

STOW PLANNING COMMISSION

Minutes of the Stow Planning Commission meeting held on Tuesday January 9, 2018 at 6:00 p.m.

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

MEMBERS ABSENT: None.

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

PRESS REPRESENTATIVE: None

Mayor Kline 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.

ELECTION OF OFFICERS

Mayor Kline: At this time, I would like to call for nominations from the floor the Planning Commission Chairperson for the year.

Mr. Sprungle moved to nominated Chris Brauer and Mr. Ross seconded the nomination.

With no other nominations, Mr. Sprungle moved and Mrs. Harrison seconded to close the nominations. The motion to close nominations was unanimously approved.

The motion to elect Chris Brauer as Chairman of the Planning Commission was unanimously approved.

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

Mrs. Harrison nominated Mr. Ross and Mr. Sprungle seconded the nomination.

With no other nominations, Mr. Ross was unanimously approved as Vice-Chairman of the Planning Commission.

APPROVAL OF MINUTES:

Mr. Ross moved and Mr. Miller seconded the motion to approve the minutes of the December 5, 2017, meeting. The minutes were approved as submitted.

BUSINESS ITEMS:

**P.C. 2018-001 – OMNI SENIOR LIVING: ADDITION TO PREVIOUSLY APPROVED
CONDITIONAL ZONING CERTIFICATE & SITE PLAN; ALLEN ROAD**

Mr. Thomas Finley was present to represent this item.

Mr. Kurtz: This is a request by Mr. Thomas Finley, applicant, for the Planning Commission's approval of a conditional zoning certificate and site plan for the construction of eleven (11) assisted living villas adjacent to the previously approved 148-unit assisted living development located on Allen Road. The proposed villas will be located south the Omni Senior Living campus and east of the Northeast Ohio Eye Surgeons medical building. With this additional parcel the Omni Senior Living campus will consist of approximately 9.7 acres. The property is zoned I-1 Limited Industrial and assisted living facilities are conditionally permitted in this district.

The previously approved 8-acre campus included a total of 148 dwelling units comprised of the following type: 82 independent living; 42 assisted living; 18 memory care; and 6 independent living villas (P.C. 2017-009 & Res. 2017-78).

The proposed villas will be accessed from three locations: the previously approved entrances off of Allen Road and Hudson Drive and an additional one on Allen Road which is actually the same entrance for the Northeast Ohio Eye Surgeon's parking lot. The Northeast Ohio Eye Surgeon's building has an easement to access this property. The property that these villas are located on is a flag lot that actually provides the access for the current entrance.

Screening from the adjacent office/industrial uses will consist of a vinyl fence (6 feet) and landscaping plantings. Storm water management will primarily be accommodated through the use of a regional detention located on an adjacent property. This adjacent property belongs to Printing Concepts directly to the south.

The engineer for the applicant has been in contact with our engineering department and while the final calculations are not available at this point, there was a comfort level from their point of view that it would meet our storm water management requirements.

The exterior of the buildings will be finished using a combination of vinyl siding; stone veneer and EIFS (varying colors and textures) and the roof material will be asphalt.

The applicant is requesting a variance from C.O.S. Section 1147.04 to permit the buildings to be located 12 feet from the side property lines (20 feet required) which is east and west of the units. This is the proposed circulation drive [pointing to the screen], so the variance is on this side line [pointing to the screen] and this side line [pointing to the screen] which is a rear line where 20 foot would be required and they are proposing 12 feet from those lines.

The applicant can provide additional justification or reasons for Planning Commission considering this variance. One could be that the residential villa probably would not have a negative impact on an adjacent industrial property given the relative uses.

The only other item I want to mention is that you will see there is some communication from the Fire Prevention office. As a way of background, The LaSpina building is here [pointing to the screen] and the proposed villas are here [pointing to the screen]. When this building [pointing to

the screen] was proposed and Northeast Ohio Eye Surgeon's building was proposed, nothing was contemplated to the north.

They were asking for an easement through this property [pointing to the screen] to have two access points for the LaSpina building. I'm not sure the reason for that and I wasn't able to confirm with the Fire Chief prior to this meeting what kind of need that was.

Mr. Brauer: Where is that located?

Mr. Kurtz: This is the LaSpina building here [pointing to the screen] and the proposed new villas are here [pointing to the screen] and this is the Northeast Ohio Eye Surgeons [pointing to the screen]. When this was proposed in 1999, they requested access through those two properties. Two emergency accesses for this industrial building [pointing to the screen]. I don't know the reason why they required two access point or why it was desired to that degree.

This lot [pointing to the screen] and this lot [pointing to the screen] now have three access points because these villas and Northeast Ohio Eye Surgeons and the campus has an access point here [pointing to the screen], here [pointing to the screen] and here [pointing to the screen]. LaSpina will still just have one.

The request did not come from the Fire Chief but it did come from the Fire Prevention office. I was not able to talk to the Fire Chief prior to this meeting to determine how important that was given its been there since 1999 and the LaSpina building was there. That is all the information I have. It is up to the Planning Commission. I want to recognize the comment but I guess I need some more information.

Mrs. Harrison: So they requested it but they never added it.

Mr. Kurtz: Yes, because it was originally determined it was going to be put in whenever this lot was developed. That was the idea. This was contemplated together and they said whenever this is developed we want that access all the way through.

Mr. Brauer: But they have a current access.

Mr. Kurtz: Yes, at Hudson Drive they do and access around. I don't know how far they can go around. Again, it wasn't clear why the two access points were requested.

Mr. Brauer: Is it possible they were waiting to see what was going onto that property?

Mr. Ross: Probably.

Mr. Kurtz: Again, this was not contemplated. So if you have an office building back here [pointing to the screen] and the only access point is here [pointing to the screen]; you have three buildings that are potentially in danger. Maybe that was part of the thinking but I don't want to speak for them.

Since this lot [pointing to the screen] has three access points, the only one potential issue is LaSpina. Again, I don't know why that still needs two.

