

STOW PLANNING COMMISSION

Minutes of the Stow Planning Commission meeting held on Tuesday December 5, 2017, at 6:00 p.m.

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

MEMBERS ABSENT: None.

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

PRESS REPRESENTATIVE: None

Mr. Sprungle called the meeting of the Planning Commission to order at 5:50 p.m. and asked the audience to stand and say the Pledge of Allegiance. Roll call was taken.

APPROVAL OF MINUTES:

Mrs. Harrison moved and Mr. Brauer seconded the motion to approve the minutes of the November 7, 2017, meeting. The minutes were approved as submitted.

BUSINESS ITEMS:

P.C. 2017-017 – Lingo Staffing – Sign Variance; 3809 Darrow Road

Ms. Mary Ann Serafino and Mr. Matt Bryson of Easy Sign were present to represent this item and were sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. John Maimone of Lingo Staffing, property and business owner, for the Planning Commission's approval of a variance to permit the construction of a monument sign at 3809 Darrow Road. The property is zoned C-6 Office.

The applicant is proposing to construct a monument sign which will be 4.5 feet in height and 16.5 square feet in area and located 4.5 feet from the Darrow Road right-of-way. The proposed sign will be constructed in aluminum. In the vicinity of this property, there are other identification signs that are located less than 10 feet from the Darrow Road right-of-way.

The proposed sign; this is the building [pointing to the screen] and this is the Liberty Road and Stow Road intersection [pointing to the screen], is well off the intersection. I checked with the Engineering Department to see if there were any potential sight distance issues and they had no issues with this.

The applicant is requesting a variance from 1183.05(b)(3) to permit a monument sign to be located 4.5 feet from the Darrow Road right-of-way (10 feet minimum required).

As you can see the sign is proposed to be located in the middle of the building, 4.5 feet from the right of way and 4.5 feet from the building.

There are a couple of other signs in the area I have noted that are less than the ten-foot setback required. Starting south to north [pointing to the screen] Mr. Tire is 3.5 feet from the right of way; Quality Cleaners is 8 feet from the right of way; Huntington Bank is 7 feet from the right of way, and Anzelc & Associates is 6 feet from the right of way. The right of way has been widened over the years and that probably contributed to the need for those variances.

The sign is 16.5 feet in area which is much less than that a 50-foot sign that is permitted if it were 10 feet back.

Mr. Sprungle: So the only variance is the distance from the street?

Mr. Kurtz: Right.

Ms. Sarafino: We think the variance is viable. I don't think there is really any other choice as far as where it can be located.

Mr. Sprungle: Mr. Kurtz: How far is that building from the right of way?

Mr. Kurtz: It is approximately 14 feet.

Mr. Sprungle: It is almost impossible to get a sign 10 feet from the right of way.

Mr. Kurtz: Right.

Mrs. Harrison: And with the sidewalk they have.

Mr. Kurtz: Anywhere north of the building would be unacceptable and would potentially cause a sight distance because it would be getting close to the intersection.

Mr. Sprungle: I don't see it as an obstruction. There is no right turn on red regardless. The only way you can get through that intersection is on a light.

Mr. Kurtz: It is all signaled. You are correct.

Mrs. Harrison: They have done a lot with that building. They have painted it and updated the landscaping. It looks a lot better. I don't think the sign is going to detract from that.

Mr. Ross: Mr. Kurtz the reason the other signs are where they are is the result of the right of way changing?

Mr. Kurtz: I can say for sure Mr. Tire which was formerly BP ProCare is at the intersection which was widened multiple times over the years. I was present for that. Then Huntington and Quality Cleaners. They are all in the same right of way on Darrow Road except for Anzelc & Associates which would not apply there.

Mr. Ross: The change of right of way is what made those less than what is current.

Mr. Kurtz: Correct.

Mr. Ross: So this sign could be placed parallel to the building as opposed to perpendicular to the building. Is that correct?

Mr. Kurtz: It's possible. It makes it more difficult.

Mr. Ross: I think previously they had a sign on the building, did they not?

Mr. Kurtz: I think there was sign on the south wall.

Mr. Ross: There were signs on the south and west wall both.

Ms. Serafino: It was a vertical sign that was on the face of the building, being viewed from one side.

Mr. Ross: It seems like that would be a preferable thing to do as opposed to trying to cram a sign into a place where it really doesn't belong. Plus, we have a huge sign for a relatively small building. I assume it is an illuminated sign?

Mr. Kurtz: I don't know if it meets the definition of huge, it is 16 square feet. It is a non-illuminated sign.

Mr. Ross: It's a fairly large sign. Is it illuminated?

