

## **STOW PLANNING COMMISSION**

Minutes of the Stow Planning Commission meeting held on Tuesday, February 28, 2017 at 6:00 p.m.

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

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Director of Planning Rob Kurtz  
Planning Commission Secretary Pamela Daerr  
GIS Coordinator Steve Gibbons

**PRESS REPRESENTATIVE:** None

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Mr. Sprungle called the meeting of the Planning Commission to order at 6: 02 p.m. and asked the audience to stand and say the Pledge of Allegiance. Roll call was taken.

### **APPROVAL OF MINUTES:**

Mr. Kohlmeier moved and Mr. Brauer seconded the motion to approve the minutes of the February 14, 2017 meeting. The minutes were approved as submitted.

### **BUSINESS ITEMS:**

#### **P.C. 2017-002: GILBERT LANE VACATION**

Mr. Kurtz: This is a request by Mr. Ronald Anderson of Universal Development, property owner, for the Planning Commission's approval of the vacation of Gilbert Lane. Gilbert Lane is a public road that is approximately 600 l.f. in length located west of Gilbert Road and north of Graham Road.

The vacation of this road was a condition of approval in the Quail Creek (formerly known as Gilbert Crossing) PRD approved in 2016 (P.C. 2016-022 & Res.2016-132). When public rights-of-way are vacated, the former right-of-way is split and ½ of the property is transferred to the abutting land owners. The abutting property owners in this case include Universal Development to the north and the Stow Falls Shopping Center to the south. The City shall retain any necessary utility easements within the former right-of-way.

This was a condition of approval. Conditions for approval for this would be the Engineering Department Approval of the Final Vacation Plat along with any necessary utility easements within the vacated right of way.

Mr. Sprungle: What utilities would the City have to be responsible for?

Mr. Kurtz: There is a storm sewer and a sanitary sewer which is not a City utility but a county utility.

Mr. Sprungle: But they wouldn't be in use so there wouldn't be much maintenance.

Mr. Kurtz: The storm sewer would definitely have to be described in an easement as well as the sanitary sewer for Summit County.

Mr. Sprungle: Would the sanitary sewer connect to this development?

Mr. Kurtz: I don't know exactly if that would be the connection. I know it goes directly along Gilbert Road. Eventually it will connect to the sanitary system but I don't know if it actually connects to that particular one.

Mr. Kohlmeier: I think there's a trunk that goes along Mud Brook that it might tie into.

Mr. Sprungle: Does the City have any issues with this?

Mr. Kurtz: No. This is consistent with the approval, so we would support this.

Mr. Kohlmeier: Shouldn't one of the conditions be the replat. Won't those lots be landlocked if they don't replat.

Mr. Kurtz: The vacation plat includes combining all those lots as one lot.

Mr. Kohlmeier: So one of the conditions of vacating Gilbert is done simultaneously with the replatting of the development.

Mr. Kurtz: That's correct and you can see the heavy line [pointing to the screen] vacates all those lots. It is done on the same plat.

Mr. Kohlmeier: Does approval of the replat come before us?

Mr. Kurtz: No. This is a vacation plat and a consolidation plat. The Planning Commission has already approved the vacation of Gilbert Lane subject to the original approval. This is almost a formality. We have already made that recommendation. Council ultimately has to agree to the vacation of that right of way. That can't actually occur until probably March 23, 2017, because they have a notice period that has to take place. I think that is the soonest they can act on it unless the other abutting property owner waives his rights.

MOTION: Mr. Kohlmeier moved and Mr. Brauer seconded to approve P.C. 2017-002.

**Planning Commission recommended approval subject to the Engineering Department approval of the final vacation plat (plat to include any necessary utility easements within the vacated right-of-way and the consolidation of the lots for the development.)**

YEA: Brauer, Harrison, Kohlmeier, Ross, Sprungle.

NAY: None. The motion was passed 5-0.

**P.C. 2017-005: RICHARD VITULLO - LOT SPLIT WITH VARIANCES; 4063-4067 BECKLEY ROAD**

Mr. Mark Vitullo – 3564 Adaline Drive – Stow, Ohio was present to represent this item and was sworn in.