Mr. Sprungle: Which has been like that since 1999.

Mr. Kurtz: Yes. The Fire Marshal made the comment so I certainly want to recognize it and I do not want to dismiss it by any means, but I also question it. I wanted to talk to the Fire Chief.

Mr. Ross: The site plan in 1999 was approved with the conditions that the site have dual access.

Mr. Kurtz: It was, that is correct.

Mr. Ross: So if we were to approve it without that, what does that imply for this previous approval?

Mr. Kurtz: That is a good point.

Mr. Ross: How do we modify something like that?

Mr. Kurtz: Anything can be modified or revised. You have two bodies that are looking at this. Planning Commission could recommend elimination of that requirement and Council would have to affirm that.

Mr. Ross: But doesn't it also have to get approval from the land owners, would you not? Because they granted the easement, we didn't.

Mr. Kurtz: They built the building, the easement...

Mr. Ross: I'm not asking you to be able to answer that, I'm just asking questions. If you don't know the answer, that's great too.

Mr. Kurtz: I understand.

Mr. Ross: There is probably some procedural issue that I'm not aware has changed.

Mrs. Harrison: Do we know if there is actually an easement filed?

Mr. Kurtz: I believe there is an easement. It is shown on the plans. I don't know that it is recorded.

Mrs. Harrison: So they want access from Allen Road, not Hudson Drive.

Mr. Kurtz: They want both.

Mrs. Harrison: Well they already have one.

Mr. Kurtz: Right.

Mr. Brauer: They have seen the proposal, correct.

Mr. Sprungle: They are basically just reiterating what was communicated last time.

Mr. Kurtz: Yes.

Mr. Miller: So what is this right here in yellow [pointing to the screen].

Mr. Kurtz: It is hard to tell what leftover line that is. That's their storm water retention area [pointing to the screen], so that may be a line that is picked up there.

Mr. Ross: That may be prohibitive.

Mr. Kurtz: With the current plan it would certainly be difficult to accomplish that access given they are showing the detention to be in there.

Mr. Ross: Was the LaSpina property approved with dual access, or do we know?

Mr. Kurtz: I saw the plan and it is shown on there as future access, but the building was approved and they received their Certificate of Occupancy.

Mr. Ross: Apparently the Commission approved it with the dual access potential in the future.

Mr. Kurtz: Yes and they received their approvals and occupancy.

Mr. Ross: Without it.

Mr. Kurtz: You can see in this area here [pointing to the screen] they are showing some detention. If this were all flat, then it may be fairly easy to put a couple of spaces here [pointing to the screen] and you just go straight through. There is significant _____ connecting that.

Mr. Miller: And the loss of those parking spots.

Mrs. Harrison: I don't think you want people using it as a cut-through if those are going to be villas with people living there.

Mr. Findley: If it was an office building it would make a lot of sense.

Mr. Brauer: Based on this proposal, I think it would be safe to say we can move forward without having to revise this for a dual access to that particular building. Do you agree? The Fire Department is basically asking us to provide access. This access has been there for quite some time. Maybe back then if that was an office building behind the LaSpina building, that's what their concern was. To have a dual access to this side of the LaSpina building here [pointing to the screen]. Given the proposal that is in front of us it really doesn't make sense to have a dual access.

Mr. Ross: Do we know anything about what happens inside the LaSpina property? Are there hazardous materials on site?

Mr. Kurtz: I'm not aware if there are. It is a flex-office building so you have warehouse space, assembly space and office space.

Mr. Sprungle: So it could change over time.

Mr. Kurtz: It could change in terms of the use. I don't know if it is sprinkled.

Mr. Ross: Its current Certificate of Occupancy doesn't indicate any hazardous materials that you know of?

Mr. Kurtz: Not that I'm aware of.

Mr. Miller: I have one other question with the storm water runoff. Is there going to be any additional added pond area or water retention put in by Omni?

Mr. Kurtz: There is a water quality area here [pointing to the screen] they are showing and they are also showing some flexible pavement there [pointing to the screen]; but the bulk of any additional storm water management is going to take place on the Printing Concept's existing detention basin to the south and east.

Mr. Sprungle: And that's enough for the new hard surface?

Mr. Kurtz: It will have to be modified. The regional detention basin was put in and they have to verify those calculations and if it has to be modified. That will have to happen.

Mr. Sprungle: Who would have to modify that?

Mr. Kurtz: It would be the applicant's responsibility. In terms of a condition, if there isn't already a storm water management easement that would have to also be established. I believe there is, but if not, this flag lot would have to acquire permission to do that and have it recorded.

Mr. Ross: The big question I still have is whether or not we can actually override the original approval for the property and I don't know the answer.

Mr. Brauer: The question with that question would be if we move forward and we approve this, can the Fire Department come back and say we need access.

Mr. Ross: I'm not so sure the Fire Department has the authority to override this agreement. That is what I'm asking, who has the authority to override it.

Mr. Kurtz: The original agreement was recommended by Planning Commission and approved by Council back in 1999. So this Planning Commission could revise that recommendation and Council would have to affirm that recommendation to eliminate that requirement.

Mr. Sprungle: We are only recommending; Council is going to have to approve it regardless.

Mr. Kurtz: Exactly. If a prior Planning Commission approved this condition then a current Planning Commission has the authority, if it is so inclined, to modify it.

Mr. Sprungle: It would be nice to know what the intent of the Fire Department was. Were they thinking that was going to be an industrial building and if those were industrial buildings I could see the point of having the additional access.

Mr. Ross: Or if they have had problems there that necessitated some issues for them.

The Planning Commission Secretary administered the oath to all who wished to speak at this meeting.

Mr. Thomas Finley – Omni Senior Living – Omni Property Companies - 23205 Mercantile Road – Beachwood, Ohio 44122: I'm very pleased to advise that the current Phase I project is

underway and under construction and we hope to be done by this time next year at this point. I think we are on schedule if weather doesn't turn like it was a week or so ago.