Ms. Serafino: It's a non-illuminated sign that is 16 square feet.

Mr. Ross: Non-illuminated.

Ms. Serafino: Correct.

Mr. Sprungle: The size is consistent with what you would normally put there. I don't think size is that much of an issue; it's more the location.

Mr. Kurtz: Compared to the other signs Huntington is relatively small.

Ms. Serafino: I believe the sign is pretty much in line with the Huntington Bank sign. It looks fairly uniform when coming down the street.

Mr. Ross: I think you have other options.

Mr. Sprungle: Mr. Kurtz, has the City Engineer or Traffic Engineer looked at this at all? I don't think there is any obstruction, is there?

Mr. Kurtz: I did consult with Jim McCleary and Terry Donovan to see if there was a sight distance problem and they did not have an issue with it.

Mr. Sprungle: So the City's position is?

Mr. Kurtz: I think there is enough support in terms of the other signs in the area that would make it consistent.

Mr. Brauer: It would be the second sign at 4.5 feet from the right of way. Mr. Tire being 3.5 feet from the right of way.

Mr. Sprungle: I don't really have a major problem with it.

Mr. Brauer: I think we have to look at what's presented to us, right Mr. Kurtz?

Mr. Kurtz: You have the option to do anything you want. You can propose to modify it, propose an alternative, support it as it is or propose to deny it. That is certainly your right.

Mr. Brauer: The only modification, Mr. Ross, you are looking at is to turn the sign, correct? From a business owner, they're saying, well that may not work for us.

Mr. Ross: We don't have the business owner here apparently.

Mr. Brauer: Good point.

Mr. Ross: One could put the sign parallel. You could put it on the building as it was previously. I think covering up the landscape with another 16 square foot of sign probably doesn't help our community much.

Ms. Serafino: With all due respect, if I may speak for the business owner, we found that as far as being able to be recognizable; when you're driving down the road, most of the time if a sign is parallel, people are not going to turn and look. If it is perpendicular to the road, they're going to get much better visibility. They will have people coming to this staffing location, so they will be having people coming to that location applying for positions. I think it is important for people to be able to find the location.

Where the sign was placed prior. I visited the site myself and I had to get out into the property to walk around to find out where that sign was when we did the site survey for it. Where it was placed before, is something while you're driving down the road you would not be able to identify that building.

Mr. Ross: I hate to disagree but I travel that route every day of my life for the last 35 years and the sign that was on the building was quite visible. It was both parallel to the road and perpendicular on the other space of the building. I can't support it.

Mr. Miller: Do you have a temporary sign up right now?

Ms. Serafino: There is a temporary sign that Lingo Staffing installed and that is, I believe, on two posts.

Mr. Miller: How is it directed right now?

Ms. Serafino: I believe the orientation of that is a parallel sign and it is very close. We didn't do it so I don't know. It's further up than where we are proposing the sign to go.

Mr. Ross: It's north of the building.

Mrs. Harrison: I feel like that was the real estate sign and then I think they put a banner over it.

Ms. Serafino: That's correct.

Mrs. Harrison: It probably was allowed to be like that because it was a temporary real estate sign.

Mr. Miller: That is the way you think (to Mr. Ross) this sign should be as it is right now.

Mr. Ross: Well I wouldn't put it in that location. I'd put it adjacent to the building instead of free-standing it out in the middle of the parking lot.

Mr. Kurtz: The owner is not present and you have been talking about some alternatives, so maybe it is appropriate for Planning Commission to hold the item until the owner could arrive and address some of these questions you have and maybe other reasons why it was proposed like this.

Mr. Sprungle: It is something to consider. I don't have a problem looking at where the other setbacks are and saying this is not as close as Mr. Tire. The sign is within the size range that's normally allowed. It is actually the smallest of the signs that are in variation to the code. It is not an obstruction to the interchange and again, people don't have to look around that corner because it is a right turn on red only. I wouldn't have a problem moving forward with it.

Mr. Ross: Are there other signs proposed for the building itself?

Ms. Serafino: Not currently. This is the one he is looking to use for his identification sign.

Mr. Ross: So the wall signs?

Ms. Serafino: The wall sign was being removed.

Mr. Ross: All being removed?

Ms. Serafino: Yes.

Mr. Brauer: Lingo Staffing will be utilizing the entire building?

Ms. Serafino: That's correct.

Mr. Brauer moved and Mr. Sprungle seconded the motion to approve P.C. 2017-017. **Planning Commission recommended approval of the variance. Planning Commission determined that the variance was justified considering there were other signs in the vicinity that were located less than 10 feet from the right-of-way and the area of the sign was less than or smaller than the other signs.**

YEA: Brauer, Harrison, Miller, Sprungle.

