

## **STOW PLANNING COMMISSION**

Minutes of the Stow Planning Commission meeting held on Tuesday, August 29, 2017, at 6:00 p.m.

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

**MEMBERS ABSENT:** Mr. Kohlmeier.

**ALSO PRESENT:** Director of Planning Rob Kurtz  
Planning Commission Secretary Pamela Daerr

**PRESS REPRESENTATIVE:** None

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Mr. Sprungle 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. Roll call was taken.

### **APPROVAL OF MINUTES:**

Mr. Brauer moved and Mrs. Harrison seconded the motion to approve the minutes of the July 25, 2017, meeting. The minutes were approved as submitted.

### **BUSINESS ITEMS:**

#### **P.C. 2017-012 – 123 Insurance Agency- Extension of the use of a Nonconforming Structure; 4526 Stow Road**

Mr. Gordon Costlow -1865 Arndale Road – Stow, Ohio was present to represent this item and was sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. Michael Grossi, applicant, and Mr. Roger Bourgeois, property owner, for Planning Commission's approval of an extension of a nonconforming use to utilize the site for an office use at 4526 Stow Road. The property is zoned R-2 Residential. Per C.O.S. Section 1191.03(b), the use of a nonconforming structure may be extended with the recommendation of the Planning Commission and approval by Council.

The 1.1-acre property is located on the west side of Stow Road. The property to the north is zoned C-3 and is occupied by Hickey's Karate, and the property to the south is occupied by a single family dwelling and is zoned R-2 Residential. The properties located on the east side of Stow Road across from the subject site are zoned R-3 Residential.

The applicant is proposing to utilize the existing building for an office use. The only site modifications proposed are to slightly expand the paved area north of the existing driveway; and install a monument sign 15 square feet in area along Stow Road.

As a way of background, this property was most recently approved for use by the Cornerstone Community School for classroom/office. There was a plan to build a school campus on the site

but that was never completed. Prior to the school use it was used for an ambulance service operation. Both of these prior uses were conditionally permitted in R-2 Districts.

We did have a discussion some months ago about rezoning the property and some of the issues, from my point of view, was there didn't seem to be a want to expand the Commercial zoning in this direction. Zoning it to an Office use or an RB still would expand that commercial use and also open up multiple uses in both of those zoning districts that could be allowed.

With this application, extending the non-conforming use, it limits the use to this specific office use and sign location and size. Any other use would have to come back before Planning Commission and Council. This offers the City more control to address this rather unique situation where we have a nonconforming structure in the middle of residential structures and it keeps it occupied. It is relatively innocuous in terms of traffic and that sort of thing.

Mr. Sprungle: I recall when it was an ambulance facility. Was it built specifically for that or was it already there?

Mr. Kurtz: There used to be a house of the site as well that was located about here [pointing to the screen] and in the '80's I believe this structure was built for the ambulance service. It was an office and a couple bays for the ambulance service. We used to have multiple ambulance services in Stow.

Eventually, the house was demolished and Cornerstone school moved in and used it for classroom and office space and had their playground back there. When the house was demolished and when the school was there it was still conforming. When the school went away suddenly we have an office structure in a residential district.

Mr. Ross: What is the current use within the structure?

Mr. Kurtz: There are garage bays and office space.

Mr. Ross: I see cars there all the time so I am curious what is going on there.

Mr. Kurtz: There must be some sort of office activity going on. There is no approval for any office activity at this point or the building use.

Mr. Ross: So we have not taken any action on whatever is happening there through Zoning.

Mr. Kurtz: At this point, no.

Mr. Ross: I have a couple points of view. Number one, the building itself doesn't fit aesthetically into anything remotely close to a residential environment. So if there is something that can be done to mediate that appearance as well as the fact that we've got a monument sign proposed which is clearly not something you see in a Residential zone. It seems to be somewhat out of character.

I don't have any objections to the office function itself, but it would be nice to see this physical plan making an attempt to meet some of the criteria that we are establishing in our new Planning process.

Mr. Costlow: I am not the owner but I am here representing them.

Mr. Sprungle: The property owner or the applicant?

Mr. Costlow: The property owner Roger Bourgeois. He was called away on a medical emergency this afternoon.

Mr. Sprungle: I am curious too about what's going on in the building now.