Mr. Kurtz: This is a request by Mr. Richard Vitullo, property owner, for the Planning Commission's approval of a lot split with variances to create a new lot on Baird Road.

The existing lot is a double frontage lot or "through lot" per C.O.S. 1133.01(b) [78], and is 100 feet in width by 230 feet in depth. There is an existing two-family dwelling located at 4063/4067 Beckley Road that was constructed in approximately 1969. The existing lot is proposed to be split into two equal lots each 100 feet in width by 115 feet in depth in order to create a new single family building lot that would have frontage on Baird Road.

Since 1991, there have been ten lot splits with variances approved on lots with frontage on both Beckley and Baird Roads. The subject lot is highlighted here [pointing to the screen] and these are all lots [pointing to the screen] that are split. Some before the early 90's but this shows the lots that have been approved since 1991 in this area. This would be number 11 [pointing to the screen].

Most of them are single family. There are couple here [pointing to the screen] that had a two-family on a separate lot.

The applicant has provided Planning Commission the criteria that is used 1137.03 in terms of justifying the variance he is requesting.

One criteria that has to be, I think, taken into consideration is by granting this variance is this going to afford him any favor that other lots on this street have not received and that would not be the case. Other lots have received variances. You could probably argue that there would be a benefit to creating a new single-family dwelling lot that fronts on Baird so it is no longer a back yard on Baird.

The applicant is requesting the following: a variance from 1143.03 to create a lot 11,500 square feet in area (minimum of 12,000 square feet required); a variance from C.O.S. 1163.03 (18,000 square feet required for a two-family dwelling); a variance from C.O.S. 1121.05(f) to reduce the lot depth to 115 feet.

Mr. Brauer: If the applicant hit all of those criteria, these lot splits could become a little bit more favorable.

Mr. Kurtz: When Planning Commission reviews variances, those are the criteria being used. It's not necessarily that it meets all of them. Some may apply and some may not apply. It's guidance for Planning Commission to determine if it should or should not be supported. That is just one of them when looking at the variances on the adjacent street and should be taken into consideration.

Mr. Brauer: Does the Planning Department support this?

Mr. Kurtz: Yes.

Mr. Sprungle: There are 10 lots that are approved. Were there ever any brought to Planning Commission in the past that were not approved.

Mr. Kurtz: There was at least one. They are not on this list because they weren't approved by the Planning Commission. They were approved by Council.

Mr. Sprungle: In other words Planning Commission did not approve them but Council did.

Mr. Kurtz: Yes. I recall further north I pulled up one that was not approved by Planning Commission but was ultimately approved by Council.

Mr. Ross: We have granted variances to create two-family units at less than 18,000 square feet.

Mr. Kurtz: That is correct.

Mr. Kohlmeier: What's the zoning for this area?

Mr. Kurtz: R-3.

Mr. Kohlmeier: I'm wondering if we should be creating some kind of overlay district here. It seems like if this is the intent that these would all kind of go this way. It seems such an odd thing to have these double frontages. You don't see that anywhere else in the City.

Mr. Kurtz: It's true it is odd. I don't know when this subdivision was platted. Probably in the 40's or maybe in the 50's and we're stuck with a street with a through lot; but to go through the effort to create an overlay district when you can review an individual request.

Mrs. Harrison: How many lots are left that aren't split?

Mr. Kurtz: That is a good question.

Mr. Sprungle: From the looks of it, some of them are going to have a hard time because they have a further setback. In fact according to the picture here the lot next to it has a pool. They wouldn't be able to split the lot unless they vacate the pool.

Mr. Kurtz: I see one here [pointing to the screen] that already has structures that would make it difficult. One here [pointing to the screen], maybe here [pointing to the screen]. The other thing to think about on this particular lot is this lot is over 100 feet wide where most of the lots are 80 feet wide. If you look at that plat it very nearly meets the minimum 12,000 square feet. It is 11,500 square feet which is much larger than most of them that were 9,600 square feet because they were 80 feet by 115 feet. This is probably the larger of the lot splits that have been reviewed.

The lot here [pointing to the screen] and the remaining dwelling here, this lot here [pointing to the screen] doesn't meet the lot area but there is still a 40 foot setback between the existing dwelling and the proposed new lot, maybe it would be 30 feet.