Nay: Ross. The Motion passed 4-1.

STUDY ITEM:

P.C. 2017-018 – Proposed Multi-Family Development Concept Plan

Mr. Kurtz: This is a request by Mr. Paul Zuravel, property owner, for the Planning Commission's preliminary consideration of a site plan to permit the construction of a 10-unit multi-family development on his property located at 3720 Gilbert Road.

This is coming off of Gilbert Road [pointing to the screen] the frontage here is 30 feet and it widens out. The structures that are shaded [pointing to the screen] are existing structures. This here [pointing to the screen] is an existing two-family dwelling and this [pointing to the screen] is currently an accessory building.

Mr. Sprungle: It's a two-family building now?

Mr. Kurtz: Yes.

Mr. Ross: Which is that?

Mr. Kurtz: Nine and ten [pointing to the screen].

Mr. Ross: That is two-family unit?

Mr. Kurtz: Right. Then seven and eight [pointing to the screen] are currently an accessory structure. As you can see [pointing to the screen] it is located straddling that property line.

This is a concept plan. I indicated to Mr. Zuravel we can review it as a concept and possibly get some feedback but obviously to proceed further we would need a full set of drawings for approval of a multi-family development.

I did review and have some notes here. I will let Mr. Zuravel explain it but I wanted to review using Chapter 1169 Multi-Family of the Zoning Code and how it meets that and also some notes I made in terms of things that should be considered.

In terms of the Minimum Land Area, it meets that.

The density is less than what could be permitted.

The Maximum Land Coverage looks like it is less than what is permitted.

The Minimum Open Space could not be determined from the plan submitted but it looks like there could be enough room.

The Frontage is lacking in terms of the Code.

The Minimum Distance from the Right of Way is well exceeded.

The Private Street is an issue that should correct itself when the plan is refined.

The minimum setback, just to give you a little detail, looks like unit 6 and unit 2 are less than 20 feet from the proposed private street. That has to be a minimum of 20 feet.

In terms of the adjacent multi-family or non-residential district would be the Universal development which is here [pointing to the screen] and here [pointing to the screen]. It meets it here [pointing to the screen] on the south but then on the West, the existing structure straddles the line.

The other issue is the Separation Distance which is 16 feet. That is well less than the multi-family requires. That is the separation distance we have for Cluster Developments. It's not unheard of. An R-3 development would have 8 feet on one side and 8 feet on the other side of the house. The requirements we are using are in Chapter 1169 which traditionally has not been used for cluster-type units.

Conceptually, I have to say this multi-family is consistent with what Planning Commission has been talking about for this area. That is conceptually. There are still a lot of details that would definitely have to be worked out and some of those details may change the number of units, and may change the location.

In terms of the site itself, it slopes from the south to the north. There's a change in elevation of about 14 feet from the south to the north. It goes from 1008 to 984.

Mr. Ross: It plateaus at 994 and drops off.

Mr. Kurtz: So that will have to be accommodated. With this level of detail that is not apparent.

Another issue to consider, which is a big one, is the storm water management which could also affect building location and a number of buildings. The applicant is showing it on an adjacent property. If a long-term maintenance agreement is established and that property owner agrees to record an easement on the property, that would work. Those are important aspects to worry about when you're talking about a development like this.

This project did not include the front property there [pointing to the screen].

Mr. Sprungle: Can you explain that again? That front property is not the building lot. It is a storm water management lot?

Mr. Kurtz: It is just a separate lot.

Mr. Ross: It has separate ownership.

Mr. Kurtz: Yes, it has separate ownership. That owner would have to agree to have a storm water management easement established on their property for this to work. In other words, if you are using storm water management on an adjacent property, you have to be able to control that property. That is an important detail that needs to be worked out eventually.

Another significant concern is the existing structures and how they'll be incorporated into the development in terms of the siding. Will the siding match the proposed houses? The applicant has provided a series of elevations. He indicated they are going to be Universal's design so they will be one-story accessible. I will let the applicant explain that in more detail. From first appearances it seems to be a nice mix of materials with the stone and vinyl to be consistent with Universal's project.

I think there is a lot more detail that has to be established that would affect the layout and maybe the number of units proposed. That is as far as I got with it.

Mr. Zuravel: I wanted to try to do something different. I can put an 18-unit single building there and be within the multi-family thru the density and everything but I wanted it to be single family _____.