Mr. Costlow: They use it occasionally for an office use for their insurance. It is a small two-man operation.

Mr. Brauer: Does staff support this?

Mr. Kurtz: With some conditions, I think we could support it in terms of the use but I think there are some issues that should be addressed.

Mr. Ross: Gordon, what is your capacity with respect to this project?

Mr. Costlow: I do architectural drawings around town. Roger and Michael were here about a year ago trying to get a sign approved along with maybe getting it rezoned. That didn't, overall, go over very well. So we are coming back a year later and looking mostly for the sign approval. I don't think they'd mind upgrading the building a little bit. I think we thought we would muddy the water by saying we want to do this or that to the building itself. You're right it looks almost like a garage.

Mr. Ross: Well it is a garage.

Mr. Costlow: When it comes down to it yes. It does have a bathroom, two small little offices off to the right. There is a door and a window and that is the small office space that the ambulance service put in when they first built the building. Then they had four bays for the ambulances.

Mr. Ross: So if you have a small insurance agency with two or three personnel, what do you do with all the space?

Mr. Costlow: The rest of it is storage for extra cars; I think they have a boat in there. It's basically used as a garage. It's cold and there is no heat. It is definitely just a garage.

Mr. Sprungle: What kind of recommendation would you make in order to find this to be approved? Maybe some landscaping or painting the door on the garage; the number 2.

Mr. Kurtz: The structure itself is worth looking at. I don't have any specific recommendations on the structure itself. In terms of the site there is a lot of pavement there. I almost hesitate to create more pavement because that seems less Residential in nature although I realize they do need spaces for two or three vehicles. I would almost suggest narrowing the pavement as you come in so it is a normal two-lane and then maybe widen out.

I think some landscaping could mitigate the appearance of the garage. I would certainly support the idea of making it a little softer from the road.

Mr. Ross: It would seem to me, from my perspective, if we were to consider approving, that we would like to see some additional improvements to the building, the land, the siting, signage

issues, you name it. I think that is the prerogative of the owner to bring that to us as opposed to us to telling them how to do it. It is not the City's responsibility to be designers of record.

Mr. Costlow: I don't think they would have a problem with that. I think they were just thinking it would muddy the waters bringing modifications to the building itself.

Mr. Brauer: In my opinion, it won't muddy the waters. I'm going to struggle with this one. I'm going to have a hard time supporting this.

Mr. Costlow: It's a weird piece of property, there is no doubt about that. It's been there, it's a garage. I think we even thought about asking to call it a house and then we could have a residential home office but it doesn't look like a house either.

I don't think they would have an objection of trying to spruce it up a little bit. I don't think they want to spend \$200,000 dollars on it.

Mr. Sprungle: It isn't really very attractive or let's just say it's out of place where it is. Maybe the best thing to do, with the approval for a sign, would be to bring back an approval for some upgrades too, from an appearance standpoint.

Mr. Costlow: Okay.

Mr. Sprungle: Maybe defer this. What do you think Mr. Kurtz?

Mr. Kurtz: Planning Commission does not have to act on it tonight. You can hold this item with the recommendations for some modifications to the building and maybe some landscaping and bring it back again.

Mr. Sprungle: Would you be agreeable to that?

Mr. Costlow: Yes, I think so. Do you want to give me some direction on how much or how little to do to the building? Or just let me come back with something.

Mr. Sprungle: Did you say you are an architect?

Mr. Costlow: I do architectural drawings, yes.

Mr. Sprungle: To Mr. Ross's point, that's not really what the City does. I'm not an architect.

Mr. Ross: I think you get the sense that I don't think we're in total opposition but I think we are going to have a very difficult time approving it as submitted. I would recommend to my colleagues that this project be tabled subject to the owner bringing back some modifications to try to address some of our concerns.

Mr. Costlow: Okay. Like I said, we talked about it quite a while ago. He wanted to do some modifications and I think we thought we would address that after we get the sign addressed. I don't think we have a problem bringing it back at all.

Mr. Sprungle: At this time we will put it on hold.

Mr. Costlow: That sounds reasonable and I think Roger will go along with it too.