Mr. Kohlmeier: It looks like Vira has the same double frontage. Are those the only two streets in the City that do that?

Mr. Kurtz: I believe so. Those are the first that come to mind in this area. There are a couple streets, Vira Road and Pardee Road.

Mr. Kohlmeier: They are both zoned R-3.

Mr. Kurtz: That is correct.

Mr. Ross: If they comply with all the future setback requirements and these variances are granted, what kind of buildable areas are left on the vacated proposed lot split?

Mr. Kurtz: If it is 100 feet wide, they would have a building envelope of 84 feet wide by 45. So they have adequate room. It has been done before.

Mr. Ross: How many of these lot splits have had two-family homes built on them? Do we know?

Mr. Kurtz: There may be more than two but there are two that come to mind that were approved.

Mr. Ross: This is predominately single-family.

Mr. Kurtz: Mostly. There are more single family than two-family. You have a two-family there [pointing to the screen] and a two-family here [pointing to the screen]. I'm not sure why there's not a lot there, maybe that's just a mistake. And a two-family there [pointing to the screen] but that is on four lots; so two out of the ten were two-family.

Mr. Kohlmeier: I think in general I would oppose splitting lots if you don't meet all the criteria but this seems like the one case where it seems to make sense. It has frontage on both sides. It almost seems like that is the way it should have been platted to begin with. The advantage is if there is ever any assessed work that happens on these streets it gives you more people to help support the project. It becomes cheaper for you if you ever have to repave the road or some sort of major improvement, it does benefit to have more owners fronting.

Mr. Kurtz: The safe thing, if you will, is there are not that many through streets in Stow. If you are worried about setting a precedent elsewhere it is very different. The criteria says in this district, and we're not talking about this district, we're talking about it being consistent with what is on this street, not the R-3 district in general but these two streets and Vira Road and Pardee Road. There is a strong enough case that Planning Commission could, if they were so inclined, make that argument.

Mr. Ross: Mr. Chairman, are we going to vote on these variances separately or as a group?

Mr. Sprungle: I was thinking as a group. Are there some we should not?

Mr. Ross: My preference would be to do them individually because I think preserving the character of the single-family neighborhood is important and I'm not sure I could support the request to do the 18,000 square foot for a two-family.

Mr. Kurtz: You can vote on them individually or you can discuss them individually but if one of them doesn't pass then the lot split doesn't pass. You are recommending for or against creating this lot split.

Mr. Ross: How does that happen? He is requesting three variances only one of which would say he couldn't split the lot if it was voted against. I guess I am missing something.

Mr. Kurtz: If he puts a line down and creates a 100 foot by 115 foot lot width, those are the variances required to create that lot. He would have to reconfigure his proposed lot split. I'm not sure how he would do it.

Mrs. Harrison: Right now there is a multi-family dwelling on the existing.

Mr. Kurtz: Right. This is an existing two-family dwelling that is here [pointing to the screen].

Mr. Ross: But it meets the 18,000 square foot.

Mr. Kurtz: It currently does. So if you're say let's make this 100 feet by 180 feet there would only be 50 feet left. Then you would have a lot 100 feet by 50 feet.

Mr. Ross: That's somewhat making my point. I don't see it as a requirement that we have to grant all three of variances in order to allow him to split the lot.

Mr. Kurtz: I don't know how you would split the lot without...

Mrs. Harrison: Can we make it so that the...

Mr. Ross: This is a single-family home.

Mrs. Harrison: This isn't single family, this is already multi-family so could we have a condition that whatever is built on the new lot can only be single-family and not multi-family and the variance is only for the current property.

Mr. Kurtz: You could but he wouldn't be allowed to put a two-family there without coming back, because it would require a variance.

Mrs. Harrison: The variance we would be granting is for the house that is already there.

Mr. Kurtz: Right.

Mr. Ross: That needs to be clarified then.

Mr. Kurtz: How would you like that to be done.

Mr. Ross: That the variance is for the existing property not the future split property.

Mr. Kurtz: Yes. Fair enough.

Mrs. Harrison: I think if we could limit it to the existing house and property and that the new one would be only single-family and it wouldn't be granted on both lots. It would only be for the remaining address on Beckley.