We looked at the multi-family and it allows for cluster homes but then the separation they are giving me under the multi-family regulations is they are under cluster design. I need to know, and with the Comprehensive Plan coming out and what they were saying about this area, I wanted to try and get some feedback from you guys _____. I really don't want to go right against it but I want to have a way to fit this in without a bunch of variances and stay within the, below the density that is required.

There's really no way other than 1169 Multi-Family to fit this because I'm 3/10 of an acre short of a Cluster Development. So I can't go under those regulations.

With the private street, I've got an email from Nick Wren agreeing with me that they've determined that it was a private road as defined in the revised code at this point.

Mr. Sprungle: And the utilities go all the way back?

Mr. Zuravel: Well, they will. I have to extend them. There are poles, electric lines that go back to Cuyahoga Falls electric. This is a Cuyahoga Falls mailing address but it is within the City of Stow.

What happened too was when the Universal development was put in, a couple of the private roads come to my property. Under the subdivision regulations I thought that those were supposed to be or intended to be extended to adjacent properties, but if they have no turn around for the fire trucks and they are just dead-end roads then I guess when I talked to Rob he said there was never mentioned in their plan to ever extend to the adjacent properties. At this point I decided well, I can try to do something on my own.

With the 7 & 8 building, the 1-1/2 acre that is behind that, that goes to Mud Brook, I have a lease agreement for that property.

Mr. Sprungle: So they own the property.

Mr. Zuravel: They own the property and I lease it.

Mr. Sprungle: But they're not building on it.

Mr. Zuravel: No, there is no intention to build on it. Actually they own; if you extend that property line north, they own all that property north [pointing to the screen] on that side of Mud Brook but they'll never do anything with it because they can't access it when they're _____.

Mr. Kurtz: This is the triangle area [pointing to the screen].

Mr. Zuravel: See that darker line is Mud Brook [pointing to the screen].

Mr. Kurtz: This is the creek [pointing to the screen].

Mr. Zuravel: See that area there [pointing to the screen].

Mr. Ross: What kind of lease do you have?

Mr. Zuravel: We have a long-term lease to use the property.

Mr. Ross: You can't build on it.

Mr. Zuravel: No

Mr. Ross: But it's just for use.

Mr. Zuravel: Then the storm water that I...

Mr. Sprungle: Let's talk about that property in behind there. Mr. Kurtz, what would be the normal setback for that property?

Mr. Kurtz: It would be 20 foot because it is adjacent to a multi-family, just like to the south. It would typically be 20 feet to the south and 20 feet to the west.

Mr. Sprungle: That house that is on there now, it almost looks like a barn.

Mr. Zuravel: It's a two-car garage. It's good a _____ foundation on it.

Mr. Sprungle: That looks like it straddles the line, is that correct.

Mr. Zuravel: No, it's 6 foot off the line.

Mr. Sprungle: So would that fit the code before there was multi-family back there?

Mr. Kurtz: Yes, for an accessory structure.

Mr. Zuravel: The nearest structure from that for that _____ development is probably about 200 feet across Mud Brook. They have a retention pond on their _____.

Mr. Kurtz: On their nearest structure yes.

Mr. Zuravel: As far as the storm water goes, that pond that is existing on that adjacent parcel; all the water drains into it right now as well as the water from the 3710 and 3716 properties. They have a pipe that goes under my road there that goes into that drainage pond. There's a catch basin in that pond right now that has a 12 inch PVC pipe that goes across the northwest corner of my property; and it goes back into the drainage area on that parcel next door. I don't know if that was put in during the time of the Lowe's development or what. Nobody seems to know when that was put in, but it's an actual catch basin that _____ PVC pipe. So it was definitely meant to be a retention or drainage pond.

The previous owner began to fill it in. I had the Service Director out there as well _____ and the Assistant Service Director too. I was trying to do something about getting it cleaned out. Eventually, I will just clean it out a little bit. It's open right now and operating. _____

It takes a lot of water. I had Mike, the Assistant City _____ in here. He didn't calculate it, but it does drain some water from the _____ and some water from the _____.

These would be single-family [pointing to the screen], _____ 1,200 – 1,300 square foot.

Mr. Sprungle: Mr. Zuravel this is an interesting proposal and I guess, from my perspective and I would like to hear from the rest of the Commission as well. A variance on the distance between homes I think we could find a way to work our way through that.

The density doesn't look unusual. I would probably, regardless of whether you had that leased space behind it or not, want to look at the setbacks that are in place. Grant you a little bit of space on the space between but then keep the setback around the property kind of _____.

I think there is a bit of work to be done on that drainage. Who is the property owner there? Do you know them? Have you talked to them? Would they be willing to accept that?