**Planning Commission held the item in order for the applicant to propose some improvements to the structure and site to make so it would be more compatible with the neighborhood.**

**P.C. 2017-013 – Auto Legends Conditional Zoning Certificate for Auto Sales; 4137 Hudson Drive**

Mr. Kyle Regan and Mr. Brandon Regan of Legendary Automotive Professionals, LLC were present to represent this item and were sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. Kyle Regan of Legendary Automotive Professionals, LLC, and Mr. Mike Baranek, property owner, for the Planning Commission's approval of a conditional zoning certificate to permit the operation of an auto dealership at 4137 Hudson Drive. The property is zoned C-5 Highway Services and auto sales are conditionally permitted in this district.

This is a multi-tenant building, and the applicant is proposing to utilize unit 101 which is approximately 5,000 sq. ft. in area. The applicant intends to utilize the front parking lot located south of the building for vehicle display and the parking lot directly to the west of the building for customer parking. There is a fenced area directly south of the building that is intended to be utilized for vehicle service.

This is Hudson Drive here [pointing to the screen]. This area [pointing to the screen] is the proposed vehicle display area. This is the proposed customer parking area [pointing to the screen]. This is the fenced area [pointing to the screen] for servicing of cars. There is a white vinyl fence blocking that.

Also, we had some comments from our Fire Department regarding the building itself. Some of the comments deal with the entire building. As you can see from the comments he was concerned about allowing any additional uses there until those Building Code issues were addressed.

In general, there were some Building Code issues that need to be addressed. Secondly, there was an access issue he was concerned about; and third was the parking. In terms of the parking, given the size of the building and the spaces that are there, it does actually meet the code for the required spaces needed.

Having said that, visiting the site over the past few weeks, the area that is shown for customer parking has here fore been utilized for other vehicles for the other businesses within that building. These spaces here [pointing to the screen] have been mostly filled with vehicles that have already been worked on. I think that is a matter of the owner of the building maybe designating where these spaces are going to occur. If they are actually going to be used for customer parking. My concern is they are shown for customer parking and yet they seemed to be occupied with other vehicles.

It is a conditional use but in terms of allowing additional uses in here, there was a significant concern from the Fire Department that the Building Code issues should be addressed before anything additional would be allowed to go in there.

Mr. Brauer: Would it be fair to say that the owner needs to meet with the Fire Department, address those issues on the inside and on the unit itself prior to any action?

Mr. Kurtz: Yes. Council has the ultimate approval of the Conditional Zoning Certificate. So it's up to the Planning Commission whether it's held here or held prior to any Council action. Either would be acceptable.

From the Planning Commission's point of view, the question is, is the site plan going to change. I don't think so but it's a matter of maybe organizing the site; work with the applicant to try to get a good site plan. Maybe that could be improved in terms of Planning Commission's point of view in terms of acting on it. That is for you to decide in that regard.

Mr. Brauer: Is there service work intended in this building also?

Mr. Kurtz: Yes. They are showing service work here [pointing to the screen] and in their screened lot.

Mrs. Harrison: Is the space empty right now?

Mr. Kurtz: It is. This space is empty [pointing to the screen] and this space is empty [pointing to the screen]. The rest of the building is occupied. This is occupied [pointing to the screen] and they seem to take up most of this area here [pointing to the screen] as you can see.

Mr. Ross: One recommendation I would make is that when applicants bring us documents that they be drawn to scale because this is not close. If you look at the aerial photograph and what we're presented with here, it's not something I can work with.

Given the nature of the business that is being proposed here and the concerns the Fire Department has, we would almost be doing an injustice to the adjacent property owners and tenants to approve it at this state of the game. I would accept the Fire Department's recommendations and concerns to not approve this at this time.

Mr. Brauer: Some of these violations sound like they are inside the building and those need to be addressed with the owner.

Mr. Sprungle: How do people get back to the rental?

Mr. Kurtz: No doubt there is a lot going on there. All of this area [pointing to the screen] is concrete maybe to somewhere in here [pointing to the screen] is where it stops. I drove all the way to the back and this [pointing to the screen] is all new concrete within the last couple of years. There is enough physical space to get through there. As Mr. Ross indicated it is not shown on the plan to scale.

I think there is physical space there, it is a matter of organizing it and putting it on a plan so we can have a comfort level of where the customer parking is going to occur and where the display is going to occur. Then we have something to fall back on relative to tenants on the property and the business, and the property owner more importantly. This area back here [pointing to the screen] is kind of open storage. It is kind of screened from view.