Mr. Kurtz: Planning Commission could dictate the variance for 18,000 square feet applies to the existing two-family dwelling located on Beckley.

Mr. Sprungle: Now we're saying we could do that, the question is do we want to do that? Are there any other two-family dwellings located on Baird?

Mr. Kurtz: Now I understand Mr. Ross's comment. He wants to make sure the variance allowing a two-family on less than 18,000 square feet applies only to the existing two-family dwelling.

Mr. Sprungle: So we are saying that the on the new lot, there could not be a two-family house.

Mr. Kurtz: That's right, but you don't have to say that because....

Mr. Kohlmeier: It can't be done, it would need a variance.

Mr. Kurtz: If you say it one way, you don't have to say it again.

Mr. Ross: But the way it's written you could do that.

Mrs. Harrison: Yes but the other two variances will be needed for both lots.

Mr. Kurtz: Yes.

Mrs. Harrison: So two would be for either lot but the dwelling would only be for the one if we wanted.

Mr. Kurtz: I do not think there is any harm in clarifying that the 18,000 square feet applies to the existing two-family dwelling.

Mr. Sprungle: That is my question and why I ask, are there any two-family homes on Baird Road and the answer is yes.

Mrs. Harrison: I think on Beckley Road there are but not on Baird Road it doesn't seem like there are any.

Mr. Kurtz: There may be but it doesn't look like there are. It looks like it is single-family.

Mr. Sprungle: Okay then, I see where you're coming from.

Mr. Ross: I would like to preserve the character of that, if possible.

Mr. Kohlmeier: You just have to make a distinction between the Baird Road lot and the Beckley Road lot is what we're saying. We're granting variances on the Beckley Road lot and we're granting certain different variances to the Baird Road lot.

Mr. Kurtz: I would suggest in the language for the variance it read: a variance from C.O.S. Code 1163.03 the 18,000 square feet required for the existing two-family dwelling located at 4063-4067 Baird Road. Then there would be other variances, if nothing is said, then applies to both. Thanks for that point Bill.

Mr. Sprungle: Mr. Vitullo, do you have anything to add.

Mr. Vitullo: No, that is what he is hoping to do.

Mr. Ross: Do you agree to the proposal that we're contemplating?

Mr. Vitullo: From what you have, yes.

Mr. Sprungle: In other words, he is not planning on putting a double-family home on that lot.

Mr. Vitullo: No.

Michele Rohler – 4075 Beckley Road – Stow, OH – What is he planning on putting on that second lot? It is going to be a two-story home, a ranch?

Mr. Vitullo: As far as I know he is selling the lot.

Ms. Rohler: It's not sold yet?

Mr. Vitullo: No. He's selling the lot. I think he has somebody who is interested in purchasing it and building a single-family home.

Ms. Rohler: I happen to live in the house that is next to that with the pool. If another house is put up there especially a two-story and they look out their window right into my back yard. That kind of encroaches on my privacy and my enjoyment of my backyard and that type of thing. I don't want to see that go in there. Not to mention when they do build something there is going to be a lot of dirt and dust flying and it's all going to go right into my pool.

Mr. Vitullo: That's the nature of building.

Mr. Sprungle: That is a short-term issue. That is the nature of construction.

Ms. Rohler: Long-term issue. I don't want somebody.

Mr. Sprungle: The long-term issues are that there is another house there.

Ms. Rohler: Right.

Ms. Jan Carlton – 4039 Beckley Road – Stow, OH – They were down surveying and they put some pins and stuff but the pins aren't actually where my original pins are. They were surveying but I don't understand the variance, what does that mean?

Mr. Sprungle: Let me ask about the pins again. You say they are in your yard?

Ms. Carlton: They marked where the pin was and then they put another pin but it's not where that one is and in the back too. But I don't understand the variance. What does a variance mean? Are they taking property to make enough room here to build?

Mr. Sprungle: The variance is to create another lot that is a buildable lot. In other words they are going to split the lot in half with one access on Beckley Road and one access on Baird Road and the lot on Baird Road would then be a buildable lot.

Ms. Carlton: Sometimes you get a variance and you're using some of your neighbor's land in order to build.