Our history in Stow is one of 30 years and started with Omni Plaza on Route 91 by the veterinary clinic and Unity Health down there with those Omni Plaza office buildings. Fifteen years ago we built the Bruegger's Bagel building at Fishcreek Road and Route 91. Ten years ago we built the Clunk building; a 30,000 square foot office building behind the court house. That was a big project for us at the time.

We started this project, the largest commercial project in the City of Stow's history. I confirmed that with Economic Development. And we're here tonight to expand on that because the marketing data basically says there is a high demand for additional independent living. More so than assisted and more so than memory care for this location and for Stow in general in this market place.

What we're proposing is an addition of an additional 11 units. It has already been described and attached to our existing project. Access from three points here [pointing to the screen], here [pointing to the screen], and here [pointing to the screen] to get us into these 11 units.

We're ready to build those ultimately upon approval both Engineering and otherwise. Just to expand on some of the engineering that was discussed earlier. If we can't make the current storm system at Printing Concepts work, we will facilitate or accommodate underground retention in storm water necessary to complete it. That way we can build parking lots and areas, what have you. It's all for the engineers to basically figure that activity out and what is going to be compliant with all the agencies necessary to get the approvals. Mr. Jones from the City of Stow believes conceptually we are in pretty good shape and that we can overcome whatever issues there are from an Engineering storm water standpoint.

That's our project. We will start this upon leasing of the other six villas that are in Phase I. We've looked to kick this off fairly quickly right along with that and with the better weather as it comes forward. We looking to have it a 2018 project.

Mr. Ross: Could you show me the other board behind the current one?

Mr. Finley: Existing project [pointing to the board]; new project [pointing to the board].

Mr. Ross: We don't have any plans of the units themselves. We're looking at a variance for the rear yard or side yard whichever the appropriate terminology is. How are those backyards to be used by the tenants; since we don't have any floor plans.

Mr. Finley: The current plans that will be submitted will have a 6-foot white fence that will basically sit on the property line where it legally has to be sitting. Those will have back doors so the residents will be able to utilize and go out into the back grassed area and use the small strip that will exist there.

We have received a letter from the eye clinic agreeing to allow us to plant Evergreen trees to create a larger buffer area. I have a letter from the doctors that basically says that's permitted. I am waiting for Tim LaSpina over here [pointing to the screen] to do the same thing to again provide that higher level of buffer and to make up somewhat of the 8-foot variance that we're working from to create that buffering area. I think we've got 14 12-foot Evergreens established for that area.

Mr. Ross: You have no concrete patios external to the unit?

Mr. Finley: Not at this point.

Mr. Ross: But they're anticipated?

Mr. Finley: Anticipated, correct.

Mr. Sprungle: Would those Evergreens be on the NEO Eye Surgeon's property?

Mr. Finley: They would and that's where the approval came in was we knew we didn't have enough room to do it here [pointing to the board] but felt that the screening for all parties concerned would be beneficial. We don't really want to be impactful by the cars that are parking in their lot and vice versa; when their sitting in their car looking onto the backside of the property. So it's just an added for both sound and a visual buffer.

Mr. Ross: Will there be individual mailboxes or is it done on the other property. How will mail be handled?

Mr. Finley: We would do it however the post office in Stow tells us. It generally depends on the municipality and the person in charge of that. What is going on mostly right now are generally your kiosk or a central mail station. Although because of the age of the tenants here, we might be able to talk them into a door-to-door. That would be our preference, delivery to the door; but we would anticipate a single location for mail.

Mr. Ross: But that is not indicated where you would propose that to be?

Mr. Finley: That is correct. That has not been determined as of yet. Our preference would be at the door.

Mr. Sprungle: What about lighting?

Mr. Finley: No lighting other than just house lighting, porch lighting and all that sort of thing. There are no pole lights or anything for this.

Mr. Ross: So no street lighting?

Mr. Finley: No street lighting. Rob is that accurate, did the architect submit street lighting?

Mr. Kurtz: No I did not see any.

Mr. Finley: That occurs on the adjacent property because it has much wider driveways and is more commercial oriented. This is looked upon as being more residential and closer.

Mr. Ross: We have a photometric plan with lighting shown.

Mr. Kurtz: I don't have the height here. It is a pedestrian light T-3.

Mr. Finley: My apologies, yes there are.

Mr. Ross: Do we have any sidewalks?

Mr. Finley: No sidewalks.

Mr. Ross: You have no sidewalks. Are these Type B units?

Mr. Finley: That is the classification. Single story ranch.

Mr. Ross: Type B units refer to accessible units.

Mr. Finley: They are accessible units, yes.

Mr. Ross: But we have no sidewalks. So the only means of getting around in this site is through the street, for elderly?

Mr. Finley: Up their driveway and through the garage and in through there.

Mr. Ross: They're in the street if they want to go anywhere.

Mr. Miller: Rob, back to the variance between the back yards. I know I am putting you on the spot but off the top of your head do you know of any examples of a variance given in this situation with the spacing.

Mr. Kurtz: I can't think of an exact example. Typically requests for variances are from industrial/commercial to a residential. Where this is a residential use asking for a variance against an industrial use. Certainly, there have been variances granted of the same size but none come to mind at the moment. This is a little unique in that it is a residential surrounded by office and industrial. The potential negative impact of a residential on the office or industrial use seems to be minimal.

Mr. Ross: Any special provisions for trash or is this per unit?

Mr. Finley: There are no accommodations for trash on this. It is per unit. There is a trash dumpster on the existing here [pointing to the screen] and that will be collected and put into those dumpsters on the existing project.

Mr. Ross: So these individual units will have their own trash service?

Mr. Finley: Correct.

Mr. Brauer: Explain how that will work. You're saying each individual unit within the building?