Mr. Zuravel: I don't think so, it doesn't _____ that way right now. If you look at the topography of that map it all drains that way and what doesn't drain that way drains to the side. _____ drains to the side and down. That area to the north of me is probably 14 feet below that property and it all drains into a wetland area. It can't be built on. Any drainage that comes off of those four buildings over here [pointing to the screen] 3, 4, 5 and 6. I mean you're talking about 1,200-1,300 square foot footprint. So you're talking about not a whole lot.

Mr. Sprungle: It's really going to go that way [pointing to the screen] isn't it?

Mr. Zuravel: It's going to go north.

Mr. Sprungle: And a little bit west.

Mr. Zuravel: Or to the west or to the east and west as far as number 6 and 5 go. I mean it's going to go down that way towards that northwest corner. All the land to the north of this is basically wetland. I don't know if you guys are familiar with that but to the north and up on the other side of the railroad tracks that ...

Mr. Sprungle: It's pretty wet.

Mr. Zuravel: That drainage actually runs along the north side of that private street that I have here [pointing to the screen]. It comes all the way around. It encroaches even on my property. So it's like that on _____. Local property owners have access too because it's on his property.

Mr. Kurtz: I don't know about the current situation, but in terms of any future or new development, what the developer would have to take care of is the new drainage associated with that development. With this development there is going to be "x" amount of runoff. That has to be handled on site so that when it leaves the site it leaves at the same rate it would prior to development. Those calculations weren't provided here but that's the key to figure out. If it leaves the site at the same rate that it does now, then that is one fact to go with. How does it do that? What we don't know, is if additional detention is needed how does it happen. That information wasn't provided at this point and typically we don't get that at concept but that is important.

Mr. Zuravel: Any plan approved by the Planning Commission is always subject to the 50-year storm water.

Mr. Kurtz: Typically there is a preliminary plan shown and with grading and storm water management. We have that prior to Council approval.

Mr. Zuravel: Right. I'll be honest with you I wouldn't want to try to disturb grading any more than I have to because the natural flow right now, the amount of rain coming out of the _____. It might be collected on the roofs or it could be collected on the ground. I think the City requires downspouts. There are multiple ways to do that too _____. We're not talking about a lot of water when you're in a 1,200 square foot footprint coming off those roofs.

Well actually you not talking about any water coming out of the sky. It's just that you're collecting it. You know what I mean.

Mr. Sprungle: But it is 1,200 square feet times 10 and it's a hard surface as opposed to...

Mr. Zuravel: There's already, 9, 10, 7 and 8 are already in. So you're talking about 6 houses at 1,200 square feet, a 7,200 square footprint.

To be honest with you, like I said, 1 and 2, the amount of water than runs down here, it all goes to that retention basin. I have videos and pictures of it _____ as it is. You know, of course, you don't _____ any water. But I think I can work with that.

My biggest concern is I don't want to come in and ask for a bunch of variances. With what the Comprehensive Plan is, they're pushing for more density down there from the way I view it; in this area because of the retail. You've got the Walmart and Lowes right over there. At 4 o'clock in the morning Walmart is moving stuff around banging stuff. That is all their loading area back there, Walmart and Lowes. When they built those there was no noise reduction factored _____ what they were doing back that.

So at this point, it's probably a good thing that I'm as far off the road as I am. Since Universal came in, they've cleared all, even the 15-foot barrier they were supposed to leave. They cleared all that out. I think Rob is working through that with them. They are going to probably try to replace it but some of those trees were 50-60 feet tall. I didn't happen to be home that week and I came home and they were all on the ground. So now there's nothing there. If you drove by I'm sure you could see the _____. They were supposed to stay 15 feet, isn't it Rob, off the property line for a buffer.

Mr. Kurtz: They had 20 feet the same as you would have 20 feet.

Mr. Ross: Mr. Kurtz, do we have any special issues come up as a flag lot?

Mr. Kurtz: It doesn't meet the frontage requirement for Chapter 1169.

Mr. Ross: Normally there are provisions for flag lots in most zoning codes. It would be determined as a minor subdivision and they've upgraded it to a major subdivision review. We're not doing that, so.

Mr. Kurtz: It is an existing lot. It can be described as a flag lot or it can be described as an irregular lot.

Mr. Ross: It is a flag lot.

Mr. Kurtz: It wouldn't meet our flag log frontages. Flag lots need even more frontage than that. It is an existing lot of record but using the multi-family code the frontage requirement is larger.

Mr. Zuravel: I have a question Rob, since Nick did determine that to be a private road, is the development on the private road.

Mr. Kurtz: I don't know that. I don't have any document or record of that. It's a driveway.