Mr. Kohlmeier: That not an easement.

Ms. Carlton: That's an easement, okay.

Mr. Sprungle: A new lot would be created and then it would be then buildable even though it is slightly under the normal building size.

Mr. Kurtz: It would still have to meet all the setbacks.

Ms. Carlton: I enjoy my yard. I know you guys wouldn't mind splitting it because property tax wise you would get more property tax.

Mr. Sprungle: That would be up to you.

Ms. Carlton: Oh no, I would never split mine. I love my yard. You don't get that much land in Stow. That's why I would oppose the split.

Sharon Dancing lived at 4083 and just passed away last June but I know that if she was alive she would oppose it also because she is right next to it on the other side and Richard is not here but I know because we had talked about it. They have their birds and they have their trees and like the peacefulness of their yard.

Ms. Rohler: I would like to add that with that twinplex being on Beckley Road and not being enough land and needing a variance for that, part of the reason that I bought that property was because there's not enough room to split that yard next to me and I know I'm not splitting mine. My house sets back too far and I use my yard.

Ms. Carlton: With the pins, Jim reminded that they seem to be marked or moved. I don't know if somebody can come out and look again or see exactly what was done there.

Mr. Kurtz: I think when they are doing a surveying process they have to find pins from other properties. It could be an offset when they're surveying. They are not moving any pins; it may be just a surveying technique. The licensed surveyor prepared the survey. In order to find that lot he has to locate other lots on that street. I don't know how far he has to go down the street to find that lot.

Ms. Carlton: I saw him that one day. I thought it was the gas because he had that wand thing and I thought he was looking for the gas line but he did say he was surveying. Okay thanks.

**MOTION: Mr. Ross moved and Mrs. Harrison seconded the motion to approve P.C. 2017-005. Planning Commission recommended approval subject to the Engineering Department approval of the lot split and City Council approval of the variances. Planning Commission determined the variance was justified per the criteria in C.O.S. Section 1137.03 (e) (i.e. numerous similar variances have been approved on Beckley); and provided that the variance from C.O.S. Section 1163.03 only apply to the existing two-family dwelling located at 4063/4067 Beckley Road.**

YEA: Kohlmeier, Ross, Sprungle, Brauer, Harrison.

NAY: None. The motion was passed 5-0.

**STUDY ITEM:**

**P.C. 2017-004:**

Mr. Kurtz: This is a request by Ms. Magdalena Buzaki (2105 Graham Road) and Frank and Cynthy Mandl (2099 Graham Road) for Planning Commission's preliminary consideration of the rezoning of their properties from R-3 Residential to R-B Residential Business.

There are two property owners and four parcels involved in this.

Address	Parcel #	Use	Owner	Lot Area (sq. ft.)
2099 Graham	56-04365	1- Family Dwelling	Frank & Cynthy Mandl	24,829
2105 Graham	56-01117	1- Family Dwelling	Magdalena Buzaki	20,038
2111 Graham	56-00552	1- Family Dwelling	Magdalena Buzaki	21,344
(east of 2111)	56-00553	Vacant Lot	Magdalena Buzaki	20,038

The property to the east is zoned R-3 Residential; the property across Graham Road is zoned C-2 Limited Retail and C-3 Community Retail; and the property to the west is zoned R-B Residential Business.

The subject parcels are these four parcels here [pointing to the screen]. As a way of background this yellow parcel here [pointing to the screen] was rezoned to R-B in 2012 as some of you may recall from R-3 to R-B.

The properties to the north and east are zoned R-3. This is all R-3 [pointing to the screen], this is R-3 [pointing to the screen]; this is C-4 [pointing to the screen], this is C-3 [pointing to the screen] and this is C-2[pointing to the screen].

There is a stream that goes through here [pointing to the screen] and in the past it has been discussed as the barrier between nonresidential and residential. I couldn't find it in the 2001 Plan but I do recall that discussion in previous Planning Commission Meetings.

The four parcels in question are these four here [pointing to the screen]. In The 2001 Comprehensive Plan this was in Area O, the City Center. While the properties weren't specifically identified there was general language about using R-B as a transition from single-family to higher-intensity Commercial.