Mr. Finley: This is a full-service rental unit which will provide them all services related to the adjacent property which means basically transportation, if required or necessary, three meals or more per day. All of those at a cart services are available to them. Trash service through a valet or otherwise, will be picked up and delivered either on site or to a central point by staff as they go through.

It is basically accommodation living or easy living as designed. The actual mechanics whether it gets set outside, which I assume it will, gets picked up on a particular day and will be handled by staff or somebody hired. We have an apartment complex in Kent that we have valet service

currently with that. They set it outside their apartment door and it is picked up on a particular day and delivered to the dumpster system. We anticipate a similar scenario here either by existing staff or by the valet service.

Mr. Ross: Did I understand you correctly, these are all independent living?

Mr. Finley: That's correct.

Mr. Ross: But they may be going back and forth to the main building for dinners or meetings or something else.

Mr. Finley: Yes. There are all forms of activities there; swimming pools, daily activities, travel. All those services and all the amenities associated with the main campus will be available to these folks.

Mr. Ross: But we have absolutely no way other than vehicle to get from any one of these units to the main building without walking in traffic. Is that correct?

Mr. Finley: Either walking or will be picked up and brought to the location.

Mrs. Harrison: Are there sidewalks from the other villas that are already on the part of the current plan to reach the building now?

Mr. Finley: Yes, there is a sidewalk that runs all the way through and down to the building.

Mr. Sprungle: If you did put sidewalks from the other villas to the main building, why not sidewalks on this project?

Mr. Finley: It was a simple continuation of the process and so it was looked upon as not being as necessary as simply a continuation of an existing sidewalk all the way up and through to those areas. No better explanation than it was just part of that complex. Phase I had a continuation of sidewalk.

Mr. Ross: But you knew this was coming. Would you consider making pedestrian access from these units through the major traffic into the proposed main building?

Mr. Finley: We would look at it to make sure it can be done appropriately and safely, if that's the case. There aren't very many grade issues and what have you, but we would have to look at those and make sure the grades can be accomplished and again people can get to and from safely and adequately so they are not harmed or hurt themselves or other people.

Mr. Ross: It just strikes me for such a nice initial development that you didn't think those things through with this because you knew this project was coming. It just seems a little unfortunate that this was an oversight.

Mr. Finley: I think your idea is a very good one and if we can do this and make it work so that it is safe and to the code. I think it's a very good comment and something we will work ourselves towards. If ultimately that requires us to come back to get an approval specific to those then I'm willing to do so.

Mr. Brauer: Rob, this will affect the variance won't it.

Mr. Kurtz: It depends where the sidewalk is placed.

Mr. Ross: It's pretty easy to do.

Mr. Kurtz: You can move everything back, or put it adjacent to one side. I don't know that you need one on both sides; it such a short street.

Mr. Ross: It looks like it's pretty straight forward to me. Just connect the existing drives that you have.

Mr. Kurtz: And cross walk markings across the circulation drive.

Mr. Ross: You would have to have a cross walk onto the existing previously approved property.

Carol LaSpina – 4282 Hudson Drive – Stow, Ohio: I have a huge concern about the water. This nursing home is elevated higher than our property. That water basin, that means all the water is going to have to flow past our building to get to that basin that's at a lower level than our building.

Mr. Brauer: You're related to the LaSpina building?

Mrs. LaSpina: Yes I am.

Mr. Brauer: If you don't mind we're going to use this map here [pointing to the screen]. So you are south of the proposal correct?

Mrs. LaSpina: Correct.

Mr. Brauer: This is the building in reference right here [pointing to the screen].

Mrs. LaSpina: Correct. So we have Printing Concepts that's in front of us. Everything is low and moves it way up. So the nursing home is at a much higher elevation than Printing Concepts and ourselves. So with all that cement and pavement and water nowhere to go; if you're saying it's going to use that catch basin in front of our building it's got to flow past our building now in order to get to that basin which is going to cause a problem. I've seen it in other cities.

Mr. Brauer: Have you experienced any flooding recently?

Mrs. LaSpina: No.

Mr. Brauer: Okay. You understand there's a lot of engineering that goes on when these proposals and developments go into play. I'm not trying to downgrade it but I don't think the engineers or the City would want to put your building or your property in harm's way.

Mrs. LaSpina: So are there safeguards if they do this proposal and we do have water problems? Will there be a safeguard for us to correct the problem?

Mr. Sprungle: Is the storm water not moved to that area through storm water sewers. It's not just running off, is it?

Mr. Kurtz: It's collected. I guess we need to make the distinction between the proposed villas and the main campus or the initial Phase I. I was looking at the storm water and I believe the main campus is collected and runs in that direction [pointing to the screen].

Mrs. Harrison: And this is marked as a pond too right here [pointing to the screen].

Mr. Kurtz: Right. Then it goes to Allen Road.

Mr. Finley: If you want to see the pond system, this is the storm water banking system associated with that building [pointing to the screen]. For purposes of the storm water management for the Phase I project, that is handled by this storm water management system right here [pointing to the screen].

This is independent. Because of the grades that you're describing this is independent of this system that's occurring right here and through easement, by purchasing the property, we have a storm water easement which basically comes down this green line right here [pointing to the screen] as a storm water system that ultimately feeds somewhere into Printing Concepts.

It's already designed. It was designed for an office building with an office building parking lot, office building roof and everything else. It's all designed under 1999 standards and it met all the 1999 requirements. It does not meet 2018 standards. So for that purpose there will be enhancements made to existing storm systems allowed by the easement to make sure that storm water is appropriately handled within the requirements of the said easement.

I don't see why any of this water right here or any water associated with this is ever going to end up impacting you right here [pointing to the screen]; because it's all going to be diverted and moved towards Printing Concepts.

Mrs. LaSpina: The water that's coming from all this cement here is going underground at this point and funneled down? Or is it just coming through?

Mr. Finley: First, there is a large amount of underground detention that sits here [pointing to the screen]. This water will hit that first and then here [pointing to the screen], then here [pointing to the screen] then here [pointing to the screen] and then into the storm system. So it's a large series of stops to retain that water, to keep it away and ultimately push it off into the storm water system.