Mr. Zuravel: Here, I've got an email from Nick.

Mr. Kurtz: If you are going to use Zoning Code 1169, that's what you use.

Mr. Zuravel: What changes, if anything if that is a private road?

Mr. Kurtz: Nothing. It's a driveway. You can call it what you want but to use 1169 that's what you use.

Mrs. Harrison: So it would be privately maintained into the development.

Mr. Kurtz: Sure.

Mr. Zuravel: What I'm saying is would something other than 1169 fit the bill? Would you give to a minor subdivision on a private road?

Mr. Kurtz: No. The only way is frontage, and I thought I emailed that to you. A PRD, PID or a Cluster allows you to create lots without public frontage.

Mr. Zuravel: A cluster does.

Mr. Kurtz: A cluster does. Chapter 1169 doesn't.

Mr. Zuravel: Chapter 1169 does a lot of Clusters, right?

Mr. Kurtz: You are using Cluster as a different word. We have a Cluster Development regulation. There's are no lots that could be created without frontage except for, as I said, a PRD, or a PID, which is a Planned Industrial Development.

Mr. Zuravel: Wouldn't be advantageous, would it be easier to use the Cluster Development regulations on this?

Mr. Kurtz: It looks more like a Cluster.

Mr. Zuravel: What would be the difference?

Mr. Kurtz: The issue with the Cluster is that it doesn't name Gilbert Road as one of the places you can put a Cluster. It looks more like a Cluster to me. It's a little more dense than a Cluster would allow probably.

Mr. Zuravel: Well, it's set at 3.3 per acre.

Mr. Kurtz: Yes. Again, if you didn't know anything else, it looks like a Cluster Development.

One of the goals, and this is a long range, and it doesn't help a specific plan but all of our non-single-family residential districts need to be evaluated. That is one of the recommendations from our consultant and is in our Comprehensive Plan. We need to look at our non-single-family residential districts and evaluate they are consistent, because we have multiple ways to do it. Chapter 1169 has 13 lots out of 3,000 lots that you could even do this.

Again, it feels more like a Cluster Development to me but doesn't quite meet those regulations either. Either the code will have to be changed or there are significant variances granted in that regard.

Mr. Zuravel: That's the challenge I have. I agree with Rob; it is more of Cluster Development but the code isn't written _____ for that to take place even though I think that is a better design for that area. It would be more applicable. But the code as it's written, I guess you could go under the Cluster. The variance would be from 3 acres to 2.7 acres.

Mr. Kurtz: Right.

Mr. Zuravel: And what other would there be? This road variance would disappear?

Mr. Kurtz: Gilbert Road is not listed...

Mr. Zuravel: [Inaudible].

Mr. Kurtz: I would have to evaluate that; but it is certainly closer to meeting the Cluster regulations than Chapter 1169. No doubt about that.

Mr. Zuravel: That was my intent. I wanted to _____ 1169 but me and Rob talked and it would seem like the only way to put it here was a Cluster. I brought it to you guys to get some feedback on how you felt about allowing Cluster regulations in a Multi-Family district to apply. In an area like this where you're so close to retail, would you reduce the amount of acreage required for a Cluster if the density was being maintained.

Mr. Sprungle: The minimum for a Cluster is 3 acres?

Mr. Kurtz: Yes.

Mr. Zuravel: We're at 2.72 acres right now. If you count the leased land I'm at 4.2 acres. Under Chapter 1169 you are allowed to count leased land in your density. So really even with this site ____ 2.72 acres with the 4.2 acres and 10 units I am way below the density.

Mr. Sprungle: Well it does look more like a Cluster and that would be a stronger argument for a Cluster if a Cluster were allowed in this area.

Mr. Zuravel: Right and I think the Comprehensive Plan when you look at what they, they were looking at more flexibility for places around these _____.

Mr. Ross: Well this parcel [pointing to the screen] is pretty well isolated so I'm not so sure some of those issues are that germane, but it does look like a Cluster is a more appropriate use for what we see.

Mr. Kurtz, were there any issues with this property being over 300 feet, almost 500 feet off the road in terms of fire or access.

Mr. Kurtz: They would have to get their appropriate access and as long as they can get around. In terms of distance, I don't think distance is the issue. It is going to be turnaround space. They need to look at a final plan to determine what they need.

Mr. Ross: I guess that's my point. You need to figure out how to accommodate a turnaround for fire service.

Mr. Zuravel: Right. I'm glad you brought that up because the UDE felt that next door _____ that are in ground on my property without a turnaround. That's when we couldn't understand why didn't they have to put a turnaround in there. They have these two 400 foot roads within that development that dead end into my property.