Mrs. Harrison: It just looks like based on how many parking spots they have looking at the trucks in the picture that it is just not possible to put those kind of signs in there.

Mr. Kurtz: This is all taken up with display [pointing to the screen]. They are taking up a fair number of spaces.

Mrs. Harrison: But they show customer parking in the front and against the building and it just doesn't look very deep.

Mr. Ross: The other concern I would like to see them address is one of the things we've been concerned about. Actually if you look at the buildings across the street which are fairly large gas stations and things like that, they are nicely screened to the extent they can be. I understand you need some visual connection to a car lot but there's nothing even remotely sensitive about this approach in this particular location.

Mr. Brauer: Is the service work going to be done inside the building?

Mr. K. Regan: Yes.

Mr. Brauer: About how many cars will you have total with display?

Mr. K. Regan: There probably wouldn't, I don't think we are looking at planning on having more than 10 to 15 cars in inventory for the next probably five years even. We're kind of looking to do something small. It's more of a little hobby kind of a car lot. We're going to specialize in more classic cars and jeeps. It's not necessarily like going down to Marhofer and picking up a commodity used car. It is not going to be a huge operation.

Mr. Brauer: You'll do trades and recon and everything.

Mr. K. Regan: Yes, service work and detail. Bodywork and paint will be sent out.

Mr. Brauer: You are aware of the landlord concerns?

Mr. K. Regan: Yes. I am working with the building owner on the violations. The most significant one is the firewall door. I actually met with one of the guys, but not the other one. I met with Overhead Door of Akron on getting a door installed for that firewall and that should solve that problem.

The other concerns that seemed to be there [inaudible] were simple things like fire extinguishers, a car parked in front of a door, and exit sign wasn't working and an extension cord running underneath the garage door. Minor things that can be fixed relatively quickly. We do have fire extinguishers there now and the exit signs are working. There are just those other things like the firewall door. I think that's really the main one.

Mr. Sprungle: I'm actually a little concerned too about some of the other issues which are really not quite as easy as a simple fix and that is there's not really enough parking now for the businesses that are there and now you're going to have a car lot with an inventory of cars and more customers. If customers are already parking in unapproved areas you're adding to it.

Mr. K. Regan: I will say when you guys were speaking earlier about the customer parking and saying there were cars that were cars that are sitting there that don't appear to be customer cars. They are not cars for sale. They are customer cars for Chrome Customs. He does dealer work so he has plenty of cars that sit there without license plates so they appear to be not

owned, but they are owned by a dealership and those are some of his customers. So that is essentially all customer parking and employees. There are a few employees that park there too.

Mr. Sprungle: You're saying all those cars would be gone.

Mr. K. Regan: They do come and go, yes. They get dropped off in the morning and picked up at night. Usually the lot clears quite a bit a night time.

Mr. Brauer: You stated you are kind of doing this as a hobby. What are your hours of operation?

Mr. K. Regan: It is going to be Monday through Friday for sure and probably weekends by appointment. Monday through Friday is mainly going to be when we'll do, I mean we won't even necessarily always be there but we do service work, do detail, go to auctions, buy cars and whatnot.

Mr. Brauer: What would the calculation be with employees? Obviously you got employees on that whole site. It looks to be a transient area for customers. Now we're going to add vehicles for sale.

Mr. Kurtz: The two ways to figure the parking is one if you take the whole building at 12,000 square feet and one space per 400 square feet; it would need 30 spaces. If you take their requirements in terms of the auto dealership it would be one space for every 400 square feet plus two spaces for each service bay. The other use, Custom Chrome needs two spaces for each service bay plus one space per employee. They have five service bays, that's 10 spaces, plus 5 employees that's 15. That is 28 spaces but that doesn't include his employees. So you are around 30 spaces in terms of the required parking.

Maybe it needs some more explanation. The customer parking, I assumed was the customers coming in looking for vehicles, not customer cars parked. You are telling me that these spaces [pointing to the screen] will be occupied by cars not by customers.

Mr. K. Regan: Those parking spaces I guess you could say are sometimes occupied by serviced cars. I suppose that is a concern.

Mrs. Harrison: Right now do a lot of the Custom Chrome customers park in those spots that you have marked as customer parking?