Mrs. LaSpina: I guess I'm having a hard time understanding that it's going to go this way [pointing to the screen] because the way the land goes is this way [pointing to the screen] with a very steep drop down this way [pointing to the screen]. I'm have a hard time. How's the water going to get over there [pointing to the screen].

Mr. Finley: It's managed. It should never meet your property through curb systems, through a multitude of reasons. That's taken into account by Summit Soil and Water, by Summit County Engineering, and by Mike Jones from the City of Stow. All these plans have been highly reviewed to make sure the impacts, not only to the environment, but also the adjacent property owners and yourself. That it is managed appropriately. I would go out on a limb, and you'll have to talk to people within Summit County and Stow, but the water should be better managed than what it has been previously, even though we have more impervious surface because it has someplace to go.

Mrs. LaSpina: I just back to my other question, if it doesn't work; that's great if it works. If it doesn't work, what recourse do we have if there is a problem with water flow after this is all done?

Mr. Brauer: We really don't have one.

Mr. Kurtz: I don't know that there is one.

Mr. Brauer: The [inaudible] made is genuine that in 1999 this was created. You may not have had any flooding or water issues since 1999. Now that he is stating that he is going to enhance this area, and engineers are looking at this, we're pretty comfortable that they are putting due diligence into making this a safe development.

Mrs. LaSpina: I guess I understand that, but what I've seen in the past in Hudson on Ravenna Road they built a church behind some houses. Everybody approved it and the engineers checked it out. The houses below flooded every time it rained – every time. The houses said to the church, "can you fix it?" No, we can't fix it, that's your problem. The guy had to sue the church, go through a lot of rigmarole, spent a lot of money and then he still had to pay for half of the fixing of the water problem which was never a problem until the unit and parking lot was put in behind him.

Mr. Brauer: Nature is tough to predict.

Mrs. LaSpina: I guess I'm relying on you guys to make the right choices so that we don't suffer in the future.

Mr. Brauer: We're not trying to put you in harm's way. You can hear the conversation about everything that's happening.

Mrs. LaSpina: Right. So my other concern is the easements. We specifically, my father-in-law owned this property [pointing to the screen] and sold it to you guys. We specifically purchased some of this land for an expansion ourselves in the future. Now you're talking about putting trees up on the property line or trees on our property and a fence on the property line.

Mr. Brauer: I believe Mr. Finley had stated he was going to talk to the owners of the LaSpina building in reference to putting up additional buffer. I don't know if that's happened or not.

Mr. Finley: I've had email correspondence with Paul LaSpina.

Mrs. LaSpina: Paul doesn't own our property.

Mrs. Findley: I'm just telling you what I've done. He's [inaudible] to Tim LaSpina.

Mrs. LaSpina: My husband.

Mr. Findley: Okay and Tim has spoken to Art Shibley today and voiced some of the same concerns. I had a long conversation with Art. There is a property owner also within your building, as I understand it. It was simply a request thinking this would benefit both parties to plant trees to provide a higher level of buffering between a residential project and an industrial building that would benefit both parties. But it's okay, we don't need to plant those trees if you

don't want the buffering or you don't mind the visual that's going to be created by the development of those houses. It's simply a request. You can say no.

The eye clinic said yes, they thought it was a good idea as long as I paid for them and I maintained them and took care of them they're ok with it. It made sense to me that maybe you would want the same thing but it's okay if you don't.

Mrs. LaSpina: I think the buffering is important and necessary, I just don't think it's important and necessary to be on our property. I think that's something that should be supplied and done by the changes being made here.

We do plan on using this property and that is my other question. Are there no easements for fencing? They can go right on the property line in commercial areas like this?

Mr. Brauer: I believe that's correct.

Mr. Kurtz: They can go up to the property line, yes.

Mrs. LaSpina: So when we go to expand, how far do we have to sit off that property line?

Mr. Kurtz: It would be 20 feet.

Mr. Sprungle: It would be the same thing they are asking for in variance. Then if you needed to go closer than 20 feet you'd have to come for a variance.

Mrs. LaSpina: Right.

Mr. Ross: Is the buffering or fencing required?

Mr. Kurtz: It is not required for assisted living specifically, no.

Mr. Ross: So there is no provision that it has to take place.

Mr. Kurtz: No.

Mrs. LaSpina: I would think it would be a benefit to the people that are retired living in those units. I don't think they are going to want to look at our cement wall. That's why the trees would be beneficial on the other side of the fence.

Mr. Ross: I'm in agreement, I'm just trying to clarify for our purposes.

Mr. Finley: What I'm saying is unless you get a variance, you're required to do a 20-foot setback. We're willing in that 20-foot setback, in your greenspace to plant trees at our expense and at our cost. You have to have that 20 feet unless you come get a variance. Say you get an 8-foot variance like I did, then you are not going to get a zero lot line and build your building up to my white fence. I don't think a board like this would approve that.

There is going to be some green space. If you like the idea of us planting Evergreen trees on there, what we're state is we'd be glad to do so at our cost and our expense. That's what we're saying. There's going to be greenspace there, what we'd ultimately do with that whether you are looking at a white fence or Evergreens, that would be up to you ultimately.

Mr. Sprungle: I would also suggest that if you did plan to expand in the future and there was a 20-foot setback and we grant a 12-foot setback now, it would be pretty difficult for us not to grant a 12-foot variance for you to come 12-feet up to that line.

Mrs. LaSpina: Correct.

Mr. Sprungle: I would say it would be pretty hard for us to approve one and not approve the other. Correct me if I'm wrong. You'd have the trees in there if you want them or not.

Mrs. LaSpina: We wouldn't want those trees. My other concern is some conversation about having our parking lot go straight through to Allen Road for the Fire Department, I heard earlier.

Mr. Brauer: I believe there is going to be more discussion on that.