That same general language has been brought forward in our current Comprehensive Plan Update. In our current Comprehensive Plan Update we didn't identify these parcels specifically other than they are in the general City Center area. As is the case with many parcels, they are not always specifically identified.

The concept of using R-B as a transitional between single family and higher intensity commercial has been in play throughout the City. Here is one example [pointing to the screen]. There are probably other cases.

Mr. Sprungle: We are looking at four properties here but yet it says 2105 Graham and 2099.

Mr. Kurtz: There are four parcels. There is 2099 and 2105 Graham and then 2111 which has a vacant parcel associated with it. There are four parcels all together one of them is a vacant lot. This is a vacant lot here [pointing to the screen].

Mr. Sprungle: And probably always will be.

Mr. Kurtz: Right, it is in a low area. And there are three existing dwellings. Size wise they exceed the area allowed in an R-B. 16,000 square feet is the minimum size. Width wise all of them are substandard now in terms of R-3. They currently don't meet the R-3 standard of 80 feet. That nonconformity would continue if they were zoned R-B.

The applicants have come to a couple of the Comprehensive Plan meetings and they have asked what to do. I suggested they bring it forth as a study item and whether or not R-B is the right zoning district or R-B in its present form is the right zoning district I thought it was the appropriate time given we are talking about it.

It could even influence policy in the Comprehensive Plan. Is the policy of using R-B as a transition still agreed upon?

Mr. Kohlmeier: Who owns the lot across the street? Is that vacant too?

Mr. Kurtz: I think it is Finish Line Properties. I don't know who that is. That may be the same owner as Eddy's Bike Shop. It is very difficult to build on this. This is very low but nothing is impossible. It is still zoned Residential. In terms of the develop ability of that lot, it certainly has some challenges.

Mr. Sprungle: You justify this and say it makes sense because of where it is but how far down do we go? What about the next four properties, etc.

Mr. Brauer: The vacant property there to me ....

Mr. Sprungle: Is the dividing line.

Mr. Kurtz: Certainly that could be policy that could be discussed in the Comprehensive Plan. The policy of how far does it go down. Does the stream seem like a logical break? I think that was discussed previously. I thought it was in the 2001 Comprehensive Plan but I didn't find any language in that but I recollect that discussion at some point. You can memorialize it in that way so you have an answer for the future.

Mr. Ross: Is any portion of that easterly lot in a flood plain? My suspicion is that it is but I don't know?

Mr. Kurtz: This is the 500-year flood plain [pointing to the screen].

Mr. Ross: You just want the 100-year flood plain.

Mr. Kurtz: The computer is not showing a 100-year flood plan. If it were in a 100-year flood plain it would show up. So it is only in a 500-year flood plain.

Mr. Ross: If the Commission would refresh my memory, I thought in similar discussions we were talking about not extending the residential business in these kinds of areas but looking

more toward higher-density housing. Was that not part of our discussion to address some of these nodes that are somewhat problematic throughout the City.

Mrs. Harrison: I think there was a session about that or to maintain the residential look that there would be some type of provisions that parking remain behind so it looks residential. So there would still be some maintenance with the look of the area with that.

Mr. Kohlmeier: I think this is a particular case where we've got an R-B lot there already.

Mrs. Harrison: Is one enough of a buffer? How many do you need?

Mr. Sprungle: Because of this particular topography the comment was made about the creek. It is kind of a natural border.

Mr. Kohlmeier: I would be concerned about future precedent where you're going to extend one lot after another and then the neighboring lot you're taking away an R and creating a business there to a neighboring lot. In this particular case, there is this divide.

Mr. Sprungle: That makes it a little easier.

Mr. Ross: Apparently the divide hasn't impacted anybody because we have a new house right adjacent to it. I don't see it as a barrier apparently. Why did we end up with one R-B lot? That just strikes me as obtuse.

Mr. Kurtz: I did look at the notes in 2012 and there was a suggestion to rezone all of them. Honestly, I don't know how the owners at the time felt about that. If they indicated to Planning Commission or Council they wanted to remain R-3, they likely would have respected that.

I did look at the minutes and it was stated, "Why don't we rezone all four to R-B." Again, there may have been other factors and the property owners can certainly weigh in if they recall that.

