be restricted and will not be developed.

Mr. Sprungle: You will fill in those small areas on Lot E to make it buildable but then set aside the rest.

Mr. Weber: Yes. From our perspective it is worse than it appears because in this watershed you have buffer on the wetlands and streams that almost double the size. In the case of the small wetland it would triple the size of the wetland area itself. So when we add those, the wetlands have become even more of an obstacle to development going forward. It is forested, there are streams, wetlands. There is just no way to get it permitted these days.

Mr. Brauer: What is the City's position on the wetlands proposal?

Mr. Kurtz: We certainly support the development of conservation in the lower wetlands. It provides an excellent buffer for the Wyoga Lake Subdivision.

Mr. Dave Smith – 657 Treeside Drive – Stow, Ohio – Has anybody ever overlaid the flood plains on this proposed property; 5-year, 10-year, 50-year, 100-year flood plains? All this property is prone to flood. We've seen it at least a couple times. Is that something we want to do or is that something the Army does.

Mr. Kurtz: We have that information, let me pull it up. This blue area [pointing to the screen] is the floodway; this is [pointing to the screen] the 100-year and this yellow [pointing to the screen] is the 500-year. You can see the floodplain here [pointing to the screen]. We only have preliminary wetland information and this isn't the final, but it looks like it corresponds to their preliminary plan as well. You are correct there is a flood plain associated with this property.

Mr. Smith: You can see it also goes beyond the property lines too. So if any kind of drainage or anything like that would be taken care of properly that could come to the neighborhood.

Also I wondered does this type of development typically increase property values to the properties that are that close, or decrease in your experience?

Mr. Merle: I can't speak to that because I don't have any expertise in residential property. What I can tell you is that a 20-25 acre buffer is significant. It's several hundred feet and it is heavily wooded. I don't think that industrial development would even be noticeable from the residential areas.

Mr. Smith: Are the buildings going to be two-story, or three or four?

Mr. Merle: The buildings are going to be very much like the two buildings on Scarlet Lane.

Mr. Smith: Would that be considered a four-story building? They look tall. Without windows I can't count stories. Would it be equivalent to a four-story or a five-story building?

Mr. Merle: They are 40 feet tall. That would be equivalent to a three-story. Stories are typically 13-15 feet.

Mr. Smith: That's what we are to expect beyond the buffer. Is the buffer the same thing as the conservation zone?

Mr. Merle: It can be.

Mr. Smith: But it's not always. I don't know what a definition of a conservation zone is. Is that something the Army Corp of Engineers designates or does the builder do that?

Mr. Kurtz: A buffer is a generic term. Buffer just means some space between a development and your neighborhood property. A conservation easement can be in a couple of forms. The important thing is that it is legally described and recorded.

When their final plat comes it will be on that plat either in a separate parcel or it will be described and more importantly located on the plat that the area cannot be developed. Or if it can be developed, maybe you are allowed to put trails there for example. It is a legal recorded document that says what you can do on that property and more importantly what you can't do on that property.

Mr. Smith: It's probably very important to the homeowners on Treeside Drive to make sure we get enough buffer or conservation district from this development. Who's going to help us with that? Bob is that something you'd do as a councilperson.

Mr. Adaska: (speaking from the audience) it's a joint effort. Council as a whole [inaudible] and our Planning staff as well [inaudible].

Mr. Ross: They more than exceed the required buffers in the code already. Your concerns are the setbacks or the buffers they are talking about far exceed the requirements that are already in our code for any other development.

Mr. Sprungle: In other words a buffer could be dry land. It could be buildable land but create a buffer. In this case there is a natural buffer; a necessary buffer because of the wetlands which as Mr. Ross indicated is in excess of what would be normally required for a buffer.

Mrs. Harrison: And having somebody willing to set it aside as a conservation area would protect it. It would be more than a buffer it would be described in the Plat.

Mr. Bob Adaska – 645 Treeside Drive – Stow, OH – This question is for the developer. Currently there are three gas wells that I know of coming off of Seasons Road on this property. What is your plan for those three gas wells?

Mr. Merle: The gas wells will be closed as needed. There is no sense closing a gas well now if we don't have a project at that location. The landowner has acquired complete control of the wells and has indicated he can close them with 60 days' notice going forward. As we develop a building site and there is a gas well on that site, then we will close that well and remove it.

Mr. Adaska: That makes sense because some of the sale lines across the ground are quite shallow. If you are going to be doing some excavating we want to make sure you don't trip up any of those existing pipes.

Stormwater - recently the City of Stow replaced the stormwater culvert under Treeside Drive that handles the flow from Mud Brook. The City opted to replace that culvert in the same size as the one that was rusted out. One of the main reasons they decided not to change the volume of that pipe is they would have had to go through the EPA and it was a lot more difficult to do that.

During the past storm we had last week, I watched the flow of water going through the new culvert and it was down about 25% of its total volume through there. That wasn't that big of a storm although it was pretty big. But we have to make sure that we don't allow too much more water through that area because the two gentlemen in the audience and myself have been here for quite some time on Treeside Drive and we've seen the flooding that goes on there. It comes out of the culvert, crosses over Treeside Drive and it's a mess for days. Sometimes you can't even drive through there.

The City really couldn't increase the size of that culvert because it could have flooded out the people down stream. That was also a problem too.

Our only protection is what we have right now on that site. If a lot of excavating goes on and things aren't handled properly the neighborhood is going to feel the brunt.

Mr. Sprungle: Let's say they set aside the bottom 20 acres for the sake of talking. Then somebody comes and decides they want to build on that parcel. It is possible that they would also be required to put in a detention pond.

Mr. Kurtz: Absolutely. The set aside is not going to be detention. In fact they probably won't be allowed to do any detention in that conservation area.

Mr. Sprungle: If they are putting in hard surface they are going to have to hold the water back.

Mr. Kurtz: Right now this area has absolutely no detention other than whatever is natural. Whenever the plans are reviewed, they are subject to the Mud Brook Watershed stormwater regulations which are stricter than outside of the Mud Brook Watershed. To think there will be more detention taking place after development compared to what there is now because there is no detention right now.

Mr. Sprungle: You would have the wetlands which do provide some but you would have detention.

Mr. Kurtz: You would have manmade detention.

Mr. Ross moved and Mr. Brauer seconded the motion to approve P.C. 2017-001.

Planning Commission recommended approval of the Preliminary Plan subject to the developer providing a water line a water line easement to enable an extension of the waterline to Treeside Drive; preserving a significant area for conservation at the southern end of the property (final area is to be established after Army Corps wetland permits are obtained); developer providing right-of-way to accommodate future road improvements/widening if necessary; and Council granting the requested variances.

Planning Commission determined that the variances were justified according to the criteria in 1137.03(2).

YEA: Sprungle, Brauer, Harrison, Ross.

NAY: None. The motion passed 4-0.

OTHER

Mr. Ross: I would request that when we have issues like this that are germane to the Fire Department that we have something on the record in writing so we can review their concerns.

NEXT MEETING:

The next scheduled meeting is scheduled February 14, 2017.

ADJOURNMENT:

Mr. Ross moved and Mr. Brauer seconded the motion to adjourn the meeting. The motion was unanimously approved and the meeting was adjourned at 6:34 p.m.

Richard Sprungle
Planning Commission Chairman

Pamela H. Daerr, CPS
Planning Commission Secretary