Mr. K. Regan: Yes, that's where they park.

Mr. Ross: Is there any site lighting or signage being proposed or utilized?

Mr. K. Regan: Not at this time. I haven't gotten that far yet.

Mr. Sprungle: There are a lot of issues here. I recognize the building owner wants to gain some rent but I'm hesitant to approve anything until the building is brought up to what the Fire Department would like to see. It is easy to approve something and then nothing really changes from the Fire Department's standpoint.

Mr. Brauer: I think that is a fair statement. I also would probably say that I think the City would hold on occupancy until the inspection is done. Is that correct?

Mr. Kurtz: Yes, the City would.

Mr. Brauer: This is challenging. I think some of it can be fixed with signage and parking signs, but I'm still...

Mr. Kurtz: The initial use probably gives the City a little more leverage in terms of addressing an issue we know is already there.

Mr. Brauer: Another reason I am a little hesitant is because of the letter that the Fire Department has sent stating this is "pending;" and that this has been going on. I think I agree with Mr. Ross. I would have a hard time.

Mr. Ross: If we approve it, then it becomes pending again.

Mr. Brauer: Right.

Mr. Ross: I guess I am not in favor of kicking a can down the road. I think the fact that it is a conditional use leaves the prerogative in our court and we should [inaudible].

Mr. Brauer: And part of that is it gives Kyle an opportunity to bring us maybe a little better drawing.

Mr. K. Regan: I can work on that. I was going to try to brush off my AutoCAD skills from my mechanical engineering days in college but I haven't gotten time to do that.

Mrs. Harrison: I definitely have parking concerns being there is already people parking in wrong spots and then adding more cars that aren't going to be moving around. I definitely think there is some concern there. Maybe part of it is the scale. If the drawing was actually to scale, I could determine a little bit better.

Mr. Brauer: Currently there are three businesses in this complex, correct?

Mr. Kurtz: Yes. Three have approval. Brothers Tool Rental Office is approved for that use although I'm not sure any activity is there but there's still a permit for that. It is fair to say I would recommend for the site plan that is drawn to scale that maybe designates the businesses or at least so it clearly shows all these businesses can fit with their parking needs on the site.

Mr. Brauer: It might even give them opportunity to talk with the other businesses on what parking they need and then maybe some signage and designation comes into place.

Mr. Brandon Regan: I am the brother of the applicant for this Conditional Zoning Certification. I can give a little more insight from my perspective as to how this is being approached. I know there seems to be confusion about how parking is handled. [Inaudible] the customer that's designated is parking that is not used for customer intended. It's not used by Chrome Customs [inaudible] themselves, this is all customer [inaudible] like their vehicles are there.

I know the drawing isn't to scale but [inaudible] it definitely [inaudible] aerial view that we had of the site. There is usually on that front line about 50% to 60% of those spots are open on a daily

basis. Even in that shot there [pointing to the screen] you can see the front line that goes along Hudson Drive there, that's empty.

On [inaudible] day you'll see about 50% of that filled but the other 50% is still open lots. Additionally, just from my perspective with the fire code questions that are being held here, as the Fire Chief listed those out, they were per unit. So each individual unit has the different fire code violations. Without having the Fire Chief and the codes that were addressed for unit 101 only one of them is pending. The others still need to be approved but have been addressed by the previous tenant. It's just there's the one issue with that building.

To have an issue with the Zoning Certification for this use of Unit 101 being held back because of neglect of the other units would be a disservice of the endeavors taken by the applicant to right the fire code violations that have been listed.

I know the other addressed issue the Fire Chief listed was a rear entrance he said he could not find. If you see in the southeast corner [pointing to the screen] it hasn't been recently graveled or grass sprayed but there are the remnants of a gravel drive which is wide enough for, in our perspective, a fire or non-fire vehicle or emergency response vehicles to make this turn.

I believe when the Fire Chief was actually looking, he was talking about a fence which is right here [pointing to the screen] from that lot and I think he might have been confused as to which driveway or which parking lot the individual would be coming from. Right down here [pointing to the screen] there is an entrance for the rear.

Mr. Sprungle. To get from that entrance he has got to go through a parking lot and assume that there are no cars there.