Mr. Kohlmeier: I think because of the physical feature of the creek and with that one R-B there already I don't have a problem with this particular one but I might have a problem with future ones just in terms of the precedent. This is a specific case where I think it works.

Mr. Ross: I guess I'll counter that and suggest one mistake doesn't justify the other four. I'm really against ...

Mr. Kurtz: In the Comprehensive Plan Update one of the issues is what do you do in these transition areas. A lot of these main roads have single-family houses and that seems to work pretty well. The closer you get to these intersections they become less attractive as a single-family home. You either have to have higher-density residential or something else. You have to make a cut off at some point. If it is left alone it is single-family and it becomes less attractive as a single-family use.

Mr. Ross: Well it may be more attractive if we as a Commission adopt the rules for the Residential Business that we've discussed in the past, being able to control the way that development takes place. Under those terms based upon, I think the way we kind of thought about those areas, I would support it but without those in place I couldn't support this at all.

Mr. Kohlmeier: If we zone it R-3 and someone wanted to occupy that as a business it would still have to come back with an occupancy permit or something and they would have to meet the criteria of an R-B which would include parking in the back.

Mr. Kurtz: Two things would have to happen. One of them probably more challenging than any Planning or Zoning condition is that they would have to convert the house from a residence to a business use. That often presents challenges. It's much more expensive than people think. That's step one. You have to make sure you can meet the Ohio Building Code and convert that.

You're right, in terms of occupying it as a business, that conversion of a business use requires Planning Commission approval. That is when you would indicate where the parking is.

Mr. Kohlmeier: More like a site plan.

Mr. Kurtz: Exactly.

Mr. Sprungle: What if under R-B someone wanted to tear a house down and build a new residential home.

Mr. Kurtz: That would be permitted by right.

Mr. Ross: What is the business that is currently there?

Mr. Kurtz: It is kind of home-health rehab care training. It's set up with a simulate kitchen and bathroom.

Mr. Kohlmeier: Do you suspect there would be opposition to this?

Frank Mandl – 2099 Graham Road – Stow, Ohio: If you're all in agreement with this then there's no point in my arguing anything.

Mr. Sprungle: Unless you have something to add.

Mr. Kohlmeier: You are one of the property owners requesting this, right?

Mr. Sprungle: You really just want to know if this is something we would approve, but you want it.

Mr. Mandl: If you are going to be approving it then there's no point in my voicing my opinion because that is what I want to happen.

Mr. Sprungle: I guess we are interested in your intentions.

Mr. Mandl: Several years ago when Executive Coin came in we argued that we didn't want it and we still really don't want it. In the summer evenings that parking area is filled with kids smoking, yelling, skateboarding, biking and nothing is ever done about it. We've never complained but nothing's been done anyway.

The place right next to us 2091 all of a sudden it's got some kind of a health care situation there. Then overnight it became R-B. You allowed that to become R-B without as far as I know any kind of input from any of us because none of us knew about it. Overnight it became R-B.

I don't know what the problem is with putting our four properties up as R-B. With the natural creek there acting as a buffer between residential business and the rest of the residential area.

Mr. Ross: Is there any interest in consolidating those lots?

Mr. Mandl: If there's a buyer sure, there's no problem with that.

Mr. Ross: It looks like they may be more appealing as a consolidated...

Mr. Mandl: We tried to sell them before as a group but there have been no buyers or interest because it's Residential. There is a lot of land there for us older people to take care of. We are looking to move into someplace a little more easier to maintain. Because of the R-B next door and the Commercial District just beyond that it's pretty much impossible to sell that lot as a residential area.

Mr. Sprungle: When we would have made something R-B there would have been a sign posted wouldn't there be?

Mr. Kurtz: Yes, there was a public hearing. Letters would have gone out and a public hearing conducted.

Mr. Kohlmeier: Do you know if 2125 Graham Road would oppose or support this?

Mr. Kurtz: I don't have any knowledge one way or the other.

One thing occurs to me and it is good time to talk about this and I'm curious about Planning Commissions opinion about two things: 1) What do you think, is R-B the transition from the high-density, higher-intensity to low to residential and 2) In the R-B regulations themselves are those adequate or do they need to be tweaked in some way.