Mrs. LaSpina: I have a lot of concern with that because that will produce a lot more traffic in our parking lot. Pavement is very expensive especially if you get a lot of trucks that decide it is a nice turnaround. We'll just drive through and loop around. It's going to cause a lot of traffic for us and it will cause a lot more traffic for these elderly people right here too.

Mr. Kurtz: If I could address that and it is a fair question. Two things to think about; whatever Planning Commission does with this; I think you should consider further consultation with the Fire Chief prior to Council action on this. You can move it forward but it is something to think about. Two, it is indicated to be for emergency access so what has typically been done with those sorts of requirements is you have pavement and then you have a chain so it is only used for emergencies.

When the Fire Department talks about that, it wouldn't be a through drive. The Fire Department is not typically asking for a drive through. It is usually pavement and then a chain that can be cut in emergency situations.

Having said all that your potential expansion also may have fire emergency access implications. We aren't really considering expansion to that building but that actually may affect the need for emergency access in the future.

Mr. Brauer: That's a good point.

Mr. Kurtz: So I don't want to dismiss that, if that's fixed. That is something that needs to be thought about and it didn't occur to me until tonight's meeting.

Mr. Brauer: I think there are some other questions at hand too. We've got a conversation about sidewalks which could affect the variance. If I read this, and I'm not trying to critique Chief Stone, it says proposal PC 2018-001 does not provide access to the LaSpina property. It does. He is asking for additional access to the north side. In my opinion, I don't see the need for it, but maybe if he clarifies or reviews this in a little more depth...

Mr. Sprungle: It doesn't provide additional access, but access is already there.

Mr. Brauer: I think for him to re-read this and dig a little deeper. Are you aware of this (addressing the applicant) from the Fire Department? "In 1999 when the LaSpina \ NEO Eye Surgeons site was approved (Resolution 1999-22 Item 7) a requirement for a cross access

easement to provide all parcels with access to both Allen Rd. and Hudson Dr. for emergency vehicle access. Proposal PC-2018-001 does not provide access to the LaSpina property (4270 Hudson Dr.). Fire Department is requesting that this site plan be revised to also provide access to the LaSpina property for the purpose of emergency vehicle access to all affected properties.”

Mr. Kurtz: What wasn't said was Allen Road. They want access from Allen Road.

Mr. Brauer: Or addition.

Mr. Sprungle: Additional access from Allen Road.

Mrs. Harrison: It seems to be if you're going to have access it would be easier to go this way [pointing to the screen] than this way [pointing to the screen]. It seems like it is a lot further.

Mr. Kurtz: The issue is a change in elevation between here [pointing to the screen] and here [pointing to the screen].

Mr. Ross: Topography.

Mr. Findley: And there is no access easement with the area you described.

Mr. Brauer: Mr. Kurtz to do you feel like holding this would be the appropriate thing to do?

Mr. Kurtz: I think there is some additional information that needs to be settled. In the interest in trying to move it forward to Council so it doesn't lose a whole month, instead of having this at next Planning Commission meeting if meet next week if Planning Commission is available. Or if the applicant is okay with waiting until the next meeting on January 23, 2018, the soonest it could reach Council would be February 8, 2018.

Mr. Sprungle: Is it possible we could approve it with comments from the Fire Department? In other words, with some conditions from the Fire Department.

Mr. Kurtz: The conditions are fairly specific and not consistent with the Plan that was submitted. It would have to be modified in some way.

Mrs. LaSpina: I'd like to mention one other factor here where you're talking about this easement, just so you're aware because I don't know if everyone's been out there. This is a very steep hill right here [pointing to the screen]. We had to plant special grass and trees to prevent erosion. The same thing is going to have to be done here. There is going to have to be a lot of landscape to prevent erosion and mud slides going into Printing Concepts building. The hill is at the top of his roof.

Mr. Brauer: Let me ask the Commission, how do you feel about the access road? Rob is it safe to say that you advise us that we have the authority to change that, correct? We can override the 1999 decision for access.

Mr. Ross: What do you thing? I'm not asking you to practice law, just give me your opinion.

Mr. Sprungle: Are you asking do we feel okay overriding it?

Mr. Brauer: Yes, overriding it, because if that's the case I think we can go forward.

Mr. Sprungle: I'm kind of okay overriding it. More of the issue is the sidewalks and the variance is the distance.

Mr. Brauer: We're here to review and to grant the variance but this is kind of in the way right here. So if we all agree that the easement is something we should...

Mr. Sprungle: If we have the authority to override the easement, the question is, do we feel comfortable overriding it, if in fact we have the authority?

Mr. Ross: To respond, I would like to have something specific from the Fire Chief or Fire Marshal indicating why they feel this is something necessary from their point of view beyond what we have at hand. I would also like some statement from our legal counsel indicating that this Commission does have the authority to modify or counter vein this particular Resolution. If so, how do we do it, prior to getting everybody in hot water. Since I don't have any of the answers.

I would agree I think there are some issues. Rob am I correct, all of the storm water easements are in place to get the discharge from the subject property to the retention basin?

Mr. Kurtz: I can't confirm that.

Mr. Ross: So we don't know that yet.

Mr. Kurtz: It was designed, so I think so.

Mr. Ross: So there are a couple of things we don't know.

Mrs. LaSpina: I have one other question. You had mentioned the offset was only 12 feet instead of 20 feet. When was that?

Mr. Brauer: The offset?

Mrs. LaSpina: From the building to the property line, the setback. You said it was changed from 20 feet to 12 feet.

Mr. Ross: That is what they are requesting.

Mr. Sprungle: That's the variance they are asking for.

Mr. Brauer: Twenty feet is required and they are asking for a 12-foot variance.

Mrs. LaSpina: I oppose that.

Mr. Brauer: You oppose that? Can you give me a reason why?

Mrs. LaSpina: Because we want to do an expansion also and it is just sitting right on our property line. I'm sure, although you said we'd probably get that same variance, I can bet you if it is ten years down the road they are going to go no, it's too close. We've got these elderly people, etc., but if its twenty feet off.