Mr. Brauer: The other part of it too is that it might give you guys the opportunity to look at that back. If someone graded and graveled it you could do employee parking back there, now freeing up more space in front. We're not a design or review board, so that's something that you guys need to bring to the table. The Fire Department knows what they need to get in there.

Mr. B. Regan: There is no doubt I believe that, just either confusion based off of the drawing that was submitted or just confusion in the lack of [pointing to the screen] drive was coming.

Mrs. Harrison: Is there really a problem of getting around the buildings. I know one of the things they said in here is that there are people parking along the building. Even in that picture and in this picture [pointing to the screen] there are cars parked along the building even though there are spaces that are apparently open. Are people just parking along the building because they just park along the building or do they not park in spaces? Is that the problem, they're not using the spaces? It seems like there are spaces but cars still park next to the building.

Mr. Ross: It's hard to tell but I don't see any striping. So it is probably a free-for-all parking basically because nobody knows.

Mr. B. Regan: To clarify what the parking [inaudible] how the photo [inaudible] there's no parking [inaudible] goes that way. There isn't any parking [pointing to the screen] around the border there. We have regularly on a weekly basis on that property 18-wheelers coming in there pretty much doing 360's turning their selves around. Maneuvering around all the cars in the lot. So as for like [pointing to the screen] based on this photo and actually looking at that

site itself, its done a disservice to the [pointing to the screen] that it's not able to accommodate the innumerability of the [inaudible].

And then also I believe right here [pointing to the screen] and right there [pointing to the screen] are those outer gardens more or less, those no longer exist. This photo does not look like this [inaudible] here, so the widening of that lot isn't really reflective [inaudible] of the satellite view.

Mrs. Harrison: Are there stripes on the parking lot?

Mr. B. Regan: There are no stripes on the parking lot. The paving that was just recently done by the owner of the building was in the last year or two so there hasn't been any lines drawn out but the intention is for designation of specific parking.

My main point is this isn't the application for Occupancy, this is the request for a Zoning Certification so that this lot can be used by an entity. Before we occupy, we will or he will be coming before you again for an Occupancy Permit for the business itself. This is more or less to make sure that the zoning in this area can accommodate the business that's filling that lot. The business will not be started until the Occupancy Permit is applied for and approved.

The thing you were talking about, what sort of holding the business owner accountable, or the property owner, by suggesting that at this point, I mean if you're holding the business owner accountable...

Mr. Brauer: There are several reasons why. You have adjacent buildings with adjacent tenants in there. There is just a lot going on here and in my opinion I can't support that.

Mr. B. Regan: Just to clarify, the issue is that there are adjacent tenants rather than...

Mr. Brauer: There are parking issues, there are code violations, I mean there is just a handful of stuff.

Mr. Sprungle: Access for the Fire Department. There's so many issues.

Mr. Brauer: Potential additional parking in the back that you're saying the gravel could possibly be used.

Mr. Sprungle: There are a lot of possibilities of things that could be done but I can't give approval on things that might or could be done by the owner or by the applicant.

Mr. Brauer: You're doing this as a hobby and you're only going to have 15 cars, but you're going to take trades and do service. You start taking 20 or 25 cars and your business explodes and they say you guys are taking all of our parking.

Mr. B. Regan: If I could ask a question to the Planning Commission moving forward. Are the code violations of every individual unit of this building complex going to be held accountable to this business owner or is the unit that we're trying to occupy going to be the...

Mr. Brauer: We're dealing with this case here tonight.

Mr. B. Regan: Right and this case the fire code violations are [inaudible] actually.

Mr. Kurtz: The application is for a Conditional Zoning Certificate for auto sales at this building. The application is from the property owner and the proposed business owner. So it is connected and you can't disconnect them. It's one building. It's a multi-tenant building. It's a site that has to be used by multiple businesses and for the Planning Commission to have a comfort level of what's going to go on, as they discussed, they need a site plan drawn to scale and the building code items addressed.

Mr. Sprungle: Satisfy the Fire Department too.

Mr. Kurtz: In terms of the emergency access, honestly I don't think the Fire Department was referring to using this [pointing to the screen]. That would be unusual that they would use that kind of drive. That may have been more of a utility drive. I think he is referring to this [pointing to the screen] although I didn't see any site plan where it showed any sort of emergency access. So I'm not sure that's a requirement. Of all the items that he mentioned, we may not have any basis for that one, in terms of emergency access. I certainly understand them wanting it, whether or not it was ever on a site plan, I have not found that to date. I looked at the legislation previous and most likely any fence that was erected was probably on an adjacent property. In that case it is hard for us pull up that, or something occurred on this property here [pointing to the screen].