I don't want to suggest we rezone this to R-B if we're not comfortable with the R-B standards or if there is something in there that you don't think contributes to it. I think it is worthwhile taking a look at those regulations at our next meeting. Let's look at what we have and see if there is something that needs to be tweaked or are they ok as they are.

One of the things is the size of the area. You talked about consolidating these lots and there is merit to that. In terms of a Commercial use in an R-B the maximum is 3,000 square feet so you are not going to attract a big retail operation. The R-B is designed to be a residential business. 3,000 square feet is not very big and so it has limited possibilities. It would have more possibilities if you zoned it C-3 and I'm not suggesting that. Again, it limits the possibilities but it gives more possibilities than they have now.

Mr. Sprungle: I kind of agree that R-B is a good buffer. You are calling it a buffer between a residential and a business so I wouldn't want to turn it necessarily into a Commercial property; but a residential business is a buffer. Again, whether we want to look at the language or not I suppose we could do that. From a concept standpoint I think R-B is a good transition from residential to business and that's kind of the intent.

Mr. Kohlmeier: I agree with that too. I think maybe the thing I would want to be careful about is rezoning where we are already going from a residential to an R-B where you're creating

property owners who are currently abutting a residential district. Then they are all of a sudden abutting an R-B because of our rezoning. That would be my concern. Now we do have this kind of creek in this case.

Mr. Sprungle: This one has a natural buffer. But as opposed to someone coming to us and saying let's convert that to a commercial property. Now you have a residential property next to a true commercial property. This is kind of that buffer in between. Because of the limits of an R-B it's still going to look a little bit like a residential business.

Mr. Kohlmeier: One of the things I'd like to see happen, you talked about if there is anything that needs tweaked is something Bill had mentioned about the aesthetics and add a lot of that kind of language. Maybe some buffering between the residential and the R-B requirements, having more planting areas, trees and aesthetics.

Mr. Sprungle: Streetscape.

Mr. Kurtz: I think there is probably language in there now, but we can certainly look at that and beef it up if necessary. There are architectural requirements in the R-B in terms of residential interference so you could deny something that was commercial in appearance.

Cynthy Mandl – 2099 Graham Road – Stow, Ohio: Just some background on this. When they put in Walgreens the Council that was in effect at that time said that should we ever want to, they would rezone our side of the street down to the creek as commercial; but they wanted control over what went in so they would not rezone it until someone wanted to buy it.

That was on the Comprehensive Plan that was built shortly after that. It showed on that it was potentially commercial down to the creek.

We've had our houses up for sale several times. They are up for sale now. We can't sell them. I've had people come into the driveway, get out of their cars, look around and say we don't even want to come in the house because it's too commercial. We don't want our families here.

We have a lot of land and we have a huge driveway in the back of our house. There's potential in all of these houses for parking in the back. Unlike the one that was already zoned that doesn't have parking in the back.

We're just getting older, we can't do the steps, we can't maintain the yard anymore and we can't get out. We used to be the fourth house, now we're the second house because the other one is residential business. You've been pecking at us all along. We need help getting out of there ourselves.

Mr. Kohlmeier: I don't know if we just state our opinion for the record. I think I can support it, in this specific case anyway and what we talked about with maybe improving the aesthetics and making sure when we approve the site plans we have the parking in the rear and that kind of thing.

Mr. Sprungle: I agree I could support it as well.

Mrs. Harrison: I could support it. It doesn't seem like there is really much of a buffer. If we are trying to buffer something one is not enough to do that.

Mr. Ross: I think it is supportable if we have initial controls over how the R-B gets developed.

Mr. Sprungle: So there is your answer. That is something that the Planning Commission would support if it came to us as an item.

**Planning Commission was generally supportive of the properties to R-B but discussed reviewing the standards in the R-B District.**

**NEXT MEETING:**

**The next scheduled meeting is scheduled March 14, 2017.**

With no further business to discuss, Mr. Kohlmeier moved and Mr. Brauer seconded the motion to adjourn. It was unanimously approved and the meeting was adjourned at 7:03 p.m.

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Richard Sprungle  
Planning Commission Chairman

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Pamela H. Daerr, CPS  
Planning Commission Secretary