Mr. Brauer: You don't really know that.

Mrs. LaSpina: If it's 20 feet off it's a better chance we are going to be able to do what we need to do also.

Mr. Sprungle: We usually react to precedence. So in other words if we granted 12 on one side, I think history would say we'd probably grant 12 on the other side. If we don't grant the 12 on this side if you came back and asked for 12 we probably wouldn't grant that either.

Mrs. LaSpina: Right. So if each building is only 12 feet that means that they are 24 feet apart.

Mr. Ross: That's correct.

Mrs. LaSpina: And how would the Fire Department feel about that with access?

Mr. Brauer: Your question is access between the two buildings?

Mrs. LaSpina: They're talking about access here [pointing to the screen] so they can get into this area; but if you've got a 12-foot variance and a 12-foot variance you only have 24 feet here [pointing to the screen] in between the units.

Mr. Sprungle: That's a good question. I don't know how they would answer that.

Mrs. Harrison: I think that is a little worrisome. If there's two properties that are that close, one being residential and one not, I think it's probably a little snug. Like you said, setting precedence. If we allow 12 feet on one side, it's really hard to say you can't offer 12 feet on the other side.

Mr. Brauer: Right and then the Fire Department says no, it's too close.

Mrs. Harrison: I don't think anybody with these different types of neighbors want to be that close.

Mr. Ross: This is sort of an unrelated – related question. Can you tell me approximately what the total length of units on the east side of the property are from north to south?

Mr. Findley: I don't have that. I know they range in square footage of 1200-1300 square feet in size specific to unit by unit but their actual length from north to south / south to north I don't know.

Mr. Ross: So each unit is approximately? What is the width of the unit, do you know?

Mr. Findley: I don't think I have that called out on any plans.

Mr. Kurtz: North to south is about 200 feet.

Mr. Ross: Again, I don't enforce the water code, they do have a requirement for a 150-foot hose string from the road to the most remote point. Does this project meet the 150 foot requirements? That's why I was asking. If that's the case, then the 12-foot will work because typically on a one story building Fire needs approximately 12 feet to setup apparatus, ladders and that sort of things to service the buildings. Anything less than that, they would probably say

they would have a problem. I can't speak for them, I'm just asking the question that at some point you do diligence and maybe respond back to us to make sure that doesn't impact the variance that we're considering. Was I clear?

Mr. Finley: I believe so. Obviously, I depend and I think the City depends on the Fire Department to review their code specific to their ability to fight a fire and gain access and then when they say that is not compliant as they are doing currently on the existing project, we go back to code and say where it does comply.

Mr. Ross: I am well aware of that. I just looked at three projects where the Fire Department's had no clue that those buildings didn't meet the requirements. That's why I'm bringing it up as a point. I'm not trying to bad mouth the Fire Department or the inspectors.

Mr. Finley: We have a very high sensitivity with both our architectural and our engineering with a lot of discussions in various communities and they take that, both turning radius and the ability to access and what have you very seriously because it's obviously questions like that come up in almost every meeting. I will go back to my professionals and make sure those circumstances have been adequately covered and meet all related code.

Mr. Brauer moved and Mr. Ross seconded to hold PC 2018-001 until our next scheduled meeting which is January 23, 2018. **Planning Commission held the request in order for the applicant and staff to obtain additional information and consult with other departments.**

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

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

P.C. 2018-002 – CHAPTER 1147 INDUSTRIAL DISTRICTS - TEXT AMENDMENTS

Mr. Kurtz: This is a request by staff for the Planning Commission's approval of text amendments to Schedule 1147.02 "Permitted Uses in Industrial Districts". The Industrial districts were targeted and considering the greatest potential for future development is located in these areas, and uses with positive economic development should be encouraged. The classifications of uses, permitted "by right" or "conditionally permitted" were reviewed to determine if updates were warranted.

This was in consultation with Ken Trenner, the Economic Development Coordinator and myself.

We are looking at specifically the Industrial Districts in terms of the vacant available land in Stow which is the largest category. With that in mind we wanted to take a look at our list to see if there are any uses on there that we wanted to encourage and make them permitted by right compared to conditional uses.

There is a zoning difference between something that is conditionally permitted and something that is permitted by right. In Stow traditionally we look at them fairly close together but from the outside point of view when people look at what's conditionally permitted and what's permitted by right, it is more attractive when they see something that is permitted by right. They feel more confident.

The idea was to go through this list and look at what uses do we want to encourage. When Ken and I went through it we found a lot fewer changes than we thought there were going to be. Here are the changes and we think they are important.

In Chapter 1147.02 we struck through Financial Establishments, which is a bank. It seems like an unusual use to be in an Industrial District. There used to be a Key Bank on the Corner of Darrow and Commerce Drive. A bank is more of a Retail use so it did not fit this category that well.

The other big one we recommend changing from conditionally permitted is hospitals which is a desirable use. We also found there was not a definition for a hospital.

We struck through medical services, including Ambulance and Emergency Services. This is an outdated use. For some reason in Stow we used to have ambulance businesses that were private businesses. They were actually allowed in Residential Districts at one time. That use seemed outdated and unnecessary to be in that category. Those services are within the hospitals and there isn't a need for a separate medical ambulance service.

The other large area we wanted to change from conditional to permitted by right is Fabrication and Assembly. That is a desired use. We are talking about a potentially high employee rate compared to warehousing. We have some distribution facilities but they don't generate the revenue. Again, we looked at this from an economic development point of view.

Those are the changes for that schedule. Related to that we had to also look at Schedule 1163.03 which is the conditional use table; striking through those items that were formerly conditionally permitted and now permitted by right, making it consistent.