Mr. Kurtz: They are just driveways.

Mr. Zuravel: Are they driveways or _____.

Mr. Kurtz: Yes.

Mr. Zuravel: But how does a fire truck turn around.

[inaudible]

Mr. Zuravel: I'm also glad you brought that up because that's why I have questions about the private road because I had an incident with my mother-in-law who was staying with us and we had to call EMS. They had a hard time finding the structure because even though the mailbox is marked with the proper address they couldn't find the driveway. I had to go to the end of the driveway flashing my lights to bring them up. She had a heart attack. I brought them up the driveway and showed them where to go because when go up the driveway about 30 foot there is another driveway that goes up to the house and the other part goes to the back.

I tried to get with the Service Director now since he's determined it's a private road, I want to put a sign out there and I want to make it easier for the safety forces to get back there. They don't have a problem getting back there but it is identifying it. Mark Stone says it pings on where the structure is but couldn't actually locate it because it's so far back.

With a private road being marked on the street with signage then they be able to come down Gilbert Road, see the sign go up there and then at point the addresses would be marked _____.

Mr. Kurtz: What would the sign say?

Mr. Zuravel: The sign would say whatever we determined the name of the private road would be which it can't be determined until...

Mr. Kurtz: Wouldn't it be easier to use the existing address they have. They have 3720 in their system. Wouldn't it just have a big 3720 near the road.

Mr. Zuravel: Well, there's a big 3720 on their now. When they came in and couldn't find the property my mother-in-law's the one in the hospital.

Mr. Kurtz: I'm not minimizing...

Mr. Zuravel: I had to go to the end of the road to flash my lights. The officer even thanked me for doing that because he said they couldn't find it. I flashed my lights, I took, showed him where the _____. We're all wanting to make it as easy as we can make it for safety forces. That's what we want.

Mr. Ross: It seems this land is right for development. I would encourage something like a cluster development to take place here. You obviously have a lot of issues that need to be worked out in terms of storm water, access and turn around, and all sorts of other things. Let alone some topography issues that you will have based upon what's going forward.

I would clearly say you need to make sure you have a formal lease agreement for perpetuity for that land if you're going to use it as a support point to a tract of land to look at the cluster. If you don't have those easements and perpetuity, then we're looking at a something different.

Mr. Zuravel: Right now the County has [inaudible].

Mr. Ross: I know that but if you go in a different direction you probably would. So I would encourage you to go forward and bring us something a little more concrete when you have an opportunity to look at some of the issues I know you are struggling with.

Mr. Sprungle: I think it has a lot of good points but I don't think there is enough information here.

Mr. Zuravel: I have to meet with my engineer. Should I go with a cluster development? How do you guys feel about either reducing the amount of acreage for a cluster so we can eliminate the variance there or is there anything you do about changes as we move forward with that Comprehensive Plan _____.

Mr. Ross: I would say if you have the opportunity to use that leased area to help you in the planning to meet some of the criteria, that would be the first line of attack that I would recommend that you take.

Mr. Sprungle: But that is one of many issues.

Mrs. Harrison: I think that either way it goes, there are going to be variances. I don't feel like it is going to fit exactly into either of those Codes. I think it is a good layout. I'm a little worried about building 7 and 8 being so close to the property line but I think there needs to be some thought in that process. Either way there are going to be variances so whatever you can try to do to reduce that, but I don't see a way of getting rid of them all.

Mr. Zuravel: Unless I build just one building with six units per acre and 15 units in one building. [Inaudible.] although that was 50 multi-family units with a lot less variances. The 50-unit _____ and that's what I'm trying to avoid.

Mr. Sprungle: Mr. Kurtz, would that fly, without any variances?

Mr. Kurtz: No, there would still be variances. There are still the frontage variances and the...

Mr. Zuravel: If I had the frontage and I wanted to build ____ 150 feet frontage and I wanted to put ____ an apartment building on three acres the ____ used per acre, I would have the frontage, right? And I don't know whether the variance on the [inaudible].

Mr. Kurtz: It is a conditional use and it is possible.

Mr. Zuravel: But it's still permitted as a conditional use and I wanted to try to stay away from it. That's why I did this to try and [inaudible].

Mr. Sprungle: I don't think anybody's rejecting it. I think what we're saying is, as a study item there just isn't enough information for us.

Mr. Zuravel: You talking about the storm water?

Mr. Sprungle: The storm water, the fire department, the setbacks, the frontage, driveway versus the private road. There are probably more issues. It's just not enough to really go forward yet.

Mr. Ross: I don't know if the private road is an issue?

Mr. Kurtz: I don't think so as long as they can gain access. There is no doubt where the access is going to be.