Mr. Ross: If we have some concerns, lets invite the Fire Chief to address the committee.

Mr. B. Regan: Just one last clarification. The application I believe was for Unit 101 in that building to be used for the auto, so it is not the building to be used for the auto sales. I just want to clarify, is the Planning Commission going to withhold approval until every fire code for every unit is approved by Fire.

Mr. Sprungle: Again, this is a proposal that's just not by you, it is also by the building owner. So to Mr. Kurtz's point the building owner and the business are linked by this proposal.

Mr. Brauer: But what you're saying is the difference between Unit 101 and Unit 103 are separate.

Mr. Kurtz: Not from the Fire Departments point of view.

Mr. Brauer: They are all one unit.

Mr. B. Regan: I guess that was more or less my question because that will require more of Mike.

Mr. Brauer: I think it's also fair that they are not stating that it's one unit or two, they are saying this whole unit.

Mr. B. Regan: Right.

Mrs. Harrison: They are not telling us which units have which violations.

Mr. B. Regan: I believe it was broken down later on.

Mrs. Harrison: The biggest thing for me is the access and the parking and that can't be shown from the site plan or with no striping in the parking lot. That's hard to tell and that affects the

whole facility and this is going to use a lot of spaces. So unless that is detailed a little bit better so we can understand how the parking going to be delineated and that there is going to be enough without people parking in the drive and blocking access for the Fire Department, that goes to the whole site. So making that work is everybody.

Mr. Brauer: A to-scale drawing may be a little bit tough but we need this cleaned up.

Mr. Ross: No it's not too tough. If people are going to spend energy and dollars investing in a business to actually hire a design professional to prepare a site plan that is to scale represents their project adequately to a City body is hardly little to ask.

Mr. Sprungle: There are just too many issues. It's the parking, the fire code, it's too much just to say okay we'll approve it, but go ahead and fix it. It is a lot of things so I couldn't support at this point.

Mr. Regan: That's really all I had to speak on behalf, the clarification of all the units being held accountable, or one individual and one unit being held accountable for all the other units I guess has more or less been clarification.

Mr. Sprungle: They're all in the [inaudible], they all share parking and they all share fire responsibilities.

Mr. B. Regan: It's like a strip mall in one building and one tenant is responsible for the other tenants.

Mrs. Harrison: You don't really want to be in a place that the other places are unsafe because you're connected. If they have a fire code violation and they have a fire you are right next to them.

Mr. Sprungle: The insurance company may have an issue with that too.

Mr. Sprungle moved and Mr. Ross seconded the motion to approve P.C. 2017-013. **Planning did not support the request citing concerns about the existing building/fire code issues in the building; adequate parking; and the site plan presented.**

**The applicant indicated he intended to revise and re-submit, and he requested that the application not be forwarded to City Council at this time.**

Yea: None.

Nay: Brauer, Harrison, Ross, Sprungle. The motion failed 4-0.

**STUDY ITEM:**

**Continued discussion on Comprehensive Plan Update**

Mr. Kurtz: If you have any comments on the latest draft with the changes highlighted, I can take them now or you can email them to me and I can get them to the Consultant. We can make arrangements for the Consultant to attend the September 12, 2017, meeting or the meeting after. I will leave it up to the Planning Commission whether we are ready to act as a business item on it or you want to review it one more time with the consultant here as a study item.

Mr. Sprungle: I have no open issues right now on the draft that you provided at the last meeting.

Mr. Ross: I have no significant changes.

Mr. Kurtz: Then maybe I can ask the consultant to attend the next meeting, just in case. So, September 12, 2017 at 6:00 p.m.

**NEXT MEETING: Scheduled for September 12, 2017.**

With no further business to discuss, Mr. Brauer moved and Mr. Ross seconded the motion to adjourn. It was unanimously approved and the meeting was adjourned at 6:52 p.m.

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Richard Sprungle  
Planning Commission Chairman

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Pamela H. Daerr, CPS  
Planning Commission Secretary