The only other significant potential recommendation is the definition of what a hospital is. In this day and age hospitals include a range of items and that's what this definition hopes to achieve in terms of what services are provided for traditional medical/surgical care and operating. Those are all typical; but in addition to that there is rehabilitation centers, child care centers, parking facilities, helipads, maintenance facilities; retail services that are primarily for the benefit of the patient. So there could be a separate Subway for example, but primarily for the benefit of those people who are there. Separate office buildings or restaurants.

Mr. Sprungle: More consistent with the way hospitals exist today.

Mr. Kurtz: Right, even hotels for example are even part of hospitals these days – a hospital campus. So we wanted to be inclusive in that regard. It's in the definition but if we were ever faced with this it would have to be subject to the site plan approval. It needs to be consistent and up to date.

Those are the proposed changes that we are recommending.

Mr. Sprungle: They make sense and they are more up to date with the current practice.

Mr. Ross: If I have an overnight medical facility, is its only definition under hospital or could it be accommodated in some other senior care facility of some sort?

Mr. Kurtz: It wouldn't exclude it from being accommodated somewhere else. Right now we have Altercare on Sowul Boulevard. They are primarily short-term rehab. So you could be

there for a week. They have rooms. It is only short term so that would accommodate that. It is defined as a nursing home actually.

Mr. Ross: The reason I'm wondering out loud is the current 2017 version of the Ohio Building Code goes nuts with trying to make distinctions about the types of care, the levels of care, ambulatory stuff. I understand that's not totally our purview, but I'm wondering if in doing these definitions and looking for these facilities to be in other uses, conditions or directly permitted, have we thought about any of those implications? It's a big deal from a life-safety point of view, I'll grant them that. Whether it's that germane to us or not, I'm just questioning that.

Mr. Kurtz: If it is in a zoning definition, as you know, it certainly doesn't absolve them from meeting the building code. So they have one safeguard. I don't know if that's good enough or not.

Mr. Ross: I'm wondering if I get a facility, and I'm hard pressed to give you an example, that is some sort of a surgical facility, but it doesn't necessarily become a "hospital" where do I put it? Then another question is, it's next to your house.

Mr. Kurtz: That's a fair question.

Mrs. Harrison: So an outpatient, orthopedic surgeon, where you would go in for a day, but you're not staying. It may include beds but it doesn't have to.

Mr. Kurtz: We have outpatient surgical facilities here in Stow. I guess I would characterize that as a medical office. Maybe that's a separate definition. I think that is certainly different from a hospital.

Mrs. Harrison: I can see that falling under hospital because it would be surgical care with an operating room.

Mr. Sprungle: I think it's a medical office. You go to a medical office and get a minor procedure done. There's no beds, there's no way to stay the night. If they require you to stay the night, they are going to send you to a hospital.

Mr. Ross: That's not true.

Mr. Sprungle: Well, they might. What I am saying is they won't keep you there. It will be a medical facility; it won't be a hospital. They won't keep you there regardless. They might send you home, but they won't keep you there.

Mr. Ross: There are provisions in the Building Code for those types of facilities on a 24-hour basis that are not hospitals per se. There's always a catch 22 when we try to define something.

Mrs. Harrison: I think if you're being very literal on the words. If you're going somewhere to have an outpatient surgery, it provided surgical care for an injured person and it had an operating room it would fall within that definition the way it's worded right now. It doesn't seem like it would have to have beds to stay overnight. It states it "may include but not limited to the following." So you have an operating room and have surgical care of an injured person it doesn't mean they have to stay overnight, they could go home that day.

Mr. Kurtz: We took out the words “and clinics.” Right now we call it Hospitals and Clinics; there’s no definition. But if this were a hospital and clinic then it would at least, as you said, the uses there are specific. It just says hospital. It probably should say hospital or clinic.

Mr. Sprungle: It eliminates the argument.

Mr. Kurtz: It does. Right now we have a hospital and/or clinic. We have surgical care facility on Hudson Drive and Ellsworth and I would call that a clinic or a medical office.

Mr. Sprungle: If someone were to argue it’s a hospital that’s one thing, but if you call it a hospital or a clinic then there is no argument.

Mrs. Harrison: Both would be permitted under this new change.

Mr. Kurtz: Yes. They are both desired uses and they are high-wage employees.

Mrs. Harrison: And you’re getting more of those outpatient services. With medical advances you don’t stay very often any more.

Mr. Kurtz: Is it fair to say that with the addition of the words “or clinics” that would be acceptable to these changes.

Mr. Ross: It seems reasonable.

Mrs. Harrison: Yes, I think that would be good.

Mr. Sprungle moved and Mr. Ross seconded to approve PC 2018-002. **Planning Commission recommended approval of the proposed text amendments.**

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

NAY: None. The motion passed 5-0.

OTHER

Mr. Miller: I have a question on PC 2018-001 in regard to the variance with the back yard. Comparing this variance to our last meeting with the property that is behind Walmart and the amount or the units. My question is we had concerns on how many units he was going to put in that property and then I see here that there was 11 in this very small tight area and I was wondering what the code is for the amount. I’m trying to compare the variance between that situation at our last meeting and this one.

Mr. Kurtz: This lot is going to be combined with the campus. So it is part of a larger campus. If you just looked at the existing lot as it is, probably under 2 acres and tried to put those on that property then yes.

In this part of the campus it’s more dense, no argument. It is part of the overall campus so percentage wise it’s not.

Mrs. Harrison: We’re talking about two different zones too.

Mr. Kurtz: Yes, they have very different uses, that's true. This is an Industrial District and the other was in a Residential District adjacent to much lower density.

Mrs. Harrison: I think that's part of it too, being in a Residential versus Industrial. This is known as a medical or nursing facility which has different requirements than just straight residential homes.

Mr. Miller: That's also a good point. I was focused on that small little area and its actually part of a bigger project.

Mr. Sprungle: It would be a different argument if it was just that little area.

NEXT MEETING: Scheduled for January 23, 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 7:22 p.m.

Chris Brauer
Planning Commission Chairman

Pamela H. Daerr, CPS
Planning Commission Secretary