Mr. Ross: I don't think there's an issue with the private road, per se.

Mr. Zuravel: Okay, thanks a lot.

Mr. Kurtz: For Mr. Zuravel to proceed with his project with the existing Zoning Code, we have to decide or Mr. Zuravel needs to decide which section of the Code he is going to use. It has to be something. It looks like a cluster.

Right now the only way it could be done would be using Code 1169 with a bunch of variances and reviewing it like it was a cluster. I don't think we're going to change the Cluster Development regulations.

In my opinion we need to look at all of our regulations in that regard to make them more consistent. From a practical point of view, if he wants to proceed in the next two-three months, he needs to use Chapter 1169. That is kind of a key point; or, if the Zoning Code is going to be amended that is another factor in how Mr. Zuravel should proceed. That is something to think about. I don't know if that is solved yet.

Mrs. Harrison: I have the analysis you did comparing what is allowed and what is proposed. Could you do that with a cluster development for us to look at? That might help us to see which one it fits closer to working in.

Mr. Sprungle: Makes more sense.

Mr. Kurtz: Sure.

Mr. Sprungle: Where are the variances if it's a cluster and where are the variances if it Chapter 1169? Good suggestion.

Mrs. Harrison: It would help to compare apples to apples.

Mr. Sprungle: Which variances would be looked at and viewed more favorably.

Mr. Zuravel: I thought I heard you say, Mr. Kurtz, if we did the cluster we would run into _____, it would be more the location.

Mr. Kurtz: Either way I don't remember off the top of my head if cluster has a frontage requirement. The important issue is for it to change, it would require a text amendment. We can't use the cluster regulations for this it's changed.

Mr. Zuravel: We would need a variance on the amount....

Mr. Kurtz: Planning Commission wouldn't be allowed to...

Mr. Sprungle: Grant a cluster on a non...

Mr. Kurtz: On a different location that is not proposed. I don't think Planning Commission can do that. In other words, if we say the Code says Cluster Development can occur here, here and here. Can you add a street? I don't think they're allowed to grant that variance. I need to consult with our Legal Department but I don't think they can.

Mr. Zuravel: The Cluster Development actually allows less density than a multi-family.

Mr. Kurtz: I don't think there is any argument that it fits a cluster better.

Mr. Sprungle: The question is can we use a cluster there?

Mrs. Harrison: If you did this analysis then we could see if it was a cluster that would be allowed. So we would be more likely to grant a variance in R3 because it does look like a cluster.

Mr. Sprungle: But in order to do that, we would have to change the text to allow a cluster in this area.

Mr. Kurtz: I think that's the only way to do it. That is why I am concerned about the timing. A text amendments take some time.

Mr. Zuravel: I am meeting with the engineer tomorrow, so I was kind trying...

Mrs. Harrison: It could stay R3 but if we could see what would be allowed to cluster then we would be okay with granting a variance because it does look more like a cluster.

Mr. Sprungle: If we can even grant a cluster in that area to begin with.

Mr. Zuravel: You can change the text.

Mr. Sprungle: We can recommend the text change.

Mr. Kurtz: We can probably change the text, but it is a two- or three-month process. That is the issue. There may be no way around that. I frankly wouldn't recommend changing the text of the Cluster if we are looking at all the residential regulations. That would seem to be nonproductive. I agree this concept works here.

Mr. Zuravel: The other thing that comes up is are you allowed to develop all the frontage on a private road. If that was the case it would be a lot easier to meet this density without _____.

Mr. Kurtz: The only way you could develop lots without public frontage is as described; a PRD or a PID.

Mr. Zuravel: You can't do it on a private road?

Mr. Kurtz: No, a lot has to have frontage other than those two cases I just mentioned.

Mr. Zuravel: It's just confusing because all the developments that are done are platted off of private roads.

Mr. Kurtz: Right, the PRDs and PIDs are allowed and you can do that. I'm not sure you can do it in a cluster but I think you can. It is prescribed in the Code that way.

Mr. Zuravel: It's just a lot of stuff. From my perspective it's almost easier just to build the apartment buildings but I really don't want to do that.

Planning Commission were supportive of the cluster concept but requested more detailed information and requested that staff review the concept plan using the Cluster criteria.

NEXT MEETING: Scheduled for January 9, 2018.

With no further business to discuss, Mrs. Harrison moved and Mr. Brauer seconded the motion to adjourn. It was unanimously approved and the meeting was adjourned at 6:59 p.m.

Richard Sprungle
Planning Commission Chairman

Pamela H. Daerr, CPS
Planning Commission Secretary